

**[CHAPTER 3—TRANSFERRED]****Editorial Notes****CODIFICATION**

Pub. L. 116-283, div. G, title LVXXXVI [LXXXVI], § 8605(a)(2), (3), Jan. 1, 2021, 134 Stat. 4765, renumbered this chapter as chapter 461 and transferred it to part D of subtitle IV of this title and renumbered sections 301 to 308 as sections 46101 to 46108 of this title, respectively.

**[[§ 301 to 308. Renumbered §§ 46101 to 46108]****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.—**

(1) **IN GENERAL.**—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 to address an immediate adverse effect on military operations.

(2) **SUBMITTAL OF EXPLANATION TO CONGRESS.**—Not later than 24 hours after making a request under paragraph (1), the Secretary of Defense shall submit to 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 a written explanation of the circumstances requiring such a waiver in the interest of national defense, including a confirmation that there are insufficient qualified vessels to meet the needs of national defense without such a waiver.

**(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) DURATION OF WAIVER.—**

(A) **IN GENERAL.**—Subject to subparagraphs (B) and (C), a waiver issued under this subsection shall be for a period of not more than 10 days.

(B) **WAIVER EXTENSION.**—Upon the termination of the period of a waiver issued under

this subsection, the head of an agency may extend the waiver for an additional period of not more than 10 days, if the Maritime Administrator makes the determinations referred to in paragraph (1).

(C) **AGGREGATE DURATION.**—The aggregate duration of the period of all waivers and extensions of waivers under this subsection with respect to any one set of events shall not exceed 45 days.

(3) **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.

**(4) 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 (3)(A) are not feasible.

(C) **NOTIFICATION REQUIRED FOR EXTENSIONS.**—For purposes of this paragraph, an extension requested or issued under paragraph (2)(B) shall be treated in the same manner as a waiver requested or issued under this subsection.

**(c) REPORT.—**

(1) **IN GENERAL.**—Not later than 10 days after the date of the conclusion of the voyage of a vessel that, during such voyage, operated under a waiver issued under this section, the owner or operator of the vessel shall submit to the Maritime Administrator a report that includes—

(A) the name and flag of the vessel;

(B) the dates of the voyage;

(C) any relevant ports of call; and

(D) any other information the Maritime Administrator determines necessary.

(2) **PUBLICATION.**—Not later than 48 hours after receiving a report under paragraph (1),