

ommendations to other appropriate agencies of the United States Government prior to taking any action under this chapter.

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

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 42109 | 46 App.:876(l). | June 5, 1920, ch. 250, §19(l); 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. |

CHAPTER 423—FOREIGN SHIPPING PRACTICES

- Sec. 42301. Definitions.
- 42302. Investigations.
- 42303. Information requests.
- 42304. Action against foreign carriers.
- 42305. Refusal of clearance and entry.
- 42306. Submission of determinations to President.
- 42307. Review of regulations and orders.

§ 42301. Definitions

(a) DEFINED IN PART A.—In this chapter, the terms “common carrier”, “marine terminal operator”, “ocean common carrier”, “ocean transportation intermediary”, “shipper”, and “shippers’ association” have the meaning given those terms in section 40102 of this title.

(b) OTHER DEFINITIONS.—In this chapter:

(1) FOREIGN CARRIER.—The term “foreign carrier” means an ocean common carrier a majority of whose vessels are documented under the laws of a foreign country.

(2) MARITIME SERVICES.—The term “maritime services” means port-to-port transportation of cargo by vessels operated by an ocean common carrier.

(3) MARITIME-RELATED SERVICES.—The term “maritime-related services” means intermodal operations, terminal operations, cargo solicitation, agency services, ocean transportation intermediary services and operations, and all other activities and services integral to total transportation systems of ocean common carriers and their foreign domiciled affiliates for themselves and others.

(4) UNITED STATES CARRIER.—The term “United States carrier” means an ocean common carrier operating vessels documented under the laws of the United States.

(5) UNITED STATES OCEANBORNE TRADE.—The term “United States oceanborne trade” means the carriage of cargo between the United States and a foreign country, whether directly or indirectly, by an ocean common carrier.

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

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 42301 | 46 App.:1710a(a). | Pub. L. 100-418, title X, §10002(a), Aug. 23, 1988, 102 Stat. 1570; Pub. L. 105-258, title I, §111(1)-(3), Oct. 14, 1998, 112 Stat. 1911. |

§ 42302. Investigations

(a) IN GENERAL.—The Federal Maritime Commission shall investigate whether any laws,

rules, regulations, policies, or practices of a foreign government, or any practices of a foreign carrier or other person providing maritime or maritime-related services in a foreign country, result in the existence of conditions that—

(1) adversely affect the operations of United States carriers in United States oceanborne trade; and

(2) do not exist for foreign carriers of that country in the United States under the laws of the United States or as a result of acts of United States carriers or other persons providing maritime or maritime-related services in the United States.

(b) INITIATION OF INVESTIGATION.—An investigation under subsection (a) may be initiated by the Commission on its own motion or on the petition of any person, including another component of the United States Government.

(c) TIME FOR DECISION.—The Commission shall complete an investigation under this section and render a decision within 120 days after it is initiated. However, the Commission may extend this 120-day period for an additional 90 days if the Commission is unable to obtain sufficient information to determine whether a condition specified in subsection (a) exists. A notice providing an extension shall state clearly the reasons for the extension.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1552.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|----------------------|--|
| 42302(a) | 46 App.:1710a(b). | Pub. L. 100-418, title X, §10002(b), (c), Aug. 23, 1988, 102 Stat. 1570; Pub. L. 105-258, title I, §111(4), Oct. 14, 1998, 112 Stat. 1911. |
| 42302(b) | 46 App.:1710a(c)(1). | |
| 42302(c) | 46 App.:1710a(c)(2). | |

In subsection (b), the words “including another component of the United States Government” are substituted for “including any common carrier, shipper, shippers’ association, ocean transportation intermediary, or marine terminal operator, or any branch, department, agency, or other component of the Government of the United States” for consistency with section 42101(b) of the revised title and to eliminate unnecessary words.

§ 42303. Information requests

(a) IN GENERAL.—To further the purposes of section 42302(a) of this title, the Federal Maritime Commission may order any person (including a common carrier, shipper, shippers’ association, ocean transportation intermediary, or marine terminal operator, or an officer, receiver, trustee, lessee, agent or employee thereof) to file with the Commission any periodic or special report, answers to questions, documentary material, or other information the Commission considers necessary or appropriate. The Commission may require the response to any such order to be made under oath. The response shall be provided in the form and within the time specified by the Commission.

(b) SUBPOENAS.—In an investigation under section 42302 of this title, the Commission may subpoena witnesses and evidence.

(c) NONDISCLOSURE.—Notwithstanding any other provision of law, the Commission may de-