

(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

(3) NOTICE TO CONGRESS.—

(A) IN GENERAL.—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate—

(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

(B) CONTENTS.—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

(i) the reasons the waiver is necessary; and

(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.

(c) TERMINATION OF AUTHORITY.—The authority granted by this section shall terminate at such time as the Congress by concurrent resolution or the President may designate.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1490; Pub. L. 110-417, div. C, title XXXV, § 3510, Oct. 14, 2008, 122 Stat. 4769; Pub. L. 112-213, title III, § 301, Dec. 20, 2012, 126 Stat. 1562; Pub. L. 112-239, div. C, title XXXV, § 3517(a)(2), Jan. 2, 2013, 126 Stat. 2229.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 501: 46 App.:3 note prec., Dec. 27, 1950, ch. 1155, §§ 1, 2, 64 Stat. 1120.

In subsection (b), the words “When the head of an agency . . . considers it necessary” are substituted for “either upon his own initiative or upon the written recommendation of the head of any other Government agency, when he deems that such action is necessary” to eliminate unnecessary words.

AMENDMENTS

2013—Subsec. (b)(3)(A). Pub. L. 112-239 substituted “the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate” for “the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate” in introductory provisions.

2012—Subsec. (b). Pub. L. 112-213 designated existing provisions as par. (1), inserted par. (1) heading, and added pars. (2) and (3).

2008—Subsec. (b). Pub. L. 110-417 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “When the head of an agency responsible for the administration of the navigation or vessel-inspection laws considers it necessary in the interest of national defense, the individual may waive compliance with those laws to the extent, in the manner, and on the terms the individual prescribes.”

§ 502. Cargo exempt from forfeiture

Cargo on a vessel is exempt from forfeiture under this title if—

(1) the cargo is owned in good faith by a person not the owner, master, or crewmember of the vessel; and

(2) the customs duties on the cargo have been paid or secured for payment as provided by law.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1490.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 502: 46 App.:326, R.S. § 4378.

§ 503. Notice of seizure

When a forfeiture of a vessel or cargo accrues, the official of the United States Government required to give notice of the seizure of the vessel or cargo shall include in the notice, if they are known to that official, the name and the place of residence of the owner or consignee at the time of the seizure.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1490.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 503: 46 App.:327, R.S. § 4379.

§ 504. Remission of fees and penalties

Any part of a fee, tax, or penalty paid or a forfeiture incurred under a law or regulation relating to vessels or seamen may be remitted if—

(1) application for the remission is made within one year after the date of the payment or forfeiture; and

(2) it is found that the fee, tax, penalty, or forfeiture was improperly or excessively imposed.

(Pub. L. 109-304, § 4, Oct. 6, 2006, 120 Stat. 1491.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 504: 46:2108.

This section replaces 46 U.S.C. 2108, which was enacted as part of the codification of subtitle II of title 46 in 1983. That provision was based on section 26 of the Act of June 26, 1884, ch. 121, 23 Stat. 59, which prior to the subtitle II codification appeared at 46 U.S.C. 8 (1982 ed.). In the enactment of 46 U.S.C. 2108, the scope of the 1884 provision was narrowed, presumably inadvertently. This section restores the remissions authority to its prior scope. Note that 19 C.F.R. § 4.24 (2003) still refers to “the authority to make refunds in accordance with

section 26 of the Act of June 26, 1884 (46 U.S.C. 8)’’ as if that provision had not been replaced by 46 U.S.C. 2108 in 1983.

§ 505. Penalty for violating regulation or order

A person convicted of knowingly and willfully violating a regulation or order of the Federal Maritime Commission or the Secretary of Transportation under subtitle IV or V of this title, for which no penalty is expressly provided, shall be fined not more than \$500. Each day of a continuing violation is a separate offense.

(Pub. L. 109-304, §4, Oct. 6, 2006, 120 Stat. 1491.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 505, 46 App.:1228 (last par.), June 29, 1936, ch. 858, title VIII, §806(d); as added Aug. 4, 1939, ch. 417, §13, 53 Stat. 1187; Pub. L. 97-31, §12(125), Aug. 6, 1981, 95 Stat. 164.

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AMENDMENTS

2006—Pub. L. 109-304, §15(1), Oct. 6, 2006, 120 Stat. 1702, in each chapter item, capitalized first letter of each word containing 4 or more letters, struck out item for chapter 39 ‘‘Carriage of animals’’, and substituted ‘‘Uninspected Commercial Fishing Industry Vessels’’ for ‘‘Fish processing vessels’’ in item 45.

2000—Pub. L. 106-398, §1 [[div. A], title X, §1087(g)(6)], Oct. 30, 2000, 114 Stat. 1654, 1654A-294, substituted ‘‘mariner benefits’’ for ‘‘Mariner Benefits’’ in item 112.

1998—Pub. L. 105-368, title IV, §402(b), Nov. 11, 1998, 112 Stat. 3337, added item 112.

1996—Pub. L. 104-324, title VI, §602(b), Oct. 19, 1996, 110 Stat. 3930, added item 32.

1992—Pub. L. 102-587, title V, §5304, Nov. 4, 1992, 106 Stat. 5083, added item 47.

1988—Pub. L. 100-710, title I, §101(b), Nov. 23, 1988, 102 Stat. 4738, added item 125.

Pub. L. 100-424, §6(b), Sept. 9, 1988, 102 Stat. 1592, added item 106.

1986—Pub. L. 99-509, title V, §5101(1), Oct. 21, 1986, 100 Stat. 1913, inserted items for parts C and J.

1985—Pub. L. 99-36, §1(a)(9)(A), May 15, 1985, 99 Stat. 67, substituted ‘‘Merchant Seamen Licenses, Certifications, and’’ for ‘‘Licenses, Certificates, and Merchant Mariners’’ in heading for part E.

1984—Pub. L. 98-364, title IV, §402(7)(A), July 17, 1984, 98 Stat. 446, inserted ‘‘generally’’ in item 41, reenacted item 43 without change, and added item 45.

PART A—GENERAL PROVISIONS

HISTORICAL AND REVISION NOTES

Part A contains general provisions that apply throughout the subtitle and provisions that apply generally to the operation of all vessels.

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