

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.)

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.

§ 303. Record of meetings and votes

The Federal Maritime 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.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1489.)

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.

§ 304. 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.)

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.

§ 305. Regulations

The Federal Maritime Commission may prescribe regulations to carry out its duties and powers.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1489.)

HISTORICAL AND REVISION NOTES

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

§ 306. Annual report

(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; and
- (5) a list of petitions filed under section 42302(b) of this title that the Commission rejected and the reasons for each rejection.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1489.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306(a)	46 App.:1118 (related to Commission).	June 29, 1936, ch. 858, title II, §208 (related to Commission), 49 Stat. 1988; Pub. L. 94-273, §36, Apr. 21, 1976, 90 Stat. 380; Pub. L. 97-31, §12(65), Aug. 6, 1981, 95 Stat. 159.
306(b)	46 App.:1710a(g).	Pub. L. 100-418, title X, §10002(g), Aug. 23, 1988, 102 Stat. 1572.

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

§ 307. Expenditures

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.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1490.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307	46 App.:1111(d) (related to Commission).	June 29, 1936, ch. 858, title II, §201(d) (related to Commission), 49 Stat. 1986; Pub. L. 97-31, §12(58)(B), Aug. 6, 1981, 95 Stat. 158.

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

CHAPTER 5—OTHER GENERAL PROVISIONS

Sec.	
501.	Waiver of navigation and vessel-inspection laws.
502.	Cargo exempt from forfeiture.
503.	Notice of seizure.
504.	Remission of fees and penalties.
505.	Penalty for violating regulation or order.

§ 501. Waiver of navigation and vessel-inspection laws

(a) ON REQUEST OF SECRETARY OF DEFENSE.—On request of the Secretary of Defense, the head of an agency responsible for the administration of the navigation or vessel-inspection laws shall waive compliance with those laws to the extent the Secretary considers necessary in the interest of national defense.

(b) BY HEAD OF AGENCY.—When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual, following a determination by the Maritime Administrator, acting in the Administrator’s capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements, may waive compliance with those laws to the extent, in the manner, and on the terms the individual, in consultation with the Administrator, acting in that capacity, prescribes.

(c) TERMINATION OF AUTHORITY.—The authority granted by this section shall terminate at such time as the Congress by concurrent resolution or the President may designate.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1490; Pub. L. 110-417, div. C, title XXXV, §3510, Oct. 14, 2008, 122 Stat. 4769.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
501	46 App.:3 note prec.	Dec. 27, 1950, ch. 1155, §§1, 2, 64 Stat. 1120.

In subsection (b), the words “When the head of an agency . . . considers it necessary” are substituted for “either upon his own initiative or upon the written recommendation of the head of any other Government agency, when he deems that such action is necessary” to eliminate unnecessary words.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-417 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary

in the interest of national defense, the individual may waive compliance with those laws to the extent, in the manner, and on the terms the individual prescribes.”

§ 502. Cargo exempt from forfeiture

Cargo on a vessel is exempt from forfeiture under this title if—

(1) the cargo is owned in good faith by a person not the owner, master, or crewmember of the vessel; and

(2) the customs duties on the cargo have been paid or secured for payment as provided by law.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1490.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
502	46 App.:326.	R.S. §4378.

§ 503. Notice of seizure

When a forfeiture of a vessel or cargo accrues, the official of the United States Government required to give notice of the seizure of the vessel or cargo shall include in the notice, if they are known to that official, the name and the place of residence of the owner or consignee at the time of the seizure.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1490.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
503	46 App.:327.	R.S. §4379.

§ 504. Remission of fees and penalties

Any part of a fee, tax, or penalty paid or a forfeiture incurred under a law or regulation relating to vessels or seamen may be remitted if—

(1) application for the remission is made within one year after the date of the payment or forfeiture; and

(2) it is found that the fee, tax, penalty, or forfeiture was improperly or excessively imposed.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1491.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
504	46:2108.	

This section replaces 46 U.S.C. 2108, which was enacted as part of the codification of subtitle II of title 46 in 1983. That provision was based on section 26 of the Act of June 26, 1884, ch. 121, 23 Stat. 59, which prior to the subtitle II codification appeared at 46 U.S.C. 8 (1982 ed.). In the enactment of 46 U.S.C. 2108, the scope of the 1884 provision was narrowed, presumably inadvertently. This section restores the remissions authority to its prior scope. Note that 19 C.F.R. §4.24 (2003) still refers to “the authority to make refunds in accordance with section 26 of the Act of June 26, 1884 (46 U.S.C. 8)” as if that provision had not been replaced by 46 U.S.C. 2108 in 1983.

§ 505. Penalty for violating regulation or order

A person convicted of knowingly and willfully violating a regulation or order of the Federal