

(B) detain the vessel at the port or place in the United States from which it is about to depart for another port or place in the United States.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1551.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42107	46 App.:876(j).	June 5, 1920, ch. 250, § 19(j); as added Pub. L. 101-595, title I, § 103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105-258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.

In paragraph (1), the words "Secretary of Homeland Security" are substituted for "collector of customs at the port or place of destination in the United States" 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). The functions of the collector of customs previously were vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950, and the office of collector of customs previously was abolished by Reorganization Plan No. 1 of 1965.

§ 42108. Penalty for operating under suspended tariff or service contract

A common carrier that accepts or handles cargo for carriage under a tariff or service contract that has been suspended under section 42104(d)(1) or 42106(2) of this title, or after its right to use another tariff or service contract has been suspended under those provisions, is liable to the United States Government for a civil penalty of not more than \$50,000 for each day that it is found to be operating under a suspended tariff or service contract.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1551.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42108	46 App.:876(k).	June 5, 1920, ch. 250, § 19(k); as added Pub. L. 101-595, title I, § 103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105-258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.

§ 42109. Consultation with other agencies

The Federal Maritime Commission may consult with, seek the cooperation of, or make recommendations to other appropriate agencies of the United States Government prior to taking any action under this chapter.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1551.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42109	46 App.:876(l).	June 5, 1920, ch. 250, § 19(l); as added Pub. L. 101-595, title I, § 103(2), Nov. 16, 1990, 104 Stat. 2979; Pub. L. 105-258, title III, § 301, Oct. 14, 1998, 112 Stat. 1915.

CHAPTER 423—FOREIGN SHIPPING PRACTICES

Sec. 42301. Definitions.

Sec. 42302. Investigations. 42303. Information requests. 42304. Action against foreign carriers. 42305. Refusal of clearance and entry. 42306. Submission of determinations to President. 42307. Review of regulations and orders.

§ 42301. Definitions

(a) DEFINED IN PART A.—In this chapter, the terms "common carrier", "marine terminal operator", "ocean common carrier", "ocean transportation intermediary", "shipper", and "shippers' association" have the meaning given those terms in section 40102 of this title.

(b) OTHER DEFINITIONS.—In this chapter:

(1) FOREIGN CARRIER.—The term "foreign carrier" means an ocean common carrier a majority of whose vessels are documented under the laws of a foreign country.

(2) MARITIME SERVICES.—The term "maritime services" means port-to-port transportation of cargo by vessels operated by an ocean common carrier.

(3) MARITIME-RELATED SERVICES.—The term "maritime-related services" means intermodal operations, terminal operations, cargo solicitation, agency services, ocean transportation intermediary services and operations, and all other activities and services integral to total transportation systems of ocean common carriers and their foreign domiciled affiliates for themselves and others.

(4) UNITED STATES CARRIER.—The term "United States carrier" means an ocean common carrier operating vessels documented under the laws of the United States.

(5) UNITED STATES OCEANBORNE TRADE.—The term "United States oceanborne trade" means the carriage of cargo between the United States and a foreign country, whether directly or indirectly, by an ocean common carrier.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1551.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42301	46 App.:1710a(a).	Pub. L. 100-418, title X, § 10002(a), Aug. 23, 1988, 102 Stat. 1570; Pub. L. 105-258, title I, § 111(1)-(3), Oct. 14, 1998, 112 Stat. 1911.

§ 42302. Investigations

(a) IN GENERAL.—The Federal Maritime Commission shall investigate whether any laws, rules, regulations, policies, or practices of a foreign government, or any practices of a foreign carrier or other person providing maritime or maritime-related services in a foreign country, result in the existence of conditions that—

(1) adversely affect the operations of United States carriers in United States oceanborne trade; and

(2) do not exist for foreign carriers of that country in the United States under the laws of the United States or as a result of acts of United States carriers or other persons providing maritime or maritime-related services in the United States.

(b) INITIATION OF INVESTIGATION.—An investigation under subsection (a) may be initiated