

(e) **REPLACEMENT DURING SUSPENSION.**—Whenever the Commission has suspended a rate, charge, classification, rule, or regulation under this section, the controlled carrier may publish a new rate, charge, classification, rule, or regulation to take effect immediately during the suspension in lieu of the suspended rate, charge, classification, rule, or regulation. However, the Commission may reject the new rate, charge, classification, rule, or regulation if the Commission believes it is unjust and unreasonable.

(Pub. L. 109–304, §7, Oct. 6, 2006, 120 Stat. 1536.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40704	46 App.:1708(c) (last sentence), (d).	Pub. L. 98–237, §9(c) (last sentence), (d), Mar. 20, 1984, 98 Stat. 76; Pub. L. 105–258, title I, §108(9)–(15), Oct. 14, 1998, 112 Stat. 1908.

In subsection (d)(1), the words “in a proceeding under subsection (c)” are substituted for “in such a proceeding” for clarity.

§ 40705. Presidential review of Commission orders

(a) **TRANSMISSION TO PRESIDENT.**—The Federal Maritime Commission shall transmit to the President, concurrently with publication thereof, each order of suspension or final order of prohibition issued under section 40704 of this title.

(b) **PRESIDENTIAL REQUEST AND COMMISSION ACTION.**—Within 10 days after receipt or the effective date of a Commission order referred to in subsection (a), the President, in writing, may request the Commission to stay the effect of the order if the President finds that the stay is required for reasons of national defense or foreign policy. The reasons shall be specified in the request. The Commission shall immediately grant the request by issuing an order in which the President’s request shall be described. During a stay, the President shall, whenever practicable, attempt to resolve the matter by negotiating with representatives of the applicable foreign governments.

(Pub. L. 109–304, §7, Oct. 6, 2006, 120 Stat. 1537.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40705	46 App.:1708(e).	Pub. L. 98–237, §9(e), Mar. 20, 1984, 98 Stat. 77; Pub. L. 105–258, title I, §108(16), Oct. 14, 1998, 112 Stat. 1909.

In subsection (b), the words “Notwithstanding any other law” are omitted as unnecessary.

§ 40706. Exceptions

This chapter does not apply to—

(1) a controlled carrier of a foreign country whose vessels are entitled by a treaty of the United States to receive national or most-favored-nation treatment; or

(2) a trade served only by controlled carriers.

(Pub. L. 109–304, §7, Oct. 6, 2006, 120 Stat. 1537.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40706	46 App.:1708(f).	Pub. L. 98–237, §9(f), Mar. 20, 1984, 98 Stat. 77; Pub. L. 105–258, title I, §108(17)–(19), Oct. 14, 1998, 112 Stat. 1909.

In paragraph (1), the words “foreign country” are substituted for “state” for clarity and consistency.

CHAPTER 409—OCEAN TRANSPORTATION INTERMEDIARIES

Sec.

- 40901. License requirement.
- 40902. Financial responsibility.
- 40903. Suspension or revocation of license.
- 40904. Compensation by common carriers.

§ 40901. License requirement

(a) **IN GENERAL.**—A person in the United States may not advertise, hold oneself out, or act as an ocean transportation intermediary unless the person holds an ocean transportation intermediary’s license issued by the Federal Maritime Commission. The Commission shall issue a license to a person that the Commission determines to be qualified by experience and character to act as an ocean transportation intermediary.

(b) **EXCEPTION.**—A person whose primary business is the sale of merchandise may forward shipments of the merchandise for its own account without an ocean transportation intermediary’s license.

(c) **APPLICABILITY.**—Subsection (a) and section 40902 do not apply to a person that performs ocean transportation intermediary services on behalf of an ocean transportation intermediary for which it is a disclosed agent.

(Pub. L. 109–304, §7, Oct. 6, 2006, 120 Stat. 1538; Pub. L. 115–282, title VII, §707(a), (b), Dec. 4, 2018, 132 Stat. 4295.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
40901(a)	46 App.:1718(a).	Pub. L. 98–237, §19(a), (d), Mar. 20, 1984, 98 Stat. 87, 88; Pub. L. 105–258, title I, §116, Oct. 14, 1998, 112 Stat. 1912.
40901(b)	46 App.:1718(d).	

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–282, §707(a), inserted “advertise, hold oneself out, or” after “may not”.

Subsec. (c). Pub. L. 115–282, §707(b), added subsec. (c).

§ 40902. Financial responsibility

(a) **IN GENERAL.**—A person may not advertise, hold oneself out, or act as an ocean transportation intermediary unless the person furnishes a bond, proof of insurance, or other surety—

(1) in a form and amount determined by the Federal Maritime Commission to insure financial responsibility; and

(2) issued by a surety company found acceptable by the Secretary of the Treasury.