

(2) the vessel is documented under the laws of the United States;

(3) the vessel, on the effective date of the designation, is—

(A) at least 1, but not more than 6, years old; or

(B) at least 1, but not more than 11, years old if the Secretary finds that suitable vessels are not available to provide the type of service for which the vessel will be used after the designation;

(4) the vessel has not previously been designated as an American Great Lakes vessel; and

(5) the owner makes an agreement as provided under subsection (b).

(b) AGREEMENTS.—A vessel may be designated as an American Great Lakes vessel only if the person that will be the owner of the vessel at the time of the designation makes an agreement with the Secretary providing that if the Secretary determines that the vessel is necessary to the defense of the United States, the United States Government will have an exclusive right, during the 120-day period following the date of a revocation of the designation under section 55335 of this title, to purchase the vessel for a price equal to the greater of—

(1) the approximate world market value of the vessel; or

(2) the cost of the vessel to the owner less a reasonable amount for depreciation.

(c) CERTAIN FOREIGN DOCUMENTATION AND SALE NOT PROHIBITED.—Notwithstanding any other law, if the Government does not exercise its right of purchase under an agreement under subsection (b), the owner of the vessel is not prohibited from—

(1) documenting the vessel under the laws of a foreign country; or

(2) selling the vessel to a person not a citizen of the United States.

(d) REGULATIONS.—The Secretary shall prescribe regulations establishing requirements for submitting applications under this section.

(Pub. L. 109–304, §8(c), Oct. 6, 2006, 120 Stat. 1649.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55332, 46 App.:1241r., Pub. L. 101-624, title XV, §1522, Nov. 28, 1990, 104 Stat. 3665.

In subsection (a), the words “for purposes of sections 1241q to 1241v of this Appendix” are omitted as unnecessary.

In subsection (c), before paragraph (1), the words “construction and purchase” before “agreement” are omitted because the source provision for subsection (b) does not say anything about construction.

In subsection (d), the words “Not later than 60 days after November 28, 1990” are omitted as obsolete.

§ 55333. Exemption from restriction on transporting certain cargo

The 3-year documentation requirement of section 55305(a) of this title does not apply to a vessel designated as an American Great Lakes vessel during the period of its designation.

(Pub. L. 109–304, §8(c), Oct. 6, 2006, 120 Stat. 1649.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55333, 46 App.:1241q., Pub. L. 101-624, title XV, §1521, Nov. 28, 1990, 104 Stat. 3665.

This section is substituted for the source provisions to eliminate unnecessary words.

§ 55334. Restrictions on operations

(a) PROHIBITIONS.—Except as provided in subsection (b), an American Great Lakes vessel may not be used to—

(1) engage in trade—

(A) from a port in the United States that is not located on the Great Lakes; or

(B) between ports in the United States;

(2) transport bulk cargo (as defined in section 40102 of this title) that is subject to section 55305 or 55314 of this title or section 2631 of title 10; or

(3) provide a service (except ocean freight service) as—

(A) a contract carrier; or

(B) a common carrier on a fixed advertised schedule offering frequent sailings at regular intervals in the foreign trade of the United States.

(b) OFF-SEASON EXCEPTION.—An American Great Lakes vessel may be used for not more than 90 days during any 12-month period to engage in trade prohibited by subsection (a)(1)(A), except during the Great Lakes shipping season.

(Pub. L. 109–304, §8(c), Oct. 6, 2006, 120 Stat. 1649.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55334, 46 App.:1241s., Pub. L. 101-624, title XV, §1523, Nov. 28, 1990, 104 Stat. 3666.

§ 55335. Revocations and terminations of designations

(a) REVOCATIONS.—After notice and an opportunity for a hearing, the Secretary of Transportation may revoke a designation of a vessel as an American Great Lakes vessel if the Secretary finds that—

(1) the vessel does not meet a requirement for the designation;

(2) the vessel has been operated in violation of this subchapter; or

(3) the owner or operator of the vessel has violated an agreement made under section 55332(b) of this title.

(b) TERMINATIONS.—On petition and a showing of good cause by the owner of a vessel, the Secretary may terminate the designation of a vessel as an American Great Lakes vessel. The Secretary may impose conditions in a termination order to prevent significant adverse effects on other operators of vessels of the United States.

(Pub. L. 109–304, §8(c), Oct. 6, 2006, 120 Stat. 1650.)