

Pub. L. 99-509, title V, subtitle B, §5104(a), Oct. 21, 1986, 100 Stat. 1928, provided that: "The repeal of a law by this subtitle may not be construed as a legislative implication that the provision was or was not in effect before its repeal."

Pub. L. 99-509, title V, subtitle B, §5104(b), Oct. 21, 1986, 100 Stat. 1928, repealed specified laws relating to shipping, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Oct. 21, 1986.

Pub. L. 98-89, §4(a), Aug. 26, 1983, 97 Stat. 599, provided that: "The repeal of a law by this Act may not be construed as a legislative implication that the provision was or was not in effect before its repeal."

Pub. L. 98-89, §4(b), Aug. 26, 1983, 97 Stat. 599, repealed specified laws relating to shipping, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Aug. 26, 1983, and except as provided by section 2 of Pub. L. 98-89, set out as notes above and notes under sections 3101, 3302, 3715, and 6301 of this title.

Subtitle I—General

Chapter 1. Definitions ..... 101
3. Federal Maritime Commission ..... 301
5. Other General Provisions ..... 501

CHAPTER 1—DEFINITIONS

Sec. 101. Agency.
102. Barge.
103. Boundary Line.
104. Citizen of the United States.
105. Consular officer.
106. Documented vessel.
107. Exclusive economic zone.
108. Fisheries.
109. Foreign commerce or trade.
110. Foreign vessel.
111. Numbered vessel.
112. State.
113. Undocumented.
114. United States.
115. Vessel.
116. Vessel of the United States.

§ 101. Agency

In this title, the term "agency" means a department, agency, or instrumentality of the United States Government.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 101: (no source).

A definition of "agency" is added to avoid having to repeat the substance of the definition at various places in the revised title.

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-136, div. C, title XXXV, §3501, Nov. 24, 2003, 117 Stat. 1789, provided that: "This title [see Tables for classification] may be cited as the 'Maritime Security Act of 2003'."

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-295, §1(a), Nov. 25, 2002, 116 Stat. 2064, provided that: "This Act [see Tables for classification] may be cited as the 'Maritime Transportation Security Act of 2002'."

Pub. L. 107-295, title II, §201, Nov. 25, 2002, 116 Stat. 2093, provided that: "This title [see Tables for classification] may be cited as the 'Maritime Policy Improvement Act of 2002'."

Pub. L. 106-65, div. C, title XXXVI, §3601, Oct. 5, 1999, 113 Stat. 975, provided that: "This title [see Tables for classification] may be cited as the 'Maritime Administration Authorization Act for Fiscal Year 2000'."

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 105-277, div. C, title II, §201, Oct. 21, 1998, 112 Stat. 2681-616, provided that: "This title [see Tables for classification] may be cited as the 'American Fisheries Act'."

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 104-324, title VI, §601, Oct. 19, 1996, 110 Stat. 3927, provided that: "This title [see Tables for classification] may be cited as the 'Coast Guard Regulatory Reform Act of 1996'."

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-297, title III, §301, Oct. 11, 1996, 110 Stat. 3615, provided that: "This title [see Tables for classification] may be cited as the 'Fisheries Financing Act'."

Pub. L. 104-239, §1, Oct. 8, 1996, 110 Stat. 3118, provided that: "This Act [see Tables for classification] may be cited as the 'Maritime Security Act of 1996'."

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-206, title V, §501, Dec. 20, 1993, 107 Stat. 2439, provided that: "This title [see Tables for classification] may be cited as the 'Passenger Vessel Safety Act of 1993'."

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-587, title V, §5301, Nov. 4, 1992, 106 Stat. 5081, provided that: "This subtitle [subtitle C (§§5301-5305) of title V of Pub. L. 102-587, see Tables for classification] may be cited as the 'Abandoned Barge Act of 1992'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-595, title VI, §601, Nov. 16, 1990, 104 Stat. 2990, provided that: "This title [see Tables for classification] may be cited as the 'Aleutian Trade Act of 1990'."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-424, §1, Sept. 9, 1988, 102 Stat. 1585, provided that: "This Act [see Tables for classification] may be cited as the 'Commercial Fishing Industry Vessel Safety Act of 1988'."

Pub. L. 100-418, title X, §10001, Aug. 23, 1988, 102 Stat. 1570, provided that: "This subtitle [subtitle A (§§10001-10003) of title X of Pub. L. 100-418, see Tables for classification] may be cited as the 'Foreign Shipping Practices Act of 1988'."

Pub. L. 100-239, §1, Jan. 11, 1988, 101 Stat. 1778, provided that: "This Act [see Tables for classification] may be cited as the 'Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987'."

SHORT TITLE OF 1986 AMENDMENT

Pub. L. 99-626, §1, Nov. 7, 1986, 100 Stat. 3504, provided that: "This act [see Tables for classification] may be cited as the 'Recreational Boating Safety Act of 1986'."

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-498, title II, §210, Oct. 19, 1984, 98 Stat. 2303, provided that: "This subtitle [subtitle A (§§210-214) of title II of Pub. L. 98-498, see Tables for classification] may be cited as the 'Maritime Safety Act of 1984'."

Pub. L. 98-364, title IV, §401, July 17, 1984, 98 Stat. 445, provided that: "This title [see Tables for classification] may be cited as the 'Commercial Fishing Industry Vessel Act'."

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97-31, §1, Aug. 6, 1981, 95 Stat. 151, provided: "That this Act [see Tables for classification] may be cited as the 'Maritime Act of 1981'."

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-372, §1, July 31, 1976, 90 Stat. 1042, provided: “That this Act [see Tables for classification] may be cited as the ‘Negotiated Shipbuilding Contracting Act of 1976.’”

SHORT TITLE OF 1970 AMENDMENT

Pub. L. 91-469, §44, Oct. 21, 1970, 84 Stat. 1039, provided that: “This Act [see Tables for classification] may be cited as the ‘Merchant Marine Act of 1970.’”

SHORT TITLE OF 1936 AMENDMENT

Act June 29, 1936, ch. 858, title IX, §906, 49 Stat. 2016, as amended by Pub. L. 109-304, §19, Oct. 6, 2006, 120 Stat. 1710, provided that: “This Act [see Tables for classification] may be cited as the Merchant Marine Act, 1936.”

**§ 102. Barge**

In this title, the term “barge” means a non-self-propelled vessel.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
102 .....	46:2101(2).	

**§ 103. Boundary Line**

In this title, the term “Boundary Line” means a line established under section 2(b) of the Act of February 19, 1895 (33 U.S.C. 151).<sup>1</sup>

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
103 .....	46:2101(3).	

**§ 104. Citizen of the United States**

In this title, the term “citizen of the United States”, when used in reference to a natural person, means an individual who is a national of the United States as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
104 .....	46:2101(3a).	

The words “when used in reference to a natural person” are added because of provisions in the title which treat entities as citizens. The words “or an individual citizen of the Trust Territory of the Pacific Islands who is exclusively domiciled in the Northern Mariana Islands within the meaning of section 1005(e) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (48 U.S.C. 1801 note)” are omitted because the Covenant referred to became effective November 4, 1986, making citizens of the Northern Mariana Islands citizens or non-citizen nationals of the United States.

**§ 105. Consular officer**

In this title, the term “consular officer” means an officer or employee of the United

<sup>1</sup> So in original. Probably should be “(33 U.S.C. 151(b)).”.

States Government designated under regulations to issue visas.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
105 .....	46:2101(6).	

**§ 106. Documented vessel**

In this title, the term “documented vessel” means a vessel for which a certificate of documentation has been issued under chapter 121 of this title.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1486.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
106 .....	46:2101(10).	

**§ 107. Exclusive economic zone**

In this title, the term “exclusive economic zone” means the zone established by Presidential Proclamation 5030 of March 10, 1983 (16 U.S.C. 1453 note).

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
107 .....	46:2101(10a).	

**§ 108. Fisheries**

In this title, the term “fisheries” includes processing, storing, transporting (except in foreign commerce), planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the exclusive economic zone.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
108 .....	46:12101(a)(1).	

**§ 109. Foreign commerce or trade**

(a) IN GENERAL.—In this title, the terms “foreign commerce” and “foreign trade” mean commerce or trade between a place in the United States and a place in a foreign country.

(b) CAPITAL CONSTRUCTION FUNDS AND CONSTRUCTION-DIFFERENTIAL SUBSIDIES.—In the context of capital construction funds under chapter 535 of this title, and in the context of construction-differential subsidies under title V of the Merchant Marine Act, 1936, the terms “foreign commerce” and “foreign trade” also include, in the case of liquid and dry bulk cargo carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in a manner that will permit bulk vessels of the United States to compete freely with

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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 subsection (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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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). 46 App.:1716.	June 29, 1936, ch. 858, title II, §201(c) (related to rules and regulations), 49 Stat. 1986. 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. 1986; 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

of an agency responsible for the administration of the navigation or vessel-inspection laws shall waive compliance with those laws to the extent the Secretary considers necessary in the interest of national defense.

(b) BY HEAD OF AGENCY.—When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual, following a determination by the Maritime Administrator, acting in the Administrator’s capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements, may waive compliance with those laws to the extent, in the manner, and on the terms the individual, in consultation with the Administrator, acting in that capacity, prescribes.

(c) TERMINATION OF AUTHORITY.—The authority granted by this section shall terminate at such time as the Congress by concurrent resolution or the President may designate.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1490; Pub. L. 110–417, div. C, title XXXV, § 3510, Oct. 14, 2008, 122 Stat. 4769.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 501: 46 App.:3 note prec., Dec. 27, 1950, ch. 1155, §§1, 2, 64 Stat. 1120.

In subsection (b), the words “When the head of an agency . . . considers it necessary” are substituted for “either upon his own initiative or upon the written recommendation of the head of any other Government agency, when he deems that such action is necessary” to eliminate unnecessary words.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110–417 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual may waive compliance with those laws to the extent, in the manner, and on the terms the individual prescribes.”

§ 502. Cargo exempt from forfeiture

Cargo on a vessel is exempt from forfeiture under this title if—

(1) the cargo is owned in good faith by a person not the owner, master, or crewmember of the vessel; and

(2) the customs duties on the cargo have been paid or secured for payment as provided by law.

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

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 502: 46 App.:326, R.S. §4378.

§ 503. Notice of seizure

When a forfeiture of a vessel or cargo accrues, the official of the United States Government required to give notice of the seizure of the vessel or cargo shall include in the notice, if they are

known to that official, the name and the place of residence of the owner or consignee at the time of the seizure.

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

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 503: 46 App.:327, R.S. §4379.

§ 504. Remission of fees and penalties

Any part of a fee, tax, or penalty paid or a forfeiture incurred under a law or regulation relating to vessels or seamen may be remitted if—

(1) application for the remission is made within one year after the date of the payment or forfeiture; and

(2) it is found that the fee, tax, penalty, or forfeiture was improperly or excessively imposed.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1491.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 504: 46:2108.

This section replaces 46 U.S.C. 2108, which was enacted as part of the codification of subtitle II of title 46 in 1983. That provision was based on section 26 of the Act of June 26, 1884, ch. 121, 23 Stat. 59, which prior to the subtitle II codification appeared at 46 U.S.C. 8 (1982 ed.). In the enactment of 46 U.S.C. 2108, the scope of the 1884 provision was narrowed, presumably inadvertently. This section restores the remissions authority to its prior scope. Note that 19 C.F.R. § 4.24 (2003) still refers to “the authority to make refunds in accordance with section 26 of the Act of June 26, 1884 (46 U.S.C. 8)” as if that provision had not been replaced by 46 U.S.C. 2108 in 1983.

§ 505. Penalty for violating regulation or order

A person convicted of knowingly and willfully violating a regulation or order of the Federal Maritime Commission or the Secretary of Transportation under subtitle IV or V of this title, for which no penalty is expressly provided, shall be fined not more than \$500. Each day of a continuing violation is a separate offense.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1491.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 505: 46 App.:1228 (last par.), June 29, 1936, ch. 858, title VIII, §806(d); as added Aug. 4, 1939, ch. 417, §13, 53 Stat. 1187; Pub. L. 97–31, §12(125), Aug. 6, 1981, 95 Stat. 164.

Subtitle II—Vessels and Seamen

PART A—GENERAL PROVISIONS

Chapter 21. General ..... 2101
23. Operation of Vessels Generally ..... 2301

PART B—INSPECTION AND REGULATION OF VESSELS

31. General ..... 3101
32. Management of Vessels ..... 3201