

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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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). 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.

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.
- 46107. Expenditures.
- 46108. Authorization of appropriations.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283, div. G, title LVXXXVI [LXXXVII], §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 [LXXXVII], §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