

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307	46 App.:111(d) (related to Commission).	June 29, 1936, ch. 858, title II, §201(d) (related to Commission), 49 Stat. 1986; Pub. L. 97-31, §12(58)(B), Aug. 6, 1981, 95 Stat. 158.

The words “by this chapter”, “after June 29, 1936”, and “further” are omitted as unnecessary.

AMENDMENTS

2016—Pub. L. 114-120 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

§ 308. Authorization of appropriations

There is authorized to be appropriated to the Federal Maritime Commission \$28,012,310 for fiscal year 2018 and \$28,544,543 for fiscal year 2019 for the activities of the Commission authorized under this chapter and subtitle IV.

(Added Pub. L. 114-120, title IV, §401(a), Feb. 8, 2016, 130 Stat. 67; amended Pub. L. 115-282, title VII, §702, Dec. 4, 2018, 132 Stat. 4294.)

AMENDMENTS

2018—Pub. L. 115-282 substituted “\$28,012,310 for fiscal year 2018 and \$28,544,543 for fiscal year 2019” for “\$24,700,000 for each of fiscal years 2016 and 2017”.

CHAPTER 5—OTHER GENERAL PROVISIONS

Sec.	
501.	Waiver of navigation and vessel-inspection laws.
502.	Cargo exempt from forfeiture.
503.	Notice of seizure.
504.	Remission of fees and penalties.
505.	Penalty for violating regulation or order.

§ 501. Waiver of navigation and vessel-inspection laws

(a) ON REQUEST OF SECRETARY OF DEFENSE.—On request of the Secretary of Defense, the head of an agency responsible for the administration of the navigation or vessel-inspection laws shall waive compliance with those laws to the extent the Secretary considers necessary in the interest of national defense.

(b) BY HEAD OF AGENCY.—

(1) IN GENERAL.—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, following a determination by the Maritime Administrator, acting in the Administrator’s capacity as Director, National Shipping Authority, of the non-availability of qualified United States flag capacity to meet national defense requirements, may waive compliance with those laws to the extent, in the manner, and on the terms the individual, in consultation with the Administrator, acting in that capacity, prescribes.

(2) DETERMINATIONS.—The Maritime Administrator shall—

(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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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 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.

Subtitle II—Vessels and Seamen

PART A—GENERAL PROVISIONS

Chapter 21. General 2101
23. Operation of Vessels Generally 2301

PART B—INSPECTION AND REGULATION OF VESSELS

31. General 3101
32. Management of Vessels 3201
33. Inspection Generally 3301
35. Carriage of Passengers 3501
37. Carriage of Liquid Bulk Dangerous Cargoes 3701
[39. Repealed.]
41. Uninspected Vessels Generally 4101
43. Recreational Vessels 4301
45. Uninspected Commercial Fishing Industry Vessels 4501
47. Abandonment of Barges 4701

PART C—LOAD LINES OF VESSELS

51. Load Lines 5101

PART D—MARINE CASUALTIES

61. Reporting Marine Casualties 6101
63. Investigating Marine Casualties 6301

PART E—MERCHANT SEAMEN LICENSES, CERTIFICATES, AND DOCUMENTS

71. Licenses and Certificates of Registry 7101
73. Merchant Mariners' Documents 7301
75. General Procedures for Licensing, Certification, and Documentation 7501
77. Suspension and Revocation 7701

PART F—MANNING OF VESSELS

81. General 8101
83. Masters and Officers 8301
85. Pilots 8501
87. Unlicensed Personnel 8701
89. Small Vessel Manning 8901
91. Tank Vessel Manning Standards 9101
93. Great Lakes Pilotage 9301

PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

101. General 10101
103. Foreign and Intercoastal Voyages .. 10301
105. Coastwise Voyages 10501
106. Fishing Voyages 10601
107. Effects of Deceased Seamen 10701