

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-295 effective Jan. 1, 2003, see section 205(e) of Pub. L. 107-295, set out as a note under section 31325 of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1989, with certain exceptions and qualifications, see section 107 of Pub. L. 100-710, set out as a note under section 31301 of this title.

Subtitle IV—Regulation of Ocean Shipping

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PART A—OCEAN SHIPPING

CHAPTER 401—GENERAL

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§ 40101. Purposes

The purposes of this part are to—

- (1) establish a nondiscriminatory regulatory process for the common carriage of goods by water in the foreign commerce of the United States with a minimum of government intervention and regulatory costs;
(2) provide an efficient and economic transportation system in the ocean commerce of the United States that is, insofar as possible, in harmony with, and responsive to, international shipping practices;
(3) encourage the development of an economically sound and efficient liner fleet of vessels of the United States capable of meeting national security needs; and
(4) promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1523.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 40101, 46 App.:1701, Pub. L. 98-237, § 2, Mar. 20, 1984, 98 Stat. 67; Pub. L. 105-258, title I, § 101, Oct. 14, 1998, 112 Stat. 1902.

EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS

Pub. L. 98-237, § 20(d), Mar. 20, 1984, 98 Stat. 90; Pub. L. 105-258, title I, § 117(1), Oct. 14, 1998, 112 Stat. 1914, provided that: "All agreements, contracts, modifications, licenses, and exemptions previously issued, approved, or effective under the Shipping Act, 1916 [former 46 U.S.C. App. 801 et seq., see Disposition Table preceding section 101 of this title], or the Shipping Act of 1984 [former 46 U.S.C. App. 1701 et seq., see Disposition Table preceding section 101 of this title], shall continue in force and effect as if issued or effective under this Act, as amended by the Ocean Shipping Reform Act of 1998 [Pub. L. 105-258, Oct. 14, 1998, 112 Stat. 1902], and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the Ocean Shipping Reform Act of 1998."

§ 40102. Definitions

In this part:

- (1) AGREEMENT.—The term "agreement"—
(A) means a written or oral understanding, arrangement, or association, and any modification or cancellation thereof; but
(B) does not include a maritime labor agreement.
(2) ANTITRUST LAWS.—The term "antitrust laws" means—
(A) the Sherman Act (15 U.S.C. 1 et seq.);
(B) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8, 9);
(C) the Clayton Act (15 U.S.C. 12 et seq.);
(D) the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a);
(E) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);
(F) the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.); and
(G) Acts supplementary to those Acts.
(3) ASSESSMENT AGREEMENT.—The term "assessment agreement" means an agreement, whether part of a collective bargaining agreement or negotiated separately, to the extent the agreement provides for the funding of collectively bargained fringe-benefit obligations on other than a uniform worker-hour basis, regardless of the cargo handled or type of vessel or equipment used.
(4) BULK CARGO.—The term "bulk cargo" means cargo that is loaded and carried in bulk without mark or count.
(5) CERTAIN COVERED SERVICES.—For purposes of sections 41105 and 41307, the term "certain covered services" means, with respect to a vessel—
(A) the berthing or bunkering of the vessel;
(B) the loading or unloading of cargo to or from the vessel to or from a point on a wharf or terminal;
(C) the positioning, removal, or replacement of buoys related to the movement of the vessel; and
(D) with respect to injunctive relief under section 41307, towing vessel services provided to such a vessel.
(6) CHEMICAL PARCEL-TANKER.—The term "chemical parcel-tanker" means a vessel that has—
(A) a cargo-carrying capability consisting of individual cargo tanks for bulk chemicals that—