

merce or trade between a place in the United States and a place in a foreign country.

(b) CAPITAL CONSTRUCTION FUNDS AND CONSTRUCTION-DIFFERENTIAL SUBSIDIES.—In the context of capital construction funds under chapter 535 of this title, and in the context of construction-differential subsidies under title V of the Merchant Marine Act, 1936, the terms “foreign commerce” and “foreign trade” also include, in the case of liquid and dry bulk cargo carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in a manner that will permit bulk vessels of the United States to compete freely with foreign bulk vessels in their operation or competition for charters, subject to regulations prescribed by the Secretary of Transportation.

(Pub. L. 109–304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
109	46 App.:1244(a).	June 29, 1936, ch. 858, title IX, §905(a), 49 Stat. 2016; June 23, 1938, ch. 600, §39(a), 52 Stat. 964; Pub. L. 91–469, §28, Oct. 21, 1970, 84 Stat. 1034; Pub. L. 92–402, §2, Aug. 22, 1972, 86 Stat. 617; Pub. L. 97–31, §12(133)(A), Aug. 6, 1981, 95 Stat. 165.

In subsection (a), the words “its Territories or possessions, or the District of Columbia” are omitted because of the definition of “United States” in this chapter.

Editorial Notes

REFERENCES IN TEXT

The Merchant Marine Act, 1936, referred to in subsec. (b), is act June 29, 1936, ch. 858, 49 Stat. 1985. Title V of the Act enacted provisions set out as notes under section 53101 of this title. For complete classification of this Act to the Code, see Short Title of 1936 Amendment note set out under section 101 of this title and Tables.

§ 110. Foreign vessel

In this title, the term “foreign vessel” means a vessel of foreign registry or operated under the authority of a foreign country.

(Pub. L. 109–304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
110	46:2101(12).	

§ 111. Numbered vessel

In this title, the term “numbered vessel” means a vessel for which a number has been issued under chapter 123 of this title.

(Pub. L. 109–304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
111	46:2101(17b).	

§ 112. State

In this title, the term “State” means a State of the United States, the District of Columbia,

Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(Pub. L. 109–304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
112	46:2101(36).	

§ 113. Undocumented

In this title, the term “undocumented” means not having and not required to have a certificate of documentation issued under chapter 121 of this title.

(Pub. L. 109–304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
113	46:2101(41).	

The words “certificate of documentation” are substituted for “document” for consistency with chapter 121.

§ 114. United States

In this title, the term “United States”, when used in a geographic sense, means the States of the United States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(Pub. L. 109–304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
114	46:2101(44). 46 App.:1244(g).	June 29, 1936, ch. 858, title IX, §905(g), 49 Stat. 2016; as added Pub. L. 96–453, §3(b), Oct. 15, 1980, 94 Stat. 2008.

The language in 46 App. U.S.C. 1244(g) relating to the areas and installations in the Republic of Panama is omitted because those areas and installations were turned over to Panama by the end of 1999.

§ 115. Vessel

In this title, the term “vessel” has the meaning given that term in section 3 of title 1.

(Pub. L. 109–304, §4, Oct. 6, 2006, 120 Stat. 1487.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
115	46:2101(45).	

§ 116. Vessel of the United States

In this title, the term “vessel of the United States” means a vessel documented under chapter 121 of this title (or exempt from documentation under section 12102(c) of this title), numbered under chapter 123 of this title, or titled under the law of a State.

(Pub. L. 109–304, § 4, Oct. 6, 2006, 120 Stat. 1488.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
116	46:2101(46).	

[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.—Upon a determination by the President that a waiver of the navigation or vessel-inspection laws is necessary in the interest of national defense, the head of an agency responsible for the administration of such laws,¹ may waive compliance with such laws—

(A) following a determination in accordance with the requirements of paragraph (3) 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;

(B) not earlier than 48 hours after a waiver request is published under paragraph (6)(A); and

(C) on a vessel specific basis to the extent, in the manner, and on the terms the head of such agency, in consultation with the Administrator, acting in such 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 determination referred to in paragraph (1)(A).

(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)(A)—

(i) identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements prior to the issuance of a waiver; and

(ii) not assess the non-availability of qualified United States flag capacity to meet national defense requirements retroactively after the date on which a waiver is requested;

(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—

¹ So in original. The comma probably should not appear.