

§ 42305. Refusal of clearance and entry

Subject to section 42306 of this title, whenever the Federal Maritime Commission determines that the conditions specified in section 42302(a) of this title exist, then at the request of the Commission—

(1) the Secretary of Homeland Security shall refuse the clearance required by section 60105 of this title to a vessel of a foreign carrier that is identified by the Commission under section 42304 of this title; and

(2) the Secretary of the department in which the Coast Guard is operating shall—

(A) deny entry, for purposes of oceanborne trade, of a vessel of a foreign carrier that is identified by the Commission under section 42304 of this title, to a port or place in the United States or the navigable waters of the United States; or

(B) detain the vessel at the port or place in the United States from which it is about to depart for another port or place in the United States.

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1553.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 42305: 46 App.:1710a(f), Pub. L. 100–418, title X, §10002(f), Aug. 23, 1988, 102 Stat. 1572.

Before paragraph (1), the words “Subject to section 42306 of this title” are added to alert the reader to the application of that section. The word “determines” is substituted for “finds” for consistency with section 42306 of the revised title.

In paragraph (1), the words “Secretary of Homeland Security” are substituted for “collector of customs at any port or place of destination in the United States” 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). The functions of the collector of customs previously were vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950, and the office of collector of customs previously was abolished by Reorganization Plan No. 1 of 1965.

§ 42306. Submission of determinations to President

Before a determination under section 42304 of this title becomes effective or a request is made under section 42305 of this title, the determination shall be submitted immediately to the President. The President, within 10 days after receiving it, may disapprove it in writing, setting forth the reasons for the disapproval, if the President finds that disapproval is required for reasons of national defense or foreign policy.

(Pub. L. 109–304, § 7, Oct. 6, 2006, 120 Stat. 1553.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 42306: 46 App.:1710a(e)(3), Pub. L. 100–418, title X, §10002(e)(3), Aug. 23, 1988, 102 Stat. 1572.

§ 42307. Review of regulations and orders

A regulation or final order of the Federal Maritime Commission under this chapter is review-

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 42307: 46 App.:1710a(i), Pub. L. 100–418, title X, §10002(i), Aug. 23, 1988, 102 Stat. 1572.

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 44101: 46 App.:817d(a) (6th–28th words), 46 App.:817e(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.

(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.)