

eign 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 by the Commission on its own motion or on the petition of any person, including another component of the United States Government.

(c) TIME FOR DECISION.—The Commission shall complete an investigation under this section and render a decision within 120 days after it is initiated. However, the Commission may extend this 120-day period for an additional 90 days if the Commission is unable to obtain sufficient information to determine whether a condition specified in subsection (a) exists. A notice providing an extension shall state clearly the reasons for the extension.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1552.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42302(a) .....	46 App.:1710a(b).	Pub. L. 100-418, title X, §10002(b), (c), Aug. 23, 1988, 102 Stat. 1570; Pub. L. 105-258, title I, §111(4), Oct. 14, 1998, 112 Stat. 1911.
42302(b) .....	46 App.:1710a(c)(1).	
42302(c) .....	46 App.:1710a(c)(2).	

In subsection (b), the words “including another component of the United States Government” are substituted for “including any common carrier, shipper, shippers’ association, ocean transportation intermediary, or marine terminal operator, or any branch, department, agency, or other component of the Government of the United States” for consistency with section 42101(b) of the revised title and to eliminate unnecessary words.

§ 42303. Information requests

(a) IN GENERAL.—To further the purposes of section 42302(a) of this title, the Federal Maritime Commission may order any person (including a common carrier, shipper, shippers’ association, ocean transportation intermediary, or marine terminal operator, or an officer, receiver, trustee, lessee, agent or employee thereof) to file with the Commission any periodic or special report, answers to questions, documentary material, or other information the Commission considers necessary or appropriate. The Commission may require the response to any such order to be made under oath. The response shall be provided in the form and within the time specified by the Commission.

(b) SUBPOENAS.—In an investigation under section 42302 of this title, the Commission may subpoena witnesses and evidence.

(c) NONDISCLOSURE.—Notwithstanding any other provision of law, the Commission may determine that any information submitted to it in

response to a request under this section, or otherwise, shall not be disclosed to the public.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1552.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42303 .....	46 App.:1710a(d)	Pub. L. 100-418, title X, §10002(d), Aug. 23, 1988, 102 Stat. 1571; Pub. L. 105-258, title I, §111(4), Oct. 14, 1998, 112 Stat. 1911.

In subsection (b), the words “subpoena witnesses and evidence” are substituted for “issue subpoenas to compel the attendance and testimony of witnesses and the production of records or other evidence” for consistency in the revised title and to eliminate unnecessary words.

In subsection (c), the words “in its discretion” are omitted as unnecessary.

§ 42304. Action against foreign carriers

(a) IN GENERAL.—Subject to section 42306 of this title, whenever the Federal Maritime Commission, after notice and opportunity for comment or hearing, determines that the conditions specified in section 42302(a) of this title exist, the Commission shall take such action to offset those conditions as it considers necessary and appropriate against any foreign carrier that is a contributing cause, or whose government is a contributing cause, to those conditions. The action may include—

(1) limitations on voyages to and from United States ports or on the amount or type of cargo carried;

(2) suspension, in whole or in part, of any or all tariffs and service contracts, including an ocean common carrier’s right to use any or all tariffs and service contracts of conferences in United States trades of which it is a member for any period the Commission specifies;

(3) suspension, in whole or in part, of an ocean common carrier’s right to operate under any agreement filed with the Commission, including any agreement authorizing preferential treatment at terminals, preferential terminal leases, space chartering, or pooling of cargo or revenue with other ocean common carriers; and

(4) a fee not to exceed \$1,000,000 per voyage.

(b) CONSULTATION.—The 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 subsection (a).

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1553.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42304(a) .....	46 App.:1710a(e)(1).	Pub. L. 100-418, title X, §10002(e)(1), (2), Aug. 23, 1988, 102 Stat. 1571; Pub. L. 105-258, title I, §111(5), (6), Oct. 14, 1998, 112 Stat. 1911.
42304(b) .....	46 App.:1710a(e)(2).	

In subsection (a), the words “Subject to section 42306 of this title” are added to alert the reader to the application of that section.