

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 subsec. (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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 114: 46:2101(44), 46 App.:1244(g). Source: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 116: 46:2101(46).

CHAPTER 3—FEDERAL MARITIME COMMISSION

- Sec. 301. General organization.
302. Quorum.
303. Meetings.
304. Delegation of authority.
305. Regulations.
306. Annual report.
307. Expenditures.
308. Authorization of appropriations.

AMENDMENTS

2018—Pub. L. 115–282, title VII, §711(b), Dec. 4, 2018, 132 Stat. 4298, substituted “Meetings” for “Record of meetings and votes” in item 303.

2016—Pub. L. 114–120, title IV, §401(b), Feb. 8, 2016, 130 Stat. 67, added item 308.

§ 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. When the term of a Commissioner ends, the Commissioner may continue to serve until a successor is appointed and qualified, but for a period not to exceed one year. Except as provided in paragraph (3), no individual may serve more than 2 terms.

(3) VACANCIES.—A vacancy shall be filled in the same manner as the original appointment. An individual appointed to fill a vacancy is appointed only for the unexpired term of the individual being succeeded. An individual appointed to fill a vacancy may serve 2 terms in addition to the remainder of the term for which the predecessor of that individual was appointed.

(4) CONFLICTS OF INTEREST.—

(A) LIMITATION ON RELATIONSHIPS WITH REGULATED ENTITIES.—A Commissioner may not have a pecuniary interest in, hold an official relation to, or own stocks or bonds of any entity the Commission regulates under chapter 401 of this title.

(B) LIMITATION ON OTHER ACTIVITIES.—A Commissioner may not engage in another business, vocation, or employment.

(5) 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 (with such appointments subject to the approval of the Commission);

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

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

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

(vi) prepare and submit to the President and the Congress requests for appropriations for the Commission (with such requests subject to the approval of the Commission).

(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; Pub. L. 113-281, title IV, §403(a), Dec. 18, 2014, 128 Stat. 3056; Pub. L. 114-120, title IV, §402, Feb. 8, 2016, 130 Stat. 67.)

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.
301(c)	46 App.:1111 note.	Pub. L. 89-56, June 30, 1965, 79 Stat. 195.
	46 App.:1111 note.	Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 63 Stat. 1069.
301(d)	46 App.:1111(c) (related to seal).	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, §§102(b), 104, 105(d), 75 Stat. 840, 841. 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.

AMENDMENTS

2016—Subsec. (c)(3)(A)(ii). Pub. L. 114-120, §402(1), substituted “units (with such appointments subject to the approval of the Commission);” for “units, but only after consultation with the other Commissioners;”.

Subsec. (c)(3)(A)(vi). Pub. L. 114-120, §402(2)–(4), added cl. (vi).

2014—Subsec. (b)(2). Pub. L. 113-281, §403(a)(1), amended par. (2) generally. Prior to amendment, text read as follows: “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.”

Subsec. (b)(3) to (5). Pub. L. 113-281, §403(a)(2), added pars. (3) and (4) and redesignated former par. (3) as (5).

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-281, title IV, § 403(b), Dec. 18, 2014, 128 Stat. 3056, provided that: “The amendment made by subsection (a)(1) [amending this section] does not apply with respect to a Commissioner of the Federal Maritime Commission appointed and confirmed by the Senate before the date of the enactment of this Act [Dec. 18, 2014].”

§ 302. Quorum

A vacancy or vacancies in the membership of the Federal Maritime Commission do not impair the power of the Commission to execute its functions. The affirmative vote of a majority of the Commissioners serving on the Commission is required to dispose of any matter before the Commission.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1489.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
302	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, §102(d), 75 Stat. 840; Pub. L. 105-258, title II, §202, Oct. 14, 1998, 112 Stat. 1915.

§ 303. Meetings

(a) IN GENERAL.—The Federal Maritime Commission shall be deemed to be an agency for purposes of section 552b of title 5.

(b) RECORD.—The Commission, through its secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.

(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

(1) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the Commissioners may hold a meeting that is not open to public observation to discuss official agency business if—

(A) no formal or informal vote or other official agency action is taken at the meeting;

(B) each individual present at the meeting is a Commissioner or an employee of the Commission;

(C) at least 1 Commissioner from each political party is present at the meeting, if applicable; and

(D) the General Counsel of the Commission is present at the meeting.

(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Except as provided under paragraph (3), not later than 2 business days after the conclusion of a meeting under paragraph (1), the Commission shall make available to the public, in a place easily accessible to the public—

(A) a list of the individuals present at the meeting; and

(B) a summary of the matters discussed at the meeting, except for any matters the Commission properly determines may be withheld from the public under section 552b(c) of title 5.

(3) EXCEPTION.—If the Commission properly determines matters may be withheld from the public under section 555b(c)¹ of title 5, the

¹ So in original. Probably should be “section 552b(c)”.

Commission shall provide a summary with as much general information as possible on those matters withheld from the public.

(4) ONGOING PROCEEDINGS.—If a meeting under paragraph (1) directly relates to an ongoing proceeding before the Commission, the Commission shall make the disclosure under paragraph (2) on the date of the final Commission decision.

(5) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection may be construed to limit the applicability of section 552b of title 5 with respect to a meeting of the Commissioners other than that described in this subsection.

(6) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed—

(A) to limit the applicability of section 552b of title 5 with respect to any information which is proposed to be withheld from the public under paragraph (2)(B) of this subsection; or

(B) to authorize the Commission to withhold from any individual any record that is accessible to that individual under section 552a of title 5.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1489; Pub. L. 115-282, title VII, §711(a), Dec. 4, 2018, 132 Stat. 4297.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
303	46 App.:1111(c) (related to records).	June 29, 1936, ch. 858, title II, §201(c) (related to records), 49 Stat. 1986.

The words “true” and “yea-and-nay” are omitted as unnecessary.

AMENDMENTS

2018—Pub. L. 115-282 amended section generally. Prior to amendment, text read as follows: “The Federal Maritime Commission, through its secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.”

§ 304. Delegation of authority

(a) DELEGATION.—The Federal Maritime Commission, by published order or regulation, may delegate to a division of the Commission, an individual Commissioner, an employee board, or an officer or employee of the Commission, any of its duties or powers, including those relating to hearing, determining, ordering, certifying, reporting, or otherwise acting on any matter. This subsection does not affect section 556(b) of title 5.

(b) REVIEW.—The Commission may review any action taken under a delegation of authority under subsection (a). The review may be taken on the Commission’s own initiative or on the petition of a party to or an intervenor in the action, within the time and in the manner prescribed by the Commission. The vote of a majority of the Commission, less one member, is sufficient to bring an action before the Commission for review.

(c) DEEMED ACTION OF COMMISSION.—If the Commission declines review, or if review is not sought, within the time prescribed under sub-