

(c) AUTHORIZED ISSUER OF BOND.—If a bond is filed, it must be issued by a bonding company authorized to do business in the United States.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44102 .....	46 App.:817e(a) (1st-14th, 37th-last words), (b).	Pub. L. 89-777, §3(a) (1st-14th, 37th-last words), (b), Nov. 6, 1966, 80 Stat. 1357; Pub. L. 103-206, title III, § 320, Dec. 20, 1993, 107 Stat. 2427.

In subsection (c), the words “or any State thereof, or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands or any territory or possession of the United States” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

**§ 44103. Financial responsibility to pay liability for death or injury**

(a) GENERAL REQUIREMENT.—The owner or charterer of a vessel to which this chapter applies shall establish, under regulations prescribed by the Federal Maritime Commission, financial responsibility to meet liability for death or injury to passengers or other individuals on a voyage to or from a port in the United States.

(b) AMOUNTS.—

(1) IN GENERAL.—The amount of financial responsibility required under subsection (a) shall be based on the number of passenger accommodations as follows:

- (A) \$20,000 for each of the first 500 passenger accommodations.
- (B) \$15,000 for each additional passenger accommodation between 501 and 1,000.
- (C) \$10,000 for each additional passenger accommodation between 1,001 and 1,500.
- (D) \$5,000 for each additional passenger accommodation over 1,500.

(2) MULTIPLE VESSELS.—If the owner or charterer is operating more than one vessel subject to this chapter, the amount of financial responsibility shall be based on the number of passenger accommodations on the vessel with the largest number of passenger accommodations.

(c) AVAILABILITY TO PAY JUDGMENT.—The amount determined under subsection (b) shall be available to pay a judgment for damages (whether less than or more than \$20,000) for death or injury to a passenger or other individual on a voyage to or from a port in the United States.

(d) MEANS OF ESTABLISHING.—Financial responsibility under this section may be established by one or more of the following if acceptable to the Commission:

- (1) Insurance.
- (2) Surety bond issued by a bonding company authorized to do business in the United States.
- (3) Qualification as a self-insurer.
- (4) Other evidence of financial responsibility.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44103 .....	46 App.:817d(a) (1st-5th, 29th-last words), (b).	Pub. L. 89-777, §2(a) (1st-5th, 29th-last words), (b), Nov. 6, 1966, 80 Stat. 1356.

In subsection (d)(2), the words “issued by a bonding company authorized to do business in the United States” are substituted for 46 App. U.S.C. 817d(b) to eliminate unnecessary words. The words “or any State thereof or the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, or any territory or possession of the United States” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

**§ 44104. Civil penalty**

A person that violates section 44102 or 44103 of this title is liable to the United States Government for a civil penalty of not more than \$5,000, plus \$200 for each passage sold, to be assessed by the Federal Maritime Commission. The Commission may remit or mitigate the penalty on terms the Commission considers proper.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1555.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44104 .....	46 App.:817d(c). 46 App.:817e(c).	Pub. L. 89-777, §§2(c), 3(c), Nov. 6, 1966, 80 Stat. 1357.

**§ 44105. Refusal of clearance**

The Secretary of Homeland Security shall refuse the clearance required by section 60105 of this title, at the port or place of departure from the United States, of a vessel that is subject to this chapter and does not have evidence issued by the Federal Maritime Commission of compliance with sections 44102 and 44103 of this title.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1555.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
44105 .....	46 App.:817d(e).  46 App.:817e(e).	Pub. L. 89-777, §§2(e), 3(e), Nov. 6, 1966, 80 Stat. 1357, 1358; Pub. L. 103-182, title VI, § 689(c), Dec. 8, 1993, 107 Stat. 2222.

The words “Secretary of Homeland Security” are substituted for “Customs Service” 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).

**§ 44106. Conduct of proceedings**

Part A of this subtitle applies to proceedings conducted by the Federal Maritime Commission under this chapter.

(Pub. L. 109-304, § 7, Oct. 6, 2006, 120 Stat. 1555.)

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
44106 .....	46 App.:817d(d).	Pub. L. 89-777, §§2(d), 3(d), Nov. 6, 1966, 80 Stat. 1357, 1358; Pub. L. 104-324, title VII, §746(c), Oct. 19, 1996, 110 Stat. 3943.
	46 App.:817e(d).	

The authority to prescribe regulations is omitted as unnecessary because it is already provided by section 305 of the revised title.

**PART D—FEDERAL MARITIME  
COMMISSION  
CHAPTER 461—FEDERAL MARITIME  
COMMISSION**

Sec.	
46101.	General organization.
46102.	Quorum.
46103.	Meetings.
46104.	Delegation of authority.
46105.	Regulations.
46106.	Annual report and public disclosure.
46107.	Expenditures.
46108.	Authorization of appropriations.

**Editorial Notes**

AMENDMENTS

2024—Pub. L. 118-159, div. C, title XXXV, §3535(j)(2), Dec. 23, 2024, 138 Stat. 2315, substituted “Annual report and public disclosure” for “Annual report” in item 46106.

2021—Pub. L. 116-283, div. G, title LVXXXVI [LXXXVI], §8605(b)(6), Jan. 1, 2021, 134 Stat. 4765, which directed the general amendment of the analysis for this chapter “as so redesignated” by section 8605(a)(2) of Pub. L. 116-283 (see note below) by setting out only new items 46101 to 46108 with no chapter heading, was executed by substituting items 46101 to 46108 for former items 301 to 308 and not including the redesignated chapter heading, to reflect the probable intent of Congress and the separate enactment of the heading for this chapter by section 8605(a)(1) of Pub. L. 116-283.

Pub. L. 116-283, div. G, title LVXXXVI [LXXXVI], §8605(a)(2), Jan. 1, 2021, 134 Stat. 4765, renumbered chapter 3 of this title as this chapter.

2018—Pub. L. 115-282, title VII, §711(b), Dec. 4, 2018, 132 Stat. 4298, substituted “Meetings” for “Record of meetings and votes” in item 303.

2016—Pub. L. 114-120, title IV, §401(b), Feb. 8, 2016, 130 Stat. 67, added item 308.

**§ 46101. General organization**

(a) ORGANIZATION.—The Federal Maritime Commission is an independent establishment of the United States Government.

(b) COMMISSIONERS.—

(1) COMPOSITION.—The Commission is composed of 5 Commissioners, appointed by the President by and with the advice and consent of the Senate. Not more than 3 Commissioners may be appointed from the same political party.

(2) TERMS.—The term of each Commissioner is 5 years. When the term of a Commissioner ends, the Commissioner may continue to serve until a successor is appointed and qualified, but for a period not to exceed 2 years. Except as provided in paragraph (3), no individual may serve more than 3 terms.

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

An individual appointed to fill a vacancy is appointed only for the unexpired term to which such individual is appointed. An individual appointed to fill a vacancy may serve 3 terms in addition to the remainder of the term for which such individual was appointed.

(4) CONFLICTS OF INTEREST.—

(A) LIMITATION ON RELATIONSHIPS WITH REGULATED ENTITIES.—A Commissioner may not have a pecuniary interest in, hold an official relation to, or own stocks or bonds of any entity the Commission regulates under chapter 401 of this title.

(B) LIMITATION ON OTHER ACTIVITIES.—A Commissioner may not engage in another business, vocation, or employment.

(5) REMOVAL.—The President may remove a Commissioner for inefficiency, neglect of duty, or malfeasance in office.

(c) CHAIRMAN.—

(1) DESIGNATION.—The President shall designate one of the Commissioners as Chairman.

(2) GENERAL AUTHORITY.—The Chairman is the chief executive and administrative officer of the Commission. In carrying out the duties and powers of the Commission (other than under paragraph (3)), the Chairman is subject to the policies, regulatory decisions, findings, and determinations of the Commission.

(3) PARTICULAR DUTIES.—

(A) IN GENERAL.—The Chairman shall—

(i) appoint and supervise officers and employees of the Commission;

(ii) appoint the heads of major organizational units (with such appointments subject to the approval of the Commission);

(iii) distribute the business of the Commission among personnel and organizational units;

(iv) supervise the expenditure of money for administrative purposes;

(v) assign Commission personnel, including Commissioners, to perform duties and powers delegated by the Commission under section 46104 of this title; and

(vi) prepare and submit to the President and the Congress requests for appropriations for the Commission (with such requests subject to the approval of the Commission).

(B) NONAPPLICATION.—Subparagraph (A) (other than clause (v)) does not apply to personnel employed regularly and full-time in the offices of Commissioners other than the Chairman.

(4) DELEGATION.—The Chairman may designate officers and employees under the Chairman’s jurisdiction to perform duties and powers of the Chairman, subject to the Chairman’s supervision and direction.

(d) SEAL.—The Commission shall have a seal which shall be judicially recognized.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1488, §301; Pub. L. 113-281, title IV, §403(a), Dec. 18, 2014, 128 Stat. 3056; Pub. L. 114-120, title IV, §402, Feb. 8, 2016, 130 Stat. 67; renumbered §46101 and amended Pub. L. 116-283, div. G, title LVXXXVI [LXXXVI], §8605(a)(3), (b)(1), Jan. 1, 2021, 134