

- 46 App.:1118 (related to Secretary)
- 50109(2) 46 App.:1123(1)
- 46 App.:1160(f)
- 50109(3) 46 App.:1213(a) (5th sentence cl. (1))
- 50109(4) 46 App.:1291
- 50109(5) 46 App.:811 (3d sentence words after 1st comma)
- 46 App.:1122(g)
- 46 App.:1213(a) (5th sentence cl. (2))

In clause (1), the word "recommendations" in 46 App.:811 (last sentence) is omitted as covered by clause (6) of the revised section. 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.: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 50110 46 App.:1121-2

Chapter 503--Administrative

Section 50301:

- 50301(a) 46 App.:1241a (1st sentence)
- 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
- 46 App.:1241b note
- 50301(g) 46 App.:1241c

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 consolidated with", and "which shall be available for the purposes of such working funds or allocation accounts" are omitted as unnecessary.

In subsection (e), the words "vessel acquired or used by the Government" are substituted for "vessel the title to which is acquired by the Government either by requisition or purchase, or the use of

which is taken either by requisition or agreement" to eliminate unnecessary words. The words "Comptroller General" are substituted for "General Accounting Office" for consistency in the revised title and with other titles of the United States Code.

In subsection (f), the words "On and after June 20, 1956" and "for necessary expenses incident to the redelivery and lay-up, in the United States, of ships now chartered under agreements which do not call for their return to the United States; for activation, repair and deactivation of merchant ships chartered for limited emergency purposes during the fiscal year 1957 under the jurisdiction of the Secretary of Transportation" are omitted as obsolete. The words "Provided, That not to exceed \$5,000,000 of the funds of the vessel operations revolving fund may be used during the fiscal year 1957 for the purposes set forth in this paragraph" in the Act of June 20, 1956 (ch. 415, 70 Stat. 319), are omitted as obsolete.

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

Section 50302:

-50302(a) 46 App.:1213(a) (1st, 2d sentences)
-50302(b) 46 App.:1213(a) (last sentence)

Section 50303:

-50303(a) 46 App.:867 (words before proviso)
-50303(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 50304 46 App.:1112

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 50305:

-50305(a) 46 App.:872
-50305(b) 46 App.:875

In subsection (b), the words "property described in the 2d paragraph of section 17 of the Merchant Marine Act, 1920, 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, 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)(1), 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 50306 46 App.:1247

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

for "one or more vessels of United States registry", and the words "foreign commerce" are substituted for "between the United States and any foreign country", for consistency in the revised title.

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.

Section 50307 46 App.:1124

In subsection (a), the word "affirmations" is omitted as unnecessary because of the definition of "oath" in 1 U.S.C. 1. The word "records" is substituted for "books, papers, or other documents" for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words. The words "that are relevant to the matter under investigation" are omitted as unnecessary. 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.

Part B--Merchant Marine Service

Chapter 511--General

Section 51101 46 App.:1126-1(a) (1st sentence)
46 App.:1295 (1st sentence)

Section 51102 46 App.:1295a

The definition of "Secretary" is omitted as unnecessary because the full title is used the first time the term appears in a 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:

- 51103(a) 46 App.:1295 (last sentence cl. (1))
- 51103(b) 46 App.:1295g(b)
- 51103(c) 46 App.:1295g(c)
- 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 46 App.:1126-1(a) (last sentence), (b)
- 46 App.:1295 (last sentence cl. (2))

Chapter 513--United States Merchant Marine Academy

- Section 51301 46 App.:1295b(a)

Section 51302:

- 51302(a) 46 App.:1295b(b) (1) (A)
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)
- 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.:1295b(b) (1) (B) and "sons or daughters of residents of any area or installation" in 46 App.: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.:1295b(b) (1) (B) provides that a nominee must be a resident, 46 App.:1295b(b) (3) (A) (ii) allocates positions only for sons or daughters of residents.

- Section 51303 46 App.:1295b(b) (3) (D)

- Section 51304 46 App.:1295b(b) (3) (E)

Section 51305 46 App.:1295b(b) (5)

In subsection (a), the words "In addition to paragraphs (3) and (4)" are omitted as unnecessary.

Section 51306 46 App.:1295b(b) (6), (7)

In subsection (a)(1), the words "In addition to paragraphs (3), (4), and (5)" are omitted as unnecessary.

Section 51307 46 App.:1295b(b) (4)

In subsection (a), the words "In addition to paragraph (3)" are omitted as unnecessary.

Section 51308 46 App.:1295b(f)

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

Section 51309 46 App.:1295b(d)

Section 51310:

- 51310(a) 46 App.:1295b(g)
- 51310(b) 46 App.:1295b(b) (8)

Section 51311 46 App.:1295b(e) (1)-(3)

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.

Section 51312 46 App.:1295b(e) (4)

Section 51313:

- 51313(a) 46 App.:1295b(b) (3) (F)
- 51313(b) 46 App.:1295b(c)

Section 51314 46 App.:1295b(h)

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

Section 51315 46 App.:1295b(i)

Chapter 515--State Maritime Academy Support Program

Section 51501:

- 51501(a) 46 App.:1295c(a)
- 51501(b) 46 App.:1295c(d) (2)

Section 51502 46 App.:1295c(e)

In this chapter, the words "chief executive officer" are substituted for "Governor" for consistency in the revised title and with other titles of the United States Code. The words "or territory" are omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

Section 51503 46 App.:1295c(b)

Section 51504:

- 51504(a) 46 App.:1295c(c) (1) (A) (ii), (v)
- 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

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. The words "vessel or equipment" are substituted for "vessel (including equipment)" for clarity.

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

Section 51505 46 App.:1295c(d) (1)

Section 51506 46 App.:1295c(f)

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

Section 51507 46 App.:1295c(c)(3)(A)

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 46 App.:1295c(c)(3)(B)

Section 51509:

- 51509(a) 46 App.:1295c(g)(1) (words before 5th comma, cl. (A)), (7)
- 51509(b) 46 App.:1295c(g)(1) (words between 5th comma and dash, cls. (B), (C))
- 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)

The text of 46 App.:1295c(g)(7) is omitted as obsolete.

Section 51510 46 App.:1295c(g)(6)

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 46 App.:1295c(h)

Chapter 517--Other Support For Merchant Marine Training

Section 51701 46 App.:1295e

Section 51702 46 App.:1295f

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

Section 51703 46 App.:1295d(a), (b)

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:

- 51704(a) 46 App.:1295d(c) (1)
- 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

Section 51901:

- 51901(a) 46 App.:2001
- 46 App.:2004(d)
- 51901(b) 46 App.:2002

Section 51902 46 App.:2003

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 46 App.:2004(a)

Section 51904 46 App.:2004(b)

Section 51905 46 App.:2005

The words "This section does not apply if issuance of a flag and grave marker is authorized under another law" are substituted for "Except as authorized under another law" for clarity.

Section 51906 46 App.:2006

Section 51907 46 App.:2004(c)

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 46 App.:2007

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

Chapter 521--Miscellaneous

Section 52101 46 App.:1132

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--Construction and Operating Assistance

Chapter 531--Maritime Security Fleet

Subchapter I--General

Section 53101 46 App.:1187c

The definition of "chemical parcel-tanker" is separated from the definition of "ocean common carrier" to improve the organization of the section, and is tabulated to clarify that the certificate requirement applies to the vessel rather than to the tanks on the vessel.

The definition of "Fleet" is omitted as unnecessary because the full name "Maritime Security Fleet" is used the first time the term appears in each section.

Section 53102 46 App.:1187

In subsection (a), the words "vessels of the United States" are substituted for "United States-flag vessels" because of the definition of "vessel of the United States" in chapter 1 of the revised title.

Section 53103:

-53103(a)	46 App.:1187e(h) (3), (4)
-53103(b) (1)-(4)	46 App.:1187e(a)
-53103(b) (5)	46 App.:1187e(b) (2)
-53103(c) (1) (A)	46 App.:1187e(b) (1)
-53103(c) (1) (B)	46 App.:1187e(d)
-53103(c) (2)	46 App.:1187e(c)
-53103(d)	46 App.:1187e(h) (1), (2)
-53103(e)	46 App.:1187e(e) (1)
-53103(f)	46 App.:1187e(e) (2)
-53103(g)	46 App.:1187e(f)
-53103(h)	46 App.:1187e(g)

In this section, the word "commerce" is substituted for "trade" for consistency in the revised title.

In subsection (b) (1), before clause (A), the words "written permission of the Secretary of Transportation is required for" are substituted for "except upon written permission of the Secretary of Transportation. Such written permission shall also be required for" for clarity and to eliminate unnecessary words. Paragraphs (3) and (4) are substituted for "pursuant to written application of such contractor or related party" in 46 App.:1187e(a) (1) and for 46 App.:1187e(a) (2) to present the material in a more orderly way.

In subsection (c), the words "Subject to other requirements in this section" are added to alert the reader to the existence of other requirements.

In subsection (d) (1), before clause (A), the words "as of the date specified in subsection (c) (2) of this section" are substituted for "as of a date" because the only date used in connection with level of service in this section is the date in subsection (c) (2).

In subsection (f) (1), before clause (A), the words "A contractor seeking to provide additional service as provided in subsection (c) (1) (B) of this section must file an application with the Secretary" are substituted for "No contractor shall implement the authority granted in subsection (d) of this section except as follows . . . An application shall be filed with the Secretary" for clarity and to eliminate unnecessary words.

In subsection (f)(6), the words "notwithstanding the provisions of this section" are omitted as unnecessary.

In subsection (g), the words "If a contractor provides service" are substituted for "With respect to provision by a contractor of service" to eliminate unnecessary words.

In subsection (g), the words "as that term is defined in section 802 of this Appendix" are omitted as unnecessary because 46 App.:802 is restated in section 171 of the revised title and applies to all of the revised title. The words "chief executive officer" are substituted for "Governor" for consistency in the revised title.

Section 53104 46 App.:1187b.

In subsection (d)(1), the words "foreign vessel" are substituted for "foreign-flag vessel" because of the definition of "foreign vessel" in chapter 1 of the revised title.

Section 53105 46 App.:1187d

The words "\$100,000,000 for fiscal year 1996" are omitted as obsolete.

Subchapter II--Operating Agreements

Section 53111:

- 53111(a) 46 App.:1187a(a) (1st sentence)
- 53111(b) 46 App.:1187a(d) (1)
- 53111(c) 46 App.:1187a(d) (2)
- 53111(d) 46 App.:1187a(f)

Section 53112:

- 53112(a) 46 App.:1187a(1) (1)
- 53112(b) 46 App.:1187a(o)
- 53112(c) 46 App.:1187a(i)

In subsection (a), the words "No later than 30 days after the date of enactment of the Maritime Security Act of 1996, the Secretary shall accept applications for enrollment of vessels in the Fleet" are omitted as obsolete.

In subsection (c)(1)(A)(ii)(I), the words "deemed to be a citizen of the United States under section 171 of this title" are substituted for "eligible to document a vessel under chapter 121 of title 46, United States Code" because the eligibility requirements for a corporation

wishing to document a vessel are moved from section 12102 to section 171 of the revised title.

In subsection (c)(2)(B), the words "a citizen of the United States" are substituted for "eligible to document a vessel under chapter 121 of title 46, United States Code" because chapter 121, as revised by the bill, requires ownership by a citizen of the United States as an eligibility requirement for documentation.

Section 53113:

- 53113(a) 46 App.:1187a(a) (last sentence)
- 53113(b) 46 App.:1187a(1)(2)

Section 53114:

- 53114(a) 46 App.:1187a(b)
- 53114(b) 46 App.:1187a(e)

Section 53115 46 App.:1187a(c)

Section 53116:

- 53116(a) 46 App.:1187a(g)
- 53116(b) 46 App.:1187a(h)

In subsection (b)(1), the reference to "chapter 563 of this title" is substituted for the reference to the specific provisions listed in the source language because those provisions are restated in chapter 563 of the revised title. Although chapter 563 includes other cargo preference laws in addition to those specifically listed, substitution of a reference to chapter 563 is not a substantive change because of the words "or any other cargo preference law of the United States" in the source language.

Section 53117 46 App.:1187a(j)

Section 53118:

- 53118(a) 46 App.:1187a(k)
- 53118(b) 46 App.:1187a(m)
- 53118(c) 46 App.:1187a(n)

In subsection (c), the words "transfer the registration of the vessel to a foreign country" are substituted for "transfer and register such vessel under a foreign registry", and the words "after registration of the vessel in a foreign country" are substituted for "after

registration of the vessel under such a registry", for clarity and to eliminate unnecessary words.

Section 53119 46 App.:1187a(p)

Chapter 533--Operating-Differential Subsidies

Subchapter I--General

Section 53301:

- 53301(a)(1) 46 App.:1244(c) (words between 3d and 5th commas)
- 53301(a)(2) 46 App.:1171(a) (2d sentence)
- 53301(a)(3) 46 App.:1175(a) (last sentence)
- 53301(a)(4) 46 App.:1183(a)
- 53301(b) 46 App.:1185(a) (last sentence words related to subch. VI before proviso)

Section 53302 46 App.:1185a(a)-(c)

In subsection (a), the words "After the date of enactment of the Maritime Security Act of 1996" are omitted as executed.

In subsection (b), the words "Notwithstanding any other provision of this chapter" are omitted as unnecessary.

In subsection (c), the words "Section 50302 of this title and the essential service requirements of section 53312 of this title" are substituted for "The essential service requirements of section 1171(a) and 1173(b), and the provisions of sections 1175(c) and 1213(a)" because section 50302 of the revised title restates 46 App.:1213(a) (1st, 2d, last sentences) and section 53312 of the revised title restates 46 App.:1173(b). The references to 46 App.:1171(a) and 46 App.:1175(c) are omitted because those provisions are being repealed without being restated. The reference to 46 App.:1213(a) (3d-5th sentences) is omitted as unnecessary because of the reorganization of the material.

Section 53303 46 App.:1175(b); 46 App.:1180 (less words between 6th comma and semicolon)

Section 53304:

- 53304(a) 46 App.:1180 (words between 6th comma and semicolon).
- 53304(b) 46 App.:1185a(d)

Section 53305 46 App.:1175(a) (1st sentence)

The words "coastwise trade" are substituted for "coastwise or intercoastal trade" and "coastal or intercoastal trade" for consistency in the revised title.

Section 53306 46 App.:1248 (related to ODS)

Subchapter II--Amounts Of Subsidies

Section 53311 46 App.:1173(c)(1)

In subsection (b), the language related to the period from July 1, 1970, to June 30, 1971, is omitted as obsolete.

In subsection (c), the text of 46 App.:1173(c)(1)(A)(ii) is omitted as obsolete.

Section 53312 46 App.:1173(b)

Section 53313 46 App.:1173(c)(2)

Section 53314 46 App.:1173(c)(3)

Section 53315 46 App.:1173(d)

Section 53316:

-53316(a) 46 App.:1173(e)

-53316(b) 46 App.:1173(f)

Section 53317 46 App.:1174

Subchapter III--Contracts and Administration of Subsidies

Section 53321 46 App.:1173(a)

Section 53322:

-53322(a)(1) 46 App.:1176(1)

-53322(a)(2) 46 App.:1176(3)

-53322(a)(3) 46 App.:1176(4)

-53322(a)(4) 46 App.:1176(5) (related to essential services)

-53322(a)(5) 46 App.:1176(2)

-53322(a)(6), (7) 46 App.:1131(b) (related to subch. VI)

-53322(a)(8) 46 App.:1176(6) (related to subsidy for repairs).

-53322(a)(9) 46 App.:1211(1) (related to subch. VI)

-53322(a)(10) 46 App.:1211(2) (related to subch. VI)

-53322(a)(11) 46 App.:1211(3) (related to subch. VI)

-53322(a)(12) 46 App.:1211(4) (related to subch. VI)

-53322(b)(1) 46 App.:1176(5) (related to passenger services)

-53322(b)(2) 46 App.:1176(6) (related to subsidy

for subsistence).

In subsection (a)(1), the words "from time to time" and "on his own motion or on the application of the contractor" are omitted as unnecessary. The words "hearing on the record" are substituted for "proper hearing" for clarity. The words "based on changes affecting expense items included in the contract" are substituted for "based upon and governed by the changes which may have occurred since the date of the said contract, with respect to the items theretofore considered and on which such contract was based" to eliminate unnecessary words.

Subsection (a)(6) and (7) is based on 46 App.:1131(b)(3) and (5). The text of 46 App.:1131(b)(1), (2), and (4) is omitted as unnecessary and obsolete.

In subsection (a)(9), reference to the Interstate Commerce Commission is omitted because the Commission has been abolished. See section 101 of the ICC Termination Act of 1995 (Public Law 104-88, 109 Stat. 803).

Section 53323 46 App.:1178

Section 53324 46 App.:1184

In subsection (a)(3), the words "Secretary of Transportation" are substituted for "Secretary of Commerce" for consistency in the revised chapter.

In subsection (b), the statement of authority to prescribe regulations is omitted as unnecessary.

Section 53325 46 App.:1156 (last sentence)

Section 53326 46 App.:1179

Section 53327 46 App.:1223(b)

Section 53328 46 App.:1181

Subchapter IV--Special Provisions on Cruise Service

Section 53341 46 App.:1183(e)

In subsection (a), the words "opportunity for comment" are substituted for "opportunity to submit written data, views or arguments, with or without opportunity to present the same orally in any manner" to eliminate unnecessary words. The words "operator of a vessel of the United States" are substituted for "American flag operators", and the words "passenger vessel of the United States" are substituted for "passenger vessels of United States registry", for consistency in the revised title.

Section 53342 46 App.:1183(c)

Section 53343 46 App.:1183(d) (less last 2 sentences)

Subsection (a) is substituted for 46 App.:1183(d) (words before cl. (1)). Subsection (b) is substituted for 46 App.:1183(d)(1) and (4). Subsection (c) is substituted for 46 App.:1183(d)(3). The text of 46 App.:1183(d)(2) is omitted as obsolete.

Section 53344 46 App.:1183a

Section 53345 46 App.:1183(d) (last sentence)

Subchapter V--Additional Restrictions and Penalties

Section 53351:

-53351(a), (b) 46 App.:1223(d) (related to subch. VI)

-53351(c)(1) 46 App.:1223(f) (related to subch. VI)

-53351(c)(2), (3) 46 App.:1228 (1st, 2d pars.)

In subsection (c), the language stating that the violation is a misdemeanor and stating specific penalty amounts for a violation are omitted as superseded by chapter 227 of title 18. In paragraph (2), the word "willfully" is from 46 App.:1223(f).

Section 53352:

-53352(a), (b) 46 App.:1222(a) (related to subch. VI)
-53352(c) 46 App.:1222(b) (related to subch. VI)
-53352(d) 46 App.:1222(f)

Section 53353 46 App.:1223(a) (related to subch. VI)
46 App.:1228 (1st, 2d pars.)

Subsections (a) and (b) are based on 46 App.:1223(a) (1st sentence less words after last comma). The defined term "related party" is added, based on language in the source provision, to simplify the wording in the revised section.

Subsection (c) is based on 46 App.:1223(a) (1st sentence words after last comma, 2d sentence, 3d sentence words before proviso). The words "A contractor may apply to the Secretary of Transportation for a waiver of subsection (b) of this section" are substituted for "without the written permission of the Secretary of Transportation" for clarity and to improve the organization of the section. The words "the Secretary shall give the contractor and other interested persons an opportunity for a hearing" are substituted for "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" to eliminate unnecessary words.

Subsection (d) is based on 46 App.:1223(a) (proviso).

Subsection (e)(1) is based on 46 App.:1223(a) (last par.). The words "and whosoever shall violate this provision shall be guilty of a misdemeanor" are omitted as superseded by chapter 227 of title 18.

Subsection (e)(2) and (3) is based on 46 App.:1228 (last par.). The language stating that the violation is a misdemeanor and stating specific penalty amounts for a violation is omitted as superseded by chapter 227 of title 18.

Section 53354 46 App.:1226 (related to subch. VI)
46 App.:1228 (1st, 2d pars.)

In subsection (a), the words "give a preference to cargo" are substituted for "unjustly to discriminate in any manner so as to give preference directly or indirectly in respect to cargo" in 46 App.:1226 to eliminate unnecessary words.

In subsection (b), the words "and whosoever shall violate this provision shall be guilty of a misdemeanor" in 46 App.:1226, and the words in 46 App.:1228 (1st, 2d pars.) stating that the violation is a misdemeanor and stating specific penalty amounts for a violation, are omitted as superseded by chapter 227 of title 18.

Section 53355 46 App.:1227 (related to subch. VI)

In subsection (c), the words "without respect to the amount in controversy" are omitted because 28:1331 no longer contains a requirement of any particular amount in controversy for jurisdiction of civil actions arising under the laws of the United States.

Section 53356 46 App.:865a

In subsection (a), the words "as defined in section 613(a) of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1183(a)]" are omitted because the definition referred to is restated in the first section of this chapter and applies to this section.

Chapter 535--Construction-Differential Subsidies

Subchapter I--General

Section 53501 46 App.:1244(d)
Section 53502 46 App.:1151(a) (1st, 2d sentences)
Section 53503 46 App.:1151(c)
Section 53504 46 App.:1248 (related to CDS)
Section 53505 46 App.:1151(b)
Section 53106 46 App.:1152(b) (1st-6th sentences)

Subchapter II--Construction of Vessels

Section 53511:

-53511(a) 46 App.:1152(a) (1st sentence)
 46 App.:1155 (1st sentence less eligible shipyards)
-53511(b) 46 App.:1155 (4th-6th sentences).
-53511(c) 46 App.:1152(a) (2d sentence words before 2d comma)
 46 App.:1155 (3d sentence)
-53511(d) 46 App.:1152(a) (3d sentence)
-53511(e) 46 App.:1152(b) (last sentence)

Section 53512:

-53512(a) 46 App.:1152(a) (2d sentence words after 2d comma)
-53512(b) 46 App.:1154 (1st-4th sentences)

In subsection (a)(2), the words "out of the construction fund herein referred to, or out of any other available funds" are omitted as unnecessary. In subsection (b), the words "Such vessel shall be documented under the laws of the United States as

provided in section 1153 of this Appendix" are omitted as covered by section 53122 of the revised title.

Section 53513:

- 53513(a) 46 App.:1155 (1st sentence related to eligible shipyards, last sentence)
- 53513(b) 46 App.:1155 (2d sentence)

Section 53514 46 App.:1152(e)

Section 53515:

- 53515(a) 46 App.:1152(f) (1st sentence)
- 53515(b) 46 App.:1152(f) (2d sentence less reference to subch. VII, 3d, 4th sentences)
- 53515(c) 46 App.:1152(f) (5th, 6th sentences)
- 53515(d) 46 App.:1152(f) (7th-last sentences)

In subsection (d), the words "a delivery ballast voyage" are substituted for "the delivery voyage" for clarity. The 8th-last sentences of 46 App.:1152(f), which provide for offsets for gross income earned on a delivery voyage by ODS and non-ODS vessels and for reduced inspection expenses, are omitted.

Subchapter III--Sale of Vessels

Section 53521:

- 53521(a), (b) 46 App.:1152(a) (last sentence)
- 53521(c) 46 App.:1152(c)
- 53521(d) 46 App.:1151(a) (3d sentence)
46 App.:1154 (last sentence)

Section 53522 46 App.:1153 (words before proviso)

Section 53523 46 App.:1153 (proviso)

The words "notwithstanding any other provisions of law" are omitted as unnecessary. The words "in respect to a passenger vessel purchased under section 1737(b) of the Appendix to title 50" are omitted because the section referred to has been repealed. The words "The purchaser shall also comply with all the provisions of section 868 of this Appendix" are omitted because 46 App.:868 is being repealed without being restated. See note for 46 App.:868 in table 2A of this report.

Section 53524 46 App.:1212

Section 53525 46 App.:1156 (1st-3d sentences)

Section 53526 46 App.:1162

Subchapter IV--Miscellaneous

Section 53531 46 App.:1152(h), (i)

In subsection (a)(2), the words "under a Presidential proclamation for national security or defense purposes" are substituted for "under section 1242 of this Appendix" to broaden the authority to cover such a requisition, purchase, or charter under any law.

Section 53532 46 App.:1157

Section 53533 46 App.:1159

In subsection (b)(1)(D)-(F), the words "at least" are substituted for "more than" for consistency in the section.

In subsection (d), the words "Except as provided in section 53123 of this title" are substituted for 46 App.:1159 (proviso) to eliminate unnecessary words.

Part D--Vessel and Facility Financing Programs

Chapter 541--General

Section 54101:

- 54101(1) 46 App.:1271(f)
- 54101(2) 46 App.:1271(h)
- 54101(3) 46 App.:1271(g)
- 54101(4) 46 App.:1271(o)
- 54101(5) 46 App.:1271(j), (k), (m)
- 54101(6) 46 App.:1271(l)
- 54101(7) 46 App.:1271(a)
- 54101(8) 46 App.:1271(c)
- 54101(9) 46 App.:1271(e)
- 54101(10) 46 App.:1271(d)
- 54101(11) 46 App.:1271(i)
- 54101(12) 46 App.:1271(n)
- 54101(13) 46 App.:1271(b)

In clause (2), the word "include" is substituted for "shall include, but shall not be limited to" for consistency in the revised title and to eliminate unnecessary words.

In clause (4), the words "(except a fishing vessel)" are added for clarity and for consistency with the definition of "Secretary" in this section because of the apparent intent of Congress to authorize the Secretary of Transportation, but not the Secretary of Commerce, to make loan guarantees for eligible export vessels. The words "or redelivery, be placed under or continued to" are omitted as unnecessary.

In clause (5)(B), the words "or national", "or a citizen of the Northern Mariana Islands", and "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.:1271(k) are omitted as unnecessary because of the definitions of "citizen of the United States", "State", and "United States" in chapter 1 of the revised title and because of section 171 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.

In clause (8), the words "instrument of indebtedness" are substituted for "note, bond, debenture, or other evidence of indebtedness" for clarity and to eliminate unnecessary words.

Section 54102 46 App.:1273(f)

Section 54103:

- 54103(a) 46 App.:1273(h)(4)
- 54103(b) 46 App.:1273(h)(2)(D)
 46 App.:1273 note
- 54103(c) 46 App.:1273(h)(2)(B), (C)
- 54103(d)(1) 46 App.:1273(h)(1)(A), (3)
- 54103(d)(2) 46 App.:1273(h)(1)(B)
- 54103(d)(3) 46 App.:1273(h)(2)(A)

In subsection (b), the words "or make a commitment to guarantee" are added for consistency in part D of subtitle V of the revised title and because section 13(b) of Public Law 104-239 provides that the provision applies to "guarantees that the Secretary of Transportation makes or commits to make".

In subsection (d)(1)(E), the words "other than the guarantee under this title for which the risk factor is applied" are omitted as unnecessary.

Section 54104 46 App.:1274(f)

The words "loan or" are added throughout the section to reflect the fact that the Department of Commerce fishing vessels and facilities financing program is currently carried out as a direct loan program, under section 1112 of the Merchant Marine Act, 1936 (46 App.:1279g).

Section 54105:

- 54105(a) 46 App.:1274(e)(1)
- 54105(b)(1) 46 App.:1274(e)(2)(A)
- 54105(b)(2) 46 App.:1274(e)(2)(B) (words before cl. (i)), (F)

- 54105(b) (3) 46 App.:1274(e) (2) (B), (E)
- 54105(b) (4) 46 App.:1274(e) (2) (D)
- 54105(b) (5) 46 App.:1274(e) (2) (C)
- 54105(c) 46 App.:1274(e) (3)
- 54105(d) 46 App.:1274(e) (5)
- 54105(e) 46 App.:1274(e) (4)

Section 54106 46 App.:1272
46 App.:1274(g)

The Federal Ship Financing Fund set forth as section 1102 of the Merchant Marine Act, 1936 (46 App.:1272), refers to a revolving fund that has been rendered obsolete by the reliance since 1992 on the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) for financing programs of the Departments of Transportation and Commerce under Title XI of the 1936 Act. Accordingly, this section would instead establish that Fund Liquidating and other accounts are maintained in the U.S. Treasury to record the financial activity conducted under Title XI authority.

Chapter 543--Vessel Financing Guarantees

Subchapter I--Guarantee of Obligations

Section 54301:

- 54301(a) 46 App.:1273(a) (1st sentence)
46 App.:1279g(a) (1st sentence)
- 54301(b) 46 App.:1273(d)
- 54301(c) 46 App.:1273(e) (1st sentence)

In subsection (a), the words "On terms the Secretary may prescribe" are added based on language in 46 App.:1274(a) (before cl. (1)).

The following new sentence is added at the end of subsection (a):
"However, the Secretary of Commerce may not undertake a new guarantee or make a new commitment to guarantee under this part after October 10, 1996." This reflects a 1996 amendment of the Act (section 1112 of the Merchant Marine Act, 1936 (46 App.:1279g)) that Department of Commerce financing activities after that date be direct loans (see proposed chapter 549, setting forth the direct loan program) rather than loan guarantees.

Section 54302 46 App.:1274(b) (1)

Section 54303:

- 54303(a) 46 App.:1273(b)
- 54303(b) 46 App.:1274(c)(1) (1st sentence), (2)

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" for clarity and to eliminate unnecessary words.

Section 54304:

- 54304(a)(1) 46 App.:1274(a)(1) (less OTEC and eligible export vessels)
- 54304(a)(2) 46 App.:1274(a)(2)
- 54304(a)(3) 46 App.:1274(a)(3)
- 54304(a)(4) 46 App.:1274(a)(4)
- 54304(a)(5) 46 App.:1274(a)(5) (less OTEC and eligible export vessels)
- 54304(a)(6) 46 App.:1274(a)(6)
- 54304(b) 46 App.:1274(a) (last par.)

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 . . . 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. The words "upon such terms as he shall prescribe" are omitted because they are restated in section 54301 of the revised title.

In subsection (a)(1), the words "in coastwise trade" are substituted for "(A) in the coastwise or intercoastal trade; (B) on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States" for consistency in the revised title. The language related to ocean thermal energy conversion facilities or plantships is restated in chapter 545 of the revised title, and the language related to eligible export vessels is restated in chapter 548 of the revised title.

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 54305:

- 54305(a) 46 App.:1274(b)(3)-(6)
- 54305(b) 46 App.:1274(b)(7)
- 54305(c) 46 App.:1274(h)

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)(B), the word "discharged" is substituted for "satisfied and discharged" to eliminate unnecessary words.

Section 54306 46 App.:1274(d)(1)(A)

Section 54307:

- 54307(a) 46 App.:1274(d)(1)(B)
- 54307(b) 46 App.:1274(d)(2)
- 54307(c) 46 App.:1274(b) (last par.)

Section 54308:

- 54308(a)(1) 46 App.:1274(b)(2) (words before 1st proviso)
- 54308(a)(2) 46 App.:1274(b)(2) (3d proviso)
- 54308(a)(3) 46 App.:1274(b)(2) (1st proviso)
- 54308(a)(4) 46 App.:1274(b)(2) (2d proviso)
- 54308(b) 46 App.:1274(i) (less related to 46 App.:1274(b)(2) (4th proviso))
- 54308(c) 46 App.:1274(c)(1) (last sentence)

In subsection (a)(1), the words "subject to the provisions of subsection (c)(1) of this section and subsection (i) of this section" are omitted as unnecessary.

In subsection (b), the words "by rule, regulation, or procedure" are omitted as unnecessary.

Section 54309:

- 54309(a) 46 App.:1273(a) (last sentence)
- 54309(b) 46 App.:1273(c)

In subsection (a), the words "Except as provided in subsection (b) of this section" are added for clarity.

In subsection (b)(1), the words "the percentage applicable under section 54118(a) of this title" are substituted for "75 per centum, or 87 1/2 per centum, whichever is applicable under section 1274 of this Appendix" for consistency with section 54308(a) and to eliminate unnecessary words. The words "(or other applicable provision in chapters 543-548 of this title)" are added because some of 46 App.:1274(b)(2), which sets forth the percentages, is restated in those chapters. The words "in which case the Secretary may guarantee 75 per centum or 87 1/2 per centum, whichever is applicable under section 1274 of this Appendix, of the actual cost of such vessel or vessels" are omitted as unnecessary. Although 46 App.:1273(c) refers to "the actual cost" and 46 App.:1274(b)(2) refers to "the actual cost or depreciated actual cost", it is assumed that no difference between these 2 source provisions was intended.

Subchapter II--Escrow Funds

Section 54321:

-54321(a)	46 App.:1279a(a) (less proviso)
-54321(b)	46 App.:1279a(f)
-54321(c)	46 App.:1279a(a) (proviso)
-54321(d)	46 App.:1279a(d), (e)

In subsection (b)(2), the words "(or other applicable provision in chapters 543-549 of this title)" are added because some of 46 App.:1274(b)(2), which sets forth the percentages, is restated in those chapters.

Section 54322 46 App.:1279a(b), (c)

In subsection (c)(1)(A)(ii), the words "(or other applicable provision in chapters 543-549 of this title)" are added because some of 46 App.:1274(b)(2), which sets forth the percentages, is restated in those chapters.

Subchapter III--Default Provisions

Section 54331:

-54331(a)	46 App.:1275(a) (1st sentence less parenthetical)
-54331(b)(1)	46 App.:1275(a) (last sentence less proviso)
-54331(b)(2)	46 App.:1275(a) (last sentence proviso)
-54331(c)	46 App.:1273(e) (last sentence)
	46 App.:1275(a) (1st sentence parenthetical)

In subsections (a) and (b), the words "or his agent" are omitted as unnecessary.

Section 54332:

- 54332(a), (b) 46 App.:1275(b)
- 54332(c) 46 App.:1273(e) (last sentence)

In subsections (a) and (b), the words "or the obligee's agent" are omitted as unnecessary.

In subsection (a), before clause (1), the words "an obligation or related agreement" are substituted for "a mortgage, loan agreement, or other security agreement" for consistency in the revised chapter.

Section 54333 46 App.:1275(d)

Section 54334 46 App.:1275(c)

In subsection (b), the words "and, notwithstanding a limitation on vessels in the fleet, retain the authority to use or dispose of the vessel as provided in this subsection" are added for clarity.

Section 54335 46 App.:1275(e)

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.

Chapter 545--Ocean Thermal Energy Conversion Facilities and Plantships

Section 54501:

- 54501(a) 46 App.:1274(a)(1) (related to OTEC), (5)
(related to OTEC)
46 App.:1279c(a) (1st sentence, last sentence
cl. (1))
- 54501(b) 46 App.:1279c(a) (last sentence words before cl. (1))
- 54501(c) 46 App.:1279c(a) (last sentence cl. (4))

In this chapter, the words "commercial demonstration", which are used inconsistently in the source provisions, are omitted for consistency in the revised chapter.

In subsection (a)(1), before clause (A), the words "upon such terms as he shall prescribe" are omitted as unnecessary because of section

54301(a) of the revised title. The text of 46 App.:1279c(a) (last sentence cl. (1)) is omitted as obsolete.

Subsection (a)(2) is substituted for 46 App.:1274(a)(1) (proviso) insofar as it relates to ocean thermal energy conversion facilities or plantships.

Section 54502 46 App.:1279c(b)

Section 54503 46 App.:1279c(a) (last sentence cl. (2))

Section 54504:

- 54504(a) 46 App.:1274(b)(2) (4th proviso)
46 App.:1279c(a) (last sentence cl. (3))
- 54504(b) 46 App.:1274(i) (related to 46 App.:1274(b)(2)
(4th proviso))

Subsection (a) of this section combines the source provisions for consistency. The words "which is constructed without the aid of construction-differential subsidy" in 46 App.:1274(b)(2) (4th proviso) are omitted because 46 App.:1279c(a)(3) does not include that requirement.

In subsection (b), the words "by rule, regulation, or procedure" are omitted as unnecessary.

Section 54505 46 App.:1279c(c)

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

Section 54506 46 App.:1279c(d)

Section 54507 46 App.:1279c(e)

Chapter 546--Replacement Of Vessels Because of Changes in Operating Standards

Section 54601:

- 54601(a) 46 App.:1274a(a), (b)(3)
- 54601(b) 46 App.:1274a(d) (words before last semicolon)

In subsection (a), before clause (1), the words "Under chapter 543 of this title" are added for consistency in this part. The words "Notwithstanding the provisions of this subchapter, except as provided in subsection (d) of this section" and "upon the terms the Secretary

may prescribe" are omitted as unnecessary. In clause (1), the word "intercoastal" is omitted because it is included in the meaning of "coastwise trade" as used in chapter 561 of the revised title. The words "as defined in section 1244 of this Appendix" are omitted because the definition of "foreign commerce" in chapter 1 of the revised title applies without having to say so specifically. Clause (6) is substituted for 46 App.:1274a(b)(3) to improve the organization of the source provisions.

Section 54602 46 App.:1274a(b) (less cl. (3))

In subsection (a)(2), the words "by rule, regulation, or procedure" are omitted as unnecessary and for consistency with section 54118(b) of the revised title.

Section 54603:

- 54503(a), (b) 46 App.:1274a(c)(1) (less fees), (2)
- 54503(c) 46 App.:1274a(d) (words after last semicolon)

In subsection (a), the words "The Secretary shall by rule require that the applicant provide adequate security against default" are omitted as unnecessary because of section 54303 of the revised title.

Section 54604 46 App.:1274a(c)(1) (related to fees)

Chapter 547--Shipyard Modernization and Improvement

Section 54701 46 App.:1279e(d)

In clause (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.

Section 54702:

- 54702(a) 46 App.:1279e(a)
- 46 App.:1280a
- 54701(b) 46 App.:1279e(b) (words before 4th comma)

In subsection (a), the words "and subject to the terms the Secretary shall be prescribe" are omitted as unnecessary. The words "Only a private shipyard is eligible to receive a guarantee" are substituted for 46 App.:1280a to eliminate unnecessary words.

Section 54703 46 App.:1279e(b) (words after 4th comma)

Section 54704 46 App.:1279e(c)

Chapter 548--Eligible Export Vessels

Section 54801:

- 54901(a) 46 App.:1274(a) (1) (related to eligible export vessels), (5) (related to eligible export vessels)
- 54901(b) 46 App.:1279d(a)
- 54901(c) 46 App.:1274(b) (2) (last proviso)

Subsection (a) (2) is substituted for 46 App.:1274(a) (1) (proviso) insofar as it relates to eligible export vessels.

Section 54802:

- 54802(a) 46 App.:1279d(b) (1) (1st sentence)
- 54802(b) 46 App.:1279d(b) (1) (last sentence)
- 54802(c) (1) 46 App.:1279d(b) (2) (A)
- 54802(c) (2) 46 App.:1279d(b) (3)
- 54802(c) (3) 46 App.:1279d(b) (2) (B)
- 54802(d) 46 App.:1279d(b) (4)

Section 54803:

- 54803(a) 46 App.:1274(d) (3) (A)
- 54803(b) 46 App.:1273(g) (1)
- 54803(c) 46 App.:1274(d) (3) (B)

Section 54804:

- 54804(a) 46 App.:1274(j) (1) (1st sentence)
- 54804(b) (1) 46 App.:1274(j) (1) (2d, 3d sentences)
- 54804(b) (2) 46 App.:1274(j) (2)
- 54804(c) 46 App.:1274(j) (1) (last sentence)

Section 54805 46 App.:1273(g) (2)

The time limitation on the Secretary's authority to guarantee loans set forth at 46 App.:1273(g) (2) (A) is omitted as obsolete, because "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" occurred on March 31, 1999 (final regulations were published on September 16, 1994 (59 Fed. Reg. 47548)). The time limitation on the Secretary's authority to guarantee loans set forth at 46

App.:1273(g)(2)(B) is also omitted as obsolete, because "the last day of any 5-year period in which funding and guarantee authority for obligations for eligible export vessels have been continuously available" occurred on _____.

Chapter 549--Fishing Vessel and Fishery Facility Loans

This chapter reflects the 1996 statutory direction to the Secretary of Commerce to use the guaranteed-loan authority of Title XI of the Merchant Marine Act, 1936, to instead make direct loans after October 10, 1996, in aid the objectives of the Sustainable Fisheries Act (Pub.L. 104-297 (October 11, 1996); 100 Stat. 3559, 3616). As statutory authority, each provision of this chapter described below shows the appropriate source in Title XI plus the 1996 direct-loan provision (49 App.:1279g(a)), which reads as follows:

(a) Notwithstanding any other provision of this title [46 USCS Appx Sec. Sec. 1271 et seq.], all obligations involving any fishing vessel, fishery facility, aquaculture facility, individual fishing quota, or fishing capacity reduction program issued under this title [46 USCS Appx Sec. Sec. 1271 et seq.] after the date of enactment of the Sustainable Fisheries Act [enacted Oct. 11, 1996] shall be direct loan obligations, for which the Secretary shall be the obligee, rather than obligations issued to obligees other than the Secretary and guaranteed by the Secretary. All direct loan obligations under this section shall be treated in the same manner and to the same extent as obligations guaranteed under this title [46 USCS Appx Sec. Sec. 1271 et seq.] except with respect to provisions of this title [46 USCS Appx Sec. Sec. 1271 et seq.] which by their nature can only be applied to obligations guaranteed under this title [46 USCS Appx Sec. Sec. 1271 et seq.].

Section 54901:

- 54901(a) 46 App.:1279g(a)
46 App.:1279f(e)
- 54901(b) 46 App.:1279g(a)
46 App.:1274(b) (last par., last sentence)

Section 54902:

- 54902(a) 46 App.:1279g(a)
46 App.:1274(a)
46 App.:1279f(a)
- 54902(b) 46 App.:1279g(a)
46 App.:1279f(b)(2), (4)-(6)
- 54902(c) 46 App.:1279g(a)

- 46 App.:1279g(b)
- 54902(d) 46 App.:1279g(a)
- 46 App.:1273(b)
- 46 App.:1274(c)(1) (1st sentence), (2)
- 54902(e) 46 App.:1279g(a)
- 46 App.:1274(b) (last par., 1st sentence)
- 54902(f) 46 App.:1279g(a)
- 46 App.:1279f(b)(3)

In subsection (a)(1), 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.

In subsection (d), 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" for clarity and to eliminate unnecessary words.

Section 54903 46 App.:1279g(a)
46 App.:1279f(c)

Section 54904

- 54904(a) 46 App.:1279g(a)
- 46 App.:1274(b)(3)-(6)
- 54904(b) 46 App.:1279g(a)
- 46 App.:1274(h)

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, staunch, 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.

Section 54905

- 54905(a) 46 App.:1279g(a)
- 46 App.:1274(d)(1)(B)
- 54905(b) 46 App.:1279g(a)

- 46 App.:1274(d)(2)
- 54905(c) 46 App.:1279g(a)
- 46 App.:1274(b)(1)

Section 54906

- 54906(a)(1) 46 App.:1279g(a)
- 46 App.:1274(b)(2) (3d proviso)
- 54906(a)(2) 46 App.:1279g(a)
- 46 App.:1274(b)(2) (1st proviso)
- 54906(b) 46 App.:1279g(a)
- 46 App.:1274(i) (less related to
- 46 App.:1274(b)(2) (4th proviso))
- 54906(c) 46 App.:1279g(a)
- 46 App.:1274(c)(1) (last sentence).

In subsection (b), the words "by rule, regulation, or procedure" are omitted as unnecessary.

Section 54907:

- 54907(a) 46 App.:1279g(a)
- 46 App.:1279f(d)
- 54907(b) 46 App.:1279g(a)
- 46 App.:1279g(a) (last sentence)
- 54907(c) 46 App.:1279g(a)
- 46 App.:1279g(a) (last sentence)

Part E--Investment Capital Accumulation Programs

Chapter 551--Construction Reserve Funds

Section 55101:

- 55101(a)(1) 46 App.:1161(n)
- 55101(a)(2)(A) 46 App.:1161(a)
- 55101(a)(2)(B) 46 App.:1161(o)
- 55101(b) 46 App.:1161(m)

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.

In subsection (a)(3), the source provision is made applicable to this chapter for consistency with chapter 553 of the revised title.

Section 55102:

- 55102(a) 46 App.:1161(b) (1st sentence words before
6th comma and between 10th and 16th commas)
- 55102(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 55103 46 App.:1161(b) (1st sentence words between
6th and 10th commas)

Section 55104 46 App.:1161(l)

Section 55105 46 App.:1161(b) (1st sentence words after 16th comma)

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.

Section 55106 46 App.:1161(c)

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 26:7805.

Section 55107 46 App.:1161(d)

Section 55108 46 App.:1161(e)

Section 55109 46 App.:1161(f)

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. sec. 287.16 (1995).

Section 55110:

- 55110(a) 46 App.:1161(g) (less (1)(B))
- 55110(b) 46 App.:1161(g) (1)(B)
- 55110(c) 46 App.:1161(h)

In this section, the language about joint regulations in 46 App.:1161(g) and (h) is omitted as unnecessary because of section 55102(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.:1161(g) (1) and (2) are omitted as obsolete.

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

Section 55111 46 App.:1161(i)

The last sentence of 46 App.:1161(i) is omitted as obsolete.

Section 55112 46 App.:1161(j)

The words "Notwithstanding any other provision of law" are omitted as unnecessary.

Chapter 553--Capital Construction Funds

Section 55301:

- 55301(1) 46 App.:1177(b) (3), (k) (3)
- 55301(2) 46 App.:1177(k) (1)
46 App.:1177-1
- 55301(3) 46 App.:1177(k) (6)
- 55301(4) 46 App.:1177(k) (8)
- 55301(5) 46 App.:1177(k) (1) (last sentence), (2)
46 App.:1177-1
- 55301(6) 46 App.:1177(k) (9)
- 55301(7) 46 App.:1177(k) (5)
- 55301(8) 46 App.:1177(k) (7)

In clauses (2)(B)(iii) and (5)(B)(iii), the words "owned only by citizens of the United States" are substituted for "owned by a citizen of the United States" for clarity and for consistency in the revised title.

Section 55302 46 App.:1177(1) (2d sentence)

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.:1177(a) (last sentence), (f)(1) (last sentence), and (1) (last sentence).

Section 55303:

- 55303(a) 46 App.:1177(a) (1st sentence)
- 55303(b) 46 App.:1177(a) (2d sentence related to purpose)

Section 55304:

- 55304(a) 46 App.:1177(a) (2d sentence related to deposits)
- 55304(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. The word "subsequent" is added for clarity.

Section 55305 46 App.:1177(b)(1), (2)

Section 55306 46 App.:1177(c)

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 55307 46 App.:1177(d)

Section 55308 46 App.:1177(e)

Section 55309 46 App.:1177(f)

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

Section 55310 46 App.:1177(g)

Section 55311 46 App.:1177(h) (less (2) (last sentence))

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 55312 46 App.:1177(h)(2) (last sentence)