foreign bulk vessels in their operation or competition for charters, subject to regulations prescribed by the Secretary of Transportation.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
109	46 App.:1244(a).	June 29, 1936, ch. 858, title IX, § 905(a), 49 Stat. 2016; June 23, 1938, ch. 600, § 39(a), 52 Stat. 964; Pub. L. 91–469, § 28, Oct. 21, 1970, 84 Stat. 1034; Pub. L. 92–402, § 2, Aug. 22, 1972, 86 Stat. 617; Pub. L. 97–31, § 12(133)(A), Aug. 6, 1981, 95 Stat. 165.

In subsection (a), the words ''its Territories or possessions, or the District of Columbia'' are omitted because of the definition of ''United States'' in this chapter.

REFERENCES IN TEXT

The Merchant Marine Act, 1936, referred to in subsec. (b), is act June 29, 1936, ch. 858, 49 Stat. 1985. Title V of the Act enacted provisions set out as notes under section 53101 of this title. For complete classification of this Act to the Code, see Short Title of 1936 Amendment note set out under section 101 of this title and Tables.

§ 110. Foreign vessel

In this title, the term ''foreign vessel'' means a vessel of foreign registry or operated under the authority of a foreign country.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
110	46:2101(12).	

§ 111. Numbered vessel

In this title, the term ''numbered vessel'' means a vessel for which a number has been issued under chapter 123 of this title.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
111	46:2101(17b).	

§ 112. State

In this title, the term ''State'' means a State of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
112	46:2101(36).	

§ 113. Undocumented

In this title, the term ''undocumented'' means not having and not required to have a certificate of documentation issued under chapter 121 of this title.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
113	46:2101(41).	

The words ''certificate of documentation'' are substituted for ''document'' for consistency with chapter 121.

§ 114. United States

In this title, the term ''United States'', when used in a geographic sense, means the States of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
114	46:2101(44). 46 App.:1244(g).	June 29, 1936, ch. 858, title IX, § 905(g), 49 Stat. 2016; as added Pub. L. 96–453, § 3(b), Oct. 15, 1980, 94 Stat. 2008.

The language in 46 App. U.S.C. 1244(g) relating to the areas and installations in the Republic of Panama is omitted because those areas and installations were turned over to Panama by the end of 1999.

§ 115. Vessel

In this title, the term ''vessel'' has the meaning given that term in section 3 of title 1.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
115	46:2101(45).	

§ 116. Vessel of the United States

In this title, the term ''vessel of the United States'' means a vessel documented under chapter 121 of this title (or exempt from documentation under section 12102(c) of this title), numbered under chapter 123 of this title, or titled under the law of a State.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1488.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
116	46:2101(46).	

CHAPTER 3—FEDERAL MARITIME COMMISSION

Sec.
301. General organization.
302. Quorum.
303. Record of meetings and votes.
304. Delegation of authority.

Sec.
305. Regulations.
306. Annual report.
307. Expenditures.

§ 301. General organization

(a) ORGANIZATION.—The Federal Maritime Commission is an independent establishment of the United States Government.

(b) COMMISSIONERS.—

(1) COMPOSITION.—The Commission is composed of 5 Commissioners, appointed by the President by and with the advice and consent of the Senate. Not more than 3 Commissioners may be appointed from the same political party.

(2) TERMS.—The term of each Commissioner is 5 years, with each term beginning one year apart. An individual appointed to fill a vacancy is appointed only for the unexpired term of the individual being succeeded. A vacancy shall be filled in the same manner as the original appointment. When the term of a Commissioner ends, the Commissioner may continue to serve until a successor is appointed and qualified.

(3) REMOVAL.—The President may remove a Commissioner for inefficiency, neglect of duty, or malfeasance in office.

(c) CHAIRMAN.—

(1) DESIGNATION.—The President shall designate one of the Commissioners as Chairman.

(2) GENERAL AUTHORITY.—The Chairman is the chief executive and administrative officer of the Commission. In carrying out the duties and powers of the Commission (other than under paragraph (3)), the Chairman is subject to the policies, regulatory decisions, findings, and determinations of the Commission.

(3) PARTICULAR DUTIES.—

(A) IN GENERAL.—The Chairman shall—

(i) appoint and supervise officers and employees of the Commission;

(ii) appoint the heads of major organizational units, but only after consultation with the other Commissioners;

(iii) distribute the business of the Commission among personnel and organizational units;

(iv) supervise the expenditure of money for administrative purposes; and

(v) assign Commission personnel, including Commissioners, to perform duties and powers delegated by the Commission under section 304 of this title.

(B) NONAPPLICATION.—Subparagraph (A) (other than clause (v)) does not apply to personnel employed regularly and full-time in the offices of Commissioners other than the Chairman.

(4) DELEGATION.—The Chairman may designate officers and employees under the Chairman's jurisdiction to perform duties and powers of the Chairman, subject to the Chairman's supervision and direction.

(d) SEAL.—The Commission shall have a seal which shall be judicially recognized.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1488.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
301(a)	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, § 101, 75 Stat. 840.
301(b)	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, § 102(a), (c), 75 Stat. 840; Pub. L. 88–426, title III, § 305(19)(A), Aug. 14, 1964, 78 Stat. 425.
	46 App.:1111 note.	Pub. L. 89–56, June 30, 1965, 79 Stat. 195.
301(c)	46 App.:1111 note.	Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 63 Stat. 1069.
	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, §§ 102(b), 104, 105(d), 75 Stat. 840, 841.
301(d)	46 App.:1111(c) (related to seal).	June 29, 1936, ch. 858, title II, § 201(c) (related to seal), 49 Stat. 1986.

In subsection (a), the words ''is an independent establishment'' are substituted for ''shall not be a part of any executive department or under the authority of the head of any executive department'' for consistency with other titles of the United States Code and to eliminate unnecessary words.

In subsection (b)(2), the words ''The term of each Commissioner is 5 years, with each term beginning one year apart'' are substituted for the language about terms in section 102(c) of Reorganization Plan No. 7 of 1961 (46 App. U.S.C. 1111 note) and the Act of June 30, 1965 (Pub. L. 89–56, 79 Stat. 195), for clarity and to eliminate executed and obsolete language.

In subsection (c), section 104 of Reorganization Plan No. 7 of 1961 is omitted as executed.

Subsection (c)(1) is based on section 102(b) of Reorganization Plan No. 7 of 1961. The words ''from time to time'' are omitted as unnecessary.

Subsection (c)(2) is based on section 1 of Reorganization Plan No. 6 of 1949.

Subsection (c)(3) is based on section 2 of Reorganization Plan No. 6 of 1949 and section 105(d) of Reorganization Plan No. 7 of 1961.

Subsection (c)(4) is based on section 3 of Reorganization Plan No. 6 of 1949.

§ 302. Quorum

A vacancy or vacancies in the membership of the Federal Maritime Commission do not impair the power of the Commission to execute its functions. The affirmative vote of a majority of the Commissioners serving on the Commission is required to dispose of any matter before the Commission.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1489.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
302	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, § 102(d), 75 Stat. 840; Pub. L. 105–258, title II, § 202, Oct. 14, 1998, 112 Stat. 1915.

§ 303. Record of meetings and votes

The Federal Maritime Commission, through its secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1489.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
303	46 App.:1111(c) (related to records).	June 29, 1936, ch. 858, title II, § 201(c) (related to records), 49 Stat. 1986.

The words ''true'' and ''yea-and-nay'' are omitted as unnecessary.

§ 304. Delegation of authority

(a) DELEGATION.—The Federal Maritime Commission, by published order or regulation, may delegate to a division of the Commission, an individual Commissioner, an employee board, or an officer or employee of the Commission, any of its duties or powers, including those relating to hearing, determining, ordering, certifying, reporting, or otherwise acting on any matter. This subsection does not affect section 556(b) of title 5.

(b) REVIEW.—The Commission may review any action taken under a delegation of authority under subsection (a). The review may be taken on the Commission's own initiative or on the petition of a party to or an intervenor in the action, within the time and in the manner prescribed by the Commission. The vote of a majority of the Commission, less one member, is sufficient to bring an action before the Commission for review.

(c) DEEMED ACTION OF COMMISSION.—If the Commission declines review, or if review is not sought, within the time prescribed under subsection (b), the action taken under the delegation of authority is deemed to be the action of the Commission.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1489.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
304	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, § 105(a)–(c), 75 Stat. 841.

§ 305. Regulations

The Federal Maritime Commission may prescribe regulations to carry out its duties and powers.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1489.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
305	46 App.:1111(c) (related to rules and regulations).	June 29, 1936, ch. 858, title II, § 201(c) (related to rules and regulations), 49 Stat. 1986.
	46 App.:1716.	Pub. L. 98–237, § 17, Mar. 20, 1984, 98 Stat. 84.

The words ''to carry out its duties and powers'' are substituted for ''in regard to its procedure and the conduct of its business'' in 46 App. U.S.C. 1111(c) and ''to carry out this chapter'' in 46 App. U.S.C. 1716(a) for consistency in the revised title. The text of 46 App. U.S.C. 1716(b) is omitted as executed and obsolete.

§ 306. Annual report

(a) IN GENERAL.—Not later than April 1 of each year, the Federal Maritime Commission shall submit a report to Congress. The report shall include the results of its investigations, a summary of its transactions, the purposes for which all of its expenditures were made, and any recommendations for legislation.

(b) REPORT ON FOREIGN LAWS AND PRACTICES.—The Commission shall include in its annual report to Congress—

(1) a list of the 20 foreign countries that generated the largest volume of oceanborne liner cargo for the most recent calendar year in bilateral trade with the United States;

(2) an analysis of conditions described in section 42302(a) of this title being investigated or found to exist in foreign countries;

(3) any actions being taken by the Commission to offset those conditions;

(4) any recommendations for additional legislation to offset those conditions; and

(5) a list of petitions filed under section 42302(b) of this title that the Commission rejected and the reasons for each rejection.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1489.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
306(a)	46 App.:1118 (related to Commission).	June 29, 1936, ch. 858, title II, § 208 (related to Commission), 49 Stat. 1988; Pub. L. 94–273, § 36, Apr. 21, 1976, 90 Stat. 380; Pub. L. 97–31, § 12(65), Aug. 6, 1981, 95 Stat. 159.
306(b)	46 App.:1710a(g).	Pub. L. 100–418, title X, § 10002(g), Aug. 23, 1988, 102 Stat. 1572.

In subsection (a), the words ''a statement of all receipts under this chapter'' are omitted as inapplicable to the Commission.

§ 307. Expenditures

The Federal Maritime Commission may make such expenditures as are necessary in the performance of its functions from funds appropriated or otherwise made available to it, which appropriations are authorized.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1490.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
307	46 App.:1111(d) (related to Commission).	June 29, 1936, ch. 858, title II, § 201(d) (related to Commission), 49 Stat. 1986; Pub. L. 97–31, § 12(58)(B), Aug. 6, 1981, 95 Stat. 158.

The words ''by this chapter'', ''after June 29, 1936'', and ''further'' are omitted as unnecessary.

CHAPTER 5—OTHER GENERAL PROVISIONS

Sec.
501. Waiver of navigation and vessel-inspection laws.
502. Cargo exempt from forfeiture.
503. Notice of seizure.
504. Remission of fees and penalties.
505. Penalty for violating regulation or order.

§ 501. Waiver of navigation and vessel-inspection laws

(a) ON REQUEST OF SECRETARY OF DEFENSE.—On request of the Secretary of Defense, the head