

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.

#### Editorial Notes

##### 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 L. 110-181, §3525(b), repealed Pub.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 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 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