

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

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

(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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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.

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 44106, 46 App.:817d(d), 46 App.:817e(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.

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

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AMENDMENTS

2008—Pub. L. 110-181, div. C, title XXXV, § 3523(a)(6)(E), Jan. 28, 2008, 122 Stat. 600, added item for chapter 541.

2007—Pub. L. 110-140, title XI, § 1121(b), Dec. 19, 2007, 121 Stat. 1762, added item for chapter 556.

2006—Pub. L. 109-304, § 8(a), Oct. 6, 2006, 120 Stat. 1555, amended subtitle analysis generally. Prior to amendment, analysis consisted of item for chapter 531 “Maritime Security Fleet”.

PART A—GENERAL

CHAPTER 501—POLICY, STUDIES, AND REPORTS

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AMENDMENTS

2015—Pub. L. 114-92, div. A, title X, § 1074(c)(2), Nov. 25, 2015, 129 Stat. 997, substituted “Submission of annual MARAD authorization request” for “Reports to Congress” in item 50111.

§ 50101. Objectives and policy

(a) OBJECTIVES.—It is necessary for the national defense and the development of the do-

mestic and foreign commerce of the United States that the United States have a merchant marine—

(1) sufficient to carry the waterborne domestic commerce and a substantial part of the waterborne export and import foreign commerce of the United States and to provide shipping service essential for maintaining the flow of the waterborne domestic and foreign commerce at all times;

(2) capable of serving as a naval and military auxiliary in time of war or national emergency;

(3) owned and operated as vessels of the United States by citizens of the United States;

(4) composed of the best-equipped, safest, and most suitable types of vessels constructed in the United States and manned with a trained and efficient citizen personnel; and

(5) supplemented by efficient facilities for building and repairing vessels.

(b) POLICY.—It is the policy of the United States to encourage and aid the development and maintenance of a merchant marine satisfying the objectives described in subsection (a).

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1556; Pub. L. 111-84, div. C, title XXXV, § 3511, Oct. 28, 2009, 123 Stat. 2722.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50101	46 App.:861.	June 5, 1920, ch. 250, § 1, 41 Stat. 988; Exec. Order No. 6166, June 10, 1933, § 12; June 29, 1936, ch. 858, title II, § 204, title IX, § 904, 49 Stat. 1987, 2016; Pub. L. 97-31, § 12(33), Aug. 6, 1981, 95 Stat. 156.
	46 App.:891.	May 22, 1928, ch. 675, § 1, 45 Stat. 689.
	46 App.:1101.	June 29, 1936, ch. 858, title I, § 101, 49 Stat. 1985; Pub. L. 91-469, § 1, Oct. 21, 1970, 84 Stat. 1018.

This section consolidates the source provisions to eliminate repetition.

AMENDMENTS

2009—Subsec. (a)(4). Pub. L. 111-84 inserted “constructed in the United States” after “vessels”.

§ 50102. Survey of merchant marine

(a) IN GENERAL.—The Secretary of Transportation shall survey the merchant marine of the United States to determine whether replacements and additions are required to carry out the objectives and policy of section 50101 of this title. The Secretary shall study, perfect, and adopt a long-range program for replacements and additions that will result, as soon as practicable, in—

(1) an adequate and well-balanced merchant fleet, including vessels of all types, that will provide shipping service essential for maintaining the flow of foreign commerce by vessels designed to be readily and quickly convertible into transport and supply vessels in a time of national emergency;

(2) ownership and operation of the fleet by citizens of the United States insofar as practicable;