

<u>Section 55313</u>	46 App.:1177(i)
<u>Section 55314</u>	46 App.:1177(j)
<u>Section 55315</u>	46 App.:1177(1) (1st sentence)
<u>Section 55316</u>	46 App.:1177(1) (last sentence)
<u>Section 55317</u>	46 App.:1177(m)

Part F--Promotional Programs

Chapter 561--Coastwise Trade

Section 56101:

-56101(a)	48 USC 744 48 USC 1416 48 USC 1664 46 App. 877
-56101(b)	46 App.:883 (words before 1st proviso less penalty)
-56101(c)	46 App.:289 (words before last comma)
-56101(d)	46 App.:292(a)(1), (3)
-56101(e)	46 App.:316(a) (1st sentence), (b)
-56101(f)	46 App.:316(a) (1st sentence), (b) 46 App.:883 (11th, 12th provisos)
-56101(g)	46 App.:883 (words before 1st proviso regarding penalty)
-56101(h)	[no source]

In subsection (a), the exception for American Samoa in clause (1) is based on 48 U.S.C. 1664. Clause (2) is substituted for 46 App.:877 (last proviso). The rest of 46 App.:877 is omitted as obsolete. The words "the United States" are substituted for "From and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not covered thereby on June 5, 1920" in 46 App.:877; for "the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws" in 46 App.:883; and for 48 U.S.C. 744 and 1416, because of the definition of "United States" in Chapter 1 of the revised title.

The source provision for subsection (b) is restated in part in this section and in part in the penalty section in chapter 121 of the revised title.

Section 56102:

-56102(a)	(no source)
-56102(b)	46 App.:316(d)
-56102(c)	46 App.:316(e)

Subsection (a) is added because 46 App.:883-1, restated in section 12113 of the revised title, refers specifically to 46 App.:316, restated partly in this section.

In subsection (b), the words "Secretary of the Treasury" are substituted for "Secretary of Commerce" in R.S. sec. 4370(d) because of sections 101-104 of Reorg. Plan No. 3 of 1946 (5 App. U.S.C.) and sections 1 and 2 of Reorg. Plan No. 26 of 1950 (5 App. U.S.C.). Also in subsection (b), the words "owned only by citizens of the United States" are substituted for "wholly owned by a person who is a citizen of the United States" for consistency in the revised title. The words "and documented under the laws of the United States" are omitted as unnecessary because they describe part of the general requirement to which this subsection provides an exception. The words "or numbered pursuant to the Act of June 7, 1918, as amended (46 U.S.C. 288)" are omitted as unnecessary and obsolete because the Act referred to has been repealed. The words "and no penalty shall be incurred for such authorized use" are omitted as unnecessary.

Section 56103 46 App.:883 (3d proviso)

The words "A vessel is not required to have a coastwise endorsement" are substituted for "this section shall not apply" for consistency with chapter 121 of the revised title.

Section 56104 46 App.:883 (4th proviso)

The words "A vessel is not required to have a coastwise endorsement" are substituted for "this section shall not become effective" for consistency with chapter 121 of the revised title.

Section 56105 46 App.:883 (6th proviso)

In subsection (a), before clause (1), the words "a vessel is not required to have a coastwise endorsement" are substituted for "this section shall not apply to the transportation by vessels of the United States not qualified to engage in the coastwise trade, or by vessels of foreign registry" for consistency with chapter 121 of the revised title and to eliminate unnecessary words.

Section 56106 46 App.:883 (7th proviso)

In subsection (a), the words "suspend the requirement for a coastwise endorsement" are substituted for "suspend the application of this section . . . without regard to whether any such barge is under foreign registry or qualified to engage in the coastwise trade" for consistency with chapter 121 of the revised title and to eliminate unnecessary words. The words "non-self-propelled" are omitted as unnecessary because of the definition of "barge" in chapter 1 of the revised title.

Section 56107 46 App.:883 (2d-6th sentences, last sentence
less provisos)

In subsection (a), the words "For purposes of this section" are omitted as unnecessary. The words "after December 31, 1983" are omitted as obsolete. The words "deemed to be transportation of cargo in coastwise trade" are substituted for "deemed to be transportation by water of merchandise between points in the United States" for consistency in use of the term "coastwise trade" in the revised title.

In subsection (b)(1), clause (A) is substituted for "foreign flag" for consistency in the revised title. In clause (B), the words "owned only by citizens of the United States as defined in section 171(a) and (c) of this title" are substituted for "wholly owned by a citizen of the United States; the term 'citizen of the United States', as used in this proviso, means a corporation as defined in section 802(a) and (b) of this Appendix" because of the restatement of 46 App.:802 in section 171 of the revised title.

In subsection (b)(2), the words "all current" are omitted as unnecessary.

In subsection (b)(3), the words "Regardless of whether inspected by the country of documentation" are substituted for "These vessels shall, in addition to any other inspections by the flag state" for clarity.

Subsection (c) is substituted for "or after such time as an appropriate vessel has been constructed and documented as a vessel of the United States" to improve the organization.

Section 56108 46 App.:289c

In subsection (a), the definition of "certificate" is added based on the language in 46 App.:289c(b)(1) and (2) to avoid repeating the substance of the definition twice in the section.

In subsection (b), the words "Notwithstanding any other provision of law" are omitted as unnecessary. The words "a vessel is not required to have a coastwise endorsement to transport passengers" are substituted for "passengers may be transported on passenger vessels not qualified to engage in the coastwise trade" for consistency with chapter 121 of the revised title. The words "directly or by way of a foreign port" are omitted as unnecessary.

In subsection (c), the words "with a coastwise endorsement" are substituted for "qualified to engage in the coastwise trade", and the words "without a coastwise endorsement" are substituted for "not qualified to engage in the coastwise trade", for consistency with chapter 121 of the revised title.

Section 56109:

- 56109(a) 46 App.:251(a) (1st sentence)
- 56109(b) 46 App.:251(a) (last sentence)
- 56109(c) 46 App.:251(b)
- 56109(d) 46 App.:251(c)

In subsection (a), before clause (1), the words "whether documented as a cargo vessel or otherwise" are omitted as unnecessary.

In subsection (d), the words "except for immediate consumption" are substituted for "other than as authorized in subsection (b) of this section" for clarity. The words "may be seized by, and forfeited to, the Government" are substituted for "shall be liable to forfeiture" for consistency in the revised title. The words "severally" and "in addition to any other penalty provided in law" are omitted as unnecessary. The last sentence is substituted for 46 App.:251a to avoid the cross-reference to 46:2107(b).

Section 56110 46 App.:883 (10th proviso)

The words "The requirement for a coastwise endorsement does not apply" are substituted for "shall be considered ship's equipment and not merchandise" for consistency in the chapter and with chapter 121 of the revised title.

Section 56111 46 App.:446b (related to 46 App.:883)

The words "is deemed not to be engaged in coastwise trade" are substituted for "shall not be deemed to be a merchant vessel or a vessel engaged in trade or commerce" for consistency in the revised title and to eliminate unnecessary words.

Section 56112 46 App.:443

The words "coastwise trade" are substituted for "trade or commerce" for consistency in the revised title.

Section 56113:

- 56113(a) 46 App.:883 (last proviso)
- 56113(b) 46 App.:883 (note)

In subsection (a), before clause (1), the words "A vessel is not required to have a coastwise endorsement" are substituted for "shall not be deemed transportation subject to this section" for consistency in the chapter and with chapter 121 of the revised title.

Section 56114 46 App.:292(a)(2), (b)

Section 292 of title 46 appendix is restated in part in this section, in section 56101 of this chapter, and in the penalty section in chapter 121 of the revised title. Chapter 1 "citizen of the United States" and includes a section on entities qualifying as citizens. Chapter 121, as revised by the bill, states the general rule that a vessel must have a coastwise endorsement to engage in coastwise trade, and includes penalties for violations.

Section 56115 46:12101 (note)

Chapter 563--Passenger and Cargo Preferences

Subchapter I--General

Section 56301 46 App.:1121-1

Section 56302:

-56302(a) 46 App.:1241(a)
-56302(b) 19:1645(b)

In subsection (a), the words "a territory or possession of the United States" are substituted for "any of the possessions of the United States" for consistency in the revised title. The words "documented vessel" are substituted for "ships registered under the laws of the United States" because of the definition of "documented vessel" in chapter 1 of the revised title.

In subsection (b), the words "Notwithstanding the provisions of section 601 of the Merchant Marine Act, 1928, or of any other law" are omitted as unnecessary. The words "the Bureau of Customs or" are omitted because the Bureau of Customs was redesignated as the United States Customs Service by Treasury Department Order 165-23. See 38 Fed. Reg. 13037 (Apr. 4, 1973).

Section 56303 46 App.:1241(c)

The words "Notwithstanding any other provision of law" are omitted as unnecessary. The words "documented vessel" are substituted for "American shipping services" for consistency in the revised title and because of the definition of "documented vessel" in chapter 1 of the revised title.

Section 56304 46 App.:1241-1

The words "agency of the United States Government" are substituted for "instrumentality of the Government" for consistency in the revised title. See the definition of "agency" in chapter 1 of the revised title. The words "Reconstruction Finance Corporation or" in the Joint Resolution enacted March 26, 1934 (ch. 90, 48 Stat. 500), are omitted as obsolete because the Reconstruction Finance Corporation was abolished by section 6 of Reorganization Plan No. 1 of 1957 (5 App. U.S.C.).

Section 56305:

-56305(a) 46 App.:1241(b)(1) (2d, last provisos)
-56305(b) 46 App.:1241(b)(1) (words before 1st proviso)
-56305(c) 46 App.:1241(b)(1) (1st proviso)
-56305(d) 46 App.:1241(b)(2)

In subsection (a)(1), the words "the provisions of this subsection shall not apply to cargoes carried in the vessels of the Panama Canal Company" are

omitted as obsolete. The words "Nothing herein shall repeal or otherwise modify the provisions of section 1241-1 of this Appendix" are omitted as unnecessary. The last proviso in 46 App.:1241(b)(1) is omitted as obsolete.

In subsection (b), the word "cargo" is substituted for "equipment, materials, or commodities" to eliminate unnecessary words.

Subchapter II--Export Transportation of Agricultural Commodities

Section 56311 46 App.:1241d

In subsection (a)(1), the word "security" is substituted for "national security objectives" to eliminate unnecessary words.

In subsection (b), the words "Secretary of Agriculture" in clause (1) and "Secretary" in clause (4) are substituted for "Department of Agriculture" because all functions of the Department are vested in the Secretary under 7 U.S.C. 2202, 7 U.S.C. 6911, and Reorganization Plan No. 2 of 1953 (5 App. U.S.C.).

Section 56312 46 App.:1241f(e)

Section 56313 46 App.:1241e

Section 56314:

- 56314(a)(1) 46 App.:1241f(a)
 46 App.:1241o
- 56314(a)(2) 46 App.:1241f(c)(2)
- 56314(b) 46 App.:1241f(b), (d)
- 56314(c) 46 App.:1241f(c)(1), (3), (4)

In subsection (a)(1), the text of 46 App.:1241f(a)(2) is omitted as obsolete. Clauses (A) and (B) are substituted for 46 App.:1241o to improve the organization and to eliminate unnecessary words.

In subsection (a)(2), the words "In order to provide for effective and equitable administration of the cargo preference laws", "calendar", and "for 12 month periods" are omitted as unnecessary.

In subsection (c), the words "transportation on documented commercial vessels" are substituted for "United States-flag transportation" for consistency in the revised title and because of the definition of "documented vessel" in chapter 1 of the revised title. In paragraph (2)(C), before clause (i), the words "or instrumentality" are omitted as unnecessary because of the definition of "agency" in chapter 1. In paragraph (3), the words "documented commercial vessels" are substituted for "United States-flag vessels" for consistency in the revised title and because of the definition of "documented vessel" in chapter 1.

Section 56315 46 App.:1241g

In subsection (a), the words "For fiscal year 1986 and" are omitted as obsolete.

Section 56316:

- 56316(a) 46 App.:1241h(a)
- 56316(b) 46 App.:1241h(b)
- 56316(c) 46 App.:1241h(c)
- 56316(d) 46 App.:1241h(d) (last sentence)
- 56316(e) (1) 46 App.:1241h note. (Dec. 22, 1987, Pub. L. 100-202,
par. under heading "Ocean Freight

Differential")

- 56316(e) (2) 46 App.:1241h(d) (1st sentence)
- 56316(f) 46 App.:1241h(e)

In subsection (b)(2), the words "section 412(e) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736f(e))" are substituted for "section 1733(b) of title 7" because the latter provision, as amended in 1990, no longer contains provisions on valuation of commodities shipped from the inventory of the Commodity Credit Corporation, and a provision substantially the same as former 7 U.S.C. 1733(b) is now at 7 U.S.C. 1736f(e).

In subsection (c)(1), the words "considering the current average market yield on outstanding marketable obligations of the United States Government of comparable maturities during the month before the obligations are issued" are substituted for "taking into consideration the average market yield on outstanding marketable obligations of the United States with remaining periods of maturity comparable to the average maturities of such obligations during the month preceding the issuance of such obligations of the Secretary of Transportation" to eliminate unnecessary words.

In subsection (c)(2), the words "after December 23, 1985" are omitted as obsolete.

In subsection (e)(2), the words "commencing with the fiscal year beginning October 1, 1986" are omitted as obsolete. The words "administrative expenses incurred under this section" are substituted for "the costs, including administrative expenses and the principal and interest due on the obligations to the Secretary of the Treasury incurred under this section" to eliminate redundancy with subsection (e)(1) of the revised title.

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

Section 56317 46 App.:1241j

The words "except to the extent those activities are exempt under section 1707a(b) of title 7" are omitted because the provision referred to has been repealed.

Section 56318 46 App.:1241p

The words "section 1707a(b)(8) of title 7" are omitted because the provision referred to has been repealed.

Subchapter III--American Great Lakes Vessels

Section 56331 46 App.:1241v

In clause (1), the words "but only during the period the designation is in effect" are added for clarity.

In clause (3), the words "created by the Act of May 13, 1954 (33 U.S.C. 981 et seq.)" are omitted as unnecessary.

The definition of "Secretary" in 46 App.:1241v(4) is omitted as unnecessary because the full title of the Secretary of Transportation is used the first time the Secretary is referred to in each section.

Section 56332 46 App.:1241r

In subsection (a), the words "for purposes of sections 1241q to 1241v of this Appendix" are omitted as unnecessary.

In subsection (d), the words "Not later than 60 days after November 28, 1990" are omitted as obsolete.

Section 56333 46 App.:1241q

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

- Section 56334 46 App.:1241s
- Section 56335 46 App.:1241t(a), (c)
- Section 56336 46 App.:1241t(b)

Chapter 565--Mobile Trade Fairs

- Section 56501 46 App.:1122b(a)
- Section 56502 46 App.:1122b(b)
- Section 56503 46 App.:1122b(c)
- Section 56504 46 App.:1122b(d)

Part G--Control Of Merchant Marine Capabilities

Chapter 571--Restrictions On Transfers

- Section 57101 (no source)

This section is added because 46 App.:883-1, restated in section 12113 of the revised title, refers specifically to 46 App.:808, restated partly in this chapter, and to 46 App.:835, restated in this chapter.

Section 57102:

- 57102(a) 46 App.:808(c)
 46 App.:808a
- 57102(b) 46 App.:808(e)
- 57102(c) 46 App.:808(e)

In subsection (a), the text of 46 App.:808a is omitted as unnecessary. In clause (1), the words "owned by a citizen of the United States" are omitted as unnecessary because ownership by a citizen is a requirement for documentation.

- Section 57103 46 App.:835 (less last 4 pars.)

In this section, the words "facility for building or repairing vessels" are substituted for "shipyard, dry dock, shipbuilding or ship-repairing plant or facility" (or similar language) to eliminate unnecessary words.

In subsection (a)(1), the words "operate under the authority of a foreign country" are substituted for "place under any foreign . . . flag" for consistency with section 57102(a)(2) of the revised title.

In subsection (a)(3), the words "under the criteria provided in section 31328(b) and (c) of this title" are substituted for 46 App.:835 (1st (less words after semicolon), last provisos) for consistency with section 31328 and to eliminate unnecessary words.

In subsection (a)(4), the word "agree" is substituted for "enter into any contract agreement, or understanding" to eliminate unnecessary words.

In subsection (a)(5), the word "agree" is substituted for "make any agreement or effect any understanding" to eliminate unnecessary words. The words "or the majority of the voting power" are omitted as covered by "controlling interest".

Subsection (b) is substituted for 46 App.:835(c) (1st proviso words after semicolon) to improve the organization of the section.

Section 57104 46 App.:839 (1st par.)

Section 57105:

- 57105(a) 46 App.:808(d)(2)
 46 App.:835 (1st par. after cl. (f))
- 57105(b) 46 App.:839 (last par.)
- 57105(c) 46 App.:808(d)(4)

In subsections (a) and (b), the words "guilty of a misdemeanor" and "of not more than \$5000" in 46 App.:835 (1st par. after cl. (f)) and 46 App.:839 (last par.) are omitted as superseded by chapter 227 of title 18.

Section 57106:

- 57106(a) 46 App.:808(d)(3)
 46 App.:835 (3d par. after cl. (f))
- 57106(b) 46 App.:836
- 57106(c) 46 App.:837

Subsection (a) consolidates the forfeiture provisions applicable during war or national emergency with those applicable generally, for consistency.

Section 57107 46 App.:808(d)(1)
46 App.:835 (2d par. after cl. (f), last par.)

Subsection (b) is made applicable to all transactions under this chapter (whether or not made during war or national emergency) for consistency.

Section 57108 46 App.:1122a

In subsection (a), the words "account, record, or memorandum" are omitted as unnecessary because the Secretary may prescribe the form of the report by regulation.

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

Chapter 573--Emergency Acquisition Of Vessels

Section 57301 46 App.:1242(a) (1st , 2d sentences)
50 U.S.C. 196 (1st sentence)
50 U.S.C. 197

Subsection (a) is substituted for 46 App.:1242(a) (1st sentence words before 1st comma) and 50 U.S.C. 196 (1st sentence words before 2d comma) and 197 (words before 2d comma) to eliminate unnecessary words. The text of 46 App.:1242(a) (2d sentence) is omitted as superseded by the National Emergencies Act (50 U.S.C. 1601 et seq.).

In subsection (b), before clause (1), the words "acquire by requisition or agreement the ownership or use" are substituted for "requisition or purchase" and "requisition or charter the use" in 46 App.:1242(a) (1st sentence) for clarity.

In subsection (c)(1), the words "buy or charter" are substituted for "acquire by voluntary agreement of purchase or charter the ownership or use" in 50 U.S.C. 197 to eliminate unnecessary words.

In subsection (c)(2), the words "requisition the ownership or use" are substituted for "purchase, or to requisition, or for any part of such period to charter or requisition the use of, or to take over the title to or possession of" in 50 U.S.C. 196 (1st sentence) for clarity, for consistency in the revised section, and to eliminate unnecessary words.

Subsection (d) is substituted for "for any period during such emergency" in 46 App.:1242(a) (1st sentence) and "for any part of such period" in 50 U.S.C. 196 (1st sentence) for clarity.

Section 57302:

- 57302(a) 46 App.:1242(a) (3d sentence words before 2d comma),
(d) (1st par. words before 2d comma)
50 U.S.C. 196 (2d sentence)
- 57302(b) 46 App.:1242(a) (3d sentence words after 2d comma,
last sentence)
- 57302(c) 46 App.:1242(b)
- 57302(d) 50 U.S.C. 196 (3d, last sentences)

In subsection (d), the words "or advances on account thereof" and "upon the certificate of the Secretary of Transportation" are omitted as unnecessary.

Section 57303 46 App.:1242(c) (2d sentence), (d) (1st par. words
after 2d comma)

The words "in the manner provided for by sections 1346 and 1491 of title 28" are omitted as unnecessary.

Section 57304 46 App.:1242(c) (1st, last sentences)

Section 57305 46 App.:1242(a) (4th sentence)

Section 57306 46 App.:1242(d) (last par.)

In this section, the words "encumbrance" and "encumbrances" are substituted for "any valid claim by way of mortgage or maritime claim or attachment lien" and "any valid claim by way of mortgage or maritime lien or attachment lien" to eliminate unnecessary words.

In subsection (b)(1), the words "The Secretary shall publish notice of the creation of the fund in the Federal Register" are added for clarity, based on language barring a civil action not brought within 6 months after publication of such a notice.

In subsection (c)(1), before clause (A), the words "prior to June 30, 1943, or" and "whichever date is later" are omitted as obsolete. The words "according to the principles of libels in rem" are omitted as unnecessary. The words "and such suit shall be commenced in the manner provided by section 742 of this Appendix and service of process shall be made in the manner therein provided by service upon the United States attorney and by mailing by registered mail to the Attorney

General and the Secretary of Transportation" are omitted for consistency with the Federal Rules of Civil Procedure (28 App. U.S.C.) and with the restatement of 46 App.:742 in section 30902 of the revised title. See Henderson v. United States, _____ U.S. _____, 116 S. Ct. 1638 (1996).

In subsection (c)(2), the words "and any decree shall be subject to appeal and revision as now provided in other cases of admiralty and maritime jurisdiction" are omitted as unnecessary.

Section 57307 46 App.:1242(e) (1st sentence related to operation and charter, 2d-last sentences)
50 U.S.C. 198(d) (last sentence)

This section consolidates the source provisions for consistency.

In subsection (a), the words "ownership or use" are substituted for "possession or control" in 46 App.:1242(e) (2d sentence) for consistency in the chapter. The words "upon such terms and conditions as may be approved by the President" in 46 App.:1242(e) (2d sentence) are omitted to conform the provision to 50 U.S.C. 198(d) (last sentence).

In subsection (b), the words "private operators" in 50 U.S.C. 198 are omitted as unnecessary. The words "or to any department or agency of the United States Government" are omitted as covered by subsection (a) of the revised section.

Section 57308 46 App.:1242(e) (1st sentence related to repair, recondition, and reconstruct)
50 U.S.C. 198(d) (1st, 2d sentences)

This section consolidates the source provisions for consistency.

Chapter 575--Essential Vessels Affected By Neutrality Act

Section 57501 46 App.:1242a(a)

Section 57502 46 App.:1242a(b)

Section 57503 46 App.:1242a(c)

Section 57504 46 App.:1242a(d)

Part H--War Risk Insurance

Chapter 581--War Risk Insurance

Section 58101:

- 58101(1) 46 App.:1283(b) (last sentence)
- 58101(2) 46 App.:1281(b)
- 58101(3) 46 App.:1281(c)

In clause (2), the word "fisheries" is substituted for "fishing trade or industry" because of the definition of "fisheries" in chapter 1 of the revised title.

Section 58102 46 App.:1282

Section 58103:

- 58103(a) 46 App.:1281(a)
 46 App.:1283(a) (1st sentence), (b)
 (1st sentence), (c)-(f)
- 58103(b) 46 App.:1283(a) (2d sentence)
- 58103(c) 46 App.:1284

In this section, references to the territories and possessions of the United States are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

In subsection (a)(1)(A), the words "documented vessel" are substituted for "vessel registered, enrolled, or licensed under the laws of the United States" because of the definition of "documented vessel" in chapter 1 of the revised title.

In subsection (a)(1)(B), the words "or any department of agency thereof" are omitted as unnecessary.

In subsection (a)(2), before clause (A), the words "foreign vessel" are substituted for "foreign-flag vessels" for consistency in the revised title. In clause (A), the word "only" is added for clarity.

Section 58104 46 App.:1286

In subsection (a), the words "a vessel" are substituted for "any American- or foreign-flag vessel, public or private" to eliminate unnecessary words.

Section 58105 46 App.:1285

Section 58106 46 App.:1289(a)(2)

In subsection (c), the words "Provided, that in the event of an election by the insured to reject the stated valuation fixed by the

Section 58112 46 App.:1294

Part I--Government-Owned Merchant Vessels

Chapter 591--General Authority

Section 59101 46 App.:1125

In subsection (a), the words "by purchase or otherwise" are omitted as unnecessary. The words "and to pay for the same out of his construction fund" are omitted as obsolete because the construction fund established under 46 App.:1116 is impliedly abolished by 46 App.:1119.

In subsection (b), the words "less depreciation based on a 25-year life for a dry-cargo or passenger vessel and a 20-year life for a tanker or other liquid bulk carrier vessel" are substituted for "less depreciation based upon a twenty-five year life expectancy of the vessel" because of section 9 of the Act of June 12, 1960 (Pub. L. 86-518, 74 Stat. 217), which provided that "Nothing in any amendment made by this Act [including section 1 substituting "twenty-five" for "twenty" in 46 App.:1125] shall operate or be interpreted to change from twenty to twenty-five years the provisions of the Merchant Marine Act, 1936, as amended, relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier."

Section 59102 46 App.:871
46 App.:891b
50 App. U.S.C. 1745(a)

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

Section 59103 46 App.:1125a

Chapter 593--Vessel Trade-In Program

Section 59301 46 App.:1160(a)

In clause (1)(A), the words "or is purchased under section 1204 of this Appendix, as amended, by the person turning in an obsolete vessel under this section" are omitted because the purchase authority under 46 App.:1204 was impliedly repealed by section 14 of the Merchant Ship Sales Act of 1946 (50 App.:1735 note).

Section 59302 46 App.:1160(b) (1st, last sentences)

The words "toward the cost of building or buying a new vessel" are added for clarity. The text of 8 U.S.C. 1160(b) (last sentence) is omitted as obsolete.

Section 59303 46 App.:1160(c)

Section 59304 46 App.:1160(b) (2d sentence)

The words "At the option of the owner" are substituted for "if the owner so requests" for clarity.

Section 59305:

-59305(a) 46 App.:1160(b) (3d sentence), (d)
(1st, 2d sentences)

-59305(b) 46 App.:1160(d) (3d, last sentences)

In subsection (b), the words "pending delivery of the new vessel" are substituted for "during the period of construction of the new vessel" for clarity. The words "for the entire period of such use" are omitted as unnecessary.

Section 59306 46 App.:1160(b) (4th-7th sentences)

Section 59307 46 App.:1160(e)

The words "for gain or loss upon a sale or exchange and for depreciation under the applicable Federal income-tax laws" and "or vessels exchanged for credit upon the acquisition of such new vessel" are omitted as unnecessary.

Section 59308 46 App.:1160(g)

The words "and vessels presently in the Secretary's laid-up fleet which are or become twenty-five years old or more" and "or any such vessel in the laid-up fleet" are omitted as obsolete.

Chapter 595--Build-Charter-Sell Program

Subchapter I--General

Section 59501 46 App.:1191

46 App.:1192 (related to construction authority)

46 App.:1194

46 App.:1204 (less formula)

Before clause (1), the words "the development and maintenance of a sufficient merchant marine" are substituted for "the national policy

declared in section 1101 of this Appendix, and the objectives set forth in section 1120 of this Appendix" in 46 App.:1191 to simplify the language and to avoid the cross references. The words "is not being achieved" are substituted for "cannot be fully realized . . . in whole or in part" in 46 App.:1191 to eliminate unnecessary words. The words "within a reasonable time" in 46 App.:1191 are omitted as obsolete. The words "may carry out a program for" are substituted for "is authorized and directed to complete his long-range program previously adopted as provided in this subchapter" to eliminate unnecessary words.

Clause (1) is substituted for 46 App.:1192 (related to construction authority).

Clause (2) is substituted for 46 App.:1194.

The text of 46 App.:1204 is restated in this section to the extent it provides redundant authority to build and charter vessels. The remainder of 46 App.:1204 is omitted as having been impliedly repealed by section 14 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1735 note).

Section 59502:

- 59502(a) 46 App.:1152(f) (2d sentence related to subch. VII)
 46 App.:1193
- 59502(b) 46 App.:1192 (related to place of construction)

In subsection (a), the words "including the awarding and performance of the contract" are substituted for 46 App.:1193(a), and the text of 46 App.:1193(c) is omitted, to eliminate unnecessary words.

In subsection (b), the words "in shipyards in the continental United States" and "For the purposes of this section, the term "continental United States" includes the States of Alaska and Hawaii" are omitted as unnecessary.

Section 59503 46 App.:808(b)

Section 59504 46 App.:1195 (1st, 2d sentences)

The words "As soon as practicable after June 29, 1936, and continuing thereafter" are omitted as obsolete and unnecessary. In clause (2), the words "as the Secretary of Transportation shall determine" and "and essential" are omitted as unnecessary. The text of 46 App.:1195 (2d sentence) is omitted because: (1) the policy of the United States Government is stated generally in section 50101(b) of the revised title; (2) section 5 of the Merchant Marine Act, 1920 (ch. 250, 41 Stat. 990) was repealed by section 202 of Public Law 100-710 (102 Stat.

4753); and (3) section 7 of the Merchant Marine Act, 1920 (46 App.:866) was executed with respect to 1920 vessel inventory and otherwise superseded by sections 704 and 705 of the Merchant Marine Act, 1936 (46 App.:1194, 1195).

Section 59505 46 App.:1195 (last sentence)

In subsections (a) and (b), clause (2) is added because of section 9 of the Act of June 12, 1960 (Pub. L. 86-518, 74 Stat. 217), which provided that "Nothing in any amendment made by this Act [including section 1 substituting "twenty-five" for "twenty" in 46 App.:1195] shall operate or be interpreted to change from twenty to twenty-five years the provisions of the Merchant Marine Act, 1936, as amended, relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier."

Subchapter II--Demise Charter Provisions

Section 59511 46 App.:1201

The words "for a term the Secretary considers to be" are substituted for "until January 1, 1940, shall be for terms of three years or less as the Secretary of Transportation may decide: Provided, That after January 1, 1940, charters may be executed by the Secretary of Transportation for such terms as the experience gained by the Secretary of Transportation shall indicate are" to eliminate unnecessary and obsolete words.

Section 59512 46 App.:1196(a), (b) (1st sentence related to announcement)

Section 59513 46 App.:1203

Section 59514 46 App.:1196(b) (last sentence)
46 App.:1204 (related to formula)

In subsection (a)(2), clauses (A) and (B) are substituted for "a twenty-five year life" because of section 9 of the Act of June 12, 1960 (Pub. L. 86-518, 74 Stat. 217), which provided that "Nothing in any amendment made by this Act [including section 5 substituting "twenty-five" for "twenty" in 46 App.:1204] shall operate or be interpreted to change from twenty to twenty-five years the provisions of the Merchant Marine Act, 1936, as amended, relating to the commercial expectancy or period of depreciation of any tanker or other liquid bulk carrier."

Section 59515 46 App.:1196(b) (1st sentence related to authority)
46 App.:1197

In subsection (a), the words "qualified bidder" are substituted for "bidder" to eliminate, in subsection (b) of this section, the repetition of qualifications provided for in section 59513 of the revised title. The words "The Secretary may consider a bid too low even though it satisfies the minimum required by section 59514 of this title" are added for clarity.

In subsection (b), the words "may reject all bids" are substituted for "shall have authority to . . . reject any and all bids" in 46 App.:1196(b), "may reject the highest or most advantageous or any other bid" in 46 App.:1197(b), and "may reject all bids" in 46 App.:1197(c) to eliminate unnecessary words. The words "[the Secretary may reject] any other bid, if . . . the Secretary of Transportation determines that the bidder lacks sufficient capital, credit, or experience to operate successfully the line" in 46 App.:1197(b) and "If the highest bid is rejected, the Secretary of Transportation may award the charter to the next highest bidder" in 46 App.:1197(c) are omitted as unnecessary because the substitution of "qualified bidder" for "bidder" in subsection (a) of this section incorporates the qualifications provided for in section 59513 of the revised title.

Section 59516 46 App.:1200

The words "a performance bond" are substituted for "an undertaking with approved sureties as security" for clarity.

Section 59517 46 App.:1202(a)

Section 59518 46 App.:1202(b), (c)

Section 59519 46 App.:1199

In subsection (a), the word "compensation" is substituted for "hire" for clarity.

Section 59520 46 App.:1202(d)

Section 59521 46 App.:1131(b) (related to subch. VII)

The text of 46 App.:1131(b) (1), (2), and (4) is omitted as unnecessary and obsolete.

In clause (1), the words "issued by the Coast Guard" are substituted for "issued by the Bureau of Marine Inspection and Navigation" in section 301(b) (3) of the Merchant Marine Act, 1936, as restated by section 6 of the Act of June 23, 1938 (ch. 600, 52 Stat. 955), because the Bureau of Marine Inspection and Navigation was abolished, and its

functions were transferred to the Coast Guard, by sections 101 and 104 of Reorganization Plan No. 3 of 1946 (5 App. U.S.C.).

Section 59522 46 App.:1211 (related to subch. VII)

Section 59523 46 App.:1198

Subchapter III--Additional Restrictions And Penalties

Section 59541 46 App.:1223(d) (related to subch. VII),
(f) (related to subch. VII)
46 App.:1228 (1st, 2d pars.)

In subsection (a), the words "or to charter any vessel, on which an operating-differential subsidy (ODS) is to be paid, for operation by another person or concern, and if such charter is made, the person or concern operating the chartered vessel or vessels shall be subject to all the terms and provisions of this chapter, including limitations of profits and salaries" in 46 App.:1223(d) are omitted as unnecessary because of termination of the ODS program.

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. The word "willfully" is from 46 App.:1223(f).

Section 59542 46 App.:1222(a) (related to subch. VII), (b)
(related to subch. VII)

Section 59543 46 App.:1223(a) (related to subch. VII)

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.

Section 59544 46 App.:1226 (related to subch. VII)
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 59545 46 App.:1227 (related to subch. VII)

In subsection (c), the words "without respect to the amount in controversy" are omitted because 28 U.S.C. 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.

Chapter 597--Use and Disposition of Vessels

Section 59701 46 App.:1160(j)
50 App. U.S.C. 1744(a)-(c)

The text of 46 App.:1160(j) is omitted as unnecessary.

Section 59702:

-59702(a) 50 App. U.S.C. 1738(c)
50 App. U.S.C. 1738(f)
-59702(b) 50 App. U.S.C. 1738(c)
50 App. U.S.C. 1738(e)

Section 59703 46 App.:1205

Section 59704 50 App. U.S.C. 1741(d)

The words "(including a vessel in the national defense reserve fleet)" are added for clarity.

Section 59705:

-59705(a), (b) 46 App.:1158
-59705(c) 46 App.:864b

In subsection (a), the words "(including a vessel in the national defense reserve fleet)" are added for clarity. The words "is not worth preserving" are substituted for "is of insufficient value for commercial or military operation to warrant its further preservation" for clarity and to eliminate unnecessary words.

Section 59706 46 App.:1160(i)

In subsection (d), the words "without obtaining additional separate approval from the Secretary to transfer the vessel to a person not a citizen of the United States" are substituted for "Notwithstanding the provisions of sections 808 and 835 of this Appendix" for clarity.

Section 59707:

- | | |
|-----------|-------------------|
| -59707(a) | 16 U.S.C. 1220(a) |
| | 16 U.S.C. 1220d |
| -59707(b) | 16 U.S.C. 1220(b) |
| -59707(c) | 16 U.S.C. 1220(c) |
| -59707(d) | 16 U.S.C. 1220a |
| -59707(e) | 16 U.S.C. 1220b |
| -59707(f) | 16 U.S.C. 1220c |

In subsection (a), the definition of "obsolete vessel" in 16 U.S.C. 1220d is omitted, and the authority of the artificial reef program is expanded to cover any vessel designated by the Secretary of Transportation for scrapping.

Part J--Restrictions and Penalties

Chapter 601--Restrictions and Penalties

Section 60101:

- | | |
|-----------|----------------------------------|
| -60101(a) | 46 App.:884 (1st sentence) |
| -60101(b) | 46 App.:884 (2d, last sentences) |

In this section, the words "territory or possession" are substituted for "possession or dependency" for consistency in the revised title.

In subsection (a), the words "When using an undocumented vessel" are substituted for "unless the vessel so transporting such persons or property is, or unless it was at the time of such transportation by water, documented under the laws of the United States" to eliminate unnecessary words. The words "similar property" are substituted for "a like kind of property" to eliminate unnecessary words.

Section 60102 46 App.:1115

In subsection (a), the words "by any means" are substituted for "either directly or indirectly, through the medium of an agreement, conference, association, understanding, or otherwise" to eliminate unnecessary words.

Section 60103 46 App.:1228 (last par.)

Subtitle VI--Miscellaneous

Chapter 701--Arrival and Departure Requirements

Section 70101 46 App.:163

In subsection (a), the words "Secretary of the Treasury" are substituted for "Commissioner of Customs" in 46 App.:163 because of 31 U.S.C. 308 and 321(c). For an explanation of successive transfers of functions under the Act of Mar. 31, 1900, see the transfer of functions note under 46 App.:163. The word "shall" is substituted for "is authorized and directed to" for consistency in the revised title and to eliminate unnecessary words. The word "port" is substituted for "seaports" for consistency in the revised title. The word "secured" is substituted for "placed in security" to eliminate unnecessary words. The words "from time to time", "properly", and "and for that purpose to employ any of the officers of the United States Customs Service" are omitted as unnecessary.

In subsection (b), the words "fined under title 18, imprisoned for not more than 6 months, or both" are substituted for "subject to a penalty of not more than \$100 or imprisonment not to exceed six months, or both" because of chapter 227 of title 18. The words "in the discretion of the court" are omitted as unnecessary.

In subsection (c), the words "section 2279 of title 18" are substituted for "section forty-six hundred and six of the Revised Statutes" in the Act of Mar. 31, 1900, because R.S. sec. 4606 (formerly classified to 46:708, U.S.C. 1946 ed.) was replaced by 18 U.S.C. 2279 in the codification of title 18 by the Act of June 25, 1948 (ch. 645, 62 Stat. 683). The words "section 9 of act August 2, 1882 (22 Stat. 189)" are omitted because that law was repealed by section 4(b) of Public Law 98-89 (Aug. 26, 1983, 97 Stat. 600).

Section 70102 46 App.:42

In subsections (a) and (c), the words "documented vessel" are substituted for "vessel of the United States" because the latter term, as originally defined in R.S. sec. 4131, corresponds more closely to

the term "documented vessel" and not to the term "vessel of the United States" as those terms are defined in 46 U.S.C. 2101. (R.S. sec. 4131 was formerly classified to 46 U.S.C. 221, U.S.C. 1982 ed., and was amended in 1980 so as no longer to define "vessel of the United States".) The definitions of "documented vessel" and "vessel of the United States" in 46 U.S.C. 2101 are being moved to chapter 1 of the revised title and will apply to this section.

In subsection (a), the words "certificate of documentation" and "certificate" are substituted for "register" for consistency with chapter 121 of the revised title. In clause (2), the words "sold or" are omitted as unnecessary. The words "owned only by citizens of the United States" are substituted for "no foreign subject or citizen has . . . any share, by way of trust, confidence, or otherwise" for consistency in the revised title and to eliminate unnecessary words.

In subsection (c), the words "is deemed not to be" are substituted for "shall not be entitled to the privileges of" to eliminate unnecessary words.

Section 70103 46 App.:354
 46 App.:355

In this section, the words "documented vessel" are substituted for "vessel, belonging to citizens of the United States" because only documented vessels will have a certificate of documentation that can be deposited. The words "certificate of documentation" are substituted for "register" and "papers" for consistency with chapter 121 of the revised title and to include documented vessels not having a registry endorsement. The words "sea-letter, and Mediterranean passport" in R.S. sec. 4309 are omitted because the use of those documents was discontinued by Presidential proclamation on April 10, 1815. The words "consular officer" are substituted for "consul or vice consul" for consistency with 22 U.S.C. 4205. The words "commercial agent, or vice commercial agent" in R.S. sec. 4309 and 4310 are omitted because of the abolition of the grade of commercial agent by the Act of Apr. 5, 1906 (ch. 1366, 34 Stat. 99).

In subsection (b), the words "or commanding officer" are omitted as unnecessary and for consistency in the section.

In subsection (c), the word "failing" is substituted for "refuses or neglects" to eliminate unnecessary words. The words "liable to the United States Government for a civil penalty" are substituted for "liable to a penalty" for clarity and for consistency in the revised title.

Section 70104 46 App.:91

Section 70105 46 App.:97

This section is substituted for the source provision to eliminate unnecessary words.

Section 70106 46 App.:100

This section is substituted for the source provision to eliminate unnecessary words.

Section 70107 46 App.:834

This section is substituted for the source provision to eliminate unnecessary words.

Section 70108 46 App.:98

This section is substituted for the source provision to eliminate unnecessary words.

Chapter 703--Tonnage Taxes and Light Money

Section 70301:

- 70301(a) (1) 46 App.:121 (2d sentence words
before semicolon)
- 70301(a) (2) 46 App.:132
- 70301(b) 46 App.:121 (2d sentence words after semicolon)
- 70301(c) 46 App.:121 (note)

In subsection (a) (1) (A), the words "West Indies Islands" are substituted for "West India Islands" to conform to current geographic terminology.

In subsection (a) (1) (B), the reference to the definitions in section 2101 is confined to "recreational vessel" because the definitions of "vessel of the United States" and "barge" are being moved to chapter 1 of the revised title and being made applicable title-wide.

Section 70302:

- 70302(a) 46 App.:121 (1st sentence, 5th sentence words
before semicolon, last sentence words
after semicolon)
- 70302(b) 46 App.:121 (4th sentence words before proviso)
- 70302(c) 46 App.:121 (4th sentence proviso)

In this section, the terms "documented vessel" and "undocumented vessel" are substituted for "vessel of the United States" and "vessel not of the United States", respectively, because the term "vessel of the United States" as originally defined in R.S. sec. 4131 corresponds more closely to the term "documented vessel" and not to the term "vessel of the United States" as those terms are defined in 46 U.S.C. 2101. (R.S. sec. 4131 was formerly classified to 46 U.S.C. 221, U.S.C. 1982 ed., and was amended in 1980 so as no longer to define "vessel of the United States".) The definitions of "documented vessel" and "vessel of the United States" in 46 U.S.C. 2101 are being moved to chapter 1 of the revised title and will apply to this section.

In subsections (a) and (b), the words "Regardless of whether a tax is imposed under section 70301 of this title" are added for clarity. See 19 C.F.R. sec. 4.20(c) (1995).

In subsection (a)(1), the word "owned" is substituted for "belonging" for consistency in the revised title.

In subsection (c), the words "The tax of 50 cents a ton" are substituted for "no such duty" in 46 App.:121 to conform more closely to the language in section 1 of the Act of March 4, 1915 (ch. 171, 38 Stat. 1193). The word "documented" is substituted for "registered" for consistency in the revised title.

The words "In addition to the tonnage-duty above imposed, there shall be paid a tax, at the rate of thirty cents per ton, on vessels which shall be entered at any custom-house within the United States from any foreign port or place" in R.S. sec. 4219 were omitted from the original codification of R.S. sec. 4219 in 46 U.S.C. 121 (U.S.C. 1926 ed., 44 Stat. 1467). A codification note which first appeared in the 1958 edition of the United States Code for 46 U.S.C. 121 says that the words apparently were omitted as superseded and repealed by section 14 of the Act of June 26, 1884 (ch. 121, 23 Stat. 57), as amended by section 11 of the Act of June 19, 1886 (ch. 421, 24 Stat. 81), and section 1 of the Act of April 4, 1888 (ch. 61, 25 Stat. 80). See the tables in the back of this report for the disposition of those laws.

Section 70303:

-70303(a)	46 App.:128 (words before proviso)
-70303(b)	46 App.:129
-70303(c)	46 App.:128 (proviso)

In this section, the terms "documented vessel" and "undocumented vessel" are substituted for "vessel of the United States" and "vessel not of the United States", respectively, for the reasons explained in the revision note for section 70302 of the revised title.

In subsection (a), the word "tax" is substituted for "duty", and the word "imposed" is substituted for "levied and collected", for consistency in the chapter. The words "in the same manner" are omitted as unnecessary.

In subsection (b)(1), before clause (A), the words "does not apply to" are substituted for "shall not be deemed to operate upon" to eliminate unnecessary words. The word "unregistered" is omitted as unnecessary. The word "only" is added for clarity and for consistency in the revised title. In clause (A), the words "Customs Service" are substituted for "customhouse of the United States" to conform to current terminology. The words "owned only by citizens of the United States" are substituted for "American property" for consistency. In clause (B)(ii), the words "sold or" are omitted as unnecessary. The words "owned only by citizens of the United States" are substituted for "no foreign subject or citizen has . . . any share, by way of trust, confidence, or otherwise" to eliminate unnecessary words.

In subsection (b)(2), clause (A) is substituted for "if the same shall be at the port at which the owner or any of the part owners reside", and clause (B) is substituted for "If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect", to eliminate unnecessary words.

Section 70304 46 App.:121 (5th sentence words after semicolon)

The words "If the President is satisfied . . . the President shall suspend the imposition" are substituted for "none of the duties . . . shall be levied . . . if the President of the United States shall be satisfied", the words "does not impose" are substituted for "have been abolished", and the words "special tonnage taxes and light money" are substituted for "duties on tonnage above mentioned", for clarity.

Section 70305 46 App.:121 (3d sentence related to distress)

The words "and light money" are added for clarity and consistency. See 19 C.F.R sec. 4.21 (1995).

Section 70306 46 App.:121 (3d sentence related to trade)

The words "and light money" are added for clarity and consistency. See 19 C.F.R sec. 4.21 (1995).

Section 70307 46 App.:122

The words "documented vessel" are substituted for "if such vessel be licensed, registered, or enrolled" for consistency with chapter 121 of the revised title. The words "belonging to any citizen of the United States" are omitted as unnecessary because, under chapter 121 as amended by this bill, ownership by a citizen of the United States is a requirement for documentation. (See section 171 of the revised title for a list of entities qualifying a citizens of the United States.) The words "and light money" are added for clarity and consistency. See 19 C.F.R sec. 4.21 (1995). The words "coastwise trade" are substituted for "trading from one port within the United States to another port within the United States", and the words "the fisheries" are substituted for "employed in the bank, whale, or other fisheries", for consistency in the revised title and to eliminate unnecessary words.

Section 70308 46 App.:123

The words "or light money" are added for clarity and consistency. See 19 C.F.R sec. 4.21 (1995).

The statutory source for this section, R.S. sec. 2793, is amended by section 7(d) of this bill. See the explanation in this report for that amendment.

Section 70309 46 App.:124

The words "at least 3 trips a week" are substituted for "triweekly or oftener" for clarity. The words "and light money" are added for clarity and consistency. See 19 C.F.R sec. 4.21 (1995). The words "while such service triweekly or oftener is maintained" are omitted as unnecessary.

The statutory source for this section, R.S. sec. 2792, is amended by section 7(d) of this bill. See the explanation in this report for that amendment.

Section 70310 46 App.:125

The words "is exempt from tonnage taxes" are substituted for "no tonnage fees shall be charged" for consistency in the revised chapter. The words "and light money" are added for clarity and consistency. See 19 C.F.R sec. 4.21 (1995). The words "by the officers of the United States" are omitted as unnecessary.

Section 70311 46 App.:133

The words "and possessions thereof" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

Chapter 705--Discriminating Duties and Reciprocal Privileges

Section 70501:

- 70501(a) 19 U.S.C. 130 (1st sentence)
- 70501(b) 19 U.S.C. 131 (words before "nor")
- 70501(c) 19 U.S.C. 131 (words beginning with "nor")
- 70501(d) 19 U.S.C. 130 (last sentence related to
19 U.S.C. 128)

In subsection (a), before clause (1), the words "Except as otherwise provided by law or treaty" are substituted for "unless in cases provided for by treaty" for consistency in this chapter. In clause (1), the words "documented vessel" are substituted for "vessels of the United States" because the latter term, as originally defined in R.S. sec. 4131, corresponds more closely to the term "documented vessel" and not to the term "vessel of the United States" as those terms are defined in 46 U.S.C. 2101. (R.S. sec. 4131 was formerly classified to 46 U.S.C. 221, U.S.C. 1982 ed., and was amended in 1980 so as no longer to define "vessel of the United States".) The definitions of "documented vessel" and "vessel of the United States" in 46 U.S.C. 2101 are being moved to chapter 1 of the revised title and will apply to this section. In clause (2), before subclause (A), the words "owned only by" are substituted for "truly and wholly belong to" for consistency in the revised title.

In subsection (b), the words "or goods, wares, or merchandise imported in vessels" are omitted as unnecessary because of the wording of subsection (a) of the revised section. The word "restriction" is substituted for "regulation" as being more appropriate.

Subsection (d) is substituted for "All goods, wares, or merchandise imported contrary to this section or section 128 of this title, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws" to eliminate unnecessary words.

Section 70502:

- 70502(a) 19 U.S.C. 128
46 App.:146
- 70502(b) 19 U.S.C. 130 (last sentence related to
19 U.S.C. 128)

Subsection (a)(1)(A) is substituted for "which shall be imported in vessels not of the United States" and "but this discriminating duty shall not apply . . . nor to goods, wares, and merchandise imported in a vessel owned by citizens of the United States but not a vessel of the United States if such vessel after entering an American port shall, before leaving the same, be documented under chapter 121 of title 46" for consistency in the revised title and to eliminate unnecessary words.

Subsection (a)(1)(B) is substituted for "or which being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country" and "but this discriminating duty shall not apply . . . nor to such products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade" to eliminate unnecessary words.

Subsection (b) is substituted for the source provision for consistency with section 70501(d) and to eliminate unnecessary words. See note for section 70501(d) in this report.

Section 70503 46 App.:141

In this section, changes are made to eliminate unnecessary words.

Section 70504 46 App.:104

The words "Secretary of the Treasury" and "Secretary" are substituted for "Commissioner of Customs" in 46 App.:104 because of 31 U.S.C. 308 and 321(c). For an explanation of successive transfers of functions under section 5 of the Act of May 28, 1908 (ch. 212, 35 Stat. 425), see the transfer of functions note under 46 App.:104.

Section 70505 46 App.:142

In this section, the words "vessels of the United States" are used instead of both "vessels of the United States" and "American vessels" for consistency in the section. The words "vessels of a foreign country" and "vessels of that country" are substituted for "foreign country whose vessels", "national vessels", "vessels of such foreign country", and similar references, for consistency. The words "ports and waters" and "ports or waters" are substituted for "ports", "harbors, ports, or waters", and "ports, harbors, or waters" for consistency.

In subsection (a), before clause (1), the words "on receiving satisfactory information of the continuance of such discriminations against any vessels of the United States" are omitted as unnecessary. In clause (1), the words "given the same commercial privileges" are

substituted for "placed on the same footing" for clarity and for consistency in the section.

Subsection (b) is substituted for "excluding . . . from the exercise of such commercial privileges in the ports of the United States as are denied to American vessels in the ports of such foreign country, all vessels of such foreign country of a similar character to the vessels of the United States thus discriminated against" for clarity and to eliminate unnecessary words.

Subsection (c) is substituted for "on and after such time as he may indicate" for clarity.

Subsection (d)(1) is substituted for "and on and after the date named in such proclamation for it to take effect, if the master, officer, or agent of any vessel of such foreign country excluded by said proclamation from the exercise of any commercial privileges shall do any act prohibited by said proclamation in the ports, harbors, or waters of the United States for or on account of such vessel, such vessel, and its rigging, tackle, furniture, and boats, and all the goods on board, shall be liable to seizure and to forfeiture to the United States" for consistency in the revised title and to eliminate unnecessary words.

Subsection (d)(2) is substituted for "any person opposing any officer of the United States in the enforcement of this section, or aiding and abetting any other person in such opposition, shall forfeit \$800, and shall be guilty of a misdemeanor, and, upon conviction, shall be liable to imprisonment for a term not exceeding two years" because of chapter 227 of title 18.

Section 70506 46 App.:143

In this section, the words "fishermen or fishing vessels of the United States" are substituted for "American fishing vessels or American fishermen" for consistency in the revised title. The words "are or recently have been denied" are substituted for "are or then lately have been denied or abridged" to eliminate unnecessary words.

In subsection (a), the words before clause (1) are substituted for "Whenever the President of the United States shall be satisfied . . . then, and in either or all of such cases, it shall be lawful, and it shall be the duty of the President of the United States, in his discretion, by proclamation to that effect, to deny vessels, their masters and crews, of the British dominions of North America, any entrance into the waters, ports, or places of or within the United States . . . whether such vessel shall have come directly from said dominions on such destined voyage or by way of some port or place in

such destined voyage elsewhere; and also to deny entry into any port or place of the United States of fresh fish or salt fish or any other product of said dominions, or other goods coming from said dominions to the United States" to eliminate unnecessary words.

In subsection (a)(1)(B), the words "regulations, or requirements" are omitted as unnecessary.

In subsection (a)(1)(C), the words "otherwise harassed" are substituted for "unjustly vexed or harassed in the enjoyment of such rights, . . . or otherwise unjustly vexed or harassed" to eliminate unnecessary words.

In subsection (a)(2), before clause (A), the word "dock" is substituted for "touch" for clarity. In clause (C), the words "otherwise harassed" are substituted for "unjustly vexed or harassed, in respect thereof, or otherwise be unjustly vexed or harassed therein" to eliminate unnecessary words.

In subsection (a)(3)(B), the words "otherwise harassed" are substituted for "unjustly vexed or harassed in respect of the same, or unjustly vexed or harassed therein" to eliminate unnecessary words.

Subsection (b) is substituted for "(with such exceptions in regard to vessels in distress, stress of weather, or needing supplies as to the President shall seem proper)" and "The President may, in his discretion, apply such proclamation to any part or to all of the foregoing named subjects, and may revoke, qualify, limit, and renew such proclamation from time to time as he may deem necessary to the full and just execution of the purposes of this section" to eliminate unnecessary words.

Subsection (c) is substituted for "Every violation of any such proclamation, or any part thereof, is declared illegal, and all vessels and goods so coming or being within the waters, ports, or places of the United States contrary to such proclamation shall be forfeited to the United States; and such forfeiture shall be enforced and proceeded upon in the same manner and with the same effect as in the case of vessels or goods whose importation or coming to or being in the waters or ports of the United States contrary to law may be enforced and proceeded upon. Every person who shall violate any of the provisions of this section, or such proclamation of the President made in pursuance hereof, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding \$1,000, or by imprisonment for a term not exceeding two years, or by both said punishments, in the discretion of the court." for consistency in the revised title and with chapter 227 of title 18 and to eliminate unnecessary words.

Section 70507:

- 70507(a) 46 App.:144 (1st par. words before 3d comma)
- 70507(b) 46 App.:144 (1st par. words after 3d comma)
- 70507(c) 46 App.:144 (last par.)
- 70507(d) 46 App.:145

In this section, the word "cargo" is substituted for "cargo", "cargoes", "portions or cargoes", "freight", and "freight of whatever kind or description" for consistency in the revised title.

Subsection (a) is substituted for "With a view of securing reciprocal advantages for the citizens, ports, and vessels of the United States" to improve the organization of the section.

In subsection (b), the words "and so often as" are omitted as unnecessary. The word "burdened" is substituted for "made difficult or burdensome", the word "unreasonable" is substituted for "reciprocally unjust and unreasonable", the words "the President by proclamation may suspend" are substituted for "he shall have the power, and it shall be his duty, to suspend by proclamation to that effect", the words "even when carried in vessels of the United States" are substituted for "whether carried in vessels of the United States or of other nations", and the words "The suspension shall apply to the extent and for the time the President considers appropriate" are substituted for "for such time and to such extent (including absolute prohibition) as he shall deem just", to eliminate unnecessary words.

In subsection (c)(1), the words "the President shall impose a toll of" are substituted for "tolls shall be levied, collected, and paid as follows, to wit: . . . as shall be from time to time determined by the President" for clarity and to eliminate unnecessary words.

In subsection (c)(2), the word "landed" is substituted for "carried to and landed" to eliminate unnecessary words.

In subsection (d)(1), the words "Secretary of the Treasury" are substituted for "Commissioner of Customs" in 46 App.:145 because of 31 U.S.C. 308 and 321(c). For an explanation of successive transfers of functions under the Act of July 26, 1892 (ch. 248, 27 Stat. 267), see the transfer of functions note under 46 App.:145.

In subsection (d)(2), the words "a port described in subsection (c)(2) of this section" are substituted for "some port or place within the limits above named" for clarity.

Chapter 707--Wrecks and Salvage

Section 70701 46 App.:721

In this section, the words "consular officer" are substituted for "Consuls and vice consuls" and "consul or vice consul" for consistency in the revised title.

Subsection (a)(1) is substituted for "as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved" to eliminate unnecessary words.

Section 70702 46 App.:724

In subsection (a), the words "the district court of the United States for a judicial district of Florida" are substituted for "the district court for the district of Florida" because Florida now has more than one judicial district.

In subsection (b)(1), the words "properly equipped" are substituted for "properly and sufficiently fitted and equipped" to eliminate unnecessary words.

Section 70703 46 App.:722
46 App.:723

In subsection (a), the words "of any description whatsoever" are omitted as unnecessary.

In subsection (b), the words "transporting property described in subsection (a) of this section" are substituted for "which shall be engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals, within the jurisdiction of the United States, on the coast of Florida" to eliminate unnecessary words. The words "may be seized by, and forfeited to, the United States Government" are substituted for "shall . . . be forfeited" for consistency in the revised title. The words "together with her tackle, apparel, and furniture" are omitted as unnecessary. The words "accrues half to the informer and half to the Government" are substituted for "one moiety to the informer and the other to the United States" to use more commonly understood language.

Section 70704 46 App.:725

In subsection (a), before clause (1), the word "equipment" is substituted for "appurtenance" to use more commonly understood language. The words "and assistance" are omitted as unnecessary.

Subsection (b) is substituted for "this section shall cease to be in force and effect from and after the date of the proclamation of the President of the United States to the effect that said reciprocal privilege has been withdrawn, revoked, or rendered inoperative by the said Government of the Dominion of Canada" to eliminate unnecessary words.

Section 70705 46 App.:726

Section 70706:

-70706(a) 46 App.:729

-70706(b) 46 App.:727

-70706(c) 46 App.:730

-70706(d) 46 App.:731

In subsection (c), the words "civil action" are substituted for "suit", the words "must be brought within 2 years after" are substituted for "shall not be maintainable if brought later than two years from", and the word "seize" is substituted for "arresting", for consistency in the revised title. The words "of the plaintiff's residence or principal place of business" are substituted for "in which the libelant resides or has his principal place of business" for consistency and to eliminate unnecessary words.

Section 70707 (no source)

Chapter 709--Ice and Derelicts

Section 70901 46 App.:738

Section 70902 46 App.:738a

In subsections (d) and (e), the words "head of the Department in which the Coast Guard is operating" are substituted for "Commandant of the Coast Guard, under the direction of the Secretary of Transportation" and "Commandant of the Coast Guard", and the words "request of the head of that Department" are substituted for "request of the Secretary of Transportation", for consistency in the revised title.

Section 70903 46 App.:738c

In subsection (b), the words "liable to the United States Government for a civil penalty" are substituted for "liable to a fine" for clarity and for consistency in the revised title. The words "for each offense" are omitted as unnecessary.

Chapter 711--Safe Containers for International Cargo

Section 71101 46 App.:1501

In the definition of "international transport", clauses (A) and (B) are substituted for 46 App.:1501(d)(1)-(3) to eliminate unnecessary words.

In the definition of "owner", the words "includes the lessee or bailee of a container if a written lease or bailment provides for the lessee or bailee to exercise the owner's responsibility for maintaining and examining the container" are substituted for "means a person who owns a container, or, if a written lease or bailment provides for the lessee or bailee to exercise the owner's responsibility for maintaining and examining the container, the lessee or bailee of a container, to the extent such agreement so provides" to eliminate unnecessary words.

The definition of "Secretary" is omitted as unnecessary because the full title of the Secretary is used the first time the term appears in each section. The definition of "United States" is omitted because it is defined in chapter 1 of the revised title. The definitions of "new container" and "existing container" are omitted as obsolete.

Section 71102 46 App.:1502(a) (related to application
of Convention)

This section restates the applicability criteria of 46 App.:1502(a)(1) and (2) to improve the organization of the chapter.

Section 71103:

- 71103(a) 46 App.:1503(a)
- 71103(b) 46 App.:1503(b)
- 71103(c) 46 App.:1503(c) (1)
- 71103(d) 46 App.:1503(c) (3)
- 71103(e) 46 App.:1503(e).

In subsection (a), the words "On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention," and "and, unless an earlier date is specifically provided," are omitted as obsolete.

In subsection (b), before clause (1), the words "as soon as practicable after December 13, 1977" are omitted as obsolete. The word "prescribe" is substituted for "promulgate, and from time to time, amend" for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words. The words "he deems necessary for such enforcement" and "among other things" are omitted as unnecessary. In clause (1), the words "existing" and "new" are omitted as obsolete.

In subsections (c) and (d), the words "At any time after December 13, 1977" are omitted as obsolete.

Section 71104 46 App.:1502(a) (related to approval and examination)

In this section, the words "Beginning on the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention, for new containers, and beginning on September 6, 1982, for existing containers" are omitted as obsolete.

In subsections (a)(1) and (b)(1), the words "government of another country that is a party to the Convention" are substituted for "administration of another contracting party to the Convention" for clarity.

In subsection (c), the word "initial" is added for consistency in the section.

Section 71105 46 App.:1504

In subsection (a), before clause (1), the words "On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention" are omitted as obsolete. The words "and regulations prescribed under this chapter" are added for clarity. In clause (1), the words "new . . . and

existing containers which are subject to this chapter" are omitted as obsolete. Clauses (2) and (3) are substituted for "test, inspect, and approve designs for new containers and new containers being manufactured" to eliminate unnecessary words. In clause (4), before subclause (A), the words "is subject to this chapter" are omitted as unnecessary. In subclause (A), the word "valid" is omitted as unnecessary. In clause (5), the words "or regulations prescribed under this chapter" are added for consistency. In clause (6), the word "valid" is omitted as unnecessary.

In subsection (b)(3), the words "appropriation for the operating expenses of the Coast Guard" are substituted for "appropriations bearing the cost thereof" for clarity.

In subsection (d)(2), the word "reasonably" is omitted as unnecessary.

In subsection (d)(3), the words "which first occurs" are omitted as unnecessary. In clause (A), the words "the Secretary declares" are substituted for "is declared by the Secretary, or under regulations promulgated by the Secretary" to eliminate unnecessary words.

Section 71106 46 App.:1503(c)(2), (d)

Subsections (a) and (f) are substituted for 46 App.:1503(c)(2) and (d) (1st sentence) to improve the organization of the section.

In subsection (b)(1), the words "person to whom authority is to be delegated" are substituted for "person, public or private agency, or nonprofit organization as a recipient of delegated functions under such subsection" to eliminate unnecessary words.

Subsection (b)(2) is substituted for "the manner in which such recipient shall carry out such delegated functions, including the records such recipient must keep, and a detailed description of the exact functions such recipient may exercise" to eliminate unnecessary words.

Subsections (c)-(e) are substituted for 46 App.:1503(d) (last par.) to improve the organization of the section and to eliminate unnecessary words.

Section 71107 46 App.:1506

In subsection (a), the words "in any manner" and "to the Secretary or his agents" are omitted as unnecessary. The words "or a regulation prescribed under this chapter" are added for consistency.

In subsection (b), the words "employee alleging to be the subject of a violation of subsection (a) of this section may file a complaint" are substituted for "employee who believes that he has been discharged or discriminated against in violation of this section may . . . file a complaint alleging discrimination" to eliminate unnecessary words.

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

Section 71108 46 App.:1507

Section 71109 46 App.:1505

In subsection (a), the words "On and after the date the instrument of ratification is deposited by the United States in accordance with the provisions of article VII of the Convention" are omitted as obsolete. The words "liable to the United States Government for a civil penalty" are substituted for "subject to a civil penalty", and the words "Each day of a continuing violation" are substituted for "Each day the container remains in service while the order is in effect", for consistency in the revised title.

In subsection (b)(2), the words "In determining the amount of" are substituted for "In assessing, remitting, mitigating, or compromising" to eliminate unnecessary words.

Chapter 713--Maritime Security

Section 71301 46 App.:1807

In clause (2), the term "vessel of the United States" is omitted because the definition of that term in 46 U.S.C. 2101 is being moved to chapter 1 of the revised title and will apply generally throughout the title.

Section 71302 46 App.:1801

The word "vessel" is substituted for "shipboard", for consistency in the revised title. The words "and commends him on his efforts to date" are omitted as unnecessary.

Section 71303:

-71303(a) 46 App.:1803(a), (b)

-71303(b) 46 App.:1803(d)

-71303(c) 46 App.:1803(e)

Section 71304 46 App.:1804

Section 71305 46 App.:1805

In subsection (a), the words "in any way" are omitted as unnecessary. The words "foreign commerce common carrier to operate a passenger vessel" are substituted for "passenger vessel common carrier to operate" for consistency with the definitions in section 71301 of the revised title.

In subsection (b), the words "passenger vessel of a foreign commerce common carrier" are substituted for "passenger vessel common carrier" for consistency.

Section 71306 46 App.:1802
 46 App.:1809

The words "February 28 of each year" are substituted for "February 28, 1987, and annually thereafter" in 46 App.:1802 to eliminate obsolete language. The words "To the extent practicable, the reports required under sections 903, 905, and 907 [46 App. U.S.C. 1801 note, 1802, 1803] shall be consolidated into a single document before being submitted to the Congress" in 46 App.:1809(a) are omitted as unnecessary and obsolete because sections 903 and 907 are being omitted from the revised title and repealed as obsolete. The words "Committee on International Relations" are substituted for "Committee on Foreign Affairs", and the words

?? National Security??

"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.

Chapter 715--Maritime Drug Law Enforcement

Section 71501 46 App.:1902

Section 71502:

- 71502(a) 46 App.:1903(i)
- 71502(b) 46 App.:1903(b)
- 71502(c) 46 App.:1903(c)(1)
- 71502(d) 46 App.:1903(c)(2)
- 71502(e) 46 App.:1903(c)(3)

In subsection (b)(1), the words "a vessel of the United States (as defined in section 119 of this title)" are substituted for "a vessel

documented under chapter 121 of title 46 or a vessel numbered as provided in chapter 123 of that title" for consistency in the revised title.

In subsection (b)(2), before clause (A), the words "individual who is a citizen of the United States" are substituted for "a citizen or national of the United States" because of the definition of "citizen of the United States" in section 104(1) of the revised title. The words "or a territory, commonwealth, or possession of the United States" and "or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States" are omitted as unnecessary because of the definition of "State" in chapter 1 of the revised title.

In subsection (b)(3), the words "documented under the laws of a foreign country, or operated under the flag of a foreign country" are substituted for "placed under foreign registry or a foreign flag" for consistency in the revised title.

In subsection (c)(1)(C), the words "a vessel documented under the laws of a foreign country whose government consents to" are substituted for "a vessel registered in a foreign nation where the flag nation has consented or waived objection to" for consistency and to eliminate unnecessary words.

In subsection (c)(2), the words "or waiver of objection" are omitted because they are not used in subsection (c)(1)(C) or (E).

Section 71503:

-71503(a)(1)	46 App.:1903(a)
-71503(a)(2)	46 App.:1903(h)
-71503(b)	46 App.:1903(e)

In subsection (a)(1), before clause (A), the words "may not" are substituted for "It is unlawful for" for consistency in the revised title and to eliminate unnecessary words.

In subsection (a)(2), the words "applies to" are substituted for "is intended to reach" for clarity and to eliminate unnecessary words.

In subsection (b)(3), the words "deny a defense" and "disprove the defense" are substituted for "negative the exception" for clarity.

Section 71504 46 App.:1903(f)

Section 71505 46 App.:1903(d)

Section 71506:

-71506(a) 46 App.:1903(g)
-71506(b) 46 App.:1903(j)

In subsection (b), the words "the commission of which was the object of the attempt or conspiracy" are omitted as unnecessary.

Section 71507 46 App.:1904

Section 6--Additional Amendments to title 46

Section 6 of the bill makes conforming amendments to provisions in title 46 that are not being restated, primarily to amend existing provisions to reflect the extensive, revised material being added to the title. Explanations are given only as necessary. Examples of these non-substantive changes are (1) revised citations to laws that have been restated, (2) the repeal of provisions (such as definitions being moved out of chapters 21 and 121 to chapter 1) that would otherwise be redundant following restatement, and (3) correction of typographical errors, whatever their source.

Section 6(1): Section 6(1) of the bill amends Section 2101 of title 46 to repeal certain definitions restated in chapter 1 of title 46 and to make other conforming amendments.

Section 6(5): Section 6(5) of the bill adds section 2116 to title 46 based on 46 App.:446.

Section 6(13): Section 6(13) of the bill amends sections 3901 and 3902 of title 46 to combine their existing text as one section (with necessary technical changes) and to substitute a new section 3902 based on 46 App.:466c.

Section 6(17): Section 6(18) of the bill amends section 11101 of title 46 to restate the exception for sailing school vessels currently in 46 App.:446b (related to 46:11101(a)-(c)) and to make other conforming amendments.

Section 6(18): Section 6(19) of the bill amends section 12307 of title 46 to add a new subsection (b) for consistency with sections 12501(bX2) and 12503(aX2) of title 46.

Section 6(19): Section 6(20) of the bill amends section 12501(a) of title 46 to delete language that is surplus because of the definition of "vessel of the United States" in section 119 of title 46.

Sections (26) and (27): Sections (26) and (27) of the bill amend sections 31322(a) and 31329 of title 46 to substitute language consistent with section 171 of title 46 and to make other conforming amendments.

Section 7-Conforming Amendments to other Laws

Section 7 of the bill makes technical corrections and conforming amendments to the positive law titles of the United States Code and to the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.). Explanations are given only as necessary.

Section 7(b)(1): In section 7(b)(1) of the bill, the amendment to section 362(b)(13) of title 11 does not include a reference to section 707 of title 46 (based on 46 App.:1117) because section 707 does not apply to the Secretary of Commerce.

Section 7(e)(1): Section 7(e)(1) of the bill amends section 2793 of the Revised Statutes, which appears in the United States Code at 3 places with editorial variations. The version at 46 App.:123 includes the language about tonnage tax but omits the language about entry fees and clearance fees. The versions at 19:288 and 46 App.:111, which are identical, include the language about entry fees and clearance fees but omit the language about tonnage tax. Section 2793 is being amended to strike the language about tonnage tax because section 2793, insofar as it relates to tonnage tax, is being restated in title 46. Section 2793, as amended by this section, will relate only to entry fees and clearance fees and will be classified only to 19:288.

Section 7(e)(2): Section 7(e)(2) of the bill amends section 434 of the Tariff Act of 1930 (19 U.S.C. 1434) by striking the requirement about oath of ownership because it is covered by provisions restated in chapter 701 of title 46.

Section 7(e)(3): Section 7(e)(3) of the bill amends section 3 of the Anti-Smuggling Act (19 U.S.C. 1703) to add a new subsection which is based on 46 App.:262 and the part of 46 App.:319 not restated in title 46.

Section 7(g)(2): In section 7(g)(2) of the bill, the amendment to section 2342(3)(A) of title 28 does not include references to sections 171 and 172 of title 46 (based on 46 App.:802, 803) because no rules, regulations, or final orders are issued under section 171 or 172, but are issued under other sections applying section 171 or 172.

Section 7(h): Section 7(h) of the bill amends sections 4 and 7(b) of the Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (46

U.S.C. 12102(note), 12108(note)) to substitute language consistent with section 171 and chapter 121 of title 46.

Section 7(i)(1): Section 7(i)(1) of the bill amends 49 U.S.C. 109 to establish in law the Maritime Administration, in place of the existing authority under Reorganization Plans dating back to 1949.

Revised Section	Source (U.S.Code)
109(a)	46 App.:1111 note (Reorg. Plan No. 21 of 1950, eff. May 24, 1950, sec. 201) 46 App.:1601 49 U.S.C. 109
109(b)	46 App.:1111 note (Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, sec. 201) 46 App.:1603
109(c)	46 App.:1111 note (Reorg. Plan No. 21)
109(d)	46 App.:1111 note (Reorg. Plan No. 21) 46 App.:1602
109(e)	46 App.:1213(b)
109(f)	46 App.:1122(d).
109(g)	46 App.:1111(f) (2d sentence related to Secretary).
109(h)	46 App.:1117 (related to Secretary).
109(i)(1), (2)	46 App.:1119.
109(i)(3)	46 App.:1295c-1.(Pub. L. 100-202, sec. 101(a) (last proviso in par. under heading "Operations and Training")

In subsection (b), the words "The Assistant Secretary of Commerce for Maritime Affairs shall, ex officio, be the Administrator" in section 201 of Reorganization Plan No. 7 of 1961 are omitted as superseded by 46 App.:1601 and 1603. The words "and who shall be compensated at the rate provided for level III of the Executive Schedule" in 46 App.:1603 are omitted as unnecessary because of 5:5314.

In subsection (c), the word "Secretary" means the "Secretary of Transportation" because under 46 App.:1602 all functions, powers, and duties relating to the Maritime Administration were transferred from the Secretary of Commerce to the Secretary of Transportation. The words "in the competitive service" are substituted for "under the classified civil service" because of 5:2102(c). The words "Provided, That such Deputy Administrator shall at no time sit as a member or acting member of the Federal Maritime Board" are omitted as obsolete because section 304 of Reorganization Plan No. 7 of 1961 (46 App.:1111 note) abolished the Federal Maritime Board.

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

In subsection (h)(2), the words "according to approved commercial practice as provided in the Act of March 20, 1922 (42 Stat. 444)" are omitted as obsolete and unnecessary.

In subsection (i)(2), the words "Notwithstanding any other provision of this chapter or any other law" are omitted as unnecessary. In clause

(7), the words "national defense reserve fleet" are substituted for "reserve fleet" for clarity. Clause (8) is substituted for "(7) maritime training at the Merchant Marine Academy at Kings Point, New York", "(8) financial assistance to State maritime academies under section 1295c of this Appendix", "(10) expenses necessary for additional training provided under section 1295d of this Appendix", and "(10) expenses necessary to carry out subchapter XIII of this chapter" because of the reorganization of the revised title and to eliminate unnecessary words. The text of 46 App.:1119 (proviso) is omitted as obsolete.

Section 7(i)(1): Section 7(i)(1) of the bill amends section 4380 of the Revised Statutes (46 App. U.S.C. 328) to eliminate the reference to sections of title 50 of the Revised Statutes being replaced by a corresponding provision in title 46 or otherwise repealed. The remaining relevant sections of title 50 of the Revised Statutes referred to in section 4380 and currently classified to title 46, appendix, will be transferred to title 19. See table __ in this report.

Section 7(i)(2): Section (i)(2) of the bill amends the Act of April 18, 1874 (46 App. U.S.C. 336) to restate more clearly the exemption from customs and other fees for certain vessels engaged on the internal waters of a State. The exemption from other requirements, to the extent appropriate, is stated separately at other places in title 46.

Section 8-Legislative Purpose And Construction

Section 8 of the bill states explicitly that the restated provisions of law in this bill may not be construed as making a substantive change in the laws replaced. This section also provides for the possible enactment of maritime laws subsequent to the cutoff date (January 1, 2002) for incorporation of laws into the restatement. It states that laws enacted on or after January 1, 2001, that are inconsistent with the bill would supersede the bill's provisions to the extent of the inconsistency.

Section 8 also provides for the continued effectiveness of references to laws replaced by the bill, to regulations issued under replaced authority, and to enforcement of the laws replaced. The section also provides for the "severability" of any provision held to be invalid.

Sec. 9-Repeals

Section 9 of the bill contains a list of laws and reorganization plans that would be repealed (as redundant or obsolete) upon enactment of the restated title 46 as positive law.