

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5413

To make improvements in the codification of title 46, United States Code.

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IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2006

Mr. SENSENBRENNER (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To make improvements in the codification of title 46, United States Code.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION. 1. PURPOSE.**

4       The purpose of this Act is to make improvements in  
5       the codification of title 46, United States Code, as enacted  
6       by H.R. 1442 (109th Congress), based on—

7               (1) public comments submitted too late to be in-  
8       corporated in the codification; and

9               (2) amendments to laws, made after the cutoff  
10       date specified in section 18(a) of that bill, which  
11       were repealed and replaced by the codification.

1 **SEC. 2. PERSONAL INJURY TO OR DEATH OF SEAMEN.**

2 Section 30104 of title 46, United States Code, is  
3 amended by striking subsections (a) and (b) and inserting  
4 the following:

5 “(a) CAUSE OF ACTION.—A seaman injured in the  
6 course of employment or, if the seaman dies from the in-  
7 jury, the personal representative of the seaman may bring  
8 an action relying on the laws of the United States regu-  
9 lating recovery for personal injury to, or death of, a rail-  
10 way employee. Such an action may be maintained in admi-  
11 nistrative or, at the plaintiff’s election, as an action at law,  
12 with the right of trial by jury.

13 “(b) VENUE.—When the plaintiff elects to maintain an  
14 action at law, venue shall be in the judicial district in  
15 which the employer resides or the employer’s principal of-  
16 fice is located.”.

17 **SEC. 3. AMENDMENTS TO CHAPTER 537.**

18 (1) Section 53701 of title 46, United States Code, is  
19 amended by—

20 (A) redesignating paragraphs (2)–(13) as para-  
21 graphs (3)–(14), respectively;

22 (B) inserting after paragraph (1) the following:

23 “(2) ADMINISTRATOR.—The term ‘Administrator’  
24 means the Administrator of the Maritime Adminis-  
25 tration.”; and

1 (C) amending paragraph (13) (as redesignated) to  
2 read as follows:

3 “(13) SECRETARY.—The term ‘Secretary’ means  
4 the Secretary of Commerce with respect to fishing  
5 vessels and fishery facilities.”.

6 (2) Section 53706(c) of title 46, United States Code,  
7 is amended to read as follows:

8 “(c) PRIORITIES FOR CERTAIN VESSELS.—

9 “(1) VESSELS.—In guaranteeing or making a  
10 commitment to guarantee an obligation under this  
11 chapter, the Administrator shall give priority to—

12 “(A) a vessel that is otherwise eligible for a  
13 guarantee and is constructed with assistance  
14 under subtitle D of the Maritime Security Act  
15 of 2003 (46 U.S.C. 53101 note); and

16 “(B) after applying subparagraph (A), a ves-  
17 sel that is otherwise eligible for a guarantee and  
18 that the Secretary of Defense determines—

19 “(i) is suitable for service as a naval  
20 auxiliary in time of war or national emer-  
21 gency; and

22 “(ii) meets a shortfall in sealift capacity  
23 or capability.

24 “(2) TIME FOR DETERMINATION.—The Secretary  
25 of Defense shall determine whether a vessel satisfies

1 paragraph (1)(B) not later than 30 days after re-  
2 ceipt of a request from the Administrator for such  
3 a determination.”.

4 (3) Section 53707 of title 46, United States Code, is  
5 amended in—

6 (A) subsections (a) and (d), by inserting “or Ad-  
7 ministrator” after “Secretary” each place it appears;

8 (B) subsection (b), by striking “Secretary of  
9 Transportation” and inserting “Administrator”;

10 (C) subsection (c), by striking “of Commerce”;  
11 and

12 (D) subsection (d)(2), by—

13 (i) inserting “if the Secretary or Adminis-  
14 trator considers necessary,” before “the waiv-  
15 er”; and

16 (ii) striking “the increased” and inserting  
17 “any significant increase in”.

18 (4) Section 53708 of title 46, United States Code, is  
19 amended in—

20 (A) subsection (a), by striking “Secretary” and  
21 “Secretary of Transportation” each place they ap-  
22 pear in the heading and in text and inserting “Ad-  
23 ministrator”;

1 (B) subsections (b) and (c), by striking “of Com-  
2 merce” each place it appears in a heading and in  
3 text;

4 (C) subsection (d), by—

5 (i) inserting “or Administrator” after “Sec-  
6 retary” the first place it appears; and

7 (ii) striking “financial structures, or other  
8 risk factors identified by the Secretary. Any  
9 independent analysis conducted under this sub-  
10 section shall be performed by a party chosen by  
11 the Secretary.” and inserting “or financial  
12 structures. A third party independent analysis  
13 conducted under this subsection shall be per-  
14 formed by a private sector expert in assessing  
15 such risk factors who is selected by the Sec-  
16 retary or Administrator.”; and

17 (D) subsection (e), by—

18 (i) inserting “or Administrator” after “Sec-  
19 retary” the first place it appears; and

20 (ii) striking “financial structures, or other  
21 risk factors identified by the Secretary” and in-  
22 serting “or financial structures”.

23 (5) Section 53712(b) of title 46, United States Code,  
24 is amended by striking the last sentence and inserting “If  
25 the Secretary or Administrator has waived a requirement

1 under section 53707(d) of this title, the loan agreement  
2 shall include requirements for additional payments, collat-  
3 eral, or equity contributions to meet the waived require-  
4 ment upon the occurrence of verifiable conditions indi-  
5 cating that the obligor’s financial condition enables the ob-  
6 ligor to meet the waived requirement.”.

7 (6) Subsections (c) and (d) of section 53717 of title 46,  
8 United States Code, are amended by striking “of Com-  
9 merce” each place it appears in a heading and in text.

10 (7) Section 53732(e)(2) of title 46, United States Code,  
11 is amended by inserting “of Defense” after “Secretary”  
12 the second time it appears.

13 (8) The following provisions of title 46, United States  
14 Code, are amended by striking “Secretary” and “Sec-  
15 retary of Transportation” and inserting “Administrator”:

16 (A) Section 53710(b)(2)(A)(i).

17 (B) Section 53717(b) each place it appears in a  
18 heading and in text.

19 (C) Section 53718.

20 (D) Section 53731 each place it appears, except  
21 when “Secretary” is followed by “of Energy”.

22 (E) Section 53732 each place it appears, except  
23 when “Secretary” is followed by “of the Treasury”,  
24 “of State”, or “of Defense”.

25 (F) Section 53733 each place it appears.

1 (9) Section 53710(b)(1) of title 46, United States Code,  
2 is amended by striking “Secretary’s” and inserting “Ad-  
3 ministrator’s”.

4 (10) The following provisions of title 46, United States  
5 Code, are amended by inserting “or Administrator” after  
6 “Secretary” each place it appears in headings and text,  
7 except when “Secretary” is followed by “of Transpor-  
8 tation” or “of the Treasury”:

9 (A) The items relating to sections 53722 and  
10 53723 in the table of sections at the beginning of  
11 chapter 537.

12 (B) Sections 53701(1), (4), and (9) (as redesign-  
13 nated by paragraph (1)(A)), 53702(a), 53703,  
14 53704, 53706(a)(3)(B)(iii), 53709(a)(1), (b)(1) and  
15 (2)(A), and (d), 53710(a) and (c), 53711, 53712  
16 (except the last place it appears, as amended by  
17 paragraph (5)), 53713 to 53716, 53721 to 53725,  
18 and 53734.

19 (11) Sections 53715(d)(1), 53716(d)(3), 53721(c),  
20 53722(a)(1) and (b)(1)(B), and 53724(b) of title 46,  
21 United States Code, are amended by inserting “or Admin-  
22 istrator’s” after “Secretary’s”.

23 **SEC. 4. MISCELLANEOUS AMENDMENTS.**

24 Title 46, United States Code, is amended as follows:

1           (1) Chapters 513 and 515 are amended by strik-  
2           ing “Naval Reserve” each place it appears in anal-  
3           yses, headings, and text and inserting “Navy Re-  
4           serve”.

5           (2) Section 51504(f) is amended to read as fol-  
6           lows:

7           “(f) FUEL COSTS.—

8           “(1) IN GENERAL.—Subject to the availability of  
9           appropriations, the Secretary shall pay to each State  
10          maritime academy the costs of fuel used by a vessel  
11          provided under this section while used for training.

12          “(2) MAXIMUM AMOUNTS.—The amount of the  
13          payment to a State maritime academy under para-  
14          graph (1) may not exceed—

15                  “(A) \$100,000 for fiscal year 2006;

16                  “(B) \$200,000 for fiscal year 2007; and

17                  “(C) \$300,000 for fiscal year 2008 and each  
18          fiscal year thereafter.”

19          (3) Section 51505(b)(2)(B) is amended by strik-  
20          ing “\$200,000” and inserting “\$300,000 for fiscal  
21          year 2006, \$400,000 for fiscal year 2007, and  
22          \$500,000 for fiscal year 2008 and each fiscal year  
23          thereafter”.

24          (4) Section 51701(a) is amended by inserting be-  
25          fore the period at the end “and to perform functions

1 to assist the United States merchant marine, as de-  
2 termined necessary by the Secretary”.

3 (5)(A) Section 51907 is amended to read as fol-  
4 lows:

5 **“§ 51907. Provision of decorations, medals, and re-**  
6 **placements**

7 “The Secretary of Transportation may provide—

8 “(1) the decorations and medals authorized by  
9 this chapter and replacements for those decorations  
10 and medals; and

11 “(2) replacements for decorations and medals  
12 issued under a prior law.”.

13 (B) In the table of sections of chapter 519, the  
14 item relating to section 51907 is amended to read  
15 as follows:

“51907. Provision of decorations, medals, and replacements.”.

16 (6)(A) The following new chapter is inserted after  
17 chapter 539:

18 **“CHAPTER 541—MISCELLANEOUS**

“Sec.

“54101. Assistance for small shipyards and maritime communities.”.

19 (B) Section 3506 of the National Defense Author-  
20 ization Act for Fiscal Year 2006 (46 App. U.S.C.  
21 1249) is transferred to and redesignated as section  
22 54101 of title 46, United States Code, to appear at

1 the end of chapter 541 of title 46, as enacted by  
2 subparagraph (A).

3 (C) The heading of section 54101 is amended to  
4 read as follows:

5 **“§ 54101. Assistance for small shipyards and mari-**  
6 **time communities”.**

7 (D) The table of chapters at the beginning of sub-  
8 title V is amended by inserting after the item relat-  
9 ing to chapter 539 the following new item:

**“541. Miscellaneous ..... 54101”.**

10 (7) Section 55101(b) is amended by—

11 (A) inserting “or” after the semicolon at the  
12 end of paragraph (2);

13 (B) striking paragraph (3); and

14 (C) redesignating paragraph (4) as para-  
15 graph (3).

16 (8) Section 60301 is amended in—

17 (A) subsection (a), by striking “2 cents per  
18 ton (but not more than a total of 10 cents per  
19 ton per year)” and inserting “4.5 cents per ton,  
20 not to exceed a total of 22.5 cents per ton per  
21 year, for fiscal years 2006 through 2010, and  
22 2 cents per ton, not to exceed a total of 10  
23 cents per ton per year, for each fiscal year  
24 thereafter,”; and

1 (B) subsection (b), by striking “6 cents per  
 2 ton (but not more than a total of 30 cents per  
 3 ton per year)” and inserting “13.5 cents per  
 4 ton, not to exceed a total of 67.5 cents per ton  
 5 per year, for fiscal years 2006 through 2010,  
 6 and 6 cents per ton, not to exceed a total of 30  
 7 cents per ton per year, for each fiscal year  
 8 thereafter,”.

9 **SEC. 5. REPEALS.**

10 The following provisions are repealed, except with re-  
 11 spect to rights and duties that matured, penalties that  
 12 were incurred, or proceedings that were begun before the  
 13 date of enactment of this Act:

Statutes at Large

Date	Public Law	Section	Statutes at Large		U.S. Code (46 App.)
			Vol- ume	Page	
1936 June 29	858	1113 .....	.....	.....	1279f
		1114 .....	.....	.....	1279g
2006 Jan. 6	109-163	515(g)(2) .....	119	3236 .....	1131, 1295b, 1295c
		3502 .....	119	3547 .....	1295c
		3507(a)-(c)(3), (d) .....	119	3555, 3557 ....	1271-1280, 1280b
		3509 .....	119	3557 .....	1295e
		3510 .....	119	3557 .....	2004
Feb. 8	109-171	4001 .....	120	27 .....	121, 132

14 **SEC. 6. EFFECTIVE DATE.**

15 This Act shall be effective only if H.R. 1442 in the  
 16 109th Congress is enacted. If such bill is enacted, this Act  
 17 shall be effective on the date of, and immediately after,  
 18 enactment of such bill.

