

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

HISTORICAL AND REVISION NOTES

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