

mon carrier or marine terminal operator to file with the Commission a periodical or special report, an account, record, rate, or charge, or a memorandum of facts and transactions related to the business of the common carrier or marine terminal operator, as applicable.

(2) REQUIREMENTS.—Any report, account, record, rate, charge, or memorandum required to be filed under paragraph (1) shall—

- (A) be made under oath if the Commission requires; and
- (B) be filed in the form and within the time prescribed by the Commission.

(3) LIMITATION.—The Commission shall—

- (A) limit the scope of any filing ordered under this section to fulfill the objective of the order; and
- (B) provide a reasonable period of time for respondents to respond based upon their capabilities and the scope of the order.

(b) CONFERENCE MINUTES.—Conference minutes required to be filed with the Commission under this section may not be released to third parties or published by the Commission.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1527; Pub. L. 115-282, title VII, §705, Dec. 4, 2018, 132 Stat. 4294.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40104	46 App.:1714.	Pub. L. 98-237, §15, Mar. 20, 1984, 98 Stat. 84; Pub. L. 98-595, §3(b)(3), Oct. 30, 1984, 98 Stat. 3133; Pub. L. 105-258, title I, §113, Oct. 14, 1998, 112 Stat. 1912.

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-282 amended subsec. (a) generally. Prior to amendment, text read as follows: “The Federal Maritime Commission may require a common carrier or an officer, receiver, trustee, lessee, agent, or employee of the carrier to file with the Commission a periodical or special report, an account, record, rate, or charge, or a memorandum of facts and transactions related to the business of the carrier. The report, account, record, rate, charge, or memorandum shall be made under oath if the Commission requires, and shall be filed in the form and within the time prescribed by the Commission.”

CHAPTER 403—AGREEMENTS

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§ 40301. Application

(a) OCEAN COMMON CARRIER AGREEMENTS.—This part applies to an agreement between or among ocean common carriers to—

- (1) discuss, fix, or regulate transportation rates, including through rates, cargo space accommodations, and other conditions of service;

- (2) pool or apportion traffic, revenues, earnings, or losses;

- (3) allot ports or regulate the number and character of voyages between ports;

- (4) regulate the volume or character of cargo or passenger traffic to be carried;

- (5) engage in an exclusive, preferential, or cooperative working arrangement between themselves or with a marine terminal operator;

- (6) control, regulate, or prevent competition in international ocean transportation; or

- (7) discuss and agree on any matter related to a service contract.

(b) MARINE TERMINAL OPERATOR AGREEMENTS.—This part applies to an agreement between or among marine terminal operators, or between or among one or more marine terminal operators and one or more ocean common carriers, to—

- (1) discuss, fix, or regulate rates or other conditions of service; or

- (2) engage in exclusive, preferential, or cooperative working arrangements, to the extent the agreement involves ocean transportation in the foreign commerce of the United States.

(c) ACQUISITIONS.—This part does not apply to an acquisition by any person, directly or indirectly, of any voting security or assets of any other person.

(d) MARITIME LABOR AGREEMENTS.—This part does not apply to a maritime labor agreement. However, this subsection does not exempt from this part any rate, charge, regulation, or practice of a common carrier that is required to be set forth in a tariff or is an essential term of a service contract, whether or not the rate, charge, regulation, or practice arises out of, or is otherwise related to, a maritime labor agreement.

(e) ASSESSMENT AGREEMENTS.—This part (except sections 40305 and 40307(a)) does not apply to an assessment agreement.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1528.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40301(a)	46 App.:1703(a).	Pub. L. 98-237, §4, Mar. 20, 1984, 98 Stat. 70; Pub. L. 105-258, title I, §103, Oct. 14, 1998, 112 Stat. 1904.
40301(b)	46 App.:1703(b).	Pub. L. 98-237, §5(e) (last sentence), (f), Mar. 20, 1984, 98 Stat. 70; Pub. L. 104-88, title III, §335(c)(2), Dec. 29, 1995, 109 Stat. 954; Pub. L. 105-258, title I, §104(a)(2), (b), Oct. 14, 1998, 112 Stat. 1904, 1905.
40301(c)	46 App.:1703(c).	
40301(d)	46 App.:1704(f).	
40301(e)	46 App.:1704(e) (last sentence).	

§ 40302. Filing requirements

(a) IN GENERAL.—A true copy of every agreement referred to in section 40301(a) or (b) of this title shall be filed with the Federal Maritime Commission. If the agreement is oral, a complete memorandum specifying in detail the substance of the agreement shall be filed.

(b) EXCEPTIONS.—Subsection (a) does not apply to—