

leases, space chartering, or pooling of cargo or revenue with other ocean common carriers;

(4) impose a fee not to exceed \$1,000,000 per voyage; or

(5) take any other action the Commission finds necessary and appropriate to adjust or meet any condition unfavorable to shipping in the foreign trade of the United States.

(Pub. L. 109-304, §7, Oct. 6, 2006, 120 Stat. 1550.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 42106: 46 App.:876(i), June 5, 1920, ch. 250, §19(i); 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.

§ 42107. Refusal of clearance and entry

At the request of the Federal Maritime Commission—

(1) the Secretary of Homeland Security shall—

(A) refuse the clearance required by section 60105 of this title to a vessel of a country that is named in a regulation prescribed by the Commission under section 42101 of this title; and

(B) collect any fees imposed by the Commission under section 42106(4) of this title; and

(2) the Secretary of the department in which the Coast Guard is operating shall—

(A) deny entry, for purposes of oceanborne trade, of a vessel of a country that is named in a regulation prescribed by the Commission under section 42101 of this title, to a port or place in the United States or the navigable waters of the United States; or

(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

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

tract 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

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

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