

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1555.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44104, 46 App.:817d(e), Pub. L. 89-777, §§2(c), 3(c), Nov. 6, 1966, 80 Stat. 1357. Row 2: 46 App.:817e(c).

§ 44105. Refusal of clearance

The Secretary of Homeland Security shall refuse the clearance required by section 60105 of this title, at the port or place of departure from the United States, of a vessel that is subject to this chapter and does not have evidence issued by the Federal Maritime Commission of compliance with sections 44102 and 44103 of this title.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1555.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44105, 46 App.:817d(e), Pub. L. 89-777, §§2(e), 3(e), Nov. 6, 1966, 80 Stat. 1357, 1358; Pub. L. 103-182, title VI, §689(c), Dec. 8, 1993, 107 Stat. 2222. Row 2: 46 App.:817e(e).

The words "Secretary of Homeland Security" are substituted for "Customs Service" because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2178).

§ 44106. Conduct of proceedings

Part A of this subtitle applies to proceedings conducted by the Federal Maritime Commission under this chapter.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1555.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44106, 46 App.:817d(d), Pub. L. 89-777, §§2(d), 3(d), Nov. 6, 1966, 80 Stat. 1357, 1358; Pub. L. 104-324, title VII, §746(c), Oct. 19, 1996, 110 Stat. 3943. Row 2: 46 App.:817e(d).

The authority to prescribe regulations is omitted as unnecessary because it is already provided by section 305 of the revised title.

Subtitle V—Merchant Marine

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AMENDMENTS

2008—Pub. L. 110-181, div. C, title XXXV, §3523(a)(6)(E), Jan. 28, 2008, 122 Stat. 600, added item for chapter 541.

2007—Pub. L. 110-140, title XI, §1121(b), Dec. 19, 2007, 121 Stat. 1762, added item for chapter 556.

2006—Pub. L. 109-304, §8(a), Oct. 6, 2006, 120 Stat. 1555, amended subtitle analysis generally. Prior to amendment, analysis consisted of item for chapter 531 "Maritime Security Fleet".

PART A—GENERAL

CHAPTER 501—POLICY, STUDIES, AND REPORTS

Sec. 50101. Objectives and policy. 50102. Survey of merchant marine. 50103. Determinations of essential services. 50104. Studies of general maritime problems. 50105. Studies and cooperation relating to the construction of vessels. 50106. Studies on the operation of vessels. 50107. Studies on marine insurance. 50108. Studies on cargo carriage and cargo containers. 50109. Miscellaneous studies. 50110. Securing preference to vessels of the United States. 50111. Submission of annual MARAD authorization request. 50112. National Maritime Enhancement Institutes. 50113. Use and performance reports by operators of vessels.

AMENDMENTS

2015—Pub. L. 114-92, div. A, title X, §1074(c)(2), Nov. 25, 2015, 129 Stat. 997, substituted "Submission of annual MARAD authorization request" for "Reports to Congress" in item 50111.

§ 50101. Objectives and policy

(a) OBJECTIVES.—It is necessary for the national defense and the development of the do-

mestic and foreign commerce of the United States that the United States have a merchant marine—

(1) sufficient to carry the waterborne domestic commerce and a substantial part of the waterborne export and import foreign commerce of the United States and to provide shipping service essential for maintaining the flow of the waterborne domestic and foreign commerce at all times;

(2) capable of serving as a naval and military auxiliary in time of war or national emergency;

(3) owned and operated as vessels of the United States by citizens of the United States;

(4) composed of the best-equipped, safest, and most suitable types of vessels constructed in the United States and manned with a trained and efficient citizen personnel; and

(5) supplemented by efficient facilities for building and repairing vessels.

(b) **POLICY.**—It is the policy of the United States to encourage and aid the development and maintenance of a merchant marine satisfying the objectives described in subsection (a).

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1556; Pub. L. 111-84, div. C, title XXXV, §3511, Oct. 28, 2009, 123 Stat. 2722.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50101	46 App.:861.	June 5, 1920, ch. 250, §1, 41 Stat. 988; Exec. Order No. 6166, June 10, 1933, §12; June 29, 1936, ch. 858, title II, §204, title IX, §904, 49 Stat. 1987, 2016; Pub. L. 97-31, §12(33), Aug. 6, 1981, 95 Stat. 156.
	46 App.:891.	May 22, 1928, ch. 675, §1, 45 Stat. 689.
	46 App.:1101.	June 29, 1936, ch. 858, title I, §101, 49 Stat. 1985; Pub. L. 91-469, §1, Oct. 21, 1970, 84 Stat. 1018.

This section consolidates the source provisions to eliminate repetition.

AMENDMENTS

2009—Subsec. (a)(4). Pub. L. 111-84 inserted “constructed in the United States” after “vessels”.

§ 50102. Survey of merchant marine

(a) **IN GENERAL.**—The Secretary of Transportation shall survey the merchant marine of the United States to determine whether replacements and additions are required to carry out the objectives and policy of section 50101 of this title. The Secretary shall study, perfect, and adopt a long-range program for replacements and additions that will result, as soon as practicable, in—

(1) an adequate and well-balanced merchant fleet, including vessels of all types, that will provide shipping service essential for maintaining the flow of foreign commerce by vessels designed to be readily and quickly convertible into transport and supply vessels in a time of national emergency;

(2) ownership and operation of the fleet by citizens of the United States insofar as practicable;

(3) vessels designed to afford the best and most complete protection for passengers and crew against fire and all marine perils; and

(4) an efficient capacity for building and repairing vessels in the United States with an adequate number of skilled personnel to provide an adequate mobilization base.

(b) **COOPERATION WITH SECRETARY OF NAVY.**—In carrying out subsection (a)(1), the Secretary of Transportation shall cooperate closely with the Secretary of the Navy as to national defense requirements.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1557.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50102	46 App.:1120.	June 29, 1936, ch. 858, title II, §210, 49 Stat. 1989; Pub. L. 91-469, §§3, 35(a), Oct. 21, 1970, 84 Stat. 1018, 1035; Pub. L. 97-31, §12(67) (related to §210), Aug. 6, 1981, 95 Stat. 159.

§ 50103. Determinations of essential services

(a) **ESSENTIAL SERVICES, ROUTES, AND LINES.**—

(1) **IN GENERAL.**—The Secretary of Transportation shall investigate, determine, and keep current records of the ocean services, routes, and lines from ports in the United States, or in the territories and possessions of the United States, to foreign markets, which the Secretary determines to be essential for the promotion, development, expansion, and maintenance of the foreign commerce of the United States. In making such a determination, the Secretary shall consider and give due weight to—

(A) the cost of maintaining each line;

(B) the probability that a line cannot be maintained except at a heavy loss disproportionate to the benefit to foreign trade;

(C) the number of voyages and types of vessels that should be employed in a line;

(D) the intangible benefit of maintaining a line to the foreign commerce of the United States, the national defense, and other national requirements; and

(E) any other facts and conditions a prudent business person would consider when dealing with the person’s own business.

(2) **SAINT LAWRENCE SEAWAY.**—For purposes of paragraph (1), the Secretary shall establish services, routes, and lines that reflect the seasonal closing of the Saint Lawrence Seaway and provide for alternate routing of vessels through a different range of ports during that closing to maintain continuity of service on a year-round basis.

(b) **BULK CARGO CARRYING SERVICES.**—The Secretary shall investigate, determine, and keep current records of the bulk cargo carrying services that should be provided by vessels of the United States (whether or not operating on particular services, routes, or lines) for the promotion, development, expansion, and maintenance of the foreign commerce of the United States and the national defense or other national requirements.