

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**

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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

Stat. 4765; Pub. L. 117–263, div. K, title CXVIII, §11801(a), Dec. 23, 2022, 136 Stat. 4163.)

Subsec. (b)(3) to (5). Pub. L. 113–281, §403(a)(2), added pars. (3) and (4) and redesignated former par. (3) as (5).

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
301(a)	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, §101, 75 Stat. 840.
301(b)	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, §102(a), (c), 75 Stat. 840; Pub. L. 88–426, title III, §305(19)(A), Aug. 14, 1964, 78 Stat. 425.
	46 App.:1111 note.	Pub. L. 89–56, June 30, 1965, 79 Stat. 195.
301(c)	46 App.:1111 note.	Reorg. Plan No. 6 of 1949, eff. Aug. 20, 1949, 63 Stat. 1069.
	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, §§102(b), 104, 105(d), 75 Stat. 840, 841.
301(d)	46 App.:1111(c) (related to seal).	June 29, 1936, ch. 858, title II, §201(c) (related to seal), 49 Stat. 1986.

In subsection (a), the words “is an independent establishment” are substituted for “shall not be a part of any executive department or under the authority of the head of any executive department” for consistency with other titles of the United States Code and to eliminate unnecessary words.

In subsection (b)(2), the words “The term of each Commissioner is 5 years, with each term beginning one year apart” are substituted for the language about terms in section 102(c) of Reorganization Plan No. 7 of 1961 (46 App. U.S.C. 1111 note) and the Act of June 30, 1965 (Pub. L. 89–56, 79 Stat. 195), for clarity and to eliminate executed and obsolete language.

In subsection (c), section 104 of Reorganization Plan No. 7 of 1961 is omitted as executed.

Subsection (c)(1) is based on section 102(b) of Reorganization Plan No. 7 of 1961. The words “from time to time” are omitted as unnecessary.

Subsection (c)(2) is based on section 1 of Reorganization Plan No. 6 of 1949.

Subsection (c)(3) is based on section 2 of Reorganization Plan No. 6 of 1949 and section 105(d) of Reorganization Plan No. 7 of 1961.

Subsection (c)(4) is based on section 3 of Reorganization Plan No. 6 of 1949.

Editorial Notes

AMENDMENTS

2022—Subsec. (b)(2). Pub. L. 117–263, §11801(a)(1), substituted “2 years” for “one year” and “3 terms” for “2 terms”.

Subsec. (b)(3). Pub. L. 117–263, §11801(a)(2), substituted “to which such individual is appointed” for “of the individual being succeeded”, “3 terms” for “2 terms”, and “such” for “the predecessor of that”.

2021—Pub. L. 116–283, §8605(a)(3), renumbered section 301 of this title as this section.

Subsec. (c)(3)(A)(v). Pub. L. 116–283, §8605(b)(1), substituted “46104” for “304”.

2016—Subsec. (c)(3)(A)(ii). Pub. L. 114–120, §402(1), substituted “units (with such appointments subject to the approval of the Commission);” for “units, but only after consultation with the other Commissioners;”.

Subsec. (c)(3)(A)(vi). Pub. L. 114–120, §402(2)–(4), added cl. (vi).

2014—Subsec. (b)(2). Pub. L. 113–281, §403(a)(1), amended par. (2) generally. Prior to amendment, text read as follows: “The term of each Commissioner is 5 years, with each term beginning one year apart. An individual appointed to fill a vacancy is appointed only for the unexpired term of the individual being succeeded. A vacancy shall be filled in the same manner as the original appointment. When the term of a Commissioner ends, the Commissioner may continue to serve until a successor is appointed and qualified.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–263, div. K, title CXVIII, §11801(b), Dec. 23, 2022, 136 Stat. 4163, provided that: “The amendments made by this section [amending this section] shall not apply to Commissioners to whom section 403(b) of the Howard Coble Coast Guard and Maritime Transportation Act of 2014 (Public Law 113–281) [set out below] applies.”

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113–281, title IV, §403(b), Dec. 18, 2014, 128 Stat. 3056, provided that: “The amendment made by subsection (a)(1) [amending this section] does not apply with respect to a Commissioner of the Federal Maritime Commission appointed and confirmed by the Senate before the date of the enactment of this Act [Dec. 18, 2014].”

§ 46102. Quorum

A vacancy or vacancies in the membership of the Federal Maritime Commission do not impair the power of the Commission to execute its functions. The affirmative vote of a majority of the Commissioners serving on the Commission is required to dispose of any matter before the Commission.

(Pub. L. 109–304, §4, Oct. 6, 2006, 120 Stat. 1489, §302; renumbered §46102, Pub. L. 116–283, div. G, title LVXXXVI [LXXXVI], §8605(a)(3), Jan. 1, 2021, 134 Stat. 4765.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
302	46 App.:1111 note.	Reorg. Plan No. 7 of 1961, eff. Aug. 12, 1961, §102(d), 75 Stat. 840; Pub. L. 105–258, title II, §202, Oct. 14, 1998, 112 Stat. 1915.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 renumbered section 302 of this title as this section.

§ 46103. Meetings

(a) IN GENERAL.—The Federal Maritime Commission shall be deemed to be an agency for purposes of section 552b of title 5.

(b) RECORD.—The Commission, through its secretary, shall keep a record of its meetings and the votes taken on any action, order, contract, or financial transaction of the Commission.

(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

(1) IN GENERAL.—Notwithstanding section 552b of title 5, a majority of the Commissioners may hold a meeting that is not open to public observation to discuss official agency business if—

(A) no formal or informal vote or other official agency action is taken at the meeting;

(B) each individual present at the meeting is a Commissioner or an employee of the Commission;

(C) at least 1 Commissioner from each political party is present at the meeting, if applicable; and