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108TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 108–690

CODIFICATION OF TITLE 46, UNITED STATES CODE, "SHIPPING", AS POSITIVE LAW

SEPTEMBER 17, 2004.—Referred to the House Calendar and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 4319]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4319) to complete the codification of title 46, United States Code, "Shipping", as positive law, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

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THE AMENDMENT

The text of the amendment appears in italic type in the reported bill.

BACKGROUND

This bill is a joint product of the Department of Transportation and the Office of the Law Revision Counsel of the House of Representatives. On November 10, 2002, the Secretary of Transportation transmitted to Congress proposed legislation to complete the codification of title 46, United States Code. The Secretary's transmittal was referred to the Committee on the Judiciary of the House of Representatives. The Committee in turn requested the Office of the Law Revision Counsel, which has responsibility for preparing codification legislation pursuant to section 285b of title 2, United States Code, to review the Secretary's proposed legislation and to work with the Department of Transportation in preparing a bill for introduction. This bill is the product of that cooperative effort.

HISTORY OF TITLE 46 CODIFICATION EFFORTS

The codification of title 46 began with the enactment of subtitle II ("Vessels and Seamen") by Public Law 98–89 in 1983. Section 2(j) of that law provided that:

> "Within 2 years after the date of enactment of this Act, the Federal Maritime Commission and the Secretary of Transportation each shall submit to Congress a proposed codification of the laws within their respective jurisdictions related to shipping and maritime matters."

In 1985, the Federal Maritime Commission and the Secretary of Transportation submitted drafts to Congress. Those drafts formed the basis of a bill which was introduced as H.R. 3106 in the 100th Congress in 1987. That bill would have codified the remainder of title 46 other than subtitle III ("Maritime Liability"). That bill was not enacted.

Also in 1985, three related bills (H.R. 3156, H.R. 3157, and H.R. 3158) were introduced. Each of those bills would have enacted certain chapters in subtitle III ("Maritime Liability"). Those bills were not enacted.

In 1986, part C ("Load Lines of Vessels") and part J ("Measurement of Vessels") were added to subtitle II by Public Law 99–509.

In 1988, subtitle III ("Maritime Liability") was enacted by Public Law 100–710. However, only two chapters were included in that enactment. The remaining chapters of subtitle III were planned for subsequent enactment but were never enacted.

In 1989, an updated version of H.R. 3106 (referred to above and introduced in 1987) was prepared and printed as a "Committee Print" of the Committee on Merchant Marine and Fisheries. However, that draft bill was never introduced.

In 2002, subtitle VI ("Miscellaneous") containing only chapter 701 ("Port Security") was added by Public Law 107–295.

In 2003, subtitle V ("Merchant Marine") containing only chapter 531 ("Maritime Security Fleet") was added by Public Law 108–136.

These prior enactments have originated from different congressional committees, apparently without a single overall plan for the organization of the title. This history demonstrates the present need to complete the codification of title 46 in accordance with such a plan.

CONFORMITY WITH ORIGINAL INTENT

The intent in this bill is to comply with the standard for codification legislation set forth in section 285b(1) of title 2, United States Code, which provides that the restatement of existing law shall conform to "the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections both of substance and of form".

In restating existing law, this bill consolidates various provisions of law which have been enacted separately over a period of many years. To restate these various provisions of law as a cohesive unit, it is necessary to makes changes in organization, style, and terminology. These changes are not intended, however, to result in changes in substance, and therefore they should not impair the precedent value of earlier judicial decisions or other interpretations. The following authorities are relevant to an interpretation of the general intent of codification legislation:

Finley v. United States, 490 U.S. 545, 553–555 (1989).

Tidewater Oil Co. v. U.S., 409 U.S. 151, 161, 162 (1972).

Fourco Glass Co. v. Transmirra Products Corp., 353 U.S. 222, 227, 228 (1957).

United States v. Sischo, 262 U.S. 165, 168 (1923).

United States v. Ryder, 110 U.S. 729, 740 (1884).

McDonald v. Hovey, 110 U.S. 619, 628–630 (1884).

Smythe v. Fiske, 23 Wall. 374, 382 (1874).

Stewart v. Kahn, 11 Wall. 493, 502 (1871).

Atchison, Topeka and Santa Fe Railway Co. v. United States, 617 F. 2d 485, 488–491 (7th Cir. 1980).

Trailer Marine Transport Corp. v. Federal Maritime Commission, 602 F. 2d 379, 383 nt. 18, 387–389 (D.C. Cir. 1979).

Sutherland, *Statutory Construction*, §§ 28.10, 28.11 (6th ed. 2002).

HEARINGS

No hearings were held on H.R. 4319.

COMMITTEE CONSIDERATION

On September 8, 2004, the Committee met in open session and ordered favorably reported the bill H.R. 4319, as amended, by a voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the Committee consideration of H.R. 4319.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 4319, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 10, 2004

Honorable F. James Sensenbrenner Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4319, the Title 46 Codification Act of 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN

Enclosure
cc: Honorable John Conyers Jr.
Ranking Member

H.R. 4319—Title 46 Codification Act of 2004

H.R. 4319 would codify portions of title 46, United States Code, concerning shipping, and make technical changes to various shipping laws enforced by the Maritime Administration, the U.S. Coast Guard, and other federal agencies. CBO estimates that enacting this bill would result in no cost to the federal government and would not affect direct spending or revenues.

H.R. 4319 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis, who can be reached at 226-2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

Clause 3(c)(4) of rule XIII of the Rules of the House of Representatives is inapplicable because H.R. 4319 does not authorize funding.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

REVIEW AND COMMENTS

Upon introduction of the bill, Chairman Sensenbrenner inserted a statement in the Congressional Record inviting review and comment on the bill. In addition, he sent a letter inviting review and comment to various congressional committees, government agencies, and private organizations thought to be particularly interested in the bill. Comments were to be submitted to the Office of the Law Revision Counsel.

Many comments were submitted. The Office of the Law Revision Counsel studied all of the comments and discussed them as necessary with those submitting the comments in order to achieve a satisfactory resolution. Many of the comments resulted in changes in the bill or in the accompanying section-by-section explanation of the bill.

The following formal letters were submitted commenting on the bill:

The Maritime Law Association of the United States

June 21, 2004

The Honorable F. James Sensenbrenner
U.S. House of Representatives
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515–3951

Re: Comments on H.R. 4319

Dear Congressman Sensenbrenner:

Attached are the comments of The Maritime Law Association of the United States (MLAUS) on H.R. 4319, to complete the codification of title 46, United States Code, "Shipping", as positive law. The MLAUS, since its founding in 1899, has been intimately concerned with federal law as it relates to the maritime industry. Through the cooperation of Mr. Thomas W. Herlihy, Assistant General Counsel for Legislation, U.S. Department of Transportation, we have been involved in this codification effort from its early stages. I wish to take this opportunity to thank Mr. Herlihy and Mr. Richard B. Simpson, Senior Counsel, Office of Law Revision

Counsel, U.S. House of Representatives, for the many kindnesses shown to the MLAUS throughout this long project.

You are to be congratulated for taking on this long-overdue completion of the codification of Title 46, U.S. Code. The updating and reorganization of these important provisions will enhance understanding of and compliance with these important laws.

Your bill as drafted has done an excellent job of converting disparate statutes enacted by various Congresses over the past 200 years into a cohesive unit. Attached are some recommendations for relatively minor changes that we believe will further these efforts.

Please feel free to contact me directly if you have any questions regarding our comments or if we can be of additional assistance.

Sincerely,

Thomas S. Rue, President
The Maritime Law Association
of the United States

TSR:hs
Enclosures
bc: Dennis L. Bryant, Esq. w/encl.
Donald C. Greenman, Esq. w/encl.

Federal Maritime Commission

Washington, D.C. 20573

June 23, 2004

The Honorable F. James Sensenbrenner, Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, D.C. 20515-6216

Dear Chairman Sensenbrenner,

This is in response to the invitation for comment on H.R. 4319, a bill to complete the codification of title 46, United States Code, "Shipping", as positive law. On behalf of the Federal Maritime Commission, I offer my enthusiastic support for this legislation.

As the administrators of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act, 46 U.S.C. app. § 1701 *et seq*., this agency greatly appreciates the codification of significant portions of U.S. maritime law into a cohesive and accessible format. While this bill makes no change in the substance of our existing statute, the revisions are certain to provide a level of clarity and organization that will be of great value to the shipping public.

Thank you for the opportunity to comment.

Sincerely,

Steven R. Blust
Chairman

The Secretary of Transportation

Washington, D.C. 20590

July 12, 2004

The Honorable F. James Sensenbrenner, Jr.
Chairman, Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

This responds to your recent letter of June 3 inviting the U.S. Department of Transportation to provide you with its views on H.R. 4319, a bill

> To complete the codification of title 46, United States Code, "Shipping", as positive law.

The Department strongly supports H.R. 4319 and greatly appreciates the Committee's efforts to advance this initiative. Title 46 of the United States Code has been partially codified and enacted by Congress into positive law. The partial revision, as it currently exists, was begun in 1983. Certain laws concerning marine safety and maritime liability were codified but overall revision of title 46 was not completed. The extensive portions of title 46 that have not been codified appear as an "Appendix" to the title. Much of the Appendix to title 46, which contains significant aspects of U.S. maritime law, consists of numerous public laws that have been enacted over the last century with little attention to the organization of maritime law as a single body of law. As a result, the current format of title 46 is disjointed, confusing and often without apparent logic. Issues of coastwise trade, for example, are currently found in no fewer than three separate chapters within title 46. Revisions made under this bill would consolidate coastwise trade into one chapter with a logical progression of sections within the chapter.

In addition, many of the laws that comprise the Appendix date back to the late 1800's and early 1900's and are written in language that is archaic and difficult to understand. There is also a significant amount of redundancy and obsolete material within the Appendix. This bill would eliminate redundancies, obsolete provisions and unnecessary archaic verbiage.

Additionally, Government reorganizations, both recent and historic, have made agency references in title 46 inaccurate and misleading. Sporadic and inaccurate references to the Secretary of Commerce and the Department of Commerce have been revised to reflect the reality, since 1981, that the functions of the Maritime Administration reside with the Secretary of Transportation. Additionally, transfer of the Coast Guard and the former U.S. Customs Service, which were previously part of the Department of Transportation and the Department of the Treasury respectively, to the Department of Homeland Security, has necessitated numerous changes in reference to the appropriate Department. Overall, H.R. 4319 makes significant improvements to the organization, accuracy and clarity of title 46.

Despite the broad revisions, it is important to note that section 16(b) of the bill explicitly states that all restated language in the proposal is intended to conform to the understood policy, intent and purpose of the Congress in the original enactments. This provision is critical for the assured continuity of administration for the numerous maritime laws restated in H.R. 4319.

Congress and the Administration are constantly striving to make Government programs that are available to the public, under the law, more accessible and easily understood. This proposal will make it far easier for anyone seeking information under title 46 to find it and make appropriate use of it. The Department of Transportation strongly supports H.R. 4319 and urges swift enactment of the bill.

The Office of Management and Budget has advised that there is no objection, from the standpoint of the Administration's program, to the submission of this letter to Congress. We appreciate the opportunity to comment on this legislation.

Sincerely yours,

Norman Y. Mineta

Department of the Treasury

Washington, D.C.

August 2, 2004

The Honorable F. James Sensenbrenner, Jr.
Chairman, Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your letter to Secretary Snow requesting the views of the Department of the Treasury on H.R. 4319, "To complete the codification of title 46, United States Code, 'Shipping', as positive law."

The Department generally defers to the Department of Transportation and other Departments and agencies whose authorities arise out of the provisions of title 46. Nevertheless, the Department of the Treasury is concerned about a number of provisions in the bill. In working with the Office of the Law Revision Counsel (OLRC), however, those concerns have been satisfactorily addressed and we have been assured that the agreements reached in addressing those concerns will be reflected in the amendments to be made when the bill is reported by committee. Specifically, our concerns were with proposed sections 53312, 53502, 53504, and 55304.

Section 53312:

In section 53312 the phrase "notwithstanding any other provision of law," which generally signifies that Congress intends a particular Code provision to take precedence over other Code provi-

sions that may otherwise be construed as being in conflict with it, was deleted as "unnecessary." The phrase is not unnecessary and OLRC had agreed to its reinsertion.

Sections 53502 and 53504:

We were concerned that while the Departments of Transportation and Commerce administer the Capital Construction Fund (CCF) program, sections 53502 and 53504 could undermine Treasury's exclusive jurisdiction over tax issues arising under the CCF program. To address this concern OLRC will add to the section-by-section explanation for section 53501, which will appear in the committee report of the House Judiciary Committee, the following language: "The codification of laws in this chapter is not intended to alter the existing jurisdictional relationship of the Secretaries who administer those laws."

Section 55304:

Section 55304 is a "sense of the Congress" statement whose source is Public Resolution 17 of March 26, 1934 (46 App. U.S.C. 1241–1). While codification of the Resolution should not change the nature of the Resolution, a guide that does not have the force and effect of law, codification confuses the issue by placing it in the body of the Code. To address this concern OLRC will add to the section-by-section explanation for section 55304 in the committee report the following language: "This section codifies the Joint Resolution of March 26, 1934 (ch. 90, 48 Stat. 500) (also commonly known as Public Resolution 17). The codification of this provision is not intended to change its status as a 'Sense of Congress' provision in any way."

We note that in addition to the foregoing, reference to the Reconstruction Finance Corporation has been deleted from section 55304 as obsolete. We do no have an issue with this deletion.

Given that the Department's concerns will be addressed, we have no objection to H.R. 4319.

Thank you for the opportunity to comment. The Office of Management and Budget has advised that there is no objection to this letter from the standpoint of the Administration's program.

Sincerely,

James W. Carroll, Jr.
Acting General Counsel

U.S. Department of Justice

Office of Legislative Affairs

June 30, 2004

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515–6216

Dear Mr. Chairman:

The Department of Justice has reviewed H.R. 4319, a bill to complete the codification of Title 46, United States Code, "Shipping", as positive law. We offer the following comments:

First, 46 U.S.C. § 301 (General Organization) establishes the Federal Maritime Commission as an "independent establishment of the United States Government," and provides: "The Commission is composed of 5 Commissioners appointed by the President by and with the advice and consent of the Senate. Not more than 3 Commissioners may be appointed from the same political party." This Commission exercises "significant authority pursuant to the laws of the United States," *Buckley v. Valeo*, 424 U.S. 1 (1976), so the appointment of its members is subject to the requirements of the Appointments Clause. See U.S. Constitution, art. II, § 2, cl. 2. We believe political affiliation restrictions on the President's constitutional authority to appoint officers of his own choosing and preferences are constitutionally inappropriate when applied to the kind of agency in question here. Although various statutes presently limit the members of any given political party that may be appointed to certain Federal commissions, such requirements are generally necessitated by the special character and responsibilities of the offices to which they apply. Political party restrictions may be relevant, for example, where political balance is required in a commission that regulates partisan political campaigns, where political affiliation is of paramount importance and relevance. See, e.g., 2 U.S.C. § 437c(a)(1) (requiring political balance on the Federal Election Commission); see also 5 U.S.C. App. Section 3 (applying restriction to the appointment of inspectors general). In our view, the political party affiliation restriction here invalidly circumscribes the President's power of appointment because the restriction is not germane to the duties of the Federal Maritime Commission and because of the exceptionally broad executive authority that would be exercised by that Commission.

Second, 46 U.S.C. § 301(b)(3) would provide: "The President may remove a Commissioner for inefficiency, neglect of duty, or malfeasance in office." By limiting the President's power to remove the Commissioners, who collectively exercise substantial executive power, this provision would interfere with the President's obligation to "take care that the laws be faithfully executed." U.S. Const., art. II, § 3. To be sure, the Supreme Court has upheld a restriction on the President's removal power in certain limited contexts. *Humphrey's Executor v. United States*, 295 U.S. 602 (1935). But in *Hum-*

phrey's Executor, the Court employed a functional analysis that turned on its assessment of the nature of independent-agency adjudication: "The commission is to be nonpartisan; and it must, from the very nature of its duties, act with entire impartiality. It is charged with the enforcement of no policy except the policy of the law. Its duties are neither political nor executive, but predominantly quasi judicial and quasi legislative." *Id*. at 624. Whatever the ongoing validity of this reasoning, it is not clear that the many substantial powers of the Federal Maritime Commission fit this description. To avoid raising this constitutional issue, we recommend that this removal restriction be deleted from the bill.

Third, section 306(a) (Annual Report) would require the Commission to submit a report to Congress, which shall include, *inter alia*, "any recommendations for legislation," and section 306(b)(4), more specifically, requires the report to include "any recommendations for additional legislation to offset" certain conditions created by foreign law regarding shipping. To the extent that this provision could be construed to require recommendations for legislation, it would run afoul of the Recommendations Clause. Under Article II, section 3 of the Constitution, the President may recommend for legislative consideration "such measures as he shall judge necessary and expedient . . ." This clause gives the President exclusive authority to decide whether and when the Executive branch should propose legislation. For this reason, we repeatedly have objected to any attempt by Congress to require the President or his subordinates to submit legislative proposals. While the word "any" in section 306 might be construed to confer the necessary discretion, we nevertheless recommend that the words "that the President shall judge necessary and expedient" be added after the word "legislation" in sections 306(a) and 306(b)(4), to clarify that the provisions are consistent with the Recommendations Clause and to clarify that the decision to recommend legislation remains with the President.

Fourth, 46 U.S.C. § 40705(b) (Presidential review of Commission orders) would authorize the President to stay certain orders of the Commission if he finds that the stay is required for reasons of national defense or foreign policy. It further provides: "During a stay, the President shall, whenever practicable, attempt to resolve the matter by negotiating with representatives of the applicable foreign governments." Likewise, 46 U.S.C. § 41108(c)(2) would provide that "[o]n receiving [a certain] notification, the Secretary of State shall promptly consult with the government of the nation within which [certain] information or documents are alleged to be located for the purpose of assisting the Commission in obtaining the information or documents." These provisions are in serious tension with the Constitution, which commits to the President the primary responsibility for conducting the foreign relations of the United States, see, e.g., *Department of Navy v. Egan*, 484 U.S. 518, 529 (1988) (the Supreme Court has "recognized 'the generally accepted view that foreign policy was the province and responsibility of the Executive'") (quoting *Haig v. Agee*, 453 U.S. 280, 293–94 (1981)), and the exclusive responsibility for formulating the position of the United States in international fora and for conducting negotiations with foreign nations, see, e.g., *United States v. Louisiana*, 363 U.S. 1, 35 (1960) (the President is "the constitutional representative of the United

States in its dealings with foreign nations"); *United States v. Curtiss-Wright Corp.*, 299 U.S. 304, 319 (1936) ("[T]he President alone has the power to speak or listen as a representative of the nation . . . Into the field of negotiation the Senate cannot intrude; and Congress itself is powerless to invade it."). We recommend that these provisions be stricken from the bill or alternatively that the word "shall" be replaced with the word "may" in both provisions.

Fifth, 46 U.S.C. § 40902(c) (Financial Responsibility) would require the Commission to issue regulations, which "shall provide that a [court] judgment for monetary damages may not be enforced except to the extent that the damages claimed arise from the transportation-related activities of the insured ocean transportation intermediary, as defined by the Commission." While Congress has the power to create a rule of decision to this effect, or to delegate to the Commission the power to create such a rule, it is another matter to apply this rule by altering the effect of an Article III judgment. See *Chicago & Southern Air Lines, Inc. v. Waterman S.S Corp.*, 333 U.S. 103, 113 ("Judgments within the powers vested in courts by the Judiciary Article of the Constitution may not lawfully be revised, overturned or refused full faith and credit by another Department of Government."); see also *United States v. O'Grady*, 22 Wall. 641, 647–48 (1875) ("Judicial jurisdiction implies the power to hear and determine a cause, and . . . Congress cannot subject the judgments of the Supreme Court to the reexamination and revision of any other tribunal."); *Hayburn's Case*, 2 Dall. 409, 413 (1792) (opinion of Iredell, J., and Sitgreaves, D.J.) ("[N]o decision of any court of the United States can, under any circumstances, . . . be liable to a revision, or even suspension, by the [l]egislature itself, in whom no judicial power of any kind appears to be vested."). We recommend that this provision be recast as a rule of decision by replacing the words "a judgment for monetary damages may not be enforced" with the words "monetary damages shall not be awarded."

Sixth, 46 U.S.C. § 41307(d) (Hearings and Orders) would provide: "The Commission may represent itself in a proceeding under this section in—(1) a district court of the United States, on notice to the Attorney General; and (2) a court of appeals of the United States, with the approval of the Attorney General." Because the Commissioners are not removable at will by the President, see 46 U.S.C. § 301(b)(3), it is constitutionally problematic to vest the Federal Maritime Commission (FMC) with substantial litigating authority on behalf of the United States. Indeed, even if they were removable at will by the President, powerful policy considerations militate in favor of the centralization of Federal litigating authority in the Department of Justice, under the supervision of the Attorney General. See *The Attorney General's Role as Chief Litigator for the United States*, 6 Op. OLC 47, 54–55 (1982). We recommend that the FMC not be granted independent litigating authority at all. At a minimum, we recommend that the approval of the Attorney General be required, both in district courts and circuit courts.

Seventh, section 55305 (Eligible fund deposits) of Chapter 553 (in section 7 of H.R. 4319) requires that a set amount of certain cargo be transported on United States-flag commercial vessels. Paragraph (c) of section 55305 provides: "The President, the Secretary

of Defense, or Congress (by concurrent resolution or otherwise) may waive this section temporarily by–(1) declaring the existence of an emergency justifying a waiver; and (2) notifying the appropriate agencies of the waiver." This provision purports to grant Congress authority to provide a waiver by concurrent resolution, which, although requiring passage by both Houses of Congress, is not presented to the President. Congressional action that has "the purpose and effect of altering the legal rights, duties, and relations of persons, including . . . Executive Branch officials" must comply with the Article I requirements of bicameralism and presentment. *INS v. Chadha*, 462 U.S. 919, 952 (1986); *see also Bowsher v. Synar*, 478 U.S. 714, 733–34 (1986) ("[O]nce Congress makes its choice in enacting legislation, its participation ends. Congress can thereafter control the execution of its enactment only indirectly—by passing new legislation.") Because Congress lacks constitutional authority to grant such a waiver except by legislative action conforming with Article I, the reference to Congress should be deleted from section 55305(c).

Other Concerns

In section 30904 (Exclusive Remedy), the words, "under any other law" should be deleted. This phrase was not part of the original section 745 which applies only to "any other action arising" out of the same matter for which there is a remedy provided by the "Suits in Admiralty Act" only, and not also "under any other law". It is more than a cosmetic change since, with that addition, a claim for such things as a Title VII right of action, e.g., sexual harassment, which is separate from the Jones Act cause of action arising out of the same matter, would require the United States to be named as the party in lieu of the vessel operator. Title VII is "another law," and is not "a remedy provided by this chapter." Thus a substantive change is being made. Section 30904 should read: "If a remedy is provided by this chapter, an action arising out of the same subject matter may not be brought against an officer, employee, or agent of the United States Government or a federally owned corporation whose act or omission gave rise to the claim."

In sections 30909 (Exoneration and limitation) and 31106 (Arbitration, compromise, or settlement), the words, "under this chapter" should be deleted from each section. Neither 46 U.S.C. § 746 or 46 App. U.S.C. § 789, the bases for these proposed sections, contained the limiting phrase "under this chapter." This addition seems to imply, or could be interpreted to mean, that the United States only has the right to limit liability or claim exoneration in cases where it is first sued. Petitions for limitation or exoneration may be filed before the shipowner is sued. Thus, that right does not only exist for actions "under this chapter." The United States has the right to petition for limitation of liability independent of these sections; therefore, if the phrase is included, that may obscure that right. The purpose of the rewrite is clarification and simplicity, and deleting that phrase achieves that. Sections 30909 and 31106 should read: "In a civil action, the United States Government is entitled to the exemptions from and limitations of liability provided by law to an owner, charterer, operator, or agent of a vessel."

Thank you for requesting our views on this legislation. If we can be of further assistance on this matter, please do not hesitate to contact us. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

William E. Moschella
Assistant Attorney General

cc: The Honorable John Conyers, Jr.
Ranking Minority Member

Federal Maritime Commission

Washington, D.C. 20573

July 2, 2004

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515–6216

Dear Mr. Chairman:

I would like to present the following response to the comments of the Department of Justice (DOJ) to H.R. 4319. As Chairman Sensenbrenner stated on May 10, 2004, this bill is intended solely as a codification, and "makes no change in the substance of existing law." DOJ's comments go well beyond that objective, and challenge several structural characteristics of the Commission that have been in place since its establishment in 1961. *See* Reorganization Plan No. 7 of 1961, §§ 102(a), (c) (limited Presidential removal power, and political affiliation restrictions on Commission membership.)

At the core of DOJ's comments is disagreement with the Commission's status as an independent agency. Thus, DOJ objects to the bill's continuation of the Commission's authority to represent itself in certain proceedings before the district and circuit courts of the United States. *See* 46 U.S.C. 41207(d). The independent authority at issue here primarily involves the Commission's power to seek injunctive relief against agreements it determines to be substantially anticompetitive. Such agreements, it must be noted, are immune from the antitrust laws. Nevertheless, DOJ's proposed amendment to the bill would vest in the Department of Justice the authority to decide when to pursue a suit to enjoin an agreement that DOJ cannot otherwise regulate. This is contrary to Congress's removal of oceanborne transportation agreements from antitrust oversight. It would be counterproductive because the interests of the Commission are not always aligned with those of the Department of Justice. *See*, *e.g.*, *United States v. Federal Maritime Comm'n*, 694 F.2d 793, 804 (D.C. Cir. 1982) ("Congress was aware

that the Justice Department on occasion had been and would be an adversary of the [Commission] - both as a co-respondent and as a petitioner - and yet evinced no intent to preclude the Department from assuming that role"). This is particularly true when the interests of DOJ as the enforcer of the antitrust laws conflict with the interests of the Commission as the independent agency tasked with regulating antitrust-immune common carriage. *See*, *e.g.*, *United States v. Federal Maritime Comm'n*, 503 F.2d 157 (D.C. Cir.) (DOJ challenged FMC's determination to approve merger agreement, arguing that merger should not be immune from the antitrust laws), *cert. denied*, 419 U.S. 1070 (1974). In this context, Congress has been protective of the litigating authority of independent agencies like the Commission. *See*, *e.g.*, Interstate Commerce Commission - Review, P.L. 93–584, H.R. Rep. No. 1569, 93rd Cong. (1974), reprinted in 1974 U.S.C.C.A.N. 7025. Finally, although DOJ characterizes the Commission's litigating authority as "constitutionally problematic," the Supreme Court has already expressed approval for litigating authority held by an independent agency. *See Federal Election Comm'n v. NRA*, 513 U.S. 88, 96–97 (1994) ("Congress could obviously choose, if it sought to do so, to sacrifice the policy favoring concentration of litigating authority before this Court in the Solicitor General in favor of allowing [an agency] to petition here on its own."

DOJ also disapproves of the bill's continued requirement that the Commission file an annual report with Congress, including "any recommendations for legislation." I believe that the opportunity to apprise Congress directly of specific legislative recommendations is crucial for the Commission in its role as an independent, expert agency. Indeed, this has been an important feature of the relationship between Congress and the Commission (and its predecessor agencies) for nearly 70 years. *See* Merchant Marine Act, 1936, § 208 referenced in Reorganization Plan No. 21 of 1950, § 105(5), and incorporated in Reorganization Plan No. 7 of 1961, § 103(e).

In sum, I would like to state my support for the codification as a simple restatement of positive law.

Sincerely,

Steven R. Blust
Chairman

DISPOSITION TABLES

The following tables show the disposition of existing provisions affected by the bill. These tables include provisions from titles 19, 46, 46 Appendix, and 48 of the United States Code and provisions of certain Reorganization Plans.

Title 19

Section	Disposition (Title 46 unless otherwise specified)
128	60502
130 (1st sentence)	60501
130 (last sentence related to 19:128)	60502

Title 19—Continued

Section	Disposition (Title 46 unless otherwise specified)
130 (last sentence related to 19:130)	60501
131	60501

Title 46 (Already Enacted as Positive Law)

Section	Disposition (Title 46 unless otherwise specified)
2101(2)	102
2101(3)	103
2101(3a)	104
2101(6)	105
2101(10)	106
2101(10a)	107
2101(12)	110
2101(17b)	111
2101(36)	112
2101(41)	113
2101(44)	114
2101(45)	115
2101(46)	116
2108	504
12101(a)(1)	108
12101(a)(2), (b)	12101
12101 note (Pub. L. 104–324, § 1117)	55113
12102(a) (related to tonnage)	12102
12102(a)	12103
12102(b)	12103
12102(c)	12113
12102(d)	12111
12102 note (Pub. L. 105–277, § 203(b)–(e))	12113
12103(a) (less filing by owner)	12105
12103(a) (related to filing by owner)	12104
12103(b)	12104
12103(c), (d)	12105
12103(e)	12133
12103a	12105
12104	12134
12105	12111
12106(a)	12112
12106(b)	12102, 12112
12106(c)	12116
12106(d)	12117
12106(e)	12119
12106 note (Pub. L. 105–383, §§ 502–504)	12121
12108(a)	12113
12108(b)	12102, 12113
12108(c)	12116
12108(d)	12113
12109	12114
12110(a), (b)	12102
12110(c)	12114
12110(d)	12131
12111(a)	12135
12111(b)–(d)	12136
12112	12115
12117	12137
12119	12138
12119 note (Pub. L. 107–295, § 403)	12138
12120	12139
12122	12151
12123	12152
12124	12106

Title 46 Appendix

Section	Disposition (Title 46 unless otherwise specified)
3 note prec. (Act 12-27-1950, §§ 1, 2)	501
3	Superseded. Provided that the Commissioner of Customs shall supervise the laws relating to the admeasurement of vessels and the assignment of signal letters and official numbers, and that the Commissioner's decision relating to the interpretation of those laws and the collection and refund of tonnage taxes is final. These functions have been transferred to other officials.
9(a), (b)	Previously repealed.
9(c)	Obsolete reporting requirement.
9(d)	Previously repealed.
14 (words before last proviso)	12107
14 (last proviso)	12151
42	60103
57	60102
59	Obsolete. Provides penalty for officials neglecting to perform acts required by title 48 of the Revised Statutes.
91	60105
97	60106
98	60109
100	60107
104	60504
111	Omitted but not repealed. Provides that Great Lakes trade does not make vessel liable to entry and clearance fees. Same provision at 19 U.S.C. 288.
121 (1st sentence)	60302
121 (2d sentence)	60301
121 (3d sentence related to distress)	60305
121 (3d sentence related to trade)	60306
121 (4th sentence words before proviso)	60302
121 (4th sentence proviso)	60302
121 (5th sentence words before semicolon)	60302
121 (5th sentence words after semicolon)	60304
121 (last sentence words before semicolon)	60312
121 (last sentence words after semicolon)	60302
122	60307
123	60308
124	60309
125	60310
128 (words before proviso)	60303
128 (proviso)	60303
129	60303
132	60301
133, 134	60311
135	60312
141	60503
142	60505
143	60506
144 (1st par.)	60507
144 (last par.)	60507
145	60507
146	60502
163	60101
181	30503
182	30504
183(a)	30505
183(b) (1st sentence)	30506
183(b) (last sentence)	30507
183(c)	30506
183(d)	30506
183(e)	30506
183(f) (related to 46 App.:183(b)–(e))	30506
183(f) (related to 46 App.:183b)	30508
183(g)	30510
183b	30508

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
183c	30509
184	30507
185	30511
186	30501
187	30512
188	30502
189	30505
190	30704
191	30705
192	30706
193	30703
194	30707
195	30702
196	Unnecessary. Provides that sections 190–196 shall not be held to modify or repeal certain other laws. Unnecessary because of the codification of the relevant laws.
251, 251a	55114
251b	Unnecessary. Authorizes the Secretary of the Treasury to issue regulations for the enforcement of certain provisions. See 31 U.S.C. 321(b).
262	Unnecessary. Provides that documented vessels shall not be employed in any trade whereby the revenue laws are defrauded. See 19 U.S.C. 1703.
277	12133
289	55103
289a, 289b	55103 note
289c	55104
290	Previously omitted from U.S. Code. Superseded by 46 App. U.S.C. 883.
291	55120
292	55109
316(a), (b)	55111
316(c)	55118
316(d), (e)	80104
316a	55112
319	Transfer to 19 U.S.C. 1706a.
320	Unnecessary. Provides for remission or mitigation of certain fines by the Commissioner of Customs. See section 504 of the revised title.
321	Obsolete. Provides penalty for officials acting contrary to title 50 of the Revised Statutes in connection with documentation and measurement of vessels and collection of fees.
322	Obsolete. Provides penalty for officials neglecting to perform acts required by title 50 of the Revised Statutes.
323	Unnecessary. Provides penalty for officials falsifying vessel documents under title 50 of the Revised Statutes. See 18 U.S.C. 507 and 2197.
324	Unnecessary. Provides penalty for persons who assault, resist, or obstruct officers in execution of vessel documentation laws and title 50 of the Revised Statutes. See 18 U.S.C. 111.
326	502
327	503
328	Obsolete. Provides that penalties and forfeitures incurred under title 50 of the Revised Statutes may be recovered the same as those relating to the collection of duties.
336	Obsolete. Provides that canal boats and boats employed on the internal waters of a State (except those with sails or propelling machinery and those employed in trade with Canada) are not subject to the Act of Feb. 18, 1793, ch. 8, 1 Stat. 305 (relating to the enrolling and licensing of vessels in the coastwise trade) and are exempt from the payment of customs and other fees.
354, 355	60104

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
441, 443, 444	50503
446–446c	50504
466c	Transfer to 7 U.S.C. 8304 note.
491 (words before semicolon)	30102
491 (words after semicolon)	30103
688(a)	30104
688(b)	30105
721	80101
722	80103
723	80103
724	80102
725	80105
726	80106
727, 729, 730	80107
731	2304, 80107. See § 14(8) of bill.
738	80301
738a	80302
738c	80303
740	30101
741 (11th–26th words)	30902
741 (less 11th–26th words)	30913
741 note	30901
742 (1st sentence)	30903
742 (2d sentence)	30906
742 (3d sentence)	30903
742 (last sentence)	30906
743 (1st sentence)	30908
743 (2d, 3d sentences)	30910
743 (4th–6th sentences)	30908
743 (last sentence)	30907
743a	Superseded. Prohibited interest on claims prior to filing of suit under 46 App. U.S.C. 745. Superseded by 1950 amendment to 46 App. U.S.C. 745.
744	30914
745 (words before 1st proviso)	30905
745 (1st proviso)	30904
745 (2d proviso)	Obsolete. Relates to suits under the Act of Mar. 9, 1920 (popularly known as the Suits in Admiralty Act) brought no later than Dec. 13, 1951.
745 (last proviso)	30910
746	30909
747	30915
748	30912
749	30911
750	30916
751	30917
752	30918
761(a)	30302
761(b)	30307
761 note	30301
762(a)	30303
762(b)	30307
763a	30106
764	30306
765	30305
766	30304
767	30308
768	Obsolete. Provides that the Act of Mar. 30, 1920 (popularly known as the Death on the High Seas Act) shall not affect any pending suits.
781	31102
781 note	31101
782 (1st sentence)	31104
782 (last sentence words before last comma)	31103
782 (last sentence words after last comma)	31107

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
783 (words before proviso)	31102
783 (proviso)	31105
784	31110
785	31111
786	31108
787	31109
788	31112
789	31106
790	31113
801	Unnecessary. Defines terms for purposes of the Shipping Act, 1916. Some of the terms appeared only in sections which were previously repealed and others are redundant with title-wide definitions in chapter 1.
802	50501
803	50502
804a	Obsolete. Reorganized the U.S. Shipping Board which was subsequently abolished.
808(a)	Previously repealed.
808(b)	57109
808(c)–(f)	56101
808a	56101
811 (1st sentence words before 1st comma)	50105
811 (1st sentence words after 1st comma)	50106
811 (2d sentence words before 2d comma)	50105
811 (2d sentence words after 2d comma)	50107
811 (3d sentence)	50106
811 (4th sentence)	50109
811 (last sentence)	50111
817d(a) (1st–5th, 29th–last words)	44103
817d(a) (6th–28th words)	44101
817d(b)	44103
817d(c)	44104
817d(d)	44106
817d(e)	44105
817e(a) (1st–14th, 37th–last words)	44102
817e(a) (15th–36th words)	44101
817e(b)	44102
817e(c)	44104
817e(d)	44106
817e(e)	44105
833	Unnecessary. Contains a separability provision for the Shipping Act, 1916.
834	60108
835	56102
836, 837	56105
839 (1st par.)	56103
839 (last par.)	56104
842	Unnecessary. Provides short title for the Shipping Act, 1916.
861	50101
864a	Obsolete. Authorizes allowances to purchasers of vessels for cost of putting the vessels in class, without regard to 50 App. U.S.C. 1736(d), which was subsequently repealed. Also impliedly repealed by 46 App. U.S.C. 1119 for other than title XI (1936 Act) foreclosures.
864b	57108
865	Obsolete. Authorizes sale of vessels to aliens. Executed for 1920 vessel inventory, superseded by Merchant Marine Act, 1936, and impliedly repealed by 1950 freeze. See § 14 of Act of Mar. 8, 1946 (50 App. U.S.C. 1735 note).
865a	53101 note (ODS)
866	Obsolete. Provides for determination of appropriate steamship lines and for sale or charter of vessels. Executed for 1920 vessel inventory, superseded by Merchant Marine Act, 1936, and impliedly repealed by 1950 freeze. See § 14 of Act of Mar. 8, 1946 (50 App. U.S.C. 1735 note).

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
867	50302
868	Unnecessary. Requires insurance for risk of loss in installment sales contracts under Merchant Marine Act, 1920. Executed for 1920 vessel inventory and unnecessary because such insurance is now standard.
869	Obsolete. Authorizes Secretary of Transportation to insure vessels and facilities under Merchant Marine Act, 1920. Impliedly repealed by 46 App. U.S.C. 1119.
871	57106
872	50304
875	50304
876(a)(1)	Unnecessary. Authorizes the Secretary of Transportation to make rules and regulations to carry out the Merchant Marine Act, 1920. See 49 U.S.C. 322(a).
876(a)(2)	42101
876(a)(3)	42102
876(b), (c)	42102
876(d)	42103
876(e)	42101
876(f), (g)	42104
876(h)	42105
876(i)	42106
876(j)	42107
876(k)	42108
876(/)	42109
877	55101
883 (words before 1st proviso)	55102
883 (1st proviso, 2d proviso less meaning of ''rebuilt'')	12132
883 (2d proviso related to meaning of ''rebuilt'')	12101
883 (3d proviso)	55116
883 (4th proviso)	55119
883 (5th proviso)	55117
883 (6th proviso)	55107
883 (7th proviso)	55106
883 (8th proviso)	Expired in 1984. Related to transportation of merchandise in coastwise trade.
883 (2d–6th sentences, last sentence less provisos)	55105
883 (10th proviso)	55115
883 (11th proviso)	55102
883 (12th proviso)	55110
883 (last proviso)	55108
883 note (Pub. L. 104–324, § 1120(f))	12120
883 note (Pub. L. 100–329, § 1(b))	55108
883–1	12118
883a (1st sentence)	12139
883a (2d, last sentences)	12151
883b	Unnecessary. Authorizes the Secretary of Transportation to prescribe regulations to carry out certain provisions. See 49 U.S.C. 322(a).
884	58108
885	Transfer to 15 U.S.C. 38.
887	Unnecessary. Contains a separability provision for the Merchant Marine Act, 1920.
888	Unnecessary. Incorporates definitions from 46 App. U.S.C. 801–803 and defines ''alien'' for purposes of the Merchant Marine Act, 1920. See definitions in chapter 1 and section 50501 of the revised title.
889	Unnecessary. Provides short title for the Merchant Marine Act, 1920.
891	50101
891b	57106
891c	Obsolete and unnecessary. Recognizes the need for replacement vessels owned by the United States and directs the Secretary of Transportation to present recommendations to Congress for new vessels.

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
891u	Obsolete. Defines terms for purposes of the Merchant Marine Act, 1928.
891v	Obsolete. Reaffirms the policy of 46 App. 866. See disposition of that section in this table.
891w	Obsolete. Relates to the allocations of operations of ships under the Merchant Marine Act, 1928. Executed for 1928 vessel inventory and impliedly repealed by 1950 freeze. See § 14 of Act of Mar. 8, 1946 (50 App. U.S.C. 1735 note).
891x	Unnecessary. Provides short title for the Merchant Marine Act, 1928.
1101	50101
1111(a), (b)	Previously repealed.
1111(c) (related to seal)	301
1111(c) (related to records)	303
1111(c) (related to rules and regulations)	305
1111(d) (related to Commission)	307
1111(d) (related to Secretary)	Unnecessary. Authorizes expenditures and appropriations under the Merchant Marine Act, 1936.
1111(e)	Unnecessary. Authorizes the Federal Maritime Commission and the Secretary of Transportation to employ personnel. See 5 U.S.C. 3101 and 49 U.S.C. 323.
1111(f) (1st, last sentences)	Unnecessary. Provides for traveling and subsistence expenses. See 5 U.S.C. ch. 57.
1111(f) (2d sentence related to Commission)	Obsolete. Provides for additional pay of military officers detailed to Federal Maritime Commission.
1111(f) (2d sentence related to Secretary)	49 U.S.C. 109. See § 11 of bill.
1111 note (Pub. L. 89–56)	301
1111 notes (Reorg. Plans)	See disposition table for Reorg. Plans following this table.
1111a	Obsolete. Restricts expenditures for administrative expenses by the Federal Maritime Commission and the Secretary of Transportation. Presumably only intended to apply, as originally enacted, to the U.S. Maritime Commission, which has been abolished.
1112	50303
1114	Obsolete. Provided that functions of the former U.S. Shipping Board under certain laws, which previously had been transferred to the Department of Commerce, were transferred to the Federal Maritime Commission and the Secretary of Transportation. Also originally provided the former United States Maritime Commission, and later the FMC and the Secretary, with authority to prescribe regulations. This grant of regulatory authority to the FMC and the Secretary is unnecessary because it is provided by other law. See section 305 of title 46 (as enacted by this bill) and section 322(a) of title 49.
1115	58107
1116, 1116a	Obsolete. Provides for creation of a construction fund for use by the Department of Transportation. Impliedly repealed by 46 App. U.S.C. 1119.
1117 (related to Commission)	Obsolete. Authorizes the Federal Maritime Commission to make contracts and disbursements under the Merchant Marine Act, 1936, and provides for auditing the Commission's financial transactions.
1117 (related to Secretary)	49 U.S.C. 109. See § 11 of bill.
1118 (related to Commission)	306
1118 (related to Secretary)	50111
1118 note (Pub. L. 106–398, [§ 3506])	50111
1119	49 U.S.C. 109. See § 11 of bill.
1120	50102
1121(a)–(c)	50103
1121(d)	50105
1121(e)	50106
1121(f)	50109
1121(g)	50106

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
1121(h), (i)	50109
1121(j) (words before 1st semicolon)	50105
1121(j) (words between 1st and 2d semicolons)	50110
1121(j) (words after 2d semicolon)	50109
1121–1	55301
1121–2	50110
1122(a)	50104
1122(b)(1)	50108
1122(b)(2)	50105
1122(c)	50105
1122(d)	50110
1122(e)	Previously repealed.
1122(f)	50108
1122(g)	50111
1122a	50113
1122b	55501
1123	50109
1124	50306
1125	57105
1125 note (Pub. L. 86–518, § 9)	57105, 57506
1125a	57107
1126–1(a) (1st sentence)	51101
1126–1(a) (last sentence), (b)	51104
1131	53101 note
1132	52101
1151–1157	53101 note (CDS)
1158(a)	57102
1158(b)	57103
1159	53101 note (CDS)
1160(a)	57301
1160(b) (1st sentence)	57302
1160(b) (2d sentence)	57304
1160(b) (3d sentence)	57305
1160(b) (4th–7th sentences)	57306
1160(b) (last sentence)	57302
1160(c)	57303
1160(d)	57305
1160(e)	57307
1160(f)	50111
1160(g)	57308
1160(h)	Previously repealed.
1160(i)	57104
1160(j)	57101
1161(a)	53301
1161(b) (1st sentence words before 6th comma)	53302
1161(b) (1st sentence words between 6th and 10th commas).	53303
1161(b) (1st sentence between 10th and 16th commas)	53302
1161(b) (1st sentence words after 16th comma)	53305
1161(b) (last sentence)	53302
1161(c)	53306
1161(d)	53307
1161(e)	53308
1161(f)	53309
1161(g) (less (1)(B))	53310
1161(g)(1)(B)	53310
1161(h)	53310
1161(i)	53311
1161(j)	53312
1161(k)	Obsolete. Provides that 46 App. U.S.C. 1161 applies to taxable years beginning after Dec. 31, 1939.
1161(l)	53304
1161(m)	53301
1161(n)	53301
1161(o)	53301

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
1162	53101 note (CDS)
1171–1176	53101 note (ODS)
1177(a) (1st sentence)	53503
1177(a) (2d sentence related to purpose)	53503
1177(a) (2d sentence related to deposits)	53504
1177(a) (last sentence)	53504
1177(b)(1), (2)	53505
1177(b)(3)	53501
1177(c)	53506
1177(d)	53507
1177(e)	53508
1177(f)	53509
1177(g)	53510
1177(h) (less (2) (last sentence))	53511
1177(h)(2) (last sentence)	53512
1177(i)	53513
1177(j)	53514
1177(k)(1)–(3)	53501
1177(k)(4)	Unnecessary definition of ''United States''. See ch. 1 of the revised title.
1177(k)(5)–(9)	53501
1177(l) (1st sentence)	53515
1177(l) (2d sentence)	53502
1177(l) (last sentence)	53516
1177(m)	53517
1177–1	53501
1177a	Unnecessary. There are no longer any recapture provisions in ODS contracts.
1178–1185a	53101 note (ODS)
1187–1187e	53101 note (MSF)
1191	57501
1192	57502
1193(a)	57503
1193(b)	57502
1193(c) (related to construction, reconstruction, or reconditioning).	57503
1193(c) (related to chartering)	57512
1194	57504
1195 (1st, 2d sentences)	57505
1195 (last sentence)	57506
1196(a) (1st sentence)	57512
1196(a) (last sentence), (b) (1st sentence related to announcement).	57512
1196(b) (1st sentence related to authority)	57515
1196(b) (last sentence)	57513
1197	57515
1198	57516
1199	57517
1200	57518
1201	57511
1202(a)	57519
1202(b), (c)	57520
1202(d)	57521
1203	57514
1204	57531
1205	57532
1211, 1212	53101 note
1213(a) (less 3d sentence as related to 1121(a))	53101 note. See § 13(b) of bill.
1213(a) (3d sentence related to 1121(a))	50103
1213(b)	49 U.S.C. 109. See § 11 of bill.
1222	58101 note. Repealed eff. Oct. 1, 2005, by Maritime Security Act of 2003.
1223(a)	58101
1223(b)	58102
1223(c)	Previously repealed.

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
1223(d)	58103
1223(e)	Previously repealed.
1223(f)	58104
1226	58105
1227	58106
1228 (1st, 2d pars.)	58107
1228 (last par.)	505
1241(a)	55302
1241(b)	55305
1241(c)	55303
1241–1	55304
1241a	50301
1241b	50301
1241b note	50301
1241c	50301
1241d	55311
1241e	55313
1241f(a)–(d)	55314
1241f(e)	55312
1241g	55315
1241h	55316
1241h note (Pub. L. 100–202, [§ 501])	55316
1241i	Unnecessary. Provides a general authorization of appropriations for 46 App. U.S.C. 1241e–1241***o***.
1241j	55317
1241k–1241n	Obsolete. Provided for a commission to study and report on agricultural export transportation policy. The commission's work has been completed and the commission has been abolished.
1241***o***	55314
1241p	55318
1241q	55333
1241r	55332
1241s	55334
1241t(a), (c)	55335
1241t(b)	55336
1241u	Obsolete reporting requirement.
1241v	55331
1242(a) (1st, 2d sentences)	56301
1242(a) (3d sentence)	56303
1242(a) (4th sentence)	56307
1242(a) (last sentence)	56303
1242(b)	56303
1242(c) (1st sentence)	56302
1242(c) (2d sentence)	56304
1242(c) (last sentence)	56303
1242(d) (1st par. words before 2d comma)	56303
1242(d) (1st par. words after 2d comma)	56304
1242(d) (last par.)	56305
1242(e)	56306
1242a(a)	56501
1242a(b)	56502
1242a(c)	56503
1242a(d)	56504
1242a(e)	56502
1244(a)	109
1244(b)	Unnecessary definition of ''person''. See 1 U.S.C. 1.
1244(c)	50501
1244(d)	Unnecessary. Defines ''construction'' as including outfitting and equipping.
1244(e)	Previously repealed.
1244(f)	Unnecessary. Defines ''Representative'' and ''Member of the Congress'' as including Delegates to the House of Representatives from the District of Columbia, Guam, and the Virgin Islands, and the Resident Commissioner to the House of Representatives from Puerto Rico.

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
1244(g)	114
1245 (1st sentence)	Unnecessary. Contains a separability provision for the Merchant Marine Act, 1936.
1245 (last sentence)	101 note
1247	50305
1248	53101 note (CDS and ODS)
1271	53701
1272	53717
1273(a)	53702
1273(b)	53711
1273(c)	53709
1273(d)	53705
1273(e) (1st sentence)	53705
1273(e) (last sentence)	53721, 53722
1273(f)	53704
1273(g)	53732
1273(h)	53704
1273(i), (j)	57306
1273a	53707
1274(a)	53706
1274(b)(1)	53707
1274(b)(2)	53709
1274(b)(3)–(7)	53710
1274(b) (last 2 sentences)	53709
1274(c)(1) (1st sentence)	53711
1274(c)(1) (last sentence)	53709
1274(c)(2)	53711
1274(d)(1), (2)	53708
1274(d)(3)	53732
1274(d)(4)	53707
1274(d)(5)	Previously repealed.
1274(e)	53714
1274(f)(1)	53713
1274(f)(2), (3)	53708
1274(f)(4)	53713
1274(g)	53717
1274(h)	53710
1274(i)	53709
1274(j)	53732
1274(k)	53712
1274(l)	53703
1274(m)	53712
1274(n)	53703
1274a	53734
1275(a)	53721
1275(b)	53722
1275(c)	53724
1275(d)	53723
1275(e)	53725
1275(f)	53722
1279a	53715
1279b	53716
1279c	53731
1279d	53732
1279e	53733
1279f	53735
1279g	53702
1280	53717
1280a	53733
1280b	53718
1281(a)–(c)	53901
1281(d)	Unnecessary. Defines ''citizen of the United States'' for purposes of the war risk insurance program as including corporations, partnerships, and associations. See 46 App. U.S.C. 1244(c) and section 50501 of the revised title.

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
1281(e)	Unnecessary definition of ''Secretary''.
1282	53902
1283(a) (1st, 2d sentences)	53903
1283(a) (last sentence)	53910
1283(b) (1st sentence)	53903
1283(b) (last sentence)	53901
1283(c)–(f)	53903
1284	53903
1285	53905
1286	53904
1287	53907
1288	53909
1288a	53909
1289(a)(1)	53910
1289(a)(2)	53906
1289(b)–(f)	53910
1290	Unnecessary. Provides that the war risk insurance program does not affect seamen's rights under existing law.
1291	50111
1292	53911
1293	53908
1294	53912
1295 (1st sentence)	51101
1295 (last sentence cl. (1))	51103
1295 (last sentence cl. (2))	51104
1295a	51102
1295b(a)	51301
1295b(b)(1)–(3)(C)	51302
1295b(b)(3)(D)	51303
1295b(b)(3)(E)	51305
1295b(b)(3)(F)	51311
1295b(b)(3)(G)	Unnecessary. Defines ''State'' for purposes of 46 App. U.S.C. 1295b(b)(3) as including the several States.
1295b(b)(4)	Obsolete. The Trust Territory of the Pacific Islands has been terminated. See 48 U.S.C. 1681 note prec.
1295b(b)(5)–(7)	51304
1295b(b)(8)	51309
1295b(c)	51311
1295b(d)	51308
1295b(e)(1)–(4)	51306
1295b(e)(5)	51310
1295b(f)	51307
1295b(g)	51309
1295b(h)	51312
1295b(i)	51313
1295c(a)	51501
1295c(b)	51503
1295c(c)(1), (2)	51504
1295c(c)(3)(A)	51507
1295c(c)(3)(B)	51508
1295c(d)(1)	51505
1295c(d)(2)	51501
1295c(e)	51502
1295c(f)	51506
1295c(g)(1)–(5)	51509
1295c(g)(6)	51510
1295c(g)(7)	51509
1295c(h)	51511
1295c note (Pub. L. 101–115, § 4)	51504
1295c–1	49 U.S.C. 109. See § 11 of bill.
1295d(a), (b)	51703
1295d(c)	51704
1295e	51701
1295f	51702

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
1295g(a)	Unnecessary. Provides that the Secretary of Transportation shall establish such rules and regulations as may be necessary to carry out title XIII of the Merchant Marine Act, 1936, relating to maritime education and training. The Secretary has general regulatory authority under 49 U.S.C. 322(a).
1295g(b)–(d)	51103
1300–1315	30701 note
1501	80501
1502(a) (related to application of Convention)	80502
1502(a) (related to approval and examination)	80504
1502(b)	Previously repealed.
1503(a)–(c)(1)	80503
1503(c)(2)	80506
1503(c)(3)	80503
1503(d)	80506
1503(e)	80503
1504	80505
1505	80509
1506	80507
1507	80508
1601–1603	49 U.S.C. 109. See § 11 of bill.
1604–1608	Executed and obsolete. Related to the transfer of the Maritime Administration from the Department of Commerce to the Department of Transportation.
1609	49 U.S.C. 109 note
1610	Omitted but not repealed. Contains a separability provision for the Maritime Act of 1981.
1701	40101
1702	40102
1703	40301
1704(a)	40302
1704(b)–(d)	40303
1704(e) (less last sentence)	40305
1704(e) (last sentence)	40301
1704(f)	40301
1704(g)	40303
1705(a)–(f)	40304
1705(g)–(i)	41307
1705(j)	40306
1705(k)	41307
1706	40307
1707(a), (b)	40501
1707(c)	40502
1707(d)	40501
1707(e)	40503
1707(f), (g)	40501
1708(a)	40701
1708(b)	40702
1708(c) (1st sentence)	40703
1708(c) (last sentence), (d)	40704
1708(e)	40705
1708(f)	40706
1709(a)	41102
1709(b)(1)–(12)	41104
1709(b)(13), (words after cl. (13))	41103
1709(c)	41105
1709(d)(1)	41102
1709(d)(2)	41106
1709(d)(3) (related to (b)(10))	41106
1709(d)(3) (related to (b)(13))	41103
1709(d)(4)	41106
1709(d)(5)	41103
1709(e)	41101
1710(a), (b)	41301

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
1710(c) (1st–3d sentences)	41302
1710(c) (last sentence)	41307
1710(d)–(f)	41302
1710(g) (related to time limit)	41301
1710(g) (less time limit)	41305
1710(h)(1)	41307
1710(h)(2)	41306
1710a(a)	42301
1710a(b), (c)	42302
1710a(d)	42303
1710a(e)(1), (2)	42304
1710a(e)(3)	42306
1710a(f)	42305
1710a(g)	306
1710a(h) (related to 876(a)(1))	42101
1710a(h) (related to 1712(b)(6))	41108
1710a(i)	42307
1711	41303
1712(a)	41107
1712(b)	41108
1712(c)–(f)	41109
1713(a), (b)	41304
1713(c)	41308
1713(d)	41309
1713(e)	41308, 41309
1714	40104
1715	40103
1716	305
1718(a)	40901
1718(b)	40902
1718(c)	40903
1718(d)	40901
1718(e)	40904
1719(a)–(c)	Executed. Amended various provisions restated in the revised title, and repealed other provisions.
1719(d)	40101 note
1719(e)	Unnecessary. Provided transitional and savings provisions relating to enactment of the Shipping Act of 1984 and amendments to that Act by the Ocean Shipping Reform Act of 1998.
1801	70302
1802	70306
1803	70303
1804	70304
1805	70305
1806	Obsolete. Provided for presidential review of sanctions against terrorists who seize or attempt to seize vessels, and for a report to Congress by Aug. 27, 1987.
1807	70301
1808	Expired. Authorized appropriations for fiscal years 1987 through 1991.
1809	70306
1901	Unnecessary. Provided a short title for the Maritime Drug Law Enforcement Act, which is restated in ch. 705 of the revised title.
1902	70501
1903(a)	70503
1903(b), (c)	70502
1903(d)	70505
1903(e)	70503
1903(f)	70504
1903(g)	70506
1903(h)	70503
1903(i)	70502
1903(j)	70506

Title 46 Appendix—Continued

Section	Disposition (Title 46 unless otherwise specified)
1904	70507
2001	51901
2002	51901
2003	51902
2004(a)	51903
2004(b)	51904
2004(c)	51907
2004(d)	51901
2005	51905
2006	51906
2007	51908

Title 48

Section	Disposition (Title 46 unless otherwise specified)
1664	55101

Reorganization Plan No. 6 of 1949

Section	Disposition (Title 46 unless otherwise specified)
	301

Reorganization Plan No. 21 of 1950

Section	Disposition (Title 46 unless otherwise specified)
101–106	Previously superseded. See section 305 of Reorg. Plan No. 7 of 1961.
201	49 U.S.C. 109
202	Previously superseded. See section 305 of Reorg. Plan No. 7 of 1961.
203, 204	49 U.S.C. 109
302–307	Previously superseded. See section 305 of Reorg. Plan No. 7 of 1961.

Reorganization Plan No. 7 of 1961

Section	Disposition (Title 46 unless otherwise specified)
101	301
102(a)–(c)	301
102(d)	302
103	Executed and obsolete. Transferred functions under certain provisions of law from the Federal Maritime Board to the Federal Maritime Commission. The provisions referred to either are restated in a way that reflects the transfer or have been previously repealed.
104	301
105(a)–(c)	304
105(d)	301
201	49 U.S.C. 109
301	Impliedly repealed. Provided that the last sentence of 46 App. U.S.C. 1111(b), which pertained to conflicts of interest, shall apply to the Commissioners, officers, and employees of the Federal Maritime Commission. This provided, in substance, the same thing as 46 App. U.S.C. 1111(b), which was subsequently repealed.
302	Temporary and obsolete. Provided for interim appointments to the Federal Maritime Commission.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

The following explains the amendments to title 46. For each new section being added to title 46, the following also lists the existing provisions on which it is based and explains any significant changes in language.

SECTION 1—SHORT TITLE; TABLE OF CONTENTS

Section 1 of the bill provides a short title and a table of contents for the Act.

SECTION 2—TITLE ANALYSIS

Section 2 of the bill amends the title analysis at the beginning of title 46.

SECTION 3—SUBTITLE I OF TITLE 46

Section 3 of the bill enacts provisions in subtitle I of title 46, explained as follows:

Subtitle I—General

Chapter	Sec.
1. Definitions	**101**
3. Federal Maritime Commission	**301**
5. Other General Provisions	**501**

CHAPTER 1—DEFINITIONS

Sec.
101. Agency.
102. Barge.
103. Boundary Line.
104. Citizen of the United States.
105. Consular officer.
106. Documented vessel.
107. Exclusive economic zone.
108. Fisheries.
109. Foreign commerce or trade.
110. Foreign vessel.
111. Numbered vessel.
112. State.
113. Undocumented.
114. United States.
115. Vessel.
116. Vessel of the United States.

SECTION 101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
101	(no source).	

A definition of "agency" is added to avoid having to repeat the substance of the definition at various places in the revised title.

SECTION 102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
102	46:2101(2).	

SECTION 103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
103	46:2101(3).	

SECTION 104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
104	46:2101(3a).	

The words "when used in reference to a natural person" are added because of provisions in the title which treat entities as citizens. The words "or an individual citizen of the Trust Territory of the Pacific Islands who is exclusively domiciled in the Northern Mariana Islands within the meaning of section 1005(e) of the Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1681 note)" are omitted because the Covenant referred to became effective November 4, 1986, making citizens of the Northern Mariana Islands citizens or non-citizen nationals of the United States.

SECTION 105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
105	46:2101(6).	

SECTION 106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
106	46:2101(10).	

SECTION 107

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
107	46:2101(10a).	

SECTION 108

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
108	46:12101(a)(1).	

SECTION 109

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
109	46 App.:1244(a).	June 29, 1936, ch. 858, title IX, § 905(a), 49 Stat. 2016; June 23, 1938, ch. 600, § 39(a), 52 Stat. 964; Pub. L. 91–469, § 28, Oct. 21, 1970, 84 Stat. 1034; Pub. L. 92–402, § 2, Aug. 22, 1972, 86 Stat. 617; Pub. L. 97–31, § 12(133)(A), Aug. 6, 1981, 95 Stat. 165.

In subsection (a), the words "its Territories or possessions, or the District of Columbia" are omitted because of the definition of "United States" in this chapter.

SECTION 110

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
110	46:2101(12).	

SECTION 111

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
111	46:2101(17b).	

SECTION 112

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
112	46:2101(36).	

SECTION 113

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
113	46:2101(41).	

The words "certificate of documentation" are substituted for "document" for consistency with chapter 121.

SECTION 114

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
114	46:2101(44).	
	46 App.:1244(g).	June 29, 1936, ch. 858, title IX, § 905(g), 49 Stat. 2016; as added Pub. L. 96–453, § 3(b), Oct. 15, 1980, 94 Stat. 2008.

The language in 46 App. U.S.C. 1244(g) relating to the areas and installations in the Republic of Panama is omitted because those areas and installations were turned over to Panama by the end of 1999.

SECTION 115

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
115	46:2101(45).	

SECTION 116

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
116	46:2101(46).	

CHAPTER 3—FEDERAL MARITIME COMMISSION

Sec.
301. General organization.
302. Quorum.
303. Record of meetings and votes.
304. Delegation of authority.
305. Regulations.
306. Annual report.
307. Expenditures.

SECTION 301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
301(a)	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, § 101, 75 Stat. 840.
301(b)	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, § 102(a), (c), 75 Stat. 840; Pub. L. 88–426, title III, § 305(19)(A), Aug. 14, 1964, 78 Stat. 425.
	46 App.:1111 note.	Pub. L. 89–56, June 30, 1965, 79 Stat. 195.
301(c)	46 App.:1111 note.	Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 63 Stat. 1069.
	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, §§ 102(b), 104, 105(d), 75 Stat. 840, 841.
301(d)	46 App.:1111(c) (related to seal).	June 29, 1936, ch. 858, title II, § 201(c) (related to seal), 49 Stat. 1986.

In subsection (a), the words "is an independent establishment" are substituted for "shall not be a part of any executive department or under the authority of the head of any executive department" for consistency with other titles of the United States Code and to eliminate unnecessary words.

In subsection (b)(2), the words "The term of each Commissioner is 5 years, with each term beginning one year apart" are substituted for the language about terms in section 102(c) of Reorganization Plan No. 7 of 1961 (46 App. U.S.C. 1111 note) and the Act of June 30, 1965 (Pub. L. 89–56, 79 Stat. 195), for clarity and to eliminate executed and obsolete language.

In subsection (c), section 104 of Reorganization Plan No. 7 of 1961 is omitted as executed.

Subsection (c)(1) is based on section 102(b) of Reorganization Plan No. 7 of 1961. The words "from time to time" are omitted as unnecessary.

Subsection (c)(2) is based on section 1 of Reorganization Plan No. 6 of 1949.

Subsection (c)(3) is based on section 2 of Reorganization Plan No. 6 of 1949 and section 105(d) of Reorganization Plan No. 7 of 1961.

Subsection (c)(4) is based on section 3 of Reorganization Plan No. 6 of 1949.

SECTION 302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, § 102(d), 75 Stat. 840; Pub. L. 105–258, title II, § 202, Oct. 14, 1998, 112 Stat. 1915.

SECTION 303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
303	46 App.:1111(c) (related to records).	June 29, 1936, ch. 858, title II, § 201(c) (related to records), 49 Stat. 1986.

The words "true" and "yea-and-nay" are omitted as unnecessary.

SECTION 304

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
304	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, § 105(a)–(c), 75 Stat. 841.

SECTION 305

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
305	46 App.:1111(c) (related to rules and regulations).	June 29, 1936, ch. 858, title II, § 201(c) (related to rules and regulations), 49 Stat. 1986.
	46 App.:1716.	Pub. L. 98–237, § 17, Mar. 20, 1984, 98 Stat. 84.

The words "to carry out its duties and powers" are substituted for "in regard to its procedure and the conduct of its business" in 46 App. U.S.C. 1111(c) and "to carry out this chapter" in 46 App. U.S.C. 1716(a) for consistency in the revised title. The text of 46 App. U.S.C. 1716(b) is omitted as executed and obsolete.

SECTION 306

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
306(a)	46 App.:1118 (related to Commission).	June 29, 1936, ch. 858, title II, § 208 (related to Commission), 49 Stat. 1988; Pub. L. 94–273, § 36, Apr. 21, 1976, 90 Stat. 380; Pub. L. 97–31, § 12(65), Aug. 6, 1981, 95 Stat. 159.
306(b)	46 App.:1710a(g).	Pub. L. 100–418, title X, § 10002(g), Aug. 23, 1988, 102 Stat. 1572.

In subsection (a), the words "a statement of all receipts under this chapter" are omitted as inapplicable to the Commission.

SECTION 307

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
307	46 App.:1111(d) (related to Commission).	June 29, 1936, ch. 858, title II, § 201(d) (related to Commission), 49 Stat. 1986; Pub. L. 97–31, § 12(58)(B), Aug. 6, 1981, 95 Stat. 158.

The words "by this chapter", "after June 29, 1936", and "further" are omitted as unnecessary.

CHAPTER 5—OTHER GENERAL PROVISIONS

Sec.
501. Waiver of navigation and vessel-inspection laws.
502. Cargo exempt from forfeiture.
503. Notice of seizure.
504. Remission of fees and penalties.
505. Penalty for violating regulation or order.

SECTION 501

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
501	46 App.:3 note prec.	Dec. 27, 1950, ch. 1155, §§ 1, 2, 64 Stat. 1120.

In subsection (b), the words "When the head of an agency . . . considers it necessary" are substituted for "either upon his own ini-

tiative or upon the written recommendation of the head of any other Government agency, when he deems that such action is necessary" to eliminate unnecessary words.

SECTION 502

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
502	46 App.:326.	R.S. § 4378.

SECTION 503

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
503	46 App.:327.	R.S. § 4379.

SECTION 504

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
504	46:2108.	

This section replaces 46 U.S.C. 2108, which was enacted as part of the codification of subtitle II of title 46 in 1983. That provision was based on section 26 of the Act of June 26, 1884, ch. 121, 23 Stat. 59, which prior to the subtitle II codification appeared at 46 U.S.C. 8 (1982 ed.). In the enactment of 46 U.S.C. 2108, the scope of the 1884 provision was narrowed, presumably inadvertently. This section restores the remissions authority to its prior scope. Note that 19 C.F.R. § 4.24 (2003) still refers to "the authority to make refunds in accordance with section 26 of the Act of June 26, 1884 (46 U.S.C. 8)" as if that provision had not been replaced by 46 U.S.C. 2108 in 1983.

SECTION 505

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
505	46 App.:1228 (last par.).	June 29, 1936, ch. 858, title VIII, § 806(d); as added Aug. 4, 1939, ch. 417, § 13, 53 Stat. 1187; Pub. L. 97–31, § 12(125), Aug. 6, 1981, 95 Stat. 164.

SECTION 4—SUBTITLE II OF TITLE 46

Section 4 of the bill amends chapter 121 of title 46 to improve the organization and to add provisions of existing law which relate to vessel documentation. These provisions are currently in title 46 appendix and in statutory notes under sections in current chapter 121.

Throughout chapter 121, the word "Secretary" is substituted for "Secretary of Transportation" and "Secretary of the department in which the Coast Guard is operating" to incorporate the definition of "Secretary" in section 2101 of title 46, which is amended by section 14(2)(D) of the bill to strike the exception to part H. The Coast Guard was transferred to the Department of Homeland Security, except when operating as part of the Navy. See section 1 of title 14, as amended by section 1704(a) of the Homeland Security Act

of 2002 (Public Law 107–296, 116 Stat. 2314), and section 888(b) of that Act (116 Stat. 2249).

CHAPTER 121—DOCUMENTATION OF VESSELS

SUBCHAPTER I—GENERAL

Sec.
12101. Definitions.
12102. Vessels requiring documentation.
12103. General eligibility requirements.
12104. Applications for documentation.
12105. Issuance of documentation.
12106. Surrender of title and number.
12107. Wrecked vessels.

SUBCHAPTER II—ENDORSEMENTS AND SPECIAL DOCUMENTATION

12111. Registry endorsement.
12112. Coastwise endorsement.
12113. Fishery endorsement.
12114. Recreational endorsement.
12115. Temporary endorsement for vessels procured outside the United States.
12116. Limited endorsements for Guam, American Samoa, and Northern Mariana Islands.
12117. Oil spill response vessels.
12118. Owners engaged primarily in manufacturing or mineral industry.
12119. Owners engaged primarily in leasing or financing transactions.
12120. Liquified gas tankers.
12121. Small passenger vessels and uninspected passenger vessels.

SUBCHAPTER III—MISCELLANEOUS

12131. Command of documented vessels.
12132. Loss of coastwise trade privileges.
12133. Duty to carry certificate on vessel and allow examination.
12134. Evidentiary uses of documentation.
12135. Invalidation of certificates of documentation.
12136. Surrender of certificates of documentation.
12137. Recording of vessels built in the United States.
12138. List of documented vessels.
12139. Reports.

SUBCHAPTER IV—PENALTIES

12151. Penalties.
12152. Denial or revocation of endorsement for non-payment of civil penalty.

SUBCHAPTER I—GENERAL

SECTION 12101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12101(a)	46:12101(a)(2). 46 App.:883 (2d proviso related to meaning of "rebuilt").	June 5, 1920, ch. 250, § 27 (2d proviso related to meaning of "rebuilt"), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; July 14, 1956, ch. 600, § 1, 70 Stat. 544; Pub. L. 86–583, § 1, July 5, 1960, 74 Stat. 321; Pub. L. 100–239, § 6(c)(1), Jan. 11, 1988, 101 Stat. 1782.
12101(b)	46:12101(b).	

In subsection (a), the words "its territories" and "or its possessions" are omitted because of the definition of "United States" in chapter 1 of the revised title. The words "(not including trust territories)" are omitted because the Trust Territory of the Pacific Islands has terminated. See 48 U.S.C. 1681 note prec.

SECTION 12102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12102(a)	46:12106(b). 46:12108(b). 46:12110(a).	
12102(b)	46:12102(a) (related to tonnage).	
12102(c)	46:12110(b).	

SECTION 12103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12103(a)	46:12102(a) (less ownership), (b) (1st sentence).	
12103(b)	46:12102(a) (related to ownership)	
12103(c)	46:12102(b) (last sentence).	

SECTION 12104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12104(a)	46:12103(a) (related to filing by owner), (b)(1).	
12104(b)	46:12103(b)(2).	

SECTION 12105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12105(a)	46:12103(a) (less filing by owner).	
12105(b)	46:12103a.	
12105(c)	46:12103(c).	
12105(d)	46:12103(d).	

In subsection (b), the words "eligible under" are substituted for "if the applicant for the certificate of documentation meets the requirements set out in" for consistency in the chapter and to eliminate unnecessary words.

SECTION 12106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12106	46:12124	

SECTION 12107

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12107	46 App.:14 (words before last proviso).	R.S. § 4136 (words before last proviso); Feb. 24, 1915, ch. 57, 38 Stat. 812; Pub. L. 103–182, title VI, § 686(a)(4), Dec. 8, 1993, 107 Stat. 2220.

The words "The Secretary of Transportation may issue a certificate of documentation with a coastwise endorsement" and "when purchased by a citizen or citizens of the United States" are omitted

as unnecessary because section 12112, as revised by the bill, provides the requirements for a wrecked vessel to obtain a coastwise endorsement.

In subsection (c)(1), the words "or her possessions" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

SUBCHAPTER II—ENDORSEMENTS AND SPECIAL DOCUMENTATION

SECTION 12111

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12111(a)	46:12105(a).	
12111(b)	46:12105(b).	
12111(c)	46:12102(d).	

See section 12(b)(1) of the bill for an amendment to subsection (c)(3) of this section.

SECTION 12112

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12112(a)	46:12106(a).	
12112(b)	46:12106(b).	

In subsection (b), the word "only" is omitted because section 12102(a), as revised by the bill, contains a general requirement for appropriate documentation to engage in any trade.

SECTION 12113

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12113(a)	46:12108(a).	
12113(b)(1)	46:12108(b).	
12113(b)(2)	46:12102(c)(3).	
12113(c)(1)	46:12102(c)(1).	
12113(c)(2)	46:12102(c)(2).	
12113(c)(3)	46:12102(c)(4).	
12113(d)	46:12102(c)(5).	
12113(e)	46:12102 note.	Pub. L. 105–277, div. C, title II, § 203(c), Oct. 21, 1998, 112 Stat. 2681–619.
12113(f)	46:12102 note.	Pub. L. 105–277, div. C, title II, § 203(d), Oct. 21, 1998, 112 Stat. 2681–619.
12113(g)	46:12108(d).	
12113(h)	46:12102 note.	Pub. L. 105–277, div. C, title II, § 203(e), Oct. 21, 1998, 112 Stat. 2681–619.
12113(i)	46:12102 note.	Pub. L. 105–277, div. C, title II, § 203(b), Oct. 21, 1998, 112 Stat. 2681–619.

In subsection (b)(1), the word "only" is omitted because section 12102(a), as revised by the bill, contains a general requirement for appropriate documentation to engage in any trade.

In subsection (c)(1), the word "entity" is substituted for "corporation, partnership, association, trust, joint venture, limited liability company, limited liability partnership, or any other entity" to eliminate unnecessary words.

In subsection (e)(3), the words "After October 1, 2001" are omitted as obsolete.

In subsection (i), the first two sentences of section 203(b) of Public Law 105–277 are omitted as obsolete.

SECTION 12114

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12114(a)	46:12109(a).	
12114(b)	46:12109(c). 46:12110(c).	
12114(c)	46:12109(b).	

In subsection (c), the words "Secretary of Homeland Security" are substituted for "Customs Service" because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178).

SECTION 12115

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12115(a)	46:12112(a).	
12115(b)	46:12112(b) (1st sentence).	
12115(c)	46:12112(c).	
12115(d)	46:12112(b) (last sentence).	

SECTION 12116

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12116	46:12106(c). 46:12108(c).	

SECTION 12117

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12117	46:12106(d).	

SECTION 12118

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12118(a)(1)	46 App.:883–1 (1st par. words through cl. (e) less citizenship, 4th par. 1st sentence).	June 5, 1920, ch. 250, § 27A, as added Pub. L. 85–902, Sept. 2, 1958, 72 Stat. 1736; Pub. L. 104–88, title III, § 321(2), Dec. 29, 1995, 109 Stat. 950; Pub. L. 104–324, title VII, § 706, Oct. 19, 1996, 110 Stat. 3934.
12118(a)(2), (3)	46 App.:883–1 (2d par., 4th par. 2d sentence).	
12118(b)	46 App.:883–1 (1st par. related to citizenship).	
12118(c)	46 App.:883–1 (3d par. words before 5th comma).	
12118(d)(1)	46 App.:883–1 (3d par. words after 5th comma).	
12118(d)(2)	46 App.:883–1 (1st par. words after cl. (e)).	
12118(e)	46 App.:883–1 (last par.).	

SECTION 12118—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12118(f)	46 App.:883–1 (4th par. 3d–6th sentences).	

In this section, the word "Secretary" is substituted for "Secretary of the Treasury", thereby incorporating the definition of "Secretary" in section 2101 of title 46. The functions of the Secretary of the Treasury relating to the Coast Guard previously were transferred to the Secretary of Transportation by section 6(b) of the Department of Transportation Act (Pub. L. 89–670, Oct. 15, 1966, 80 Stat. 938). The Coast Guard and the functions of the Secretary of Transportation relating to the Coast Guard were again transferred to the Department of Homeland Security by section 888(b) of the Homeland Security Act of 2002 (Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135).

In subsection (a)(1), the words "seeking hereunder to document a vessel under the laws of the United States or to operate a vessel exempt from documentation under the laws of the United States" are omitted as unnecessary because of the reorganization of the section.

Subsection (d)(1)(B) is substituted for "together with their owners or masters, shall be entitled to all the other benefits and privileges and shall be subject to the same requirements, penalties, and forfeitures as may be applicable in the case of vessels built in the United States and otherwise documented or exempt from documentation under the laws of the United States" to eliminate unnecessary words.

In subsection (d)(2), the words before clause (A) are substituted for "no vessel owned by any such corporation shall engage in the fisheries or in the transportation of merchandise or passengers for hire between points in the United States, including Territories, Districts, and possessions thereof, embraced within the coastwise laws, except" to eliminate unnecessary words. See the definition of "United States" in chapter 1 of the revised title.

SECTION 12119

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12119(a)	46:12106(f)(4).	
12119(b)	46:12106(e)(1).	
12119(c)	46:12106(f)(1)–(3).	
12119(d)	46:12106(e)(2).	
12119(e)	46:12106(e)(3).	
12119(f)	46:12106(e)(4).	

In subsection (b), in clause (1), the words "satisfies the requirements for a coastwise endorsement, except for the ownership requirement otherwise applicable without regard to this section" are substituted for "otherwise eligible for documentation under this section" in 46 U.S.C. 12106(e)(1)(E) for clarity. Clause (A) of 46 U.S.C. 12106(e)(1) is omitted as redundant to the general requirements in revised section 12112 on coastwise endorsements.

In subsection (c)(3), the words "documented with a coastwise endorsement" are substituted for "documented under this section" because former section 12106 is being divided into multiple sections.

Subsection (e) is substituted for "(3) Upon termination by a demise charterer required under paragraph (1)(C), the coastwise endorsement of the vessel may, in the sole discretion of the Secretary, be continued after the termination for default of the demise charter for a period not to exceed 6 months on such terms and conditions as the Secretary may prescribe" for clarity and to eliminate unnecessary words.

SECTION 12120

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12120	46 App.:883 note.	Pub. L. 104–324, title VII, § 1120(f), Oct. 19, 1996, 110 Stat. 3978.

The words "Notwithstanding section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1156)" are omitted as unnecessary. The words "the Commonwealth of" are omitted as unnecessary and for consistency in the revised title.

SECTION 12121

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12121	46:12106 note.	Pub. L. 105–383, title V, §§ 502–504, Nov. 13, 1998, 112 Stat. 3445; Pub. L. 107–295, title II, § 207(c)(2), Nov. 25, 2002, 116 Stat. 2097.

The definition of "Secretary" is omitted for consistency in the chapter.

SUBCHAPTER III—MISCELLANEOUS

SECTION 12131

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12131	46:12110(d).	

SECTION 12132

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12132	46 App.:883 (1st proviso, 2d proviso less meaning of "rebuilt").	June 5, 1920, ch. 250, § 27 (1st proviso, 2d proviso less meaning of "rebuilt"), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; July 14, 1956, ch. 600, § 1, 70 Stat. 544; Pub. L. 86–583, § 1, July 5, 1960, 74 Stat. 321; Pub. L. 100–239, § 6(c)(1), Jan. 11, 1988, 101 Stat. 1782; Pub. L. 104–324, title XI, § 1120(e), Oct. 19, 1996, 110 Stat. 3978.

The definition of "rebuilt" in the second proviso is restated in section 12101.

SECTION 12133

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12133	46:12103(e).	

SECTION 12133—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	46 App.:277.	R.S. § 4336; Aug. 5, 1935, ch. 438, title III, § 312, 49 Stat. 528; Pub. L. 85–237, § 2, Aug. 30, 1957, 71 Stat. 518; Pub. L. 103–182, title VI, § 686(a)(5), Dec. 8, 1993, 107 Stat. 2220.

This section consolidates and clarifies the requirements contained in the source provisions. The specific civil penalties are omitted as unnecessary because of the general civil penalty in section 12151(a) of the revised title. See also 19 U.S.C. 1581.

SECTION 12134

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12134	46:12104.	

SECTION 12135

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12135	46:12111(a).	

In clause (2), the words "except for a recreational endorsement" are omitted as unnecessary because a recreational endorsement does not permit a vessel to engage in a trade.

SECTION 12136

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12136(a)	46:12111(b).	
12136(b)(1)	46:12111(d)(2).	
12136(b)(2)	46:12111(c)(3).	
12136(b)(3)	46:12111(d)(1).	
12136(c)(1)	46:12111(c)(1).	
12136(c)(2)	46:12111(c)(2).	

In subsection (a), the words "or a certificate with an invalid endorsement" are added for clarity.

SECTION 12137

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12137	46:12117.	

SECTION 12138

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12138(a)	46:12119.	
12138(b)	46:12119 note.	Pub. L. 107–295, title IV, § 403, Nov. 25, 2002, 116 Stat. 2114.

In subsection (b), the word "Secretary" is substituted for "Secretary of Transportation" for consistency in the chapter.

SECTION 12139

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12139(a)	46:12120.	
12139(b)	46 App.:883a (1st sentence).	July 14, 1956, ch. 600, § 2 (1st sentence), 70 Stat. 544; Pub. L. 86–583, § 2, July 5, 1960, 74 Stat. 321; Pub. L. 104–324, title VII, § 707, Oct. 19, 1996, 110 Stat. 3934.

In subsection (b)(1), the word "Secretary" is substituted for "Secretary of the Treasury", thereby incorporating the definition of "Secretary" in section 2101 of title 46. The functions of the Secretary of the Treasury relating to the Coast Guard previously were transferred to the Secretary of Transportation by section 6(b) of the Department of Transportation Act (Pub. L. 89–670, Oct. 15, 1966, 80 Stat. 938). The Coast Guard and the functions of the Secretary of Transportation relating to the Coast Guard were again transferred to the Department of Homeland Security by section 888(b) of the Homeland Security Act of 2002 (Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135). The words "rebuilt outside the United States" are substituted for "and any part of the rebuilding, including the construction of major components of the hull and superstructure of the vessel, is not effected within the United States, its Territories (not including trust territories) or its possessions" because of the definition of "rebuilt" in section 12101, and the definition of "United States" in chapter 1, of the revised title.

SUBTITLE IV—PENALTIES

SECTION 12151

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12151(a)	46:12122(a).	
12151(b)	46:12122(b).	
	46 App.:14 (last proviso).	R.S. § 4136 (last proviso); Feb. 24, 1915, ch. 57, 38 Stat. 812; Pub. L. 103–182, title VI, § 686(a)(4), Dec. 8, 1993, 107 Stat. 2220.
	46 App.:883a (2d, last sentences).	July 14, 1956, ch. 600, § 2 (2d, last sentences), 70 Stat. 544; Pub. L. 86–583, § 2, July 5, 1960, 74 Stat. 321.
12151(c)	46:12122(c).	

In subsection (b), in restating 46 App. U.S.C. 883a (2d, last sentences), the penalty of $200 for the owner and master of the vessel is omitted because subsection (a) provides a general civil penalty for violation of this chapter. The authority to remit or mitigate a penalty under section 2107(b) is omitted because section 2107(b) applies to subtitle II and this section is in subtitle II.

SECTION 12152

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
12152	46:12123.	

SECTIONS 5 TO 10—SUBTITLES III TO VIII OF TITLE 46

Sections 5 to 10 of the bill enact provisions in subtitles III to VIII of title 46, explained as follows:

Subtitle III—Maritime Liability

Chapter		Sec.
301.	**General Liability Provisions**	**30101**
303.	**Death on the High Seas**	**30301**
305.	**Exoneration and Limitation of Liability**	**30501**
307.	**Liability of Water Carriers**	**30701**
309.	**Suits in Admiralty Against United States Government**	**30901**
311.	**Suits Involving Public Vessels**	**31101**
313.	**Commercial Instruments and Maritime Liens**	**31301**

CHAPTER 301—GENERAL LIABILITY PROVISIONS

Sec.
30101. Extension of jurisdiction to cases of damage or injury on land.
30102. Liability to passengers.
30103. Liability of master, mate, engineer, and pilot.
30104. Personal injury to or death of seamen.
30105. Restriction on recovery by non-citizens and non-resident aliens for incidents in waters of other countries.
30106. Time limit on bringing action.

SECTION 30101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30101	46 App.:740.	June 19, 1948, ch. 526, 62 Stat. 496.

In subsections (b) and (c), the words "civil action" are substituted for "suit" for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (c)(1), the words "for all causes of action arising after June 19, 1948, and for all causes of action where suit has not been hitherto filed under the Federal Tort Claims Act" are omitted as obsolete.

SECTION 30102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30102	46 App.:491 (words before semicolon).	R.S. § 4493 (words before semicolon).

In subsection (a), before clause (1), the words "or either of them" are omitted as unnecessary. The words "are liable for personal injury to a passenger or damage to a passenger's baggage" are substituted for "Whenever damage is sustained by any passenger or his baggage" and "shall be liable to each and every person so injured" for clarity and to eliminate unnecessary words. The words "from explosion, fire, collision, or other cause" are omitted as unnecessary. The words "caused by" are substituted for "if it happens through" to eliminate unnecessary words. In clause (1), the words "part B or F of subtitle II of this title" are substituted for "title 52 of the Revised Statutes" because of the prior codification of subtitle II of title 46. In clause (2), the word "imperfections" is omitted as included in "defect".

Subsection (b) is substituted for "to the full amount of damage" for clarity. See *Hines v. Butler*, 278 F. 877, 880, 881 (4th Cir. 1921), cert. denied, 257 U.S. 659 (1922); *The Annie Faxon*, 75 F. 312, 317–319 (9th Cir. 1896).

SECTION 30103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30103	46 App.:491 (words after semicolon).	R.S. § 4493 (words after semicolon).

Before clause (1), the words "bring a civil action" are substituted for "sue" for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). In clause (1), the word "carelessness" is omitted as included in "negligence".

SECTION 30104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30104(a)	46 App.:688(a) (1st sentence).	Mar. 4, 1915, ch. 153, § 20(a), 38 Stat. 1185; June 5, 1920, ch. 250, § 33, 41 Stat. 1007; Pub. L. 97–389, title V, § 503(a)(1), Dec. 29, 1982, 96 Stat. 1955.
30104(b)	46 App.:688(a) (last sentence).	

In subsection (a), the words "A seaman injured in the course of employment or, if the seaman dies from the injury, the personal representative of the seaman" are substituted for "Any seaman who shall suffer personal injury in the course of his employment" and "in case of the death of any seaman as a result of any such personal injury the personal representative" to eliminate unnecessary words. The words "bring a civil action" are substituted for "maintain an action" for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words "for damages" are omitted as unnecessary. The words "against the employer" are added for clarity. The words "Laws of the United States regulating recovery for personal injury to, or death of, a railway employee" are substituted for "all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees" and "all statutes of the United States conferring or regulating the right of action for death in the case of railway employees" to eliminate unnecessary words.

In subsection (b), the words "An action under this section shall be brought" are substituted for "Jurisdiction in such actions shall be under" because 46 App. U.S.C. 688(a) (last sentence) provides for venue, not jurisdiction. *Panama R.R. Co. v. Johnson*, 264 U.S. 375 (1924). As to the relationship between 46 App. U.S.C. 688(a) (last sentence) and 28 U.S.C. 1391(c), see *Pure Oil Co. v. Suarez*, 384 U.S. 202 (1966).

SECTION 30105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30105(a)	46 App.:688(b)(1) (last sentence).	Mar. 4, 1915, ch. 153, § 20(b), as added Pub. L. 97–389, title V, § 503(a)(2), Dec. 29, 1982, 96 Stat. 1955.
30105(b)	46 App.:688(b)(1) (less last sentence).	
30105(c)	46 App.:688(b)(2).	

In subsection (b), before clause (1), the words "civil action" are substituted for "action" for consistency with rule 2 of the Federal

Rules of Civil Procedure (28 App. U.S.C.). The words "under subsection (a) of this section or under any other" are omitted as unnecessary. In clause (2), the words "its territories, or possessions" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title. In clause (3), the word "person" is substituted for "enterprise" for consistency in the revised title.

SECTION 30106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30106	46 App.:763a.	Pub. L. 96–382, § 1, Oct. 6, 1980, 94 Stat. 1525.

The words "civil action" are substituted for "suit" for consistency with rule 2 of the Federal Rules or Civil Procedure (28 App. U.S.C.). The words "or both" are omitted as unnecessary. The words "must be brought" are substituted for "shall not be maintained unless commenced" for clarity and consistency. The word "arose" is substituted for "accrued" for consistency in the revised title.

CHAPTER 303—DEATH ON THE HIGH SEAS

Sec.
30301. Short title.
30302. Cause of action.
30303. Amount and apportionment of recovery.
30304. Contributory negligence.
30305. Death of plaintiff in pending action.
30306. Foreign cause of action.
30307. Commercial aviation accidents.
30308. Nonapplication.

SECTION 30301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30301	46 App.:761 note.	

SECTION 30302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30302	46 App.:761(a).	Mar. 30, 1920, ch. 111, § 1(a), 41 Stat. 537; Pub. L. 106–181, title IV, § 404(a)(1), Apr. 5, 2000, 114 Stat. 131.

The words "Subject to subsection (b) of this section" are omitted as unnecessary. The words "United States" are substituted for "any State, or the District of Columbia, or the Territories or dependencies of the United States" because of the definition of "United States" in chapter 1 of the revised title. The words "bring a civil action" are substituted for "maintain a suit" for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words "for damages" are omitted as unnecessary. The words "in the district courts of the United States" are omitted as unnecessary because of 28 U.S.C. 1333. The words "person or vessel" are substituted for "vessel, person, or corporation" because of 1 U.S.C. 1. The word "responsible" is substituted for "which would have been liable if death had not ensued" to eliminate unnecessary words.

SECTION 30303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30303	46 App.:762(a).	Mar. 30, 1920, ch. 111, § 2(a), 41 Stat. 537; Pub. L. 106–181, title IV, § 404(b)(1), Apr. 5, 2000, 114 Stat. 131.

The words "and just" are omitted as redundant to "fair". The words "each has sustained" are substituted for "they may severally have suffered by reason of the death of the person by whose representative the suit is brought" to eliminate unnecessary words.

SECTION 30304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30304	46 App.:766.	Mar. 30, 1920, ch. 111, § 6, 41 Stat. 537.

SECTION 30305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30305	46 App.:765.	Mar. 30, 1920, ch. 111, § 5, 41 Stat. 537.

The words "If a civil action in admiralty is pending in a court of the United States to recover for personal injury caused by wrongful act, neglect, or default described in section 30302 of this title, and the individual dies during the action as a result of the wrongful act, neglect, or default" are substituted for "If a person die [sic] as the result of such wrongful act, neglect, or default as is mentioned in section 761 of this Appendix during the pendency in a court of admiralty of the United States of a suit to recover damages for personal injuries in respect of such act, neglect, or default" to eliminate unnecessary words. The words "the plaintiff" are substituted for "a party" to be more precise.

SECTION 30306

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30306	46 App.:764.	Mar. 30, 1920, ch. 111, § 4, 41 Stat. 537.

The words "a civil action in admiralty may be brought in a court of the United States based on the foreign cause of action" are substituted for "such right may be maintained in an appropriate action in admiralty in the courts of the United States" for clarity and consistency. The words "any statute of the United States to the contrary notwithstanding" are omitted as unnecessary.

SECTION 30307

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30307(a)	46 App.:762(b)(2).	Mar. 30, 1920, ch. 111, §§ 1(b), 2(b); as added Pub. L. 106–181, title IV, § 404(a)(2), (b)(2), Apr. 5, 2000, 114 Stat. 131.
30307(b)	46 App.:762(b)(1).	
30307(c)	46 App.:761(b).	

In subsections (b) and (c), the words "the United States" are substituted for "any State, or the District of Columbia, or the Terri-

tories or dependencies of the United States" because of the definition of "United States" in chapter 1 of the revised title.

In subsection (b), the words "of a decedent" are omitted as unnecessary.

In subsection (c), the words "if the death resulted from a commercial aviation accident occurring on the high seas" are substituted for "In the case of a commercial aviation accident, whenever the death of a person shall be caused by wrongful act, neglect, or default occurring on the high seas" for consistency with subsection (b) and to eliminate unnecessary words. The words "and the rules applicable under Federal, State, and other appropriate law shall apply" are omitted as unnecessary.

SECTION 30308

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30308	46 App.:767.	Mar. 30, 1920, ch. 111, § 7, 41 Stat. 538.

In subsection (a), the words "law of a State" are substituted for "any State statute" for consistency in the revised title. The words "regulating the right to recover for death" are substituted for "giving or regulating rights of action or remedies for death" to eliminate unnecessary words.

In subsection (b), the words "Panama Canal" are substituted for "Panama Canal Zone" because of 22 U.S.C. 3602.

CHAPTER 305—EXONERATION AND LIMITATION OF LIABILITY

Sec.
30501. Definition.
30502. Application.
30503. Declaration of nature and value of goods.
30504. Loss by fire.
30505. General limit of liability.
30506. Limit of liability for personal injury or death.
30507. Apportionment of losses.
30508. Provisions requiring notice of claim or limiting time for bringing action.
30509. Provisions limiting liability for personal injury or death.
30510. Vicarious liability for medical malpractice.
30511. Action by owner for limitation.
30512. Liability as master, officer, or seaman not affected.

SECTION 30501

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30501	46 App.:186.	R.S. § 4286.

The words "In this chapter" are substituted for "within the meaning of the provisions of title 48 of the Revised Statutes relating to the limitation of the liability of the owners of vessels" because of the codification of title 46, United States Code. The word "supplies" is substituted for "victual" for clarity. The words "and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof" are omitted as unnecessary.

SECTION 30502

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30502	46 App.:188.	R.S. § 4289; Feb. 18, 1875, ch. 80, § 1 (related to R.S. § 4289), 18 Stat. 320; June 19, 1886, ch. 421, § 4, 24 Stat. 80; June 5, 1936, ch. 521, § 4, 49 Stat. 1481.

SECTION 30503

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30503	46 App.:181.	R.S. § 4281.

In subsection (a), the words "load" and "loading" are substituted for "lade" and "lading" to use more common terminology. The words "person receiving the item" are substituted for "master, clerk, agent, or owner of such vessel receiving the same" to eliminate unnecessary words. The words "thereof in any form or manner" and "and according to the character thereof so notified and" are omitted as unnecessary.

In subsection (b), the words "precious metals" are substituted for "platina, gold, gold dust, silver, . . . or other precious metals, . . . gold or silver in a manufactured or unmanufactured state", the words "precious stones" are substituted for "diamonds, or other precious stones", the words "watches, clocks" are substituted for "watches, clocks, or timepieces of any description", the words "coins, bills, securities" are substituted for "bullion, . . . coins, . . . bills of any bank or public body, . . . orders, notes, or securities for the payment of money", the word "papers" is substituted for "writings, title deeds", and the word "silks" is substituted for "silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with any other material", to eliminate unnecessary words. The words "and similar items of high value and small size" are added to ensure that any of the items specifically named in the source but omitted in the revised section, or similar items, will be covered by this section.

SECTION 30504

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30504	46 App.:182.	R.S. § 4282.

The words "liable for" are substituted for "liable to answer for or make good to any person", the words "merchandise on the vessel" are substituted for "any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel", and the words "caused by a fire on the vessel" are substituted for "by reason or by means of any fire happening to or on board the vessel", to eliminate unnecessary words.

SECTION 30505

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30505	46 App.:183(a).	R.S. § 4283(a); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1479.

SECTION 30505—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	46 App.:189	June 26, 1884, ch. 121, § 18, 23 Stat. 57.

In subsection (a), the words "Except as provided in section 30506 of this title" are substituted for "except in the cases provided for in subsection (b) of this section" because 46 App. U.S.C. 183(b) is restated in section 30506 of the revised title. The words "whether American or foreign" are omitted as unnecessary because of section 30502 of the revised title. The words "any claim arising from any cause, on account of that ownership" are substituted for "any embezzlement, loss, or destruction by any person of any property, goods, or merchandise shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, loss, damage, or forfeiture, done, occasioned, or incurred," in 46 App. U.S.C. 183(a) and for "any or all debts and liabilities" in 46 App. U.S.C. 189 to eliminate unnecessary words. The words "shall not exceed the value of the vessel and pending freight" are substituted for "shall not . . . exceed the amount or value of . . . such vessel, and her freight then pending" in 46 App. U.S.C. 183(a) and for "the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessels and freight pending" in 46 App. U.S.C. 189 for consistency and to eliminate unnecessary words. The last sentence is substituted for "the interest of such owner in" in 46 App. U.S.C. 183(a) and for "The individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole" for clarity and consistency. The words "*Provided*, That this provision shall not prevent any claimant from joining all the owners in one action" in 46 App. U.S.C. 189 are omitted as unnecessary.

Subsection (b) is substituted for "nor shall the same apply to wages due to persons employed by said shipowners" in 46 App. U.S.C. 189 because of the reorganization of the source provisions.

SECTION 30506

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30506(a)	46 App.:183(f) (related to 46 App.:183(b)–(e)).	
30506(b)	46 App.:183(b) (1st sentence).	R.S. § 4283(b) (1st sentence); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1479; Pub. L. 98–498, title II, § 213(a), Oct. 19, 1984, 98 Stat. 2306.
30506(c)	46 App.:183(c).	R.S. § 4283(c)–(f) (related to R.S. § 4283(b)–(e)); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1480.
30506(d)	46 App.:183(d).	
30506(e)	46 App.:183(e).	

Subsection (a) is written as an application provision rather than as a definition to be more direct and to avoid having to repeat the word "seagoing" throughout the section. The words "fishing vessel, fish tender vessel" are substituted for "fishing vessels or their tenders" for clarity. The words "nondescript vessel" are substituted for "nondescript self-propelled vessels" and "nondescript non-self-

propelled vessels" to eliminate unnecessary words. The words "self-propelled lighters" are omitted as covered by "lighter". The words "even though the same may be seagoing vessels within the meaning of such term as used in section 188 of this Appendix, as amended" are omitted as unnecessary. This provision is restated also at section 30508(a) of the revised title.

In subsection (b), the words "is such that the portion available to pay claims for personal injury or death" are substituted for "is insufficient to pay all losses in full, and the portion of such amount applicable to the payment of losses in respect of loss of life or bodily injury" to eliminate unnecessary words.

In subsection (c), the words "self-propelled vessel" are substituted for "steam or motor vessel", and the words "tonnage for documentation" are substituted for "registered tonnage", for consistency in the revised title. The words "space for the use of seamen" are substituted for "space occupied by seamen or apprentices and appropriated to their use" to eliminate unnecessary words.

In subsection (d), the words "Separate limits of liability apply" are substituted for "The owner . . . shall be liable . . . to the same extent as if no other loss of life or bodily injury had arisen" to eliminate unnecessary words.

In subsection (e), the words "the privity or knowledge . . . is imputed to the owner" are substituted for "shall be deemed conclusively the privity or knowledge of the owner" for consistency and to eliminate unnecessary words. The words "or of the superintendent" are omitted for consistency.

SECTION 30507

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30507	46 App.:183(b) (last sentence).	R.S. § 4283(b) (last sentence); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1479; Pub. L. 98–498, title II, § 213(a), Oct. 19, 1984, 98 Stat. 2306.
	46 App.:184.	R.S. § 4284; Feb. 27, 1877, ch. 69, § 1 (related to R.S. § 4284), 19 Stat. 251.

This section is substituted for 46 App. U.S.C. 183(b) (last sentence) and 184 (words before semicolon) for clarity and consistency and to eliminate unnecessary words. The text of 46 App. U.S.C. 184 (words after semicolon) is omitted as unnecessary. See G. Gilmore & C. Black, *The Law of Admiralty*, § 10–8 (2d ed. 1975).

SECTION 30508

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30508(a)	46 App.:183(f) (related to 46 App.:183b).	R.S. § 4283(f) (related to R.S. § 4283A); Aug. 29, 1935, ch. 804, § 1, 49 Stat. 960; June 5, 1936, ch. 521, § 1, 49 Stat. 1480.
30508(b)	46 App.:183b(a).	R.S. § 4283A, as added Aug. 29, 1935, ch. 804, § 3, 49 Stat. 960.
30508(c)	46 App.:183b(b).	
30508(d)	46 App.:183b(c).	

For an explanation of subsection (a), see the revision notes for section 30506(a), where 46 App. U.S.C. 183(f) is also restated.

In subsection (b), before clause (1), the words "sea-going vessel (other than tugs, barges, fishing vessels and their tenders)" are

omitted because of subsection (a) of this section. The word "merchandise" is omitted as covered by "property". The words "between ports in the United States, or between a port in the United States and a port in a foreign country" are substituted for "from or between ports of the United States and foreign ports" for clarity and for consistency with section 30509(a)(1) of the revised title. See *Burstein v. United States Lines Co.*, 43 F. Supp. 226 (S.D.N.Y. 1942), rev'd on other grounds, 134 F.2d 89 (2d Cir. 1943). The word "rule" is omitted as covered by "regulation". In clause (1), the words "after the date of the injury or death" are added for clarity and consistency with clause (2).

In subsection (c), before clause (1), the words "When notice of a claim for personal injury or death is required by a contract, the failure to give the notice" are substituted for "Failure to give such notice, where lawfully prescribed in such contract" for clarity. In clause (1), the words "the court finds" are stated at the beginning rather than the middle to be more precise. The word "damage" is omitted as unnecessary. In clause (2), the words "the court finds there was a satisfactory reason" are substituted for "the court excuses such failure on the ground that for some satisfactory reason" to eliminate unnecessary words.

In subsection (d), before clause (1), the word "claimant" is substituted for "person who is entitled to recover on any such claim" to eliminate unnecessary words. The word "lawful" is omitted as unnecessary. The words "is tolled until" are substituted for "shall not be applicable so long as" and "but shall be applicable from" for clarity and to eliminate unnecessary words.

SECTION 30509

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30509	46 App.:183c.	R.S. § 4283B, as added June 5, 1936, ch. 521, § 2, 49 Stat. 1480; Oct. 19, 1996, Pub. L. 104–324, § 1129(b), 110 Stat. 3984.

In subsection (a)(1), before clause (A), the words "may not" are substituted for "It shall be unlawful" for consistency in the revised title and with other titles of the United States Code. The words "rule" and "agreement" are omitted as covered by "regulation" and "contract", respectively. The words "a provision limiting" are substituted for "any provision or limitation (1) purporting . . . to relieve . . . , or (2) purporting . . . to lessen, weaken, or avoid" to eliminate unnecessary words. In clause (A), the words "the owner's employees or agents" are substituted for "his servants" for consistency in the revised title. In clause (B), the words "by court of competent jurisdiction on the question of liability for such loss or injury, or the measure of damages therefor" are omitted as unnecessary.

Subsection (b)(2) is substituted for 46 App. U.S.C. 183c (last sentence) for consistency and to eliminate unnecessary words.

SECTION 30510

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30510	46 App.:183(g).	R.S. § 4283(g); Pub. L. 104–324, § 1129(a), Oct. 19, 1996, 110 Stat. 3984.

The words "civil action" are substituted for "suit" for consistency in the revised title. The words "is entitled to rely on any statutory" are substituted for "shall be entitled to rely upon any and all statutory" to eliminate unnecessary words.

SECTION 30511

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30511	46 App.:185.	R.S. § 4285; June 5, 1936, ch. 521, § 3, 49 Stat. 1480.

In subsection (a), the words "bring a civil action . . . in a district court of the United States" are substituted for "petition a district court of the United States" for consistency in the revised title and with other titles of the United States Code. See rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words "of competent jurisdiction" are omitted as unnecessary.

In subsection (b), the words "at his option" are omitted as unnecessary. The word "pending" before "freight" is added for consistency in the chapter. The words "to carry out this chapter" are substituted for "to carry out the provisions of section 183 of this Appendix" because of the reorganization of the source provisions.

SECTION 30512

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30512	46 App.:187.	R.S. § 4287.

This section is substituted for the source provision for consistency with the restatement of 46 App. U.S.C. 183(a) and 189 in section 30505 and to eliminate unnecessary words. The reference in the source to particular sections is extended to include the entire chapter to simplify the reference and to conform to the obvious original policy and intent of the source provision.

CHAPTER 307—LIABILITY OF WATER CARRIERS

Sec.
30701. Definition.
30702. Application.
30703. Bills of lading.
30704. Loading, stowage, custody, care, and delivery.
30705. Seaworthiness.
30706. Defenses.
30707. Civil penalty.

SECTION 30701

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30701	(no source).	

This chapter codifies the Act of February 13, 1893 (ch. 105, 27 Stat. 445) (commonly known as the Harter Act). Changes are made to simplify, clarify, and modernize the language and style, but the intent is that these changes should not result in changes in substance.

A definition of "carrier" is added based on language appearing in various provisions of the Harter Act. The definition avoids the need

to repeat in various sections of this chapter the list of persons to whom the requirements and restrictions of this chapter apply, and it ensures that the list of persons is consistent in the chapter.

SECTION 30702

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30702(a)	(no source).	
30702(b)	(no source).	
30702(c)	46 App.:195.	Feb. 13, 1893, ch. 105, § 7, 27 Stat. 446.

Subsection (a) is added based on language appearing in various source provisions restated in this chapter. The word "carriage" is substituted for "transporting", and the word "goods" is substituted for "merchandise or property", to use the same terminology as in the Carriage of Goods By Sea Act (Apr. 16, 1936, ch. 229, 49 Stat. 1207). The words "to or from any port in the United States" are substituted for "from or between ports of the United States and foreign ports" in 46 App. U.S.C. 190 and 193, "from or between ports of the United States of America and foreign ports" in 46 App. U.S.C. 191, and "to or from any port in the United States of America" in 46 App. U.S.C. 192, for clarity and consistency. See *Knott v. Botany Mills*, 179 U.S. 69 (1900).

Subsection (b) is added to ensure that the relationship between this chapter, which codifies and replaces the Harter Act, is the same as the pre-codification relationship between the Harter Act and the Carriage of Goods By Sea Act. See also section 16(d) of the bill, which provides that "[f]or purposes of determining whether one provision of law supersedes another based on enactment later in time, the date of enactment of a provision codified by this Act is deemed to remain unchanged, continuing to be the date of enactment of the underlying provision that is codified". The Carriage of Goods By Sea Act is not being included in this codification bill to avoid any possible misperception by any other nation that the United States is revising that law, which is a concern in light of current international negotiations relating to the carriage of goods by sea. That Act will remain untouched by this bill and (following enactment of this bill) will be reprinted in the United States Code in its current statutory form as a note under the first section of this chapter.

SECTION 30703

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30703	46 App.:193.	Feb. 13, 1893, ch. 105, § 4, 27 Stat. 445.

In subsection (a), the words "transporting merchandise or property from or between ports of the United States and foreign ports" are omitted because of section 30702(a) of the revised title. The word "lawful" (which modifies "merchandise") is omitted as unnecessary.

In subsection (b)(2), the words "or weight" are added for consistency with the requirement to state whether it is the carrier's or shipper's weight.

In subsection (b)(3), the word "order" is omitted as redundant to "condition". The words "delivered to and received by . . . for transportation" are omitted as unnecessary.

SECTION 30704

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30704	46 App.:190.	Feb. 13, 1893, ch. 105, § 1, 27 Stat. 445.

The words "transporting merchandise or property from or between ports of the United States and foreign ports" are omitted because of section 30702(a) of the revised title. The words "may not" are substituted for "It shall not be lawful . . . to", the word "provision" is substituted for "clause, covenant, or agreement", and the word "improper" is substituted for "negligence, fault, or failure in proper", to eliminate unnecessary words. The words "any and all lawful" and "committed to its or their charge" are omitted as unnecessary. The words "Any such provision is void" are substituted for "Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect" to eliminate unnecessary words.

SECTION 30705

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30705	46 App.:191.	Feb. 13, 1893, ch. 105, § 2, 27 Stat. 445.

In subsection (a), before clause (1), the words "transporting merchandise or property from or between ports of the United States of America and foreign ports" are omitted because of section 30702(a) of the revised title. The words "may not" are substituted for "It shall not be lawful . . . to", the word "provision" is substituted for "covenant or agreement", and the words "lessening or avoiding its obligation" are substituted for "whereby the obligations . . . shall in any wise be lessened, weakened, or avoided", to eliminate unnecessary words.

In clause (1), the words "and capable of performing her intended voyage" are omitted as unnecessary.

In clause (2), the word "supply" is substituted for "provision, and outfit" to eliminate unnecessary words.

The words "or whereby the obligations of the master, officers, agents, or servants to carefully handle and stow her cargo and to care for and properly deliver same" are omitted as covered by section 30704 of the revised title.

Subsection (b) is added for clarity and for consistency with section 30704 of the revised title.

SECTION 30706

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30706	46 App.:192.	Feb. 13, 1893, ch. 105, § 3, 27 Stat. 445.

This section is restated as two subsections to clarify that the exercise of due diligence in making the vessel seaworthy is a condition only to the defense of error in navigation or management restated in subsection (a). See *May v. Hamburg-Amerikanische*

Packetfahrt Aktiengesellschaft (The Isis), 290 U.S. 333, 353 (1933). The words "transporting merchandise or property to or from any port in the United States of America" are omitted because of section 30702(a) of the revised title.

SECTION 30707

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30707	46 App.:194.	Feb. 13, 1893, ch. 105, § 5, 27 Stat. 446.

In subsection (a), the words "civil penalty" are substituted for "penalty" for consistency in the revised title. The words "and who refuses to issue on demand the bill of lading herein provided for" are omitted as unnecessary.

In subsection (b), the words "A civil action in rem to enforce the lien may be brought in the district court of the United States for any district in which the vessel is found" are substituted for "such vessel may be libeled therefor in any district court of the United States" for clarity and to modernize the language.

CHAPTER 309—SUITS IN ADMIRALTY AGAINST UNITED STATES GOVERNMENT

Sec.
30901. Short title.
30902. Definition.
30903. Waiver of immunity.
30904. Exclusive remedy.
30905. Period for bringing action.
30906. Venue.
30907. Security.
30908. Procedure for hearing and determination.
30909. Exoneration and limitation.
30910. Costs and interest.
30911. Arbitration, compromise, or settlement.
30912. Payment of judgment or settlement.
30913. Exemption from arrest or seizure.
30914. Release of privately owned vessel after seizure.
30915. Seizures and other proceedings in foreign jurisdictions.
30916. Recovery by United States Government for salvage services.
30917. Disposition of amounts recovered by United States Government.
30918. Reports.

SECTION 30901

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30901	46 App.:741 note.	

SECTION 30902

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30902	46 App.:741 (11th–26th words).	Mar. 9, 1920, ch. 95, § 1 (11th–26th words), 41 Stat. 525.

The term "federally-owned corporation" is defined in this section and used in this chapter to avoid repeating the substance of the definition in several sections in this chapter. The words "or its representatives" are omitted as unnecessary.

SECTION 30903

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30903	46 App.:742 (1st, 3d sentences).	Mar. 9, 1920, ch. 95, § 2 (1st, 3d sentences), 41 Stat. 525; Pub. L. 86–770, § 3, Sept. 13, 1960, 74 Stat. 912; Pub. L. 104–324, title XI, § 1105, Oct. 19, 1996, 110 Stat. 3967.

In subsection (a), the words "civil action" are substituted for "proceeding" and "libel" because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.) and for consistency in the chapter. The words "in rem or in personam in any district" are omitted as unnecessary. The words "admiralty claim" are substituted for "cross libel" for consistency in this chapter and with the various means of asserting a claim (such as by counterclaim or cross-claim) allowed by the Federal Rules of Civil Procedure. The words "with the same force and effect as if the libel had been filed by a private party" are omitted as unnecessary.

Subsection (b) is substituted for the word "nonjury" to clarify that the nonjury requirement applies to any claim against the Government or a federally-owned corporation under this section regardless of which party brings the action.

SECTION 30904

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30904	46 App.:745 (1st proviso).	Mar. 9, 1920, ch. 95, § 5 (1st proviso), 41 Stat. 526; June 30, 1932, ch. 315, 47 Stat. 420; Dec. 13, 1950, ch. 1136, 64 Stat. 1112.

The words "an officer, employee, or agent of the United States Government or a federally-owned corporation" are substituted for "the agent or employee of the United States or of any incorporated or unincorporated agency thereof" for consistency in this chapter and to eliminate unnecessary words.

SECTION 30905

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30905	46 App.:745 (words before 1st proviso).	Mar. 9, 1920, ch. 95, § 5 (words before 1st proviso), 41 Stat. 526; June 30, 1932, ch. 315, 47 Stat. 420; Dec. 13, 1950, ch. 1136, 64 Stat. 1112.

SECTION 30906

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30906(a)	46 App.:742 (2d sentence).	Mar. 9, 1920, ch. 95, § 2 (2d, last sentences), 41 Stat. 526.
30906(b)	46 App.:742 (last sentence).	

In subsection (a)(1), the words "in the United States" are omitted as unnecessary.

In subsection (a)(2), the words "charged with liability" are omitted as unnecessary.

In subsection (b), the words "in the discretion of the court" are omitted as unnecessary. For general change of venue provision, see 28 U.S.C. 1404.

SECTION 30907

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30907	46 App.:743 (last sentence).	Mar. 9, 1920, ch. 95, § 3 (last sentence), 41 Stat. 526; Pub. L. 97–31, § 12(25)(A), Aug. 6, 1981, 95 Stat. 155.

The words "civil action" are substituted for "proceeding" for consistency in this chapter and with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

SECTION 30908

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30908(a)	46 App.:743 (1st, 4th sentences).	Mar. 9, 1920, ch. 95, § 3 (1st, 4th–6th sentences), 41 Stat. 526.
30908(b)	46 App.:743 (5th, 6th sentences).	

In subsection (a), the text of 46 App. U.S.C. 743 (4th sentence) is omitted as unnecessary.

In subsection (b)(1)(A), the words "plaintiff" and "complaint" are substituted for "libelant" and "libel", respectively, for consistency with the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (b)(2), the words "in any proper case" are omitted as unnecessary.

SECTION 30909

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30909	46 App.:746.	Mar. 9, 1920, ch. 95, § 6, 41 Stat. 527.

SECTION 30910

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30910	46 App.:743 (2d, 3d sentences).	Mar. 9, 1920, ch. 95, § 3 (2d, 3d sentences), 41 Stat. 526.
	46 App.:745 (last proviso).	Mar. 9, 1920, ch. 95, § 5 (last proviso), 41 Stat. 526; June 30, 1932, ch. 315, 47 Stat. 420; Dec. 13, 1950, ch. 1136, 64 Stat. 1112.

In subsection (a), the words "and when the decree is for a money judgment" are omitted as unnecessary. The words "except that interest is not allowable for the period before the action is filed" are substituted for "*And provided further*, That after June 30, 1932, no interest shall be allowed on any claim prior to the time when suit on such claim is brought as authorized by section 742 of this Appendix" to eliminate unnecessary words.

Subsection (b) is substituted for "or at any higher rate which shall be stipulated in any contract upon which such decree shall be based" in 46 App. U.S.C. 743 and "unless upon a contract expressly stipulating for the payment of interest" in 46 App. U.S.C. 745 (last proviso) for clarity and consistency.

SECTION 30911

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30911	46 App.:749.	Mar. 9, 1920, ch. 95, § 9, 41 Stat. 527; Pub. L. 92–417, § 3, Aug. 29, 1972, 86 Stat. 656; Pub. L. 97–31, § 12(25)(C), Aug. 6, 1981, 95 Stat. 155.

The words "authorized by this chapter" are substituted for "in which suit will lie under the provisions of sections 742, 744, and 750 of this Appendix" to eliminate unnecessary words.

SECTION 30912

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30912	46 App.:748.	Mar. 9, 1920, ch. 95, § 8, 41 Stat. 527.

SECTION 30913

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30913	46 App.:741 (less 11th–26th words).	Mar. 9, 1920, ch. 95, § 1 (less 11th–26th words), 41 Stat. 525; Sept. 26, 1950, ch. 1049, § 2(a)(2), 64 Stat. 1038; Pub. L. 96–70, § 3(b)(5), Sept. 27, 1979, 93 Stat. 455.

The words "a federally-owned corporation" are substituted for "any corporation in which the United States or its representatives shall own the entire outstanding capital stock" because of the definition of "federally-owned corporation" in section 30902 of the revised title. The words "after March 9, 1920" are omitted as obsolete. The words "in view of the provision herein made for a libel in personam" are omitted as unnecessary. The words "or its possessions" are omitted because of the definition of "United States" in chapter 1 of the revised title. The words "*Provided*, That this chapter shall not apply to the Panama Canal Commission" are omitted because the Commission has been dissolved. See 22 U.S.C. 3714a.

SECTION 30914

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30914	46 App.:744.	Mar. 9, 1920, ch. 95, § 4, 41 Stat. 526.

The words "on a statement" are substituted for "upon the suggestion" as more appropriate.

SECTION 30915

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30915	46 App.:747.	Mar. 9, 1920, ch. 95, § 7, 41 Stat. 527; Pub. L. 97–31, § 12(25)(B), Aug. 6, 1981, 95 Stat. 155.

In this section, references to the Maritime Administration are omitted as unnecessary.

In subsection (a), before clause (1), the words "or in connection with", "of the United States in his discretion", and "duly" are omitted as unnecessary. In clause (1), the words "as by said court required" are omitted as unnecessary.

In subsection (b)(1), the words "firm, or corporation" are omitted as included in "person" as defined in 1 U.S.C. 1.

Subsection (b)(2) is substituted for "to pledge the credit of the United States to the indemnification of such surety or stipulator as may be required to secure the execution of such bond or stipulation" to eliminate unnecessary words.

In subsection (c), the words "may pay" are substituted for "presentation . . . shall be sufficient evidence . . . for the allowance and payment" to eliminate unnecessary words.

SECTION 30916

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30916	46 App.:750.	Mar. 9, 1920, ch. 95, § 10, 41 Stat. 528; Pub. L. 97–31, § 12(25)(D), Aug. 6, 1981, 95 Stat. 155.

In subsection (a), the words "may bring a civil action to recover" are substituted for "shall have the right to collect and sue" for consistency in this chapter and to eliminate unnecessary words.

SECTION 30917

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30917	46 App.:751.	Mar. 9, 1920, ch. 95, § 11, 41 Stat. 528; Pub. L. 97–31, § 12(25)(D), Aug. 6, 1981, 95 Stat. 155.

The words "or in connection with" and "with respect to which such cause of action arises" are omitted as unnecessary.

SECTION 30918

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
30918	46 App.:752.	Mar. 9, 1920, ch. 95, § 12, 41 Stat. 528; Aug. 30, 1954, ch. 1076, § 1(26), 68 Stat. 968; Pub. L. 97–31, § 12(25)(E), Aug. 6, 1981, 95 Stat. 155.

CHAPTER 311—SUITS INVOLVING PUBLIC VESSELS

Sec.
31101. Short title.
31102. Waiver of immunity.
31103. Applicable procedure.
31104. Venue.
31105. Security when counterclaim filed.
31106. Exoneration and limitation.
31107. Interest.
31108. Arbitration, compromise, or settlement.
31109. Payment of judgment or settlement.
31110. Subpoenas to officers or members of crew.
31111. Claims by nationals of foreign countries.
31112. Lien not recognized or created.
31113. Reports.

SECTION 31101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31101	46 App.:781 note.	

SECTION 31102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31102(a)	46 App.:781.	Mar. 3, 1925, ch. 428, § 1, 43 Stat. 1112.
31102(b)	46 App.:783 (words before proviso).	Mar. 3, 1925, ch. 428, § 3 (words before proviso), 43 Stat. 1112.

In this section, the words "civil action" are substituted for "libel" because of rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (a), the words "*Provided*, That the cause of action arose after the 6th day of April, 1920" are omitted as unnecessary.

In subsection (b), the words "in rem or in personam" are omitted as unnecessary. The words "file a counterclaim in personam, or claim a setoff" are substituted for "file a cross libel in personam or claim a set-off or counterclaim" to conform to the terminolgy in the Federal Rules of Civil Procedure and to eliminate unnecessary words. The words "for damages arising out of the same subject matter" are substituted for "in such suit for and on account of any damages arising out of the same subject matter or cause of action" to eliminate unnecessary words.

SECTION 31103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31103	46 App.:782 (last sentence words before last comma).	Mar. 3, 1925, ch. 428, § 2 (last sentence words before last comma), 43 Stat. 1112.

SECTION 31104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31104	46 App.:782 (1st sentence).	Mar. 3, 1925, ch. 428, § 2 (1st sentence), 43 Stat. 1112.

In subsection (a), the words "charged with creating the liability" are omitted as unnecessary.

In subsection (b)(2), the words "in the United States" are omitted as unnecessary.

SECTION 31105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31105	46 App.:783 (proviso).	Mar. 3, 1925, ch. 428, § 3 (proviso), 43 Stat. 1112.

The word "counterclaim" is substituted for "cross-libel", and the words "original action" are substituted for "original libel", to conform to the terminolgy in the Federal Rules of Civil Procedure (28 App. U.S.C.).

SECTION 31106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
31106	46 App.:789.	Mar. 3, 1925, ch. 428, § 9, 43 Stat. 1113.

SECTION 31107

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31107	46 App.:782 (last sentence words after last comma).	Mar. 3, 1925, ch. 428, § 2 (last sentence words after last comma), 43 Stat. 1112.

SECTION 31108

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31108	46 App.:786.	Mar. 3, 1925, ch. 428, § 6, 43 Stat. 1113.

The words "authorized by this chapter" are substituted for "on which a libel or cross libel would lie under the provisions of this chapter" to eliminate unnecessary words.

SECTION 31109

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31109	46 App.:787.	Mar. 3, 1925, ch. 428, § 7, 43 Stat. 1113.

Reference to an arbitration award is added for consistency with sections 30912 and 31108 of the revised title.

SECTION 31110

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31110	46 App.:784.	Mar. 3, 1925, ch. 428, § 4, 43 Stat. 1112.

SECTION 31111

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31111	46 App.:785.	Mar. 3, 1925, ch. 428, § 5, 43 Stat. 1113.

SECTION 31112

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31112	46 App.:788.	Mar. 3, 1925, ch. 428, § 8, 43 Stat. 1113.

SECTION 31113

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
31113	46 App.:790.	Mar. 3, 1925, ch. 428, § 10, 43 Stat. 1113; Aug. 30, 1954, ch. 1076, § 1(26), 68 Stat. 968.

CHAPTER 313—COMMERCIAL INSTRUMENTS AND MARITIME LIENS

This chapter was enacted by Public Law 100–710, title I, § 102(c), Nov. 23, 1988, 102 Stat. 4739.

Subtitle IV—Regulation of Ocean Shipping

PART A—OCEAN SHIPPING

Chapter		Sec.
401.	**General**	**40101**
403.	**Agreements**	**40301**
405.	**Tariffs, Service Contracts, Refunds, and Waivers**	**40501**
407.	**Controlled Carriers**	**40701**
409.	**Ocean Transportation Intermediaries**	**40901**
411.	**Prohibitions and Penalties**	**41101**
413.	**Enforcement**	**41301**

PART B—ACTIONS TO ADDRESS FOREIGN PRACTICES

421.	**Regulations Affecting Shipping in Foreign Trade**	**42101**
423.	**Foreign Shipping Practices**	**42301**

PART C—MISCELLANEOUS

441.	**Evidence of Financial Responsibility for Passenger Transportation**	**44101**

PART A—OCEAN SHIPPING

CHAPTER 401—GENERAL

Sec.
40101. Purposes.
40102. Definitions.
40103. Administrative exemptions.
40104. Reports filed with the Commission.

SECTION 40101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40101	46 App.:1701.	Pub. L. 98–237, § 2, Mar. 20, 1984, 98 Stat. 67; Pub. L. 105–258, title I, § 101, Oct. 14, 1998, 112 Stat. 1902.

SECTION 40102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40102(1)	46 App.:1702(1).	Pub. L. 98–237, § 3, Mar. 20, 1984, 98 Stat. 67; Pub. L. 99–307, § 11, May 19, 1986, 100 Stat. 447; Pub. L. 105–258, title I, § 102, Oct. 14, 1998, 112 Stat. 1902; Pub. L. 105–383, title IV, § 424(d), Nov. 13, 1998, 112 Stat. 3441.
40102(2)	46 App.:1702(2).	
40102(3)	46 App.:1702(3).	
40102(4)	46 App.:1702(4).	
40102(5)	46 App.:1702(6) (last sentence).	
40102(6)	46 App.:1702(6) (1st sentence).	
40102(7)	46 App.:1702(7).	
40102(8)	46 App.:1702(8).	
40102(9)	46 App.:1702(9).	
40102(10)	46 App.:1702(10).	
40102(11)	46 App.:1702(11).	
40102(12)	46 App.:1702(12).	
40102(13)	46 App.:1702(13).	
40102(14)	46 App.:1702(14).	
40102(15)	46 App.:1702(15).	

SECTION 40102—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40102(16)	46 App.:1702(17)(B).	
40102(17)	46 App.:1702(16).	
40102(18)	46 App.:1702(17)(A).	
40102(19)	46 App.:1702(17) (1st sentence).	
40102(20)	46 App.:1702(19).	
40102(21)	46 App.:1702(20).	
40102(22)	46 App.:1702(21).	
40102(23)	46 App.:1702(22).	
40102(24)	46 App.:1702(23).	
40102(25)	46 App.:1702(24).	

In the definition of "service contract", the words "The contract may also specify provisions in the event of nonperformance on the part of any party" are omitted as unnecessary and inappropriate for a definition.

In the definition of "shipper", the words "non-vessel-operating common carrier" are substituted for "ocean transportation intermediary, as defined in paragraph (17)(B) of this section" because paragraph (17)(B) contains a definition of "non-vessel-operating common carrier" which is restated as a separate definition.

The definition of "Commission" is omitted because the full name of the Federal Maritime Commission is used the first time the Commission is referred to in each section. The definition of "person" is omitted as unnecessary because of 1 U.S.C. 1. The definition of "United States" is omitted because the term is defined in chapter 1 of the revised title for purposes of the title.

SECTION 40103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40103	46 App.:1715.	Pub. L. 98–237, § 16, Mar. 20, 1984, 98 Stat. 84; Pub. L. 105–258, title I, § 114, Oct. 14, 1998, 112 Stat. 1912.

SECTION 40104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40104	46 App.:1714.	Pub. L. 98–237, § 15, Mar. 20, 1984, 98 Stat. 84; Pub. L. 98–595, § 3(b)(3), Oct. 30, 1984, 98 Stat. 3133; Pub. L. 105–258, title I, § 113, Oct. 14, 1998, 112 Stat. 1912.

CHAPTER 403—AGREEMENTS

Sec.
40301. Application.
40302. Filing requirements.
40303. Content requirements.
40304. Commission action.
40305. Assessment agreements.
40306. Nondisclosure of information.
40307. Exemption from antitrust laws.

SECTION 40301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40301(a)	46 App.:1703(a).	Pub. L. 98–237, § 4, Mar. 20, 1984, 98 Stat. 70; Pub. L. 105–258, title I, § 103, Oct. 14, 1998, 112 Stat. 1904.
40301(b)	46 App.:1703(b).	
40301(c)	46 App.:1703(c).	
40301(d)	46 App.:1704(f).	Pub. L. 98–237, § 5(e) (last sentence), (f), Mar. 20, 1984, 98 Stat. 70; Pub. L. 104–88, title III, § 335(c)(2), Dec. 29, 1995, 109 Stat. 954; Pub. L. 105–258, title I, § 104(a)(2), (b), Oct. 14, 1998, 112 Stat. 1904, 1905.
40301(e)	46 App.:1704(e) (last sentence).	

SECTION 40302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40302	46 App.:1704(a).	Pub. L. 98–237, § 5(a), Mar. 20, 1984, 98 Stat. 70; Pub. L. 98–595, § 3(b)(1), Oct. 30, 1984, 98 Stat. 3132.

SECTION 40303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40303(a)	46 App.:1704(c).	Pub. L. 98–237, § 5(b)–(d), Mar. 20, 1984, 98 Stat. 70; Pub. L. 105–258, title I, § 104(a), Oct. 14, 1998, 112 Stat. 1904.
40303(b)	46 App.:1704(b).	
40303(c)	46 App.:1704(d).	
40303(d)	46 App.:1704(g).	Pub. L. 98–237, § 5(g), Mar. 20, 1984; as added Pub. L. 105–383, title IV, § 424(a), Nov. 13, 1998, 112 Stat. 3440.

In subsection (c)(8), the word "calendar" is omitted as unnecessary.

SECTION 40304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40304(a)	46 App.:1705(a).	Pub. L. 98–237, § 6(a)–(f), Mar. 20, 1984, 98 Stat. 72.
40304(b)	46 App.:1705(b).	
40304(c)	46 App.:1705(c) (1st sentence).	
40304(d)	46 App.:1705(d).	
40304(e)(1)	46 App.:1705(e).	
40304(e)(2)	46 App.:1705(c) (last sentence).	
40304(f)	46 App.:1705(f).	

SECTION 40305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40305	46 App.:1704(e) (less last sentence).	Pub. L. 98–237, § 5(e) (less last sentence), Mar. 20, 1984, 98 Stat. 70; Pub. L. 105–258, title I, § 104(a)(2), (b)(1), Oct. 14, 1998, 112 Stat. 1904, 1905.

SECTION 40306

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40306	46 App.:1705(j).	Pub. L. 98–237, § 6(j), Mar. 20, 1984, 98 Stat. 73.

The words "judicial proceeding" are substituted for "judicial action or proceeding" to eliminate unnecessary words.

SECTION 40307

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40307	46 App.:1706.	Pub. L. 98–237, § 7, Mar. 20, 1984, 98 Stat. 73; Pub. L. 105–258, title I, § 105, Oct. 14, 1998, 112 Stat. 1905.

Subsection (a)(1) is substituted for "any agreement that has been filed under section 1704 of this Appendix and is effective under section 1704(d) [redesignated as (e)] or section 1705 of this Appendix" for clarity and to eliminate unnecessary words.

Subsection (a)(2) is substituted for "any agreement that . . . is exempt under section 1715 of this Appendix from any requirement of this chapter" in 46 App. U.S.C. 1706(a)(1) for clarity.

In subsection (a)(7), the words "subject to section 1719(e)(2) of this Appendix" are omitted as obsolete.

CHAPTER 405—TARIFFS, SERVICE CONTRACTS, REFUNDS, AND WAIVERS

Sec.
40501. General rate and tariff requirements.
40502. Service contracts.
40503. Refunds and waivers.

SECTION 40501

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40501(a)	46 App.:1707(a)(1) (1st, 2d sentences).	Pub. L. 98–237, § 8(a), (b), (d), (f), (g), Mar. 20, 1984, 98 Stat. 74; Pub. L. 105–258, title I, § 106(a), (c), (e), (f), Oct. 14, 1998, 112 Stat. 1905, 1907.
40501(b)	46 App.:1707(a)(1) (last sentence).	
40501(c)	46 App.:1707(a)(2).	
40501(d)	46 App.:1707(b).	
40501(e)	46 App.:1707(d).	
40501(f)	46 App.:1707(f).	
40501(g)	46 App.:1707(g).	

In subsection (b)(3), the words "ocean freight forwarder" are substituted for "ocean transportation intermediary, as defined in section 1702(17)(A) of this Appendix" because the definition of "ocean transportation intermediary" in section 1702(17)(A) contains a definition of "ocean freight forwarder" which is restated as a separate definition.

In subsection (e), the word "calendar" is omitted as unnecessary.

In subsection (f)(1), the words "subject to section 1709(d) of this Appendix" are omitted as unnecessary.

SECTION 40502

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40502(a)	46 App.:1707(c)(1) (1st sentence).	Pub. L. 98–237, § 8(c), Mar. 20, 1984, 98 Stat. 75; restated Pub. L. 105–258, title I, § 106(b), Oct. 14, 1998, 112 Stat. 1905.
40502(b)	46 App.:1707(c)(2) (1st sentence).	
40502(c)	46 App.:1707(c)(2) (last sentence).	
40502(d)	46 App.:1707(c)(3).	
40502(e)	46 App.:1707(c)(4).	
40502(f)	46 App.:1707(c)(1) (2d, last sentences).	

In subsection (e)(5), the words "the National Labor Relations Act [29 U.S.C. 151 et seq.], the Taft-Hartley Act [29 U.S.C. 141 et seq.], the Federal Trade Commission Act [15 U.S.C. 41 et seq.], the antitrust laws" are omitted as unnecessary because of the reference to "any other Federal or State law".

SECTION 40503

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40503	46 App.:1707(e).	Pub. L. 98–237, § 8(e), Mar. 20, 1984, 98 Stat. 75; Pub. L. 105–258, title I, § 106(d), Oct. 14, 1998, 112 Stat. 1907.

In clause (1), the words "an error in a tariff, a failure to publish a new tariff" are substituted for "an error in a, in failing to publish a new tariff" to correct an obvious error in the underlying statute.

In clause (2), the words "or waive" are added for consistency with the reference to a waiver later in the clause.

CHAPTER 407—CONTROLLED CARRIERS

Sec.
40701. Rates.
40702. Rate standards.
40703. Effective date of rates.
40704. Commission review.
40705. Presidential review of Commission orders.
40706. Exceptions.

SECTION 40701

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40701	46 App.:1708(a).	Pub. L. 98–237, § 9(a), Mar. 20, 1984, 98 Stat. 76; Pub. L. 102–100, § 5(a), Aug. 17, 1991, 105 Stat. 492; Pub. L. 105–258, title I, § 108(1)–(4), Oct. 14, 1998, 112 Stat. 1908.

SECTION 40702

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40702	46 App.:1708(b).	Pub. L. 98–237, § 9(b), Mar. 20, 1984, 98 Stat. 76; Pub. L. 105–258, title I, § 108(5)–(7), Oct. 14, 1998, 112 Stat. 1908.

SECTION 40703

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40703	46 App.:1708(c) (1st sentence).	Pub. L. 98–237, § 9(c) (1st sentence), Mar. 20, 1984, 98 Stat. 76; Pub. L. 102–100, § 5(b), Aug. 17, 1991, 105 Stat. 492; Pub. L. 105–258, title I, § 108(8), Oct. 14, 1998, 112 Stat. 1908.

SECTION 40704

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40704	46 App.:1708(c) (last sentence), (d).	Pub. L. 98–237, § 9(c) (last sentence), (d), Mar. 20, 1984, 98 Stat. 76; Pub. L. 105–258, title I, § 108(9)–(15), Oct. 14, 1998, 112 Stat. 1908.

In subsection (d)(1), the words "in a proceeding under subsection (c)" are substituted for "in such a proceeding" for clarity.

SECTION 40705

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40705	46 App.:1708(e).	Pub. L. 98–237, § 9(e), Mar. 20, 1984, 98 Stat. 77; Pub. L. 105–258, title I, § 108(16), Oct. 14, 1998, 112 Stat. 1909.

In subsection (b), the words "Notwithstanding any other law" are omitted as unnecessary.

SECTION 40706

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40706	46 App.:1708(f).	Pub. L. 98–237, § 9(f), Mar. 20, 1984, 98 Stat. 77; Pub. L. 105–258, title I, § 108(17)–(19), Oct. 14, 1998, 112 Stat. 1909.

In clause (1), the words "foreign country" are substituted for "state" for clarity and consistency.

CHAPTER 409—OCEAN TRANSPORTATION INTERMEDIARIES

Sec.
40901. License requirement.
40902. Financial responsibility.
40903. Suspension or revocation of license.
40904. Compensation by common carriers.

SECTION 40901

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40901(a)	46 App.:1718(a).	Pub. L. 98–237, § 19(a), (d), Mar. 20, 1984, 98 Stat. 87, 88; Pub. L. 105–258, title I, § 116, Oct. 14, 1998, 112 Stat. 1912.
40901(b)	46 App.:1718(d).	

SECTION 40902

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40902	46 App.:1718(b).	Pub. L. 98–237, § 19(b), Mar. 20, 1984; added Pub. L. 105–258, title I, § 116(4), Oct. 14, 1998, 112 Stat. 1913.

In subsection (b), in clauses (2) and (3), the words "described in section 1702(17) of this Appendix" are omitted as unnecessary.

SECTION 40903

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40903	46 App.:1718(c).	Pub. L. 98–237, § 19(c), Mar. 20, 1984, 98 Stat. 88; Pub. L. 105–258, title I, § 116, Oct. 14, 1998, 112 Stat. 1912.

In subsection (a)(2), the words "lawful" and "rule" are omitted as unnecessary.

SECTION 40904

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
40904	46 App.:1718(e).	Pub. L. 98–237, § 19(e), Mar. 20, 1984, 98 Stat. 88; Pub. L. 105–258, title I, § 116, Oct. 14, 1998, 112 Stat. 1912.

In this section, the words "ocean freight forwarder" are substituted for "ocean transportation intermediary, as defined in section 1702(17)(A) of this Appendix" and "ocean transportation intermediary" because the definition of "ocean transportation intermediary" in section 1702(17)(A) contains a definition of "ocean freight forwarder" which is restated as a separate definition.

In subsection (d)(1), the word "calendar" is omitted as unnecessary.

CHAPTER 411—PROHIBITIONS AND PENALTIES

Sec.
41101. Joint ventures and consortiums.
41102. General prohibitions.
41103. Disclosure of information.
41104. Common carriers.
41105. Concerted action.
41106. Marine terminal operators.
41107. Monetary penalties.
41108. Additional penalties.
41109. Assessment of penalties.

SECTION 41101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41101	46 App.:1709(e).	Pub. L. 98–237, § 10(e), Mar. 20, 1984, 98 Stat. 80.

SECTION 41102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41102(a)	46 App.:1709(a)(1).	Pub. L. 98–237, § 10(a), Mar. 20, 1984, 98 Stat. 77.

SECTION 41102—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41102(b)	46 App.:1709(a)(2), (3).	
41102(c)	46 App.:1709(d)(1).	Pub. L. 98–237, § 10(d)(1), Mar. 20, 1984, 98 Stat. 77; Pub. L. 105–258, title I, § 109(c)(2), Oct. 14, 1998, 112 Stat. 1909.

SECTION 41103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41103(a)	46 App.:1709(b)(13), (d)(3) (related to (b)(13)), (5).	Pub. L. 98–237, § 10(b)(13), (words after cl. (13)), (d)(3) (related to (b)(13)), (5), Mar. 20, 1984, 98 Stat. 79, 80; Pub. L. 101–595, title VII, § 710(c)(1), (2), Nov. 16, 1990, 104 Stat. 2997; Pub. L. 105–258, title I, § 109(a)(10), (11), (16), (17), (c)(3), Oct. 14, 1998, 112 Stat. 1910, 1911.
41103(b)	46 App.:1709(b) (next–to–last sentence).	
41103(c)	46 App.:1709(b) (last sentence).	

In subsection (a), the words "marine terminal operator, or ocean freight forwarder" are added because of 46 App. U.S.C. 1709(d)(3) and (5). The words "ocean freight forwarder" are substituted for "ocean transportation intermediaries, as defined by section 1702(17)(A) of this Appendix" in 46 App. U.S.C. 1709(d)(5) because the definition of "ocean transportation intermediary" in section 1702(17)(A) contains a definition of "ocean freight forwarder" which is restated as a separate definition.

In subsection (b), the words "does not prevent" are substituted for "Nothing . . . shall be construed to prevent" to eliminate unnecessary words.

In subsection (c)(1), the words "may give information" are substituted for "Nor shall it be prohibited . . . to give information" to eliminate unnecessary words. The words "firm, corporation" are omitted as unnecessary because firms and corporations are persons.

In subsection (c)(2), the words "may not prevent" are substituted for "Nor shall it be prohibited . . . to prevent" to reflect the probable intent of Congress. The words "but the use of such information for any other purpose prohibited by this chapter or any other Act is prohibited" are omitted as unnecessary.

SECTION 41104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41104	46 App.:1709(b)(1)–(12).	Pub. L. 98–237, § 10(b)(1)–(12), Mar. 20, 1984, 98 Stat. 77; Pub. L. 101–595, title VII, § 710(c), Nov. 16, 1990, 104 Stat. 2997; Pub. L. 102–251, title II, § 201(b), Mar. 9, 1992, 106 Stat. 60; Pub. L. 105–258, title I, § 109(a), Oct. 14, 1998, 112 Stat. 1909; Pub. L. 105–383, title IV, § 424(b), Nov. 13, 1998, 112 Stat. 3441.

SECTION 41105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41105	46 App.:1709(c).	Pub. L. 98–237, § 10(c), Mar. 20, 1984, 98 Stat. 77; Pub. L. 105–258, title I, § 109(b), Oct. 14, 1998, 112 Stat. 1910; Pub. L. 105–383, title IV, § 424(b), Nov. 13, 1998, 112 Stat. 3441.

In clause (5), the words "ocean freight forwarder" are substituted for "ocean transportation intermediary, as defined by section 1702(17)(A) of this Appendix" because the definition of "ocean transportation intermediary" in section 1702(17)(A) contains a definition of "ocean freight forwarder" which is restated as a separate definition.

SECTION 41106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41106(1)	46 App.:1709(d)(2).	Pub. L. 98–237, § 10(d)(2), (3) (related to (b)(10)), (4), Mar. 20, 1984, 98 Stat. 77; Pub. L. 105–258, title I, § 109(c), Oct. 14, 1998, 112 Stat. 1910.
41106(2)	46 App.:1709(d)(4).	
41106(3)	46 App.:1709(d)(3) (related to (b)(10)).	

SECTION 41107

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41107	46 App.:1712(a).	Pub. L. 98–237, § 13(a), Mar. 20, 1984, 98 Stat. 82; Pub. L. 105–258, title I, § 112(a), Oct. 14, 1998, 112 Stat. 1911.

In subsection (b), the words "is subject to an action in rem to enforce the lien" are substituted for "may be libeled therefore" to modernize the language.

SECTION 41108

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41108(a)	46 App.:1712(b)(1).	Pub. L. 98–237, § 13(b), Mar. 20, 1984, 98 Stat. 82; Pub. L. 105–258, title I, § 112(b), Oct. 14, 1998, 112 Stat. 1911.
41108(b)	46 App.:1712(b)(3).	
41108(c)	46 App.:1712(b)(2), (4), (5).	
41108(d)	46 App.:1712(b)(6).	
	46 App.:1710a(h) (related to 1712(b)(6)).	Pub. L. 100–418, title X, § 10002(h) (related to § 13(b)(6)), Aug. 23, 1988, 102 Stat. 1572; Pub. L. 105–258, title I, § 111(7), Oct. 14, 1998, 112 Stat. 1911.
41108(e)	46 App.:1712(b)(7).	

In subsection (c)(1)(B), the words "Secretary of Homeland Security" are substituted for "Secretary of the Treasury" because the functions of the Secretary of the Treasury relating to the Customs Service were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178).

SECTION 41109

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41109(a)	46 App.:1712(c) (1st, last sentences).	Pub. L. 98–237, § 13(c)–(f), Mar. 20, 1984, 98 Stat. 82; Pub. L. 105–258, title I, § 112(c), Oct. 14, 1998, 112 Stat. 1912.
41109(b)	46 App.:1712(c) (2d sentence).	
41109(c)	46 App.:1712(f)(1) (1st sentence).	
41109(d)	46 App.:1712(f)(1) (last sentence).	
41109(e)	46 App.:1712(f)(2).	
41109(f)	46 App.:1712(d).	
41109(g)	46 App.:1712(e).	

CHAPTER 413—ENFORCEMENT

Sec.
41301. Complaints.
41302. Investigations.
41303. Discovery and subpoenas.
41304. Hearings and orders.
41305. Award of reparations.
41306. Injunctive relief sought by complainants.
41307. Injunctive relief sought by the Commission.
41308. Enforcement of subpoenas and orders.
41309. Enforcement of reparation orders.

SECTION 41301

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41301(a)	46 App.:1710(a), (g) (related to time limit).	Pub. L. 98–237, § 11(a), (b), (g) (related to time limit), Mar. 20, 1984, 98 Stat. 80; Pub. L. 98–595, § 3(b)(2), Oct. 30, 1984, 98 Stat. 3132; Pub. L. 105–258, title I, § 110, Oct. 14, 1998, 112 Stat. 1911.
41301(b)	46 App.:1710(b) (1st sentence).	
41301(c)	46 App.:1710(b) (last sentence).	

In subsection (a), the words "If the complaint is filed within 3 years after the claim accrues" are substituted for "For any complaint filed within 3 years after the cause of action accrued" in 46 App. U.S.C. 1710(g) to alert the reader to that time limitation.

SECTION 41302

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41302(a)	46 App.:1710(c) (1st, 3d sentences).	Pub. L. 98–237, § 11(c)–(f), Mar. 20, 1984, 98 Stat. 80.
41302(b)	46 App.:1710(c) (2d sentence).	
41302(c)	46 App.:1710(d).	
41302(d)	46 App.:1710(e).	
41302(e)	46 App.:1710(f).	

SECTION 41303

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
41303	46 App.:1711.	Pub. L. 98–237, § 12, Mar. 20, 1984, 98 Stat. 81.

In subsection (a)(1), the words "may subpoena witnesses and evidence" are substituted for "may by subpena compel the attendance of witnesses and the production of books, papers, documents, and other evidence" to eliminate unnecessary words.

In subsection (a)(2), the words "shall conform to the Federal Rules of Civil Procedure (28 App. U.S.C.)" are substituted for "shall be in conformity with the rules applicable in civil proceedings in the district courts of the United States" for clarity.

SECTION 41304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41304(a)	46 App.:1713(a) (1st sentence).	Pub. L. 98–237, § 14(a), (b), Mar. 20, 1984, 98 Stat. 83.
41304(b)	46 App.:1713(b) (1st sentence 1st–12th words).	
41304(c)	46 App.:1713(b) (1st sentence 13th–last words, last sentence).	
41304(d)	46 App.:1713(a) (last sentence).	

In subsection (a), the words "upon sworn complaint or on its own motion" are omitted as unnecessary.

SECTION 41305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41305	46 App.:1710(g) (less time limit).	Pub. L. 98–237, § 11(g) (less time limit), Mar. 20, 1984, 98 Stat. 80; Pub. L. 98–595, § 3(b)(2), Oct. 30, 1984, 98 Stat. 3132; Pub. L. 105–258, title I, § 110, Oct. 14, 1998, 112 Stat. 1911.

In subsection (b), the words "within the period specified in section 41301(a) of this title" are substituted for "within 3 years after the cause of action accrued" because the time limit is restated in section 41301(a) instead of in this section. The words "upon petition of the complainant" are omitted as unnecessary. The words "after notice and hearing" are omitted as unnecessary because of section 41304(a) of the revised title.

SECTION 41306

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41306	46 App.:1710(h)(2).	Pub. L. 98–237, § 11(h)(2), Mar. 20, 1984, 98 Stat. 81.

SECTION 41307

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41307(a)	46 App.:1710(h)(1).	Pub. L. 98–237, § 11(c) (last sentence), (h)(1), Mar. 20, 1984, 98 Stat. 80, 81.
41307(b)(1)	46 App.:1705(g), (h) (1st sentence).	Pub. L. 98–237, § 6(g)–(i), (k), Mar. 20, 1984, 98 Stat. 72, 73.
	46 App.:1710(c) (last sentence).	
41307(b)(2)	46 App.:1705(h) (2d sentence).	

SECTION 41307—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41307(b)(3)	46 App.:1705(h) (3d, last sentences).	
41307(c)	46 App.:1705(i).	
41307(d)	46 App.:1705(k).	

SECTION 41308

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41308(a)	46 App.:1713(c).	Pub. L. 98–237, § 14(c), (e), Mar. 20, 1984, 98 Stat. 83, 84.
41308(b)	46 App.:1713(e).	

In subsection (a), the words "subpoena or" are added in the second sentence for consistency in the subsection. The words "by an appropriate injunction or other process, mandatory or otherwise" are omitted as unnecessary. The words "regularly made and duly issued" are substituted for "properly made and duly issued" for consistency in the subtitle.

SECTION 41309

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
41309(a)	46 App.:1713(d)(1).	Pub. L. 98–237, § 14(d), (e), Mar. 20, 1984, 98 Stat. 83, 84.
41309(b)	46 App.:1713(d)(3).	
41309(c)	46 App.:1713(d)(2) (1st sentence 1st–23d words).	
41309(d)	46 App.:1713(d)(2) (1st sentence 24th–last words, last sentence).	
41309(e)	46 App.:1713(e).	

PART B—ACTIONS TO ADDRESS FOREIGN PRACTICES

CHAPTER 421—REGULATIONS AFFECTING SHIPPING IN FOREIGN TRADE

Sec.
42101. Regulations of the Commission.
42102. Regulations of other agencies.
42103. No preference to Government-owned vessels.
42104. Information, witnesses, and evidence.
42105. Disclosure to public.
42106. Other actions to remedy unfavorable conditions.
42107. Refusal of clearance and entry.
42108. Penalty for operating under suspended tariff or service contract.
42109. Consultation with other agencies.

SECTION 42101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42101(a)	46 App.:876(a)(2).	June 5, 1920, ch. 250, § 19(a)(2), (e), 41 Stat. 995; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(46), Aug. 6, 1981, 95 Stat. 157; Pub. L. 101–595, title I, § 103, Nov. 16, 1990, 104 Stat. 2979; Pub. L. 102–587, title VI, § 6205(b), Nov. 4, 1992, 106 Stat. 5094; Pub. L. 105–258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.
	46 App.:1710a(h) (related to 876(a)(2)).	Pub. L. 100–418, title X, § 10002(h) (related to § 19(b)(1)(b)), Aug. 23, 1988, 102 Stat. 1572; Pub. L. 105–258, title I, § 111(7), Oct. 14, 1998, 112 Stat. 1911.
42101(b)	46 App.:876(e).	

In subsection (a), the word "shall" is substituted for "is authorized and directed", and the words "prescribe regulations" are substituted for "make rules and regulations", for consistency in the revised title and to eliminate unnecessary words. The text of 46 App. U.S.C. 1710a(h), insofar as it relates to 46 App. U.S.C. 876(a)(2), is omitted as unnecessary because this chapter already provides for the same remedies as those authorized by the omitted provision.

In subsection (b), the words "on the petition of any person, including another component of the United States Government" are substituted for "pursuant to a petition. Any person, including a common carrier, tramp operator, bulk operator, shipper, shippers' association, ocean transportation intermediary, marine terminal operator, or any component of the Government of the United States, may file a petition for relief under subsection (a)(2) of this section." for consistency with section 42302(b) of the revised title and to eliminate unnecessary words.

SECTION 42102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42102(a)	46 App.:876(a)(3).	June 5, 1920, ch. 250, § 19(a)(3), (b), (c), 41 Stat. 995; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(46), Aug. 6, 1981, 95 Stat. 157; Pub. L. 105–258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.
42102(b)	46 App.:876(b).	
42102(c)	46 App.:876(c).	

In this section, the words "department, agency, or instrumentality" are substituted for "department, board, bureau, or agency" for consistency in the revised title. The words "the inspection of vessels" are substituted for "the steamboat inspection service" because the Steamboat Inspection Service has been abolished and its functions are now carried out by the Coast Guard.

In subsection (a), the word "shall" is substituted for "is authorized and directed" for consistency in the revised title and to eliminate unnecessary words.

SECTION 42103

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42103	46 App.:876(d).	June 5, 1920, ch. 250, § 19(d), 41 Stat. 995; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 105–258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.

SECTION 42104

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42104(a)	46 App.:876(f)(1)–(3).	June 5, 1920, ch. 250, § 19(f), (g); as added Pub. L. 101–595, title I, § 103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 102–587, title VI, § 6205(b)(2), Nov. 4, 1992, 106 Stat. 5094; Pub. L. 105–258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.
42104(b)	46 App.:876(g)(1), (2).	
42104(c)	46 App.:876(g)(3).	
42104(d)	46 App.:876(f)(4), (g)(4).	
42104(e)	46 App.:876(g)(5).	

In subsections (a) and (b), the words "In carrying out" are substituted for "In furtherance of the purposes of" and "In proceedings under" for clarity and consistency.

In subsection (b)(1), the words "subpoena witnesses and evidence" are substituted for "by subpoena compel the attendance of witnesses and the production of books, papers, documents, and other evidence" for consistency in the revised title and to eliminate unnecessary words.

In subsection (b)(2), the words "conform to the Federal Rules of Civil Procedure (28 App. U.S.C.)" are substituted for "are in conformity with the rules applicable in civil proceedings in the district courts of the United States" for clarity.

In subsection (d)(2), the penalties from 46 App. U.S.C. 876(f)(4) and (g)(4)(B) are combined because they are redundant.

In subsection (e), the words "by an appropriate injunction or other process, mandatory or otherwise" are omitted as unnecessary.

SECTION 42105

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42105	46 App.:876(h).	June 5, 1920, ch. 250, § 19(h); as added Pub. L. 101–595, title I, § 103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105–258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.

SECTION 42106

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42106	46 App.:876(i).	June 5, 1920, ch. 250, § 19(i); as added Pub. L. 101–595, title I, § 103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105–258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.

SECTION 42107

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42107	46 App.:876(j).	June 5, 1920, ch. 250, § 19(j); as added Pub. L. 101–595, title I, § 103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105–258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.

In clause (1), the words "Secretary of Homeland Security" are substituted for "collector of customs at the port or place of destination in the United States" because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178). The functions of the collector of customs previously were vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950, and the office of collector of customs previously was abolished by Reorganization Plan No. 1 of 1965.

SECTION 42108

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42108	46 App.:876(k).	June 5, 1920, ch. 250, § 19(k); as added Pub. L. 101–595, title I, § 103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105–258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.

SECTION 42109

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42109	46 App.:876(*l*).	June 5, 1920, ch. 250, § 19(*l*); as added Pub. L. 101–595, title I, § 103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105–258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.

CHAPTER 423—FOREIGN SHIPPING PRACTICES

Sec.
42301. Definitions.
42302. Investigations.
42303. Information requests.
42304. Action against foreign carriers.
42305. Refusal of clearance and entry.
42306. Submission of determinations to President.
42307. Review of regulations and orders.

SECTION 42301

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42301	46 App.:1710a(a).	Pub. L. 100–418, title X, § 10002(a), Aug. 23, 1988, 102 Stat. 1570; Pub. L. 105–258, title I, § 111(1)–(3), Oct. 14, 1998, 112 Stat. 1911.

SECTION 42302

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42302(a)	46 App.:1710a(b).	Pub. L. 100–418, title X, § 10002(b), (c), Aug. 23, 1988, 102 Stat. 1570; Pub. L. 105–258, title I, § 111(4), Oct. 14, 1998, 112 Stat. 1911.

SECTION 42302—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42302(b)	46 App.:1710a(c)(1).	
42302(c)	46 App.:1710a(c)(2).	

In subsection (b), the words "including another component of the United States Government" are substituted for "including any common carrier, shipper, shippers' association, ocean transportation intermediary, or marine terminal operator, or any branch, department, agency, or other component of the Government of the United States" for consistency with section 42101(b) of the revised title and to eliminate unnecessary words.

SECTION 42303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42303	46 App.:1710a(d)	Pub. L. 100–418, title X, § 10002(d), Aug. 23, 1988, 102 Stat. 1571; Pub. L. 105–258, title I, § 111(4), Oct. 14, 1998, 112 Stat. 1911.

In subsection (b), the words "subpoena witnesses and evidence" are substituted for "issue subpoenas to compel the attendance and testimony of witnesses and the production of records or other evidence" for consistency in the revised title and to eliminate unnecessary words.

In subsection (c), the words "in its discretion" are omitted as unnecessary.

SECTION 42304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42304(a)	46 App.:1710a(e)(1).	Pub. L. 100–418, title X, § 10002(e)(1), (2), Aug. 23, 1988, 102 Stat. 1571; Pub. L. 105–258, title I, § 111(5), (6), Oct. 14, 1998, 112 Stat. 1911.
42304(b)	46 App.:1710a(e)(2).	

In subsection (a), the words "Subject to section 42306 of this title" are added to alert the reader to the application of that section.

SECTION 42305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42305	46 App.:1710a(f).	Pub. L. 100–418, title X, § 10002(f), Aug. 23, 1988, 102 Stat. 1572.

Before clause (1), the words "Subject to section 42306 of this title" are added to alert the reader to the application of that section. The word "determines" is substituted for "finds" for consistency with section 42306 of the revised title.

In clause (1), the words "Secretary of Homeland Security" are substituted for "collector of customs at any port or place of destination in the United States" because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat.

2178). The functions of the collector of customs previously were vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950, and the office of collector of customs previously was abolished by Reorganization Plan No. 1 of 1965.

SECTION 42306

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42306	46 App.:1710a(e)(3).	Pub. L. 100–418, title X, § 10002(e)(3), Aug. 23, 1988, 102 Stat. 1572.

SECTION 42307

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
42307	46 App.:1710a(i).	Pub. L. 100–418, title X, § 10002(i), Aug. 23, 1988, 102 Stat. 1572.

PART C—MISCELLANEOUS

CHAPTER 441—EVIDENCE OF FINANCIAL RESPONSIBILITY FOR PASSENGER TRANSPORTATION

Sec.
44101. Application.
44102. Financial responsibility to indemnify passengers for nonperformance of transportation.
44103. Financial responsibility to pay liability for death or injury.
44104. Civil penalty.
44105. Refusal of clearance.
44106. Conduct of proceedings.

SECTION 44101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44101	46 App.:817d(a) (6th–28th words). 46 App.:817e(a) (15th–36th words).	Pub. L. 89-777, §§ 2(a) (6th–28th words), 3(a) (15th–36th words), Nov. 6, 1966, 80 Stat. 1356, 1357.

SECTION 44102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44102	46 App.:817e(a) (1st-14th, 37th–last words), (b).	Pub. L. 89-777, § 3(a) (1st–14th, 37th–last words), (b), Nov. 6, 1966, 80 Stat. 1357; Pub. L. 103–206, title III, § 320, Dec. 20, 1993, 107 Stat. 2427.

In subsection (c), the words "or any State thereof, or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

SECTION 44103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44103	46 App.:817d(a) (1st–5th, 29th–last words), (b).	Pub. L. 89-777, § 2(a) (1st–5th, 29th–last words), (b), Nov. 6, 1966, 80 Stat. 1356.

In subsection (d)(2), the words "issued by a bonding company authorized to do business in the United States" are substituted for 46 App. U.S.C. 817d(b) to eliminate unnecessary words. The words "or any State thereof or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any territory or possession of the United States" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

SECTION 44104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44104	46 App.:817d(c). 46 App.:817e(c).	Pub. L. 89-777, §§ 2(c), 3(c), Nov. 6, 1966, 80 Stat. 1357.

SECTION 44105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44105	46 App.:817d(e). 46 App.:817e(e).	Pub. L. 89-777, §§ 2(e), 3(e), Nov. 6, 1966, 80 Stat. 1357, 1358; Pub. L. 103–182, title VI, § 689(c), Dec. 8, 1993, 107 Stat. 2222.

The words "Secretary of Homeland Security" are substituted for "Customs Service" because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178).

SECTION 44106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
44106	46 App.:817d(d). 46 App.:817e(d).	Pub. L. 89-777, §§ 2(d), 3(d), Nov. 6, 1966, 80 Stat. 1357, 1358; Pub. L. 104–324, title VII, § 746(c), Oct. 19, 1996, 110 Stat. 3943.

The authority to prescribe regulations is omitted as unnecessary because it is already provided by section 305 of the revised title.

Subtitle V—Merchant Marine

PART A—GENERAL

Chapter		Sec.
501.	**Policy, Studies, and Reports**	**50101**
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PART A—GENERAL

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SECTION 50101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50101	46 App.:861.	June 5, 1920, ch. 250, § 1, 41 Stat. 988; Exec. Order No. 6166, June 10, 1933, § 12; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(33), Aug. 6, 1981, 95 Stat. 156.
	46 App.:891.	May 22, 1928, ch. 675, § 1, 45 Stat. 689.

SECTION 50101—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	46 App.:1101.	June 29, 1936, ch. 858, title I, § 101, 49 Stat. 1985; Pub. L. 91–469, § 1, Oct. 21, 1970, 84 Stat. 1018.

This section consolidates the source provisions to eliminate repetition.

SECTION 50102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50102	46 App.:1120.	June 29, 1936, ch. 858, title II, § 210, 49 Stat. 1989; Pub. L. 91–469, §§ 3, 35(a), Oct. 21, 1970, 84 Stat. 1018, 1035; Pub.L. 97–31, § 12(67) (related to § 210), Aug. 6, 1981, 95 Stat. 159.

SECTION 50103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50103(a)(1)	46 App.:1121(a).	June 29, 1936, ch. 858, title II, § 211(a)–(c), 49 Stat. 1989; Pub. L. 91–469, §§ 4, 35(a), (b), Oct. 21, 1970, 84 Stat. 1018, 1035; Pub. L. 97–31, § 12(67), Aug. 6, 1981, 95 Stat. 159.
50103(a)(2)	46 App.:1213(a) (3d sentence).	June 29, 1936, ch. 858, title VIII, § 809(a) (3d sentence), as added Pub. L. 97–35, title XVI, § 1604, Aug. 13, 1981, 95 Stat. 751.
50103(b)	46 App.:1121(b).	
50103(c)	46 App.:1121(c).	

SECTION 50104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50104	46 App.:1122(a).	June 29, 1936, ch. 858, title II, § 212(a), 49 Stat. 1990; Aug. 6, 1981, Pub. L. 97–31, § 12(69), 95 Stat. 159.

SECTION 50105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50105(a)(1)	46 App.:811 (1st sentence words before 1st comma).	Sept. 7, 1916, ch. 451, § 12 (1st sentence words before 1st comma, 2d sentence words before 2d comma), 39 Stat. 732; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(27), Aug. 6, 1981, 95 Stat. 155.
	46 App.:1121(d).	June 29, 1936, ch. 858, title II, § 211(d), (j) (words before 1st semicolon), 49 Stat. 1989; Pub. L. 91–469, §§ 4(2), 35(a), Oct. 21, 1970, 84 Stat. 1018, 1035; Pub. L. 97–31, § 12(67), Aug. 6, 1981, 95 Stat. 159.
50105(a)(2)	46 App.:1121(j) (words before 1st semicolon).	
50105(b)	46 App.:811 (2d sentence words before 2d comma).	

SECTION 50105—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50105(c)	46 App.:1122(c).	June 29, 1936, ch. 858, title II, § 212(b)(2), (c), 49 Stat. 1990; Pub. L. 97–31, § 12(69), Aug. 6, 1981, 95 Stat. 159.
50105(d)	46 App.:1122(b)(2).	

SECTION 50106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50106(a)	46 App.:811 (1st sentence words after 1st comma).	Sept. 7, 1916, ch. 451, § 12 (1st sentence words after 1st comma, 3d sentence), 39 Stat. 732; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(27), Aug. 6, 1981, 95 Stat. 155.
	46 App.:1121(e).	June 29, 1936, ch. 858, title II, § 211(e), (g), 49 Stat. 1989; Pub. L. 91–469, §§ 4(2), 5, 35(a), Oct. 21, 1970, 84 Stat. 1018, 1035; Pub. L. 97–31, § 12(67), Aug. 6, 1981, 95 Stat. 159.
50106(b)	46 App.:1121(g).	
50106(c)	46 App.:811 (3d sentence).	

In subsection (b), the words "existing on June 29, 1936, or thereafter built" are omitted as obsolete.

SECTION 50107

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50107	46 App.:811 (2d sentence words after 2d comma).	Sept. 7, 1916, ch. 451, § 12 (2d sentence words after 2d comma), 39 Stat. 732; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(27), Aug. 6, 1981, 95 Stat. 155.

SECTION 50108

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50108	46 App.:1122(f).	June 29, 1936, ch. 858, title II, § 212(f); as added Pub. L. 90–268, § 1, Mar. 16, 1968, 82 Stat. 49; Pub. L. 97–31, § 12(69), Aug. 6, 1981, 95 Stat. 159; Pub. L. 98–237, § 20(c), Mar. 20, 1984, 98 Stat. 90.

SECTION 50109

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50109(a)	46 App.:1121(f).	June 29, 1936, ch. 858, title II, § 211(f), (h), (i), (j) (words after 2d semicolon), 49 Stat. 1989; Pub. L. 91–469, §§ 4(2), 35(a), Oct. 21, 1970, 84 Stat. 1018, 1035; Pub. L. 97–31, § 12(67), Aug. 6, 1981, 95 Stat. 159.
50109(b)	46 App.:1121(h).	
50109(c)	46 App.:1121(i).	
50109(d)	46 App.:1121(j) (words after 2d semicolon).	

SECTION 50109—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50109(e)	46 App.:1123.	June 29, 1936, ch. 858, title II, § 213, 49 Stat. 1991; Pub. L. 87–877, § 2(c), (d), Oct. 24, 1962, 76 Stat. 1201; Pub. L. 94–273, § 27, Apr. 21, 1976, 90 Stat. 380; Pub. L. 97–31, § 12(71), Aug. 6, 1981, 95 Stat. 159; Pub. L. 105–85, div. C, title XXXVI, § 3602, Nov. 18, 1997, 111 Stat. 2075.
50109(f)	46 App.:811 (4th sentence).	Sept. 7, 1916, ch. 451, § 12 (4th sentence), 39 Stat. 732; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(27), Aug. 6, 1981, 95 Stat. 155.

SECTION 50110

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50110(a)	46 App.:1121(j) (words between 1st and 2d semicolons).	June 29, 1936, ch. 858, title II, § 211(j) (words between 1st and 2d semicolons), 49 Stat. 1989; Pub. L. 91–469, §§ 4(2), 35(a), Oct. 21, 1970, 84 Stat. 1018, 1035; Pub. L. 97–31, § 12(67), Aug. 6, 1981, 95 Stat. 159.
50110(b)	46 App.:1122(b)(1).	June 29, 1936, ch. 858, title II, § 212(b)(1), (d), 49 Stat. 1990; Pub. L. 97–31, § 12(69), Aug. 6, 1981, 95 Stat. 159; Pub. L. 98–237, § 20(c), Mar. 20, 1984, 98 Stat. 90.
50110(c)	46 App.:1122(d).	

SECTION 50111

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50111(a)	46 App.:811 (last sentence).	Sept. 7, 1916, ch. 451, § 12 (last sentence), 39 Stat. 732; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(27), Aug. 6, 1981, 95 Stat. 155.
	46 App.:1118 (related to Secretary).	June 29, 1936, ch. 858, title II, § 208 (related to Secretary), 49 Stat. 1988; Pub. L. 94–273, § 36, Apr. 21, 1976, 90 Stat. 380; Pub. L. 97–31, § 12(65), Aug. 6, 1981, 95 Stat. 159.
	46 App.:1160(f).	June 29, 1936, ch. 858, title V, § 510(f), as added Aug. 4, 1939, ch. 417, § 7, 53 Stat. 1184; Pub. L. 97–31, § 12(91)(A)–(C), Aug. 6, 1981, 95 Stat. 161.
	46 App.:1291.	June 29, 1936, ch. 858, title XII, § 1211, as added Sept. 7, 1950, ch. 906, 64 Stat. 776; Pub. L. 89–348, § 1(7), Nov. 8, 1965, 79 Stat. 1310.
50111(b)	46 App.:1118 note.	Pub. L. 106–398, § 1 [div. C, title XXXV, § 3506], Oct. 30, 2000, 114 Stat. 1654, 1654A–494.
50111(c)	46 App.:1122(g).	June 29, 1936, ch. 858, title II, § 212(g), 49 Stat. 1990; Pub. L. 90–268, § 1, Mar. 16, 1968, 82 Stat. 49; Pub. L. 97–31, § 12(69), Aug. 6, 1981, 95 Stat. 159; Pub. L. 98–237, § 20(c), Mar. 20, 1984, 98 Stat. 90.

In subsection (a), the words "on or before the 1st day of December in each year" in 46 App. U.S.C. 811 (last sentence) are omitted for consistency with the April 1 date in 46 App.:1118. The words

"and of the operations of any corporation in which the United States is a stockholder, and the names and compensation of all persons employed by the Secretary of Transportation" in 46 App. U.S.C. 811 (last sentence) are omitted because the provision originally applied to the United States Shipping Board (which was abolished in 1933) and presumably is not intended to apply to the Secretary.

SECTION 50112

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50112	46 App.:1121–2.	Pub. L. 101–115, § 8, Oct. 13, 1989, 103 Stat. 694; Pub. L. 101–595, title VII, § 702, Nov. 16, 1990, 104 Stat. 2994; Pub. L. 102–241, § 47, Dec. 19, 1991, 105 Stat. 2227; Pub. L. 106–398, § 1 [div. C, title XXXV, § 3504], Oct. 30, 2000, 114 Stat. 1654, 1654A–493.

SECTION 50113

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50113	46 App.:1122a.	June 29, 1936, ch. 858, title II, § 212(A), as added June 25, 1956, ch. 437, 70 Stat. 332; Aug. 6, 1981, Pub. L. 97–31, § 12(70), 95 Stat. 159.

CHAPTER 503—ADMINISTRATIVE

Sec.
50301. Vessel Operations Revolving Fund.
50302. Port development.
50303. Operating property and extending term of notes.
50304. Sale and transfer of property.
50305. Appointment of trustee or receiver and operation of vessels.
50306. Requiring testimony and records in investigations.

SECTION 50301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50301(a)	46 App.:1241a (1st sentence).	June 2, 1951, ch. 121 (pars. under heading "Vessel Operations Revolving Fund"), 65 Stat. 59; Pub. L. 97–31, § 12(128), Aug. 6, 1981, 95 Stat. 165; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.
50301(b)	46 App.:1241a (2d sentence words before 2d proviso).	
50301(c)	46 App.:1241a (2d sentence 2d proviso).	
50301(d)	46 App.:1241a (2d sentence last proviso).	
50301(e)	46 App.:1241a (last sentence).	
50301(f)	46 App.:1241b.	June 20, 1956, ch. 415, title I, § 101 (4th complete par. on p. 319), 70 Stat. 319; Pub. L. 97–31, § 12(129), Aug. 6, 1981, 95 Stat. 165.
	46 App.:1241b note.	
50301(g)	46 App.:1241c.	Aug. 1, 1956, ch. 846, 70 Stat. 897; Pub. L. 97–31, § 12(130), Aug. 6, 1981, 95 Stat. 165.

In subsection (c), the words "Director of the Office of Management and Budget" are substituted for "Bureau of the Budget" in

the Act of June 2, 1951 (ch. 121, 65 Stat. 59), because of sections 101 and 102 of Reorganization Plan No. 2 of 1970 (5 App. U.S.C.) and 31 U.S.C. ch. 5. The words "for the purposes of that appropriation" are omitted for clarity and for consistency in the subsection.

In subsection (d), the words "notwithstanding any other provisions of law" and "and consolidated with" are omitted as unnecessary.

In subsection (e), in paragraph (1), the words "Comptroller General" are substituted for "Government Accountability Office" for consistency in the revised title. Paragraph (3) is substituted for "(except in cases where section 1212 of this Appendix is applicable)" because section 1212 applies to all vessels under a construction-differential subsidy contract.

In subsection (f), the words "On and after June 20, 1956", and the last proviso in the 4th complete par. at 70 Stat. 319 (46 App. U.S.C. 1241b note), are omitted as obsolete.

In subsection (g), the words "beginning July 1, 1956" and "after July 1, 1956" are omitted as obsolete.

SECTION 50302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50302(a)	46 App.:867 (words before proviso).	June 5, 1920, ch. 250, § 8, 41 Stat. 992; Exec. Order No. 6166, June 10, 1933, § 12; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(40), Aug. 6, 1981, 95 Stat. 156; Pub. L. 104–88, § 321(1), Dec. 29, 1995, 109 Stat. 949.
50302(b)	46 App.:867 (proviso).	

In subsection (a), before clause (1), the words "Secretary of the Army" are substituted for "Secretary of War" in section 8 of the Merchant Marine Act, 1920 (ch. 250, 41 Stat. 992) because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501). See 10 U.S.C. 3011 et seq. In clause (3), the words "apparatus" and "appliances" are omitted as unnecessary. In clause (4), the words "consult with" are substituted for "advise with" as being more grammatical.

In subsection (b), the words "rates or practices" are substituted for "rates, charges, rules, or regulations" for consistency in the revised title and with other titles of the United States Code.

SECTION 50303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50303	46 App.:1112.	June 29, 1936, ch. 858, title II, § 202, 49 Stat. 1986; Aug. 26, 1937, ch. 822, § 1, 50 Stat. 839; June 23, 1938, ch. 600, § 1, 52 Stat. 953; Pub. L. 97–31, § 12(60), Aug. 6, 1981, 95 Stat. 158.

In subsection (a), the words "Notwithstanding any other provision of law" are omitted as unnecessary. In clause (1), the word "lands" is omitted as included in "real property". In clause (2)(A), the word "promissory" is added for clarity. The words "hereby transferred", referring to the transfer under the first sentence of section 202 of the Merchant Marine Act, 1936 (repealed by section 12(60)(A) of Public Law 97–31), are omitted as obsolete.

Subsection (b) is substituted for "in accordance with good business methods and on such terms and conditions as he determines to effectuate the policy of this chapter" and "upon such terms and conditions as he may prescribe in accordance with sound business practice" for consistency and to eliminate unnecessary words.

SECTION 50304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50304(a)	46 App.:872.	June 5, 1920, ch. 250, §§13, 17, 41 Stat. 993, 994; Exec. Order No. 6166, June 10, 1933, §12; June 29, 1936, ch. 858, title II, §204, title IX, §904, 49 Stat. 1987, 2016; Pub. L. 97–31, §12(44), (45), Aug. 6, 1981, 95 Stat. 157.
50304(b)	46 App.:875 (1st par.).	
50304(c)	46 App.:875 (last par.).	

In subsections (b) and (c), the words "property described in the second paragraph of section 17 of the Merchant Marine Act, 1920 (ch. 250, 41 Stat. 994), as originally enacted" are substituted for "such other docks, piers, warehouses, wharves and terminal equipment and facilities or parts thereof, including all leasehold easements, rights of way, riparian rights and other rights, estates or interests therein or appurtenant thereto which were acquired . . . for military or naval purposes during the war emergency", and the words "property described in section 17 of the Merchant Marine Act, 1920 (ch. 250, 41 Stat. 994), as originally enacted" are substituted for "property taken over by or transferred to . . . under this section", because the first paragraph of section 17 of the Merchant Marine Act, 1920, was repealed in 1981 and reference to that paragraph is necessary for a complete understanding of these provisions. The words "Secretary of a military department" are substituted for "War Department or the Navy Department" and "Department of the Army, Department of the Air Force, or Department of the Navy" for consistency with other titles of the United States Code. For redesignation of the Department of War to the Department of the Army, and for transfer of certain functions to newly established Department of the Air Force, see sections 205(a) and 207(a) and (f) of the National Security Act of 1947 (ch. 343, 61 Stat. 501, 502, 503).

In subsection (b), the words "possessed and controlled by" are substituted for "acquired by" for clarity and for consistency in the section. The word "best" is omitted as unnecessary.

SECTION 50305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50305	46 App.:1247.	June 29, 1936, ch. 858, title IX, §908, as added Pub. L. 95–598, title III, §334, Nov. 6, 1978, 92 Stat. 2680; Pub. L. 97–31, §12(134), Aug. 6, 1981, 95 Stat. 165.

In subsection (a)(1), before clause (A), the words "Notwithstanding any other provision of law" and "bankruptcy, equity, or admiralty" are omitted as unnecessary.

In subsection (a)(2), the words "but the Secretary may demand a hearing" are substituted for "unless the Secretary shall deem a hearing necessary" for clarity.

In subsection (b)(1), the words "subject to the orders of the court" and "comply with the terms imposed by the court" are omitted as unnecessary.

In subsection (b)(2), the words "operating losses paid by the Secretary" are substituted for "the amount of such payments" for clarity.

In subsection (b)(3), the words "vessel operated by the United States Government" are substituted for "vessel of the United States" for clarity and consistency with chapter 309.

SECTION 50306

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50306	46 App.:1124.	June 29, 1936, ch. 858, title II, § 214, 49 Stat. 1991; June 23, 1938, ch. 600, § 3, 52 Stat. 954; Pub. L. 91–452, title II, § 241, Oct. 15, 1970, 84 Stat. 930; Pub. L. 97–31, § 12(72), Aug. 6, 1981, 95 Stat. 159; Pub. L. 98–237, § 20(a), Mar. 20, 1984, 98 Stat. 89; Pub. L. 98–595, § 2, Oct. 30, 1984, 98 Stat. 3132.

In subsection (a), the word "affirmations" is omitted as unnecessary because of the definition of "oath" in 1 U.S.C. 1. The words "or any territory, district, or possession thereof" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

Subsection (c) is substituted for the source provision to eliminate unnecessary words.

CHAPTER 505—OTHER GENERAL PROVISIONS

Sec.
50501. Entities deemed citizens of the United States.
50502. Applicability to receivers, trustees, successors, and assigns.
50503. Oceanographic research vessels.
50504. Sailing school vessels.

SECTION 50501

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50501(a)	46 App.:802(a) (words before 3d comma and after 11th comma).	Sept. 7, 1916, ch. 451, § 2(a)–(c), 39 Stat. 729; July 15, 1918, ch. 152, § 2, 40 Stat. 900; June 5, 1920, ch. 250, § 38, 41 Stat. 1008; Pub. L. 86–327, § 3, Sept. 21, 1959, 73 Stat. 597; Pub. L. 105–383, title IV, § 421, Nov. 13, 1998, 112 Stat. 3439.
	46 App.:1244(c).	June 29, 1936, ch. 858, title IX, § 905(c), 49 Stat. 2016; June 23, 1938, ch. 600, § 39(b), 52 Stat. 964; Pub. L. 86–327, § 4, Sept. 21, 1959, 73 Stat. 597.
50501(b)	46 App.:802(a) (words between 3d and 11th commas).	
50501(c)	46 App.:802(b).	
50501(d)	46 App.:802(c).	

In subsection (a), the words "and with respect to a corporation under subchapter VI of this chapter, all directors of the corporation

are citizens of the United States" in 46 App. U.S.C. 1244(c) are omitted because part A of subchapter VI contains the operating-differential subsidy program which, under 46 App. U.S.C. 1185a, is being phased out, and part B of subchapter VI contains the Maritime Security Fleet program which is being repealed (effective October 1, 2005) and replaced by chapter 531 of title 46 as enacted by the Maritime Security Act of 2003. Thus, subchapter VI is being omitted from the revised title and will instead appear as a note under section 53101. The words "and, in the case of a corporation, partnership, or association operating a vessel on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States the amount of interest required to be owned by a citizen of the United States shall be not less than 75 per centum" in 46 App. U.S.C. 1244(c) are omitted as covered by the 75 percent ownership requirement for operation in the coastwise trade.

In subsection (b)(1), the words "Territory, District, or possession thereof" are omitted because of the definition of "State" in chapter 1 of the revised title.

SECTION 50502

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50502	46 App.:803.	Sept. 7, 1916, ch. 451, § 2(d), 39 Stat. 729; June 5, 1920, ch. 250, § 38, 41 Stat. 1008.

SECTION 50503

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50503	46 App.:441. 46 App.:443. 46 App.:444.	Pub. L. 89–99, §§ 1, 3, 4, July 30, 1965, 79 Stat. 424.

The definitions of "oceanographic research vessel" and "scientific personnel" in 46 App. U.S.C. 441 are omitted because substantially the same definitions are already in 46 U.S.C. 2101.

The text of 46 App. U.S.C. 444 is omitted because section 10101(3) of title 46, which defines "seaman" for purposes of part G of subtitle II of title 46, already contains an exception for scientific personnel. Title 53 of the Revised Statutes, referred to 46 App. U.S.C. 444, was previously codified principally in part G of subtitle II of title 46.

SECTION 50504

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
50504(a)	46 App.:446c.	Pub. L. 97–322, title II, §§ 204, 205, 207, Oct. 15, 1982, 96 Stat. 1589.
50504(b)	46 App.:446.	
50504(c)	46 App.:446b.	Pub. L. 97–322, title II, § 206, Oct. 15, 1982, 96 Stat. 1590; Pub. L. 98–557, § 34(b), Oct. 30, 1984, 98 Stat. 2876.
50504(d)	46 App.:446a.	

In subsection (b)(1), the words "parts B, F, and G of subtitle II of this title" are substituted for "the provisions of titles 52 and 53 of the Revised Statutes of the United States and any Act amend-

atory thereof or supplementary thereto" because the relevant provisions of titles 52 and 53 of the Revised Statutes were previously codified in parts B, F, and G of subtitle II of title 46.

In subsection (c), references to 46 App. U.S.C. 291 and 883 are omitted for consistency with section 50503 of the revised title.

PART B—MERCHANT MARINE SERVICE

CHAPTER 511—GENERAL

Sec.
51101. Policy.
51102. Definitions.
51103. General authority of Secretary of Transportation.
51104. General authority of Secretary of the Navy.

SECTION 51101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51101	46 App.:1126–1(a) (1st sentence). 46 App.:1295 (1st sentence).	Pub. L. 94–361, title VI, § 603(a) (1st sentence), July 14, 1976, 90 Stat. 929. June 29, 1936, ch. 858, title XIII, § 1301 (1st sentence), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 1997.

SECTION 51102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51102	46 App.:1295a.	June 29, 1936, ch. 858, title XIII, § 1302, as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 1997; Pub. L. 97–31, § 12(143), Aug. 6, 1981, 95 Stat. 166; Pub. L. 104–324, title VII, § 708, Oct. 19, 1996, 110 Stat. 3934; Pub. L. 108–136, title XXXV, § 3515(a), Nov. 24, 2003, 117 Stat. 1792.

The definition of "Secretary" is omitted as unnecessary because the full title is used the first time the term appears in each section.

In the definition of "merchant marine office", the words "documented vessel" are substituted for "vessel . . . which is documented under the laws of the United States" because of the definition of "documented vessel" in 46 U.S.C. 2101, which is being moved to chapter 1 of the revised title.

In the definition of "State maritime academy", the words "or territory of the United States" and "or territories of the United States" are omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

SECTION 51103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51103(a)	46 App.:1295 (last sentence cl. (1)).	June 29, 1936, ch. 858, title XIII, § 1301 (last sentence cl. (1)), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 1997; Pub. L. 97–31, § 12(142)(A), Aug. 6, 1981, 95 Stat. 166.
51103(b)	46 App.:1295g(b).	June 29, 1936, ch. 858, title XIII, § 1308(b)–(d), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2007.
51103(c)	46 App.:1295g(c).	

SECTION 51103—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51103(d)	46 App.:1295g(d).	

In subsection (c), the word "department" is omitted as unnecessary because of the definition of "agency" in chapter 1 of the revised title.

SECTION 51104

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51104	46 App.:1126–1(a) (last sentence), (b).	Pub. L. 94–361, title VI, § 603(a) (last sentence), (b), July 14, 1976, 90 Stat. 929; Pub. L. 97–31, § 12(76), Aug. 6, 1981, 95 Stat. 160.
	46 App.:1295 (last sentence cl. (2)).	June 29, 1936, ch. 858, title XIII, § 1301 (last sentence cl. (2)), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 1997; Pub. L. 97–31, § 12(142)(B), Aug. 6, 1981, 95 Stat. 166.

CHAPTER 513—UNITED STATES MERCHANT MARINE ACADEMY

Sec.
51301. Maintenance of the Academy.
51302. Nomination and competitive appointment of cadets.
51303. Non-competitive appointments.
51304. Additional appointments from particular areas.
51305. Prohibited basis for appointment.
51306. Cadet commitment agreements.
51307. Places of training.
51308. Uniforms, textbooks, and transportation allowances.
51309. Academic degree.
51310. Deferment of service obligation under cadet commitment agreements.
51311. Midshipman status in the Naval Reserve.
51312. Board of Visitors.
51313. Advisory Board.

SECTION 51301

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51301	46 App.:1295b(a).	June 29, 1936, ch. 858, title XIII, § 1303(a), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 1998.

SECTION 51302

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
51302(a)	46 App.:1295b(b)(1)(A).	June 29, 1936, ch. 858, title XIII, § 1303(b)(1)–(3)(A), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 1998; Pub. L. 101–595, title VII, § 708(1), (2), Nov. 16, 1990, 104 Stat. 2995.
	46 App.:1295b(b)(2)(A) (related to nominations).	
51302(b)	46 App.:1295b(b)(1) (less cl. (A)).	
	46 App.:1295b(b)(3)(A)(ii) (related to who may be nominated).	

SECTION 51302—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51302(c)	46 App.:1295b(b)(3)(A) (less (ii) (related to who may be nominated)).	
51302(d)	46 App.:1295b(b)(2)(A) (related to selection), (B), (3)(B), (C).	

In subsection (b)(6)(A), the words "residents, or sons or daughters of residents, of an area or installation" are substituted for "a resident of the area or installation" in 46 App. U.S.C. 1295b(b)(1)(B) and "sons or daughters of residents of any area or installation" in 46 App. U.S.C. 1295b(b)(3)(A)(ii) to resolve an inconsistency in the source law and to conform to the probable intent of Congress. Although 46 App. U.S.C. 1295b(b)(1)(B) provides that a nominee must be a resident, 46 App. U.S.C. 1295b(b)(3)(A)(ii) allocates positions only for sons or daughters of residents.

SECTION 51303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51303	46 App.:1295b(b)(3)(D).	June 29, 1936, ch. 858, title XIII, § 1303(b)(3)(D), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 1999.

SECTION 51304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51304(a)	46 App.:1295b(b)(5)(A), (B).	June 29, 1936, ch. 858, title XIII, § 1303(b)(5)–(7), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 1999; Pub. L. 99–368, § 5, Aug. 1, 1986, 100 Stat. 776; Pub. L. 101–595, title VII, § 708(3), Nov. 16, 1990, 104 Stat. 2995.
51304(b)	46 App.:1295b(b)(6)(A)–(C).	
51304(c)	46 App.:1295b(b)(7)(A), (B).	
51304(d)	46 App.:1295b(b)(5)(C), (6)(D), (7)(C).	

The word "appoint" is substituted for "designate" and "permit" for consistency in the chapter.

SECTION 51305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51305	46 App.:1295b(b)(3)(E).	June 29, 1936, ch. 858, title XIII, § 1303(b)(3)(E), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 1999.

SECTION 51306

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51306(a)	46 App.:1295b(e)(1).	June 29, 1936, ch. 858, title XIII, § 1303(e)(1)–(4), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2000; Pub. L. 97–31, § 12(144)(A), Aug. 6, 1981, 95 Stat. 166; Pub. L. 101–595, title VII, § 707(a), Nov. 16, 1990, 104 Stat. 2995; Pub. L. 108–136, title XXXV, § 3515(b), Nov. 24, 2003, 117 Stat. 1792.
51306(b)	46 App.:1295b(e)(2).	
51306(c)	46 App.:1295b(e)(3).	
51306(d)	46 App.:1295b(e)(4).	

In subsection (a), before clause (1), the words "after the date occurring 6 months after October 1, 1981" are omitted as obsolete. In clause (2), the words "before graduating" are substituted for "on or before the date of graduation" to eliminate unnecessary words. In clause (5)(A), the words "or territories" are omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

In subsection (d), the words "bring a civil action" are substituted for "begin court proceedings" for consistency in the revised title and with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

SECTION 51307

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51307	46 App.:1295b(f).	June 29, 1936, ch. 858, title XIII, § 1303(f), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2002.

In clause (2), the words "with the permission of the owner" are substituted for "if the owner . . . cooperates in such use" for clarity.

SECTION 51308

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51308	46 App.:1295b(d).	June 29, 1936, ch. 858, title XIII, § 1303(d), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2000.

SECTION 51309

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51309(a)	46 App.:1295b(g)(1).	June 29, 1936, ch. 858, title XIII, § 1303(g), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2002; restated Pub. L. 108–136, title XXXV, § 3515(c), Nov. 24, 2003, 117 Stat. 1794.
51309(b)	46 App.:1295b(g)(2).	
51309(c)	46 App.:1295b(b)(8).	June 29, 1936, ch. 858, title XIII, § 1303(b)(8), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 1997; Pub. L. 99–368, § 5, Aug. 1, 1986, 100 Stat. 776.

SECTION 51310

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51310	46 App.:1295b(e)(5).	June 29, 1936, ch. 858, title XIII, § 1303(e)(5), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2001; Pub. L. 97–31, § 12(144)(B), Aug. 6, 1981, 95 Stat. 166; Pub. L. 108–136, title XXXV, § 3515(b)(6), Nov. 24, 2003, 117 Stat. 1793.

SECTION 51311

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51311(a)	46 App.:1295b(b)(3)(F).	June 29, 1936, ch. 858, title XIII, § 1303(b)(3)(F), (c), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 1999, 2000; Pub. L. 105–261, div. A, title V, § 568, Oct. 17, 1998, 112 Stat. 2031; Pub. L. 106–65, div. A, title X, § 1066(b)(5), Oct. 5, 1999, 113 Stat. 772.
51311(b)	46 App.:1295b(c).	

SECTION 51312

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51312	46 App.:1295b(h).	June 29, 1936, ch. 858, title XIII, § 1303(h), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2002; Pub. L. 97–35, title XVI, § 1607, Aug. 13, 1981, 95 Stat. 752; Pub. L. 101–595, title VII, § 703, Nov. 16, 1990, 104 Stat. 2994.

The words "Committee on Armed Services" are substituted for "Committee on Merchant Marine and Fisheries" to reflect changes in committee structure made by the 104th Congress.

SECTION 51313

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51313	46 App.:1295b(i).	June 29, 1936, ch. 858, title XIII, § 1303(i), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2002; Pub. L. 97–31, § 12(144)(C), Aug. 6, 1981, 95 Stat. 166.

CHAPTER 515—STATE MARITIME ACADEMY SUPPORT PROGRAM

Sec.
51501. General support program.
51502. Detailing of personnel.
51503. Regional maritime academies.
51504. Use of training vessels.
51505. Annual payments for maintenance and support.
51506. Conditions to receiving payments and use of vessels.
51507. Places of training.
51508. Allowances for students.
51509. Student incentive payment agreements.
51510. Deferment of service obligation under student incentive payment agreements.
51511. Midshipman status in the Naval Reserve.

SECTION 51501

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51501(a)	46 App.:1295c(a).	June 29, 1936, ch. 858, title XIII, § 1304(a), (d)(2), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2003, 2004.
51501(b)	46 App.:1295c(d)(2).	

SECTION 51502

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51502	46 App.:1295c(e).	June 29, 1936, ch. 858, title XIII, § 1304(e), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2004.

The reference to territories is omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

SECTION 51503

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51503	46 App.:1295c(b).	June 29, 1936, ch. 858, title XIII, § 1304(b), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2003.

The reference to territories is omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

SECTION 51504

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51504(a)	46 App.:1295c(c)(1)(A)(ii), (v).	June 29, 1936, ch. 858, title XIII, § 1304(c)(1), (2), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2003.
51504(b)	46 App.:1295c(c)(1)(A) (1st sentence words before "meeting the requirements").	
51504(c)(1)	46 App.:1295c(c)(1)(A)(ii).	
51504(c)(2)	46 App.:1295c(c)(1)(A) (1st sentence words beginning with "meeting the requirements").	
51504(c)(3)	46 App.:1295c(c)(1)(A)(iii).	
51504(d)(1)	46 App.:1295c(c)(1)(A)(i).	
51504(d)(2)	46 App.:1295c(c)(1)(A)(iv).	
51504(e)	46 App.:1295c(c)(1)(B).	
51504(f)	46 App.:1295c(c)(2).	
51504(g)	46 App.:1295c note.	Pub. L. 101–115, § 4, Oct. 13, 1989, 103 Stat. 692; Pub. L. 101–595, title VII, § 705, Nov. 16, 1990, 104 Stat. 2994.

In subsection (a), the reference to territories is omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

In subsection (e), before clause (1), the word "agency" is substituted for "department or agency of the United States" because of the definition of "agency" in chapter 1 of the revised title.

In subsection (g), the 1st–3d sentences of section 4 of Public Law 101–115 are omitted as obsolete.

SECTION 51505

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51505	46 App.:1295c(d)(1).	June 29, 1936, ch. 858, title XIII, § 1304(d)(1), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2004; Pub. L. 101–115, § 5, Oct. 13, 1989, 103 Stat. 693.

In subsection (b)(1), the reference to territories is omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

SECTION 51506

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51506	46 App.:1295c(f).	June 29, 1936, ch. 858, title XIII, § 1304(f), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2004; Pub. L. 101–115, § 3(a), Oct. 13, 1989, 103 Stat. 692.

In subsection (a)(3), the words "administered by the Coast Guard" are omitted as unnecessary.

SECTION 51507

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51507	46 App.:1295c(c)(3)(A).	June 29, 1936, ch. 858, title XIII, § 1304(c)(3)(A), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2003.

In clause (2), the words "with the permission of the owner" are substituted for "if the owner . . . cooperates in such use" for clarity.

SECTION 51508

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51508	46 App.:1295c(c)(3)(B).	June 29, 1936, ch. 858, title XIII, § 1304(c)(3)(B), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2004.

SECTION 51509

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51509(a)	46 App.:1295c(g)(1) (words before 5th comma, cl. (A)), (8).	June 29, 1936, ch. 858, title XIII, § 1304(g)(1)–(5), (8), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2004, 2006; Pub. L. 97–31, § 12(145)(A), Aug. 6, 1981, 95 Stat. 166; Pub. L. 101–115, § 2(a)–(d), Oct. 13, 1989, 103 Stat. 691; Pub. L. 102–587, title VI, § 6201(a)(1), (b), (c), Nov. 4, 1992, 106 Stat. 5093; Pub. L. 108–136, title XXXV, § 3515(d), Nov. 24, 2003, 117 Stat. 1794.
51509(b)	46 App.:1295c(g)(1) (words between 5th comma and dash, cls. (B), (C)).	

SECTION 51509—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51509(c)	46 App.:1295c(g)(2)	
51509(d)	46 App.:1295c(g)(3)	
51509(e)	46 App.:1295c(g)(4)	
51509(f)	46 App.:1295c(g)(5)	
51509(g)	46 App.:1295c(g)(6)	

In subsection (a), the text of 46 App. U.S.C. 1295c(g)(8) is omitted as obsolete.

In subsection (g), the words "bring a civil action" are substituted for "begin court proceedings" for consistency in the revised title and with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

SECTION 51510

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51510	46 App.:1295c(g)(7).	June 29, 1936, ch. 858, title XIII, § 1304(g)(7), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2006; Pub. L. 97–31, § 12(145)(B), Aug. 6, 1981, 95 Stat. 166; Pub. L. 108–136, title XXXV, § 3515(d)(7), Nov. 24, 2003, 117 Stat. 1795.

The words "affected military department" are substituted for "military department . . . which has jurisdiction over such service" for clarity and to eliminate unnecessary words.

SECTION 51511

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51511	46 App.:1295c(h).	June 29, 1936, ch. 858, title XIII, § 1304(h), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2006.

CHAPTER 517—OTHER SUPPORT FOR MERCHANT MARINE TRAINING

Sec.
51701. United States Maritime Service.
51702. Civilian nautical schools.
51703. Additional training.
51704. Training for maritime oil pollution prevention, response, and clean-up.

SECTION 51701

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51701	46 App.:1295e.	June 29, 1936, ch. 858, title XIII, § 1306, as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2006; Pub. L. 108–136, title XXXV, § 3515(e), Nov. 24, 2003, 117 Stat. 1795; Pub. L. 108–136, title XXXV, § 3515(e), Nov. 24, 2003, 117 Stat. 1795.

SECTION 51702

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51702	46 App.:1295f.	June 29, 1936, ch. 858, title XIII, § 1307, as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2007; Pub. L. 98–89, § 4(b), Aug. 26, 1983, 97 Stat. 603.

The text of 46 App. U.S.C. 1295f(d) is omitted because it apparently was intended to apply to former 46 App. U.S.C. 1295f(c), which was repealed in 1983.

SECTION 51703

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51703	46 App.:1295d(a), (b).	June 29, 1936, ch. 858, title XIII, § 1305(a), (b), as added Pub. L. 96–453, § 2, Oct. 15, 1980, 94 Stat. 2006.

In subsection (a), before clause (1), the words "as the Secretary deems necessary" are omitted as unnecessary.

In subsection (b), the words "with any person, partnership, firm, association, or corporation" and "the performance of" are omitted as unnecessary.

SECTION 51704

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51704(a)	46 App.:1295d(c)(1).	June 29, 1936, ch. 858, title XIII, § 1305(c), as added Pub. L. 101–595, title VII, § 712, Nov. 16, 1990, 104 Stat. 2998.
51704(b)	46 App.:1295d(c)(2)(A), (4).	
51704(c)	46 App.:1295d(c)(2)(B), (3).	

In subsection (c)(5), the words "or titled under the law of a State" are substituted for "documented under the laws of . . . any State" for consistency with the terminology in 46 U.S.C. 2101(46) (which is being moved to chapter 1 of the revised title) and 46 U.S.C. ch. 125.

CHAPTER 519—MERCHANT MARINE AWARDS

Sec.
51901. Awards for individual acts or service.
51902. Gallant Ship Award.
51903. Multiple awards.
51904. Presentation to representatives.
51905. Flags and grave markers.
51906. Special certificates for civilian service to armed forces.
51907. Manufacture and sale of awards and replacements.
51908. Prohibition against unauthorized manufacture, sale, possession, or display of awards.

SECTION 51901

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51901(a)	46 App.:2001.	Pub. L. 100–324, §§ 2, 3, 5(d), May 30, 1988, 102 Stat. 576, 577.
	46 App.:2004(d).	

SECTION 51901—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51901(b)	46 App.:2002.	

SECTION 51902

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51902	46 App.:2003.	Pub. L. 100–324, § 4, May 30, 1988, 102 Stat. 576.

In subsection (a), the words "a vessel (including a foreign vessel)" are substituted for "a United States vessel or to a foreign-flag vessel" to eliminate unnecessary words.

SECTION 51903

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51903	46 App.:2004(a).	Pub. L. 100–324, § 5(a), May 30, 1988, 102 Stat. 576.

SECTION 51904

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51904	46 App.:2004(b).	Pub. L. 100–324, § 5(b), May 30, 1988, 102 Stat. 577.

SECTION 51905

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51905	46 App.:2005.	Pub. L. 100–324, § 6, May 30, 1988, 102 Stat. 577.

SECTION 51906

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51906	46 App.:2006.	Pub. L. 100–324, § 7, May 30, 1988, 102 Stat. 577.

SECTION 51907

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51907	46 App.:2004(c).	Pub. L. 100–324, § 5(c), May 30, 1988, 102 Stat. 577.

The Secretary's authority to provide decorations and medals at cost, or to authorize the sale of decorations and medals at reasonable prices, is restated to apply only to replacement awards because Congress probably did not intend that recipients being honored would pay for their decorations and medals.

SECTION 51908

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
51908	46 App.:2007.	Pub. L. 100–324, § 8, May 30, 1988, 102 Stat. 577.

In subsection (b), the words "not more than" are added for clarity and for consistency in the revised title.

CHAPTER 521—MISCELLANEOUS

Sec.
52101. Reemployment rights for certain merchant seamen.

SECTION 52101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
52101	46 App.:1132.	June 29, 1936, ch. 858, title III, § 302, as added Pub. L. 104–239, § 10(a), Oct. 8, 1996, 110 Stat. 3133.

In subsection (c)(1)(B), the words "(as applicable)" are omitted as unnecessary.

In subsection (d), the words "certificate described in section 9(a) of the Military Selective Service Act (50 App. U.S.C. 459(a))" are substituted for "certificate referred to in paragraph (1) of section 4301(a) of title 38" because section 4301 of title 38 was amended generally by section 2(a) of Public Law 103–353, and before the amendment section 4301(a)(1) referred to a certificate described in section 9(a) of the Military Selective Service Act (50 App. U.S.C. 459(a)).

PART C—FINANCIAL ASSISTANCE PROGRAMS

CHAPTER 531—MARITIME SECURITY FLEET

This chapter was enacted by Public Law 108–136, title XXXV, § 3531(a), Nov. 24, 2003, 117 Stat. 1803.

CHAPTER 533—CONSTRUCTION RESERVE FUNDS

Sec.
53301. Definitions.
53302. Authority for construction reserve funds.
53303. Persons eligible to establish funds.
53304. Vessel ownership.
53305. Eligible fund deposits.
53306. Recognition of gain for tax purposes.
53307. Basis for determining gain or loss and for depreciating new vessels.
53308. Order and proportions of deposits and withdrawals.
53309. Accumulation of deposits.
53310. Obligation of deposits and period for construction of certain vessels.
53311. Taxation of deposits on failure of conditions.
53312. Assessment and collection of deficiency tax.

SECTION 53301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53301(a)(1)	46 App.:1161(n).	June 29, 1936, ch. 858, title V, § 511(n), as added Dec. 23, 1944, ch. 714, § 2, 58 Stat. 920; Pub. L. 97–31, § 12(92)(A), Aug. 6, 1981, 95 Stat. 161.
53301(a)(2)(A)	46 App.:1161(a).	June 29, 1936, ch. 858, title V, § 511(a), as added Oct. 10, 1940, ch. 849, 54 Stat. 1106; Pub. L. 97–31, § 12(92)(A), Aug. 6, 1981, 95 Stat. 161.
53301(a)(2)(B)	46 App.:1161(*o*).	June 29, 1936, ch. 858, title V, § 511(*o*), as added July 17, 1952, ch. 939, § 14, 66 Stat. 764; Pub. L. 97–31, § 12(92)(A), Aug. 6, 1981, 95 Stat. 161.
53301(b)	46 App.:1161(m).	June 29, 1936, ch. 858, title V, § 511(m), as added Oct. 10, 1940, ch. 849, 54 Stat. 1108.

In subsection (a)(2)(A)(i), the words "constructed with a construction-differential subsidy under title V of the Merchant Marine Act, 1936, or constructed with financing or a financing guarantee under chapter 537 or 575 of this title" are substituted for "the construction of which has been financed under subchapters V or VII of this chapter, or the construction of which has been aided by a mortgage insured under subchapter XI of this chapter" because of the reorganization of the material and the omission from the revised title of the provisions relating to the construction-differential subsidy program.

Subsection (a)(2)(B) is substituted for the source provision to state more directly that a vessel described in the source provision is a new vessel for purposes of this chapter.

SECTION 53302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53302(a)	46 App.:1161(b) (1st sentence words before 6th comma and between 10th and 16th commas).	June 29, 1936, ch. 858, title V, § 511(b) (1st sentence words before 6th comma and between 10th and 16th commas, last sentence), as added Oct. 10, 1940, ch. 849, 54 Stat. 1106; June 17, 1943, ch. 130, subdiv. (a), 57 Stat. 157; July 17, 1952, ch. 939, § 9, 66 Stat. 762; Pub. L. 97–31, § 12(92)(A), Aug. 6, 1981, 95 Stat. 161.
53302(b)	46 App.:1161(b) (last sentence).	

In subsection (a), the words "necessary to carrying out the policy set forth in section 1101 of this Appendix" are omitted as unnecessary.

SECTION 53303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53303	46 App.:1161(b) (1st sentence words between 6th and 10th commas).	June 29, 1936, ch. 858, title V, § 511(b) (1st sentence words between 6th and 10th commas), as added Oct. 10, 1940, ch. 849, 54 Stat. 1106; June 17, 1943, ch. 130, subdiv. (a), 57 Stat. 157; July 17, 1952, ch. 939, § 9, 66 Stat. 762.

SECTION 53304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53304	46 App.:1161(*l*).	June 29, 1936, ch. 858, title V, § 511(*l*), as added Oct. 10, 1940, ch. 849, 54 Stat. 1108.

SECTION 53305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53305	46 App.:1161(b) (1st sentence words after 16th comma).	June 29, 1936, ch. 858, title V, § 511(b) (1st sentence words after 16th comma), as added Oct. 10, 1940, ch. 849, 54 Stat. 1106; June 17, 1943, ch. 130, subdiv. (a), 57 Stat. 157; July 17, 1952, ch. 939, § 9, 66 Stat. 762.

In clause (3), the words "documented vessel" are substituted for "vessels documented under the laws of the United States" because of the definition of "documented vessel" in chapter 1 of the revised title.

In clause (4), the words "interest or other amounts accrued on deposits in the fund" are substituted for "receipts, in the form of interest or otherwise, with respect to amounts previously deposited" for clarity and to eliminate unnecessary words.

SECTION 53306

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53306	46 App.:1161(c).	June 29, 1936, ch. 858, title V, § 511(c), as added Oct. 10, 1940, ch. 849, 54 Stat. 1106; June 17, 1943, ch. 130, subdiv. (b), 57 Stat. 157; Dec. 23, 1944, ch. 714, § 1, 58 Stat. 920; July 17, 1952, ch. 939, § 10, 66 Stat. 762.

In subsection (c)(2), the words "in any taxable year beginning after December 31, 1939" are omitted as obsolete. The words "prescribed by the Secretary of the Treasury" are substituted for "prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury" for consistency in the revised title and with other titles of the United States Code. See 26 U.S.C. 7805.

SECTION 53307

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53307	46 App.:1161(d).	June 29, 1936, ch. 858, title V, § 511(d), as added Oct. 10, 1940, ch. 849, 54 Stat. 1106; July 17, 1952, ch. 939, § 11, 66 Stat. 763.

SECTION 53308

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53308	46 App.:1161(e).	June 29, 1936, ch. 858, title V, § 511(e), as added Oct. 10, 1940, ch. 849, 54 Stat. 1107.

SECTION 53309

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53309	46 App.:1161(f).	June 29, 1936, ch. 858, title V, § 511(f), as added Oct. 10, 1940, ch. 849, 54 Stat. 1107.

The words "are deemed to have been retained for the reasonable needs of the business within the meaning of section 537(a) of the Internal Revenue Code of 1986 (26 U.S.C. 537(a))" are substituted for "shall not constitute an accumulation of earnings or profits within the meaning of section 102 of the Internal Revenue Code" because section 102 of the Internal Revenue Code of 1939 has been superseded by part 1 of subchapter G of chapter 1 of the Internal Revenue Code of 1986 (26 U.S.C. 531 et seq.). See also 46 C.F.R. § 287.16 (2003).

SECTION 53310

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53310(a)	46 App.:1161(g) (less (1)(B)).	June 29, 1936, ch. 858, title V, § 511(g), (h), as added Oct. 10, 1940, ch. 849, 54 Stat. 1107; June 17, 1943, ch. 130, subdivs. (c), (d), 57 Stat. 158; July 17, 1952, ch. 939, §§ 12, 13(a), 66 Stat. 763; Pub. L. 86–237, § 1, Sept. 8, 1959, 73 Stat. 471; Pub. L. 87–303, § 3, Sept. 26, 1961, 75 Stat. 661; Pub. L. 87–782, § 1, Oct. 10, 1962, 76 Stat. 796; Pub. L. 88–227, § 1, Dec. 23, 1963, 77 Stat. 470; Pub. L. 88–595, § 1, Sept. 12, 1964, 78 Stat. 943; Pub. L. 97–31, § 12(92), Aug. 6, 1981, 95 Stat. 161.
53310(b)	46 App.:1161(g)(1)(B).	
53310(c)	46 App.:1161(h).	

In this section, the language about joint regulations in 46 App. U.S.C. 1161(g) and (h) is omitted as unnecessary because of section 53302(b) of the revised title.

In subsection (a), the words "(i) two years from the date of deposit or the date of any extension thereof which may be granted by the Secretary of Transportation pursuant to the provisions of subsection (h) of this section, in the case of deposits made prior to the date on which these amendatory provisions become effective, or" in 46 App. U.S.C. 1161(g)(1) and (2) are omitted as obsolete. In clause (1)(A), the words "or, with the approval of the Secretary of Transportation, for a part interest in a new vessel or for the reconstruction or reconditioning of a new vessel" are substituted for "(or in the discretion of the Secretary of Transportation, for a part interest therein), or, with the approval of the Secretary of Transportation, for the reconstruction or reconditioning of a new vessel or vessels" to eliminate unnecessary words.

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

SECTION 53311

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.

SECTION 53312

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

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53501. Definitions.
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SECTION 53501

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53501(1)	46 App.:1177(b)(3), (k)(3).	June 29, 1936, ch. 858, title VI, § 607(b)(3), (k)(1)–(3), (5)–(9), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1027, 1031, 1032; Pub. L. 93–116, Oct. 1, 1973, 87 Stat. 421; Pub. L. 97–31, § 12(97), Aug. 6, 1981, 95 Stat. 162.
53501(2)	46 App.:1177(k)(1). 46 App.:1177–1.	Pub. L. 94–455, title VIII, § 807, Oct. 4, 1976, 90 Stat. 1606.
53501(3)	46 App.:1177(k)(6).	
53501(4)	46 App.:1177(k)(8).	
53501(5)	46 App.:1177(k)(1) (last sentence), (2). 46 App.:1177–1.	
53501(6)	46 App.:1177(k)(9).	
53501(7)	46 App.:1177(k)(5).	

SECTION 53501—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53501(8)	46 App.:1177(k)(7).	

The codification of the laws in this chapter is not intended to alter the existing jurisdictional relationship of the Secretaries who administer those laws.

In clause (2)(A)(iii), the word "trade" is substituted for "commerce" for consistency in the chapter.

SECTION 53502

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53502	46 App.:1177(*l*) (2d sentence).	June 29, 1936, ch. 858, title VI, § 607(*l*) (2d sentence), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1032; Pub. L. 97–31, § 12(97)(A), Aug. 6, 1981, 95 Stat. 162.

Subsection (a) is added for clarity because various provisions of the source language for this chapter imply that the Secretary is to prescribe regulations individually (except for regulations affecting a determination of tax liability). See, e.g., 46 App. U.S.C. 1177(a) (last sentence), (f)(1) (last sentence), and (*l*) (last sentence).

In subsection (b), the words "not inconsistent with the foregoing provisions of this section, as may be necessary or appropriate" are omitted as surplus.

SECTION 53503

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53503(a)	46 App.:1177(a) (1st sentence).	June 29, 1936, ch. 858, title VI, § 607(a) (1st sentence), (2d sentence related to purpose), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1026; Pub. L. 97–31, § 12(97)(A), Aug. 6, 1981, 95 Stat. 162.
53503(b)	46 App.:1177(a) (2d sentence related to purpose).	

SECTION 53504

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53504(a)	46 App.:1177(a) (2d sentence related to deposits).	June 29, 1936, ch. 858, title VI, § 607(a) (2d sentence related to deposits), (last sentence), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1026; Pub. L. 97–31, § 12(97)(A), Aug. 6, 1981, 95 Stat. 162.
53504(b)	46 App.:1177(a) (last sentence).	

In subsection (a), the words "agreed to be appropriate" are substituted for "agreed upon as necessary or appropriate" to eliminate unnecessary words.

SECTION 53505

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53505	46 App.:1177(b)(1), (2).	June 29, 1936, ch. 858, title VI, § 607(b)(1), (2), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1027.

In subsection (a)(1), the word "trade" is substituted for "commerce" for consistency in the chapter.

SECTION 53506

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53506	46 App.:1177(c).	June 29, 1936, ch. 858, title VI, § 607(c), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1027; Pub. L. 97–31, § 12(97)(A), Aug. 6, 1981, 95 Stat. 162.

In subsection (b)(1)(B), the words "prudent investor" are substituted for "prudent men of discretion and intelligence in such matters" to eliminate unnecessary words.

SECTION 53507

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53507	46 App.:1177(d).	June 29, 1936, ch. 858, title VI, § 607(d), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1028; Pub. L. 99–514, title II, § 261(e)(1), (2), Oct. 22, 1986, 100 Stat. 2215.

SECTION 53508

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53508	46 App.:1177(e).	June 29, 1936, ch. 858, title VI, § 607(e), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1028; Pub. L. 99–514, title II, § 261(e)(3), (4), Oct. 22, 1986, 100 Stat. 2215.

SECTION 53509

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53509	46 App.:1177(f).	June 29, 1936, ch. 858, title VI, § 607(f), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1029; Pub. L. 97–31, § 12(97)(A), Aug. 6, 1981, 95 Stat. 162.

In subsection (c), the words "any amount in the fund" are substituted for "the entire fund or any portion thereof" to eliminate unnecessary words.

SECTION 53510

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53510	46 App.:1177(g).	June 29, 1936, ch. 858, title VI, § 607(g); 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1029; Pub. L. 99–514, title II, § 261(e)(5), Oct. 22, 1986, 100 Stat. 2215.

SECTION 53511

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53511	46 App.:1177(h) (less (2) (last sentence)).	June 29, 1936, ch. 858, title VI, § 607(h) (less (2) (last sentence)), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1030; Pub. L. 97–31, § 12(97)(A), Aug. 6, 1981, 95 Stat. 162; Pub. L. 99–514, title II, § 261(e)(6), Oct. 22, 1986, 100 Stat. 2215; Pub. L. 100–647, title I, § 1002(m)(2), Nov. 10, 1988, 102 Stat. 3382; Pub. L. 101–508, title XI, § 11101(d)(7)(B), Nov. 5, 1990, 104 Stat. 1388–405; Pub. L. 105–34, title III, § 311(c)(2), Aug. 5, 1997, 111 Stat. 835; Pub. L. 108–27, title III, § 301(a)(2)(E), May 28, 2003, 117 Stat. 758.

In subsection (c)(3)(C), the words "or in the case of any nonqualified withdrawal arising from the application of the recapture provision of section 1176(5) of this Appendix as in effect on December 31, 1969" are omitted as obsolete.

In subsection (d), the words "made in a taxable year beginning in 1970 or 1971 is 8 percent" are omitted as obsolete.

SECTION 53512

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53512	46 App.:1177(h)(2) (last sentence).	June 29, 1936, ch. 858, title VI, § 607(h)(2) (last sentence), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1030.

SECTION 53513

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53513	46 App.:1177(i).	June 29, 1936, ch. 858, title VI, § 607(i), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1031.

SECTION 53514

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53514	46 App.:1177(j).	June 29, 1936, ch. 858, title VI, § 607(j), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1031.

SECTION 53515

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53515	46 App.:1177(*l*) (1st sentence).	June 29, 1936, ch. 858, title VI, § 607(*l*) (1st sentence), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1032; Pub. L. 97–31, § 12(97)(A), Aug. 6, 1981, 95 Stat. 162.

SECTION 53516

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53516	46 App.:1177(*l*) (last sentence).	June 29, 1936, ch. 858, title VI, § 607(*l*) (last sentence), 49 Stat. 2005; June 23, 1938, ch. 600, §§ 23–28, 52 Stat. 960; Aug. 4, 1939, ch. 417, § 10, 53 Stat. 1185; July 17, 1952, ch. 939, §§ 17–19, 66 Stat. 764; Pub. L. 85–637, Aug. 14, 1958, 72 Stat. 216; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–45, § 6, May 27, 1961, 75 Stat. 91; Pub. L. 87–271, Sept. 21, 1961, 75 Stat. 570; restated Pub. L. 91–469, § 21(a), Oct. 21, 1970, 84 Stat. 1032; Pub. L. 97–31, § 12(97)(A), Aug. 6, 1981, 95 Stat. 162.

SECTION 53517

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53517	46 App.:1177(m).	June 29, 1936, ch. 858, title VI, § 607(m), as added Pub. L. 99–514, § 261(d), Oct. 22, 1986, 100 Stat. 2214.

CHAPTER 537—LOANS AND GUARANTEES

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SUBCHAPTER I—GENERAL

SECTION 53701

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53701(1)	46 App.:1271(f).	June 29, 1936, ch. 858, title XI, § 1101, as added June 23, 1938, ch. 600, § 46, 52 Stat. 969; Sept. 3, 1954, ch. 1265, § 1, 68 Stat. 1267; Aug. 7, 1956, ch. 1026, § 1(a), (b), 70 Stat. 1087; Pub. L. 86–127, § 1(1), July 31, 1959, 73 Stat. 272; Pub. L. 86–685, § 1, Sept. 2, 1960, 74 Stat. 733; Pub. L. 87–303, § 2, Sept. 26, 1961, 75 Stat. 661; Pub. L. 91–469, § 29, Oct. 21, 1970, 84 Stat. 1035; Pub. L. 92–507, § 1, Oct. 19, 1972, 86 Stat. 909; Pub. L. 96–320, title II, § 202(a), Aug. 3, 1980, 94 Stat. 992; Pub. L. 96–561, title II, § 220(1), Dec. 22, 1980, 94 Stat. 3291; Pub. L. 97–31, § 12(135), Aug. 6, 1981, 95 Stat. 165; Pub. L. 100–710, title I, § 104(d), Nov. 23, 1988, 102 Stat. 4750; Pub. L. 102–567, title III, § 304, Oct. 29, 1992, 106 Stat. 4283; Pub. L. 103–160, title XIII, § 1356(1), 1357(b), Nov. 30, 1993, 107 Stat. 1812, 1815; Pub. L. 104–208, title I, § 101 [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009–41; Pub. L. 104–239, § 11(1), Oct. 8, 1996, 110 Stat. 3134; Pub. L. 108–136, title XXXV, § 3521(b), Nov. 24, 2003, 117 Stat. 1799.
53701(2)	46 App.:1271(h).	
53701(3)	46 App.:1271(g).	
53701(4)	46 App.:1271(o).	
53701(5)	46 App.:1271(j), (k), (m).	
53701(6)	46 App.:1271(*l*).	
53701(7)	46 App.:1271(a).	
53701(8)	46 App.:1271(c).	
53701(9)	46 App.:1271(e).	
53701(10)	46 App.:1271(d).	
53701(11)	46 App.:1271(i).	
53701(12)	46 App.:1271(n).	
53701(13)	46 App.:1271(b).	

In paragraph (2), the words "but shall not be limited to" are omitted as unnecessary.

In paragraph (4)(B), the words "become or remain" are substituted for "be placed under or continued to be" for clarity.

In paragraph (5)(B)(i), the words "individual who is a citizen of the United States" are substituted for "individual who is a citizen or national of the United States or a citizen of the Northern Mariana Islands" in 46 App. U.S.C. 1271(k) because of the definition of "citizen of the United States" in chapter 1 of the revised title. Citizens of the Northern Mariana Islands became citizens or noncitizen nationals of the United States (either of which is a "citizen of the United States" as defined in chapter 1 of the revised title) when the Covenant establishing the Commonwealth of the Northern Mariana Islands became effective on November 4, 1986.

In paragraph (5)(B)(ii), the words "corporation, partnership, association, or other" are omitted as suplus. The words "the term 'State' as used therein includes any State, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or any other Commonwealth, territory, or possession of the United

States" in 46 App. U.S.C. 1271(k) are omitted as unnecessary because of the definitions of "State" and "United States" in chapter 1 of the revised title. The definition of "United States" in 46 App. U.S.C. 1271(m) is omitted as unnecessary because of the definition of "United States" in chapter 1. The words "and nationals of the United States or citizens of the Northern Mariana Islands shall be treated as citizens of the United States in meeting such ownership requirement" are omitted as unnecessary because of the definition of "citizen of the United States" in chapter 1 of the revised title.

In paragraph (8), before clause (A), the words "instrument of indebtedness" are substituted for "note, bond, debenture, or other evidence of indebtedness" to eliminate unnecessary words. In clause (B), the reference to section 53717 is substituted for the reference to 46 App. U.S.C. 1272 because the accounts under section 53717 replace the Federal Ship Financing Fund. See the explanation for section 53717.

SECTION 53702

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53702(a)	46 App.:1273(a).	June 29, 1936, ch. 858, title XI, § 1103(a), as added June 23, 1938, ch. 600, § 46, 52 Stat. 969; Aug. 15, 1953, ch. 513, § 1, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 3, 68 Stat. 1268; June 25, 1956, ch. 438, 70 Stat. 332; Aug. 7, 1956, ch. 1026, § 1(a), (c), (d), 70 Stat. 1087; Pub. L. 91–469, § 30, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 910; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 99–509, title V, § 5002, Oct. 21, 1986, 100 Stat. 1912; Pub. L. 103–160, div. A, title XIII, § 1356(5), Nov. 30, 1993, 107 Stat. 1814.
53702(b)	46 App.:1279g.	June 29, 1936, ch. 858, title XI, § 1112, as added Pub. L. 104–297, title III, § 303(a), Oct. 11, 1996, 110 Stat. 3616.

In subsection (a), the words "on terms the Secretary may prescribe" are added based on language in 46 App. U.S.C. 1274(a) (before cl. (1)). The words "the unpaid balance of" are omitted as unnecessary.

SECTION 53703

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53703(a)	46 App.:1274(n).	June 29, 1936, ch. 858, title XI, § 1104A(*l*), (n), as added Pub. L. 108–136, title XXXV, §§ 3523(b), 3525, Nov. 24, 2003, 117 Stat. 1800, 1801.
53703(b)	46 App.:1274(*l*).	

SECTION 53704

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53704(a)	46 App.:1273(f) (1st sentence).	June 29, 1936, ch. 858, title XI, § 1103(f), as added June 23, 1938, ch. 600, § 46, 52 Stat. 969; Aug. 15, 1953, ch. 513, § 1, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 3, 68 Stat. 1268; June 25, 1956, ch. 438, 70 Stat. 332; Aug. 7, 1956, ch. 1026, § 1(a), (c), (d), 70 Stat. 1087; Pub. L. 91–469, § 30, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 910; Pub. L. 93–70, § 3, July 10, 1973, 87 Stat. 168; Pub. L. 94–127, § 5, Nov. 13, 1975, 89 Stat. 681; Pub. L. 95–298, § 5, June 26, 1978, 92 Stat. 340; Pub. L. 96–320, title II, § 203(b)(1), Aug. 3, 1980, 94 Stat. 994; Pub. L. 96–561, title II, § 220(2), Dec. 22, 1980, 94 Stat. 3292; Pub. L. 97–35, title XVI, § 1606(a), (b), Aug. 13, 1981, 95 Stat. 752; Pub. L. 97–424, title IV, § 425, Jan. 6, 1983, 96 Stat. 2167; Pub. L. 103–160, title XIII, § 1356(2)(A), Nov. 30, 1993, 107 Stat. 1812; Pub. L. 108–136, title XXXV, § 3528(b), Nov. 24, 2003, 117 Stat. 1802.
53704(b)	46 App.:1273(f) (2d, last sentences).	
53704(c)	46 App.:1273(h).	June 29, 1936, ch. 858, title XI, § 1103(h), as added Pub. L. 104–239, § 13(a), Oct. 8, 1996, 110 Stat. 3134; Pub. L. 108–136, title XXXV, § 3528(b), Nov. 24, 2003, 117 Stat. 1802.

SECTION 53705

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53705(a)	46 App.:1273(d).	June 29, 1936, ch. 858, title XI, § 1103(d), (e) (1st sentence), as added June 23, 1938, ch. 600, § 46, 52 Stat. 969; Aug. 15, 1953, ch. 513, § 1, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 3, 68 Stat. 1268; June 25, 1956, ch. 438, 70 Stat. 332; Aug. 7, 1956, ch. 1026, § 1(a), (c), (d), 70 Stat. 1087; Pub. L. 91–469, § 30, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 910; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 98–595, § 1(1), Oct. 30, 1984, 98 Stat. 3130.
53705(b)	46 App.:1273(e) (1st sentence).	

SECTION 53706

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53706(a)	46 App.:1274(a) (less last sentence).	June 29, 1936, ch. 858, title XI, § 1104A(a) [§ 1104A formerly § 1104], as added June 23, 1938, ch. 600, § 46, 52 Stat. 970; Aug. 4, 1939, ch. 417, § 14, 53 Stat. 1187; Sept. 28, 1950, ch. 1093, § 4, 64 Stat. 1078; Aug. 15, 1953, ch. 513, § 2, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 4, 68 Stat. 1269; Pub. L. 86–123, §§ 1(3), 2, July 31, 1959, 73 Stat. 269, 271; Pub. L. 86–127, § 1(3), (4), July 31, 1959, 73 Stat. 273; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 86–685, §§ 2, 3, Sept. 2, 1960, 74 Stat. 733; Pub. L. 90–341, June 15, 1968, 82 Stat. 180; Pub. L. 91–469, §§ 31, 32, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 910; Pub. L. 96–320, title II, § 202(b), Aug. 3, 1980, 94 Stat. 992; Pub. L. 96–561, title II, § 220(3)(A), Dec. 22, 1980, 94 Stat. 3292; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 98–595, § 1(2)–(5), Oct. 30, 1984, 98 Stat. 3130; § 1104 renumbered as § 1104A, Pub. L. 101–380, title IV, § 4115(f)(1), Aug. 18, 1990, 104 Stat. 521; Pub. L. 103–160, title XIII, § 1356(3)(A), Nov. 30, 1993, 107 Stat. 1813; Pub. L. 104–208, title I, § 101 [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009–41; Pub. L. 104–297, title III, § 302(a)(1)–(4), Oct. 11, 1996, 110 Stat. 3615.
53706(b)	46 App.:1274(a) (last sentence).	
53706(c)	46 App.:1273(i), (j).	June 29, 1936, ch. 858, title XI, § 1103(i), (j), as added Pub. L. 108–136, title X, § 1014(a), title XXXV, § 3544, Nov. 24, 2003, 117 Stat. 1591, 1822.

In subsection (a), before clause (1), the words "To be eligible for a guarantee under this chapter, an obligation must aid in any of the following" are substituted for "Pursuant to the authority granted under section 1273(a) of this Appendix, the Secretary, upon such terms as he shall prescribe, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation which aids in" to eliminate unnecessary words.

In subsection (a)(2), the words "citizens of the United States" are substituted for "citizens or nationals of the United States or citizens of the Northern Mariana Islands" because of the definition of "citizen of the United States" in chapter 1 of the revised title. Citizens of the Northern Mariana Islands became citizens or non-citizen nationals of the United States (either of which is a "citizen of the United States" as defined in chapter 1 of the revised title) when the Covenant establishing the Commonwealth of the Northern Mariana Islands became effective November 4, 1986.

SECTION 53707

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53707(a)	46 App.:1274(b)(1).	June 29, 1936, ch. 858, title XI, § 1104A(b)(1) [§ 1104A formerly § 1104], as added June 23, 1938, ch. 600, § 46, 52 Stat. 970; Aug. 4, 1939, ch. 417, § 14, 53 Stat. 1187; Sept. 28, 1950, ch. 1093, § 4, 64 Stat. 1078; Aug. 15, 1953, ch. 513, § 2, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 4, 68 Stat. 1269; Pub. L. 86–123, §§ 1(3), 2, July 31, 1959, 73 Stat. 269, 271; Pub. L. 86–127, § 1(3), (4), July 31, 1959, 73 Stat. 273; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 86–685, §§ 2, 3, Sept. 2, 1960, 74 Stat. 733; Pub. L. 90–341, June 15, 1968, 82 Stat. 180; Pub. L. 91–469, §§ 31, 32, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 911; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; § 1104 renumbered as § 1104A, Pub. L. 101–380, title IV, § 4115(f)(1), Aug. 18, 1990, 104 Stat. 521.
53707(b)	46 App.:1273a(a).	Pub. L. 105–258, title IV, § 401, Oct. 14, 1998, 112 Stat. 1916.
53707(c)	46 App.:1273a(b).	
53707(d)	46 App.:1274(d)(4).	June 29, 1936, ch. 858, title XI, § 1104A(d)(4), as added Pub. L. 108–136, title XXXV, § 3522, Nov. 24, 2003, 117 Stat. 1800.

SECTION 53708

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53708(a)	46 App.:1274(d)(1)(A).	June 29, 1936, ch. 858, title XI, § 1104A(d)(1), (2) [§ 1104A formerly § 1104], as added June 23, 1938, ch. 600, § 46, 52 Stat. 970; Aug. 4, 1939, ch. 417, § 14, 53 Stat. 1187; Sept. 28, 1950, ch. 1093, § 4, 64 Stat. 1078; Aug. 15, 1953, ch. 513, § 2, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 4, 68 Stat. 1269; Pub. L. 86–123, §§ 1(3), 2, July 31, 1959, 73 Stat. 269, 271; Pub. L. 86–127, § 1(3), (4), July 31, 1959, 73 Stat. 273; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 86–685, §§ 2, 3, Sept. 2, 1960, 74 Stat. 733; Pub. L. 90–341, June 15, 1968, 82 Stat. 180; Pub. L. 91–469, §§ 31, 32, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 910; Pub. L. 96–561, title II, § 220(3)(C), Dec. 22, 1980, 94 Stat. 3293; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 97–35, title XVI, § 1606(c), Aug. 13, 1981, 95 Stat. 752; Pub. L. 98–595, § 1(6), Oct. 30, 1984, 98 Stat. 3130; § 1104 renumbered as § 1104A, Pub. L. 101–380, title IV, § 4115(f)(1), Aug. 18, 1990, 104 Stat. 521.
53708(b)	46 App.:1274(d)(1)(B).	
53708(c)	46 App.:1274(d)(2).	
53708(d)	46 App.:1274(f)(2).	June 29, 1936, ch. 858, title XI, § 1104A(f)(2), (3), as added Pub. L. 108–136, title XXXV, § 3526(2)(C), Nov. 24, 2003, 117 Stat. 1801.
53708(e)	46 App.:1274(f)(3).	

SECTION 53709

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53709(a)	46 App.:1273(c).	June 29, 1936, ch. 858, title XI, § 1103(c), as added June 23, 1938, ch. 600, § 46, 52 Stat. 969; Aug. 15, 1953, ch. 513, § 1, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 3, 68 Stat. 1268; June 25, 1956, ch. 438, 70 Stat. 332; Aug. 7, 1956, ch. 1026, § 1(a), (c), (d), 70 Stat. 1087; Pub. L. 91–469, § 30, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 910; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166.
53709(b)	46 App.:1274(b)(2).	June 29, 1936, ch. 858, title XI, § 1104A(b)(2), (last 2 sentences), (c)(1) (last sentence) [§ 1104A formerly § 1104], as added June 23, 1938, ch. 600, § 46, 52 Stat. 970; Aug. 4, 1939, ch. 417, § 14, 53 Stat. 1187; Sept. 28, 1950, ch. 1093, § 4, 64 Stat. 1078; Aug. 15, 1953, ch. 513, § 2, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 4, 68 Stat. 1269; Pub. L. 86–123, §§ 1(3), 2, July 31, 1959, 73 Stat. 269, 271; Pub. L. 86–127, § 1(3), (4), July 31, 1959, 73 Stat. 273; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 86–685, §§ 2, 3, Sept. 2, 1960, 74 Stat. 733; Pub. L. 90–341, June 15, 1968, 82 Stat. 180; Pub. L. 91–469, §§ 31, 32, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 910; Pub. L. 95–257, Apr. 7, 1978, 92 Stat. 194; Pub. L. 96–320, title II, § 202(c), Aug. 3, 1980, 94 Stat. 992; Pub. L. 96–561, title II, § 220(3)(B), Dec. 22, 1980, 94 Stat. 3293; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 99–509, title V, § 5003, Oct. 21, 1986, 100 Stat. 1912; § 1104 renumbered as § 1104A, Pub. L. 101–380, title IV, § 4115(f)(1), Aug. 18, 1990, 104 Stat. 521; Pub. L. 103–160, div. A, title XIII, § 1356(3)(B), (C), Nov. 30, 1993, 107 Stat. 1813; Pub. L. 104–297, title III, § 302(a)(5), Oct. 11, 1996, 110 Stat. 3615.
53709(c)	46 App.:1274(c)(1) (last sentence).	
53709(d)	46 App.:1274(i).	June 29, 1936, ch. 858, title XI, § 1104A(i), as added Pub. L. 103–160, div. A, title XIII, § 1356(3)(E), Nov. 30, 1993, 107 Stat. 1814.
53709(e)	46 App.:1274(b) (last 2 sentences).	

Subsections (a) and (d) are substituted for the source provisions for clarity and to eliminate unnecessary words.

SECTION 53710

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53710(a)(1)	46 App.:1274(b)(4).	June 29, 1936, ch. 858, title XI, § 1104A(b)(3)–(7), (h) [§ 1104A formerly § 1104], as added June 23, 1938, ch. 600, § 46, 52 Stat. 970; Aug. 4, 1939, ch. 417, § 14, 53 Stat. 1187; Sept. 28, 1950, ch. 1093, § 4, 64 Stat. 1078; Aug. 15, 1953, ch. 513, § 2, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 4, 68 Stat. 1269; Pub. L. 86–123, §§ 1(3), 2, July 31, 1959, 73 Stat. 269, 271; Pub. L. 86–127, § 1(3), (4), July 31, 1959, 73 Stat. 273; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 86–685, §§ 2, 3, Sept. 2, 1960, 74 Stat. 733; Pub. L. 90–341, June 15, 1968, 82 Stat. 180; Pub. L. 91–469, §§ 31, 32, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 911, 914; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 98–595, § 1(7), Oct. 30, 1984, 98 Stat. 3131; § 1104 renumbered as § 1104A, Pub. L. 101–380, title IV, § 4115(f)(1), Aug. 18, 1990, 104 Stat. 521; Pub. L. 103–160, title XIII, § 1356(3)(C), Nov. 30, 1993, 107 Stat. 1813.
53710(a)(2)	46 App.:1274(b)(5).	
53710(a)(3)	46 App.:1274(b)(3).	
53710(a)(4)	46 App.:1274(b)(6).	
53710(b)	46 App.:1274(b)(7).	
53710(c)	46 App.:1274(h).	

During review of this bill, the American Bureau of Shipping, through counsel, explained that it disagrees with an existing interpretation by the Maritime Administration of language restated in subsection (a)(4)(A) of this section, and requested the Committee to clarify that this codification should not be construed as a ratification of that regulatory interpretation. The Committee therefore states that this codification should not be construed as an expression of any opinion whatsoever concerning any such administrative interpretation.

In subsection (a)(3), the words "subject to the provisions of paragraph (2) of subsection (c) of this section" are omitted as unnecessary.

In subsection (a)(4)(B), the words "well equipped, in good repair, and in every respect seaworthy and fit for service" are substituted for "tight, stanch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, and in all respects fit for service" to eliminate unnecessary words.

In subsection (b)(1), the reference to section 503 of the Merchant Marine Act, 1936, is substituted for the reference to "subchapter V of this chapter" because the relevant characteristics referred to in the text are contained in that section and because that section is part of the construction-differential subsidy program, which is not being restated.

SECTION 53711

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53711(a)	46 App.:1273(b).	June 29, 1936, ch. 858, title XI, § 1103(b), as added June 23, 1938, ch. 600, § 46, 52 Stat. 969; Aug. 15, 1953, ch. 513, § 1, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 3, 68 Stat. 1268; June 25, 1956, ch. 438, 70 Stat. 332; Aug. 7, 1956, ch. 1026, § 1(a), (c), (d), 70 Stat. 1087; Pub. L. 91–469, § 30, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 910; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166.
53711(b)	46 App.:1274(c)(1) (1st sentence), (2).	June 29, 1936, ch. 858, title XI, § 1104A(c)(1) (1st sentence), (2) [§ 1104A formerly § 1104], as added June 23, 1938, ch. 600, § 46, 52 Stat. 970; Aug. 4, 1939, ch. 417, § 14, 53 Stat. 1187; Sept. 28, 1950, ch. 1093, § 4, 64 Stat. 1078; Aug. 15, 1953, ch. 513, § 2, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 4, 68 Stat. 1269; Pub. L. 86–123, §§ 1(3), 2, July 31, 1959, 73 Stat. 269, 271; Pub. L. 86–127, § 1(3), (4), July 31, 1959, 73 Stat. 273; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 86–685, §§ 2, 3, Sept. 2, 1960, 74 Stat. 733; Pub. L. 90–341, June 15, 1968, 82 Stat. 180; Pub. L. 91–469, §§ 31, 32, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 912; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; § 1104 renumbered as § 1104A, Pub. L. 101–380, title IV, § 4115(f)(1), Aug. 18, 1990, 104 Stat. 521.

In subsection (a), the words "a security interest the Secretary considers necessary" are substituted for "such security interest, which may include a mortgage or mortgages on a vessel or vessels, as the Secretary may reasonably require" to eliminate unnecessary words.

SECTION 53712

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53712(a)	46 App.:1274(k).	June 29, 1936, ch. 858, title XI, § 1104A(k), (m), as added Pub. L. 108–136, title XXXV, § 3523, Nov. 24, 2003, 117 Stat. 1800.
53712(b)	46 App.:1274(m).	

SECTION 53713

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53713(a)	46 App.:1274(f)(1) (words before proviso).	June 29, 1936, ch. 858, title XI, § 1104A(f)(1), (4) [§ 1104A formerly § 1104], as added June 23, 1938, ch. 600, § 46, 52 Stat. 970; Aug. 4, 1939, ch. 417, § 14, 53 Stat. 1187; Sept. 28, 1950, ch. 1093, § 4, 64 Stat. 1078; Aug. 15, 1953, ch. 513, § 2, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 4, 68 Stat. 1269; Pub. L. 86–123, §§ 1(3), 2, July 31, 1959, 73 Stat. 269, 271; Pub. L. 86–127, § 1(3), (4), July 31, 1959, 73 Stat. 273; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 86–685, §§ 2, 3, Sept. 2, 1960, 74 Stat. 733; Pub. L. 90–341, June 15, 1968, 82 Stat. 180; Pub. L. 91–469, §§ 31, 32, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 913; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; § 1104 renumbered as § 1104A, Pub. L. 101–380, title IV, § 4115(f)(1), Aug. 18, 1990, 104 Stat. 521; Pub. L. 107–314, title XXXV, § 3503(2), Dec. 2, 2002, 116 Stat. 2754; Pub. L. 108–136, title XXXV, § 3526(2), Nov. 24, 2003, 117 Stat. 1801.
53713(b)	46 App.:1274(f)(1) (proviso).	
53713(c)	46 App.:1274(f)(4).	

SECTION 53714

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53714(a)	46 App.:1274(e)(1).	June 29, 1936, ch. 858, title XI, § 1104A(e) [§ 1104A formerly § 1104], as added June 23, 1938, ch. 600, § 46, 52 Stat. 970; Aug. 4, 1939, ch. 417, § 14, 53 Stat. 1187; Sept. 28, 1950, ch. 1093, § 4, 64 Stat. 1078; Aug. 15, 1953, ch. 513, § 2, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 4, 68 Stat. 1269; Pub. L. 86–123, §§ 1(3), 2, July 31, 1959, 73 Stat. 269, 271; Pub. L. 86–127, § 1(3), (4), July 31, 1959, 73 Stat. 273; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 86–685, §§ 2, 3, Sept. 2, 1960, 74 Stat. 733; Pub. L. 90–341, June 15, 1968, 82 Stat. 180; Pub. L. 91–469, §§ 31, 32, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 913; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 98–595, § 1(12), Oct. 30, 1984, 98 Stat. 3131; § 1104 renumbered as § 1104A, Pub. L. 101–380, title IV, § 4115(f)(1), Aug. 18, 1990, 104 Stat. 521; Pub. L. 104–239, § 13(c), Oct. 8, 1996, 110 Stat. 3136.
53714(b)	46 App.:1274(e)(2).	
53714(c)	46 App.:1274(e)(3).	
53714(d)	46 App.:1274(e)(5).	
53714(e)	46 App.:1274(e)(4).	

SECTION 53715

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53715(a)	46 App.:1279a(a) (less proviso).	June 29, 1936, ch. 858, title XI, § 1108, formerly § 1111, as added Pub. L. 86–127, § 1(2), July 31, 1959, 73 Stat. 272; renumbered Pub. L. 92–507, § 5, Oct. 19, 1972, 86 Stat. 916; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 108–136, title XXXV, § 3521(a), Nov. 24, 2003, 117 Stat. 1799.
53715(b)	46 App.:1279a(a) (proviso).	
53715(c)	46 App.:1279a(b).	
53715(d)	46 App.:1279a(g).	
53715(e)	46 App.:1279a(c).	
53715(f)	46 App.:1279a(d), (e).	
53715(g)	46 App.:1279a(f).	

SECTION 53716

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53716	46 App.:1279b.	June 29, 1936, ch. 858, title XI, § 1109, as added Pub. L. 107–107, title XXXV, § 3503, Dec. 28, 2001, 115 Stat. 1392.

In subsection (a), the word "established" is omitted for consistency with other codified titles of the United States Code.

SECTION 53717

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53717	46 App.:1272.	June 29, 1936, ch. 858, title XI, § 1102, as added June 23, 1938, ch. 600, § 46, 52 Stat. 969; Sept. 3, 1954, ch. 1265, § 2, 68 Stat. 1268; Pub. L. 86–123, § 1(2), July 31, 1959, 73 Stat. 269; Pub. L. 92–507, § 2, Oct. 19, 1972, 86 Stat. 910; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166.
	46 App.:1274(g).	June 29, 1936, ch. 858, title XI, § 1104A(g) [§ 1104A formerly § 1104], as added June 23, 1938, ch. 600, § 46, 52 Stat. 970; Aug. 4, 1939, ch. 417, § 14, 53 Stat. 1187; Sept. 28, 1950, ch. 1093, § 4, 64 Stat. 1078; Aug. 15, 1953, ch. 513, § 2, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 4, 68 Stat. 1269; Pub. L. 86–123, §§ 1(3), 2, July 31, 1959, 73 Stat. 269, 271; Pub. L. 86–127, § 1(3), (4), July 31, 1959, 73 Stat. 273; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 86–685, §§ 2, 3, Sept. 2, 1960, 74 Stat. 733; Pub. L. 90–341, June 15, 1968, 82 Stat. 180; Pub. L. 91–469, §§ 31, 32, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 914; Pub. L. 96–561, title II, § 220(3)(D), Dec. 22, 1980, 94 Stat. 3294; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 97–35, title XVI, § 1606(d), Aug. 13, 1981, 95 Stat. 752; § 1104 renumbered as § 1104A, Pub. L. 101–380, title IV, § 4115(f)(1), Aug. 18, 1990, 104 Stat. 521.
	46 App.:1280.	Pub. L. 85–469, title I, § 101 (par. under heading "Federal Ship Mortgage Insurance Fund"), June 25, 1958, 72 Stat. 231; Pub. L. 97–31, § 12(137), Aug. 6, 1981, 95 Stat. 166.

The Federal Ship Financing Fund which had been created by 46 App. U.S.C. 1272 is obsolete as a result of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.). This section codifies the current requirements and practices for the management of funds under this chapter, based on the requirements of that Act.

SECTION 53718

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53718	46 App.:1280b.	Pub. L. 108–136, title XXXV, § 3527, Nov. 24, 2003, 117 Stat. 1802.

SUBCHAPTER II—DEFAULT PROVISIONS

SECTION 53721

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53721(a)	46 App.:1275(a) (1st sentence less parenthetical).	June 29, 1936, ch. 858, title XI, § 1105(a), as added June 23, 1938, ch. 600, § 46, 52 Stat. 971; Aug. 15, 1953, ch. 513, § 3, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 5, 68 Stat. 1272; Aug. 7, 1956, ch. 1026, § 1(e)–(g), 70 Stat. 1087; Pub. L. 85–520, July 15, 1958, 72 Stat. 358; Pub. L. 91–469, § 33, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 914; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 98–595, § 1(8), Oct. 30, 1984, 98 Stat. 3131.
53721(b)(1)	46 App.:1275(a) (last sentence less proviso).	
53721(b)(2)	46 App.:1275(a) (last sentence proviso).	
53721(c)	46 App.:1273(e) (last sentence).	June 29, 1936, ch. 858, title XI, § 1103(e) (last sentence), as added Pub. L. 98–595, § 1(1), Oct. 30, 1984, 98 Stat. 3130.
	46 App.:1275(a) (1st sentence parenthetical).	

SECTION 53722

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53722(a), (b)	46 App.:1275(b).	June 29, 1936, ch. 858, title XI, § 1105(b), as added June 23, 1938, ch. 600, § 46, 52 Stat. 971; Aug. 15, 1953, ch. 513, § 3, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 5, 68 Stat. 1272; Aug. 7, 1956, ch. 1026, § 1(e)–(g), 70 Stat. 1087; Pub. L. 85–520, July 15, 1958, 72 Stat. 358; Pub. L. 91–469, § 33, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 914; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 98–595, § 1(9), Oct. 30, 1984, 98 Stat. 3131.
53722(c)	46 App.:1273(e) (last sentence).	June 29, 1936, ch. 858, title XI, § 1103(e) (last sentence), as added Pub. L. 98–595, § 1(1), Oct. 30, 1984, 98 Stat. 3130.
53722(d)	46 App.:1275(f).	June 29, 1936, ch. 858, title XI, § 1105(f), as added Pub. L. 108–136, title XXXV, § 3524, Nov. 24, 2003, 117 Stat. 1801.

In subsection (a), before clause (1), the words "an obligation or related agreement" are substituted for "a mortgage, loan agree-

ment, or other security agreement" for consistency in the revised chapter.

SECTION 53723

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53723	46 App.:1275(d).	June 29, 1936, ch. 858, title XI, § 1105(d), as added June 23, 1938, ch. 600, § 46, 52 Stat. 972; Aug. 15, 1953, ch. 513, § 3, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 5, 68 Stat. 1272; Aug. 7, 1956, ch. 1026, § 1(e)–(g), 70 Stat. 1087; Pub. L. 85–520, July 15, 1958, 72 Stat. 358; Pub. L. 91–469, § 33, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 914; Pub. L. 96–561, title II, § 220(4), Dec. 22, 1980, 94 Stat. 3294; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 97–35, title XVI, § 1606(e), Aug. 13, 1981, 95 Stat. 752.

In subsections (b) and (d), the words "appropriate account under section 53717 of this title" are substituted for "Federal Ship Financing Fund" because the accounts under section 53717 replace the Federal Ship Financing Fund. See the explanation for section 53717.

SECTION 53724

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53724	46 App.:1275(c).	June 29, 1936, ch. 858, title XI, § 1105(c), as added June 23, 1938, ch. 600, § 46, 52 Stat. 971; Aug. 15, 1953, ch. 513, § 3, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 5, 68 Stat. 1272; Aug. 7, 1956, ch. 1026, § 1(e)–(g), 70 Stat. 1087; Pub. L. 85–520, July 15, 1958, 72 Stat. 358; Pub. L. 91–469, § 33, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 914; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 98–595, § 1(10), Oct. 30, 1984, 98 Stat. 3131.

SECTION 53725

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53725	46 App.:1275(e).	June 29, 1936, ch. 858, title XI, § 1105(e), as added June 23, 1938, ch. 600, § 46, 52 Stat. 971; Aug. 15, 1953, ch. 513, § 3, 67 Stat. 626; Sept. 3, 1954, ch. 1265, § 5, 68 Stat. 1272; Aug. 7, 1956, ch. 1026, § 1(e)–(g), 70 Stat. 1087; Pub. L. 85–520, July 15, 1958, 72 Stat. 358; Pub. L. 91–469, § 33, Oct. 21, 1970, 84 Stat. 1035; restated Pub. L. 92–507, § 3, Oct. 19, 1972, 86 Stat. 915; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 98–595, § 1(11), Oct. 30, 1984, 98 Stat. 3131.

In subsection (a), the words "may take any action" are substituted for "shall take such action . . . that, in his discretion, may be required" for clarity and to eliminate unnecessary words.

SUBCHAPTER III—PARTICULAR PROJECTS

SECTION 53731

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53731(a)	46 App.:1279c(a) (1st sentence), (1), (4).	June 29, 1936, ch. 858, title XI, § 1110, as added Pub. L. 96–320, title II, § 203(a), Aug. 3, 1980, 94 Stat. 992; Pub. L. 97–31, § 12(136), Aug. 6, 1981, 95 Stat. 166; Pub. L. 97–35, title XVI, § 1606(f), Aug. 13, 1981, 95 Stat. 752; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 104–239, § 11(3), Oct. 8, 1996, 110 Stat. 3134.
53731(b)	46 App.:1279c(a) (2d sentence words before (1)).	
53731(c)	46 App.:1279c(a)(2).	
53731(d)	46 App.:1279c(b).	
53731(e)	46 App.:1279c(a)(3).	
53731(f)	46 App.:1279c(c).	
53731(g)	46 App.:1279c(d).	
53731(h)	46 App.:1279c(e).	

In subsection (a), the words "upon such terms as he shall prescribe" are omitted as unnecessary because section 53702(a) of the revised title provides the Secretary authority to prescribe the terms. The text of 46 App. U.S.C. 1279c(a)(1) is omitted as obsolete.

In subsection (f)(1), the words "account established under section 53717(b)(1) of this title" are substituted for "Federal Ship Financing Fund" because the accounts under section 53717 replace the Federal Ship Financing Fund. See the explanation for section 53717.

In subsection (f)(2)(B), the word "conversion" is substituted for "conversional" to correct an apparent error.

SECTION 53732

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53732(a)	46 App.:1279d(a).	June 29, 1936, ch. 858, title XI, § 1111, as added Pub. L. 103–160, div. A, title XIII, § 1355(a), Nov. 30, 1993, 107 Stat. 1811.
53732(b)	46 App.:1279d(b).	
53732(c)(1)	46 App.:1274(d)(3)(A).	June 29, 1936, ch. 858, title XI, § 1104A(d)(3), as added Pub. L. 103–160, div. A, title XIII, § 1356(3)(D), Nov. 30, 1993, 107 Stat. 1813.
53732(c)(2)	46 App.:1273(g)(1).	June 29, 1936, ch. 858, title XI, § 1103(g), as added Pub. L. 103–160, div. A, title XIII, § 1356(2)(B), Nov. 30, 1993, 107 Stat. 1812.
53732(d)	46 App.:1274(d)(3)(B).	
53732(e)	46 App.:1274(j).	
53732(f)	46 App.:1273(g)(2).	

In subsection (f), the source provides that the authority to issue commitments to guarantee obligations for eligible export vessels expires after the later of three events. The first event, which is "(A) the 5th anniversary of the date on which the Secretary publishes final regulations setting forth the application procedures for the issuance of commitments to guarantee obligations for eligible export vessels", is omitted because the final regulations were published on September 16, 1994. See 59 Fed. Reg. 47548. The second event, which is "(B) the last day of any 5-year period in which funding and guarantee authority for obligations for eligible export

vessels have been continuously available", is omitted because that date was November 11, 1998, five years after enactment of the Department of Defense Appropriations Act, 1994 (Pub. L. 103–139, Nov. 11, 1993, 107 Stat. 1418).

SECTION 53733

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53733(a)	46 App.:1279e(d).	June 29, 1936, ch. 858, title XI, § 1112, as added Pub. L. 103–160, div. A, title XIII, § 1357(a), Nov. 30, 1993, 107 Stat. 1814.
53733(b)	46 App.:1279e(a). 46 App.:1280a.	Pub. L. 103–160, title XIII, § 1358, Nov. 30, 1993, 107 Stat. 1816.
53733(c)	46 App.:1279e(b) (words before "except").	
53733(d)	46 App.:1279e(b) (words beginning with "except").	
53733(e)	46 App.:1279e(c).	

In subsection (a)(2)(A)(i), the words "(as defined in title 1)" are omitted as unnecessary because chapter 1 of the revised title contains a title-wide definition of "vessel" that incorporates the definition in title 1, United States Code.

In subsection (b), the words "and subject to the terms the Secretary shall be prescribe" are omitted as unnecessary because section 53702(a) of the revised title provides the Secretary authority to prescribe the terms. The words "Only a private shipyard is eligible to receive a guarantee" are substituted for 46 App. U.S.C. 1280a to eliminate unnecessary words.

SECTION 53734

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53734(a)	46 App.:1274a(a), (b)(3).	June 29, 1936, ch. 858, title XI, § 1104B, as added Pub. L. 101–380, title IV, § 4115(f)(2), Aug. 18, 1990, 104 Stat. 521; amended Pub. L. 102–587, title VI, § 6204, Nov. 4, 1992, 106 Stat. 5094; Pub. L. 103–160, div. A, title XIII, § 1356(4), Nov. 30, 1993, 107 Stat. 1814; Pub. L. 104–239, § 11(2), Oct. 8, 1996, 110 Stat. 3134.
53734(b)	46 App.:1274a(b) (less (3)).	
53734(c)	46 App.:1274a(d).	
53734(d)	46 App.:1274a(c)(1) (1st sentence).	
53734(e)	46 App.:1274a(c)(1) (2d sentence), (2).	

In subsection (a), in clause (1), the words "as defined in section 1244 of this Appendix" are omitted because the definition of "foreign commerce or trade" in chapter 1 of the revised title applies without having to say so specifically. Clause (6) is substituted for 46 App. U.S.C. 1274a(b)(3) to improve the organization of the source provisions.

In subsection (b)(2), the words "by rule, regulation, or procedure" are omitted as unnecessary and for consistency with section 53709(d) of the revised title.

In subsections (c) and (e), the language concerning the Vessel Replacement Guarantee Fund and the Federal Ship Financing Fund is omitted as obsolete. See the explanation for section 53717.

SECTION 53735

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53735(a)	46 App.:1279f(e).	June 29, 1936, ch. 858, title XI, § 1111, as added Pub. L. 104–297, title III, § 303, Oct. 11, 1996, 110 Stat. 3616; Pub. L. 104–208, title I, § 101 [title II, § 211(b)], Sept. 30, 1996, 110 Stat. 3009–41.
53735(b)	46 App.:1279f(a).	
53735(c)	46 App.:1279f(b).	
53735(d)	46 App.:1279f(c).	
53735(e)	46 App.:1279f(d).	

CHAPTER 539—WAR RISK INSURANCE

Sec.
53901. Definitions.
53902. Authority to provide insurance.
53903. Insurable interests.
53904. Liability insurance for persons involved in war or defense efforts.
53905. Agency insurance.
53906. Hull insurance valuation.
53907. Reinsurance.
53908. Additional insurance privately obtained.
53909. War risk insurance revolving fund.
53910. Administrative.
53911. Civil actions for losses.
53912. Expiration date.

SECTION 53901

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53901(1)	46 App.:1281(a).	June 29, 1936, ch. 858, title XII, §§ 1201(a), (b), as added Sept. 7, 1950, ch. 906, 64 Stat. 773.
53901(2)	46 App.:1283(b) (last sentence).	June 29, 1936, ch. 858, title XII, § 1203(b) (last sentence), as added Sept. 7, 1950, ch. 906, 64 Stat. 774; Pub. L. 94–523, § 2, Oct. 17, 1976, 90 Stat. 2474.
53901(3)	46 App.:1281(b).	
53901(4)	46 App.:1281(c).	June 29, 1936, ch. 858, title XII, § 1201(c), as added Sept. 7, 1950, ch. 906, 64 Stat. 773; restated Pub. L. 107–107, title XXXV, § 3502, Dec. 28, 2001, 115 Stat. 1392.

In clause (1)(A), the words "a documented vessel with a registry or coastwise endorsement under chapter 121 of this title" are substituted for "any vessel registered, enrolled, or licensed under the laws of the United States" because of 46 U.S.C. 12101(b).

In clause (1)(B). the words "or any department or agency thereof" are omitted as surplus.

In clause (1)(C), the word "fisheries" is substituted for "fishing trade or industry" because of the definition of "fisheries" in chapter 1 of the revised title.

SECTION 53902

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53902	46 App.:1282.	June 29, 1936, ch. 858, title XII, § 1202, as added Sept. 7, 1950, ch. 906, 64 Stat. 773; Pub. L. 101–115, § 7(a), Oct. 13, 1989, 103 Stat. 694.

SECTION 53903

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53903(a)	46 App.:1283(a) (1st sentence), (b) (1st sentence), (c)–(f).	June 29, 1936, ch. 858, title XII, § 1203(a) (1st, 2d sentences), (b) (1st sentence), (c)–(f), as added Sept. 7, 1950, ch. 906, 64 Stat. 773, 774; Pub. L. 94–523, §§ 1–3, Oct. 17, 1976, 90 Stat. 2474.
53903(b)	46 App.:1283(a) (2d sentence).	
53903(c)	46 App.:1284.	June 29, 1936, ch. 858, title XII, § 1204, as added Sept. 7, 1950, ch. 906, 64 Stat. 774.

In subsections (a)(2) and (b), the words "foreign vessel" are substituted for "foreign-flag vessels" because of the definition of "foreign vessel" in chapter 1 of the revised title.

In clause (3), references to the territories and possessions of the United States are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

In clause (5), the words "individual on a vessel insurable under this section" are substituted for "masters, officers, and crews of such vessels, and of other persons transported on such vessels" to eliminate unnecessary words.

In clause (6), the words "individual on a vessel insurable under this section" are substituted for "Masters, officers, members of the crews of such vessels and other persons employed or transported thereon" to eliminate unnecessary words.

SECTION 53904

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53904	46 App.:1286.	June 29, 1936, ch. 858, title XII, § 1206, as added Sept. 7, 1950, ch. 906, 64 Stat. 774; Aug. 3, 1956, ch. 929, § 5, 70 Stat. 986.

In subsection (a), the words "a vessel" are substituted for "any American- or foreign-flag vessel, public or private" to eliminate unnecessary words.

SECTION 53905

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53905	46 App.:1285.	June 29, 1936, ch. 858, title XII, § 1205, as added Sept. 7, 1950, ch. 906, 64 Stat. 774; Pub. L. 105–261, div. A, title X, § 1071(a), Oct. 17, 1998, 112 Stat. 2137.

SECTION 53906

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53906	46 App.:1289(a)(2).	June 29, 1936, ch. 858, title XII, § 1209(a)(2), as added Sept. 7, 1950, ch. 906, 64 Stat. 775; Aug. 3, 1956, ch. 929, § 1, 70 Stat. 984; Pub. L. 88–478, § 1, Aug. 22, 1964, 78 Stat. 587.

In subsection (c), the words "*Provided*, That in the event of an election by the insured to reject the stated valuation fixed by the Secretary and to sue in the courts, the amount of the judgment will be payable without regard to the limitations contained in section 1242–1 of this Appendix, although the excess of any amounts advanced on account of just compensation over the amount of the court judgment will be required to be refunded" are omitted as obsolete because the section referred to, which was from the Department of Commerce and Related Agencies Appropriation Act, 1959 (Pub. L. 85–469, 72 Stat. 231), has been omitted from the United States Code as obsolete.

SECTION 53907

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53907	46 App.:1287.	June 29, 1936, ch. 858, title XII, § 1207, as added Sept. 7, 1950, ch. 906, 64 Stat. 775.

In subsection (a), the words "insurance under this chapter" are substituted for "marine, war risk, and liability insurance" for consistency in this chapter. The words "in whole or in part" are omitted as unnecessary. The words "obtain reinsurance from" are substituted for "reinsure with, or cede or retrocede to" for clarity and to eliminate unnecessary words.

SECTION 53908

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53908	46 App.:1293.	June 29, 1936, ch. 858, title XII, § 1213, as added Sept. 7, 1950, ch. 906, 64 Stat. 777; Pub. L. 97–31, § 12(141), Aug. 6, 1981, 95 Stat. 166.

SECTION 53909

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53909	46 App.:1288.	June 29, 1936, ch. 858, title XII, § 1208, as added Sept. 7, 1950, ch. 906, 64 Stat. 775; Pub. L. 87–743, Oct. 3, 1962, 76 Stat. 740; Pub. L. 97–31, § 12(139), Aug. 6, 1981, 95 Stat. 166.
	46 App.:1288a.	Nov. 1, 1951, ch. 664, par. under heading "War–Risk Insurance Revolving Fund", 65 Stat. 746; Pub. L. 97–31, § 12(140), Aug. 6, 1981, 95 Stat. 166.

In subsection (c), the reference to the Fiscal Service [previously Division of Disbursement] in the Treasury Department is omitted as unnecessary.

The text of 46 App. U.S.C. 1288(b) is omitted as unnecessary because enactment of a law authorizing certain governmental functions is itself an authorization of appropriations to carry out those functions. The text of 46 App. U.S.C. 1288a is omitted as executed and impliedly repealed by 46 App. U.S.C. 1119.

SECTION 53910

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53910(a)	46 App.:1289(c) (1st sentence).	June 29, 1936, ch. 858, title XII, § 1209(a)(1), (b)–(f), as added Sept. 7, 1950, ch. 906, 64 Stat. 775; Aug. 3, 1956, ch. 929, § 1, 70 Stat. 984; Pub. L. 94–523, § 4, Oct. 17, 1976, 90 Stat. 2474.
53910(b)	46 App.:1289(a)(1) (1st–19th words).	
53910(c)	46 App.:1289(b) (1st sentence).	
53910(d)	46 App.:1289(b) (last sentence).	
53910(e)	46 App.:1289(a)(1) (20th–last words).	
53910(f)	46 App.:1289(d).	
53910(g)	46 App.:1289(c) (last sentence).	
53910(h)	46 App.:1289(e).	
53910(i)	46 App.:1289(f).	
53910(j)	46 App.:1283(a) (last sentence).	June 29, 1936, ch. 858, title XII, § 1203(a) (last sentence), as added Sept. 7, 1950, ch. 906, 64 Stat. 774; Pub. L. 94–523, § 1, Oct. 17, 1976, 90 Stat. 2474.

Subsection (e) is substituted for "may adjust and pay losses, compromise and settle claims, whether in favor of or against the United States and pay the amount of any judgment rendered against the United States in any suit, or the amount of any settlement agreed upon, in respect of any claim under insurance authorized by this subchapter" to eliminate unnecessary words.

SECTION 53911

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53911	46 App.:1292.	June 29, 1936, ch. 858, title XII, § 1212, as added Sept. 7, 1950, ch. 906, 64 Stat. 776.

SECTION 53912

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
53912	46 App.:1294.	June 29, 1936, ch. 858, title XII, § 1214, as added Sept. 7, 1950, ch. 906, 64 Stat. 777; Aug. 3, 1955, ch. 492, 69 Stat. 440; Pub. L. 86–120, July 31, 1959, 73 Stat. 266; Pub. L. 89–89, July 27, 1965, 79 Stat. 264; Pub. L. 91–469, § 34, Oct. 21, 1970, 84 Stat. 1035; Pub. L. 94–523, § 5, Oct. 17, 1976, 90 Stat. 2474; Pub. L. 96–195, Feb. 25, 1980, 94 Stat. 63; Pub. L. 99–59, July 3, 1985, 99 Stat. 110; Pub. L. 101–115, § 7(b), Oct. 13, 1989, 103 Stat. 694; Pub. L. 104–106, title X, § 1094, Feb. 10, 1996, 110 Stat. 461; Pub. L. 104–239, § 12, Oct. 8, 1996, 110 Stat. 3134.

PART D—PROMOTIONAL PROGRAMS

CHAPTER 551—COASTWISE TRADE

Sec.
55101. Application of coastwise laws.
55102. Transportation of merchandise.
55103. Transportation of passengers.
55104. Transportation of passengers between Puerto Rico and other ports in the United States.
55105. Transportation of hazardous waste.
55106. Merchandise transferred between barges.
55107. Empty cargo containers and barges.
55108. Platform jackets.
55109. Dredging.
55110. Transportation of dredged material.
55111. Towing.
55112. Vessel escort operations and towing assistance.
55113. Use of foreign documented oil spill response vessels.
55114. Unloading fish from foreign vessels.
55115. Supplies on fish processing vessels.
55116. Canadian rail lines.
55117. Great Lakes rail route.
55118. Foreign railroads whose road enters by ferry, tugboat, or towboat.
55119. Yukon River.
55120. Transshipment of imported merchandise intended for immediate exportation.

SECTION 55101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55101(a)	46 App.:877 (words before last proviso).	June 5, 1920, ch. 250, § 21, 41 Stat. 997; Apr. 16, 1936, ch. 228, 49 Stat. 1207; Pub. L. 97–31, § 12(47), Aug. 6, 1981, 95 Stat. 157.
55101(b)(1)	46 App.:877 (last proviso).	
55101(b)(2)	48:1664.	June 14, 1934, ch. 523, 48 Stat. 963.

In subsection (a), the words "apply to the United States, including " are substituted for "extend to" for clarity. The words "From and after February 1, 1922" and "not covered thereby on June 5, 1920" are omitted as obsolete. The requirement to establish adequate steamship service to the island Territories and possessions is omitted as executed and obsolete.

In subsection (b)(1), the words "and fix a date for the going into effect of same" are omitted as surplus.

The provisos of 46 App. U.S.C. 811 relating to the Philippine Islands are omitted as obsolete because of the independence of the Philippine Islands. See Proc. No. 2695 of July 4, 1946, 11 Fed. Reg. 7517, 60 Stat. 1352 (22 U.S.C. 1394 note).

SECTION 55102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55102	46 App.:883 (words before 1st proviso, 11th proviso).	June 5, 1920, ch. 250, § 27 (words before 1st proviso, 11th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 95–410, title II, § 213, Oct. 3, 1978, 92 Stat. 904; Pub. L. 101–329, § 1(a)(1), June 7, 1988, 102 Stat. 588; Pub. L. 102–587, title V, § 5501(b), Nov. 4, 1992, 106 Stat. 5085.

In subsection (a)(1), the words "(as defined in section 2101 of the [sic] title 46)" are omitted because the definition of "State" is being moved to chapter 1 and will apply to the entire title.

In subsection (b), the words "may not provide any part of the transportation of" are substituted for "No . . . shall be transported" and "or for any part of the transportation" because of the reorganization of the language. The words "including Districts, Territories, and possessions thereof" are omitted because of the definition of "United States" in chapter 1 of the revised title. The words "to which the coastwise laws apply" are substituted for "embraced within the coastwise laws" for consistency with section 55101. The words "is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade" are substituted for "owned by persons who are citizens of the United States", and the words "has been issued a certificate of documentation with a coastwise endorsement under chapter 121" are substituted for "documented under the laws of the United States", for clarity and consistency in the revised title. The words "or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement" are added for consistency with section 12102 as revised by the bill. The requirement that the vessel be built in the United States is omitted from this section for consistency with the requirements for a coastwise endorsement, which also require that the vessel be built in the United States except in certain circumstances. The words "or vessels to which the privilege of engaging in the coastwise trade is extended by section 808 of this Appendix or section 22 of this Act" are omitted because the relevant portion of section 808, and section 22, have been repealed.

In subsection (c), the words "any person" are substituted for "any consignor, seller, owner, importer, consignee, agent, or other person or persons" to eliminate unnecessary words.

SECTION 55103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55103	46 App.:289.	June 19, 1886, ch. 421, § 8, 24 Stat. 81; Feb. 17, 1898, ch. 26, § 2, 30 Stat. 248.

This section is substituted for the source provision for consistency with section 55102. See 19 C.F.R. §§ 4.80, 4.80a (2004).

In subsection (b), the penalty amount reflects the adjustment for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note). See 19 C.F.R. § 4.80(b)(2) (2004).

SECTION 55104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55104(a)(1)	46 App.:289c(b) (related to meaning of certificate).	Pub. L. 98–563, Oct. 30, 1984, 98 Stat. 2916.
55104(a)(2)	46 App.:289c(e).	
55104(b)	46 App.:289c(a).	
55104(c)	46 App.:289c(b).	
55104(d)	46 App.:289c(c).	
55104(e)	46 App.:289c(d).	

In subsection (a), the definition of "certificate" is added based on the language in 46 App. U.S.C. 289c(b)(1) and (2) to avoid repeating the substance of the definition twice in the section.

In subsection (b), the words "Notwithstanding any other provision of law" and "directly or by way of a foreign port" are omitted as unnecessary.

SECTION 55105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55105	46 App.:883 (2d–6th sentences, last sentence less provisos).	June 5, 1920, ch. 250, § 27 (2d–6th sentences, last sentence less provisos), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 97–389, title V, § 502, Dec. 29, 1982, 96 Stat. 1954.

In subsection (a), the words "after December 31, 1983" are omitted as obsolete. The words "transportation of merchandise under section 55102 of this title" are substituted for "For the purposes of this section" and "transportation by water of merchandise between points in the United States" for consistency with section 55102.

In subsection (b)(2), the words "all current" are omitted as surplus.

Subsection (c) is substituted for "or after such time as an appropriate vessel has been constructed and documented as a vessel of the United States" to improve the organization.

SECTION 55106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55106	46 App.:883 (7th proviso).	June 5, 1920, ch. 250, § 27 (7th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 92–163, § 1, Nov. 23, 1971, 85 Stat. 486.

In subsection (a), the words "non-self-propelled" are omitted as unnecessary because of the definition of "barge" in chapter 1 of the revised title. The words "between points in the United States" and "without regard to whether any such barge is under foreign registry or qualified to engage in the coastwise trade" are omitted as surplus.

SECTION 55107

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55107	46 App.:883 (6th proviso).	June 5, 1920, ch. 250, § 27 (6th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 89–194, Sept. 21, 1965, 79 Stat. 823; Pub. L. 90–474, Aug. 11, 1968, 80 Stat. 700; Pub. L. 92–163, § 1, Nov. 23, 1971, 85 Stat. 486.

In subsection (a), before clause (1), the words "by vessels of the United States not qualified to engage in the coastwise trade, or by vessels of foreign registry" are omitted as unnecessary. In clause (4), the words "by the Secretary of the Treasury" are omitted as unnecessary because the section referred to provides who administers it.

SECTION 55108

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55108	46 App.:883 (last proviso).	June 5, 1920, ch. 250, § 27 (last proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 101–329, § 1(a)(2), June 7, 1988, 102 Stat. 588; Pub. L. 107–295, title II, § 213(c), Nov. 25, 2002, 116 Stat. 2100; Pub. L. 108–293, title IV, § 417, Aug. 9, 2004, 118 Stat. 1048.

In subsection (a), the words "coastwise endorsement under chapter 121" are substituted for "coastwise endorsement under section 12106" because section 12106 is being restated in various sections in revised chapter 121.

In subsection (b), the words "Section 55102 of this title does not apply" are substituted for "shall not be deemed transportation subject to this section" for consistency in the chapter.

SECTION 55109

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55109	46 App.:292.	May 28, 1906, ch. 2566, § 1, 34 Stat. 204; Pub. L. 102–87, title V, § 5501(a)(1), Nov. 4, 1992, 106 Stat. 5084.

Subsection (a)(1) is substituted for "(1) the vessel meets the requirements of section 883 of this Appendix and sections 802 and 803 of this Appendix for engaging in the coastwise trade" for consistency with other sections of the revised title and to eliminate unnecessary words. Section 883 requires (among other things) that the vessel be owned by citizens of the United States, and section 802 contains the requirements for certain entities to qualify as citizens. Those requirements are restated in section 50501 which applies to this section. Section 883 also requires that the vessel be built in and documented under the laws of the United States. Those latter two requirements are covered by subsection (a)(3). Note that the build requirement is a requirement for a coastwise endorsement.

In subsection (a)(3), the words "or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement" are added for consistency with section 12102 as revised by the bill.

SECTION 55110

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55110	46 App.:883 (12th proviso).	June 5, 1920, ch. 250, § 27 (12th proviso), 41 Stat. 999; Pub. L. 100–329, § 1(a), June 7, 1988, 102 Stat. 588.

The words "or place" are omitted as surplus. The words "as defined in the Presidential Proclamation of March 10, 1983" are omitted because "exclusive economic zone" is defined in chapter 1 of the revised title.

SECTION 55111

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55111	46 App.:316(a), (b).	R.S. § 4370; June 11, 1940, ch. 324, 54 Stat. 304; Pub. L. 99–307, § 10, May 19, 1986, 100 Stat. 447; Pub. L. 100–329, § 2, June 7, 1988, 102 Stat. 589; Pub. L. 104–324, title XI, § 1115(b)(3), Oct. 19, 1996, 110 Stat. 3972.

In subsection (a), the words "or to do any part of such towing" and "other than a vessel in distress" in the source provision are made applicable to all the towing described in subsection (b) for clarity and consistency. In clause (1), the words "wholly owned by citizens of the United States for purposes of engaging in the coastwise trade" are substituted for "wholly owned by a person who is a citizen of the United States within the meaning of the laws respecting the documentation of vessels" for consistency in this chapter.

Subsection (a)(2) is substituted for "having in force a certificate of documentation issued under section 12106 of title 46" for consistency in this chapter and with section 12102(b) as revised by the bill.

In subsection (b)(1), the words "in the United States to which the coastwise laws apply" are substituted for "in the United States, its Territories or possessions, embraced within the coastwise laws of the United States" because of the definition of "United States" in chapter 1 of the revised title and because of section 55101 of the revised title.

In subsection (b)(3), the words "or place" are omitted as surplus. The words "as defined in the Presidential Proclamation of March 10, 1983" are omitted because "exclusive economic zone" is defined in chapter 1 of the revised title.

In subsection (c), the penalty amounts reflect the adjustment for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note). See 19 C.F.R. § 4.92 (2004). In paragraph (2), the words "which sum may be recovered by way of libel or suit" are omitted as surplus.

The text of 46 App. U.S.C. 316(b) is omitted as unnecessary because of the definition of "person" in section 1 of title 1.

SECTION 55112

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55112	46 App.:316a.	Pub. L. 107–295, title IV, § 404, Nov. 25, 2002, 116 Stat. 2114.

In subsection (a), the words "(as that term is defined in section 2101 of title 46, United States Code)" are omitted because the definition of "vessel of the United States" is being moved from section 2101 to chapter 1 of the revised title and will apply title-wide.

SECTION 55113

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55113	46:12101 note.	Pub. L. 104–324, title XI, § 1117, Oct. 19, 1996, 110 Stat. 3973.

SECTION 55114

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55114(a)	46 App.:251(a) (1st sentence).	R.S. § 4311; Sept. 2, 1950, ch. 842, 64 Stat. 577; Pub. L. 87–220, § 1, Sept. 13, 1961, 75 Stat. 493; Pub. L. 96–61, § 2, Aug. 15, 1979, 93 Stat. 407; Pub. L. 96–594, title I, § 126(b), Dec. 24, 1980, 94 Stat. 3459; Pub. L. 100–239, § 8(a), Jan. 11, 1988, 101 Stat. 1783.
55114(b)	46 App.:251(a) (last sentence).	
55114(c)	46 App.:251(b).	
55114(d)	46 App.:251(c).	
	46 App.:251a.	Pub. L. 87–220, § 2, Sept. 13, 1961, 75 Stat. 493.

In subsection (a), before clause (1), the words "whether documented as a cargo vessel or otherwise" are omitted as unnecessary.

In subsection (d), the words "severally" and "in addition to any other penalty provided in law" are omitted as unnecessary. The last sentence is substituted for 46 App. U.S.C. 251a.

SECTION 55115

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55115	46 App.:883 (10th proviso).	June 5, 1920, ch. 250, § 27 (10th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 97–389, title V, § 504, Dec. 29, 1982, 96 Stat. 1956.

The words "Section 55102 of this title does not apply to" are substituted for "for the purposes of this section" and "shall be considered ship's equipment and not merchandise" for consistency in the chapter.

SECTION 55116

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55116	46 App.:883 (3d proviso).	June 5, 1920, ch. 250, § 27 (3d proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 85–508, § 27(a), July 7, 1958, 72 Stat. 351; Pub. L. 104–324, title VII, § 747(1), Oct. 19, 1996, 110 Stat. 3943.

SECTION 55117

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55117	46 App.:883 (5th proviso).	June 5, 1920, ch. 250, § 27, as added Apr. 11, 1935, ch. 58, 49 Stat. 154.

SECTION 55118

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55118	46 App.:316(c).	R.S. § 4370(c); restated June 11, 1940, ch. 324, 54 Stat. 304.

The words "company or corporation" after "foreign railroad" are omitted as unnecessary. The words "vessel not having a coastwise endorsement" are substituted for "such vessel" (referring to a vessel

described in 46 App. U.S.C. 316(a)) for clarity and because of the reorganization of the source material in the revised title. The words "However, the foreign railroad is subject to the same restrictions imposed by law on a vessel of the United States entering a port of the United States from the same foreign country" are substituted for "without being subject to any other or different restrictions than those imposed by law on any vessel of the United States entering ports of the United States from ports in the same foreign country" to eliminate unnecessary words. The words "Except as otherwise authorized by this chapter" are substituted for "except as authorized by section 883 of this Appendix" because of the reorganization of the source material in the revised title. The words "its Territories or possessions" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

SECTION 55119

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55119	46 App.:883 (4th proviso).	June 5, 1920, ch. 250, § 27 (4th proviso), 41 Stat. 999; Exec. Order No. 6166, June 10, 1933, § 12; July 2, 1935, ch. 355, 49 Stat. 442; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Reorg. Plan No. 21 of 1950, eff. May 24, 1950, § 204, 64 Stat. 1276; Pub. L. 97–31, § 12(49), Aug. 6, 1981, 95 Stat. 157.

SECTION 55120

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55120	46 App.:291.	Feb. 17, 1898, ch. 26, § 3, 30 Stat. 248.

CHAPTER 553—PASSENGER AND CARGO PREFERENCES

SUBCHAPTER I—GENERAL

Sec.
55301. Priority loading for coal.
55302. Transportation of United States Government personnel.
55303. Motor vehicles owned by United States Government personnel.
55304. Exports financed by the United States Government.
55305. Cargoes procured, furnished, or financed by the United States Government.

SUBCHAPTER II—EXPORT TRANSPORTATION OF AGRICULTURAL COMMODITIES

55311. Findings and purposes.
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55314. Transportation requirements for certain exports sponsored by the Secretary of Agriculture.
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SUBCHAPTER III—AMERICAN GREAT LAKES VESSELS

55331. Definitions.
55332. Designating American Great Lakes vessels.
55333. Exemption from restriction on transporting certain cargo.
55334. Restrictions on operations.
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55336. Civil penalty.

SUBCHAPTER I—GENERAL

SECTION 55301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55301	46 App.:1121–1.	Pub. L. 96–387, § 5, Oct. 7, 1980, 94 Stat. 1546; Pub. L. 97–31, § 12(68), Aug. 6, 1981, 95 Stat. 159; Pub. L. 99–662, title IX, § 947, Nov. 17, 1986, 100 Stat. 4200.

SECTION 55302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55302	46 App.:1241(a).	June 29, 1936, ch. 858, title IX, § 901(a), 49 Stat. 2015; Aug. 26, 1954, ch. 936, 68 Stat. 832; Pub. L. 104–316, title I, § 125, Oct. 19, 1996, 110 Stat. 3839.

In subsection (a), the words "by sea" are added for clarity. The words "a territory or possession of the United States" are substituted for "any of the possessions of the United States" for consistency in the revised title.

SECTION 55303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55303	46 App.:1241(c).	June 29, 1936, ch. 858, title IX, § 901(c), as added May 28, 1956, ch. 325, 70 Stat. 187.

SECTION 55304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55304	46 App.:1241–1.	Mar. 26, 1934, ch. 90, 48 Stat. 500; June 29, 1936, ch. 858, § 204, 49 Stat. 1987; Pub. L. 97–31, § 12(127), Aug. 6, 1981, 95 Stat. 165.

This section codifies the Joint Resolution of March 26, 1934 (ch. 90, 48 Stat. 500) (also commonly known as Public Resolution 17). The codification of this provision is not intended to change its status as a "Sense of Congress" provision in any way. The words "Reconstruction Finance Corporation or" are omitted as obsolete because the Reconstruction Finance Corporation was abolished by section 6 of Reorganization Plan No. 1 of 1957 (5 App. U.S.C.).

SECTION 55305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55305(a)	46 App.:1241(b)(1) (2d, last provisos).	June 29, 1936, ch. 858, title IX, § 901(b), as added Aug. 26, 1954, ch. 936, 68 Stat. 832; Pub. L. 87–266, Sept. 21, 1961, 75 Stat. 565; Pub. L. 91–469, § 27, Oct. 21, 1970, 84 Stat. 1034; Pub. L. 97–31, § 12(126), Aug. 6, 1981, 95 Stat. 165.
55305(b)	46 App.:1241(b)(1) (words before 1st proviso).	
55305(c)	46 App.:1241(b)(1) (1st proviso).	
55305(d)	46 App.:1241(b)(2).	

In subsection (a), the words "the provisions of this subsection shall not apply to cargoes carried in the vessels of the Panama Canal Company" are omitted as obsolete. The words "Nothing herein shall repeal or otherwise modify the provisions of section 1241–1 of this Appendix" are omitted as unnecessary. The last proviso in 46 App. U.S.C. 1241(b)(1) is omitted as obsolete.

SUBCHAPTER II—EXPORT TRANSPORTATION OF AGRICULTURAL COMMODITIES

SECTION 55311

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55311	46 App.:1241d.	Pub. L. 99–198, title XI, § 1141, Dec. 23, 1985, 99 Stat. 1490.

In subsection (a)(1), the word "security" is substituted for "national security objectives" to eliminate unnecessary words.

In subsection (b), the words "Secretary of Agriculture" in clause (1) and "Secretary" in clause (4) are substituted for "Department of Agriculture" because all functions of the Department are vested in the Secretary under 7 U.S.C. 2202 and 6911 and Reorganization Plan No. 2 of 1953 (5 App. U.S.C.).

SECTION 55312

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55312	46 App.:1241f(e).	June 29, 1936, ch. 858, title IX, § 901b(e), as added Pub. L. 99–198, title XI, § 1142, Dec. 23, 1985, 99 Stat. 1492.

SECTION 55313

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55313	46 App.:1241e.	June 29, 1936, ch. 858, title IX, § 901a, as added Pub. L. 99–198, title XI, § 1142, Dec. 23, 1985, 99 Stat. 1490.

SECTION 55314

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55314(a)(1)	46 App.:1241f(a).	June 29, 1936, ch. 858, title IX, § 901b(a)–(d), as added Pub. L. 99–198, title XI, § 1142, Dec. 23, 1985, 99 Stat. 1491; Pub. L. 101–624, title XV, § 1525, Nov. 28, 1990, 104 Stat. 3667; Pub. L. 104–239, § 17, Oct. 8, 1996, 110 Stat. 3138; Pub. L. 108–136, title XXXV, § 3514, Nov. 24, 2003, 117 Stat. 1792.
	46 App.:1241*o*.	June 29, 1936, ch. 858, title IX, § 901k, as added Pub. L. 99–198, title XI, § 1142, Dec. 23, 1985, 99 Stat. 1496.
55314(a)(2)	46 App.:1241f(c)(2).	
55314(b)	46 App.:1241f(b), (d).	
55314(c)	46 App.:1241f(c)(1), (3), (4).	

In subsection (a)(1), before clause (A), the text of 46 App. U.S.C. 1241f(a)(2)(A) and (B) is omitted as obsolete. Clauses (A) and (B)

are substituted for 46 App. U.S.C. 1241*o* to improve the organization and to eliminate unnecessary words.

In subsection (a)(2), the words "the 12-month period beginning October 1 of each year" are substituted for "12 month periods commencing April 1, 1986, the 18-month period beginning April 1, 2002, and the 12-month period beginning October 1, 2003, and each year thereafter" to eliminate obsolete and unnecessary language.

In subsection (c)(4), before clause (A), the words "or instrumentality" are omitted as unnecessary because of the definition of "agency" in chapter 1.

SECTION 55315

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55315	46 App.:1241g.	June 29, 1936, ch. 858, title IX, § 901c, as added Pub. L. 99–198, title XI, § 1142, Dec. 23, 1985, 99 Stat. 1493.

In subsection (b), the words "For fiscal year 1986 and" are omitted as obsolete.

SECTION 55316

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55316(a)	46 App.:1241h(a).	June 29, 1936, ch. 858, title IX, § 901d, as added Pub. L. 99–198, title XI, § 1142, Dec. 23, 1985, 99 Stat. 1493.
55316(b)	46 App.:1241h(b).	
55316(c)	46 App.:1241h(c).	
55316(d)	46 App.:1241h(d) (last sentence).	
55316(e)(1)	46 App.:1241h(d) (1st sentence).	
55316(e)(2)	46 App.:1241h note.	Pub. L. 100–202, 101(a) [title V (par. under heading "Ocean Freight Differential")], Dec. 22, 1987, 101 Stat. 1329, 1329–27.
55316(f)	46 App.:1241h(e).	

In subsection (b)(2), the words "section 412(d) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f(d))" are substituted for "section 1733(b) of title 7" because the latter provision, as amended in 1990, no longer contains provisions on valuation of commodities shipped from the inventory of the Commodity Credit Corporation, and a provision substantially the same as former 7 U.S.C. 1733(b) is now at 7 U.S.C. 1736f(e).

In subsection (c)(1), the words "considering the current average market yield on outstanding marketable obligations of the United States Government of comparable maturities during the month before the obligations are issued" are substituted for "taking into consideration the average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturities of such obligations during the month preceding the issuance of such obligations of the Secretary of Transportation" to eliminate unnecessary words.

In subsection (c)(2), the words "after December 23, 1985" are omitted as obsolete.

In subsection (e)(1), the words "commencing with the fiscal year beginning October 1, 1986" are omitted as obsolete.

In subsection (f), the words "Notwithstanding the provisions of this section" are omitted as unnecessary.

SECTION 55317

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55317	46 App.:1241j.	June 29, 1936, ch. 858, title IX, § 901f, as added Pub. L. 99–198, title XI, § 1142, Dec. 23, 1985, 99 Stat. 1494.

The words "except to the extent those activities are exempt under section 1707a(b) of title 7" are omitted because the provision referred to has been repealed.

SECTION 55318

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55318	46 App.:1241p.	Pub. L. 99–198, title XI, § 1143, Dec. 23, 1985, 99 Stat. 1496.

The words "section 1707a(b)(8) of title 7" are omitted because the provision referred to has been repealed.

SUBCHAPTER III—AMERICAN GREAT LAKES VESSELS

SECTION 55331

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55331	46 App.:1241v.	Pub. L. 101–624, title XV, § 1527, Nov. 28, 1990, 104 Stat. 3668.

In clause (1), the words "but only during the period the designation is in effect" are added for clarity.

In clause (3), the words "created by the Act of May 13, 1954 (33 U.S.C. 981 et seq.)" are omitted as unnecessary.

The definition of "Secretary" in 46 App. U.S.C. 1241v(4) is omitted as unnecessary because the full title of the Secretary of Transportation is used the first time the Secretary is referred to in each section.

SECTION 55332

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
55332	46 App.:1241r.	Pub. L. 101–624, title XV, § 1522, Nov. 28, 1990, 104 Stat. 3665.

In subsection (a), the words "for purposes of sections 1241q to 1241v of this Appendix" are omitted as unnecessary.

In subsection (c), before clause (1), the words "construction and purchase" before "agreement" are omitted because the source provision for subsection (b) does not say anything about construction.

In subsection (d), the words "Not later than 60 days after November 28, 1990" are omitted as obsolete.

SECTION 55333

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55333	46 App.:1241q.	Pub. L. 101–624, title XV, § 1521, Nov. 28, 1990, 104 Stat. 3665.

This section is substituted for the source provisions to eliminate unnecessary words.

SECTION 55334

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55334	46 App.:1241s.	Pub. L. 101–624, title XV, § 1523, Nov. 28, 1990, 104 Stat. 3666.

SECTION 55335

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55335	46 App.:1241t(a), (c).	Pub. L. 101–624, title XV, § 1524(a), (c), Nov. 28, 1990, 104 Stat. 3667.

In subsection (a)(3), the words "construction and purchase" before "agreement" are omitted because the source provision for section 55332(b) of the revised title does not say anything about construction.

SECTION 55336

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55336	46 App.:1241t(b).	Pub. L. 101–624, title XV, § 1524(b), Nov. 28, 1990, 104 Stat. 3667.

CHAPTER 555—MISCELLANEOUS

Sec.
55501. Mobile trade fairs.

SECTION 55501

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55501	46 App.:1122b.	June 29, 1936, ch. 858, title II, § 212(B), as added Pub. L. 87–839, § 1, Oct. 18, 1962, 76 Stat. 1074; Pub. L. 89–66, July 7, 1965, 79 Stat. 211; Pub. L. 90–434, July 27, 1968, 82 Stat. 449; Pub. L. 100–418, title X, § 10003(a), Aug. 23, 1988, 102 Stat. 1572.

PART E—CONTROL OF MERCHANT MARINE CAPABILITIES

CHAPTER 561—RESTRICTIONS ON TRANSFERS

Sec.
56101. Approval required to transfer vessel to noncitizen.
56102. Additional controls during war or national emergency.
56103. Conditional approvals.
56104. Penalty for false statements.
56105. Forfeiture procedure.

SECTION 56101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56101(a)	46 App.:808(c).	Sept. 7, 1916, ch. 451, § 9(c), (d), 39 Stat. 730; July 15, 1918, ch. 152, § 3, 40 Stat. 900; June 5, 1920, ch. 250, § 18, 41 Stat. 994; Exec. Order No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; June 23, 1938, ch. 600, § 42, 52 Stat. 964; Pub. L. 89–346, § 1, Nov. 8, 1965, 79 Stat. 1305; Pub. L. 97–31, § 12(26), Aug. 6, 1981, 95 Stat. 155; Pub. L. 100–710, title I, § 104(b)(3), Nov. 23, 1988, 102 Stat. 4750; Pub. L. 101–225, title III, § 304(a), Dec. 12, 1989, 103 Stat. 1924; Pub. L. 104–324, title XI, 1113(c), (e), Oct. 19, 1996, 110 Stat. 3970, 3971; Pub. L. 107–295, title II, § 205(d), Nov. 25, 2002, 116 Stat. 2096.
	46 App.:808a.	Pub. L. 98–454, title III, § 302, Oct. 5, 1984, 98 Stat. 1734.
56101(b)	46 App.:808(f)	Sept. 7, 1916, ch. 451, § 9(f), as added Pub. L. 104–324, title XI, § 1136(b), Oct. 19, 1996, 110 Stat. 3987; Pub. L. 108–136, title XXXV, § 3532(a)(1), Nov. 24, 2003, 117 Stat. 1817.
56101(c)	46 App.:808(e)	Sept. 7, 1916, ch. 451, § 9(e), as added Pub. L. 104–239, § 6, Oct. 8, 1996, 110 Stat. 3132; Pub. L. 108–136, title XXXV, § 3532(a)(2), Nov. 24, 2003, 117 Stat. 1817.
56101(d)	46 App.:808(d)(1).	
56101(e)	46 App.:808(d)(2)–(4).	

In subsection (a), the text of 46 App. U.S.C. 808a is omitted as unnecessary. In clause (1), the words "owned by a citizen of the United States" are omitted as unnecessary because ownership by a citizen is a requirement for documentation. See section 12103 as revised by the bill.

In subsection (c), before clause (1), the words "Notwithstanding any other provision of this subtitle, the Merchant Marine Act, 1936, or any contract with the Secretary made under this subtitle or that Act" are substituted for "Notwithstanding subsection (c)(2) of this section, the Merchant Marine Act, 1936 [46 App. U.S.C. 1101 et seq.], or any contract entered into with the Secretary of Transportation under that Act" because the Merchant Marine Act, 1936, is restated principally in this subtitle, but other provisions of that Act are being neither restated nor repealed.

SECTION 56102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56102(a)	46 App.:835(a)–(c) (less provisos), (d)–(f).	Sept. 7, 1916, ch. 451, § 37, as added July 15, 1918, ch. 152, § 4, 40 Stat. 901; Exec. Order No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 89–346, § 2, Nov. 8, 1965, 79 Stat. 1306; Pub. L. 97–31, § 12(30), Aug. 6, 1981, 95 Stat. 156.
56102(b)	46 App.:835(c) (provisos).	
56102(c)	46 App.:835 (2d par. after cl. (f), last par. words before 9th comma).	

SECTION 56102—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56102(d)	46 App.:835 (last par. words after 9th comma).	
56102(e)	46 App.:835 (1st, 3d pars. after cl. (f)).	

In this section, the words "facility for building or repairing vessels" are substituted for "shipyard, dry dock, shipbuilding or ship-repairing plant or facility" (or similar language) to eliminate unnecessary words.

In subsection (a)(1), the words "transfer to" are omitted as surplus. The words "Territory, District, or possession thereof" are omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

In subsection (a)(3), the words "instrument of indebtedness" are substituted for "bond, note, or other evidence of indebtedness" to eliminate unnecessary words. The words "right, title, or" are omitted as unnecessary.

In subsection (a)(5), the words "or the majority of the voting power" are omitted as covered by "controlling interest".

In subsection (b)(1), before clause (A), the words "and only if" are added for clarity because the Secretary is required to disapprove a trustee that ceases to meet the specified conditions.

Subsections (c) and (d) are substituted for the source provisions to eliminate unnecessary words.

In subsection (e)(1), the words "guilty of a misdemeanor" are omitted, and the words "fined under title 18" are substituted for "punishable by a fine of not more than $5000", because of chapter 227 of title 18.

SECTION 56103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56103	46 App.:839 (1st par.).	Sept. 7, 1916, ch. 451, § 41 (1st par.), as added July 15, 1918, ch. 152, § 4, 40 Stat. 902; Exec. Order No. 6166, June 10, 1933, § 12; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(32), Aug. 6, 1981, 95 Stat. 156.

This section is substituted for the source provision to eliminate unnecessary words.

SECTION 56104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56104	46 App.:839 (last par.).	Sept. 7, 1916, ch. 451, § 41 (last par.), as added July 15, 1918, ch. 152, § 4, 40 Stat. 903; Exec. Order No. 6166, June 10, 1933, § 12; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(32), Aug. 6, 1981, 95 Stat. 156.

The words "guilty of a misdemeanor" are omitted, and the words "fined under title 18" are substituted for "subject to a fine of not more than $5000", because of chapter 227 of title 18.

SECTION 56105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56105(a)	46 App.:836.	Sept. 7, 1916, ch. 451, § 38, as added July 15, 1918, ch. 152, § 4, 40 Stat. 902; Pub. L. 101–225, title III, § 304(b), Dec. 12, 1989, 103 Stat. 1924.
56105(b)	46 App.:837.	Sept. 7, 1916, ch. 451, § 39, as added July 15, 1918, ch. 152, § 4, 40 Stat. 902.

CHAPTER 563—EMERGENCY ACQUISITION OF VESSELS

Sec.
56301. General authority.
56302. Charter terms.
56303. Compensation.
56304. Disputed compensation.
56305. Vessel encumbrances.
56306. Use and transfer of vessels.
56307. Return of vessels.

SECTION 56301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56301	46 App.:1242(a) (1st, 2d sentences).	June 29, 1936, ch. 858, title IX, § 902(a) (1st, 2d sentences), 49 Stat. 2015; Pub. L. 97–31, § 12(131), Aug. 6, 1981, 95 Stat. 165; Pub. L. 100–710, title I, § 104(c), Nov. 23, 1988, 102 Stat. 4750.

The words "or other watercraft" are omitted because of the definition of "vessel" in chapter 1 of the revised title. The words "The termination of any emergency so declared shall be announced by a further proclamation by the President" are omitted as superseded by the National Emergencies Act (50 U.S.C. 1601 et seq.).

SECTION 56302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56302	46 App.:1242(c) (1st sentence).	June 29, 1936, ch. 858, title IX, § 902(c) (1st sentence); as added Aug. 7, 1939, ch. 555, § 3, 53 Stat. 1255; Pub. L. 97–31, § 12(131), Aug. 6, 1981, 95 Stat. 165.

In subsection (a), the words "requisitioned for use but not ownership under this chapter" are substituted for "taken and used under authority of this section, but the ownership thereof is not required by the United States" to eliminate unnecessary words. The word "requisition" is substituted for "taking", and the word "vessel" is substituted for "such property", for consistency.

Subsection (b) is added because the provisions about disputed compensation, for both charter use and other takings, are consolidated in section 56304 of the revised title to avoid repetition.

SECTION 56303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56303(a)	46 App.:1242(a) (3d sentence words before 2d comma), (d) (1st par. words before 2d comma).	June 29, 1936, ch. 858, title IX, § 902(a) (3d, last sentences), (b), (d) (1st par. words before 2d comma), 49 Stat. 2015, 2016; Aug. 7, 1939, ch. 555, § 3, 53 Stat. 1255; Aug. 3, 1956, ch. 929, § 3, 70 Stat. 985; Pub. L. 97–31, § 12(131), Aug. 6, 1981, 95 Stat. 165.
56303(b)	46 App.:1242(a) (3d sentence words after 2d comma, last sentence).	
56303(c)	46 App.:1242(b).	
56303(d)	46 App.:1242(c) (last sentence).	

SECTION 56304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56304	46 App.:1242(c) (2d sentence), (d) (1st par. words after 2d comma).	June 29, 1936, ch. 858, title IX, § 902(c) (2d sentence), (d) (1st par. words after 2d comma); as added Aug. 7, 1939, ch. 555, § 3, 53 Stat. 1256; Aug. 3, 1956, ch. 929, §§ 2, 3, 70 Stat. 985; Pub. L. 97–31, § 12(131), Aug. 6, 1981, 95 Stat. 165.

This section is substituted for the source provisions to eliminate unnecessary words.

SECTION 56305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56305	46 App.:1242(d) (last par.).	June 29, 1936, ch. 858, title IX, § 902(d) (last par.), as added Mar. 24, 1943, ch. 26, § 3(d), 57 Stat. 49; Pub. L. 97–31, § 12(131), Aug. 6, 1981, 95 Stat. 165.

In this section, the words "encumbrance" and "encumbrances" are substituted for "any valid claim by way of mortgage or maritime claim or attachment lien" and "any valid claim by way of mortgage or maritime lien or attachment lien" to eliminate unnecessary words.

In subsection (b)(1), the words "The Secretary shall publish notice of the creation of the fund in the Federal Register" are added for clarity, based on language barring a civil action not brought within 6 months after publication of such a notice.

In subsection (c)(1), the words "Within 6 months after publication of notice under subsection (b)" are substituted for "prior to June 30, 1943, or within six months after the first such deposit with the Treasurer and publication of notice thereof in the Federal Register, whichever date is later" for clarity and to eliminate obsolete language.

Subsection (c)(3) is substituted for "and such suit shall be commenced in the manner provided by section 742 of this Appendix and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney General and the Secretary of Transportation and due notice shall under order of the court be given to all interested persons" because the relevant sentences in

46 App. U.S.C. 742 were struck by an amendment in 1996. See generally *Henderson v. United States*, 517 U.S. 654, 116 S. Ct. 1638 (1996).

In subsection (c)(4), the words "any decree in said suit shall be paid out of the first and all subsequent deposits of compensation" and "any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction" are omitted as surplus.

SECTION 56306

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56306	46 App.:1242(e).	June 29, 1936, ch. 858, title IX, § 902(e); as added Aug. 7, 1939, ch. 555, § 3, 53 Stat. 1256; Pub. L. 97–31, § 12(131), Aug. 6, 1981, 95 Stat. 165.

In this section, the word "vessel" is substituted for "property" for consistency in the chapter.

In subsection (b), the words "Such reimbursements shall be deposited in the construction fund established by section 1116 of this Appendix" are omitted as impliedly repealed by 46 App. U.S.C. 1119 as amended in 1967.

SECTION 56307

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56307	46 App.:1242(a) (4th sentence).	June 29, 1936, ch. 858, title IX, § 902(a) (4th sentence), 49 Stat. 2015; Pub. L. 97–31, § 12(131), Aug. 6, 1981, 95 Stat. 165.

The words "requisitioned for use but not ownership" are substituted for "taken and used under authority of this section, but the ownership thereof is not required by the United States" to eliminate unnecessary words.

CHAPTER 565—ESSENTIAL VESSELS AFFECTED BY NEUTRALITY ACT

Sec.
56501. Definition.
56502. Adjusting obligations and arranging maintenance.
56503. Types of adjustments and arrangements.
56504. Changes in adjustments and arrangements.

SECTION 56501

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56501	46 App.:1242a(a).	June 29, 1940, ch. 442, subdiv. (a), 54 Stat. 684.

SECTION 56502

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56502	46 App.:1242a(b), (e).	June 29, 1940, ch. 442, subdivs. (b), (e), 54 Stat. 684, 686; Pub. L. 97–31, § 12(132), Aug. 6, 1981, 95 Stat. 165.

The text of 46 App. U.S.C. 1242a(b) (1st sentence) is omitted as surplus. The text of 46 App. U.S.C. 1242a(e) is omitted as obsolete.

SECTION 56503

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56503	46 App.:1242a(c).	June 29, 1940, ch. 442, subdiv. (c), 54 Stat. 685; Pub. L. 97–31, § 12(132), Aug. 6, 1981, 95 Stat. 165.

SECTION 56504

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
56504	46 App.:1242a(d).	June 29, 1940, ch. 442, subdiv. (d), 54 Stat. 686; Pub. L. 97–31, § 12(132), Aug. 6, 1981, 95 Stat. 165.

PART F—GOVERNMENT-OWNED MERCHANT VESSELS

CHAPTER 571—GENERAL AUTHORITY

Sec.
57101. Placement of vessels in National Defense Reserve Fleet.
57102. Disposition of vessels not worth preserving.
57103. Sale of obsolete vessels in National Defense Reserve Fleet.
57104. Acquisition of vessels from sale of obsolete vessels.
57105. Acquisition of vessels for essential services, routes, or lines.
57106. Maintenance, improvement, and operation of vessels.
57107. Vessels for other agencies.
57108. Consideration of ballast and equipment in determining selling price.
57109. Operation of vessels purchased, chartered, or leased from Secretary of Transportation.

SECTION 57101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57101	46 App.:1160(j).	June 29, 1936, ch. 858, title V, § 510(j), as added Pub. L. 89–254, § 2, Oct. 10, 1965, 79 Stat. 980; Pub. L. 97–31, § 12(91), Aug. 6, 1981, 95 Stat. 161.

In subsection (a), the words "vessel acquired by the Maritime Administration" are subtituted for "vessel heretofore or hereafter acquired under this section, or otherwise acquired by the Maritime Administration of the Department of Transportation under any other authority" to eliminate unnecessary words.

In subsection (b), the words "except as provided in section 57102, 57103, or 57104 or chapter 533, 537, 573, or 575 of this title" are substituted for "except as provided for in subsections (g) and (i) of this section. This limitation shall not affect the rights of the Secretary of Transportation to dispose of a vessel as provided in other sections of this subchapter or in subchapters VII or XI of this chapter" because of the restatement.

SECTION 57102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57102	46 App.:1158(a).	June 29, 1936, ch. 858, title V, § 508(a), 49 Stat. 2000; Pub. L. 97–31, § 12(89), Aug. 6, 1981, 95 Stat. 161; Pub. L. 108–136, title XXXV, § 3512(1), Nov. 24, 2003, 117 Stat. 1789.

In subsection (a), the words "vessel owned by the Maritime Administration" are substituted for "vessel transferred to the Maritime Administration of the Department of Transportation by section 1112 of this Appendix, or hereafter acquired" to eliminate unnecessary words.

In subsection (b), the words "The sale of a vessel under section (a) shall be made on the basis of competitive sealed bids, after an appraisal and due advertisement. The purchaser does not have to be a citizen of the United States." are substituted for "after appraisement and due advertisement, and upon competitive sealed bids, either to citizens of the United States or to aliens" for clarity. The words "provide a surety bond, with a surety approved by the Secretary, to ensure that" are substituted for "enter into an undertaking with sureties approved by the Secretary of Transportation that" for clarity.

SECTION 57103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57103	46 App.:1158(b).	June 29, 1936, ch. 858, title V, § 508(b), as added Pub. L. 108–136, title XXXV, § 3512(2), Nov. 24, 2003, 117 Stat. 1789.

In subsection (a), before clause (1), the words "Notwithstanding section 1160(j) of this title" are omitted as unnecessary because section 46 App. U.S.C. 1160(j) is restated in section 57101 of the revised title and that section contains an exception which includes this section. In clause (1), the words "Commonwealth, or possession of the United States" and "or the District of Columbia" are omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

SECTION 57104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57104	46 App.:1160(i).	June 29, 1936, ch. 858, title V, § 510(i), as added Pub. L. 86–575, July 5, 1960, 74 Stat. 312; Pub. L. 89–254, § 1, Oct. 10, 1965, 79 Stat. 980; Pub. L. 91–469, § 13, Oct. 21, 1970, 84 Stat. 1022; Pub. L. 93–605, § 1, Jan. 2, 1975, 88 Stat. 1965; Pub. L. 95–177, Nov. 15, 1977, 91 Stat. 1368; Pub. L. 97–31, § 12(91), Aug. 6, 1981, 95 Stat. 161; Pub. L. 101–595, title VII, § 704, Nov. 16, 1990, 104 Stat. 2994.

In subsection (b), the words "vessel sold from the Fleet" are substituted for "traded-out vessel" for clarity and consistency.

In subsection (d), the words "without obtaining additional separate approval from the Secretary to transfer the vessel to a person not a citizen of the United States" are substituted for "Notwith-

standing the provisions of sections 808 and 835 of this Appendix" for clarity and to avoid the cross references.

SECTION 57105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57105	46 App.:1125.	June 29, 1936, ch. 858, title II, § 215, as added June 23, 1938, ch. 600, § 4, 52 Stat. 954; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 97–31, § 12(73), Aug. 6, 1981, 95 Stat. 160.
	46 App.:1125 note.	Pub. L. 86–518, § 9, June 12, 1960, 74 Stat. 217.

In subsection (a), the words "and to pay for the same out of his construction fund" are omitted as obsolete because the construction fund established under 46 App. U.S.C. 1116 was impliedly abolished by 46 App. U.S.C. 1119, as amended.

In subsection (b), the words "less depreciation based on a 25-year life for a dry-cargo or passenger vessel and a 20-year life for a tanker or other liquid bulk carrier vessel" are substituted for "less depreciation based upon a twenty-five year life expectancy of the vessel" because of section 9 of Public Law 86–518 (June 12, 1960, 74 Stat. 217), which provided that "Nothing in any amendment made by this Act [including section 1 substituting 'twenty-five' for 'twenty' in 46 App. U.S.C. 1125] shall operate or be interpreted to change from twenty to twenty-five years the provisions of the Merchant Marine Act, 1936, as amended, relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier."

SECTION 57106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57106	46 App.:871.	June 5, 1920, ch. 250, § 12, 41 Stat. 993; June 6, 1924, ch. 273, § 2, 43 Stat. 468; Feb. 11, 1927, ch. 104, § 1 (last par. under heading "United States Shipping Board"), 44 Stat. 1083; Exec. Order No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(43), Aug. 6, 1981, 95 Stat. 157.
	46 App.:891b.	May 22, 1928, ch. 675, title II, § 202, 45 Stat. 690; Exec. Order No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(51), Aug. 6, 1981, 95 Stat. 157.

This section is substituted for the source provisions to eliminate obsolete and unnecessary provisions.

SECTION 57107

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57107	46 App.:1125a.	Feb. 6, 1941, ch. 5, § 4, 55 Stat. 6; Pub. L. 97–31, § 12(74), Aug. 6, 1981, 95 Stat. 160.

In subsection (b), the words "heretofore or hereafter", "diminish or otherwise", and "and, to the amount of such obligation or expenditure, diminish" are omitted as unnecessary.

SECTION 57108

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57108	46 App.:864b.	June 29, 1949, ch. 281, § 1 (proviso), 63 Stat. 349; Pub. L. 97–31, § 12(36), Aug. 6, 1981, 95 Stat. 156.

SECTION 57109

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57109	46 App.:808(b).	Sept. 7, 1916, ch. 451, § 9(b), 39 Stat. 730; July 15, 1918, ch. 152, § 3, 40 Stat. 900; restated June 5, 1920, ch. 250, § 18, 41 Stat. 994; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(26), Aug. 6, 1981, 95 Stat. 155; Pub. L. 100–710, title I, § 104(b)(2), Nov. 23, 1988, 102 Stat. 4750.

The words "only under a certificate of documentation with a registry or coastwise endorsement" are substituted for "only under such registry or enrollment and license" for clarity and to use the appropriate current language.

CHAPTER 573—VESSEL TRADE-IN PROGRAM

Sec.
57301. Definitions.
57302. Authority to acquire vessels.
57303. Utility value and tonnage requirements.
57304. Eligible acquisition dates.
57305. Determination of trade-in allowance.
57306. Payment of trade-in allowance.
57307. Recognition of gain for tax purposes.
57308. Use of vessels at least 25 years old.

SECTION 57301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57301	46 App.:1160(a).	June 29, 1936, ch. 858, title V, § 510(a), as added Aug. 4, 1939, ch. 417, § 7, 53 Stat. 1183; July 17, 1952, ch. 939, § 7, 66 Stat. 762; Pub. L. 85–332, Feb. 20, 1958, 72 Stat. 17; Pub. L. 87–755, Oct. 5, 1962, 76 Stat. 751; Pub. L. 91–469, § 12(a), Oct. 21, 1970, 84 Stat. 1022; Pub. L. 97–31, § 12(91), Aug. 6, 1981, 95 Stat. 161.

In clause (1)(A), the words "or is purchased under section 1204 of this Appendix, as amended, by the person turning in an obsolete vessel under this section" are omitted because the purchase authority under 46 App. U.S.C. 1204 was impliedly repealed by section 14 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1735 note).

SECTION 57302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57302	46 App.:1160(b) (1st, last sentences).	June 29, 1936, ch. 858, title V, § 510(b) (1st, last sentences), as added Aug. 4, 1939, ch. 417, § 7, 53 Stat. 1184; Pub. L. 87–401, subdiv. (1), Oct. 5, 1961, 75 Stat. 833; Pub. L. 91–469, § 35(a), Oct. 21, 1970, 84 Stat. 1035; Pub. L. 97–31, § 12(91), Aug. 6, 1981, 95 Stat. 161.

The words "toward the cost of construction or purchase of a new vessel" are added for clarity. The text of 46 App. U.S.C. 1160(b) (last sentence) is omitted as obsolete.

SECTION 57303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57303	46 App.:1160(c).	June 29, 1936, ch. 858, title V, § 510(c), as added Aug. 4, 1939, ch. 417, § 7, 53 Stat. 1184; Pub. L. 97–31, § 12(91), Aug. 6, 1981, 95 Stat. 161.

SECTION 57304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57304	46 App.:1160(b) (2d sentence).	June 29, 1936, ch. 858, title V, § 510(b) (2d sentence), as added Aug. 4, 1939, ch. 417, § 7, 53 Stat. 1184; Pub. L. 87–401, subdiv. (1), Oct. 5, 1961, 75 Stat. 833; Pub. L. 91–469, § 35(a), Oct. 21, 1970, 84 Stat. 1035; Pub. L. 97–31, § 12(91), Aug. 6, 1981, 95 Stat. 161.

The words "At the option of the owner" are substituted for "if the owner so requests" for clarity.

SECTION 57305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57305(a)	46 App.:1160(b) (3d sentence), (d) (1st, 2d sentences).	June 29, 1936, ch. 858, title V, § 510(b) (3d sentence), (d), as added Aug. 4, 1939, ch. 417, § 7, 53 Stat. 1184; July 17, 1952, ch. 939, § 8, 66 Stat. 762; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 87–401, Oct. 5, 1961, 75 Stat. 833; Pub. L. 91–469, § 35(a), Oct. 21, 1970, 84 Stat. 1035; Pub. L. 97–31, § 12(91), Aug. 6, 1981, 95 Stat. 161.
57305(b)	46 App.:1160(d) (3d, last sentences).	

In subsection (a), the words "fair value" are substituted for "fair and reasonable value" to eliminate unnecessary words. In clause (3), the word "commerce" is substituted for "trade" for consistency in the chapter.

In subsection (b), the words "for the entire period of such use" are omitted as unnecessary.

SECTION 57306

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57306	46 App.:1160(b) (4th–7th sentences).	June 29, 1936, ch. 858, title V, § 510(b) (4th–7th sentences), as added Aug. 4, 1939, ch. 417, § 7, 53 Stat. 1184; Pub. L. 87–401, subdiv. (1), Oct. 5, 1961, 75 Stat. 833; Pub. L. 91–469, §§ 12(b), 35(a), Oct. 21, 1970, 84 Stat. 1022, 1035; Pub. L. 97–31, § 12(91), Aug. 6, 1981, 95 Stat. 161.

In subsection (b), the words "acquisition of the obsolete vessel occurs" are substituted for "title to the obsolete vessel is acquired" for consistency in the chapter.

SECTION 57307

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57307	46 App.:1160(e).	June 29, 1936, ch. 858, title V, § 510(e), as added Aug. 4, 1939, ch. 417, § 7, 53 Stat. 1184; Pub. L. 97–31, § 12(91), Aug. 6, 1981, 95 Stat. 161.

The words "for gain or loss upon a sale or exchange and for depreciation under the applicable Federal income-tax laws" and "or vessels exchanged for credit upon the acquisition of such new vessel" are omitted as unnecessary. In clause (1), the words "the difference between the cost of the new vessel and the trade-in allowance of the obsolete vessel" are substituted for "the amount of the cost of such vessel (other than the cost represented by such obsolete vessel or vessels)" for clarity.

SECTION 57308

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57308	46 App.:1160(g).	June 29, 1936, ch. 858, title V, § 510(g), as added Aug. 4, 1939, ch. 417, § 7, 53 Stat. 1185; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 97–31, § 12(91), Aug. 6, 1981, 95 Stat. 161.

The words "and vessels presently in the Secretary's laid-up fleet which are or become twenty-five years old or more" and "or any such vessel in the laid-up fleet" are omitted as obsolete. In clause (2), the words "for the employment of the Secretary's vessels in steamship lines" are omitted as unnecessary.

CHAPTER 575—CONSTRUCTION, CHARTER, AND SALE OF VESSELS

SUBCHAPTER I—GENERAL

Sec.
57501. Completion of long-range program.
57502. Construction, reconditioning, and remodeling of vessels.
57503. Competitive bidding.
57504. Charter or sale of vessels acquired by Department of Transportation.
57505. Employment of vessels on foreign trade routes.
57506. Minimum selling price of vessels.

SUBCHAPTER II—CHARTERS

57511. Demise charters.
57512. Competitive bidding.
57513. Minimum bid.
57514. Qualifications of bidders.
57515. Awarding of charters.
57516. Operating-differential subsidies.
57517. Recovery of excess profits.
57518. Performance bond.
57519. Insurance.
57520. Vessel maintenance.
57521. Termination of charter during national emergency.

SUBCHAPTER III—MISCELLANEOUS

57531. Construction and charter of vessels for unsuccessful routes.
57532. Operation of experimental vessels.

SUBCHAPTER I—GENERAL

SECTION 57501

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57501	46 App.:1191.	June 29, 1936, ch. 858, title VII, § 701, 49 Stat. 2008; Pub. L. 97–31, § 12(103), Aug. 6, 1981, 95 Stat. 162.

The words "find and", "finding and", "in whole or in part", and "previously adopted" are omitted as unnecessary. The word "shall" is substituted for "is authorized and directed to" to eliminate unnecessary words.

SECTION 57502

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57502(a), (b)	46 App.:1192.	June 29, 1936, ch. 858, title VII, § 702, 49 Stat. 2008; Pub. L. 85–191, Aug. 28, 1957, 71 Stat. 471; Pub. L. 86–624, § 35(c), July 12, 1960, 74 Stat. 421; Pub. L. 97–31, § 12(104), Aug. 6, 1981, 95 Stat. 162.
57502(c)	46 App.:1193(b).	June 29, 1936, ch. 858, title VII, § 703(b), 49 Stat. 2008.

In subsection (b), the words "for such new construction or reconstruction, in accordance with the provisions of this chapter" are omitted as unnecessary.

SECTION 57503

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57503(a)	46 App.:1193(a).	June 29, 1936, ch. 858, title VII, § 703(a), (c) (related to construction, reconstruction, or reconditioning), 49 Stat. 2008; Pub. L. 97–31, § 12(105), Aug. 6, 1981, 95 Stat. 163.
57503(b)	46 App.:1193(c) (related to construction, reconstruction, or reconditioning).	

In subsection (b), the words "Bids required under this section" are substituted for "All bids required by the Secretary of Transportation for the construction, reconstruction, or reconditioning of ves-

sels" to eliminate unnecessary words. The word "hour" is omitted as covered by "time".

SECTION 57504

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57504	46 App.:1194.	June 29, 1936, ch. 858, title VII, § 704, 49 Stat. 2008; Apr. 1, 1937, ch. 64, 50 Stat. 57; Pub. L. 97–31, § 12(106), Aug. 6, 1981, 95 Stat. 163.

SECTION 57505

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57505(a)	46 App.:1195 (1st sentence).	June 29, 1936, ch. 858, title VII, § 705 (1st, 2d sentences), 49 Stat. 2009; Pub. L. 97–31, § 12(107), Aug. 6, 1981, 95 Stat. 163.
57505(b)	46 App.:1195 (2d sentence).	

In subsection (a), the words "As soon as practicable after June 29, 1936, and continuing thereafter" are omitted as obsolete. The words "However, the Secretary shall first determine that those routes are not being adequately served" are substituted for "*Provided*, That such needs are not being adequately served" for clarity and because provisos are disfavored in modern drafting.

In subsection (b)(1), the words "in the manner provided in section 7 of the Merchant Marine Act, 1920 [46 App. U.S.C. 866], and in strict accordance with the provisions of section 5 of said Act" are omitted because section 5 of that Act was repealed in 1988, and section 7 is being repealed as obsolete by this bill without being restated.

SECTION 57506

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57506	46 App.:1195 (last sentence).	June 29, 1936, ch. 858, title VII, § 705 (last sentence), as added Aug. 4, 1939, ch. 417, § 11(a), 53 Stat. 1185; Pub. L. 86–518, § 1, June 12, 1960, 74 Stat. 216; Pub. L. 97–31, § 12(107), Aug. 6, 1981, 95 Stat. 163.
	46 App.:1125 note.	Pub. L. 86–518, § 9, June 12, 1960, 74 Stat. 217.

Subsection (d) is substituted for "less depreciation based on a twenty-five year life" because of section 9 of Public Law 86–518 (June 12, 1960, 74 Stat. 217), which provided that "Nothing in any amendment made by this Act [including section 1 substituting 'twenty-five' for 'twenty' in 46 App. U.S.C. 1195] shall operate or be interpreted to change from twenty to twenty-five years the provisions of the Merchant Marine Act, 1936, as amended, relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier."

SUBCHAPTER II—CHARTER PROVISIONS

SECTION 57511

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57511	46 App.:1201.	June 29, 1936, ch. 858, title VII, § 711, 49 Stat. 2010; Pub. L. 97–31, § 12(113), Aug. 6, 1981, 95 Stat. 163.

The words "for a term the Secretary considers to be" are substituted for "until January 1, 1940, shall be for terms of three years or less as the Secretary of Transportation may decide: *Provided*, That after January 1, 1940, charters may be executed by the Secretary of Transportation for such terms as the experience gained by the Secretary of Transportation shall indicate are" to eliminate unnecessary and obsolete words.

SECTION 57512

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57512(a)	46 App.:1196(a) (1st sentence).	June 29, 1936, ch. 858, title VII, § 706(a), (b) (1st sentence related to announcement), 49 Stat. 2009; Pub. L. 97–31, § 12(108), Aug. 6, 1981, 95 Stat. 163.
57512(b)	46 App.:1196(a) (last sentence), (b) (1st sentence related to announcement).	
57512(c)	46 App.:1193(c) (related to chartering).	June 29, 1936, ch. 858, title VII, § 703(c) (related to chartering), 49 Stat. 2008; Pub. L. 97–31, § 12(105), Aug. 6, 1981, 95 Stat. 163.

Subsection (b)(4) is substituted for "announce in his advertisements for bids that the Secretary of Transportation reserves the right to, reject any and all bids submitted" in 46 App. U.S.C. 1196(b) to improve the organization.

In subsection (c), the words "Bids required under this section" are substituted for "All bids required by the Secretary of Transportation . . . and for the chartering of the Secretary's vessels hereinafter provided for" to eliminate unnecessary words. The word "hour" is omitted as covered by "time".

SECTION 57513

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57513	46 App.:1196(b) (last sentence).	June 29, 1936, ch. 858, title VII, § 706(b) (last sentence), as added Aug. 4, 1939, ch. 417, § 11(b), 53 Stat. 1186; Pub. L. 97–31, § 12(108), Aug. 6, 1981, 95 Stat. 163.

SECTION 57514

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57514	46 App.:1203.	June 29, 1936, ch. 858, title VII, § 713, 49 Stat. 2010; Pub. L. 97–31, § 12(115), Aug. 6, 1981, 95 Stat. 164.

SECTION 57515

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57515	46 App.:1196(b) (1st sentence related to authority). 46 App.:1197.	June 29, 1936, ch. 858, title VII, §§ 706(b) (1st sentence related to authority), 707, 49 Stat. 2009; Pub. L. 97–31, § 12(108), (109), Aug. 6, 1981, 95 Stat. 163.

In subsection (a), the words "if the Secretary considers the charter hire offered too low" are substituted for "if, in the Secretary's discretion, the charter hire offered is deemed too low" to eliminate unnecessary words. The words "lacks the qualifications required by section 57514 of this title" are substituted for "lacks sufficient capital, credit, or experience to operate successfully the line" to avoid repeating the qualifications in more than one place.

SECTION 57516

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57516	46 App.:1198.	June 29, 1936, ch. 858, title VII, § 708, 49 Stat. 2009; June 23, 1938, ch. 600, § 31, 52 Stat. 962; Pub. L. 97–31, § 12(110), Aug. 6, 1981, 95 Stat. 163.

SECTION 57517

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57517	46 App.:1199.	June 29, 1936, ch. 858, title VII, § 709, 49 Stat. 2010; Pub. L. 97–31, § 12(111), Aug. 6, 1981, 95 Stat. 163.

SECTION 57518

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57518	46 App.:1200.	June 29, 1936, ch. 858, title VII, § 710, 49 Stat. 2010; Pub. L. 97–31, § 12(112), Aug. 6, 1981, 95 Stat. 163.

SECTION 57519

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57519	46 App.:1202(a).	June 29, 1936, ch. 858, title VII, § 712(a), 49 Stat. 2010; Aug. 7, 1939, ch. 555, § 1, 53 Stat. 1254; Pub. L. 97–31, § 12(114), Aug. 6, 1981, 95 Stat. 163.

SECTION 57520

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57520	46 App.:1202(b), (c).	June 29, 1936, ch. 858, title VII, § 712(b), (c), 49 Stat. 2010; Aug. 7, 1939, ch. 555, § 1, 53 Stat. 1254; Pub. L. 97–31, § 12(114), Aug. 6, 1981, 95 Stat. 163.

SECTION 57521

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57521	46 App.:1202(d).	June 29, 1936, ch. 858, title VII, § 712(d), 49 Stat. 2010; Aug. 7, 1939, ch. 555, § 1, 53 Stat. 1254; Pub. L. 97–31, § 12(114), Aug. 6, 1981, 95 Stat. 163.

SUBCHAPTER III—MISCELLANEOUS

SECTION 57531

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57531	46 App.:1204.	June 29, 1936, ch. 858, title VII, § 714, 49 Stat. 2011; June 23, 1938, ch. 600, § 32, 52 Stat. 962; Aug. 4, 1939, ch. 417, § 12, 53 Stat. 1186; Pub. L. 86–3, § 18(b)(3), Mar. 18, 1959, 73 Stat. 12; Pub. L. 86–518, § 5, June 12, 1960, 74 Stat. 216; Pub. L. 91–469, § 22, Oct. 21, 1970, 84 Stat. 1032; Pub. L. 97–31, § 12(116), Aug. 6, 1981, 95 Stat. 164.

Subsection (b)(2) is substituted for "Upon the basis of a twenty-five year life of the vessel" because of section 9 of Public Law 86–518 (June 12, 1960, 74 Stat. 217), which provided that "Nothing in any amendment made by this Act [including section 5 substituting 'twenty-five' for 'twenty' in 46 App. U.S.C. 1204] shall operate or be interpreted to change from twenty to twenty-five years the provisions of the Merchant Marine Act, 1936, as amended, relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier."

In subsection (c), in clauses (1) and (4), references to the useful life specified in subsection (b)(2) are substituted for references to the twenty-five year useful life for the reason stated in explaining subsection (b)(2).

SECTION 57532

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
57532	46 App.:1205.	June 29, 1936, ch. 858, title VII, § 715, as added July 11, 1956, ch. 574, 70 Stat. 531; Pub. L. 97–31, § 12(117), Aug. 6, 1981, 95 Stat. 164.

Subsection (d) is substituted for "Those provisions of law prescribed or incorporated under section 1241a of this Appendix, which relate to vessel operating activities of the Secretary of Transportation and to employment of seamen through general agents, shall be applicable in connection with charters and agreements entered into under this section" for clarity.

PART G—RESTRICTIONS AND PENALTIES

CHAPTER 581—RESTRICTIONS AND PENALTIES

Sec.
58101. Operating in domestic intercoastal or coastwise service.
58102. Default on payment or maintenance of reserves.
58103. Employing another person as managing or operating agent.
58104. Willful violation constitutes breach of contract or charter.

58105. Preferences for cargo in which charterer has interest.
58106. Concerted discriminatory activities.
58107. Discrimination at ports by water common carriers.
58108. Charges for transportation subject to subtitle IV of title 49.
58109. Penalties.

SECTION 58101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
58101	46 App.:1223(a).	June 29, 1936, ch. 858, title VIII, § 805(a), 49 Stat. 2012; Pub. L. 97–31, § 12(122), Aug. 6, 1981, 95 Stat. 164; Pub. L. 104–239, § 4(b)(1), Oct. 8, 1996, 110 Stat. 3131.

In this chapter, references to the "operating-differential subsidy program" are substituted for references to "part A of subchapter VI of this chapter", meaning 46 App. U.S.C. 1171–1185a, because part A of subchapter VI contains the operating-differential subsidy program and under 46 App. U.S.C. 1185a that program is being phased out. Consequently, part A is being omitted from the revised title and will instead appear as a note under section 53101, except for 46 App. U.S.C. 1177 and 1177–*l* which are restated in chapter 535. References to "chapter 575 of this title" are substituted for references to "subchapter VII of this chapter", meaning 46 App. U.S.C. 1191–1205, because those sections are restated in chapter 575.

In subsection (b), the words "A person may apply to the Secretary of Transportation for a waiver of subsection (a). Before deciding on the waiver, the Secretary shall give the applicant and other interested persons an opportunity for a hearing." are substituted for "without the written permission of the Secretary of Transportation. Every person, firm, or corporation having any interest in such application shall be permitted to intervene and the Secretary of Transportation shall give a hearing to the applicant and the intervenors." for clarity.

In subsection (c), the words "domestic intercoastal or coastwise trade" are substituted for "domestic, intercoastal, or coastwise trade" for consistency in the section.

In subsection (d), the words "and whosoever shall violate this provision shall be guilty of a misdemeanor" are omitted because section 3559 of title 18 provides for the classification of offenses. See the revision notes for section 58109 of the revised title.

SECTION 58102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
58102	46 App.:1223(b).	June 29, 1936, ch. 858, title VIII, § 805(b), 49 Stat. 2012; Pub. L. 97–31, § 12(122), Aug. 6, 1981, 95 Stat. 164; Pub. L. 104–239, § 4(b)(2), Oct. 8, 1996, 110 Stat. 3131.

The words "contractor under the operating-differential subsidy program or a charterer under chapter 575 of this title, receiving an operating-differential subsidy" are substituted for "contractor under part A of subchapter VI of this chapter or subchapter VII of this chapter receiving an operating-differential subsidy" for the reasons explained under section 58101.

SECTION 58103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
58103	46 App.:1223(d).	June 29, 1936, ch. 858, title VIII, § 805(d), 49 Stat. 2013; June 23, 1938, ch. 600, §§ 36, 37, 52 Stat. 963; Pub. L. 91–603, § 4(e), Dec. 31, 1970, 84 Stat. 1675; Pub. L. 97–31, § 12(122), Aug. 6, 1981, 95 Stat. 164; Pub. L. 104–239, § 4(b)(2), Oct. 8, 1996, 110 Stat. 3131.

In subsection (a), the words "contractor holding a contract under the operating-differential subsidy program or under chapter 575 of this title" are substituted for "contractor holding a contract authorized under part A of subchapter VI or VII of this chapter" for the reasons explained under section 58101.

SECTION 58104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
58104	46 App.:1223(f).	June 29, 1936, ch. 858, title VIII, § 805(f), 49 Stat. 2014; Pub. L. 97–31, § 12(122), Aug. 6, 1981, 95 Stat. 164.

The words "in force under this chapter" and "forthwith" are omitted as unnecessary. The words "and any person willfully violating the provisions of this section shall be guilty of a misdemeanor" are omitted because section 3559 of title 18 provides for the classification of offenses. See the revision notes for section 58109 of the revised title.

SECTION 58105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
58105	46 App.:1226.	June 29, 1936, ch. 858, title VIII, § 808, 49 Stat. 2015.

The words "and whosoever shall violate this provision shall be guilty of a misdemeanor" are omitted because section 3559 of title 18 provides for the classification of offenses. See the revision notes for section 58109 of the revised title.

SECTION 58106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
58106	46 App.:1227.	June 29, 1936, ch. 858, title VIII, § 810, 49 Stat. 2015.

In subsection (b), the words "United States Government" are substituted for "United States or any agency of the United States" for consistency and to eliminate unnecessary words.

In subsection (c), the words "bring a civil action" are substituted for "sue" for consistency in the revised title. The words "without respect to the amount in controversy" are omitted because section 1331 of title 28 no longer contains a requirement of any particular amount in controversy for jurisdiction of civil actions arising under the laws of the United States. The words "If the person prevails" are added for clarity.

SECTION 58107

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
58107	46 App.:1115.	June 29, 1936, ch. 858, title II, § 205, 49 Stat. 1987; Pub. L. 97–31, § 12(62), Aug. 6, 1981, 95 Stat. 159.

SECTION 58108

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
58108	46 App.:884.	June 5, 1920, ch. 250, § 28, 41 Stat. 999; Ex. Ord. No. 6166, § 12, eff. June 10, 1933; June 29, 1936, ch. 858, §§ 204, 904, 49 Stat. 1987, 2016; Pub. L. 97–31, § 12(50), Aug. 6, 1981, 95 Stat. 157; Pub. L. 104–88, title III, § 321(3), Dec. 29, 1995, 109 Stat. 950.

The words "territory or possession" are substituted for "possession or dependency" for consistency in the revised title.

SECTION 58109

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
58109	46 App.:1228 (1st, 2d pars.).	June 29, 1936, ch. 858, title VIII, § 806(b), (c), 49 Stat. 2014; Pub. L. 97–31, § 12(125), Aug. 6, 1981, 95 Stat. 164.

In subsection (a), the word "individual" is substituted for "natural person" for consistency in the revised title. The words "convicted of violating section 58101(d), 58103, or 58105 of this title" are substituted for "found guilty of any act or acts declared in this chapter to constitute a misdemeanor" because the sections referred to restate the provisions which declare certain acts to be misdemeanors and because the restatement of those provisions does not use the word "misdemeanor". The words "in any district court of the United States" are omitted as unnecessary. The words "shall be fined under title 18, imprisoned for at least one year but not more than five years, or both" are substituted for "shall be punished by a fine of not more than $10,000, or by imprisonment for not less than one year or more than five years, or by both fine and imprisonment" because of chapter 227 of title 18. See 18 U.S.C. 3559 (which classifies offenses based on the maximum term of imprisonment) and 3571 (which establishes fines based on those classifications).

In subsection (b), the word "organization" is substituted for "corporation" to reflect the probable intent that the penalty should apply to other organizations in addition to corporations. The words "convicted of committing an act prohibited by this subtitle" are substituted for "found guilty of any act or acts declared in this chapter to be unlawful" for clarity and consistency. The words "shall be fined under title 18" are substituted for "shall be punished by a fine of not more than $25,000" for consistency with subsection (a).

In subsection (c), the words "An individual or organization convicted of violating a section referred to in subsection (a)" are substituted for "any person or corporation convicted of a misdemeanor under the provisions of this chapter" for consistency in the section. Reference to the Federal Maritime Commission is omitted because

the Commission does not administer any of the provisions referred to.

Subtitle VI—Clearance, Tonnage Taxes, and Duties

Chapter		Sec.
601.	**Arrival and Departure Requirements**	**60101**
603.	**Tonnage Taxes and Light Money**	**60301**
605.	**Discriminating Duties and Reciprocal Privileges**	**60501**

CHAPTER 601—ARRIVAL AND DEPARTURE REQUIREMENTS

Sec.
60101. Boarding arriving vessels before inspection.
60102. Production of certificate on entry.
60103. Oath of ownership on entry.
60104. Depositing certificates of documentation with consular officers.
60105. Clearance of vessels.
60106. State inspection laws.
60107. Payment of fees on departing vessel.
60108. Duty to transport tendered cargo.
60109. Duty to transport money and securities of the United States Government.

SECTION 60101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60101	46 App.:163.	Mar. 31, 1900, ch. 120, §§ 1–3, 31 Stat. 58.

In subsection (a), the Secretary of Homeland Security is substituted for the Commissioner of Customs because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178). The functions of the Commissioner of Customs previously were vested in the Secretary of the Treasury under section 321(c) of title 31. For prior related transfers of functions, see the transfer of functions note under 46 App. U.S.C. 163. The word "shall" is substituted for "is authorized and directed to" for consistency in the revised title and to eliminate unnecessary words. The word "port" is substituted for "seaports" for consistency in the revised title. The word "secured" is substituted for "placed in security" to eliminate unnecessary words. The words "from time to time", "properly", and "and for that purpose to employ any of the officers of the United States Customs Service" are omitted as unnecessary.

In subsection (b), the words "fined under title 18, imprisoned for not more than 6 months, or both" are substituted for "subject to a penalty of not more than $100 or imprisonment not to exceed six months, or both" because of chapter 227 of title 18. The words "in the discretion of the court" are omitted as unnecessary.

In subsection (c), the words "section 2279 of title 18" are substituted for "section forty-six hundred and six of the Revised Statutes" in the Act of Mar. 31, 1900, because R.S. § 4606 (formerly classified to 46 U.S.C. 708 (1946 ed.)) was replaced by 18 U.S.C. 2279 in the codification of title 18 by the Act of June 25, 1948 (ch. 645, 62 Stat. 683). The words "section 9 of act August 2, 1882 (22

Stat. 189)" are omitted because that law was repealed by section 4(b) of Public Law 98–89 (Aug. 26, 1983, 97 Stat. 600).

SECTION 60102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60102	46 App.:57.	R.S. § 4184.

The words "vessel documented under chapter 121 of this title" are substituted for "vessel, recorded in pursuance of title 48 of the Revised Statutes", and the words "certificate of documentation" are substituted for "certificate of such record", for consistency with chapter 121 of title 46. The words "in charge" are substituted for "having the command or charge" to eliminate unnecessary words. The words "customs officer" are substituted for "collector of the district" because the office of collector of customs was abolished by Reorganization Plan No. 1 of 1965. For additional requirements relating to entry of vessels, see 19 U.S.C. 1434.

SECTION 60103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60103	46 App.:42.	R.S. § 4173.

In subsection (a), the words "certificate of documentation" and "certificate" are substituted for "register" for consistency with chapter 121 of the revised title. In clause (2), the words "sold or" are omitted as unnecessary. The words "owned only by citizens of the United States" are substituted for "no foreign subject or citizen has . . . any share, by way of trust, confidence, or otherwise" for consistency in the revised title and to eliminate unnecessary words.

SECTION 60104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60104	46 App.:354.	R.S. § 4309; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.
	46 App.:355.	R.S. § 4310; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.

In this section, the words "certificate of documentation" are substituted for "register" and "papers" for consistency with chapter 121 of title 46. The words "sea-letter, and Mediterranean passport" in R.S. § 4309 are omitted because the use of those documents was discontinued by Presidential proclamation on April 10, 1815. The words "consular officer" are substituted for "consul or vice consul" for consistency with 22 U.S.C. 4205. The words "commercial agent, or vice commercial agent" in R.S. §§ 4309 and 4310 are omitted because of the abolition of the grade of commercial agent by the Act of Apr. 5, 1906 (ch. 1366, 34 Stat. 99).

In subsection (b), the words "or commander" are omitted as unnecessary and for consistency in the section.

In subsection (c), the word "failing" is substituted for "refuses or neglects" to eliminate unnecessary words. The words "liable to the United States Government for a civil penalty" are substituted for

"liable to a penalty" for clarity and for consistency in the revised title.

SECTION 60105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60105	46 App.:91.	R.S. § 4197; Aug. 5, 1935, ch. 438, title II, § 209, 49 Stat. 526; June 16, 1938, ch. 476, § 1, 52 Stat. 758; Sept. 1, 1954, ch. 1213, title V, § 501(a), 68 Stat. 1140; Pub. L. 103–182, title VI, § 686(b), Dec. 8, 1993, 107 Stat. 2221; Pub. L. 106–476, title I, § 1452(a)(3), Nov. 9, 2000, 114 Stat. 2167.

The Secretary of Homeland Security is substituted for the Customs Service and for the Secretary of the Treasury because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178).

SECTION 60106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60106	46 App.:97.	R.S. § 4202.

This section is substituted for the source provision to eliminate unnecessary words.

SECTION 60107

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60107	46 App.:100.	R.S. § 4206.

This section is substituted for the source provision to eliminate unnecessary words.

SECTION 60108

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60108	46 App.:834.	Sept. 7, 1916, ch. 451, § 36, 39 Stat. 738.

Only the word "cargo" is used, instead of "merchandise", "freight", and "cargo", for consistency in the section.

SECTION 60109

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60109	46 App.:98.	R.S. § 4204; Apr. 5, 1906, ch. 1366, § 3, 34 Stat. 100.

This section is substituted for the source provision to eliminate unnecessary words.

CHAPTER 603—TONNAGE TAXES AND LIGHT MONEY

Sec.
60301. Regular tonnage taxes.
60302. Special tonnage taxes.

60303. Light money.
60304. Presidential suspension of tonnage taxes and light money.
60305. Vessels in distress.
60306. Vessels not engaged in trade.
60307. Vessels engaged in coastwise trade or the fisheries.
60308. Vessels engaged in Great Lakes trade.
60309. Passenger vessels making trips between ports of the United States and foreign ports.
60310. Vessels making daily trips on interior waters.
60311. Hospital vessels in time of war.
60312. Rights under treaties preserved.

SECTION 60301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60301(a)	46 App.:121 (2d sentence words before semicolon).	Aug. 5, 1909, ch. 6, § 36 (1st sentence), 36 Stat. 111; Pub. L. 101–508, title X, § 10402(a), Nov. 5, 1990, 104 Stat. 1388–398; Pub. L. 103–66, title IX, § 9001(a)(1), (2), (c)(1), Aug. 10, 1993, 107 Stat. 402; Pub. L. 105–33, title IX, § 9201(a), Aug. 5, 1997, 111 Stat. 671.
60301(b)	46 App.:121 (2d sentence words after semicolon).	
60301(c)	46 App.:132.	Mar. 8, 1910, ch. 86, 36 Stat. 234; Pub. L. 101–508, title X, § 10402(b), Nov. 5, 1990, 104 Stat. 1388–399; Pub. L. 103–66, title IX, § 9001(b), Aug. 10, 1993, 107 Stat. 402; Pub. L. 105–33, title IX, § 9201(b), Aug. 5, 1997, 111 Stat. 671.

In this section, the tax rates for fiscal years 1991 through 2002 are omitted as obsolete.

In subsection (a)(1), the words "West Indies Islands" are substituted for "West India Islands" to conform to current geographic terminology. The word "Newfoundland" is omitted because Newfoundland is now part of Canada.

In subsection (a)(2), the reference to the definitions in section 2101 is confined to "recreational vessel" because the definitions of "vessel of the United States" and "barge" are being moved to chapter 1 of the revised title and being made applicable title-wide.

SECTION 60302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60302(a)	46 App.:121 (1st sentence, 5th sentence words before semicolon, last sentence words after semicolon).	R.S. § 4219 (1st, 2d sentences, 4th sentence words before semicolon, last sentence words before 1st semicolon and after last semicolon); Feb. 27, 1877, ch. 69, § 1, 19 Stat. 250.
60302(b)	46 App.:121 (4th sentence words before proviso).	
60302(c)	46 App.:121 (4th sentence proviso).	Mar. 4, 1915, ch. 171, § 1, 38 Stat. 1193.

In subsections (a) and (b), the words "Regardless of whether a tax is imposed under section 60301 of this title" are added for clarity. See 19 C.F.R. § 4.20(c) (2003).

In subsection (a)(1), the word "owned" is substituted for "belonging" for consistency in the revised title.

In subsection (a)(3), the words "vessel of the United States" are substituted for "vessel" for clarity.

In subsection (c), the words "The tax of 50 cents per ton" are substituted for "no such duty" in 46 App. U.S.C. 121 to conform more closely to the language in section 1 of the Act of March 4, 1915 (ch. 171, 38 Stat. 1193). The word "documented" is substituted for "registered" for consistency in the revised title.

The words "In addition to the tonnage-duty above imposed, there shall be paid a tax, at the rate of thirty cents per ton, on vessels which shall be entered at any custom-house within the United States from any foreign port or place" in R.S. § 4219 were omitted from the original codification of R.S. § 4219 in 46 U.S.C. 121 (1926 edition, 44 Stat. 1467). A codification note which first appeared in the 1958 edition of the United States Code for 46 U.S.C. 121 says that the words apparently were omitted as superseded and repealed by section 14 of the Act of June 26, 1884 (ch. 121, 23 Stat. 57), as amended by section 11 of the Act of June 19, 1886 (ch. 421, 24 Stat. 81), and section 1 of the Act of April 4, 1888 (ch. 61, 25 Stat. 80).

SECTION 60303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60303(a)	46 App.:128 (words before proviso).	R.S. § 4225.
60303(b)	46 App.:129.	R.S. § 4226.
60303(c)	46 App.:128 (proviso).	Mar. 4, 1915, ch. 171, § 1, 38 Stat. 1193.

In subsection (a), the word "tax" is substituted for "duty", and the word "imposed" is substituted for "levied and collected", for consistency in the chapter. The words "in the same manner" are omitted as unnecessary.

In subsection (b)(1), before clause (A), the words "does not apply to" are substituted for "shall not be deemed to operate upon" to eliminate unnecessary words. The word "unregistered" is omitted as unnecessary. The word "only" is added for clarity and for consistency in the revised title. In clause (A), the words "owned only by citizens of the United States" are substituted for "American property" for consistency. In clause (B)(ii), the words "sold or" are omitted as unnecessary. The words "owned only by citizens of the United States" are substituted for "no foreign subject or citizen has . . . any share, by way of trust, confidence, or otherwise" to eliminate unnecessary words.

In subsection (b)(2), clause (A) is substituted for "if the same shall be at the port at which the owner or any of the part owners reside", and clause (B) is substituted for "If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect", to eliminate unnecessary words.

SECTION 60304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60304	46 App.:121 (5th sentence words after semicolon).	R.S. § 4219 (4th sentence words after semicolon); Feb. 27, 1877, ch. 69, § 1, 19 Stat. 250.

The words "If the President is satisfied . . . the President shall suspend the imposition" are substituted for "none of the duties . . .

shall be levied . . . if the President of the United States shall be satisfied", the words "does not impose" are substituted for "have been abolished", and the words "special tonnage taxes and light money" are substituted for "duties on tonnage above mentioned", for clarity.

SECTION 60305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60305	46 App.:121 (3d sentence related to distress).	Aug. 5, 1909, ch. 6, § 36 (2d sentence related to distress), 36 Stat. 111; Pub. L. 101–508, title X, § 10402(a), Nov. 5, 1990, 104 Stat. 1388–398; Pub. L. 103–66, title IX, § 9001(a)(3), (c)(1), Aug. 10, 1993, 107 Stat. 402.

The words "and light money" are added for clarity and consistency. See 19 C.F.R. § 4.21 (2003).

SECTION 60306

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60306	46 App.:121 (3d sentence related to trade).	Aug. 5, 1909, ch. 6, § 36 (2d sentence related to trade), 36 Stat. 111; Pub. L. 101–508, title X, § 10402(a), Nov. 5, 1990, 104 Stat. 1388–398; Pub. L. 103–66, title IX, § 9001(a)(3), (c)(1), Aug. 10, 1993, 107 Stat. 402.

The words "and light money" are added for clarity and consistency. See 19 C.F.R. § 4.21 (2003).

SECTION 60307

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60307	46 App.:122.	R.S. § 4220.

The words "with a registry endorsement or a coastwise endorsement" are substituted for "if such vessel be licensed, registered, or enrolled" for consistency with chapter 121 of the revised title. The words "belonging to any citizen of the United States" are omitted as unnecessary because, under chapter 121 as amended by this bill, ownership by a citizen of the United States is a requirement for documentation. The words "and light money" are added for clarity and consistency. See 19 C.F.R. § 4.21 (2003).

SECTION 60308

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60308	46 App.:123.	R.S. § 2793; Sept. 25, 1941, ch. 423, 55 Stat. 733; Pub. L. 103–182, title VI, § 686(a)(1), Dec. 8, 1993, 107 Stat. 2220; Pub. L. 104–324, title XI, § 1115(b)(4), Oct. 19, 1996, 110 Stat. 3972.

The words "or light money" are added for clarity and consistency. See 19 C.F.R. § 4.21 (2003).

The statutory source for this section, R.S. § 2793, is amended by section 13(a) of this bill. See the explanation in this report for that amendment.

SECTION 60309

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60309	46 App.:124.	R.S. § 2792; May 28, 1908, ch. 212, § 1, 35 Stat. 424.

The words "at least 3 trips per week" are substituted for "triweekly or oftener" for clarity. The words "and light money" are added for clarity and consistency. See 19 C.F.R. § 4.21 (2003). The words "while such service triweekly or oftener is maintained" are omitted as unnecessary.

SECTION 60310

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60310	46 App.:125.	R.S. § 4221.

The words "is exempt from tonnage taxes" are substituted for "no tonnage fees shall be charged" for consistency in the revised chapter. The words "and light money" are added for clarity and consistency. See 19 C.F.R. § 4.21 (2003). The words "by the officers of the United States" are omitted as unnecessary.

SECTION 60311

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60311	46 App.:133. 46 App.:134.	Mar. 24, 1908, ch. 96, 35 Stat. 46.

The words "and possessions thereof" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

SECTION 60312

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60312	46 App.:121 (last sentence words before semicolon). 46 App.:135.	R.S. § 4219 (last sentence words between 1st and last semicolons); Feb. 27, 1877, ch. 69, § 1, 19 Stat. 250. R.S. § 4227.

The words "This chapter and chapter 605 of this title" are substituted for "title 48 of the Revised Statutes" in 46 App. U.S.C. 135 because the provisions of title 48 of the Revised Statutes which are still alive and relate to tonnage or other duties on vessels are restated in these two chapters. Although these two chapters restate other provisions which are not from title 48 of the Revised Statutes, expansion of the reference to include those provisions is done for consistency.

CHAPTER 605—DISCRIMINATING DUTIES AND RECIPROCAL PRIVILEGES

Sec.
60501. Vessels allowed to import.
60502. Discriminating duty on goods imported in foreign vessels or from contiguous countries.
60503. Reciprocal suspension of discriminating duties.
60504. Reciprocal privileges for recreational vessels.

60505. Retaliatory suspension of commercial privileges.
60506. Retaliation against British dominions of North America.
60507. Suspension of free passage through Saint Marys Falls Canal.

SECTION 60501

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60501(a)	19:130 (1st sentence).	Oct. 3, 1913, ch. 16, § IV(J)(2), (3), 38 Stat. 196; Mar. 15, 1915, ch. 171, § 1, 38 Stat. 1193; Pub. L. 103–182, title VI, § 689(a)(2), Dec. 8, 1993, 107 Stat. 2222.
60501(b)	19:131 (words before "nor").	
60501(c)	19:131 (words beginning with "nor").	
60501(d)	19:130 (last sentence related to 19:130).	

In this section, the word "goods" is substituted for "goods, wares, or merchandise" to eliminate unnecessary words.

In subsection (a)(2), before subclause (A), the words "owned only by" are substituted for "truly and wholly belong to" for consistency in the revised title.

In subsection (b), the words "or goods, wares, or merchandise imported in vessels" are omitted as unnecessary because of the wording of subsection (a) of the revised section. The word "restriction" is substituted for "regulation" as being more appropriate.

Subsection (d) is substituted for "All goods, wares, or merchandise imported contrary to this section or section 128 of this title, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws" to eliminate unnecessary words.

SECTION 60502

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60502(a)	19:128.	Oct. 3, 1913, ch. 16, § IV(J)(1), 38 Stat. 196; Mar. 15, 1915, ch. 171, § 1, 38 Stat. 1193; Pub. L. 103–182, title VI, § 689(a)(1), Dec. 8, 1993, 107 Stat. 2222.
	46 App.:146.	
60502(b)	19:130 (last sentence related to 19:128).	Oct. 3, 1913, ch. 16, § IV(J)(2), 38 Stat. 196.

In this section, the word "goods" is substituted for "goods, wares, or merchandise" to eliminate unnecessary words.

In subsection (a)(1), clauses (A) and (B) are substituted for "but this discriminating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States entitled at the time of such importation by treaty or convention or Act of Congress to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United

States, nor to goods, wares, and merchandise imported in a vessel owned by citizens of the United States but not a vessel of the United States if such vessel after entering an American port shall, before leaving the same, be documented under chapter 121 of title 46" to eliminate unnecessary words.

Subsection (a)(2) is substituted for "or which being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country" and "but this discriminating duty shall not apply . . . nor to such products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade" to eliminate unnecessary words.

Subsection (b) is substituted for the source provision for consistency with section 60501(d) and to eliminate unnecessary words. See note for section 60501(d) in this report.

SECTION 60503

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60503	46 App.:141.	R.S. § 4228; July 24, 1897, ch. 13, 30 Stat. 214.

In this section, the word "goods" is substituted for "produce, manufactures, or merchandise", "merchandise", and "cargoes" for consistency in the chapter. Other changes are made to eliminate unnecessary words.

SECTION 60504

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60503	46 App.:104.	May 28, 1908, ch. 212, § 5, 35 Stat. 425; Aug. 5, 1909, ch. 6, § 37 (3d par.), 36 Stat. 112; June 26, 1948, ch. 673, 62 Stat. 1051.

The Secretary of Homeland Security is substituted for the Commissioner of Customs because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178). The functions of the Commissioner of Customs previously were vested in the Secretary of the Treasury under section 321(c) of title 31. For prior related transfers of functions, see the transfer of functions note under 46 App. U.S.C. 104.

SECTION 60505

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60505	46 App.:142.	June 19, 1886, ch. 421, § 17, 24 Stat. 82.

In this section, the words "vessels of the United States" are used instead of both "vessels of the United States" and "American vessels" for consistency in the section. The words "vessels of a foreign country" and "vessels of that country" are substituted for "foreign country whose vessels", "national vessels", "vessels of such foreign country", and similar references, for consistency. The words "ports and waters" and "ports or waters" are substituted for "ports", "har-

bors, ports, or waters", and "ports, harbors, or waters" for consistency.

In subsection (a), before clause (1), the words "on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States" are omitted as unnecessary. In clause (1), the words "given the same commercial privileges" are substitued for "placed on the same footing" for clarity and for consistency in the section.

Subsection (b) is substituted for "excluding . . . from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against" for clarity and to eliminate unnecessary words.

Subsection (c) is substituted for "on and after such time as he may indicate" for clarity.

Subsection (d)(1) is substituted for "and on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges shall do any act prohibited by said proclamation in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States" for consistency in the revised title and to eliminate unnecessary words.

Subsection (d)(2) is substituted for "any person opposing any officer of the United States in the enforcement of this section, or aiding and abetting any other person in such opposition, shall forfeit $800, and shall be guilty of a misdemeanor, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years" because of chapter 227 of title 18.

SECTION 60506

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60506	46 App.:143.	Mar. 3, 1887, ch. 339, 24 Stat. 475.

In this section, the words "fishermen or fishing vessels of the United States" are substituted for "American fishing vessels or American fishermen" for consistency in the revised title. The words "are or recently have been denied" are substituted for "are or then lately have been denied or abridged" to eliminate unnecessary words.

In subsection (a), the words before clause (1) are substituted for "Whenever the President of the United States shall be satisfied . . . then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States . . . whether such vessel shall have come directly from said dominions on such destined voyage or by way of some port or place in such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any

other product of said dominions, or other goods coming from said dominions to the United States" to eliminate unnecessary words.

In subsection (a)(1)(B), the words "regulations, or requirements" are omitted as unnecessary.

In subsection (a)(1)(C), the words "otherwise harassed" are substituted for "unjustly vexed or harassed in the enjoyment of such rights, . . . or otherwise unjustly vexed or harassed" to eliminate unnecessary words.

In subsection (a)(2), before clause (A), the word "dock" is substituted for "touch" for clarity. In clause (C), the words "otherwise harassed" are substituted for "unjustly vexed or harassed, in respect thereof, or otherwise be unjustly vexed or harassed therein" to eliminate unnecessary words.

In subsection (a)(3)(B), the words "otherwise harassed" are substituted for "unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein" to eliminate unnecessary words.

Subsection (b) is substituted for "(with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper)" and "The President may, in his discretion, apply such proclamation to any part or to all of the foregoing named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this section" to eliminate unnecessary words.

Subsection (c) is substituted for "Every violation of any such proclamation, or any part thereof, is declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may be enforced and proceeded upon. Every person who shall violate any of the provisions of this section, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding $1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court." for consistency in the revised title and with chapter 227 of title 18 and to eliminate unnecessary words.

SECTION 60507

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
60507(a)	46 App.:144 (1st par. words before 3d comma).	July 26, 1892, ch. 248, 27 Stat. 267.
60507(b)	46 App.:144 (1st par. words after 3d comma).	
60507(c)	46 App.:144 (last par.).	
60507(d)	46 App.:145.	

In this section, the word "cargo" is substituted for "cargo", "cargoes", "portions or cargoes", "freight", and "freight of whatever kind or description" for consistency and to eliminate unnecessary words.

Subsection (a) is substituted for "With a view of securing reciprocal advantages for the citizens, ports, and vessels of the United States" to improve the organization of the section.

In subsection (b), the words "and so often as" are omitted as unnecessary. The word "burdened" is substituted for "made difficult or burdensome", the word "unreasonable" is substituted for "reciprocally unjust and unreasonable", the words "the President by proclamation may suspend" are substituted for "he shall have the power, and it shall be his duty, to suspend by proclamation to that effect", the words "even when carried in vessels of the United States" are substituted for "whether carried in vessels of the United States or of other nations", and the words "The suspension shall apply to the extent and for the time the President considers appropriate" are substituted for "for such time and to such extent (including absolute prohibition) as he shall deem just", to eliminate unnecessary words.

In subsection (c)(1), the words "the President shall impose a toll of" are substituted for "tolls shall be levied, collected, and paid as follows, to wit: . . . as shall be from time to time determined by the President" for clarity and to eliminate unnecessary words.

In subsection (c)(2), the word "landed" is substituted for "carried to and landed" to eliminate unnecessary words.

In subsection (d), the Secretary of Homeland Security is substituted for the Commissioner of Customs because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178). The functions of the Commissioner of Customs previously were vested in the Secretary of the Treasury under section 321(c) of title 31. For prior related transfers of functions, see the transfer of functions note under 46 App. U.S.C. 145.

In subsection (d)(2), the words "a port described in subsection (c)(2) of this section" are substituted for "some port or place within the limits above named" for clarity.

Subtitle VII—Security and Drug Enforcement

Chapter		Sec.
701.	**Port Security**	**70101**
703.	**Maritime Security**	**70301**
705.	**Maritime Drug Law Enforcement**	**70501**

CHAPTER 701—PORT SECURITY

This chapter was enacted by Public Law 107–295, title I, § 102(a), Nov. 25, 2002, 116 Stat. 2068.

CHAPTER 703—MARITIME SECURITY

Sec.
70301. Definitions.
70302. International measures for seaport and vessel security.
70303. Security standards at foreign ports.
70304. Travel advisories on security at foreign ports.
70305. Suspension of passenger services.
70306. Report on terrorist threats.

SECTION 70301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70301	46 App.:1807.	Pub. L. 99–399, title IX, § 911, Aug. 27, 1986, 100 Stat. 892.

In clause (2), the term "vessel of the United States" is omitted because the definition of that term in 46 U.S.C. 2101 is being moved to chapter 1 of the revised title and will apply generally throughout the title.

In clause (3), the definition of "Secretary" is new. The functions of the Secretary of Transportation under this chapter were carried out by the Coast Guard, and its functions have been transferred to the Department of Homeland Security (except when operating as a service in the Navy) by section 888 of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2249).

SECTION 70302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70302	46 App.:1801.	Pub. L. 99–399, title IX, § 902, Aug. 27, 1986, 100 Stat. 889.

The word "vessel" is substituted for "shipboard" for consistency in the revised title. The words "and commends him on his efforts to date" are omitted as unnecessary.

SECTION 70303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70303	46 App.:1803.	Pub. L. 99–399, title IX, § 907(a), (b), (d), (e), Aug. 27, 1986, 100 Stat. 891.

SECTION 70304

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70304	46 App.:1804.	Pub. L. 99–399, title IX, § 908, Aug. 27, 1986, 100 Stat. 891; Pub. L. 105–277, div. G, title XXII, § 2224(b), Oct. 21, 1998, 112 Stat. 2681–819.

In subsection (b), the words "with respect to which the Secretary of Transportation had made the determination described in section 1803(d) of this Appendix" are omitted as unnecessary.

SECTION 70305

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70305	46 App.:1805.	Pub. L. 99–399, title IX, § 909, Aug. 27, 1986, 100 Stat. 892.

SECTION 70306

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70306(a)	46 App.:1802.	Pub. L. 99–399, title IX, §§905, 913, Aug. 27, 1986, 100 Stat. 890, 892; Pub. L. 107–295, title I, §110(a), title IV, §408(c)(3), Nov. 25, 2002, 116 Stat. 2091, 2117.
70306(b)	46 App.:1809.	

In subsection (a), the words "February 28 of each year" are substituted for "February 28, 1987, and annually thereafter" in 46 App. U.S.C. 1802 to eliminate obsolete language. The words "Beginning with the first report submitted under this section after the date of enactment of the Maritime Transportation Security Act of 2002" are omitted as obsolete.

In subsection (b), the words "To the extent practicable, the reports required under sections 903, 905, and 907 [46 App. U.S.C. 1801 note, 1802, 1803] shall be consolidated into a single document before being submitted to the Congress" in 46 App. U.S.C. 1809(a) are omitted as unnecessary and obsolete because sections 903 and 907 are being omitted from the revised title and repealed as obsolete. The words "Committee on International Relations" are substituted for "Committee on Foreign Affairs" to reflect changes in committee structure made by the 104th Congress.

CHAPTER 705—MARITIME DRUG LAW ENFORCEMENT

Sec.
70501. Findings and declarations.
70502. Definitions.
70503. Manufacture, distribution, or possession of controlled substances on vessels.
70504. Jurisdiction and venue.
70505. Failure to comply with international law as a defense.
70506. Penalties.
70507. Forfeitures.

SECTION 70501

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70501	46 App.:1902.	Pub. L. 96–350, §2, Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99–307, §7, May 19, 1986, 100 Stat. 447; Pub. L. 99–570, title III, §3202, Oct. 27, 1986, 100 Stat. 3207–95; Pub. L. 99–640, §17, Nov. 10, 1986, 100 Stat. 3552.

SECTION 70502

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
70502(a)	46 App.:1903(i).	Pub. L. 96–350, §3(b), (c), (i), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99–570, title III, §3202, Oct. 27, 1986, 100 Stat. 3207–95, 3207–97; Pub. L. 99–640, §17, Nov. 10, 1986, 100 Stat. 3552, 3554; Pub. L. 100–690, title VII, §7402(b), Nov. 18, 1988, 102 Stat. 4483; Pub. L. 104–324, §1138(a)(1)–(3), (b), Oct. 19, 1996, 110 Stat. 3988, 3989; Pub. L. 107–295, title IV, §418(a), Nov. 25, 2002, 116 Stat. 2123.
70502(b)	46 App.:1903(b).	
70502(c)	46 App.:1903(c)(1).	
70502(d)	46 App.:1903(c)(2).	

SECTION 70502—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70502(e)	46 App.:1903(c)(3).	

In subsection (b)(2), before clause (A), the words "individual who is a citizen of the United States" are substituted for "a citizen or national of the United States" because of the definition of "citizen of the United States" in chapter 1 of the revised title. The words "or a territory, commonwealth, or possession of the United States" and "the District of Columbia, or any territory, commonwealth, or possession of the United States" are omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

In subsection (d)(1)(B), the word "authorized" is substituted for "empowered" for consistency with subsection (b)(2)(B).

SECTION 70503

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70503(a)	46 App.:1903(a).	Pub. L. 96–350, § 3(a), (e), (h), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99–570, title III, § 3202, Oct. 27, 1986, 100 Stat. 3207–95, 3207–96, 3207–97; Pub. L. 99–640, § 17, Nov. 10, 1986, 100 Stat. 3552, 3554; Pub. L. 100–690, title VII, § 7402(a), Nov. 18, 1988, 102 Stat. 4483.
70503(b)	46 App.:1903(h).	
70503(c)	46 App.:1903(e) (1st sentence).	
70503(d)	46 App.:1903(e) (last sentence).	

In subsection (a), before clause (1), the words "may not" are substituted for "It is unlawful for" for consistency in the revised title and to eliminate unnecessary words.

In subsection (b), the words "applies to" are substituted for "is intended to reach" for clarity and to eliminate unnecessary words.

SECTION 70504

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70504	46 App.:1903(f).	Pub. L. 96–350, § 3(f), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99–570, title III, § 3202, Oct. 27, 1986, 100 Stat. 3207–97; Pub. L. 99–640, § 17, Nov. 10, 1986, 100 Stat. 3554; Pub. L. 104–324, § 1138(a)(5), Oct. 19, 1996, 110 Stat. 3989.

SECTION 70505

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70505	46 App.:1903(d).	Pub. L. 96–350, § 3(d), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99–570, title III, § 3202, Oct. 27, 1986, 100 Stat. 3207–96; Pub. L. 99–640, § 17, Nov. 10, 1986, 100 Stat. 3553; Pub. L. 104–324, § 1138(a)(4), Oct. 19, 1996, 110 Stat. 3989.

SECTION 70506

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70506(a)	46 App.:1903(g).	Pub. L. 96–350, § 3(g), (j), Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99–570, title III, § 3202, Oct. 27, 1986, 100 Stat. 3207–97; Pub. L. 99–640, § 17, Nov. 10, 1986, 100 Stat. 3554; Pub. L. 101–647, title XII, § 1203, Nov. 29, 1990, 104 Stat. 4830.
70506(b)	46 App.:1903(j).	

In subsection (b), the words "the commission of which was the object of the attempt or conspiracy" are omitted as unnecessary.

SECTION 70507

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
70507	46 App.:1904.	Pub. L. 96–350, § 4, Sept. 15, 1980, 94 Stat. 1160; Pub. L. 99–570, title III, § 3202, Oct. 27, 1986, 100 Stat. 3207–97; Pub. L. 99–640, § 17, Nov. 10, 1986, 100 Stat. 3554; Pub. L. 107–295, title IV, § 418(b), Nov. 25, 2002, 116 Stat. 2123.

Subtitle VIII—Miscellaneous

Chapter Sec.
801. Wrecks and Salvage **80101**
803. Ice and Derelicts **80301**
805. Safe Containers for International Cargo **80501**

CHAPTER 801—WRECKS AND SALVAGE

Sec.
80101. Vessel stranded on foreign coast.
80102. License to salvage on Florida coast.
80103. Property on Florida coast to be taken to port of entry.
80104. Salvaging operations by foreign vessels.
80105. Canadian vessels aiding vessels in United States waters.
80106. International agreement on derelicts.
80107. Salvors of life to share in remuneration.

SECTION 80101

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80101	46 App.:721.	R.S. § 4238.

In this section, the words "consular officer" are substituted for "Consuls and vice consuls" and "consul or vice consul" for consistency in the revised title.

Subsection (a)(1) is substituted for "as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved" to eliminate unnecessary words.

SECTION 80102

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80102	46 App.:724.	R.S. § 4241.

In subsection (a), the words "the district court of the United States for a judicial district of Florida" are substituted for "the district court for the district of Florida" because Florida now has more than one judicial district.

In subsection (b)(1), the words "properly equipped" are substituted for "properly and sufficiently fitted and equipped" to eliminate unnecessary words.

SECTION 80103

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80103	46 App.:722. 46 App.:723.	R.S. § 4239. R.S. § 4240.

In subsection (a), the words "of any description whatsoever" are omitted as unnecessary.

In subsection (b), the words "transporting property described in subsection (a) of this section" are substituted for "which shall be engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals, within the jurisdiction of the United States, on the coast of Florida" to eliminate unnecessary words. The words "may be seized by, and forfeited to, the United States Government" are substituted for "shall . . . be forfeited" for consistency in the revised title. The words "together with her tackle, apparel, and furniture" are omitted as unnecessary. The words "accrues half to the informer and half to the Government" are substituted for "one moiety to the informer and the other to the United States" to use more commonly understood language.

SECTION 80104

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80104(a)	46 App.:316(d) (words before proviso).	R.S. § 4370(d), (e); June 11, 1940, ch. 324, 54 Stat. 305.
80104(b)	46 App.:316(d) (proviso).	
80104(c)	46 App.:316(e).	

In subsection (a), the words "authorized by a treaty" are omitted because they are restated in subsection (c).

In subsection (b), before clause (1), the Secretary of Homeland Security is substituted for the Commissioner of Customs because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178). The functions of the Commissioner of Customs previously were vested in the Secretary of the Treasury under section 321(c) of title 31. For prior related transfers of functions, see the transfer of functions note under 46 App. U.S.C. 316. The words "and no penalty shall be incurred for such authorized use" are omitted as unnecessary.

In subsection (b)(1), the words "(including a Bowaters corporation under section 12118 of this title)" are added because the source for section 12118 (46 App. U.S.C. 883–1) provides that a corporation meeting the requirements of that section is also a citizen of the

United States under 46 App. U.S.C. 316, restated in part in this section.

Subsection (b)(2) is substituted for "documented under the laws of the United States or numbered pursuant to the Act of June 7, 1918, as amended (46 U.S.C. 288)" to refer to the current provisions on documentation and numbering.

In subsection (c), the words "authorized by treaty, including" are added because the words "authorized by a treaty" are omitted from subsection (a).

SECTION 80105

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80105	46 App.:725.	June 19, 1878, ch. 324, 20 Stat. 175; May 24, 1890, ch. 292, 26 Stat. 120; Mar. 3, 1893, ch. 211, § 1 (last par. under heading "Department of State"), 27 Stat. 683.

In subsection (a), before clause (1), the word "equipment" is substituted for "appurtenance" to use more commonly understood language. The words "and assistance" are omitted as unnecessary.

Subsection (b) is substituted for "this section shall cease to be in force and effect from and after the date of the proclamation of the President of the United States to the effect that said reciprocol privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada" to eliminate unnecessary words.

SECTION 80106

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80106	46 App.:726.	Oct. 31, 1893, No. 13, 28 Stat. 13.

SECTION 80107

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80107(a)	46 App.:729.	Aug. 1, 1912, ch. 268, §§ 1, 3–5, 37 Stat. 242; Pub. L. 102–241, § 40, Dec. 19, 1991, 105 Stat. 2225.
80107(b)	46 App.:727.	
80107(c)	46 App.:730.	
80107(d)	46 App.:731.	

In subsection (c), the words "civil action" are substituted for "suit", the words "must be brought within 2 years after" are substituted for "shall not be maintainable if brought later than two years from", and the word "seize" is substituted for "arresting", for consistency in the revised title. The words "of the plaintiff's residence or principal place of business" are substituted for "in which the libelant resides or has his principal place of business" for consistency and to eliminate unnecessary words.

In subsectoin (d), the reference to section 2304 of title 46 is omitted because of the amendment to section 2304 in section 14(8) of the bill.

CHAPTER 803—ICE AND DERELICTS

Sec.
80301. International agreements.
80302. Patrol services.
80303. Speed of vessel in ice region.

SECTION 80301

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80301	46 App.:738.	June 25, 1936, ch. 807, § 1, 49 Stat. 1922.

SECTION 80302

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80302	46 App.:738a.	June 25, 1936, ch. 807, § 2, 49 Stat. 1922; Pub. L. 89–670, § 6(b)(1), Oct. 15, 1966, 80 Stat. 938.

In subsection (d), the words "Secretary of the department in which the Coast Guard is operating" are substituted for "Secretary of Transportation" because of the transfer of the Coast Guard to the Department of Homeland Security (except when operating as a service in the Navy) by section 888 of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2249). See also sections 1 and 3 of title 14, as amended by section 1704(a) of such Act (116 Stat. 2314).

SECTION 80303

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80303	46 App.:738c.	June 25, 1936, ch. 807, § 4, 49 Stat. 1923.

In subsection (b), the words "liable to the United States Government for a civil penalty" are substituted for "liable to a fine" for clarity and for consistency in the revised title. The words "for each offense" are omitted as unnecessary.

CHAPTER 805—SAFE CONTAINERS FOR INTERNATIONAL CARGO

Sec.
80501. Definitions.
80502. Application of Convention.
80503. General authority of the Secretary.
80504. Approval and examination.
80505. Enforcement.
80506. Delegation of authority.
80507. Employee protection.
80508. Amendments to Convention.
80509. Civil penalty.

SECTION 80501

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80501	46 App.:1501.	Pub. L. 95–208, § 2, Dec. 13, 1977, 91 Stat. 1475.

In the definition of "international transport", clauses (A) and (B) are substituted for 46 App. U.S.C. 1501(d)(1)–(3) to eliminate unnecessary words.

In the definition of "owner", the words "includes the lessee or bailee of a container if a written lease or bailment provides for the lessee or bailee to exercise the owner's responsibility for maintaining and examining the container" are substituted for "means a person who owns a container, or, if a written lease or bailment provides for the lessee or bailee to exercise the owner's responsibility for maintaining and examining the container, the lessee or bailee of a container, to the extent such agreement so provides" to eliminate unnecessary words.

The definition of "Secretary" is omitted because a complete reference to the appropriate Secretary is used the first time the Secretary is named in each section. Throughout this chapter, the phrase "Secretary of the department in which the Coast Guard is operating" is substituted for "Secretary of Transportation" because the Coast Guard has been transferred to the Department of Homeland Security (except when operating as a service in the Navy) by section 888 of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2249).

The definition of "United States" is omitted because "United States" is defined in chapter 1 of the revised title. The definitions of "new container" and "existing container" are omitted as obsolete.

SECTION 80502

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80502	46 App.:1502(a) (related to application of Convention).	Pub. L. 95–208, § 3(a) (related to application of Convention), Dec. 13, 1977, 91 Stat. 1476.

This section restates the applicability criteria of 46 App.:1502(a)(1) and (2) to improve the organization of the chapter.

SECTION 80503

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80503(a)	46 App.:1503(a).	Pub. L. 95–208, § 4(a), (b), (c)(1), (3), (e), Dec. 13, 1977, 91 Stat. 1476, 1477.
80503(b)	46 App.:1503(b).	
80503(c)	46 App.:1503(c)(1).	
80503(d)	46 App.:1503(c)(3).	
80503(e)	46 App.:1503(e).	

In subsection (a), the words "On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention," and "and, unless an earlier date is specifically provided," are omitted as obsolete.

In subsection (b), before clause (1), the words "as soon as practicable after December 13, 1977" are omitted as obsolete. The word "prescribe" is substituted for "promulgate, and from time to time, amend" for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words. The words "he deems necessary for such enforcement" and "among

other things" are omitted as unnecessary. In clause (1), the words "existing" and "new" are omitted as obsolete.

In subsections (c) and (d), the words "At any time after December 13, 1977" are omitted as obsolete.

SECTION 80504

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80504.	46 App.:1502(a) (related to approval and examination).	Pub. L. 95–208, § 3(a) (related to approval and examination), Dec. 13, 1977, 91 Stat. 1476.

In this section, the words "Beginning on the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, for new containers, and beginning on September 6, 1982, for existing containers" are omitted as obsolete.

In subsections (a)(1) and (b)(1), the words "government of another country that is a party to the Convention" are substituted for "administration of another contracting party to the Convention" for clarity.

In subsection (c), the word "initial" is added for consistency in the section.

SECTION 80505

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80505	46 App.:1504.	Pub. L. 95–208, § 5, Dec. 13, 1977, 91 Stat. 1477; Pub. L. 97–249, § 1(2), Sept. 8, 1982, 96 Stat. 708.

In subsection (a), before clause (1), the words "On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention" are omitted as obsolete. The words "and regulations prescribed under this chapter" are added for clarity. In clause (1), the words "new . . . and existing containers which are subject to this chapter" are omitted as obsolete. Clauses (2) and (3) are substituted for "test, inspect, and approve designs for new containers and new containers being manufactured" to eliminate unnecessary words. In clause (4), before subclause (A), the words "is subject to this chapter" are omitted as unnecessary. In subclause (A), the word "valid" is omitted as unnecessary. In clause (5), the words "or regulations prescribed under this chapter" are added for consistency. In clause (6), the word "valid" is omitted as unnecessary.

In subsection (b)(3), the words "appropriation for the operating expenses of the Coast Guard" are substituted for "appropriations bearing the cost thereof" for clarity.

In subsection (d)(2), the word "reasonably" is omitted as unnecessary.

In subsection (e), the words "which first occurs" are omitted as unnecessary. In clause (1), the words "the Secretary declares" are substituted for "is declared by the Secretary, or under regulations promulgated by the Secretary" to eliminate unnecessary words.

SECTION 80506

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80506	46 App.:1503(c)(2), (d).	Pub. L. 95–208, § 4(c)(2), (d), Dec. 13, 1977, 91 Stat. 1477.

Subsections (a) and (f) are substituted for 46 App. U.S.C. 1503(c)(2) and (d) (1st sentence) to improve the organization of the section.

In subsection (b)(1), the words "person to whom authority is to be delegated" are substituted for "person, public or private agency, or nonprofit organization as a recipient of delegated functions under such subsection" to eliminate unnecessary words.

Subsection (b)(2) is substituted for "the manner in which such recipient shall carry out such delegated functions, including the records such recipient must keep, and a detailed description of the exact functions such recipient may exercise" to eliminate unnecessary words.

Subsections (c)–(e) are substituted for 46 App. U.S.C. 1503(d) (last par.) to improve the organization of the section and to eliminate unnecessary words.

SECTION 80507

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80507	46 App.:1506.	Pub. L. 95–208, § 7, Dec. 13, 1977, 91 Stat. 1479.

In subsection (a), the words "in any manner" and "to the Secretary or his agents" are omitted as unnecessary. The words "or a regulation prescribed under this chapter" are added for consistency.

SECTION 80508

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80508	46 App.:1507.	Pub. L. 95–208, § 8, Dec. 13, 1977, 91 Stat. 1479.

SECTION 80509

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
80509	46 App.:1505.	Pub. L. 95–208, § 6, Dec. 13, 1977, 91 Stat. 1478.

In subsection (a), the words "On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention" are omitted as obsolete. The words "liable to the United States Government for a civil penalty" are substituted for "subject to a civil penalty" for consistency in the revised title.

In subsection (b)(2), the words "In determining the amount of" are substituted for "In assessing, remitting, mitigating, or compromising" to eliminate unnecessary words.

SECTION 11—MARITIME ADMINISTRATION

Section 11 of the bill amends section 109 of title 49.

SECTION 109

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
109(a)	46 App.:1111 note.	Reorg. Plan No. 21 of 1950, eff. May 24, 1950, § 201, 64 Stat. 1276.
	46 App.:1601.	Pub. L. 97–31, § 2, Aug. 6, 1981, 95 Stat. 151.
109(b)	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, § 201, 75 Stat. 842; Pub. L. 88–426, title III, § 305(19)(B), Aug. 14, 1964, 78 Stat. 425; Pub. L. 91–469, § 38(a), Oct. 21, 1970, 84 Stat. 1036.
	46 App.:1603.	Pub. L. 97–31, § 4, Aug. 6, 1981, 95 Stat. 151.
109(c)	46 App.:1111 note.	Reorg. Plan No. 21 of 1950, eff. May 24, 1950, § 203, 64 Stat. 1276.
109(d)	46 App.:1111 note.	Reorg. Plan No. 21 of 1950, eff. May 24, 1950, § 204, 64 Stat. 1276.
	46 App.:1602.	Pub. L. 97–31, § 3, Aug. 6, 1981, 95 Stat. 151.
109(e)	46 App.:1213(b).	June 29, 1936, ch. 858, title VIII, § 809(b), as added Pub. L. 94–10, § 3, Mar. 23, 1975, 89 Stat. 16; Pub. L. 97–31, § 12(121), Aug. 6, 1981, 95 Stat. 164.
109(f)	46 App.:1122(d).	June 29, 1936, ch. 858, title II, § 212(d), 49 Stat. 1990; Pub. L. 97–31, § 12(69), Aug. 6, 1981, 95 Stat. 159.
109(g)	46 App.:1111(f) (2d sentence related to Secretary).	June 29, 1936, ch. 858, title II, § 201(f) (2d sentence related to Secretary), 49 Stat. 1986; Aug. 4, 1939, ch. 417, § 4, 53 Stat. 1182; Pub. L. 97–31, § 12(58)(D), Aug. 6, 1981, 95 Stat. 158.
109(h)	46 App.:1117 (related to Secretary).	June 29, 1936, ch. 858, title II, § 207 (related to Secretary), 49 Stat. 1988; June 23, 1938, ch. 600, § 2, 52 Stat. 954; Pub. L. 97–31, § 12(64), Aug. 6, 1981, 95 Stat. 159; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.
109(i)(1)	46 App.:1119(a).	June 29, 1936, ch. 858, title II, § 209, 49 Stat. 1988; Aug. 26, 1937, ch. 822, § 3, 50 Stat. 839; Pub. L. 90–81, Sept. 5, 1967, 81 Stat. 193; Pub. L. 91–469, § 2, Oct. 21, 1970, 84 Stat. 1018; Pub. L. 95–173, Nov. 12, 1977, § 6(a), 91 Stat. 1360; Pub. L. 96–387, § 4, Oct. 7, 1980, 94 Stat. 1546; Pub. L. 96–453, § 3(a), Oct. 15, 1980, 94 Stat. 2008; Pub. L. 97–31, § 12(66), Aug. 6, 1981, 95 Stat. 159.
109(i)(2)	46 App.:1119(b).	
109(i)(3)	46 App.:1295c–1.	Pub. L. 100–202, § 101(a) [title V (4th proviso on p. 1329–28)], Dec. 22, 1987, 101 Stat. 1329, 1329–28.

In subsection (b), the words "The Assistant Secretary of Commerce for Maritime Affairs shall, ex officio, be the Administrator" in section 201 of Reorganization Plan No. 7 of 1961 are omitted as superseded by 46 App. U.S.C. 1601 and 1603. The words "and who shall be compensated at the rate provided for level III of the Executive Schedule" in 46 App. U.S.C. 1603 are omitted as unnecessary because of 5 U.S.C. 5314.

In subsection (c), the word "Secretary" means the "Secretary of Transportation" because under 46 App. U.S.C. 1602 all functions, powers, and duties relating to the Maritime Administration were transferred from the Secretary of Commerce to the Secretary of Transportation. The words "in the competitive service" are sub-

stituted for "under the classified civil service" because of 5 U.S.C. 2102(c). The words "*Provided*, That such Deputy Administrator shall at no time sit as a member or acting member of the Federal Maritime Board" are omitted as obsolete because the Federal Maritime Board was abolished by section 304 of Reorganization Plan No. 7 of 1961 (46 App. U.S.C. 1111 note).

In subsection (f), the words "vessels of the United States" are substituted for "vessels of United States registry" because of the definition of "vessel of the United States" in chapter 1 of the revised title.

In subsection (g), the words "equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility" are substituted for "equal to the pay and allowances he would receive if he were the incumbent of an office or position in such service (or in the corresponding executive department), which, in the opinion of . . . the Secretary of Transportation, involves the performance of work similar in importance, difficulty, and responsibility" to eliminate unnecessary words.

In subsection (h)(2), the words "according to approved commercial practice as provided in the Act of March 20, 1922 (42 Stat. 444)" are omitted as obsolete and unnecessary.

In subsection (i)(2), the words "Notwithstanding any other provision of this chapter or any other law" are omitted as unnecessary. In clause (G), the words "National Defense Reserve Fleet" are substituted for "reserve fleet" for clarity. Clause (H) is substituted for "(7) maritime training at the Merchant Marine Academy at Kings Point, New York", "(8) financial assistance to State maritime academies under section 1295c of this Appendix", "(10) expenses necessary for additional training provided under section 1295d of this Appendix", and "(10) expenses necessary to carry out subchapter XIII of this chapter" because of the reorganization of revised title 46 and to eliminate unnecessary words. The text of 46 App. U.S.C. 1119 (proviso) is omitted as obsolete.

SECTION 12—AMENDMENTS RELATING TO MARITIME SECURITY ACT OF 2003

Section 12(a) of the bill makes conforming cross reference amendments to chapter 531 of title 46, which was added by section 3531(a) of the Maritime Security Act of 2003 (Public Law 108–136, 117 Stat. 1803).

Section 12(b) amends section 12111(c)(3) of title 46, which restates existing section 12102(d)(4) of title 46. This amendment corresponds to the amendment contained in section 3534(b)(1) of that Act (117 Stat. 1818). An effective date is provided to carry forward the effective date contained in section 3537(b) of that Act (117 Stat. 1819), and section 3534(b)(1) of that Act is repealed if this Act takes effect before the amendment made by section 3534(b)(1).

SECTION 13—AMENDMENTS TO PARTIALLY RESTATED PROVISIONS

SECTION 13(a)

Section 13(a) of the bill amends section 2793 of the Revised Statutes, which appears in the United States Code at three places with editorial variations. The version at 46 App. U.S.C. 123 includes the

language about tonnage tax but omits the language about entry fees and clearance fees. The versions at 19 U.S.C. 288 and 46 App. U.S.C. 111, which are identical, include the language about entry fees and clearance fees but omit the language about tonnage tax. Section 2793 is amended to strike the language about tonnage tax because section 2793, insofar as it relates to tonnage tax, is restated in section 60308 of title 46. Section 2793, as amended by this section, will relate only to entry fees and clearance fees and will be classified only to 19 U.S.C. 288.

SECTION 13(b)

Section 13(b) of the bill amends the third sentence of section 809(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1213(a)), which relates to the seasonal closure of the Saint Lawrence Seaway. The amendment strikes the reference to section 211(a) of that Act (46 App. U.S.C. 1121(a)) because the substance of the third sentence of the amended provision is restated, along with 46 App. U.S.C. 1121(a), in section 50103 of title 46.

SECTION 14—ADDITIONAL AMENDMENTS TO TITLE 46

Section 14 of the bill makes additional amendments to title 46 to replace references to provisions which are repealed and restated by the bill with references to the corresponding new provisions, and to fix typographical errors. Other amendments are explained as follows:

Certain definitions in section 2101 which are restated in chapter 1 as title-wide definitions are repealed.

Section 2108 is repealed because it is revised and restated as section 504 of title 46.

Section 2301 is amended to include a reference to section 2304 because of the amendment to section 2304.

Section 2304 is amended to restate 46 App. U.S.C. 731 as it relates to section 2304. The remainder of 46 App. U.S.C. 731 is restated in section 80107(d) of title 46.

In section 14305(a)(6), the reference to 46 App. U.S.C. 883 is replaced with only a reference to section 12132 of title 46, which restates the first proviso of 46 App. U.S.C. 883. That is because only the first proviso of 46 App. U.S.C. 883 is relevant to the alternative tonnage measurement determined in accordance with section 14305.

SECTION 15—CONFORMING AMENDMENTS TO OTHER LAWS

Section 15 of the bill makes conforming cross reference amendments to positive law titles of the United States Code and the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.), and other conforming amendments as necessary.

Section 15(i) of the bill amends section 5501(a) of the Oceans Act of 1992 (Public Law 102–587, 106 Stat. 5084) by adding a new paragraph (3). The intent of this amendment is to maintain the status quo under paragraph (2) of section 5501(a) of that Act, as it exists prior to the enactment of this codification legislation. Section 55109 of title 46, United States Code, as contained in this bill, is intended as a codification without substantive change of section 1 of the Act of May 28, 1906, as amended (46 App. U.S.C. 292). Therefore, the exceptions from that latter provision, which cur-

rently exist under such paragraph (2), are intended to continue to exist to the same extent under new section 55109 of title 46. In addition, if the original intent of such paragraph (2) was that the restriction contained in the pre-1992 amended version of that 1906 provision continues to apply to the vessels, persons, and entities described in such paragraph (2), then that outcome is intended to remain unchanged by this legislation, despite the repeal by this legislation of that 1906 provision. No expression as to the original intent of such paragraph (2) is intended by this legislation.

SECTION 16—LEGISLATIVE CONSTRUCTION AND TRANSITIONAL PROVISIONS

Section 16 of the bill contains provisions relating to legislative construction and transitional provisions.

Subsections (a) and (b) provide that this is a codification bill drafted in accordance with section 285b of title 2, United States Code. The intent is to comply with the standard set forth in section 285b, which provides that the restatement of existing law shall conform to "the understood policy, intent, and purpose of the Congress in the original enactments". The only substantive changes intended are those permitted by section 285b, which are those limited to removing "ambiguities, contradictions, and other imperfections" in a way that is consistent with the understood policy, intent, and purpose of the original enactments. As a practical matter, this means that the only substantive changes intended are those which are purely technical and believed to be completely noncontroversial. A couple of examples may help to illustrate the limited nature of any possible substantive change:

First, in a group of sections relating to the Coast Guard, there may have been several references to the Secretary of the department in which the Coast Guard is operating, with a few anomalous references to the Secretary of Transportation. (The Coast Guard was part of the Department of Transportation prior to its recent transfer to the Department of Homeland Security, but operates as a service in the Navy during times of war.) These references were all made consistent. Although this technically is a substantive change, it is believed that the change merely brings the statutory language into accord with what was intended.

Second, in consolidating separately enacted laws into a single unit such as a chapter or subtitle, the question arises as to whether the definitions from one or more laws should be made applicable generally to the entire unit. Doing so makes for a cleaner result. The alternative might require specifying a list of seemingly curious and illogical exceptions. In making the decision to apply the definitions generally, each instance of each defined term was examined to determine that this technical substantive change could be made safely without leading to any genuine change in result.

As a guiding principle, however, those interpreting the law are advised to assume in questionable cases that no substantive change was intended. See page 3 of this report under the heading "Conformity With Original Intent" for an additional explanation and for a list of cases relevant to the interpretation of codification legislation.

SECTION 17—REPEALS

Section 17 of the bill repeals laws replaced by the bill and laws that are obsolete or superseded.

SECTION 18—EFFECTIVE DATE

Section 18 of the bill establishes an effective date to ensure that the Act does not take effect prior to the effective date of certain amendments to title 46 contained in the Maritime Security Act of 2003 (Public Law 108–136, 117 Stat. 1788).

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, SEPTEMBER 8, 2004

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:00 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr., [Chairman of the Committee] Presiding.

[Intervening business.]

Chairman SENSENBRENNER. Pursuant to notice, I now call up the bill H.R. 4319, the "Title 46 Codification Act of 2004," for purposes of markup and move its favorable recommendation into the House. Without objection, the bill will be considered as read and open for amendment at any point.

The Chair recognizes himself for 5 minutes to explain the bill.

Today the Committee considers this legislation, the bill completes the codification of Title 46, U.S. Code, "shipping" as positive law. The Ranking Member, Mr. Conyers, and I jointly introduced this legislation on May 10. This bill was prepared by the Office of Law Revision Counsel as part of the program required by Title 2 of the United States Code section 285(b) to prepare and submit to the Committee on the Judiciary one title at a time a complete compilation restatement and revision of the general and permanent laws of the United States.

This bill makes no substantive change in existing law. Rather, the bill removes ambiguities, contradictions and other imperfections from existing law; and it repeals obsolete, superfluous or superceded provisions.

After the introduction, the bill was circulated for comment to interested parties, including Committees of Congress and agencies of the departments of Government. All comments were to be submitted no later than 45 days after the bill was introduced. The Federal Maritime Commission and the Department of Transportation provided extensive comments on the bill. Several other agencies and departments of the Government also provided comments.

Without objection, the comments referred to in this statement will be included as a part of the record.

[The comments are reprinted in the "Review and Comments" section of this report.]

Chairman SENSENBRENNER. The Office of Law Revision Counsel reviewed and considered all comments, contacting the interested parties to resolve outstanding questions. Some comments proposing

changes to improve organization and clarity were incorporated in the restatement.

Other comments either suggesting substantive changes to existing law or expressing opposition to the substance of existing law could not be incorporated in the restatement. This bill makes no substantive changes in existing law and is not intended to do so. That is not the function of Law Revision Counsel bills. They reorganize and clean up the law and do not change the substance. Thus, the Members should understand that, because of the nature of this bill, supporting it does not imply support of the underlying provisions that are being reorganized and cleaned up.

In a moment, I will offer a substitute amendment prepared by the office of the Law Revision Counsel which will incorporate additional changes to the Code which were recommended as a result of the review and comment process. The Law Revision Counsel has indicated that he is satisfied that the substitute makes no substantive change to existing law and that no additional cost to the Government would be incurred as a result of the enactment of H.R. 4319.

I would like to express the Committee's appreciation for the work of the Law Revision Counsel and the staff on the bill and that I encourage all Members to support the substitute and the underlying legislation.

Does anyone—do any of the Democratic Members have an opening statement?

If not, all Members' opening statements will appear in the record at this point, and the Chair recognizes himself for purposes of offering the amendment in the nature of a substitute, which the clerk will report.

The CLERK. Amendment in the nature of a substitute to H.R. 4319.

Chairman SENSENBRENNER. Without objection, the substitute is considered as read and open for amendment at any point.

The Chair recognized himself briefly to note, as previously mentioned, this amendment in the nature of a substitute simply incorporates further technical revisions as recommended by the OLRC, and I ask for support of the amendment in the nature of a substitute and yield back the balance of my time.

Are there any second degree amendments to the amendment in the nature of a substitute? If there are none, the question occurs on the nature of the amendment and the substitute. All those in favor will say aye. Aye. Opposed, no.

The ayes appear to have it. The substitution is agreed to. A reporting quorum is present.

A question occurs on the motion to report the bill H.R. 4319 favorably as amended. All those in favor say aye. Aye. Opposed, no.

The ayes have it. The motion to report favorably is agreed to.

Without objection, the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute incorporating the amendment adopted here today. Without objection, the Chair is authorized to go to conference pursuant to House Rules. Without objection, the staff is directed to make any technical and conforming changes; and all Members will be given 2 days as provided by House Rules in order to provide additional dissenting, supplemental or minority views.

I believe that the Committee has done yeoman's work in wading through a large number of bills. We will do judges tomorrow.

The Committee is recessed until 10:00 a.m. Tomorrow morning.

[Whereupon, at 2:47 p.m., the Committee was adjourned.]

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