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Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, div. G, title LVXXXVI [LXXXVI], §§ 8604(c), 8605(b)(5), Jan. 1, 2021, 134 Stat. 4764, 4765, added item for chapter 425 and item for part D. Item for chapter 425 was formatted to the style of this analysis to reflect the probable intent of Congress.

PART A—OCEAN SHIPPING
CHAPTER 401—GENERAL

Sec.	
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§ 40101. Purposes

The purposes of this part are to—

- (1) establish a nondiscriminatory regulatory process for the common carriage of goods by water in the foreign commerce of the United States with a minimum of government intervention and regulatory costs;
- (2) ensure an efficient, competitive, and economical transportation system in the ocean commerce of the United States;
- (3) encourage the development of an economically sound and efficient liner fleet of vessels of the United States capable of meeting national security needs and supporting commerce; and
- (4) promote the growth and development of United States exports through a competitive and efficient system for the carriage of goods by water in the foreign commerce of the United States, and by placing a greater reliance on the marketplace.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1523; Pub. L. 117-146, § 2, June 16, 2022, 136 Stat. 1272.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40101	46 App.:1701.	Pub. L. 98-237, § 2, Mar. 20, 1984, 98 Stat. 67; Pub. L. 105-258, title I, § 101, Oct. 14, 1998, 112 Stat. 1902.

Editorial Notes

AMENDMENTS

2022—Par. (2). Pub. L. 117-146, § 2(1), added par. (2) and struck out former par. (2) which read as follows: “provide an efficient and economic transportation system in the ocean commerce of the United States that is, in-

¹ Section number editorially supplied.

sofar as possible, in harmony with, and responsive to, international shipping practices:”.

Par. (3). Pub. L. 117-146, § 2(2), inserted “and supporting commerce” after “needs”.

Par. (4). Pub. L. 117-146, § 2(3), added par. (4) and struck out former par. (4) which read as follows: “promote the growth and development of United States exports through competitive and efficient ocean transportation and by placing a greater reliance on the marketplace.”

Statutory Notes and Related Subsidiaries

EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS

Pub. L. 98-237, § 20(d), Mar. 20, 1984, 98 Stat. 90; Pub. L. 105-258, title I, § 117(1), Oct. 14, 1998, 112 Stat. 1914, provided that: “All agreements, contracts, modifications, licenses, and exemptions previously issued, approved, or effective under the Shipping Act, 1916 [former 46 U.S.C. App. 801 et seq., see Disposition Table preceding section 101 of this title], or the Shipping Act of 1984 [former 46 U.S.C. App. 1701 et seq., see Disposition Table preceding section 101 of this title], shall continue in force and effect as if issued or effective under this Act, as amended by the Ocean Shipping Reform Act of 1998 [Pub. L. 105-258, Oct. 14, 1998, 112 Stat. 1902], and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under this Act, as amended by the Ocean Shipping Reform Act of 1998.”

§ 40102. Definitions

In this part:

- (1) AGREEMENT.—The term “agreement”—
 - (A) means a written or oral understanding, arrangement, or association, and any modification or cancellation thereof; but
 - (B) does not include a maritime labor agreement.
- (2) ANTITRUST LAWS.—The term “antitrust laws” means—
 - (A) the Sherman Act (15 U.S.C. 1 et seq.);
 - (B) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8, 9);
 - (C) the Clayton Act (15 U.S.C. 12 et seq.);
 - (D) the Act of June 19, 1936 (15 U.S.C. 13, 13a, 13b, 21a);
 - (E) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);
 - (F) the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.); and
 - (G) Acts supplementary to those Acts.

(3) ASSESSMENT AGREEMENT.—The term “assessment agreement” means an agreement, whether part of a collective bargaining agreement or negotiated separately, to the extent the agreement provides for the funding of collectively bargained fringe-benefit obligations on other than a uniform worker-hour basis, regardless of the cargo handled or type of vessel or equipment used.

(4) BULK CARGO.—The term “bulk cargo” means cargo that is loaded and carried in bulk without mark or count.

(5) CERTAIN COVERED SERVICES.—For purposes of sections 41105 and 41307, the term “certain covered services” means, with respect to a vessel—

- (A) the berthing or bunkering of the vessel;
- (B) the loading or unloading of cargo to or from the vessel to or from a point on a wharf or terminal;