

able 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.¹

- 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.

(2) EXPERTISE.—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

(3) REPRESENTATION.—Members of the Committee shall be appointed as follows:

(A) Twelve members shall represent entities who import cargo to the United States using ocean common carriers.

(B) Twelve members shall represent entities who export cargo from the United States using ocean common carriers.

(Added Pub. L. 116-283, div. G, title LVXXXVI [LXXXVI], §8604(a), Jan. 1, 2021, 134 Stat. 4762; amended Pub. L. 118-159, div. C, title XXXV, §3535(h), Dec. 23, 2024, 138 Stat. 2315.)

Editorial Notes

AMENDMENTS

2024—Subsec. (c)(3). Pub. L. 118-159 substituted “REPRESENTATION.—Members of the Committee shall be appointed as follows:” for “REPRESENTATION.—REPRESENTATION.—Members of the Committee shall be appointed as follows: —”.

¹ Editorially supplied.

¹ See References in Text note below.

§ 42503. Administration

(a) MEETINGS.—The Committee shall, not less than once each year, meet at the call of the Commission or a majority of the members of the Committee.

(b) EMPLOYEE STATUS.—A member of the Committee shall not be considered an employee of the Federal Government by reason of service on such Committee, except for the purposes of the following:

- (1) Chapter 81 of title 5.
- (2) Chapter 171 of title 28 and any other Federal law relating to tort liability.

(c) VOLUNTEER SERVICES AND COMPENSATION.—

(1) Notwithstanding any other provision of law, a member of the Committee may serve on such committee on a voluntary basis without pay.

(2) No member of the Committee shall receive compensation for service on the Committee.

(d) STATUS OF MEMBERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a member of the Committee whom the Commission appoints to represent an entity or group—

(A) the member is authorized to represent the interests of the applicable entity or group; and

(B) requirements under Federal law that would interfere with such representation and that apply to a special Government employee (as defined in section 202(a) of title 18), including requirements relating to employee conduct, political activities, ethics, conflicts of interest, and corruption, do not apply to the member.

(2) EXCEPTION.—Notwithstanding subsection (b), a member of the Committee shall be treated as a special Government employee for purposes of the committee service of the member if the member, without regard to service on the Committee, is a special Government employee.

(e) SERVICE ON COMMITTEE.—

(1) SOLICITATION OF NOMINATIONS.—Before appointing an individual as a member of the Committee, the Commission shall publish a timely notice in the Federal Register soliciting nominations for membership on such Committee.

(2) APPOINTMENTS.—

(A) IN GENERAL.—After considering nominations received pursuant to a notice published under paragraph (1), the Commission may appoint a member to the Committee.

(B) PROHIBITION.—The Commission shall not seek, consider, or otherwise use information concerning the political affiliation of a nominee in making an appointment to the Committee.

(3) SERVICE AT PLEASURE OF COMMISSION.—Each member of the Committee shall serve at the pleasure of the Commission.

(4) SECURITY BACKGROUND EXAMINATIONS.—The Commission may require an individual to have passed an appropriate security background examination before appointment to the Committee.

(5) PROHIBITION.—A Federal employee may not be appointed as a member of the Committee.

(6) TERMS.—

(A) IN GENERAL.—The term of each member of the Committee shall expire on December 31 of the third full year after the effective date of the appointment.

(B) CONTINUED SERVICE AFTER TERM.—When the term of a member of the Committee ends, the member, for a period not to exceed 1 year, may continue to serve as a member until a successor is appointed.

(7) VACANCIES.—A vacancy on the Committee shall be filled in the same manner as the original appointment.

(8) SPECIAL RULE FOR REAPPOINTMENTS.—Notwithstanding paragraphs (1) and (2), the Commission may reappoint a member of a committee for any term, other than the first term of the member, without soliciting, receiving, or considering nominations for such appointment.

(f) STAFF SERVICES.—The Commission shall furnish to the Committee any staff and services considered by the Commission to be necessary for the conduct of the Committee's functions.

(g) CHAIR; VICE CHAIR.—

(1) IN GENERAL.—The Committee shall elect a Chair and Vice Chair from among the committee's members.

(2) VICE CHAIRMAN ACTING AS CHAIRMAN.—The Vice Chair shall act as Chair in the absence or incapacity of, or in the event of a vacancy in the office of, the Chair.

(h) SUBCOMMITTEES AND WORKING GROUPS.—

(1) IN GENERAL.—The Chair of the Committee may establish and disestablish subcommittees and working groups for any purpose consistent with the function of the Committee.

(2) PARTICIPANTS.—Subject to conditions imposed by the Chair, members of the Committee may be assigned to subcommittees and working groups established under paragraph (1).

(i) CONSULTATION, ADVICE, REPORTS, AND RECOMMENDATIONS.—

(1) CONSULTATION.—Before taking any significant action, the Commission shall consult with, and consider the information, advice, and recommendations of, the Committee if the function of the Committee is to advise the Commission on matters related to the significant action.

(2) ADVICE, REPORTS, AND RECOMMENDATIONS.—The Committee shall submit, in writing, to the Commission its advice, reports, and recommendations, in a form and at a frequency determined appropriate by the Committee.

(3) EXPLANATION OF ACTIONS TAKEN.—Not later than 60 days after the date on which the Commission receives recommendations from the Committee under paragraph (2), the Commission shall—

(A) publish the recommendations on a public website; and

(B) respond, in writing, to the Committee regarding the recommendations, including by providing an explanation of actions taken regarding the recommendations.

(4) SUBMISSION TO CONGRESS.—The Commission shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the advice, reports, and recommendations received from the Committee under paragraph (2).

(j) OBSERVERS.—The Commission may designate a representative to—

(1) attend any meeting of the Committee; and

(2) participate as an observer at such meeting.

(k) TERMINATION.—The Committee shall terminate on September 30, 2029.

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

PART C—MISCELLANEOUS

CHAPTER 441—EVIDENCE OF FINANCIAL RESPONSIBILITY FOR PASSENGER TRANSPORTATION

Sec. 44101.	Application.
44102.	Financial responsibility to indemnify passengers for nonperformance of transportation.
44103.	Financial responsibility to pay liability for death or injury.
44104.	Civil penalty.
44105.	Refusal of clearance.
44106.	Conduct of proceedings.

§ 44101. Application

This chapter applies to a vessel that—

(1) has berth or stateroom accommodations for at least 50 passengers; and

(2) boards passengers at a port in the United States.

(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)
44101	46 App.:317d(a) (6th-28th words). 46 App.:317e(a) (15th-36th words).	Pub. L. 89-777, §2(a) (6th-28th words), 3(a) (15th-36th words), Nov. 6, 1966, 80 Stat. 1356, 1357.

§ 44102. Financial responsibility to indemnify passengers for nonperformance of transportation

(a) FILING REQUIREMENT.—A person in the United States may not arrange, offer, advertise, or provide transportation on a vessel to which this chapter applies unless the person has filed with the Federal Maritime Commission evidence of financial responsibility to indemnify passengers for nonperformance of the transportation.

(b) SATISFACTORY EVIDENCE.—To satisfy subsection (a), a person must file—

(1) information the Commission considers necessary; or

(2) a copy of a bond or other security, in such form as the Commission by regulation may require.