

cluding 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.

§ 42305. Refusal of clearance and entry

Subject to section 42306 of this title, whenever the Federal Maritime Commission determines that the conditions specified in section 42302(a) of this title exist, then at the request of the Commission—

(1) the Secretary of Homeland Security shall refuse the clearance required by section 60105 of this title to a vessel of a foreign carrier that is identified by the Commission under section 42304 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 foreign carrier that is identified by the Commission under section 42304 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. 1553.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42305 .....	46 App.:1710a(f).	Pub. L. 100–418, title X, §10002(f), Aug. 23, 1988, 102 Stat. 1572.

Before paragraph (1), the words “Subject to section 42306 of this title” are added to alert the reader to the application of that section. The word “determines” is substituted for “finds” for consistency with section 42306 of the revised title.

In paragraph (1), the words “Secretary of Homeland Security” are substituted for “collector of customs at any 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.

§ 42306. Submission of determinations to President

Before a determination under section 42304 of this title becomes effective or a request is made under section 42305 of this title, the determination shall be submitted immediately to the President. The President, within 10 days after receiving it, may disapprove it in writing, setting forth the reasons for the disapproval, if the President finds that disapproval is required for reasons of national defense or foreign policy.

(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)
42306 .....	46 App.:1710a(e)(3).	Pub. L. 100–418, title X, §10002(e)(3), Aug. 23, 1988, 102 Stat. 1572.

§ 42307. Review of regulations and orders

A regulation or final order of the Federal Maritime Commission under this chapter is reviewable exclusively in the same forum and in the same manner as provided in section 2342(3)(B) of title 28.

(Pub. L. 109–304, §7, Oct. 6, 2006, 120 Stat. 1554.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
42307 .....	46 App.:1710a(i).	Pub. L. 100–418, title X, §10002(i), Aug. 23, 1988, 102 Stat. 1572.

CHAPTER 425—NATIONAL SHIPPER ADVISORY COMMITTEE

- Sec.<sup>1</sup>
- 42501. Definitions.
- 42502. National Shipper Advisory Committee.
- 42503. Administration.

§ 42501. Definitions

In this chapter:

- (1) COMMISSION.—The term “Commission” means the Federal Maritime Commission.
- (2) COMMITTEE.—The term “Committee” means the National Shipper Advisory Committee established under section 42502.

(Added Pub. L. 116–283, div. G, title LVXXXVI [LXXXVI], §8604(a), Jan. 1, 2021, 134 Stat. 4762.)

§ 42502. National Shipper Advisory Committee

(a) ESTABLISHMENT.—There is established a National Shipper Advisory Committee.

(b) FUNCTION.—The Committee shall advise the Federal Maritime Commission on policies relating to the competitiveness, reliability, integrity, and fairness of the international ocean freight delivery system.

(c) MEMBERSHIP.—

- (1) IN GENERAL.—The Committee shall consist of 24 members appointed by the Commission in accordance with this section.

<sup>1</sup> Editorially supplied.