

In subsection (b)(2), the words “conform to the Federal Rules of Civil Procedure (28 App. U.S.C.)” are substituted for “are in conformity with the rules applicable in civil proceedings in the district courts of the United States” for clarity.

In subsection (d)(2), the penalties from 46 App. U.S.C. 876(f)(4) and (g)(4)(B) are combined because they are redundant.

In subsection (e), the words “by an appropriate injunction or other process, mandatory or otherwise” are omitted as unnecessary.

§ 42105. Disclosure to public

Notwithstanding any other provision of law, the Federal Maritime Commission may refuse to disclose to the public a response or other information submitted to it under this chapter.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1550.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 42105, 46 App.:876(h), June 5, 1920, ch. 250, §19(h); as added Pub. L. 101-595, title I, §103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105-258, title III, §301, Oct. 14, 1998, 112 Stat. 1915.

§ 42106. Other actions to remedy unfavorable conditions

If the Federal Maritime Commission finds that conditions unfavorable to shipping in foreign trade as described in section 42101 of this title exist, the Commission may—

- (1) limit voyages to and from United States ports or the amount or type of cargo carried;
(2) suspend, in whole or in part, tariffs and service contracts for carriage to or from United States ports, including a common carrier’s right to use tariffs of conferences and service contracts of agreements in United States trades of which it is a member for any period the Commission specifies;
(3) suspend, in whole or in part, an ocean common carrier’s right to operate under any agreement filed with the Commission, including any agreement authorizing preferential treatment at terminals, preferential terminal leases, space chartering, or pooling of cargo or revenue with other ocean common carriers;
(4) impose a fee not to exceed \$1,000,000 per voyage; or
(5) take any other action the Commission finds necessary and appropriate to adjust or meet any condition unfavorable to shipping in the foreign trade of the United States.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1550.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 42106, 46 App.:876(i), June 5, 1920, ch. 250, §19(i); as added Pub. L. 101-595, title I, §103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105-258, title III, §301, Oct. 14, 1998, 112 Stat. 1915.

§ 42107. Refusal of clearance and entry

At the request of the Federal Maritime Commission—

(1) the Secretary of Homeland Security shall—

(A) refuse the clearance required by section 60105 of this title to a vessel of a country that is named in a regulation prescribed by the Commission under section 42101 of this title; and

(B) collect any fees imposed by the Commission under section 42106(4) of this title; and

(2) the Secretary of the department in which the Coast Guard is operating shall—

(A) deny entry, for purposes of oceanborne trade, of a vessel of a country that is named in a regulation prescribed by the Commission under section 42101 of this title, to a port or place in the United States or the navigable waters of the United States; or

(B) detain the vessel at the port or place in the United States from which it is about to depart for another port or place in the United States.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1551.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 42107, 46 App.:876(j), June 5, 1920, ch. 250, §19(j); as added Pub. L. 101-595, title I, §103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105-258, title III, §301, Oct. 14, 1998, 112 Stat. 1915.

In paragraph (1), the words “Secretary of Homeland Security” are substituted for “collector of customs at the port or place of destination in the United States” because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2178). The functions of the collector of customs previously were vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950, and the office of collector of customs previously was abolished by Reorganization Plan No. 1 of 1965.

§ 42108. Penalty for operating under suspended tariff or service contract

A common carrier that accepts or handles cargo for carriage under a tariff or service contract that has been suspended under section 42104(d)(1) or 42106(2) of this title, or after its right to use another tariff or service contract has been suspended under those provisions, is liable to the United States Government for a civil penalty of not more than \$50,000 for each day that it is found to be operating under a suspended tariff or service contract.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1551.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 42108, 46 App.:876(k), June 5, 1920, ch. 250, §19(k); as added Pub. L. 101-595, title I, §103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105-258, title III, §301, Oct. 14, 1998, 112 Stat. 1915.

§ 42109. Consultation with other agencies

The Federal Maritime Commission may consult with, seek the cooperation of, or make rec-