

(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-