

ly identify for each unfinished regulatory proceeding—

- (A) the popular title;
- (B) the current stage of the proceeding;
- (C) an abstract of the proceeding;
- (D) what prompted the action in question;
- (E) any applicable statutory, regulatory, or judicial deadline;
- (F) the associated docket number;
- (G) the date the rulemaking was initiated;
- (H) a date for the next action; and
- (I) if a date for the next action identified in the previous report is not met, the reason for the delay.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1489, § 305; renumbered § 46105 and amended Pub. L. 116-283, div. G, title LVXXXVI [LXXXVI], §§ 8603, 8605(a)(3), Jan. 1, 2021, 134 Stat. 4761, 4765.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
305 .....	46 App.:1111(c) (related to rules and regulations).	June 29, 1936, ch. 858, title II, § 201(c) (related to rules and regulations), 49 Stat. 1986.
	46 App.:1716.	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.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, § 8605(a)(3), renumbered section 305 of this title as this section.

Pub. L. 116-283, § 8603, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

TRANSPARENCY IN UNFINISHED REGULATORY PROCEEDINGS

Pub. L. 115-282, title VII, § 712, Dec. 4, 2018, 132 Stat. 4298, provided that:

“(a) IN GENERAL.—Beginning not later than 60 days after the date of enactment of this Act [Dec. 4, 2018], 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 bi-annual 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.

“(b) FORMAT OF REPORTS.—Each report under subsection (a) shall, among other things, clearly identify for each unfinished regulatory proceeding—

- “(1) the popular title;
- “(2) the current stage of the proceeding;
- “(3) an abstract of the proceeding;
- “(4) what prompted the action in question;
- “(5) any applicable statutory, regulatory, or judicial deadline;
- “(6) the associated docket number;
- “(7) the date the rulemaking was initiated;
- “(8) a date for the next action; and
- “(9) if a date for next action identified in the previous report is not met, the reason for the delay.”

§ 46106. Annual report and public disclosure

(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;
- (5) a list of petitions filed under section 42302(b) of this title that the Commission rejected and the reasons for each rejection;
- (6) an analysis of the impacts on competition for the purchase of certain covered services by alliances of ocean common carriers acting pursuant to an agreement under this part<sup>1</sup> between or among ocean common carriers, including a summary of actions, including corrective actions, taken by the Commission to promote such competition; and
- (7) an identification of any otherwise concerning practices by ocean common carriers, particularly such carriers that are controlled carriers, that are—

- (A) State-owned or State-controlled enterprises; or
- (B) owned or controlled by, a subsidiary of, or otherwise related legally or financially (other than a minority relationship or investment) to a corporation based in a country—

- (i) identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this paragraph;
- (ii) identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; or
- (iii) subject to monitoring by the United States Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(c) DEFINITION OF CERTAIN COVERED SERVICES.—In this section, the term “certain covered services” has the meaning given the term in section 40102.

(d) PUBLIC DISCLOSURES.—The Federal Maritime Commission shall publish, and annually update, on the website of the Commission—

- (1) all findings by the Commission of false detention and demurrage invoice information by common carriers under section 41104(a)(15) of this title; and
- (2) all penalties imposed or assessed against common carriers, as applicable, under sections 41107, 41108, and 41109, listed by each common carrier.

<sup>1</sup> See References in Text note below.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1489, § 306; Pub. L. 115-282, title VII, § 703, Dec. 4, 2018, 132 Stat. 4294; renumbered § 46106, Pub. L. 116-283, div. G, title LVXXXVI [LXXXVI], § 8605(a)(3), Jan. 1, 2021, 134 Stat. 4765; Pub. L. 117-146, §§ 6, 14, June 16, 2022, 136 Stat. 1274, 1279; Pub. L. 118-159, div. C, title XXXV, § 3535(j)(1), Dec. 23, 2024, 138 Stat. 2315.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows include 306(a) and 306(b) with their respective legislative sources.

In subsection (a), the words “a statement of all receipts under this chapter” are omitted as inapplicable to the Commission.

Editorial Notes

REFERENCES IN TEXT

The reference to “this part”, referred to in subsec. (b)(6), was added when this section was numbered as section 306 of this title and was in subtitle I, which does not contain parts. After section 306 was renumbered as this section, it was transferred into part D of subtitle IV, but it is unclear whether the reference to “this part” was intended to take on the reference to such part D upon the transfer.

The date of enactment of this paragraph, referred to in subsec. (b)(7)(B)(i), is the date of enactment of Pub. L. 117-146, which was approved June 16, 2022.

AMENDMENTS

2024—Pub. L. 118-159 inserted “and public disclosure” after “report” in section catchline.

2022—Subsec. (b)(7). Pub. L. 117-146, § 14, added par. (7).

Subsec. (d). Pub. L. 117-146, § 6, added subsec. (d).

2021—Pub. L. 116-283 renumbered section 306 of this title as this section.

2018—Subsec. (b)(6). Pub. L. 115-282, § 703(1), added par. (6).

Subsec. (c). Pub. L. 115-282, § 703(2), added subsec. (c).

§ 46107. Expenditures

(a) IN GENERAL.—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.

(b) PROHIBITION.—Notwithstanding subsection (a), the Federal Maritime Commission may not expend any funds appropriated or otherwise made available to it to a non-Federal entity to issue an award, prize, commendation, or other honor that is not related to the purposes set forth in section 40101.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1490, § 307; Pub. L. 114-120, title IV, § 403, Feb. 8, 2016, 130 Stat. 67; renumbered § 46107, Pub. L. 116-283, div. G, title LVXXXVI [LXXXVI], § 8605(a)(3), Jan. 1, 2021, 134 Stat. 4765.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row includes 307 with its legislative history.

The words “by this chapter”, “after June 29, 1936”, and “further” are omitted as unnecessary.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 307 of this title as this section.

2016—Pub. L. 114-120 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 46108. Authorization of appropriations

There is authorized to be appropriated to the Federal Maritime Commission \$32,869,000 for fiscal year 2022, \$38,260,000 for fiscal year 2023, \$43,720,000 for fiscal year 2024, and \$49,200,000 for fiscal year 2025 for the activities of the Commission authorized under this chapter and subtitle IV.

(Added Pub. L. 114-120, title IV, § 401(a), Feb. 8, 2016, 130 Stat. 67, § 308; amended Pub. L. 115-282, title VII, § 702, Dec. 4, 2018, 132 Stat. 4294; renumbered § 46108 and amended Pub. L. 116-283, div. G, title LVXXXVI [LXXXVI], §§ 8602, 8605(a)(3), Jan. 1, 2021, 134 Stat. 4761, 4765; Pub. L. 117-146, § 26, June 16, 2022, 136 Stat. 1286.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117-146 substituted “\$32,869,000 for fiscal year 2022, \$38,260,000 for fiscal year 2023, \$43,720,000 for fiscal year 2024, and \$49,200,000 for fiscal year 2025” for “\$29,086,888 for fiscal year 2020 and \$29,639,538 for fiscal year 2021”.

2021—Pub. L. 116-283, § 8605(a)(3), renumbered section 308 of this title as this section.

Pub. L. 116-283, § 8602, substituted “\$29,086,888 for fiscal year 2020 and \$29,639,538 for fiscal year 2021” for “\$28,012,310 for fiscal year 2018 and \$28,544,543 for fiscal year 2019”.

2018—Pub. L. 115-282 substituted “\$28,012,310 for fiscal year 2018 and \$28,544,543 for fiscal year 2019” for “\$24,700,000 for each of fiscal years 2016 and 2017”.

Subtitle V—Merchant Marine

PART A—GENERAL

Table with 2 columns: Chapter, Sec. Rows include 501. Policy, Studies, and Reports; 503. Administrative; 504. Committees; 505. Other General Provisions.

PART B—MERCHANT MARINE SERVICE

Table with 2 columns: Chapter, Sec. Rows include 511. General; 513. United States Merchant Marine Academy; 515. State Maritime Academy Support Program; 517. Other Support for Merchant Marine Training; 519. Merchant Marine Awards; 521. Miscellaneous.