

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

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

eign 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

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