

the Maritime Administrator shall publish such report on an appropriate website of the Department of Transportation.

(d) 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; Pub. L. 116–283, div. C, title XXXV, § 3502(a)(1), Jan. 1, 2021, 134 Stat. 4397.)

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.

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116–283, § 3502(a)(1)(A), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “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.”

Subsec. (b)(2), (3). Pub. L. 116–283, § 3502(a)(1)(B)(i), (ii), added par. (2) and redesignated former par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (b)(4). Pub. L. 116–283, § 3502(a)(1)(B)(i), redesignated par. (3) as (4).

Subsec. (b)(4)(B)(ii). Pub. L. 116–283, § 3502(a)(1)(B)(ii)(I), substituted “paragraph (3)(A)” for “paragraph (2)(A)”.

Subsec. (b)(4)(C). Pub. L. 116–283, § 3502(a)(1)(B)(ii)(II), added subpar. (C).

Subsecs. (c), (d). Pub. L. 116–283, § 3502(a)(1)(C), (D), added subsec. (c) and redesignated former subsec. (c) as (d).

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.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116–283, div. C, title XXXV, § 3502(a)(2), Jan. 1, 2021, 134 Stat. 4398, provided that: “The amendments made by paragraph (1) [amending this section] shall apply with respect to waivers issued after the date of the enactment of this Act [Jan. 1, 2021].”

§ 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.