

agree with an ocean common carrier described in paragraph (2) to which it charters or sub-charters the vessel or space on the vessel that the charterer or subcharterer may not use or make available space on the vessel for the carriage of cargo reserved by law for vessels of the United States.

(2) CARRIER DESCRIBED.—An ocean common carrier described in this paragraph is one that is not the owner, operator, or bareboat charterer for at least one year of liner vessels of the United States that are eligible to be included in the Maritime Security Fleet Program and are enrolled in an Emergency Preparedness Program under chapter 531 of this title.

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1529.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40303(a) .....	46 App.:1704(c).	Pub. L. 98–237, § 5(b)–(d), Mar. 20, 1984, 98 Stat. 70; Pub. L. 105–258, title I, § 104(a), Oct. 14, 1998, 112 Stat. 1904.
40303(b) .....	46 App.:1704(b).	
40303(c) .....	46 App.:1704(d).	
40303(d) .....	46 App.:1704(g).	Pub. L. 98–237, § 5(g), Mar. 20, 1984; as added Pub. L. 105–383, title IV, § 424(a), Nov. 13, 1998, 112 Stat. 3440.

In subsection (c)(8), the word “calendar” is omitted as unnecessary.

In subsection (d), the words “vessel of the United States” are substituted for “United States-flag vessel” (and similar variations) for consistency in the revised title.

#### § 40304. Commission action

(a) NOTICE OF FILING.—Within 7 days after an agreement is filed, the Federal Maritime Commission shall transmit a notice of the filing to the Federal Register for publication.

(b) PRELIMINARY REVIEW AND REJECTION.—After preliminary review, the Commission shall reject an agreement that it finds does not meet the requirements of sections 40302 and 40303 of this title. The Commission shall notify in writing the person filing the agreement of the reason for rejection.

(c) REVIEW AND EFFECTIVE DATE.—Unless rejected under subsection (b), an agreement (other than an assessment agreement) is effective—

(1) on the 45th day after filing, or on the 30th day after notice of the filing is published in the Federal Register, whichever is later; or

(2) if additional information or documents are requested under subsection (d)—

(A) on the 45th day after the Commission receives all the additional information and documents; or

(B) if the request is not fully complied with, on the 45th day after the Commission receives the information and documents submitted and a statement of the reasons for noncompliance with the request.

(d) REQUEST FOR ADDITIONAL INFORMATION.—Before the expiration of the period specified in subsection (c)(1), the Commission may request from the person filing the agreement any additional information and documents the Commis-

sion considers necessary to make the determinations required by this section.

(e) MODIFICATION OF REVIEW PERIOD.—

(1) SHORTENING.—On request of the party filing an agreement, the Commission may shorten a period specified in subsection (c), but not to a date that is less than 14 days after notice of the filing of the agreement is published in the Federal Register.

(2) EXTENSION.—The period specified in subsection (c)(2) may be extended only by the United States District Court for the District of Columbia in a civil action brought by the Commission under section 41307(c) of this title.

(f) FIXED TERMS.—The Commission may not limit the effectiveness of an agreement to a fixed term.

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1530.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40304(a) .....	46 App.:1705(a).	Pub. L. 98–237, § 6(a)–(f), Mar. 20, 1984, 98 Stat. 72.
40304(b) .....	46 App.:1705(b).	
40304(c) .....	46 App.:1705(c) (1st sentence).	
40304(d) .....	46 App.:1705(d).	
40304(e)(1) ..	46 App.:1705(e).	
40304(e)(2) ..	46 App.:1705(c) (last sentence).	
40304(f) .....	46 App.:1705(f).	

#### § 40305. Assessment agreements

(a) FILING REQUIREMENT.—An assessment agreement shall be filed with the Federal Maritime Commission and is effective on filing.

(b) COMPLAINTS.—If a complaint is filed with the Commission within 2 years after the date of an assessment agreement, the Commission shall disapprove, cancel, or modify the agreement, or an assessment or charge pursuant to the agreement, that the Commission finds, after notice and opportunity for a hearing, to be unjustly discriminatory or unfair as between carriers, shippers, or ports. The Commission shall issue its final decision in the proceeding within one year after the date the complaint is filed.

(c) ADJUSTMENTS OF ASSESSMENTS AND CHARGES.—To the extent that the Commission finds under subsection (b) that an assessment or charge is unjustly discriminatory or unfair as between carriers, shippers, or ports, the Commission shall adjust the assessment or charge for the period between the filing of the complaint and the final decision by awarding prospective credits or debits to future assessments and charges. However, if the complainant has ceased activities subject to the assessment or charge, the Commission may award reparations.

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1531.)

#### HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
40305 .....	46 App.:1704(e) (less last sentence).	Pub. L. 98–237, § 5(e) (less last sentence), Mar. 20, 1984, 98 Stat. 70; Pub. L. 105–258, title I, § 104(a)(2), (b)(1), Oct. 14, 1998, 112 Stat. 1904, 1905.