

eign commerce), planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the exclusive economic zone.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
108 .....	46:12101(a)(1).	

§ 109. Foreign commerce or trade

(a) IN GENERAL.—In this title, the terms “foreign commerce” and “foreign trade” mean commerce or trade between a place in the United States and a place in a foreign country.

(b) CAPITAL CONSTRUCTION FUNDS AND CONSTRUCTION-DIFFERENTIAL SUBSIDIES.—In the context of capital construction funds under chapter 535 of this title, and in the context of construction-differential subsidies under title V of the Merchant Marine Act, 1936, the terms “foreign commerce” and “foreign trade” also include, in the case of liquid and dry bulk cargo carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in a manner that will permit bulk vessels of the United States to compete freely with foreign bulk vessels in their operation or competition for charters, subject to regulations prescribed by the Secretary of Transportation.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
109 .....	46 App.:1244(a).	June 29, 1936, ch. 858, title IX, §905(a), 49 Stat. 2016; June 23, 1938, ch. 600, §39(a), 52 Stat. 964; Pub. L. 91-469, §28, Oct. 21, 1970, 84 Stat. 1034; Pub. L. 92-402, §2, Aug. 22, 1972, 86 Stat. 617; Pub. L. 97-31, §12(133)(A), Aug. 6, 1981, 95 Stat. 165.

In subsection (a), the words “its Territories or possessions, or the District of Columbia” are omitted because of the definition of “United States” in this chapter.

REFERENCES IN TEXT

The Merchant Marine Act, 1936, referred to in subsection (b), is act June 29, 1936, ch. 858, 49 Stat. 1985. Title V of the Act enacted provisions set out as notes under section 53101 of this title. For complete classification of this Act to the Code, see Short Title of 1936 Amendment note set out under section 101 of this title and Tables.

§ 110. Foreign vessel

In this title, the term “foreign vessel” means a vessel of foreign registry or operated under the authority of a foreign country.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
110 .....	46:2101(12).	

§ 111. Numbered vessel

In this title, the term “numbered vessel” means a vessel for which a number has been issued under chapter 123 of this title.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
111 .....	46:2101(17b).	

§ 112. State

In this title, the term “State” means a State of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
112 .....	46:2101(36).	

§ 113. Undocumented

In this title, the term “undocumented” means not having and not required to have a certificate of documentation issued under chapter 121 of this title.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
113 .....	46:2101(41).	

The words “certificate of documentation” are substituted for “document” for consistency with chapter 121.

§ 114. United States

In this title, the term “United States”, when used in a geographic sense, means the States of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
114 .....	46:2101(44). 46 App.:1244(g).	June 29, 1936, ch. 858, title IX, §905(g), 49 Stat. 2016; as added Pub. L. 96-453, §3(b), Oct. 15, 1980, 94 Stat. 2008.

The language in 46 App. U.S.C. 1244(g) relating to the areas and installations in the Republic of Panama is omitted because those areas and installations were turned over to Panama by the end of 1999.

§ 115. Vessel

In this title, the term “vessel” has the meaning given that term in section 3 of title 1.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
115 .....	46:2101(45).	

§ 116. Vessel of the United States

In this title, the term “vessel of the United States” means a vessel documented under chapter 121 of this title (or exempt from documentation under section 12102(c) of this title), numbered under chapter 123 of this title, or titled under the law of a State.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1488.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
116 .....	46:2101(46).	

CHAPTER 3—FEDERAL MARITIME COMMISSION

- Sec. 301. General organization.
- 302. Quorum.
- 303. Record of meetings and votes.
- 304. Delegation of authority.
- 305. Regulations.
- 306. Annual report.
- 307. Expenditures.

§ 301. General organization

(a) ORGANIZATION.—The Federal Maritime Commission is an independent establishment of the United States Government.

(b) COMMISSIONERS.—

(1) COMPOSITION.—The Commission is composed of 5 Commissioners, appointed by the President by and with the advice and consent of the Senate. Not more than 3 Commissioners may be appointed from the same political party.

(2) TERMS.—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.

(3) REMOVAL.—The President may remove a Commissioner for inefficiency, neglect of duty, or malfeasance in office.

(c) CHAIRMAN.—

(1) DESIGNATION.—The President shall designate one of the Commissioners as Chairman.

(2) GENERAL AUTHORITY.—The Chairman is the chief executive and administrative officer of the Commission. In carrying out the duties and powers of the Commission (other than under paragraph (3)), the Chairman is subject to the policies, regulatory decisions, findings, and determinations of the Commission.

(3) PARTICULAR DUTIES.—

(A) IN GENERAL.—The Chairman shall—

(i) appoint and supervise officers and employees of the Commission;

(ii) appoint the heads of major organizational units, but only after consultation with the other Commissioners;

(iii) distribute the business of the Commission among personnel and organizational units;

(iv) supervise the expenditure of money for administrative purposes; and

(v) assign Commission personnel, including Commissioners, to perform duties and powers delegated by the Commission under section 304 of this title.

(B) NONAPPLICATION.—Subparagraph (A) (other than clause (v)) does not apply to personnel employed regularly and full-time in the offices of Commissioners other than the Chairman.

(4) DELEGATION.—The Chairman may designate officers and employees under the Chairman’s jurisdiction to perform duties and powers of the Chairman, subject to the Chairman’s supervision and direction.

(d) SEAL.—The Commission shall have a seal which shall be judicially recognized.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1488.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

§ 302. Quorum

A vacancy or vacancies in the membership of the Federal Maritime Commission do not impair