

Stat. 4765; Pub. L. 117–263, div. K, title CXVIII, § 11801(a), Dec. 23, 2022, 136 Stat. 4163.)

Subsec. (b)(3) to (5). Pub. L. 113–281, § 403(a)(2), added pars. (3) and (4) and redesignated former par. (3) as (5).

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.

**Editorial Notes**

AMENDMENTS

2022—Subsec. (b)(2). Pub. L. 117–263, § 11801(a)(1), substituted “2 years” for “one year” and “3 terms” for “2 terms”.

Subsec. (b)(3). Pub. L. 117–263, § 11801(a)(2), substituted “to which such individual is appointed” for “of the individual being succeeded”, “3 terms” for “2 terms”, and “such” for “the predecessor of that”.

2021—Pub. L. 116–283, § 8605(a)(3), renumbered section 301 of this title as this section.

Subsec. (c)(3)(A)(v). Pub. L. 116–283, § 8605(b)(1), substituted “46104” for “304”.

2016—Subsec. (c)(3)(A)(ii). Pub. L. 114–120, § 402(1), substituted “units (with such appointments subject to the approval of the Commission);” for “units, but only after consultation with the other Commissioners;”.

Subsec. (c)(3)(A)(vi). Pub. L. 114–120, § 402(2)–(4), added cl. (vi).

2014—Subsec. (b)(2). Pub. L. 113–281, § 403(a)(1), amended par. (2) generally. Prior to amendment, text read as follows: “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.”

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–263, div. K, title CXVIII, § 11801(b), Dec. 23, 2022, 136 Stat. 4163, provided that: “The amendments made by this section [amending this section] shall not apply to Commissioners to whom section 403(b) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281) [set out below] applies.”

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113–281, title IV, § 403(b), Dec. 18, 2014, 128 Stat. 3056, provided that: “The amendment made by subsection (a)(1) [amending this section] does not apply with respect to a Commissioner of the Federal Maritime Commission appointed and confirmed by the Senate before the date of the enactment of this Act [Dec. 18, 2014].”

**§ 46102. 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, § 302; renumbered § 46102, Pub. L. 116–283, div. G, title LVXXXVI [LXXXVI], § 8605(a)(3), Jan. 1, 2021, 134 Stat. 4765.)

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.

**Editorial Notes**

AMENDMENTS

2021—Pub. L. 116–283 renumbered section 302 of this title as this section.

**§ 46103. Meetings**

(a) IN GENERAL.—The Federal Maritime Commission shall be deemed to be an agency for purposes of section 552b of title 5.

(b) RECORD.—The 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.

(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

(1) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the Commissioners may hold a meeting that is not open to public observation to discuss official agency business if—

(A) no formal or informal vote or other official agency action is taken at the meeting;

(B) each individual present at the meeting is a Commissioner or an employee of the Commission;

(C) at least 1 Commissioner from each political party is present at the meeting, if applicable; and

(D) the General Counsel of the Commission is present at the meeting.

(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under paragraph (3), not later than 2 business days after the conclusion of a meeting under paragraph (1), the Commission shall make available to the public, in a place easily accessible to the public—

(A) a list of the individuals present at the meeting; and

(B) a summary of the matters discussed at the meeting, except for any matters the Commission properly determines may be withheld from the public under section 552b(c) of title 5.

(3) EXCEPTION.—If the Commission properly determines matters may be withheld from the public under section 552b(c) of title 5, the Commission shall provide a summary with as much general information as possible on those matters withheld from the public.

(4) ONGOING PROCEEDINGS.—If a meeting under paragraph (1) directly relates to an ongoing proceeding before the Commission, the Commission shall make the disclosure under paragraph (2) on the date of the final Commission decision.

(5) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the Commissioners other than that described in this subsection.

(6) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed—

(A) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under paragraph (2)(B) of this subsection; or

(B) to authorize the Commission to withhold from any individual any record that is accessible to that individual under section 552a of title 5.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1489, § 303; Pub. L. 115–282, title VII, § 711(a), Dec. 4, 2018, 132 Stat. 4297; renumbered § 46103 and amended Pub. L. 116–283, div. G, title LVXXXVI [LXXXVI], § 8605(a)(3), (c), Jan. 1, 2021, 134 Stat. 4765.)

HISTORICAL AND REVISION NOTES

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

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283, § 8605(a)(3), renumbered section 303 of this title as this section.

Subsec. (c)(3). Pub. L. 116–283, § 8605(c), substituted “552b(c)” for “555b(c)”.

2018—Pub. L. 115–282 amended section generally. Prior to amendment, text read as follows: “The Federal Mari-

time 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.”

§ 46104. 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, § 304; renumbered § 46104, Pub. L. 116–283, div. G, title LVXXXVI [LXXXVI], § 8605(a)(3), Jan. 1, 2021, 134 Stat. 4765.)

HISTORICAL AND REVISION NOTES

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

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 renumbered section 304 of this title as this section.

§ 46105. Regulations

(a) IN GENERAL.—The Federal Maritime Commission may prescribe regulations to carry out its duties and powers.

(b) TRANSPARENCY.—

(1) IN GENERAL.—In conjunction with the transmittal by the President to the Congress of the Budget of the United States for fiscal year 2021 and biennially thereafter, the Federal Maritime Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives reports that describe the Commission’s progress toward addressing the issues raised in each unfinished regulatory proceeding, regardless of whether the proceeding is subject to a statutory or regulatory deadline.

(2) FORMAT OF REPORTS.—Each report under paragraph (1) shall, among other things, clear-