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Benedict on Admiralty

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Volume 1: Jurisdiction Chapters I - XIV
1 SPECIAL ALERT TO VOLUME 1

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Scope

THE RECODIFICATION OF TITLE 46

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I. INTRODUCTION

In October 2006, Congress passed an Act to complete the restatement and recodification of title 46 of the United States Code, which includes a major portion of U.S. maritime legislation. *See* Pub. L. No. 109-304, 120 Stat. 1485 (2006). The new Act, a joint project of the Department of Transportation and the Office of the Law Revision Counsel of the House of Representatives, restates most of the provisions that were until recently found in the appendix to title 46 and enacts them as positive law within the statutory framework that was created in 1983 when the first portion of title 46 was recodified.

Like all codification legislation, the new Act was not intended to make substantive changes in the law. The purpose was simply to restate existing law to conform to "the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections both of substance and of form." 2 *U.S.C. § 285b(1)*. Thus the judicial decisions and other authorities construing the prior statutory language continue to be valuable sources for understanding the meaning of the current law.

II. HISTORICAL BACKGROUND

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For most of the twentieth century, various government agencies attempted to update and codify U.S. shipping laws. In 1916, the Shipping Board (a predecessor of the current Maritime Administration) undertook an examination of these laws, but Congress never acted on its recommendations. Immediately after World War II, bills to codify the shipping laws were introduced in two Congresses, but neither passed. For much of the 1960s, the Maritime Administration, the Coast Guard, and the Customs Service worked with Congress to propose new legislation, but the effort apparently stalled in the administrative reorganization that created the Department of Transportation.

In 1983, Congress finally took the first step in the process of revising title 46 and enacting it into positive law. In Public Law 98-89, 97 Stat. 509, Congress enacted subtitle II of title 46, and (in section 2(j)) gave the Federal Maritime Commission and the Department of Transportation two years to "submit to Congress a proposed codification of the laws within their respective jurisdictions related to shipping and maritime matters."

In the meantime, Congress moved the unrecodified provisions of the previous title 46 into an appendix in which the familiar section numbers were retained. Thus the Jones Act, which until 1983 had been codified at *46 U.S.C. § 688*, temporarily found a new home at *46 U.S.C. app. § 688*. (It is now codified at *46 U.S.C. §§ 30104-05*.) The Admiralty Extension Act similarly moved to *46 U.S.C. app. § 740* (until its latest move to *46 U.S.C. § 30101*). For older statutes, that change represented just one more in a series of recodifications. The Limitation Act was originally passed in 1851. 9 Stat. 635. It was then codified, as amended, in the Revised Statutes, which were enacted as positive law in 1874. 18 Stat. 831-833. With the promulgation of the U.S. Code in 1926, it was recodified (but not as positive law this time) at *46 U.S.C. §§ 181-188*. It then moved to the appendix to title 46. It has now been recodified -- and again enacted as positive law -- as *46 U.S.C. §§ 30501-12*.

Although the recodification of title 46 did not proceed as quickly as Congress had intended, the process did continue. In 1988, for example, the Federal Maritime Lien Act and the Ship Mortgage Act were recodified as *46 U.S.C. §§ 30101, 31301-31343*, and these provisions were enacted into positive law. 102 Stat. 4735.

The 2006 Act completes the process, recodifying almost all of the provisions that had been included in the appendix and enabling all of title 46 to be cited as positive law.

III. THE SPECIAL PROBLEMS OF COGSA AND THE JONES ACT

Two statutes that had been included in the appendix to title 46 created special problems for the recodification project. The Carriage of Goods by Sea Act (COGSA), ch. 229, 49 Stat. 1207 (1936) (until recently codified at *46 U.S.C. app. §§ 1300-15*), is not an ordinary statute but the U.S. enactment of an international convention popularly known as the Hague Rules. Congress thought it would be inappropriate for a treaty party to unilaterally modify what was, in essence, the language of the treaty. See Michael F. Sturley, *Reflections on the Recodification of Title 46*, 2 BENEDICT'S MAR. BULL. 209, 214-215 (2004). Furthermore, the United States is currently participating in international negotiations to modernize the Hague Rules, which will soon provide a new convention to supersede COGSA. Thus it would be particularly inappropriate to amend COGSA while these negotiations are pending. See *id.* at 215.

As a result of these difficulties, Congress decided that COGSA should simply drop out of title 46 and become an uncoded statute (pending the completion of the international negotiations). COGSA remains in force (and is properly cited by its original section numbers), but it appears in the U.S. Code only as a note following *46 U.S.C. § 30701* (the first section of the recodified Harter Act). Although this may create some practical difficulties for a time, they should be easily resolved once people recognize what has happened. For the time being, a suitable citation form for a COGSA provision, such as the section 4(5) package limitation, would be as follows: Carriage of Goods by Sea Act § 4(5), ch. 229, 49 Stat. 1207 (1936), *reprinted in* note following *46 U.S.C. § 30701* (previously codified at *46 U.S.C. app. § 1304(5)* (2000)). This suggested form tells the reader: (1) the official source from 1936, (2) the location where the text will be found in the 2006 edition of the U.S. Code, and (3) the familiar way in which the statute has been cited for the

last 25 years.

The Jones Act, 46 U.S.C. §§ 30104-05 (until recently codified at 46 U.S.C. app. § 688) has created a very different sort of problem. When Congress passed the statute in 1920 (after an earlier attempt had been held ineffective), Merchant Marine Act, ch. 250, § 33, 41 Stat. 1007, 988 (1920), serious questions were raised about the constitutionality of the new provision. The Supreme Court resolved these constitutional objections by construing the Act to have a very different meaning than the plain language might have suggested. See *Panama Railroad Co. v. Johnson*, 264 U.S. 375 (1924). Thus the statute operated for over eighty years with a meaning that was not clearly revealed in the statutory language.

Unfortunately, the new section 30104 clarifies and simplifies the language that Congress passed in 1920 rather than the interpretation adopted by the *Panama Railroad* Court in 1924. If today's courts were to take the new statutory language at face value, that might accomplish a significant change in the substantive meaning of the statute--a change that was not intended in the codification statute. To correct any potential problem, an "update bill" has been prepared to correct this problem (and address some other minor issues). It should not be controversial and is expected to pass as soon as Congress takes up the issue. When it does, the accepted meaning of the Jones Act will be confirmed (and the new language will be read into the 2006 recodification).

IV. DISPOSITION TABLES

The following tables (reprinted from a report accompanying H.R. 1442) show the disposition of existing provisions affected by the bill. These tables include provisions from titles 19, 46, 46 Appendix, and 48 of the United States Code and provisions of certain Reorganization Plans.

Title 19

Section	Disposition (Title 46 unless otherwise specified)
128.....	60502
130 (1st sentence).....	60501
130 (last sentence related to 19:128).....	60502
130 (last sentence related to 19:130).....	60501
131.....	60501

Title 46 (Already Enacted as Positive Law)

Section	Disposition (Title 46 unless otherwise specified)
2101(2).....	102
2101(3).....	103
2101(3a).....	104
2101(6).....	105
2101(10).....	106
2101(10a).....	107
2101(12).....	110

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2101(17b).....	111
2101(36).....	112
2101(41).....	113
2101(44).....	114
2101(45).....	115
2101(46).....	116
2108.....	504
12101(a)(1).....	108
12101(a)(2), (b).....	12101
12101 note (Pub. L. 104-324, § 1117).....	55113
12102(a) (related to tonnage).....	12102
12102(a).....	12103
12102(b).....	12103
12102(c).....	12113
12102(d).....	12111
12102 note (Pub. L. 105-277, § 203(b)-(e)).....	12113
12103(a) (less filing by owner).....	12105
12103(a) (related to filing by own- er).....	12104
12103(b).....	12104
12103(c), (d).....	12105
12103(e).....	12133
12103a.....	12105
12104.....	12134
12105.....	12111
12106(a).....	12112
12106(b).....	12102, 12112
12106(c).....	12116
12106(d).....	12117
12106(e), (f).....	12119
12106 note (Pub. L. 105-383, §§ 502-504).....	12121
12108(a).....	12113
12108(b).....	12102, 12113
12108(c).....	12116
12108(d).....	12113
12109.....	12114

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12110(a), (b).....	12102
12110(c).....	12114
12110(d).....	12131
12111(a).....	12135
12111(b)-(d).....	12136
12112.....	12115
12117.....	12137
12119.....	12138
12119 note (Pub. L. 107-295, § 403).....	12138
12120.....	12139
12122.....	12151
12123.....	12152
12124.....	12106

Title 46 Appendix

Section	Disposition (Title 46 unless otherwise specified)
3 note prec. (Act 12-27-1950, §§ 1, 2).....	501
3.....	Superseded. Provided that the Commissioner of Customs shall supervise the laws relating to the admeasurement of vessels and the assignment of signal letters and official numbers, and that the Commissioner's decision relating to the interpretation of those laws and the collection and refund of tonnage taxes is final. These functions have been transferred to other officials.
9(a), (b).....	Previously repealed.
9(c).....	Obsolete reporting requirement.
9(d).....	Previously repealed.
14 (words before last proviso).....	12107
14 (last proviso).....	12151
42.....	60103
57.....	60102
59.....	Obsolete. Provides penalty for officials neglecting to perform acts required by title 48 of the Revised Statutes.
91.....	60105
97.....	60106
98.....	60109

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100.....	60107
104.....	60504
111.....	Omitted but not repealed. Provides that Great Lakes trade does not make vessel liable to entry and clearance fees. Same provision at 19 U.S.C. 288.
121 (1st sentence).....	60302
121 (2d sentence).....	60301
121 (3d sentence related to distress).....	60305
121 (3d sentence related to trade).....	60306
121 (4th sentence).....	60302
121 (5th sentence words before semi-colon).....	60302
121 (5th sentence words after semi-colon).....	60304
121 (last sentence words before semi-colon).....	60312
121 (last sentence words after semi-colon).....	60302
122.....	60307
123.....	60308
124.....	60309
125.....	60310
128, 129.....	60303
132.....	60301
133, 134.....	60311
135.....	60312
141.....	60503
142.....	60505
143.....	60506
144, 145.....	60507
146.....	60502
163.....	60101
181.....	30503
182.....	30504
183(a).....	30505
183(b) (1st sentence).....	30506
183(b) (last sentence).....	30507
183(c)-(e).....	30506

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183(f) (related to 46 App.:183(b)-(e)).....	30506
183(f) (related to 46 App.:183b).....	30508
183(g).....	30510
183b.....	30508
183c.....	30509
184.....	30507
185.....	30511
186.....	30501
187.....	30512
188.....	30502
189.....	30505
190.....	30704
190 note (Act 2-13-1893, § 8).....	Unnecessary. Provided effective date for Act.
191.....	30705
192.....	30706
193.....	30703
194.....	30707
195.....	30702
196.....	Unnecessary. Provides that sections 190-196 shall not be held to modify or repeal certain other laws. Unnecessary because of the codification of the relevant laws.
251, 251a.....	55114
251b.....	Unnecessary. Authorizes the Secretary of the Treasury to issue regulations for the enforcement of certain provisions. See 31 U.S.C. 321(b).
262.....	Unnecessary. Provides that documented vessels shall not be employed in any trade whereby the revenue laws are defrauded. See 19 U.S.C. 1703.
277.....	12133
289.....	55103
289a, 289b.....	55121
289c.....	55104
290.....	Previously omitted from U.S. Code. Superseded by 46 App. U.S.C. 883.
291.....	55120
292.....	55109
316(a), (b).....	55111

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316(c).....	55118
316(d), (e).....	80104
316a.....	55112
319.....	Transfer to 19 U.S.C. 1706a.
320.....	Unnecessary. Provides for remission or mitigation of certain fines by the Commissioner of Customs. See section 504 of the revised title.
321.....	Obsolete. Provides penalty for officials acting contrary to title 50 of the Revised Statutes in connection with documentation and measurement of vessels and collection of fees.
322.....	Obsolete. Provides penalty for officials neglecting to perform acts required by title 50 of the Revised Statutes.
323.....	Unnecessary. Provides penalty for officials falsifying vessel documents under title 50 of the Revised Statutes. See 18 U.S.C. 507 and 2197.
324.....	Unnecessary. Provides penalty for persons who assault, resist, or obstruct officers in execution of vessel documentation laws and title 50 of the Revised Statutes. See 18 U.S.C. 111.
326.....	502
327.....	503
328.....	Obsolete. Provides that penalties and forfeitures incurred under title 50 of the Revised Statutes may be recovered the same as those relating to the collection of duties.
336.....	Obsolete. Provides that canal boats and boats employed on the internal waters of a State (except those with sails or propelling machinery and those employed in trade with Canada) are not subject to the Act of Feb. 18, 1793, ch. 8, 1 Stat. 305 (relating to the enrolling and licensing of vessels in the coastwise trade) and are exempt from the payment of customs and other fees.
354, 355.....	60104
441, 443, 444.....	50503
446-446c.....	50504
446 note (Pub. L. 97-322, § 201).....	Unnecessary. Provides short title for the Sailing School Vessels Act of 1982.
466c.....	Transfer to 7 U.S.C. 8304 note.
491 (words before semicolon).....	30102
491 (words after semicolon).....	30103

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688(a).....	30104
688(b).....	30105
721.....	80101
722.....	80103
723.....	80103
724.....	80102
725.....	80105
726.....	80106
727, 729, 730.....	80107
731.....	2304, 80107. See § 15(8) of bill.
738.....	80301
738a.....	80302
738c.....	80303
740.....	30101
741 (11th-26th words).....	30902
741 (less 11th-26th words).....	30913
741 note.....	30901
742 (1st sentence).....	30903
742 (2d sentence).....	30906
742 (3d sentence).....	30903
742 (last sentence).....	30906
743 (1st sentence).....	30908
743 (2d, 3d sentences).....	30910
743 (4th-6th sentences).....	30908
743 (last sentence).....	30907
743a.....	Superseded. Prohibited interest on claims prior to filing of suit under 46 App. U.S.C. 745. Superseded by 1950 amendment to 46 App. U.S.C. 745.
744.....	30914
745 (words before 1st proviso).....	30905
745 (1st proviso).....	30904
745 (2d proviso).....	Obsolete. Relates to suits under the Act of Mar. 9, 1920 (popularly known as the Suits in Admiralty Act) brought no later than Dec. 13, 1951.
745 (last proviso).....	30910
746.....	30909
747.....	30915

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748.....	30912
749.....	30911
750.....	30916
751.....	30917
752.....	30918
761(a).....	30302
761(b).....	30307
761 note (popular name).....	30301
762(a).....	30303
762(b).....	30307
763a.....	30106
764.....	30306
765.....	30305
766.....	30304
767.....	30308
768.....	Obsolete. Provides that the Act of Mar. 30, 1920 (popularly known as the Death on the High Seas Act) shall not affect any pending suits.
781.....	31102
781 note (popular name).....	31101
782 (1st sentence).....	31104
782 (last sentence words before last comma).....	31103
782 (last sentence words after last comma).....	31107
783 (words before proviso).....	31102
783 (proviso).....	31105
784.....	31110
785.....	31111
786.....	31108
787.....	31109
788.....	31112
789.....	31106
790.....	31113
801.....	Unnecessary. Defines terms for purposes of the Shipping Act, 1916. Some of the terms appeared only in sections which were previously repealed and others are redundant with title-wide definitions in chapter 1.

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802.....	50501
803.....	50502
804a.....	Obsolete. Reorganized the U.S. Shipping Board which was subsequently abolished.
808(a).....	Previously repealed.
808(b).....	57109
808(c)-(f).....	56101
808a.....	56101
811 (1st sentence words before 1st comma).....	50105
811 (1st sentence words after 1st comma).....	50106
811 (2d sentence words before 2d comma).....	50105
811 (2d sentence words after 2d comma).....	50107
811 (3d sentence).....	50106
811 (4th sentence).....	50109
811 (last sentence).....	50111
817d(a) (1st-5th, 29th-last words).....	44103
817d(a) (6th-28th words).....	44101
817d(b).....	44103
817d(c).....	44104
817d(d).....	44106
817d(e).....	44105
817e(a) (1st-14th, 37th-last words).....	44102
817e(a) (15th-36th words).....	44101
817e(b).....	44102
817e(c).....	44104
817e(d).....	44106
817e(e).....	44105
833.....	Unnecessary. Contains a separability provision for the Shipping Act, 1916.
834.....	60108
835.....	56102
836, 837.....	56105
839 (1st par.).....	56103
839 (last par.).....	56104
842.....	Unnecessary. Provides short title for the Shipping Act, 1916.

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861.....	50101
864a.....	Obsolete. Authorizes allowances to purchasers of vessels for cost of putting the vessels in class, without regard to 50 App. U.S.C. 1736(d), which was subsequently repealed. Also impliedly repealed by 46 App. U.S.C. 1119 for other than title XI (1936 Act) foreclosures.
864b.....	57108
865.....	Obsolete. Authorizes sale of vessels to aliens. Executed for 1920 vessel inventory, superseded by Merchant Marine Act, 1936, and impliedly repealed by 1950 freeze. See § 14 of Act of Mar. 8, 1946 (50 App. U.S.C. 1735 note).
865a.....	53101 note (ODS)
866.....	Obsolete. Provides for determination of appropriate steam-ship lines and for sale or charter of vessels. Executed for 1920 vessel inventory, superseded by Merchant Marine Act, 1936, and impliedly repealed by 1950 freeze. See § 14 of Act of Mar. 8, 1946 (50 App. U.S.C. 1735 note).
867.....	50302
868.....	Unnecessary. Requires insurance for risk of loss in installment sales contracts under Merchant Marine Act, 1920. Executed for 1920 vessel inventory and unnecessary because such insurance is now standard.
869.....	Obsolete. Authorizes Secretary of Transportation to insure vessels and facilities under Merchant Marine Act, 1920. Impliedly repealed by 46 App. U.S.C. 1119.
871.....	57106
872.....	50304
875.....	50304
876(a)(1).....	Unnecessary. Authorizes the Secretary of Transportation to make rules and regulations to carry out the Merchant Marine Act, 1920. See 49 U.S.C. 322(a).
876(a)(2).....	42101
876(a)(3).....	42102
876(b), (c).....	42102
876(d).....	42103
876(e).....	42101
876(f), (g).....	42104

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876(h).....	42105
876(i).....	42106
876(j).....	42107
876(k).....	42108
876(l).....	42109
877.....	55101
883 (words before 1st proviso).....	55102
883 (1st proviso, 2d proviso less meaning of "re-built").....	12132
883 (2d proviso related to meaning of "re-built").....	12101
883 (3d proviso).....	55116
883 (4th proviso).....	55119
883 (5th proviso).....	55117
883 (6th proviso).....	55107
883 (7th proviso).....	55106
883 (8th proviso).....	Expired in 1984. Related to transportation of merchandise in coastwise trade.
883 (2d-6th sentences, last sentence less provisos).....	55105
883 (10th proviso).....	55115
883 (11th proviso).....	55102
883 (12th proviso).....	55110
883 (last proviso).....	55108
883 note (Pub. L. 104-324, § 1120(f)).....	12120
883-1.....	12118
883a (1st sentence).....	12139
883a (2d, last sentences).....	12151
883b.....	Unnecessary. Authorizes the Secretary of Transportation to prescribe regulations to carry out certain provisions. See 49 U.S.C. 322(a).
884.....	58108
885.....	Transfer to 15 U.S.C. 38.
887.....	Unnecessary. Contains a separability provision for the Merchant Marine Act, 1920.
888.....	Unnecessary. Incorporates definitions from 46 App. U.S.C. 801-803 and defines "alien" for purposes of the Merchant Marine Act, 1920. See definitions in chapter 1 and section 50501 of the revised title.

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889.....	Unnecessary. Provides short title for the Merchant Marine Act, 1920.
891.....	50101
891b.....	57106
891c.....	Obsolete and unnecessary. Recognizes the need for replacement vessels owned by the United States and directs the Secretary of Transportation to present recommendations to Congress for new vessels.
891u.....	Obsolete. Defines terms for purposes of the Merchant Marine Act, 1928.
891v.....	Obsolete. Reaffirms the policy of 46 App. 866. See disposition of that section in this table.
891w.....	Obsolete. Relates to the allocations of operations of ships under the Merchant Marine Act, 1928. Executed for 1928 vessel inventory and impliedly repealed by 1950 freeze. See § 14 of Act of Mar. 8, 1946 (50 App. U.S.C. 1735 note).
891x.....	Unnecessary. Provides short title for the Merchant Marine Act, 1928.
1101.....	50101
1111(a), (b).....	Previously repealed.
1111(c) (related to seal).....	301
1111(c) (related to records).....	303
1111(c) (related to rules and regulations).....	305
1111(d) (related to Commission).....	307
1111(d) (related to Secretary).....	Unnecessary. Authorizes expenditures and appropriations under the Merchant Marine Act, 1936.
1111(e).....	Unnecessary. Authorizes the Federal Maritime Commission and the Secretary of Transportation to employ personnel. See 5 U.S.C. 3101 and 49 U.S.C. 323.
1111(f) (1st, last sentences).....	Unnecessary. Provides for traveling and subsistence expenses. See 5 U.S.C. ch. 57.
1111(f) (2d sentence related to Commission).....	Obsolete. Provides for additional pay of military officers detailed to Federal Maritime Commission.
1111(f) (2d sentence related to Secretary).....	49 U.S.C. 109. See § 11 of bill.
1111 note (Pub. L. 89-56).....	301

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1111 notes (Reorg. Plans).....	See disposition tables for Reorg. Plans following this table.
1111a.....	Obsolete. Restricts expenditures for administrative expenses by the Federal Maritime Commission and the Secretary of Transportation. Presumably only intended to apply, as originally enacted, to the U.S. Maritime Commission, which has been abolished.
1112.....	50303
1114.....	Obsolete. Provided that functions of the former U.S. Shipping Board under certain laws, which previously had been transferred to the Department of Commerce, were transferred to the Federal Maritime Commission and the Secretary of Transportation. Also originally provided the former United States Maritime Commission, and later the FMC and the Secretary, with authority to prescribe regulations. This grant of regulatory authority to the FMC and the Secretary is unnecessary because it is provided by other law. See section 305 of title 46 (as enacted by this bill) and section 322(a) of title 49.
1115.....	58107
1116, 1116a.....	Obsolete. Provides for creation of a construction fund for use by the Department of Transportation. Impliedly repealed by 46 App. U.S.C. 1119.
1117 (related to Commission).....	Obsolete. Authorizes the Federal Maritime Commission to make contracts and disbursements under the Merchant Marine Act, 1936, and provides for auditing the Commission's financial transactions.
1117 (related to Secretary).....	49 U.S.C. 109. See § 12 of bill.
1118 (related to Commission).....	306
1118 (related to Secretary).....	50111
1118 note (Pub. L. 106-398, [§ 3506]).....	50111
1119.....	49 U.S.C. 109. See § 12 of bill.
1120.....	50102
1121(a)-(c).....	50103
1121(d).....	50105
1121(e).....	50106
1121(f).....	50109
1121(g).....	50106

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1121(h), (i).....	50109
1121(j) (words before 1st semi-colon).....	50105
1121(j) (words between 1st and 2d semi-colons).....	50110
1121(j) (words after 2d semicolon).....	50109
1121-1.....	55301
1121-2.....	50112
1122(a).....	50104
1122(b)(1).....	50110
1122(b)(2).....	50105
1122(c).....	50105
1122(d).....	50110
1122(e).....	Previously repealed.
1122(f).....	50108
1122(g).....	50111
1122a.....	50113
1122b.....	55501
1123.....	50109
1124.....	50306
1125.....	57105
1125 note (Pub. L. 86-518, § 9).....	57105, 57506
1125a.....	57107
1126-1(a) (1st sentence).....	51101
1126-1(a) (last sentence), (b).....	51104
1131.....	53101 note
1132.....	52101
1151-1157.....	53101 note (CDS)
1158(a).....	57102
1158(b).....	57103
1159.....	53101 note (CDS)
1160(a).....	57301
1160(b) (1st sentence).....	57302
1160(b) (2d sentence).....	57304
1160(b) (3d sentence).....	57305
1160(b) (4th-7th sentences).....	57306
1160(b) (last sentence).....	57302
1160(c).....	57303

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1160(d).....	57305
1160(e).....	57307
1160(f).....	50111
1160(g).....	57308
1160(h).....	Previously repealed.
1160(i).....	57104
1160(j).....	57101
1161(a).....	53301
1161(b) (1st sentence words before 6th comma).....	53302
1161(b) (1st sentence words between 6th and 10th commas).....	53303
1161(b) (1st sentence between 10th and 16th commas).....	53302
1161(b) (1st sentence words after 16th comma).....	53305
1161(b) (last sentence).....	53302
1161(c).....	53306
1161(d).....	53307
1161(e).....	53308
1161(f).....	53309
1161(g), (h).....	53310
1161(i).....	53311
1161(j).....	53312
1161(k).....	Obsolete. Provides that 46 App. U.S.C. 1161 applies to taxable years beginning after Dec. 31, 1939.
1161(l).....	53304
1161(m)-(o).....	53301
1162.....	53101 note (CDS)
1171-1176.....	53101 note (ODS)
1177(a) (1st sentence).....	53503
1177(a) (2d sentence related to pur- pose).....	53503
1177(a) (2d sentence related to depos- its).....	53504
1177(a) (last sentence).....	53504
1177(b)(1), (2).....	53505
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1177(d).....	53507
1177(e).....	53508
1177(f).....	53509
1177(g).....	53510
1177(h) (less (2) (last sentence)).....	53511
1177(h)(2) (last sentence).....	53512
1177(i).....	53513
1177(j).....	53514
1177(k)(1)-(3).....	53501
1177(k)(4).....	Unnecessary definition of "United States". See ch. 1 of the revised title.
1177(k)(5)-(9).....	53501
1177(l) (1st sentence).....	53515
1177(l) (2d sentence).....	53502
1177(l) (last sentence).....	53516
1177(m).....	53517
1177-1.....	53501
1177a.....	Unnecessary. There are no longer any recapture provisions in ODS contracts.
1178-1185a.....	53101 note (ODS)
1187-1187e.....	53101 note (MSF)
1191.....	57501
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1196(b) (1st sentence related to announce- ment).....	57512
1196(b) (1st sentence related to author- ity).....	57515
1196(b) (last sentence).....	57513
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1199.....	57517
1200.....	57518
1201.....	57511
1202(a).....	57519
1202(b), (c).....	57520
1202(d).....	57521
1203.....	57514
1204.....	57531
1205.....	57532
1211, 1212.....	53101 note
1213(a) (less 3d sentence as related to 1121(a)).....	53101 note. See § 14(b) of bill.
1213(a) (3d sentence related to 1121(a)).....	50103
1213(b).....	49 U.S.C. 109. See § 12 of bill.
1222.....	58101 note. Repealed eff. Oct. 1, 2005, by Maritime Security Act of 2003.
1223(a).....	58101
1223(b).....	58102
1223(c).....	Previously repealed.
1223(d).....	58103
1223(e).....	Previously repealed.
1223(f).....	58104
1226.....	58105
1227.....	58106
1228 (1st, 2d pars.).....	58109
1228 (last par.).....	505
1241(a).....	55302
1241(b).....	55305
1241(c).....	55303
1241-1.....	55304
1241a.....	50301
1241b.....	50301
1241b note (limitation on funds for fiscal year 1957).....	50301
1241c.....	50301
1241d.....	55311
1241e.....	55313
1241f(a)-(d).....	55314

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1241f(e).....	55312
1241g.....	55315
1241h.....	55316
1241h note (appropriations for payments of ocean freight differentials).....	55316
1241i.....	Unnecessary. Provides a general authorization of appropriations for 46 App. U.S.C. 1241e-1241o.
1241j.....	55317
1241k-1241n.....	Obsolete. Provided for a commission to study and report on agricultural export transportation policy. The commission's work has been com- pleted and the commission has been abolished.
1241o.....	55314
1241p.....	55318
1241q.....	55333
1241r.....	55332
1241s.....	55334
1241t(a), (c).....	55335
1241t(b).....	55336
1241u.....	Obsolete reporting requirement.
1241v.....	55331
1242(a) (1st, 2d sentences).....	56301
1242(a) (3d sentence).....	56303
1242(a) (4th sentence).....	56307
1242(a) (last sentence).....	56303
1242(b).....	56303
1242(c) (1st sentence).....	56302
1242(c) (2d sentence).....	56304
1242(c) (last sentence).....	56303
1242(d) (1st par. words before 2d comma).....	56303
1242(d) (1st par. words after 2d comma).....	56304
1242(d) (last par.).....	56305
1242(e).....	56306
1242a(a).....	56501
1242a(b).....	56502
1242a(c).....	56503
1242a(d).....	56504

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1242a(e).....	56502
1244(a).....	109
1244(b).....	Unnecessary definition of "person". See 1 U.S.C. 1.
1244(c).....	50501
1244(d).....	Unnecessary. Defines "construction" as including outfitting and equipping.
1244(e).....	Previously repealed.
1244(f).....	Unnecessary. Defines "Representative" and "Member of the Congress" as including Delegates to the House of Representatives from the District of Columbia, Guam, and the Virgin Islands, and the Resident Commissioner to the House of Representatives from Puerto Rico.
1244(g).....	114
1245 (1st sentence).....	Unnecessary. Contains a separability provision for the Merchant Marine Act, 1936.
1245 (last sentence).....	101 note
1247.....	50305
1248.....	53101 note (CDS and ODS)
1271.....	53701
1272.....	53717
1273(a).....	53702
1273(b).....	53711
1273(c).....	53709
1273(d).....	53705
1273(e) (1st sentence).....	53705
1273(e) (last sentence).....	53721, 53722
1273(f).....	53704
1273(g).....	53732
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1273(i), (j).....	57306
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1274(b)(1).....	53707
1274(b)(2).....	53709
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1274(b) (last 2 sentences).....	53709
1274(c)(1) (1st sentence).....	53711
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1274(c)(2).....	53711
1274(d)(1), (2).....	53708
1274(d)(3).....	53732
1274(d)(4).....	53707
1274(d)(5).....	Previously repealed.
1274(e).....	53714
1274(f)(1).....	53713
1274(f)(2), (3).....	53708
1274(f)(4).....	53713
1274(g).....	53717
1274(h).....	53710
1274(i).....	53709
1274(j).....	53732
1274(k).....	53712
1274(l).....	53703
1274(m).....	53712
1274(n).....	53703
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1275(a).....	53721
1275(b).....	53722
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1275(e).....	53725
1275(f).....	53722
1279a.....	53715
1279b.....	53716
1279c.....	53731
1279d.....	53732
1279e.....	53733
1279f.....	53735
1279g.....	53702
1280.....	53717
1280a.....	53733
1280b.....	53718
1281(a)-(c).....	53901
1281(d).....	Unnecessary. Defines "citizen of the United States" for purposes of the war risk insurance program as including corporations, partnerships, and associations. See 46 App. U.S.C. 1244(c)

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	and section 50501 of the revised title.
1281(e).....	Unnecessary definition of "Secretary".
1282.....	53902
1283(a) (1st, 2d sentences).....	53903
1283(a) (last sentence).....	53910
1283(b) (1st sentence).....	53903
1283(b) (last sentence).....	53901
1283(c)-(f).....	53903
1284.....	53903
1285.....	53905
1286.....	53904
1287.....	53907
1288.....	53909
1288a.....	53909
1289(a)(1).....	53910
1289(a)(2).....	53906
1289(b)-(f).....	53910
1290.....	Unnecessary. Provides that the war risk insurance program does not affect seamen's rights under existing law.
1291.....	50111
1292.....	53911
1293.....	53908
1294.....	53912
1295 (1st sentence).....	51101
1295 (last sentence cl. (1)).....	51103
1295 (last sentence cl. (2)).....	51104
1295a.....	51102
1295b(a).....	51301
1295b(b)(1)-(3)(C).....	51302
1295b(b)(3)(D).....	51303
1295b(b)(3)(E).....	51305
1295b(b)(3)(F).....	51311
1295b(b)(3)(G).....	Unnecessary. Defines "State" for purposes of 46 App. U.S.C. 1295b(b)(3) as including the several States.
1295b(b)(4).....	Obsolete. The Trust Territory of the Pacific Islands has been terminated. See 48 U.S.C. 1681 note prec.

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1295b(b)(5)-(7).....	51304
1295b(b)(8).....	51309
1295b(c).....	51311
1295b(d).....	51308
1295b(e)(1)-(4).....	51306
1295b(e)(5).....	51310
1295b(f).....	51307
1295b(g).....	51309
1295b(h).....	51312
1295b(i).....	51313
1295b(j).....	51314
1295c(a).....	51501
1295c(b).....	51503
1295c(c)(1), (2).....	51504
1295c(c)(3)(A).....	51507
1295c(c)(3)(B).....	51508
1295c(d)(1).....	51505
1295c(d)(2).....	51501
1295c(e).....	51502
1295c(f).....	51506
1295c(g)(1)-(6).....	51509
1295c(g)(7).....	51510
1295c(h).....	51511
1295c note (Pub. L. 101-115, § 4).....	51504
1295c-1.....	49 U.S.C. 109. See § 12 of bill.
1295d(a), (b).....	51703
1295d(c).....	51704
1295e.....	51701
1295f.....	51702
1295g(a).....	Unnecessary. Provides that the Secretary of Transportation shall establish such rules and regulations as may be necessary to carry out title XIII of the Merchant Marine Act, 1936, relating to maritime education and training. The Secretary has general regulatory authority under 49 U.S.C. 322(a).
1295g(b)-(d).....	51103
1300-1315.....	30701 note
1501.....	80501

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1501 note (Pub. L. 95-208, § 1).....	Unnecessary. Provides short title for the International Safe Container Act.
1502(a) (related to application of Convention).....	80502
1502(a) (related to approval and examination).....	80504
1502(b).....	Previously repealed.
1503(a)-(c)(1).....	80503
1503(c)(2).....	80506
1503(c)(3).....	80503
1503(d).....	80506
1503(e).....	80503
1504.....	80505
1505.....	80509
1506.....	80507
1507.....	80508
1601-1603.....	49 U.S.C. 109. See § 12 of bill.
1604-1608.....	Executed and obsolete. Related to the transfer of the Maritime Administration from the Department of Commerce to the Department of Transportation.
1609.....	49 U.S.C. 109 note
1610.....	Omitted but not repealed. Contains a separability provision for the Maritime Act of 1981.
1701.....	40101
1701 note (Pub. L. 98-237, § 1).....	Unnecessary. Provides short title for the Shipping Act of 1984.
1702.....	40102
1703.....	40301
1704(a).....	40302
1704(b)-(d).....	40303
1704(e) (less last sentence).....	40305
1704(e) (last sentence).....	40301
1704(f).....	40301
1704(g).....	40303
1705(a)-(f).....	40304
1705(g)-(i).....	41307
1705(j).....	40306
1705(k).....	41307
1706.....	40307

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1707(a), (b).....	40501
1707(c).....	40502
1707(d).....	40501
1707(e).....	40503
1707(f), (g).....	40501
1708(a).....	40701
1708(b).....	40702
1708(c) (1st sentence).....	40703
1708(c) (last sentence), (d).....	40704
1708(e).....	40705
1708(f).....	40706
1709(a).....	41102
1709(b)(1)-(12).....	41104
1709(b)(13), (words after cl. (13)).....	41103
1709(c).....	41105
1709(d)(1).....	41102
1709(d)(2).....	41106
1709(d)(3) (related to (b)(10)).....	41106
1709(d)(3) (related to (b)(13)).....	41103
1709(d)(4).....	41106
1709(d)(5).....	41103
1709(e).....	41101
1710(a), (b).....	41301
1710(c) (1st-3d sentences).....	41302
1710(c) (last sentence).....	41307
1710(d)-(f).....	41302
1710(g) (related to time limit).....	41301
1710(g) (less time limit).....	41305
1710(h)(1).....	41307
1710(h)(2).....	41306
1710a(a).....	42301
1710a(b), (c).....	42302
1710a(d).....	42303
1710a(e)(1), (2).....	42304
1710a(e)(3).....	42306
1710a(f).....	42305
1710a(g).....	306
1710a(h) (related to 876(a)(2)).....	42101

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1710a(h) (related to 1712(b)(6)).....	41108
1710a(i).....	42307
1711.....	41303
1712(a).....	41107
1712(b).....	41108
1712(c)-(f).....	41109
1713(a), (b).....	41304
1713(c).....	41308
1713(d).....	41309
1713(e).....	41308, 41309
1714.....	40104
1715.....	40103
1716.....	305
1718(a).....	40901
1718(b).....	40902
1718(c).....	40903
1718(d).....	40901
1718(e).....	40904
1719(a)-(c).....	Executed. Amended various provisions restated in the revised title, and repealed other provisions.
1719(d).....	40101 note
1719(e).....	Unnecessary. Provided transitional and savings provisions relating to enactment of the Shipping Act of 1984 and amendments to that Act by the Ocean Shipping Reform Act of 1998.
1801.....	70302
1802.....	70306
1803.....	70303
1804.....	70304
1805.....	70305
1806.....	Obsolete. Provided for presidential review of sanctions against terrorists who seize or attempt to seize vessels, and for a report to Congress by Aug. 27, 1987.
1807.....	70301
1808.....	Expired. Authorized appropriations for fiscal years 1987 through 1991.
1809.....	70306
1901.....	Unnecessary. Provided a short title for the Mari-

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	time Drug Law Enforcement Act, which is re-stated in ch. 705 of the revised title.
1902.....	70501
1903(a).....	70503
1903(b), (c).....	70502
1903(d).....	70505
1903(e).....	70503
1903(f).....	70504
1903(g).....	70506
1903(h).....	70503
1903(i).....	70502
1903(j).....	70506
1904.....	70507
2001.....	51901
2001 note (Pub. L. 100-324, § 1).....	Unnecessary. Provides short title for the Merchant Marine Decorations and Medals Act.
2002.....	51901
2003.....	51902
2004(a).....	51903
2004(b).....	51904
2004(c).....	51907
2004(d).....	51901
2005.....	51905
2006.....	51906
2007.....	51908

Title 48

Section	Disposition (Title 46 unless otherwise specified)
1664.....	55101

Reorganization Plan No. 6 of 1949

Section	Disposition (Title 46 unless otherwise specified)
All	301

Reorganization Plan No. 21 of 1950

Section	Disposition (Title 46 unless otherwise specified)
101-106.....	Previously superseded. See section 305 of Re-

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	org. Plan No. 7 of 1961.
201.....	49 U.S.C. 109
202.....	Previously superseded. See section 305 of Re-org. Plan No. 7 of 1961.
203, 204.....	49 U.S.C. 109
302-307.....	Previously superseded. See section 305 of Re-org. Plan No. 7 of 1961.

Reorganization Plan No. 7 of 1961

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