

Subsec. (d). Pub. L. 115-91, §3505(a)(5), struck out “unless such use is specifically approved by the Administrator in support of subsection (c)(1)(C)” before period at end.

Subsec. (e)(1). Pub. L. 115-91, §3505(a)(6)(C), struck out “Except as provided in paragraph (2),” before “Federal funds”.

Subsec. (e)(2), (3). Pub. L. 115-91, §3505(a)(6)(A), (B), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “EXCEPTION.—If the Administrator determines that a proposed project merits support and cannot be undertaken without a higher percentage of Federal financial assistance, the Administrator may award a grant for such project with a lesser matching requirement than is described in paragraph (1).”

Subsec. (i). Pub. L. 115-91, §3501(b), substituted “2018, 2019, and 2020 to carry out this section \$35,000,000” for “2015 through 2017 to carry out this section—

“(1) \$5,000,000 for training grants; and

“(2) \$25,000,000 for capital and related improvements”.

2014—Subsec. (i). Pub. L. 113-281 substituted “2015 through 2017” for “2009 through 2013” in introductory provisions.

§ 54102. Centers of excellence for domestic maritime workforce training and education

(a) DESIGNATION.—The Secretary of Transportation may designate as a center of excellence for domestic maritime workforce training and education a covered training entity located in a State that borders on the—

- (1) Gulf of Mexico;
- (2) Atlantic Ocean;
- (3) Long Island Sound;
- (4) Pacific Ocean;
- (5) Great Lakes;
- (6) Mississippi River System;
- (7) Arctic; or
- (8) Gulf of Alaska.

(b) ASSISTANCE.—The Secretary may enter into a cooperative agreement (as that term is used in section 6305 of title 31) with a center of excellence designated under subsection (a) to support maritime workforce training and education at the center of excellence, including efforts of the center of excellence to—

- (1) admit additional students;
- (2) recruit and train faculty;
- (3) expand facilities;
- (4) create new maritime career pathways; or
- (5) award students credit for prior experience, including military service.

(c) DEFINITIONS.—In this section,

(1) COVERED TRAINING ENTITY.—the term “covered training entity” means an entity that is—

- (A) a community or technical college; or
- (B) a maritime training center—
 - (i) operated by, or under the supervision of, a State; and
 - (ii) with a maritime training program in operation on the date of enactment of this section.

(2) ARCTIC.—The term “Arctic” has the meaning that term has under section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

(Added Pub. L. 115-91, div. C, title XXXV, §3507(a), Dec. 12, 2017, 131 Stat. 1914.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (c)(1)(B)(ii), is the date of enactment of Pub. L. 115-91, which was approved Dec. 12, 2017.

PART D—PROMOTIONAL PROGRAMS

CHAPTER 551—COASTWISE TRADE

<p>Sec. 55101. 55102. 55103. 55104. 55105. 55106. 55107. 55108. 55109. 55110. 55111. 55112. 55113. 55114. 55115. 55116. 55117. 55118. 55119. 55120. 55121. 55122.</p>	<p>Application of coastwise laws. Transportation of merchandise. Transportation of passengers. Transportation of passengers between Puerto Rico and other ports in the United States. Transportation of hazardous waste. Merchandise transferred between barges. Empty cargo containers and barges. Platform jackets. Dredging. Transportation of valueless material or dredged material. Towing. Vessel escort operations and towing assistance. Use of foreign documented oil spill response vessels. Unloading fish from foreign vessels. Supplies on fish processing vessels. Canadian rail lines. Great Lakes rail route. Foreign railroads whose road enters by ferry, tugboat, or towboat. Yukon River. Transshipment of imported merchandise intended for immediate exportation. Transportation of merchandise and passengers on Canadian vessels. Floating dry docks.</p>
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AMENDMENTS

2014—Pub. L. 113-291, div. C, title XXXV, §3502(b), Dec. 19, 2014, 128 Stat. 3904, added item 55122.

2008—Pub. L. 110-181, div. C, title XXXV, §3527(b)(2), Jan. 28, 2008, 122 Stat. 602, inserted “valueless material or” before “dredged material” in item 55110.

§ 55101. Application of coastwise laws

(a) IN GENERAL.—Except as provided in subsection (b), the coastwise laws apply to the United States, including the island territories and possessions of the United States.

(b) EXCEPTIONS.—The coastwise laws do not apply to—

- (1) American Samoa;
- (2) the Northern Mariana Islands, except as provided in section 502(b) of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (48 U.S.C. 1801 note); or
- (3) the Virgin Islands until the President declares by proclamation that the coastwise laws apply to the Virgin Islands.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1632; Pub. L. 110-181, div. C, title XXXV, §3527(a), Jan. 28, 2008, 122 Stat. 602.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55101(a)	46 App.:377 (words before last proviso).	June 5, 1920, ch. 250, §21, 41 Stat. 997; Apr. 16, 1936, ch. 228, 49 Stat. 1207; Pub. L. 97-31, §12(47), Aug. 6, 1981, 95 Stat. 157.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55101(b)(1) ..	48:1664.	June 14, 1934, ch. 523, 48 Stat. 963.
55101(b)(2) ..	48:1801 note (Covenant §503(b)).	Pub. L. 94-241, §1, Mar. 24, 1976, 90 Stat. 263; Pub. L. 98-213, §9, Dec. 8, 1983, 97 Stat. 1461; Pub. L. 104-208, div. A, title I, §101(d) [title I], Sept. 30, 1996, 110 Stat. 3009-196.
55101(b)(3) ..	46 App.:877 note.	Proc. No. 3215, Dec. 12, 1957, 72 Stat. c19.
55101(b)(4) ..	46 App.:877 (last proviso).	

In subsection (a), the words “apply to the United States, including” are substituted for “extend to” for clarity. The words “From and after February 1, 1922” and “not covered thereby on June 5, 1920” are omitted as obsolete. The requirement to establish adequate steamship service to the island Territories and possessions is omitted as obsolete.

Subsection (b)(2) is based on section 503(b) of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (48 U.S.C. 1801 note).

Subsection (b)(3) is based on Proc. No. 3215, Dec. 12, 1957, 72 Stat. c19, which provided that the President, “under and by virtue of the authority vested in me by the aforesaid section 21 of the Merchant Marine Act, 1920 [46 App. U.S.C. 877], do hereby declare and proclaim that the period for the establishment of an adequate shipping service for Canton Island is extended until further notice by proclamation of the President, and that the extension of the coastwise laws of the United States to Canton Island is deferred until it is declared by proclamation of the President that such adequate shipping service has been established”.

In subsection (b)(4), the words “and fix a date for the going into effect of same” are omitted as surplus.

The provisos of 46 App. U.S.C. 877 relating to the Philippine Islands are omitted as obsolete because of the independence of the Philippine Islands. See Proc. No. 2695, July 4, 1946, 60 Stat. 1352 (22 U.S.C. 1394 note).

REFERENCES IN TEXT

Section 502(b) of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America, referred to in subsec. (b)(2), is contained in section 1 of Pub. L. 94-241, set out as a note under section 1801 of Title 48, Territories and Insular Possessions.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-181 inserted “or” after semicolon at end of par. (2), redesignated par. (4) as (3), and struck out former par. (3) which read as follows: “Canton Island until the President declares by proclamation that the coastwise laws apply to Canton Island; or”.

§ 55102. Transportation of merchandise

(a) DEFINITION.—In this section, the term “merchandise” includes—

- (1) merchandise owned by the United States Government, a State, or a subdivision of a State; and
- (2) valueless material.

(b) REQUIREMENTS.—Except as otherwise provided in this chapter or chapter 121 of this title, a vessel may not provide any part of the transportation of merchandise by water, or by land and water, between points in the United States to which the coastwise laws apply, either directly or via a foreign port, unless the vessel—

- (1) is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade; and

(2) has been issued a certificate of documentation with a coastwise endorsement under chapter 121 or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement.

(c) PENALTY.—Merchandise transported in violation of subsection (b) is liable to seizure by and forfeiture to the Government. Alternatively, an amount equal to the value of the merchandise (as determined by the Secretary of Homeland Security) or the actual cost of the transportation, whichever is greater, may be recovered from any person transporting the merchandise or causing the merchandise to be transported.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1632.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55102	46 App.:883 (words before 1st proviso, 11th proviso).	June 5, 1920, ch. 250, §27 (words before 1st proviso, 11th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 95-410, title II, §213, Oct. 3, 1978, 92 Stat. 904; Pub. L. 101-329 [100-329], §1(a)(1), [§1(a)] June 7, 1988, 102 Stat. 588; Pub. L. 102-587, title V, §5501(b), Nov. 4, 1992, 106 Stat. 5085.

In subsection (a)(1), the words “(as defined in section 2101 of the [sic] title 46)” are omitted because the definition of “State” is being moved to chapter 1 and will apply to the entire title.

In subsection (b), the words “may not provide any part of the transportation of” are substituted for “No . . . shall be transported” and “or for any part of the transportation” because of the reorganization of the language. The words “including Districts, Territories, and possessions thereof” are omitted because of the definition of “United States” in chapter 1 of the revised title. The words “to which the coastwise laws apply” are substituted for “embraced within the coastwise laws” for consistency with section 55101. The words “is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade” are substituted for “owned by persons who are citizens of the United States”, and the words “has been issued a certificate of documentation with a coastwise endorsement under chapter 121” are substituted for “documented under the laws of the United States”, for clarity and consistency in the revised title. The words “or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement” are added for consistency with section 12102 as revised by the bill. The requirement that the vessel be built in the United States is omitted from this section for consistency with the requirements for a coastwise endorsement, which also require that the vessel be built in the United States except in certain circumstances. The words “or vessels to which the privilege of engaging in the coastwise trade is extended by section 808 of this Appendix or section 22 of this Act” are omitted because the relevant portion of section 808, and section 22, have been repealed.

In subsection (c), the words “any person” are substituted for “any consignor, seller, owner, importer, consignee, agent, or other person or persons” to eliminate unnecessary words.

§ 55103. Transportation of passengers

(a) IN GENERAL.—Except as otherwise provided in this chapter or chapter 121 of this title, a vessel may not transport passengers between ports or places in the United States to which the

coastwise laws apply, either directly or via a foreign port, unless the vessel—

(1) is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade; and

(2) has been issued a certificate of documentation with a coastwise endorsement under chapter 121 or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement.

(b) PENALTY.—The penalty for violating subsection (a) is \$300 for each passenger transported and landed.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1633.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55103	46 App.:289.	June 19, 1886, ch. 421, §8, 24 Stat. 81; Feb. 17, 1898, ch. 26, §2, 30 Stat. 248.

This section is substituted for the source provision for consistency with section 55102. See 19 C.F.R. §§4.80, 4.80a (2004).

In subsection (b), the penalty amount reflects the adjustment for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note). See 19 C.F.R. §4.80(b)(2) (2004).

§ 55104. Transportation of passengers between Puerto Rico and other ports in the United States

(a) DEFINITIONS.—In this section:

(1) CERTIFICATE.—The term “certificate” means a certificate of financial responsibility for indemnification of passengers for non-performance of transportation issued by the Federal Maritime Commission under section 44102 of this title.

(2) PASSENGER VESSEL.—The term “passenger vessel” means a vessel of similar size, or offering similar service, as any other vessel transporting passengers under subsection (b).

(b) EXEMPTION.—Except as otherwise provided in this section, a vessel not qualified to engage in the coastwise trade may transport passengers between a port in Puerto Rico and another port in the United States.

(c) EXPIRATION OF EXEMPTION.—

(1) WHEN COASTWISE-QUALIFIED VESSEL OFFERING SERVICE.—On a showing to the Secretary of the department in which the Coast Guard is operating, by the vessel owner or charterer, that a United States passenger vessel qualified to engage in the coastwise trade is offering or advertising passenger service between a port in Puerto Rico and another port in the United States pursuant to a certificate, the Secretary shall notify the owner or operator of each vessel transporting passengers under subsection (b) to terminate that transportation within 270 days after the Secretary’s notification. Except as provided in subsection (d), the authority to transport passengers under subsection (b) expires at the end of that 270-day period.

(2) WHEN NON-COASTWISE-QUALIFIED VESSEL OFFERING SERVICE.—On a showing to the Secretary, by the vessel owner or charterer, that a United States passenger vessel not qualified

to engage in the coastwise trade is offering or advertising passenger service between a port in Puerto Rico and another port in the United States pursuant to a certificate, the Secretary shall notify the owner or operator of each foreign vessel transporting passengers under subsection (b) to terminate that transportation within 270 days after the Secretary’s notification. Except as provided in subsection (d), the authority of a foreign vessel to transport passengers under subsection (b) expires at the end of that 270-day period.

(d) DELAYING EXPIRATION.—If the vessel offering or advertising the service described in subsection (c) has not begun that service within 270 days after the Secretary’s notification, the expiration provided by subsection (c) is delayed until 90 days after the vessel offering or advertising the service begins that service.

(e) REINSTATEMENT OF EXEMPTION.—If the Secretary finds that the service on which an expiration was based is no longer available, the expired authority to transport passengers is reinstated.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1633.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55104(a)(1) ..	46 App.:289c(b) (related to meaning of certificate).	Pub. L. 98-563, Oct. 30, 1984, 98 Stat. 2916.
55104(a)(2) ..	46 App.:289c(e).	
55104(b)	46 App.:289c(a).	
55104(c)	46 App.:289c(b).	
55104(d)	46 App.:289c(c).	
55104(e)	46 App.:289c(d).	

In subsection (a), the definition of “certificate” is added based on the language in 46 App. U.S.C. 289c(b)(1) and (2) to avoid repeating the substance of the definition twice in the section.

In subsection (b), the words “Notwithstanding any other provision of law” and “directly or by way of a foreign port” are omitted as unnecessary.

§ 55105. Transportation of hazardous waste

(a) IN GENERAL.—The transportation of hazardous waste, as defined in section 1004(5) of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6903(5)), from a point in the United States to sea for incineration is deemed to be transportation of merchandise under section 55102 of this title.

(b) NONAPPLICATION TO CERTAIN FOREIGN VESSELS.—

(1) IN GENERAL.—Subsection (a) does not apply to transportation performed by a foreign ocean incineration vessel owned by or under construction on May 1, 1982, for a corporation wholly owned by citizens of the United States under section 50501(a)–(c) of this title.

(2) STANDARDS FOR INCINERATION EQUIPMENT.—Incineration equipment on a vessel described in paragraph (1) must meet standards of the Coast Guard and the Environmental Protection Agency.

(3) INSPECTION.—A vessel described in paragraph (1) shall be inspected by the Coast Guard, regardless of whether inspected by the nation in which it is registered. The inspection shall be the same as would be required of a vessel of the United States, including dry-

dock inspection and internal examination of tanks and void spaces. The inspection may be made concurrently with an inspection by that nation or within one year after the initial issuance or next scheduled issuance of the Safety of Life at Sea Safety Construction Certificate. In making the inspection, the Coast Guard shall refer to the condition of the hull and superstructure established by the initial foreign certification as the basis for evaluating the current condition of the hull and superstructure. The Coast Guard shall allow the substitution of fittings, material, apparatus, equipment, and appliances different from those required for vessels of the United States if satisfied they are equivalent and at least as effective as those required for vessels of the United States. A satisfactory inspection under this paragraph shall be certified in writing by the Secretary of Homeland Security.

(c) EFFECTIVE DATE.—Subsection (a) is not effective until an appropriate vessel has been built and documented under chapter 121 of this title. (Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1634; Pub. L. 109-241, title IX, §902(o), July 11, 2006, 120 Stat. 569; Pub. L. 110-181, div. C, title XXXV, §3525(a)(4), (b), Jan. 28, 2008, 122 Stat. 601.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55105	46 App.:883 (2d-6th sentences, last sentence less provisos).	June 5, 1920, ch. 250, §27 (2d-6th sentences, last sentence less provisos), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 97-389, title V, §502, Dec. 29, 1982, 96 Stat. 1954.

In subsection (a), the words “after December 31, 1983” are omitted as obsolete. The words “transportation of merchandise under section 55102 of this title” are substituted for “For the purposes of this section” and “transportation by water of merchandise between points in the United States” for consistency with section 55102.

In subsection (b)(2), the words “all current” are omitted as surplus.

Subsection (c) is substituted for “or after such time as an appropriate vessel has been constructed and documented as a vessel of the United States” to improve the organization.

REFERENCES IN TEXT

Section 1004(5) of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6903(5)), referred to in subsec. (a), probably means section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5)), as added by section 2 of the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580.

AMENDMENTS

2008—Pub. L. 110-181, §3525(b), repealed Pub. L. 109-241, §902(o). See 2006 Amendment note below.

Subsec. (b)(3). Pub. L. 110-181, §3525(a)(4), incorporated the substance of the amendment by Pub. L. 109-241, §902(o), into this section by substituting “Secretary of Homeland Security” for “Secretary of the department in which the Coast Guard is operating”. See 2006 Amendment note below and section 18(a) of Pub. L. 109-304, set out as a Legislative Purpose and Construction note preceding section 101 of this title.

2006—Pub. L. 109-241, §902(o), which directed the amendment of section 883 of the former Appendix to this title from which this section was derived, was repealed by Pub. L. 110-181, §3525(b). See 2008 Amendment

note for subsec. (b)(3) and Historical and Revision notes above.

§ 55106. Merchandise transferred between barges

(a) IN GENERAL.—On terms and conditions the Secretary of Homeland Security may prescribe by regulation, the Secretary may suspend the application of section 55102 of this title to the transportation of merchandise that is transferred, when moving in the foreign trade of the United States, from a barge certified by the owner or operator as designed specifically for carriage on a vessel and carried regularly on a vessel in foreign trade, to another such barge owned or leased by the same owner or operator. However, this subsection does not apply to transportation between the continental United States and noncontiguous States, territories, or possessions to which the coastwise laws apply.

(b) RECIPROCITY REQUIREMENT FOR FOREIGN VESSELS.—This section applies to a vessel of foreign registry only if the Secretary of Homeland Security finds, based on information from the Secretary of State, that the government of the nation of registry extends reciprocal privileges to vessels of the United States.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1635.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55106	46 App.:883 (7th proviso).	June 5, 1920, ch. 250, §27 (7th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 92-163, §1, Nov. 23, 1971, 85 Stat. 486.

In subsection (a), the words “non-self-propelled” are omitted as unnecessary because of the definition of “barge” in chapter 1 of the revised title. The words “between points in the United States” and “without regard to whether any such barge is under foreign registry or qualified to engage in the coastwise trade” are omitted as surplus.

§ 55107. Empty cargo containers and barges

(a) IN GENERAL.—Subject to subsections (b) and (c), and on terms and conditions the Secretary of Homeland Security may prescribe by regulation, section 55102 of this title does not apply to the transportation of—

- (1) empty cargo vans, empty lift vans, or empty shipping tanks;
- (2) equipment for use with cargo vans, lift vans, or shipping tanks;
- (3) empty barges specifically designed for carriage aboard a vessel and equipment (except propulsion equipment) for use with those barges;
- (4) empty instruments for international traffic exempted from the customs laws under section 322(a) of the Tariff Act of 1930 (19 U.S.C. 1322(a)); or
- (5) stevedoring equipment and material.

(b) CONDITIONS.—

(1) PARAGRAPHS (1)–(4).—Paragraphs (1)–(4) of subsection (a) apply only if the items named are owned or leased by the owner or operator of the vessel and transported for its use in handling its cargo in foreign trade.

(2) PARAGRAPH (5).—Paragraph (5) of subsection (a) applies only if the items named are—

(A) owned or leased by the owner or operator of the vessel or by the stevedoring company having the contract for the loading or unloading of the vessel; and

(B) transported without charge for use in the handling of cargo in foreign trade.

(c) RECIPROCITY REQUIREMENT FOR FOREIGN VESSELS.—This section applies to a vessel of foreign registry only if the Secretary of Homeland Security finds, based on information from the Secretary of State, that the government of the nation of registry extends reciprocal privileges to vessels of the United States.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1635.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55107	46 App.:883 (6th proviso).	June 5, 1920, ch. 250, §27 (6th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 89-194, Sept. 21, 1965, 79 Stat. 823; Pub. L. 90-474, Aug. 11, 1968, 80 Stat. 700; Pub. L. 92-163, §1, Nov. 23, 1971, 85 Stat. 486.

In subsection (a), before paragraph (1), the words “by vessels of the United States not qualified to engage in the coastwise trade, or by vessels of foreign registry” are omitted as unnecessary. In paragraph (4), the words “by the Secretary of the Treasury” are omitted as unnecessary because the section referred to provides who administers it.

§ 55108. Platform jackets

(a) DEFINITIONS.—In this section:

(1) COASTWISE QUALIFIED VESSEL.—The term “coastwise qualified vessel” means a vessel that has been issued a certificate of documentation with a coastwise endorsement under chapter 121 of this title.

(2) PLATFORM JACKET.—The term “platform jacket” refers to a single physical component and includes any type of offshore exploration, development, or production structure or component thereof, including—

- (A) platform jackets;
- (B) tension leg or SPAR platform superstructures (including the deck, drilling rig and support utilities, and supporting structure);
- (C) hull (including vertical legs and connecting pontoons or vertical cylinder);
- (D) tower and base sections of a platform jacket;
- (E) jacket structures; and
- (F) deck modules (known as “topsides”).

(b) AUTHORIZED TRANSPORTATION.—Section 55102 of this title does not apply to the transportation of a platform jacket in or on a non-coastwise qualified launch barge between two points in the United States, at one of which there is an installation or other device within the meaning of section 4(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)), if—

- (1) the launch barge was built before December 31, 2000, and has a launch capacity of at least 12,000 long tons; and
- (2) the Secretary of Transportation makes a determination, in accordance with procedures established under subsection (c), that a suit-

able coastwise qualified vessel is not available for use in the transportation and, if needed, launch or installation of a platform jacket.

(c) PROCEDURES TO MAXIMIZE USE OF COASTWISE QUALIFIED VESSELS.—The Secretary of Transportation shall adopt procedures implementing this section that are reasonably designed to provide timely information so as to maximize the use of coastwise qualified vessels. The procedures shall, among other things, establish that for purposes of this section, a coastwise qualified vessel shall be deemed to be not available only if—

(1) on application by an owner or operator for the use of a non-coastwise qualified launch barge for transportation of a platform jacket under this section (which application shall include all relevant information, including engineering details and timing requirements), the Secretary promptly publishes a notice in the Federal Register—

- (A) describing the project and the platform jacket involved;
- (B) advising that all relevant information reasonably needed to assess the transportation requirements for the platform jacket will be made available to interested parties on request; and
- (C) requesting that information on the availability of coastwise qualified vessels be submitted within 30 days after publication of that notice; and

(2)(A) no information is submitted to the Secretary within that 30 day period; or

(B) the owner or operator of a coastwise qualified vessel submits information to the Secretary asserting that the owner or operator has a suitable coastwise qualified vessel available for the transportation, but the Secretary determines, within 90 days after the notice is first published, that the coastwise qualified vessel is not suitable or reasonably available for the transportation.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1636.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55108	46 App.:883 (last proviso).	June 5, 1920, ch. 250, §27 (last proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 101-329 [100-329], §1(a)(2), June 7, 1988, 102 Stat. 588; Pub. L. 107-295, title II, §213(c), Nov. 25, 2002, 116 Stat. 2100; Pub. L. 108-293, title IV, §417, Aug. 9, 2004, 118 Stat. 1048.

In subsection (a), the words “coastwise endorsement under chapter 121” are substituted for “coastwise endorsement under section 12106” because section 12106 is being restated in various sections in revised chapter 121.

In subsection (b), the words “Section 55102 of this title does not apply” are substituted for “shall not be deemed transportation subject to this section” for consistency in the chapter.

§ 55109. Dredging

(a) IN GENERAL.—Except as provided in subsection (b), a vessel may engage in dredging in the navigable waters of the United States only if—

(1) the vessel is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade;

(2) the charterer, if any, is a citizen of the United States for purposes of engaging in the coastwise trade; and

(3) the vessel has been issued a certificate of documentation with a coastwise endorsement under chapter 121 of this title or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement.

(b) DREDGING OF GOLD IN ALASKA.—A documented vessel with a registry endorsement may engage in the dredging of gold in Alaska.

(c) PENALTY.—If a vessel is operated in knowing violation of this section, the vessel and its equipment are liable to seizure by and forfeiture to the United States Government.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1637.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55109	46 App.:292.	May 28, 1906, ch. 2566, §1, 34 Stat. 204; Pub. L. 102-87, title V, §5501(a)(1), Nov. 4, 1992, 106 Stat. 5084.

Subsection (a)(1) is substituted for “(1) the vessel meets the requirements of section 883 of this Appendix and sections 802 and 803 of this Appendix for engaging in the coastwise trade” for consistency with other sections of the revised title and to eliminate unnecessary words. Section 883 requires (among other things) that the vessel be owned by citizens of the United States, and section 802 contains the requirements for certain entities to qualify as citizens. Those requirements are restated in section 50501 which applies to this section. Section 883 also requires that the vessel be built in and documented under the laws of the United States. Those latter two requirements are covered by subsection (a)(3). Note that the build requirement is a requirement for a coastwise endorsement.

In subsection (a)(3), the words “or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement” are added for consistency with section 12102 as revised by the bill.

NONAPPLICABILITY TO CERTAIN VESSELS

Pub. L. 109-304, §19, Oct. 6, 2006, 120 Stat. 1711, repealed section 1 of act May 28, 1906, ch. 2566, 34 Stat. 204 (section 292 of the former Appendix to this title, from which this section was derived), except as may be applicable under section 5501(a)(2) of Pub. L. 102-587, set out below.

Pub. L. 102-587, title V, §5501(a)(2), (3), Nov. 4, 1992, 106 Stat. 5084, as amended by Pub. L. 109-304, §17(i), Oct. 6, 2006, 120 Stat. 1709, provided that:

“(2) The amendment made by paragraph (1) [amending section 292 of the former Appendix to this title, from which this section was derived] does not apply to—

“(A)(i) the vessel STUYVESANT, official number 648540;

“(ii) any other hopper dredging vessel documented under chapter 121 of title 46, United States Code before the effective date of this Act [Nov. 4, 1992] and chartered to Stuyvesant Dredging Company or to an entity in which it has an ownership interest; however, this exception expires on December 3, 2022 or when the vessel STUYVESANT ceases to be documented under chapter 121, whichever first occurs; and

“(iii) any other non-hopper dredging vessel documented under chapter 121 and chartered to Stuyvesant Dredging Company or to an entity in

which it has an ownership interest, as is necessary (a) to fulfill dredging obligations under a specific contract, including any extension periods; or (b) as temporary replacement capacity for a vessel which has become disabled but only for so long as the disability shall last and until the vessel is in a position to fully resume dredging operations; however, this exception expires on December 8, 2022 or when the vessel STUYVESANT ceases to be documented under chapter 121, whichever first occurs;

“(B) the vessel COLUMBUS, official number 590658, except that the vessel’s certificate of documentation shall be endorsed to prohibit the vessel from engaging in the transportation of merchandise (except valueless material), including dredge material of value, between places within the navigable waters of the United States;

“(C) a vessel that is engaged in dredged material excavation if that excavation is not more than a minority of the total cost of the construction contract in which the excavation is a single, integral part, and the vessel is—

“(i) built in the United States;

“(ii) a non-self-propelled mechanical clamshell dredging vessel; and

“(iii) owned or chartered by a corporation that had on file with the Secretary of Transportation, on August 1, 1989, the certificate specified in section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883-1) [now 46 U.S.C. 12118]; or

“(D) any other documented vessel engaged in dredging and time chartered to an entity that, on August 1, 1989, was, and has continuously remained, the parent of a corporation that had on file with the Secretary of Transportation on August 1, 1989, a certificate specified in section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883-1) [now 46 U.S.C. 12118] if the vessel is—

“(i) not engaged in a federally funded navigation dredging project; and

“(ii) engaged only in dredging associated with, and integral to, accomplishment of that parent’s regular business requirements.

“(3) The exceptions provided by paragraph (2) shall apply under section 55109 of title 46, United States Code, to the same extent as under former section 1 of the Act of May 28, 1906 [section 292 of the former Appendix to this title, from which this section was derived], as amended by paragraph (1).”

HISTORICAL AND REVISION NOTES

[H.R. Rep. No. 109-170, at 180 (2005) provided: Section 17(i) of the bill [H.R. 1442, enacted as Pub. L. 109-304] amends section 5501(a) of the Oceans Act of 1992 (Public Law 102-587, 106 Stat. 5084) [see note above] by adding a new paragraph (3). The intent of this amendment is to maintain the status quo under paragraph (2) of section 5501(a) of that Act, as it exists prior to the enactment of this codification legislation. Section 55109 of title 46, United States Code, as contained in this bill, is intended as a codification without substantive change of section 1 of the Act of May 28, 1906, as amended (46 App. U.S.C. 292). Therefore, the exceptions from that latter provision, which currently exist under such paragraph (2), are intended to continue to exist to the same extent under new section 55109 of title 46. In addition, if the original intent of such paragraph (2) was that the restriction contained in the pre-1992 amended version of that 1906 provision continues to apply to the vessels, persons, and entities described in such paragraph (2), then that outcome is intended to remain unchanged by this legislation, despite the repeal by this legislation of that 1906 provision. No expression as to the original intent of such paragraph (2) is intended by this legislation.]

§ 55110. Transportation of valueless material or dredged material

Section 55102 of this title applies to the transportation of valueless material or dredged mate-

rial, regardless of whether it has commercial value, from a point in the United States or on the high seas within the exclusive economic zone, to another point in the United States or on the high seas within the exclusive economic zone.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1637; Pub. L. 110-181, div. C, title XXXV, §3527(b)(1), Jan. 28, 2008, 122 Stat. 602.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55110	46 App.:883 (12th proviso).	June 5, 1920, ch. 250, §27 (12th proviso), 41 Stat. 999; Pub. L. 100-329, §1(a), June 7, 1988, 102 Stat. 588.

The words “or place” are omitted as surplus. The words “as defined in the Presidential Proclamation of March 10, 1983” are omitted because “exclusive economic zone” is defined in chapter 1 of the revised title.

AMENDMENTS

2008—Pub. L. 110-181 inserted “valueless material or” before “dredged material” in section catchline.

NONAPPLICABILITY OF PUB. L. 100-329 TO CERTAIN VESSELS

Pub. L. 102-587, title V, §5501(c), Nov. 4, 1992, 106 Stat. 5085, provided that: “The Act of June 7, 1988 (Public Law 100-329; 102 Stat. 588) [amending sections 316 and 883 (from which this section was derived) of the former Appendix to this title and enacting provisions set out below], including the amendments made by that Act, does not apply to a vessel—

“(1) engaged in the transportation of valueless material or valueless dredged material; and

“(2) owned or chartered by a corporation that had on file with the Secretary of Transportation on August 1, 1989, the certificate specified in section 27A of the Merchant Marine Act, 1920 (46 App. U.S.C. 883-1) [now 46 U.S.C. 12118].”

TRANSPORTATION OF MUNICIPAL SEWAGE SLUDGE

Pub. L. 100-329, §3, June 7, 1988, 102 Stat. 589, provided that: “Notwithstanding the provisions of section 1 of this Act [amending section 883 of the former Appendix to this title, from which this section was derived], a vessel may transport municipal sewage sludge if that vessel, regardless of where it was built, is documented under the laws of the United States and, on the date of enactment of this Act [June 7, 1988], that vessel—

“(1) is in use by a municipality for the transportation of sewage sludge; or

“(2) is under contract with a municipality for the transportation of sewage sludge.”

VESSEL UNDER CONTRACT WITH MUNICIPALITY FOR TRANSPORTATION OF SEWAGE SLUDGE: APPLICABILITY OF PROVISIONS

Pub. L. 100-329, §4, June 7, 1988, 102 Stat. 589, provided that: “For purposes of the first paragraph of section 805(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1223(a)) [now 46 U.S.C. 58101], a vessel described in section 3(2) of this Act [set out as a note above] is not a vessel engaged in domestic intercoastal or coastwise service, but the prohibitions in the second paragraph apply to that vessel.”

CERTIFICATE OF DOCUMENTATION TO VESSEL TRANSPORTING VALUELESS MATERIAL IN COASTWISE TRADE, OR DREDGED MATERIAL, WHETHER OR NOT OF VALUE; ISSUANCE, ENDORSEMENT, ETC.

Pub. L. 100-329, §5, June 7, 1988, 102 Stat. 589, provided that: “Notwithstanding the provisions of section 1 of this Act [amending section 883 of the former Appendix

to this title, from which this section was derived], the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation under section 12106 [see section 12112] of title 46, United States Code, to a vessel that—

“(1) is engaged in transporting only valueless material in the coastwise trade or transporting dredged material, whether or not of value, (A) from a point or place on the high seas within the Exclusive Economic Zone as defined in the Presidential Proclamation of March 10, 1983 [16 U.S.C. 1453 note], to a point or place in the United States or to another point or place on the high seas within such Exclusive Economic Zone or (B) from a point or place within the United States to a point or place on the high seas within such Exclusive Economic Zone;

“(2) had a certificate of documentation issued under section 12105 [see section 12111] of that title on October 1, 1987;

“(3) had been sold foreign or placed under a foreign registry before that certificate was issued; and

“(4) was built in the United States;

except that such certificate of documentation shall be endorsed to restrict the use of such vessel to the transportation of valueless material in the coastwise trade, and to the transportation of dredged material, whether or not of value, (i) from a point or place on the high seas within such Exclusive Economic Zone to a point or place in the United States or to another point or place on the high seas within such Exclusive Economic Zone, or (ii) from a point or place within the United States to a point or place on the high seas within such Exclusive Economic Zone.”

§ 55111. Towing

(a) IN GENERAL.—Except when towing a vessel in distress, a vessel may not do any part of any towing described in subsection (b) unless the towing vessel—

(1) is wholly owned by citizens of the United States for purposes of engaging in the coastwise trade; and

(2) has been issued a certificate of documentation with a coastwise endorsement under chapter 121 of this title or is exempt from documentation but would otherwise be eligible for such a certificate and endorsement.

(b) APPLICABLE TOWING.—Subsection (a) applies to the towing of—

(1) a vessel between ports or places in the United States to which the coastwise laws apply, either directly or via a foreign port or place;

(2) a vessel from point to point within the harbors of ports or places to which the coastwise laws apply; or

(3) a vessel transporting valueless material or dredged material, regardless of whether it has commercial value, from a point in the United States or on the high seas within the exclusive economic zone, to another point in the United States or on the high seas within the exclusive economic zone.

(c) PENALTIES.—

(1) OWNER AND MASTER.—The owner and master of a vessel towing another vessel in violation of this section are each liable for a penalty of at least \$350 but not more than \$1,100. A penalty under this paragraph constitutes a lien on the vessel. The lien is enforceable in a district court of the United States for any district in which the vessel is found. Clearance

may not be granted to the vessel until the penalties have been paid.

(2) VESSEL.—In addition to the penalties under paragraph (1), the towing vessel is liable for a penalty of \$60 per ton based on the tonnage of each towed vessel.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1637.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55111	46 App.:316(a), (b).	R.S. §4370; June 11, 1940, ch. 324, 54 Stat. 304; Pub. L. 99-307, §10, May 19, 1986, 100 Stat. 447; Pub. L. 100-329, §2, June 7, 1988, 102 Stat. 589; Pub. L. 104-324, title XI, §1115(b)(3), Oct. 19, 1996, 110 Stat. 3972.

In subsection (a), the words “or to do any part of such towing” and “other than a vessel in distress” in the source provision are made applicable to all the towing described in subsection (b) for clarity and consistency. In paragraph (1), the words “wholly owned by citizens of the United States for purposes of engaging in the coastwise trade” are substituted for “wholly owned by a person who is a citizen of the United States within the meaning of the laws respecting the documentation of vessels” for consistency in this chapter.

Subsection (a)(2) is substituted for “having in force a certificate of documentation issued under section 12106 of title 46” for consistency in this chapter and with section 12102(b) as revised by the bill.

In subsection (b)(1), the words “in the United States to which the coastwise laws apply” are substituted for “in the United States, its Territories or possessions, embraced within the coastwise laws of the United States” because of the definition of “United States” in chapter 1 of the revised title and because of section 55101 of the revised title.

In subsection (b)(3), the words “or place” are omitted as surplus. The words “as defined in the Presidential Proclamation of March 10, 1983” are omitted because “exclusive economic zone” is defined in chapter 1 of the revised title.

In subsection (c), the penalty amounts reflect the adjustment for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note). See 19 C.F.R. §4.92 (2004). In paragraph (2), the words “which sum may be recovered by way of libel or suit” are omitted as surplus.

The text of 46 App. U.S.C. 316(b) is omitted as unnecessary because of the definition of “person” in section 1 of title 1.

NONAPPLICABILITY OF PUB. L. 100-329 TO CERTAIN VESSEL

Amendment by Pub. L. 100-329 to section 316 of the former Appendix to this title, from which this section was derived, not applicable to a vessel engaged in the transportation of valueless material or valueless dredged material and owned or chartered by a corporation that had on file with Secretary of Transportation on Aug. 1, 1989, the certificate specified in section 883-1 of the former Appendix to this title (now section 12118 of this title), see section 5501(c) of Pub. L. 102-587, set out as a note under section 55110 of this title.

§ 55112. Vessel escort operations and towing assistance

(a) IN GENERAL.—Except in the case of a vessel in distress, only a vessel of the United States may perform the following escort vessel operations within the navigable waters of the United States:

(1) Operations that commence or terminate at a port or place in the United States.

(2) Operations required by United States law or regulation.

(3) Operations provided in whole or in part within or through navigation facilities owned, maintained, or operated by the United States Government or the approaches to those facilities, other than facilities operated by the St. Lawrence Seaway Development Corporation on the St. Lawrence River portion of the Seaway.

(b) ESCORT VESSELS.—For purposes of this section, an escort vessel is—

(1) any vessel that is assigned and dedicated to assist another vessel, whether or not tethered to that vessel, solely as a safety precaution to assist in controlling the speed or course of the assisted vessel in the event of a steering or propulsion equipment failure, or any other similar emergency circumstance, or in restricted waters where additional assistance in maneuvering the vessel is required to ensure its safe operation; and

(2) in the case of a vessel being towed under section 55111 of this title, any vessel that is assigned and dedicated to the vessel being towed in addition to any towing vessel required under that section.

(c) RELATIONSHIP TO OTHER LAW.—This section does not affect section 55111 of this title.

(d) PENALTY.—A person violating this section is liable to the Government for a civil penalty of not more than \$10,000 for each day during which the violation occurs.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1638.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55112	46 App.:316a.	Pub. L. 107-295, title IV, §404, Nov. 25, 2002, 116 Stat. 2114.

In subsection (a), the words “(as that term is defined in section 2101 of title 46, United States Code)” are omitted because the definition of “vessel of the United States” is being moved from section 2101 to chapter 1 of the revised title and will apply title-wide.

§ 55113. Use of foreign documented oil spill response vessels

Notwithstanding any other provision of law, an oil spill response vessel documented under the laws of a foreign country may operate in waters of the United States on an emergency and temporary basis, for the purpose of recovering, transporting, and unloading in a United States port oil discharged as a result of an oil spill in or near those waters, if—

(1) an adequate number and type of oil spill response vessels documented under the laws of the United States cannot be engaged to recover oil from an oil spill in or near those waters in a timely manner, as determined by the Federal On-Scene Coordinator for a discharge or threat of a discharge of oil; and

(2) the foreign country has by its laws accorded to vessels of the United States the same privileges accorded to vessels of the foreign country under this section.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1638.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55113	46:12101 note.	Pub. L. 104-324, title XI, §1117, Oct. 19, 1996, 110 Stat. 3973.

§ 55114. Unloading fish from foreign vessels

(a) PROHIBITIONS.—Except as otherwise provided by this section or a treaty or convention to which the United States is a party, a foreign vessel may not unload, in a port of the United States—

(1) its catch of fish taken on board on the high seas or fish products processed from that catch of fish; or

(2) fish or fish products taken on board that vessel on the high seas from a vessel engaged in fishing operations or the processing of fish or fish products.

(b) REGULATIONS ON OBTAINING INFORMATION.—The Secretary of Commerce may prescribe regulations the Secretary considers necessary to obtain information on the transportation of fish products by vessels of the United States for foreign fish processing vessels to points in the United States.

(c) VIRGIN ISLANDS.—

(1) IN GENERAL.—A foreign vessel of not more than 50 feet overall in length may unload its catch of fresh fish (whole or with the heads, viscera, or fins removed, but not frozen, otherwise processed, or further advanced) in a port of the Virgin Islands for immediate consumption in those islands. Fish unloaded under this paragraph may be sold or transferred only for immediate consumption. In the absence of satisfactory evidence that a sale or transfer to an agent, representative, or employee of a freezer or cannery is for immediate consumption, the sale or transfer is deemed not to be for immediate consumption. This paragraph does not prohibit the freezing, smoking, or other processing of fresh fish by the ultimate consumer of the fish.

(2) SEIZURE, FORFEITURE, AND PENALTY.—Fish unloaded in the Virgin Islands that are retained, sold, or transferred, except as allowed by paragraph (1), are liable to seizure by and forfeiture to the United States Government. A person retaining, selling, transferring, buying, or receiving the fish is liable to the Government for a civil penalty of not more than \$1,000 for each violation. A penalty or forfeiture under this paragraph may be compromised, modified, or remitted under section 2107(b) of this title.

(d) NORTHERN MARIANA ISLANDS.—Subsection (a) does not apply to the Northern Mariana Islands.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1639.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55114(a)	46 App.:251(a) (1st sentence).	R.S. §4311; Sept. 2, 1950, ch. 842, 64 Stat. 577; Pub. L. 87-220, §1, Sept. 13, 1961, 75 Stat. 493; Pub. L. 96-61, §2, Aug. 15, 1979, 93 Stat. 407; Pub. L. 96-594, title I, §126(b), Dec. 24, 1980, 94 Stat. 3459; Pub. L. 100-239, §8(a), Jan. 11, 1988, 101 Stat. 1783.
55114(b)	46 App.:251(a) (last sentence).	
55114(c)(1) ..	46 App.:251(b).	
55114(c)(2) ..	46 App.:251(c).	
55114(d)	48:1801 note (Covenant §503(b)).	Pub. L. 87-220, §2, Sept. 13, 1961, 75 Stat. 493.

In subsection (a), before paragraph (1), the words “whether documented as a cargo vessel or otherwise” are omitted as unnecessary.

In subsection (c)(2), the words “severally” and “in addition to any other penalty provided in law” are omitted as unnecessary. The last sentence is substituted for 46 App. U.S.C. 251a.

Subsection (d) is based on section 503(b) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (48 U.S.C. 1801 note).

§ 55115. Supplies on fish processing vessels

Section 55102 of this title does not apply to supplies aboard a United States documented fish processing vessel that are necessary and used for processing or assembling fishery products aboard such a vessel.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1640.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55115	46 App.:883 (10th proviso).	June 5, 1920, ch. 250, §27 (10th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 97-389, title V, §504, Dec. 29, 1982, 96 Stat. 1956.

The words “Section 55102 of this title does not apply to” are substituted for “for the purposes of this section” and “shall be considered ship’s equipment and not merchandise” for consistency in the chapter.

§ 55116. Canadian rail lines

Section 55102 of this title does not apply to the transportation of merchandise between points in the continental United States, including Alaska, over through routes in part over Canadian rail lines and connecting water facilities if the routes are recognized by the Surface Transportation Board and rate tariffs for the routes have been filed with the Board.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1640.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55116	46 App.:883 (3d proviso).	June 5, 1920, ch. 250, §27 (3d proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 85-508, §27(a), July 7, 1958, 72 Stat. 351; Pub. L. 104-324, title VII, §747(1), Oct. 19, 1996, 110 Stat. 3943.

§ 55117. Great Lakes rail route

Section 55102 of this title does not apply to the transportation of merchandise loaded on a railroad car or to a motor vehicle with or without a trailer, and with its passengers or contents when accompanied by the operator, when the railroad car or motor vehicle is transported in a railroad car ferry operated between fixed terminals on the Great Lakes as part of a rail route, if—

- (1) the car ferry is owned by a common carrier by water and operated as part of a rail route with the approval of the Surface Transportation Board;
(2) the stock of the common carrier by water, or its predecessor, was owned or controlled by a common carrier by rail prior to June 5, 1920;
(3) the stock of the common carrier owning the car ferry is, with the approval of the Board, now owned or controlled by a common carrier by rail; and
(4) the car ferry is built in and documented under the laws of the United States.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1640.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55117, 46 App.:883 (5th proviso), June 5, 1920, ch. 250, §27, as added Apr. 11, 1935, ch. 58, 49 Stat. 154.

§ 55118. Foreign railroads whose road enters by ferry, tugboat, or towboat

A foreign railroad, whose road enters the United States by ferry, tugboat, or towboat, may own and operate a vessel not having a coastwise endorsement in connection with the water transportation of the passenger, freight, express, baggage, and mail cars used by that road, together with the passengers, freight, express matter, baggage, and mails transported in those cars. However, the foreign railroad is subject to the same restrictions imposed by law on a vessel of the United States entering a port of the United States from the same foreign country. Except as otherwise authorized by this chapter, the ferry, tugboat, or towboat may not, under penalty of forfeiture, be used in the transportation of merchandise between ports or places in the United States to which the coastwise laws apply.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1640.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55118, 46 App.:316(c), R.S. § 4370(c); restated June 11, 1940, ch. 324, 54 Stat. 304.

The words "company or corporation" after "foreign railroad" are omitted as unnecessary. The words "vessel not having a coastwise endorsement" are substituted for "such vessel" (referring to a vessel described in 46 App. U.S.C. 316(a)) for clarity and because of the reorganization of the source material in the revised title. The words "However, the foreign railroad is subject to the same restrictions imposed by law on a vessel of the United States entering a port of the

United States from the same foreign country" are substituted for "without being subject to any other or different restrictions than those imposed by law on any vessel of the United States entering ports of the United States from ports in the same foreign country" to eliminate unnecessary words. The words "Except as otherwise authorized by this chapter" are substituted for "except as authorized by section 883 of this Appendix" because of the reorganization of the source material in the revised title. The words "its Territories or possessions" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

§ 55119. Yukon River

Section 55102 of this title does not apply to the transportation of merchandise on the Yukon River until the Alaska Railroad is completed and the Secretary of Transportation finds that proper facilities will be available for transportation by citizens of the United States to properly handle the traffic.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1640.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55119, 46 App.:883 (4th proviso), June 5, 1920, ch. 250, §27 (4th proviso), 41 Stat. 999; Exec. Order No. 6166, June 10, 1933, §12; July 2, 1935, ch. 355, 49 Stat. 442; June 29, 1936, ch. 858, title II, §204, title IX, §904, 49 Stat. 1987, 2016; Reorg. Plan No. 21 of 1950, eff. May 24, 1950, §204, 64 Stat. 1276; Pub. L. 97-31, §12(49), Aug. 6, 1981, 95 Stat. 157.

§ 55120. Transshipment of imported merchandise intended for immediate exportation

The Secretary of Homeland Security may prescribe regulations for the transshipment and transportation of merchandise that is imported into the United States by sea for immediate exportation to a foreign port by sea, or by a river, the right to ascend or descend which for the purposes of commerce is secured by treaty to the citizens of the United States and the subjects of a foreign power.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1641.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55120, 46 App.:291, Feb. 17, 1898, ch. 26, §3, 30 Stat. 248.

§ 55121. Transportation of merchandise and passengers on Canadian vessels

(a) BETWEEN ROCHESTER AND ALEXANDRIA BAY.—Until passenger service is established by vessels of the United States between the port of Rochester, New York, and the port of Alexandria Bay, New York, the Secretary of Homeland Security may issue annually permits to Canadian passenger vessels to transport passengers between those ports. Canadian vessels holding such a permit are not subject to section 55103 of this title.

(b) WITHIN ALASKA OR BETWEEN ALASKA AND OTHER POINTS IN THE UNITED STATES.—Until the

Secretary of Transportation determines that service by vessels of the United States is available to provide the transportation described in paragraph (1) or (2), sections 55102 and 55103 of this title do not apply to the transportation on Canadian vessels of—

- (1) passengers between ports in southeastern Alaska; or
- (2) passengers or merchandise between Hyder, Alaska, and other points in southeastern Alaska or in the United States outside Alaska.

(Pub. L. 109–304, §8(c), Oct. 6, 2006, 120 Stat. 1641.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55121(a)	46 App.:289a.	Apr. 26, 1938, ch. 174, 52 Stat. 223; 1946 Reorg. Plan No. 3, §§ 101–104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
55121(b)	46 App.:289b.	Pub. L. 87–77, June 30, 1961, 75 Stat. 196; Pub. L. 97–31, §12(22), Aug. 6, 1981, 95 Stat. 155.

In subsection (a), the Secretary of Homeland Security is substituted for the Commissioner of Customs because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107–296, 116 Stat. 2178). The functions of the Commissioner of Customs previously were vested in the Secretary of the Treasury under section 321(c) of title 31. For prior related transfers of functions, see the transfer of functions note under 46 App. U.S.C. 289a.

§ 55122. Floating dry docks

(a) IN GENERAL.—Section 55102 of this title does not apply to the movement of a floating dry dock if—

- (1) the floating dry dock—
 - (A) is being used to launch or raise a vessel in connection with the construction, maintenance, or repair of that vessel;
 - (B) is owned and operated by—
 - (i) a shipyard located in the United States that is an eligible owner specified under section 12103(b) of this title; or
 - (ii) an affiliate of such a shipyard; and
- (C) was owned or contracted for purchase by such shipyard or affiliate prior to the date of the enactment of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015; and

(2) the movement occurs within 5 nautical miles of the shipyard or affiliate that owns and operates such floating dry dock.

(b) DRY DOCKS FOR CONSTRUCTION OF CERTAIN NAVAL VESSELS.—

(1) IN GENERAL.—In applying subsection (a) to a floating dry dock used for the construction of naval vessels in a shipyard located in the United States, the ownership and operation requirement in paragraph (1)(B) of that subsection shall be treated as satisfied and “December 19, 2017” shall be substituted for the date referred to in paragraph (1)(C) of that subsection if the Secretary of the Navy determines that—

- (A) such dry dock is necessary for the timely completion of such construction; and

(B) such dry dock—

- (i) is owned and operated by—
 - (I) a shipyard located in the United States that is an eligible owner specified under section 12103(b); or
 - (II) an affiliate of such a shipyard; or
- (ii) is—
 - (I) owned by the State in which the shipyard is located or a political subdivision of that State; and
 - (II) operated by a shipyard located in the United States that is an eligible owner specified under section 12103(b).

(2) NOTICE TO CONGRESS.—Not later than 30 days after making a determination under paragraph (1), the Secretary of the Navy shall notify the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate of such determination.

(c) DEFINITION.—In this section, the term “floating dry dock” means equipment with wing walls and a fully submersible deck.

(Added Pub. L. 113–291, div. C, title XXXV, §3502(a), Dec. 19, 2014, 128 Stat. 3904; amended Pub. L. 114–328, div. C, title XXXV, §3508, Dec. 23, 2016, 130 Stat. 2780.)

REFERENCES IN TEXT

The date of the enactment of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, referred to in subsec. (a)(1)(C), is the date of enactment of Pub. L. 113–291, which was approved Dec. 19, 2014.

AMENDMENTS

2016—Subsecs. (b), (c). Pub. L. 114–328 added subsec. (b) and redesignated former subsec. (b) as (c).

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