

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.

#### 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