

SECTIONAL ANALYSIS

Explanation of a Bill to Revise, Codify, and Enact Certain Maritime Laws as Part of Title 46, United States Code, "Shipping"

The purpose of the bill is to revise, codify, and enact, without substantive change, certain maritime laws as part of title 46, United States Code, "Shipping". Subtitle II and part of subtitle III of title 46 have already been enacted. This bill enacts additional subtitles to title 46 and makes conforming amendments to provisions already in title 46 and to other provisions outside of title 46. This analysis contains an explanation of each section of revised title 46 enacted by the bill.

Standard language changes. Standard language changes are made throughout the revised title. The most significant are explained here: The law is restated in the present tense and the active voice as far as possible. When there is a choice of 2 or more words, otherwise of equal legal effect, the more commonly understood word is used. The word "shall" is used in the mandatory and imperative sense. The word "may" is used in the permissive and discretionary sense, as in "is permitted to" and "is authorized to". The words "may not" are used in a prohibitory sense, as in "is not authorized to" and "is not permitted to". The words "person may not" mean that no person is required, authorized, or permitted to do the act. The words "any part of" mean "all or part of" and "in whole or in part". The word "includes" means "includes but is not limited to". The word "deemed" is used when a legal fiction, or what may in some cases be a legal fiction, is intended. The word "is" is used for statements of fact and legal conclusions. When a right is conferred, the words "is entitled" or their equivalent are used. The first time a descriptive title is used in a section, the complete title is used. Thereafter, in the same section, a shorter title is used unless the context requires the complete title to be used. For example, "Secretary of Transportation" is used the first time the title appears in a section. Subsequently, in the same section, the title "Secretary" is used. The word "law" is substituted for "Act" and "joint resolution" because the word "law" includes Acts and joint resolutions. The words "under section lll " are used instead of "pursuant to section lll " and "in accordance with section lll ". The word "such" is not used as a demonstrative adjective. The use of the word "each", "any", "every", or "all" is confined to instances in which a doubt could arise if the word were not used. The singular form of a noun is used to convey the plural form of that noun as well, and the plural form conveys the singular. Provisos are not used. An exception or limitation is introduced by the words "except that" or "but" or by placing the excepting or limiting provision in a separate sentence. The words "committee of Congress" include a committee of either House of Congress, a joint committee of Congress, or a subcommittee of any of those committees.

Other general issues: Section 8(a) of the bill states unambiguously that this restatement of prior law is done "without substantive change" and, further, that the new provisions "may not be construed as making a substantive change in the laws replaced." The enactment of these statements will ensure continuity in the administration of the maritime and related programs covered by the statutes being replaced.

Statutes or portions of statutes that would be repealed for self-evident reasons (e.g., obsolete authorizations; long-completed studies) are not addressed by the sectional analysis. In the case of four current provisions found in the title 46 Appendix, the subject matter more properly belongs in other titles of the U.S. Code, and (without statutory action in this bill) they will be reclassified to more appropriate locations in the Code, as follows:

46 App.: 111 (entry and clearance fees in Great Lakes trade with Canada)	19 USC 288
46 App.: 328 (forfeitures and penalties related to collection of customs duties)	19 USC 319
46 App.: 336 (canal boats exempt from enrollment, license, and customs fees)	19 USC 295
46 App.: 885 (applicability of the antitrust laws to associations of marine insurance companies)	15 USC 38

In order to save space in presentation of United States Code citations throughout this explanation of the bill and to assist in distinguishing among citations to (1) the current title 46, United States Code, (2) the Appendix to title 46, and (3) the proposed restatement of title 46, the following "shorthand" representations will be used in this analysis in the case of title 46:

- the form "46 U.S.C. XYZ" refers to current title 46, United States Code.
- the form "46 App.:XYZ" refers to the Appendix to title 46, United States Code.
- the form 46:XYZ refers to the proposed restatement.

Subtitle I--General

Chapter 1-General

Subchapter I-Definitions

The 16 definitions set forth in this Subchapter would apply to the entire title 46, as restated. Unless discussed below, they are substantively identical to (and would replace) existing definitions that are found in current title 46 and are already applicable to portions of the title (chapter 21 or 121). Analysis is provided only for definitions that are not already found in current title 46 in substantively identical form.

"Agency" (46:101): This term would be defined for the first time in title 46, for two reasons: (1) to conform usage of "agency" to that in the portion of the U.S. Code that is positive law, and (2) to avoid having to define "agency" repeatedly.

"Citizen of the United States" (46:104): This term is currently defined in 46 U.S.C. 2101(3a) to cover individuals, as follows:

(3a) "citizen of the United States" means a national of the United States as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) 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).

Elsewhere in maritime law (notably section 2 of the Shipping Act, 1916 (46 App.: 802)) the same term is deemed to apply to corporations, partnerships, and associations, but only if certain ownership requirements are met. Overall, the term is critical to a proper understanding and enforcement of the nation's documentation, fisheries, and coastwise trade requirements, and in other areas. To make the meaning of this term clear (in a single provision) for both individuals and entities such as corporations, the current definition set forth above would be expanded to refer to a new section of the restated title (46:171) that consolidates in one section the varying criteria for a corporate or other non-individual entity to qualify as a "citizen of the United States" for distinct purposes. The content of the proposed 46:171 is explained below.

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)" would be

omitted from the restated definition, 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.

"Foreign commerce" (46:109): This term is currently defined in the Merchant Marine Act, 1936 (46 App.:1244), and would be restated without substantive change. As restated, it would apply to the entire title 46 (without creating a conflict in the other portions of the title, because the term has been interpreted uniformly in the administration of all maritime law contained in the restated title). For example, a differently stated, yet consistent, definition of the term is set forth in chapter 303 (restatement of the Carriage of Goods by Sea Act (COGSA)) to maintain the definitional structure underlying COGSA.

In subsection (a) of the restated definition, the words "or foreign trade" and "or trade" are omitted because the term "foreign commerce" is generally used instead of "foreign trade" in the revised title. The words "its Territories or possessions, or the District of Columbia" are omitted because of the definition of "United States" in this chapter.

Subchapter II-Other Provisions

This subchapter sets forth a variety of maritime-law provisions that have very general, high-level applicability to maritime activities, ranging from required notice of the seizure of vessels to the relationship of title 46 to laws and treaties of the United States.

Section 171 would provide, in a single provision, an organized statement of the qualifications required of an entity other than an individual, such as a trust or a corporation, to qualify as a "citizen of the United States"--a very important status for purposes of the coastwise trade, the fisheries, vessel documentation, and in other areas. Essentially, the requirements are that the ownership and control of the entity be in the hands of U.S. citizens.

Specifically, section 171 restates 46 App.:802 in terms of affirmative requirements rather than disqualifying factors. It also incorporates and replaces the specific requirements in 46 U.S.C. 12102(a) for entities seeking to document a vessel. The text of 46 U.S.C. 12102(a)(2)(B) is omitted as unnecessary. See generally 46 C.F.R. sec. 67.35 to 67.41 (1999).

In subsection (a)(1), the words "each trustee and each beneficiary is a citizen of the United States" are substituted for "all of whose members are citizens of the United States" in 46 U.S.C. 12102(a)(2) for clarity. See 46 C.F.R. sec. 67.36 (1999). Subsection (a)(2) consolidates the requirements for partnerships from 46 U.S.C.

12102(a)(3) and 46 App.:802(a). Subsection (a)(3) consolidates the requirements for corporations from 46 U.S.C. 12102(a)(4) and 46 App.:802(a). The words "Territory, District, or possession thereof" in 46 App.:802(a) are omitted as unnecessary because of the definition of "State" in this chapter. Subsections (a)(4) and (5) are based on 46 U.S.C. 12102(a)(5) and (6). Subsection (a)(6) consolidates the requirements for associations and other entities from 46 U.S.C. 12102(a)(2) and associations from 46 App.:802(a). The word "association" is omitted as included in "any other entity". The words "joint venture" in 46 U.S.C. 12102(a)(2) are omitted as unnecessary because a joint venture is a partnership.

The remainder of section 171 is composed of existing law as follows: section 171(b) is taken from 46 App.:802(a) (words after 9th comma); section 171(c) from 46 U.S.C. 12102(c)(1)-(5); section 171(d) from 46 App.:802(b); and section 171(e) from 46 App.:802(c).

The remainder of Subchapter II is composed of existing law as follows:

<u>Section 172</u>	46 App.:803
<u>Section 173</u>	46 App.:326
<u>Section 174</u>	46 App.:327
<u>Section 175</u>	46 App.:121 (3d sentence, last sentence words before semicolon) 46 App.:135
<u>Section 176</u>	46 App.:3 note prec. (Dec. 27, 1950, ch. 1155, sec. 1, 2, 64 Stat. 1120)

In section 176(b), the words "When the head of an agency . . . considers it necessary" are substituted for "either upon his own initiative 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.

<u>Section 177</u>	46 U.S.C. 2108
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This section replaces 46 U.S.C. 2108, which was enacted as part of the codification of subtitle II of title 46. That provision was based on the Act of June 26, 1884, ch. 121, sec. 26, 23 Stat. 59 (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.

Chapter 3--Federal Maritime Commission

The Federal Maritime Commission (Commission) originated in a series of Reorganization Plans from 1949 to 1961 and is not established in statute. Many provisions of law refer to the Commission, however. The restatement would establish the Commission as an "independent establishment of the United States Government" in law as a new chapter 3 of title 46. The reorganization plans would be repealed.

Section 301: 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 member of the Commission 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.: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. The words "(exclusive of functions transferred by the provisions of section 2 of this reorganization plan)" are omitted as unnecessary.

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 4 of Reorganization Plan No. 6 of 1949.

The remainder of Chapter 3 is composed of existing law as follows:

<u>Section 302</u>	46 App.:1111(c) (related to records)
<u>Section 303</u>	46 App.:1111 note. Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, sec. 102(d), 75 Stat. 840
<u>Section 304</u>	46 App.:1111 note. Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, sec. 105(a)-(c), 75 Stat. 841

Subtitle II--Vessels and Seamen

Subtitle II of title 46 is already enacted into positive law (see Pub. L 98-89, Aug. 26, 1983, 97 Stat. 500, and subsequent enactments), but this bill would restate existing chapter 121 of the title to improve the organization and style and to conform the terminology with the definitions of "citizen of the United States" and "entities qualifying as citizens" in chapter 1 of the revised title.

CHAPTER 121--Documentation of Vessels

Chapter 121, as restated, would be composed of existing provisions of law as follows:

Subchapter I-General

Section 12101:

- 12101(a) 46 U.S.C. 12101(a) (2)
46 App.:883 (2d proviso related to meaning of
"rebuilt")
- 12101(b) 46 U.S.C. 12101(b)

In section 12101, the source provision for subsection (a) is restated as a definition to avoid having to repeat the substance of the provision at several places in the revised chapter. The words "its territories . . . or its possessions" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

Section 12102:

- 12102(a) 46 U.S.C. 12106(b)
46 U.S.C. 12108(b)
46 U.S.C. 12110(a)
- 12102(b) 46 U.S.C. 12102(a) (related to tonnage)
- 12102(c) 46 U.S.C. 12110(b)

In section 12102(c), the parenthetical "(except the Great Lakes)" is omitted because of the repeal of the requirement for an endorsement for the Great Lakes trade (see section 1115 of Public Law 104-324).

Section 12103:

- 12103(a) 46 U.S.C. 12102(a), (b) (1st sentence)
- 12103(b) 46 U.S.C. 12102(b) (last sentence)
- 12103(c) 46 U.S.C. 12102(d)

- 12103(d) 46 U.S.C. 12106(e)
- 12103(e)(1),(2) 46 App.:883-1 (3d par.)
- 12103(e)(3) 46 App.:883-1 (1st par. words after cl. (e))
- 12103(e)(4) 46 App.:883-1 (last par.)
- 12103(e)(5)(A) 46 App.:883-1 (1st par. words through cl. (e), 4th par. 1st sentence)
- 12103(e)(5)(B),
(C) 46 App.:883-1 (2d par., 4th par. 2d sentence)

In section 12103, the requirement that, for purposes of documentation, a vessel be owned only by citizens of the United States is substituted for the list of entities that may own a vessel. The entities that qualify as citizens are listed in section 171 of the revised title, which is based on the requirements in 46 U.S.C. 12102 and 46 App.:802. Prior to the Vessel Documentation Act (Public Law 96-594, Dec. 24, 1980, 94 Stat. 3453), section 4132 of the Revised Statutes (former 46 U.S.C. 11) required vessels to be wholly owned by citizens for purposes of documentation. When that requirement was eliminated, it created a lack of coordination with 46 App.:802, which provides requirements for entities to be deemed citizens. The intention is to restore this coordination by requiring in this section that the vessel be owned only by citizens and by requiring in section 171 of the revised title that entities meet certain requirements to qualify as citizens.

Subsections (c) and (d) are added for clarity, to indicate here that two narrow exceptions to the citizenship requirements may be waived elsewhere--in the case of a registry endorsement (12111) and a coastwise endorsement (12112).

Section 12104:

- 12104(a) 46 U.S.C. 12103(a) (related to filing by owner), (b)(1)
- 12104(b) 46 U.S.C. 12103(b)(2)

Section 12105:

- 12105(a) 46 U.S.C. 12103(a) (less filing by owner)
- 12105(b) 46 U.S.C. 12103(c)
- 12105(c) 46 U.S.C. 12103(d)

Section 12106 46 U.S.C. 12124

Section 12107 46 App.:14 (words before last proviso)

In section 12107, 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 and misleading because sections 12112 and 12114, as revised by the bill, provide the requirements for a wrecked vessel to obtain a coastwise or fishery endorsement.

Subchapter II-Types of Endorsements

Section 12111:

-12111(a) 46 U.S.C. 12105(a)
-12111(b) 46 U.S.C. 12105(b)
-12103(c) 46 U.S.C. 12102(d)

Section 12112:

-12112(a) 46 U.S.C. 12106(a)
-12112(b) 46 U.S.C. 12106(b)
-12112(c) 46 U.S.C. 12106(e)

Section 12113 46 U.S.C. 12106(d)

Section 12114:

-12114(a) 46 U.S.C. 12102(c) .
46 U.S.C. 12108(a) .
-12114(b) 46 U.S.C. 12108(b) .
-12114(c) 46 U.S.C. 12108(d) .
-12114(d) 46 U.S.C. 12102(c) .

Section 12115:

-12115(a) 46 U.S.C. 12109(a)
-12115(b) 46 U.S.C. 12109(c)
46 U.S.C. 12110(c)
-12115(c) 46 U.S.C. 12109(b)

Section 12116:

-12116(a) 46 U.S.C. 12112(a)
-12116(b) 46 U.S.C. 12112(b) (1st sentence)
-12116(c) 46 U.S.C. 12112(c)
-12116(d) 46 U.S.C. 12112(b) (last sentence)

Section 12117 46 U.S.C. 12106(c)
46 U.S.C. 12108(c)

Section 12118:

-12118(a) 50 U.S.C. 198(e)

- 12118(b) 50 U.S.C. 198(a) (1st sentence words before 8th comma), (f)
- 12118(c) 50 U.S.C. 198(a) (1st sentence words after 8th comma), (c) (1st-3d sentences)
- 12118(d) 50 U.S.C. 198(b)
- 12118(e) 50 U.S.C. 198(c) (last sentence)
- 12118(f) 50 U.S.C. 198(a) (2d, last sentences)

Subchapter III-Miscellaneous

Section 12131 46 U.S.C. 12110(d)

Section 12132 46 App.:883 (1st proviso, 2d proviso less meaning of "rebuilt")

Section 12133 46 U.S.C. 12103(e)
46 App.:277

Section 12133 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 46 U.S.C. 12104

Section 12135 46 U.S.C. 12111(a)

Section 12136:

- 12136(a) 46 U.S.C. 12111(b)
- 12136(b) 46 U.S.C. 12111(c)

Section 12137 46 U.S.C. 12117

Section 12138 46 U.S.C. 12119

Section 12139:

- 12139(a) 46 U.S.C. 12120
- 12139(b) 46 App.:883a (1st sentence)

Subchapter IV--Penalties

Section 12151:

- 12151(a) 46 U.S.C. 12122(a)
- 12151(b) 46 App.:289 (words after last comma)
46 App.:883-1 (4th par. 5th sentence)

- 12151(c) 46 App.:316(a) (2d, last sentences)
- 12151(d) 46 App.:883 (words related to penalty
before 1st proviso)
46 App.:883-1 (4th par. 4th sentence)
- 12151(e) 46 U.S.C. 12122(b)
46 App.:14 (last proviso)
46 App. U.S.C. 292(c)
46 App.:316(d) (words related to penalty
before proviso)
46 App.:883-1 (4th par. 3d sentence)
46 App.:883a (2d, last sentences)

This section consolidates several penalties contained in various individual provisions. In subsection (c), the fines of not less than \$250 nor more than \$1,000 for the owner and master of the vessel are omitted because subsection (a) provides a general civil penalty for violation of this chapter.

The words "from any person committing the violation or causing the violation to be committed" are substituted for "from any consignor, seller, owner, importer, consignee, agent, or other person or persons so transporting or causing said merchandise to be transported" to eliminate unnecessary words.

In subsection (e)(1), in restating 46 App.:883a (2d sentence), 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 or forfeiture in 46 App.:883-1 (4th par. last sentence) and 883a (last sentence) is omitted as unnecessary because of section 177 of the revised title.

Subsection (e)(2) is based on the words "(or the value thereof)" in 46 App.:883-1 (4th par. 3d sentence) and is made applicable to all of paragraph (1) for consistency in paragraph (1) and for consistency with subsection (d).

Section 12152 46 U.S.C. 12123

Chapter 127--Miscellaneous

Section 12701:

- 12701(a) 19 U.S.C. 1709(a) (related to 19 U.S.C. 1704)
- 12701(b)-(d) 19 U.S.C. 1704

In subsection (a), the words "Wake, Midway" are substituted for "Wake Island, Midway Island", and the word "Guam" is substituted for "the island of Guam", for consistency in the revised title.

In subsection (b), before clause (1), the words "shall deny an application for documentation or numbering of a vessel, or revoke the documentation or number of a vessel (if the Secretary is the authority issuing the number under chapter 123 of this title)" are substituted for "shall revoke any endorsement on the vessel's certificate of documentation or number (when the Secretary is the authority issuing the number under chapter 123 of title 46) or refuse the same if application be made therefor, as the case may be" to eliminate unnecessary words. The words "when the Secretary of Transportation finds" are substituted for "when the Secretary of Transportation is shown upon evidence which he deems sufficient" and "it is apparent to the Secretary of Transportation" to eliminate unnecessary words. In clause (1), the words "transport, or otherwise assist in the unlawful introduction or importation" are omitted as unnecessary.

Subtitle III--Marine Liability

Section 4 of the bill adds eight new chapters to existing Subtitle III (Maritime Liability) of title 46. Existing chapter 313 (Commercial Instruments and Maritime Liens) is not changed in any respect, except for conforming amendments necessitated by the restatement. Existing chapter 301 (General, which consists of nine definitions) is repealed, because the definitions in the chapter are either (1) restated in chapter 1 as applicable to the entire title, or (2) omitted because they are not used in Subtitle III and therefore have no effect.

Chapter 301--Death on the High Seas

Section 30101 No source.

This section would, for convenience purposes, allow the new chapter 301 to be referred to legally and otherwise as the current law underlying it is referred to: the "Death on the High Seas Act".

Section 30102 46 App.:761

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 30103 46 App.:762

The words "and just" are omitted as unnecessary. 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 30104 46 App.:764

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 30105 46 App.:765

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 30102 of this chapter, and the individual dies from the injury during the action" 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 30106 46 App.:766

The word "proportionately" is substituted for "degree of" and "accordingly" to eliminate unnecessary words.

Section 30107 46 App.:767

In subsection (a), the words "law of a State" are substituted for "any State statute" for clarity. 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 "navigable waters in Panama" are substituted for "navigable waters in the Panama Canal Zone" because of 22 U.S.C. 3602.

Chapter 303--Carriage Of Goods By Sea

Subchapter I--General

Section 30301 No source.

This section would, for convenience purposes, allow the new chapter 303 to be referred to legally and otherwise as the current law underlying it is referred to: the "Carriage of Goods by Sea Act".

Section 30302:

- 30302(1) 46 App.:1301(a)
- 30302(2) 46 App.:1301(b) (words before 2d comma)
- 30302(3) 46 App.:1312 (3d sentence)

This section combines several source provisions to state in one place the applicability of this subchapter. Applicability is stated in terms of carriage of goods rather than the documents underlying the carriage to be more precise, although the existence of a contract of carriage as a requirement for the applicability of this subchapter is retained. See Matter of Intercontinental Properties Management, S.A., 604 F.2d 254 (4th Cir. 1979). See generally T. Schoenbaum, Admiralty and Maritime Law, sec. 8-15, 9-6 (2d ed. 1994); G. Gilmore & C. Black, The Law of Admiralty, sec. 3-25 (2d ed. 1975).

In subsection (a), the words "by a common carrier" are added for clarity. The words "to or from ports of the United States" in 46 App.:1300 and 1312 (1st sentence) are omitted because of the definition of "foreign commerce" in section 30301 of the revised title. The word "unloaded" is substituted for "discharged" in 46 App.:1301(e) for clarity and consistency in this chapter.

In subsection (b), the words "Unless the parties provide otherwise" are added to clarify the right of the parties to incorporate this subchapter in a charter agreement. See Schoenbaum, *supra*, p. 641. Clause (1) is substituted for "they shall comply with the terms of this chapter" in 46 App.:1305 (2d sentence) for clarity. See Schoenbaum pp. 538 n.8, 641. Clause (2) is substituted for 46 App.:1301(b) (words after 2d comma) for clarity. See Schoenbaum sec. 9-6.

Section 30312:

- 30312(a) 46 App.:1305 (1st sentence)
- 30312(b) 46 App.:1307
- 30312(c) 46 App.:1303(8)

In subsection (a), the words "A shipper and a carrier may make an agreement" are substituted for "A carrier shall be at liberty" and "issued to the shipper" for clarity. The words "surrender in whole or in part all or any of his rights and immunities" are omitted as unnecessary.

In subsection (b), the words "except that the agreement may not limit the duties and liabilities imposed on the carrier and the vessel under subchapter III of this chapter" are added for clarity. See T. Schoenbaum, Admiralty and Maritime Law, pp. 542, 582 (2d ed. 1994); G. Gilmore & C. Black, The Law of Admiralty, p. 148 (2d ed. 1975).

In subsection (c), the words "limiting the liability of a carrier or vessel for failure to satisfy the requirements of this subchapter is void" are substituted for "relieving the carrier or the ship from liability for loss or damage to or in connection with the goods, arising from negligence, fault, or failure in the duties and

obligations provided in this section, or lessening such liability otherwise than as provided in this chapter, shall be null and void and of no effect" to eliminate unnecessary words.

Section 30313:

- 30313(a) 46 App.:1303(1)
- 30313(b) 46 App.:1303(2)

In subsection (b), the word "unload" is substituted for "discharge" for clarity and consistency in this chapter. The words "handle, stow" and "keep, care for" are omitted as unnecessary.

Section 30314:

- 30314(a), (b) 46 App.:1303(3). (Apr. 16, 1936, ch. 229, title I, sec. 3(3), (4) (words before proviso), 5 (last sentence), title II, sec. 13 (last proviso), 49 Stat. 1208, 1211, 1213)
46 App.:1312 (last proviso)
- 30314(c) 46 App.:1305 (last sentence)
- 30314(d) 46 App.:1303(4) (words before proviso)

In subsection (a), the words "into his charge" are omitted as unnecessary.

In subsection (b)(1), in clause (A), the word "leading" is omitted as unnecessary. In clause (B), the words "number of packages or pieces" and "as the case may be" are omitted as unnecessary. In clause (C), the word "order" is omitted as unnecessary. Clause (D) is substituted for 46 App.:1312 (last proviso) to improve the organization of the material and to eliminate unnecessary words.

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

In subsection (d), the words "in accordance with paragraphs (3)(a), (b), and (c), of this section" are omitted as unnecessary.

Section 30315 46 App.:1303(7)

Section 30316 46 App.:1303(5)

The word "number" is omitted for consistency with section 30314(b) of the revised title. The words "or resulting" and "responsibility" are omitted as unnecessary.

Section 30317 46 App.:1304(5)

In subsections (a)(1) and (b), the words "to or in connection with the transportation of goods" are omitted as unnecessary.

In subsection (a)(1), the words "United States currency" are substituted for "lawful money of the United States" for clarity. The words "if embodied" and "but shall not be conclusive on the carrier" are omitted as unnecessary.

In subsection (a)(2), the words "master, or agent of the carrier" are omitted for consistency in this chapter. The words "Provided, That such maximum shall not be less than the figure above named" are omitted as unnecessary.

In subsection (b), the word "knowingly" is omitted as covered by "fraudulently".

Section 30318 46 App.:1310

The words "notwithstanding anything in this chapter" and "at the time of shipment" are omitted as unnecessary.

Section 30319:

- 30319(a) 46 App.:1304(1)
- 30319(b)(1) 46 App.:1304(2) (less (q) (words after 1st comma))
- 30319(b)(2) 46 App.:1304(2) (q) (words after 1st comma)
- 30319(c) 46 App.:1304(4)

In subsections (a) and (b)(1), the words "caused by" are substituted for "arising or resulting from" for consistency and to eliminate unnecessary words.

In subsection (a), the words "to make the ship seaworthy, and to secure that the ship is properly manned, equipped, and supplied, and to make the holds, refrigerating and cooling chambers, and all other parts of the ship in which goods are carried fit and safe for their reception, carriage, and preservation" are omitted as unnecessary because of the reference to section 30313(a) of the revised title. The words "Whenever loss or damage has resulted from unseaworthiness" are omitted as unnecessary.

In subsection (b)(1), in clause (A), the word "error" is substituted for "Act, neglect, or default", and the words "of the master, mariner, pilot, or the servants of the carrier" are omitted, for consistency with section 30344(a) of the revised title and to eliminate unnecessary words. In clause (C), the words "Perils" and "accidents" are omitted as unnecessary. In clause (I), the words "or representative" are omitted as unnecessary. In clause (J), the words "from whatever cause, whether

partial or general" are omitted as unnecessary. The words "not caused by the carrier" are substituted for "Provided, That nothing herein contained shall be construed to relieve a carrier from responsibility for the carrier's own acts" to eliminate unnecessary words. In clause (L), the words "Saving or" are omitted as unnecessary. In clause (M), the words "Wastage in bulk or weight or any other loss or damage arising from" are omitted as unnecessary and for consistency with section 30344(b)(6) of the revised title. In clause (N), the word "packaging" is substituted for "packing" as more appropriate. In clause (O), the words "or inadequacy" are omitted as unnecessary. In clause (Q), the words "or servants" are omitted as unnecessary.

In subsection (b)(2), the words "or servants" are omitted for consistency with subsection (b)(1)(Q) of this section.

Section 30320 46 App.:1304(6)

In subsection (a), the words "unloading the goods at the port of destination" are substituted for "discharge" for clarity and consistency. The words "directly or indirectly" and "or resulting from" are omitted as unnecessary.

Section 30321 46 App.:1304(3)

The words "arising or resulting from any cause", "act", "or neglect", and "or his servants" are omitted as unnecessary.

Section 30322 46 App.:1303(6) (last sentence)

The words "If loss or damage is suspected" are substituted for "In the case of any actual or apprehended loss or damage", and the words "the person receiving the goods" are substituted for "the receiver", for clarity and to eliminate unnecessary words.

Section 30323:

- 30323(a)(1) 46 App.:1303(6) (1st sentence words before comma, 2d, 4th sentences)
- 30323(a)(2) 46 App.:1303(6) (3d sentence)
- 30323(b) 46 App.:1303(6) (1st sentence words after comma)
- 30323(c) 46 App.:1303(6) (5th sentence)

This section is substituted for the source provisions for clarity and to eliminate unnecessary words.

Section 30324 46 App.:1306

Subsection (a) is substituted for 46 App.:1306 (last par.) to eliminate unnecessary words.

In subsection (b), the words "Notwithstanding the provisions of sections 1303 to 1305 of this Appendix" are omitted as unnecessary. The words "master or agent of the carrier" are omitted as unnecessary and for consistency with section 30312 of the revised title. The words "may make a special agreement" are substituted for "shall . . . be at liberty to enter into any agreement in any terms" to eliminate unnecessary words. The words "the carrier's duties and liabilities applicable to the carriage of particular goods, including, to the extent not contrary to public policy, the duty about seaworthiness" are substituted for "in regard to any particular goods . . . the responsibility and liability of the carrier for such goods, and as to the rights and immunities of the carrier in respect of such goods, or his obligation as to seaworthiness (so far as the stipulation regarding seaworthiness is not contrary to public policy), or the care or diligence of his servants or agents in regard to the loading, handling, stowage, carriage, custody, care, and discharge of the goods" for consistency in this chapter and to eliminate unnecessary words.

Section 30325 46 App.:1309

The word "carrier" is substituted for "common carrier by water" for consistency in this chapter. The words "may not" are substituted for "Nothing contained in this chapter shall be construed as permitting" for clarity and to eliminate unnecessary words. Clauses (1) and (2) are substituted for "either (a) with respect to their right to demand and receive bills of lading subject to the provisions of this chapter, or (b) when issuing such bills of lading, either in the surrender of any of the carrier's rights and immunities or in the increase of any of the carrier's responsibilities and liabilities pursuant to section 1305 of this Appendix" for consistency in this chapter and to eliminate unnecessary words. The words "or (c) in any other way prohibited by the Shipping Act, 1916, as amended [46 App. U.S.C. 801 et seq.]" are omitted as unnecessary.

Section 30326 46 App.:1313

Subsection (c)(1) is substituted for "and again apply to contracts thereafter made for the carriage of goods by sea" for clarity.

Subsection (c)(2) is substituted for 46 App.:1313 (last par.) for clarity and to eliminate unnecessary words.

Subchapter III--Coastwise and Certain Foreign Commerce

Section 30341:

-30341(a) 46 App.:190 (16th-30th words)
 46 App.:191 (9th-25th words)
 46 App.:192 (7th-21st words)
 46 App.:193 (17th-31st words)
 46 App.:1311 (last sentence less last proviso)
 46 App.:1312 (last sentence words before 1st proviso)
 -30341(b) 46 App.:1312 (last sentence 1st proviso)

This section is substituted for the source provisions for coordination with subchapter II of this chapter. See generally T. Schoenbaum, Admiralty and Maritime Law, sec. 8-15 (2d ed. 1994); G. Gilmore & C. Black, The Law of Admiralty, sec. 3-25 (2d ed. 1975).

Section 30342 46 App.:193 (less 17th-31st words)

In subsection (a), the words "On receipt of the goods and demand of the shipper" are added for consistency with section 30514 of the revised title. See 46 App.:194 (words between 3d and 4th commas), referring to demand. The word "carrier" is substituted for "owner or owners" for consistency with subchapter II of this chapter and because of the definition of "carrier" in section 30301 of the revised title. The words "of any lawful merchandise" and "or shipping document" are omitted as unnecessary.

In subsection (b)(2), the words "quantity or weight" are substituted for "number of packages, or quantity" for consistency with section 30514 of the revised title.

In subsection (b)(3), the words "apparent condition" are substituted for "apparent order or condition" for consistency with section 30314 of the revised title and to eliminate unnecessary words. The words "merchandise or" and "delivered to and received by the owner, master, or agent of the vessel for transportation" are omitted as unnecessary.

Section 30343 46 App.:190 (less 16th-30th words)
 46 App.:191 (less 9th-25th words)

In this section, the duties are stated as those of the "carrier" for consistency with subchapter II of this chapter and because of the definition of "carrier" in section 30301 of the revised title.

Subsections (a) and (b) of this section are stated as positive duties, rather than as prohibitions on contracting out of those duties, for consistency with subchapter II.

In subsection (a), before clause (1), the words "Before and at the beginning of a voyage" are added for consistency with section 30313(a)

of the revised title. In clause (1), the words "and capable of performing her intended voyage" in 46 App.:191 are omitted as unnecessary and for consistency. In clause (2), the word "supply" is substituted for "provision, and outfit" in 46 App.:191 for consistency with section 30313(a).

In subsection (b), the words "shall properly and carefully receive, load, carry, unload, and deliver" are substituted for "negligence, fault, or failure in proper loading, stowage, custody, care, or proper delivery" in 46 App.:190 and "carefully handle and stow . . . and to care for and properly deliver" in 46 App.:191 for consistency with section 30313(b) of the revised title (except that section 30313(b) does not apply to receiving and delivering the goods).

Subsection (c) is substituted for 46 App.:190 (last sentence) for consistency and to eliminate unnecessary words.

Section 30344 46 App.:192 (less 7th-21st words)

This section is restated as two subsections to make it clear that the use 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 (1933). See also T. Schoenbaum, Admiralty and Maritime Law, p. 572 n.8 (2d ed. 1994). The word "carrier" is substituted for "owner", "owner or owners, agent, or charterers", and "owner or owners, charterers, agent, or master" for consistency with subchapter II of this chapter and because of the definition of "carrier" in section 30301 of the revised title.

In subsection (a), the words "caused by an error" are substituted for "resulting from faults or errors" for consistency and to eliminate unnecessary words.

In subsection (b), before clause (1), the words "loss or damage" are substituted for "losses" for consistency. In clauses (1)-(9), minor substitutions are made in the language for consistency with section 30319(b) of the revised title.

Section 30345 46 App.:194

In subsection (a), before clause (1), the word "carrier" is substituted for "owner" for consistency with subchapter II of this chapter and because of the definition of "carrier" in section 30301 of the revised title. In clause (1), the words "on demand" are omitted as unnecessary because of the reference to section 30342 of the revised title. Clause (2) is substituted for "any of the provisions of sections 190 to 196 of this Appendix" because 46 App.:190 and 191 (the only other sections

that impose duties) are restated in section 30343 of the revised title as positive duties rather than as prohibitions on limiting those duties by contract.

In subsection (b), the words "and such vessel may be libeled therefor in any district court of the United States, within whose jurisdiction the vessel may be found" are omitted as unnecessary. See In re Louisville Underwriters, 134 U.S. 488 (1890).

Chapter 305--Exoneration and Limitation of Liability

Section 30501 46 App.:186

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 "at his own expense, or by his own procurement" and "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 46 App.:188 (related to 46 App.:182, 183, 183b, 183c, 184-187, 189)

The words "all vessels operating on navigable waters" are substituted for "all seagoing vessels, and also to all vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters" to eliminate unnecessary words.

Section 30503 46 App.:181

In subsection (a), the word "loaded" is substituted for "lade", the word "cargo" is substituted for "freight", and the word "nature" is substituted for "true character", for consistency in this part. The words "to the master, clerk, agent, or owner of such vessel receiving the same", "in any form or manner", and "and according to the character thereof" 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 46 App.:182

The words "to answer for or make good to any person" are omitted as unnecessary. The words "goods 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", for consistency and to eliminate unnecessary words. The words "the owner intentionally or negligently caused the fire" are substituted for "such fire is caused by the design or neglect of such owner" for clarity.

Section 30505 46 App.:183(a)
 46 App.:183(e)
 46 App.:189

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.: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 "all claims arising from a cause that occurred without the privity or knowledge" 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, without the privity or knowledge" in 46 App.:183(a) and for "any or all debts and liabilities" in 46 App.:189 to eliminate unnecessary words. The words "is limited to 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.: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.:189 for consistency and to eliminate unnecessary words. The last sentence is substituted for "the interest of such owner in" in 46 App.: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.:189 are omitted as unnecessary.

In subsection (b), 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.

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

Section 30506:

- 30506(a) 46 App.:183(b) (1st sentence)
- 30506(b) 46 App.:183(c)
- 30506(c) 46 App.:183(d)
- 30506(d) 46 App.:183(f) (related to 46 App.:183(b)-(e))

In this section, the word "seagoing" is omitted as unnecessary because 46 App.:183(f) is restated in subsection (e) as a list of exceptions rather than a definition.

In subsection (a), 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 (b), 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 (c), 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 (d), the words "This section does not apply" are substituted for "the term 'seagoing vessel' shall not include" to be more direct. The words "fishing vessel, fish tender vessel" are substituted for "fishing vessels or their tenders", for consistency in the revised title. The words "self-propelled lighters" are omitted as unnecessary. 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(d) of the revised title.

Section 30507 46 App.:183(b) (last sentence)
 46 App.:184

This section is substituted for 46 App.:184 (words before semicolon) for clarity and consistency and to eliminate unnecessary words. The text of 46 App.:184 (words after semicolon) is omitted as unnecessary. See G. Gilmore & C. Black, The Law of Admiralty, sec. 10-8 (2d ed. 1975).

Section 30508:

-30508(a) 46 App.:183b(a)
 46 App.:188 (related to 46 App.:183b)
-30508(b) 46 App.:183b(b)
-30508(c) 46 App.:183b(c)
-30508(d) 46 App.:183(f) (related to 46 App.:183b)

In subsection (a)(1), before clause (A), the word "sea-going" is omitted as unnecessary because 46 App.:183(f) is restated in subsection (d) of this section as a list of exceptions rather than a definition. The words "(other than. . . barges, fishing vessels and their tenders)" are omitted because of subsection (d) of this section. The word "merchandise" is omitted as covered by "property". The words "between ports" are substituted for "from or between ports of the United States and foreign ports" to eliminate unnecessary words. The words "on navigable waters" are substituted for 46 App.:188 (related to 46 App.:183b) because of the restatement. See also sections 30509 and 307502 of the revised title. The word "rule" is omitted as covered by "regulation". The words "or otherwise" are omitted as unnecessary. In clause (A), the words "after the date of the injury or death" are added for clarity and consistency with clause (B).

Subsection (a)(2) is added for consistency with section 30509 of the revised title.

In subsection (b), 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 (c), before clause (1), the word "claimant" is substituted for "person who is entitled to recover on any such claim" to be more precise and 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" for clarity and to eliminate unnecessary words.

In subsection (d), the words "This section does not apply" are substituted for "the term 'seagoing vessel' shall not include" to be more direct. The words "fishing vessel, fish tender vessel" are substituted for "fishing vessels or their tenders", for consistency in the revised title. The words "self-propelled lighters" are omitted as unnecessary. 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 because of the restatement. This provision is restated also at section 30506(d) of the revised title.

Section 30509 46 App.:183c
 46 App.:188 (related to 46 App.:183c)

In subsection (a)(1), before clause (A), the words "between ports" are substituted for "between ports of the United States or between any such port and a foreign port" to eliminate unnecessary words. The words "on navigable waters" are substituted for 46 App.:188 (related to 46 App.:183c) because of the restatement. See also sections 30508 and 30502 of the revised title. 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 "or fault" are omitted as unnecessary. 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.:183c (last sentence) for consistency and to eliminate unnecessary words.

Section 30510 46 App.:183(g)

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 46 App.:185

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 U.S.C. App.). The words "in admiralty" are added for clarity. The words "of competent jurisdiction" are omitted as unnecessary.

In subsection (b), the words "at his option" are omitted as unnecessary. In clauses (1) (B) and (2) (B), the words "this chapter" are substituted for "section 183 of this Appendix" because of the reorganization of the source provisions.

In subsection (c), the words "all other proceedings" are substituted for "all claims and proceedings" for clarity and to eliminate unnecessary words.

Section 30512 46 App.:187

Chapter 307--Suits in Admiralty

Section 30701 46 App.:741

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.

The words "after March 9, 1920, in view of the provision herein made for a libel in personam", and "or its possessions" are omitted as unnecessary.

The proviso is restated despite the dissolution of the Panama Canal Commission (successor to the Panama Railroad Company) (see sec. 3504(a) of P.L. 106-65; 106 Stat. 2656), because litigation with admiralty connotations may be pursued for an indefinite period following the December 31, 1999, transfer of the Panama Canal from the control of the United States.

Subsection (d) would, for convenience purposes, allow the new chapter 307 to be referred to legally and otherwise as the current law underlying it is referred to: the "Suits in Admiralty Act".

Section 30702 46 App.:742

In subsection (b)(1), the words "any plaintiff's residence or principal place of business is located" are substituted for "the parties so suing, or any of them, reside or have their principal place of business in the United States" to eliminate unnecessary words.

In subsection (b)(2), the word "involved" is substituted for "charged with liability" for consistency in this chapter and to eliminate unnecessary words.

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

Section 30703:

- 30703(a) 46 App.:743 (1st, 4th sentences)
- 30703(b) 46 App.:743 (5th, 6th sentences)
- 30703(c), (d) 46 App.:743 (2d, 3d sentences)
 46 App.:745 (last proviso)
- 30703(e) 46 App.:743 (last sentence)

In subsection (a), the text of 46 App.: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.

In subsection (c), the words "from the date the action was brought" are substituted for "no interest shall be allowed on any claim prior to the time when suit on such claim is brought" in 46 App.:745 (last proviso) because of the restatement.

Subsection (d) 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.:743 (2d sentence) and "unless upon a contract expressly stipulating for the payment of interest" in 46 App.:745 (last proviso) for clarity and consistency.

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

Section 30704 46 App.:744

The words "on a statement by the Attorney General" are substituted for "upon the suggestion by the United States, through its Attorney General" to eliminate unnecessary words. The words "agrees to pay any judgment obtained by the plaintiff" are substituted for "assumes the liability for the satisfaction of any decree obtained by the libelant in such cause" to modernize the language.

Section 30705 46 App.:745 (less last proviso)

In subsection (a), the words "must be brought" are substituted for "may be brought only" for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words "an officer, employee, or agent of the 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 30706 46 App.:746

The words "as a private party" are substituted for "accorded by law to the owners, charterers, operators, or agents of vessels" to eliminate unnecessary words.

Section 30707 46 App.:747

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

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.

Section 30708 46 App.:748

Section 30709 46 App.:749

The words "if a civil action to enforce the claim is authorized" are substituted for "in which suit will lie" in 46 App.:749 for consistency.

Section 30710 46 App.:750

In subsection (a), the words "The United States Government, a federally-owned corporation, and the crew of a merchant vessel owned or operated by the Government or the corporation" are substituted for "The United States, and the crew of any merchant vessel owned or operated by the United States, or such corporation" for clarity and consistency in this chapter. 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 30711 46 App.:751

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

Section 30712: 46 App.:752

The words "since the previous session, and in which the time to appeal shall have expired or have been waived" in 46 App.:752 are omitted as unnecessary.

Chapter 309--Civil Actions against Public Vessels

Section 30901 46 App.:781

Subsection (b) would, for convenience purposes, allow the new chapter 307 to be referred to legally and otherwise as the current law underlying it is referred to: the "Public Vessels Act".

Section 30902:

- 30902(a) 46 App.:782 (1st sentence)
- 30902(b) 46 App.:782 (last sentence words before last comma)
- 30902(c) 46 App.:782 (last sentence words after last comma)

In subsection (a), before clause (1), the word "involved" is substituted for "charged with creating the liability" for consistency and to eliminate unnecessary words. The words "in the United States" are omitted as unnecessary. In clause (1), the words "any plaintiff resides or has a place of business" are substituted for "the parties so suing, or any of them, reside or have an office for the transaction of business in the United States" to eliminate unnecessary words. In clause (2), the words "place of business" are substituted for "office for the transaction of business" for consistency and to eliminate unnecessary words.

In subsection (c)(1), the words "from the date of the judgment" are substituted for "except that no interest shall be allowed on any claim up to the time of the rendition of judgment" in 46 App.:782 (last sentence) because of the restatement.

Subsection (c)(2) is substituted for "unless upon a contract expressly stipulating for the payment of interest" in 782 (last sentence) for clarity and consistency.

Section 30903 46 App.:783

In subsection (a), the reference to the Federal Rules of Civil Procedure (28 App. U.S.C.) is added to make it clear that procedural matters are to be governed by the Federal Rules.

In subsection (b), the words "If the action involves a public vessel and the Government files a counterclaim" are substituted for "whenever a cross libel is filed for any cause of action for which the original libel is filed by authority of this chapter" for clarity and consistency with the Federal Rules of Civil Procedure (28 App. U.S.C.). The words "the person against whom the counterclaim is filed" are substituted for "the respondent in the cross libel", and the words "The action" are substituted for "all proceedings on the original libel", for consistency.

Section 30904 46 App.:784

Section 30905 46 App.:785

Section 30906 46 App.:786

The words "if a civil action to enforce the claim is authorized" are substituted for "on which a libel or cross libel would lie" in 46 App.:786 for consistency.

Section 30907 46 App.:787

Section 30908 46 App.:788

The words "This chapter does not" are substituted for "Nothing contained in this chapter shall be construed to" for consistency in the revised title and to eliminate unnecessary words. The words "recognize the existence of" are omitted as unnecessary.

Section 30909 46 App.:789

The words "as a private party" are substituted for "accorded by law to the owners, charterers, operators, or agents of vessels" to eliminate unnecessary words.

Section 30910: 46 App.:790

Chapter 311-- Extension of Admiralty Jurisdiction to
Cases Involving Damage or Injury on Land

Section 31101 46 App.:740 (first paragraph)

Section 31102:

- 31102(a) 46 App.:740 (last par. less provisos)
- 31102(b) 46 App.:740 (last par. first proviso)

In subsection (a), the words "the same as if" are substituted for "according to the principles of law and the rules of practice obtaining in cases where" to eliminate unnecessary words.

Section 31103 46 App.:740 (last par. last proviso)

Chapter 315--Personal Injury or Death of Seaman

Section 31501:

- 31501(a) 46 App.:688(a) (1st sentence)
- 31502(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.: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.:688(a) (last sentence) and 28:1391(c), see Pure Oil Co. v. Suarez, 384 U.S. 202 (1966).

Section 31502:

- 31502(a) 46 App.:688(b) (1) (last sentence)
- 31502(b) 46 App.:688(b) (1) (less last sentence)
- 31502(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" are omitted as unnecessary. In clause (1), the words "lawfully admitted for permanent residence" are substituted for "permanent resident alien" for consistency with the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). 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.

Chapter 317--Other Maritime Tort Issues

Section 31701 46 App.:491 (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 codification 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 31702 46 App.:491 (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 31703 46 App.:763a

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.). 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.

Section 31704:

- 31704(a) 46 App.:446c
- 31704(b) 46 App.:446a

Subtitle IV--Ocean Shipping

Part A of Subtitle IV consists of the Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998. Part B restates two other enactments administered by the Federal Maritime Commission, the Foreign Shipping Practices Act (1988) and section 19 of the Merchant Marine Act, 1920 (46 App. U.S.C. 876)). Part C restates Public Law 98-777. The source law for the restated provisions follows.

Part A--Ocean Shipping

Chapter 401--General

Section 40101 46 App.:1701.

Section 40102:

-40102(1)	46 App.:1702(1)
-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)
-40102(16)	46 App.:1702(16)
-40102(17)	46 App.:1702(17)
-40102(18)	46 App.:1702(19)
-40102(19)	46 App.:1702(20)
-40102(20)	46 App.:1702(21)
-40102(21)	46 App.:1702(22)
-40102(22)	[no source]
-40102(23)	46 App.:1702(23)
-40102(24)	46 App.:1702(24)

The definition of "Commission" is deleted because, consistent with the style of the Code, the full name (Federal Maritime Commission) is used in each revised section the first time it is employed. The definition of "person" is omitted because of 1 U.S.C. 1. The definition of "United States" is omitted because is defined at revised section 117 to apply to the entire revised title.

- 40304(a)-(c), (e) 46 App.:1705(a)-(f)
- 40304(d) 46 App.:1710(c) (2d, 3d sentences)
- 40304(f) 46 App.:1705(j)

In subsection (c)(3), the words "in a civil action brought by the Commission" are substituted for "upon an application of the Commission" for consistency in the revised title and with other titles of the United States Code.

Section 40305 46 App.:1706

In subsection (a)(6), the words "subject to section 20(e)(2) of this Act" are omitted as obsolete.

Chapter 405--Tariffs, Service Contracts, Refunds, and Waivers

Section 40501:

- 40501(a), (b) 46 App.:1707(a), (b)
- 40501(c) 46 App.:1707(d)
- 40501(d), (e) 46 App.:1707(f), (g)

Section 40502 46 App.:1707(c)

Section 40503 46 App.:1707(e)

In clause (2), the words "or waiver" are added for clarity and for consistency in this section.

Chapter 407--Controlled Carriers

Section 40701 46 App.:1708(a)

Section 40702 46 App.:1708(b)

Section 40703 46 App.:1708(c)

In subsection (b), the words "upon which the Commission may reasonably base its determination of the lawfulness thereof" are omitted as unnecessary.

Section 40704 46 App.:1708(d)

Section 40705 46 App.:1708(e)

In subsection (b), the words "in controversy" are omitted as unnecessary.

Section 40706 46 App.:1708(f)

Chapter 409--Ocean Transportation Intermediaries

Section 40901:

-40901(a) 46 App.:1718(a)
-40901(b) 46 App.:1718(d)

Section 40902 46 App.:1718(b)

Section 40903 46 App.:1718(c)

Section 40904 46 App.:1718(e)

Chapter 411--Enforcement

Section 41101:

-41101(a) 46 App.:1710(a), (g) (1st sentence related to
statute of limitations)
-41101(b) 46 App.:1710(b) (1st sentence)
-41101(c) 46 App.:1710(b) (last sentence)

In subsection (a), the reference to section 41310 is added for clarity because section 41310(b) states that the only remedy for a breach of a contract under section 41310 is a civil action in an appropriate court, unless the parties otherwise agree.

Section 41102:

-41102(a) 46 App.:1710(c) (1st sentence)
-41102(b) 46 App.:1710(f)

Section 41103:

-41103(a) 46 App.:1710(d)
-41103(b) 46 App.:1710(e)

Section 41104:

-41104(a) 46 App.:1711
-41104(b) 46 App.:1712(b) (2), (4), (5)

-41104(c) 46 App.:1712(b)(7)

In subsection (a)(1)(B), the words "Federal Rules of Civil Procedure (28 App. U.S.C.)" are substituted for "rules applicable in civil proceedings in the district courts of the United States" for clarity and for consistency in the revised title and with other titles of the United States Code.

Section 41105:

-41105(a) 46 App.:1713(a) (1st sentence)
-41105(b), (c) 46 App.:1713(a) (last sentence), (b)

Section 41106:

-41106(a) 46 App.:1710(g) (1st sentence less
statute of limitations)
-41106(b) 46 App.:1710(g) (2d, last sentences)

In subsection (b)(2), the words "the amount of the award for an injury" are substituted for "the amount of the injury" for clarity.

Section 41107:

-41107(a) 46 App.:1713(c)
-41107(b) 46 App.:1713(e)

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

Section 41108:

-41108(a) 46 App.:1713(d)(1)
-41108(b) 46 App.:1713(d)(3)
-41108(c), (d) 46 App.:1713(d)(2)
-41108(e) 46 App.:1713(e)

Section 41109:

-41109(a) 46 App.:1712(c) (1st sentence words after
1st comma, 2d sentence)
-41109(b) 46 App.:1712(f)(1) (1st sentence)
-41109(c) 46 App.:1712(c) (1st sentence words before
1st comma, last sentence)
-41109(d) 46 App.:1712(f)(2)
-41109(e) 46 App.:1712(e)
-41109(f) 46 App.:1712(d)

In subsection (e), the words "or after the appropriate court has entered final judgment in favor of the Commission" are omitted as unnecessary.

Section 41110:

- 41110(a) 46 App.:1710(h) (1)
- 41110(b) 46 App.:1705(g), (h)
46 App.:1710(c) (last sentence)
- 41110(c) 46 App.:1705(i)

In subsection (a), the words "Upon a showing that standards for granting injunctive relief by courts of equity are met" are omitted as unnecessary.

In subsection (c), before clause (1), the words "the Commission may bring a civil action in the United States District Court for the District of Columbia" are added for clarity.

Section 41111:

- 41111(a) 46 App.:1710(h) (2) (1st, 3d sentences)
- 41111(b) 46 App.:1710(h) (2) (2d sentence)
- 41111(c) 46 App.:1710(h) (2) (last sentence)

In subsection (b), the words "Upon a showing that standards for granting injunctive relief by courts of equity are met" are omitted as unnecessary.

Section 41112 46 App.:1705(k)

Chapter 413--Prohibitions and Penalties

Section 41301 46 App.:1709(e)

Section 41302:

- 41302(a) 46 App.:1712(a) (1st, 2d sentences)
- 41302(b) 46 App.:1709(a) (1)
46 App.:1712(a) (1st, 2d sentences)
- 41302(c) 46 App.:1709(a) (2)
46 App.:1712(a) (1st, 2d sentences)
- 41302(d) 46 App.:1709(a) (3)
46 App.:1712(a) (1st, 2d sentences)
- 41302(e) 46 App.:1712(a) (1st, 2d sentences)
- 41302(f) App.:1712(a) (3rd sentence)

Section 41303:

-41303(a)(1)-(13)	46 App.:1709(b) (1st sentence cls. (1)-(13))
-41303(a)(14)	46 App.:1709(d)(1) (related to common carrier)
-41303(a)(15)	46 App.:1712(b)(3)
-41303(b)(1)	46 App.:1712(a) (1st-3rd sentences)
-41303(b)(2)	46 App.:1712(b)(3)
-41303(b)(3)	46 App.:1712(a)(3rd sentence)
-41303(c)	46 App.:1712(b)(1), (7)
-41303(d)	46 App.:1712(a) (last sentence)

In subsection (a), before clause (1), the words "either alone or in conjunction with any other person" are omitted as unnecessary. In clause (12), the words "prejudice or" are omitted as being included in "disadvantage".

Section 41304:

-41304(a)(1), (2)	46 App.:1709(d)(3) (related to (b)(10), (13)) 46 App.:1712(a) (1st, 2d sentences)
-41304(a)(3)	46 App.:1709(d)(1) (related to marine terminal operator) 46 App.:1712(a) (1st, 2d sentences)
-41304(a)(4)	46 App.:1709(d)(2) 46 App.:1712(a) (1st, 2d sentences)
-41304(a)(5)	46 App.:1709(d)(4) 46 App.:1712(a) (1st, 2d sentences)
-41304(b)	46 App.:1712(a) (3rd sentence)

In subsection (a)(2), the words "prejudice or" are omitted as being included in "disadvantage".

In subsection (a)(4), the reference is to 46 App.:1709(b)(16) rather than to 46 App.:1709(b)(14) because clause (14) was redesignated as clause (16) by section 710(c)(2) of the Federal Maritime Commission Authorization Act of 1990 (Public Law 101-595, 104 Stat. 2997) but a corresponding amendment was not made to 46 App.:1709(d)(3).

Section 41305:

-41305(a)(1)	46 App.:1709(d)(1) (related to ocean transportation intermediaries) 46 App.:1712(a) (1st, 2d sentences)
-41305(a)(2)	46 App.:1709(d)(5) 46 App.:1712(a) (1st, 2d sentences)
-41305(b))	46 App.:1712(a) (3rd sentence)

Section 41306:

- 41306(a) 46 App.:1709(c)
- 41306(b) 46 App.:1712(a) (1st-3rd sentences)

Section 41307 46 App.:1709(b) (13)

In subsection (a), reference to section 41503(a)(13) of the revised title is included because under 46 App.:1709(d)(3), the prohibitions in 46 App.:1709(b)(14) [sic] apply to marine terminal operators.

Part B--Actions to Address Foreign Practices and
Conditions Unfavorable to Shipping

Chapter 421 - Definitions

Section 42101 46 App.:1710a(a)

Chapter 423--Regulations to Address Conditions Unfavorable
to Shipping in Foreign Commerce

Section 42301 46 App.:876(a) (2)

Section 42302 46 App.:876(i)

Section 42303 46 App.:876(g) (5)

Section 42304 46 App.:876(l)

Section 42305 46 App.:876(l)

- 42305(a) 46 App.:876(a) (3)
- 42305(b) 46 App.:876(b)
- 42305(c) 46 App.:876(c)

In subsections (a) and (b), the words "the inspection of vessels by the head of the department in which the Coast Guard is operating" are substituted for "the steamboat inspection service" because the Steamboat Inspection Service was consolidated in the Bureau of Navigation and Steamboat Inspection under section 501 of the Act of June 30, 1932 (ch. 314, 47 Stat. 415). The name of the Bureau was changed to the Bureau of Marine Inspection and Navigation by the first section of the Act of May 27, 1936 (ch. 463, 49 Stat. 1380). The Bureau was abolished by section 104 of Reorganization Plan No. 3 of 1946 (eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097) and the functions of the

Bureau appear to have been assigned to the Commandant of the Coast Guard under 33 C.F.R. ch. I and 46 C.F.R. ch. I.

Section 42306 46 App.:876(d)

Chapter 425--Protection Against Foreign Practices
Affecting U.S. Carriers

Section 42501 46 App.:1710a(b)

Section 42502 46 App.:1710a(c) (2)

Section 42503 46 App.:1710a(e) (1)

The words "Subject to section 42504 of this title" are added for clarity.

Section 42504 46 App.:1710a(e) (3)

Section 42505 46 App.:1710a(i)

Chapter 427--Protection of Commerce Between Foreign Ports

Section 42701 46 App.:1710a(h)
46 App.:1712(b) (6)

The words "Subject to section 42702 of this title" are added for clarity. The words "acting alone or in concert with any person" are omitted as unnecessary.

Section 42702 46 App.: 1712(b) (7)

Chapter 429--Proceedings

Section 42901

-42901(a) 46 App.: 876(e)
46 App.: 1710a(c) (1)
46 App.: 1712(b) (6)
-42901(b) 46 App.: 876(e)
-42901(c) 46 App.: 1710a(c) (1)
46 App.: 1710(a)

Section 42902

-42902(a) (1) 46 App.: 876(f) (1) - (3)
46 App.: 1710a(d) (1)
-42902(a) (2) 46 App.: 876(h)
46 App.: 1710a(d) (3)
-42902(b) 46 App.:1714

Section 42903

-42903(a) 46 App.:1710a(d) (2)
46 App.:876(g) (2)
46 App.:1711(a) (2)
-42903(b) 46 App.:876(g) (4)
-42903(c) (1) 46 App.:1712(b) (2)
-42903(c) (2), (3) 46 App.:1713(c)
46 App.:1712(b) (4)
-42903(d) (1) 46 App.:876(g) (1)
-42903(d) (2) 46 App.:876(g) (3)
-42903(e) (1) 46 App.:1711(a)
-42903(e) (2) 46 App.:1711(b)

Section 42904: 46 App.:1710
46 App.:1713(c)
28 U.S.C. 2342(3)(B)

Chapter 431--Sanctions

Section 43101

-43101(a) (1)-(5) 46 App.:876(i)
46 App.:1710a(e) (1)
-43101(a) (6)-(7) 46 App.:876(j)
-43101(a) (6) 46 App.:1710a(f) (1)
-43101(a) (7) 46 App.:1710a(f) (2)
-43101(b) 46 App.:1710a(f) (1)
-43101(b) 46 App.:1710a(f) (2)

Section 43102

-43102(a) 46 App.:876(k)
-43102(b) 46 App.:1712(b) (3)

Section 43103

-43103(a) 46 App.:876(f) (4)
-43103(b) 46 App.:1712(a)

Section 43104: 46 App.:1712a(e) (2)

Part C--Evidence of Financial Responsibility

Chapter 441--Evidence of Financial Responsibility

Section 44101 46 App.:817d(a) (6th-27th words)
 46 App.:817e(a) (15th-36th words)

The word "sleeping" is substituted for "berth or stateroom" for clarity.

Section 44102:

-44102(a), (b) 46 App.:817e(a) (1st-14th, 37th-last words)
-44102(c) 46 App.:817e(b)

Section 44103 46 App.:817d(a) (1st-5th, 28th-last words), (b)

Section 44104 46 App.:817d(c)
 46 App.:817e(c)

Section 44105 46 App.:817d(e)
 46 App.:817e(e)

Section 44106 46 App.:817d(d)
 46 App.:817e(d)

The authority of this section is retained because it is intended that the Federal Maritime Commission have the authority to carry out this part. The text of 46 App.:817d (1st sentence) and 817e (1st sentence) is omitted as unnecessary because of section 305 of the revised title.

Subtitle V--Merchant Marine

Chapter 501--Policy, Studies, and Reports

Section 50101 46 App.:861
 46 App.:891
 46 App.:1101
 50 App.:1735

This section consolidates the source provisions to eliminate repetition.

Section 50102 46 App.:1120

The words "periodically shall survey" are substituted for "make a survey of . . . as it now exists" to restate the provision as permanent law.

Section 50103:

- 50103(a) (1) 46 App.:1121(a)
- 50103(a) (2) 46 App.:1213(a) (3d sentence)
- 50103(b) 46 App.:1121(b)
- 50103(c) 46 App.:1121(c)

In this section, the word "decide" is substituted for "investigate, determine" to eliminate unnecessary words. The words "and keep current records of" are omitted as unnecessary.

In subsection (a)(1), the words "or in a Territory, district, or possession thereof" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title. The words "and give due weight to" and "with the added consideration, however, of" are omitted as unnecessary.

In subsection (b), the words "documented vessels" are substituted for "United States-flag vessels" because of the definition of "documented vessel" 46 U.S.C. 2101, which is being moved to chapter 1 of the revised title.

In subsection (c), before clause (1), the words "including express-liner or super-liner vessels" are omitted as unnecessary.

Section 50104 46 App.:1122(a)

Section 50105:

- 50105(a) (1) 46 App.:1121(g)
- 50105(a) (2) 46 App.:811 (1st sentence words before 1st comma).
46 App.:1121(d)
46 App.:1244(d)
- 50105(a) (3) 46 App.:811 (2d sentence words before 2d comma)
- 50105(a) (4) 46 App.:1121(j) (words before 1st semicolon)

- 50105(a) (5) 46 App.:1122(b) (2)
- 50105(b) 46 App.:1122(c)

In subsection (a)(1), the words "existing on June 29, 1936, or thereafter built" are omitted as obsolete.

In subsection (a) (5), the words "express-liner" are omitted as included in "superliner". The word "passenger" is added for clarity. The words "and the use in connection with or in lieu of such vessels of transoceanic aircraft service" are omitted as unnecessary.

In subsection (b), the word "consult" is substituted for "collaborate" as being more appropriate. The words "where practicable and desirable" are omitted as unnecessary.

Section 50106:

- 50106(1) 46 App.:811 (3d sentence words before 1st comma)
- 50106(2) 46 App.:811 (1st sentence words after 1st comma)
- 50106(3) 46 App.:1121(e)

In clause (2), the words "United States and foreign documentation" are substituted for "United States registry and . . . foreign registry" for consistency in the revised title.

Section 50107 46 App.:811 (2d sentence words after 2d comma)

In clause (3), the word "domestic" is substituted for "American" for consistency in the revised section.

Section 50108:

- 50108(1) 46 App.:1121(j) (words between 1st and 2d semicolons)
46 App.:1122(b) (1)
- 50108(2) 46 App.:1122(f)
- 50108(3) 46 App.:811 (4th sentence)
- 50108(4) 46 App.:1121(f)
- 50108(5) 46 App.:1123(2)
- 50108(6) 46 App.:1121(j) (words after 2d semicolon)
- 50108(7) 46 App.:1121(h)
- 50108(8) 46 App.:1121(i)

In clause (1), the words "vessels of the United States" are substituted for "American vessels" in 46 App.:1121(j) and "vessels under United States registry" in 46 App.:1122(b) (1) for consistency in the revised title.

In clause (7), the words "and to recommend appropriate legislation to this end" are omitted as unnecessary because of section 50109(5) of the revised title.

Section 50109:

- 50109(1) 46 App.:811 (last sentence)