

(g) AUDITS AND EXAMINATIONS.—All grantees under this section shall maintain such records as the Administrator may require and make such records available for review and audit by the Administrator.

(h) SMALL SHIPYARD DEFINED.—In this section, the term “small shipyard” means a shipyard facility in one geographic location that does not have more than 1,200 employees.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator of the Maritime Administration for fiscal year 2021 to carry out this section \$20,000,000.

(Added Pub. L. 110-417, div. C, title XXXV, § 3508(a), Oct. 14, 2008, 122 Stat. 4767; amended Pub. L. 113-281, title III, § 303, Dec. 18, 2014, 128 Stat. 3043; Pub. L. 115-91, div. C, title XXXV, §§ 3501(b), 3505(a), Dec. 12, 2017, 131 Stat. 1909, 1913; Pub. L. 115-232, div. C, title XXXV, §§ 3511, 3546(r), Aug. 13, 2018, 132 Stat. 2311, 2327; Pub. L. 116-92, div. C, title XXXV, § 3507(a), (b), Dec. 20, 2019, 133 Stat. 1974, 1976; Pub. L. 116-283, div. C, title XXXV, § 3501(c)(2), Jan. 1, 2021, 134 Stat. 4397.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, referred to in subsec. (d)(2)(C)(i)(I)(aa), is the date of enactment of Pub. L. 116-92, which was approved Dec. 20, 2019.

PRIOR PROVISIONS

A prior section 54101, added and amended Pub. L. 110-181, div. C, title XXXV, § 3523(a)(6)(B)–(D), Jan. 28, 2008, 122 Stat. 599, which related to assistance for small shipyards and maritime communities, was repealed by Pub. L. 110-417, div. C, title XXXV, § 3508(b), Oct. 14, 2008, 122 Stat. 4769, as amended by Pub. L. 111-84, div. A, title X, § 1073(c)(14), Oct. 28, 2009, 123 Stat. 2475, effective Oct. 14, 2008, and as if included in Pub. L. 110-417 as enacted.

AMENDMENTS

2021—Subsec. (i). Pub. L. 116-283 substituted “for fiscal year 2021 to carry out this section \$20,000,000” for “for each of fiscal years 2020 and 2021 to carry out this section \$40,000,000”.

2019—Subsec. (d). Pub. L. 116-92, § 3507(a), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (i). Pub. L. 116-92, § 3507(b), substituted “2020 and 2021” for “2018, 2019, and 2020” and “\$40,000,000” for “\$35,000,000”.

2018—Subsec. (b)(2) to (4). Pub. L. 115-232, § 3511, added par. (2), redesignated former pars. (2) and (3) as (3) and (4), respectively, and, in par. (4), substituted “paragraph (3)” for “paragraph (2)”.

Subsec. (f)(2). Pub. L. 115-232, § 3546(r), added par. (2) and struck out former par. (2) consisting of subpar. (A) and cls. (i) to (iii) which related to minimum standards for payment or reimbursement.

2017—Pub. L. 115-91, § 3505(a)(1), struck out “and maritime communities” after “shipyards” in section catchline.

Subsec. (a)(2). Pub. L. 115-91, § 3505(a)(2), substituted “relating to shipbuilding, ship repair, and associated industries.” for “in communities whose economies are related to or dependent upon the maritime industry.”

Subsec. (b). Pub. L. 115-91, § 3505(a)(3), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

“(b) AWARDS.—In providing assistance under the program, the Administrator shall—

“(1) take into account—

“(A) the economic circumstances and conditions of maritime communities;

“(B) projects that would be effective in fostering efficiency, competitive operations, and quality ship construction, repair, and reconfiguration; and

“(C) projects that would be effective in fostering employee skills and enhancing productivity; and

“(2) make grants within 120 days after the date of enactment of the appropriations Act for the fiscal year concerned.”

Subsec. (c)(1). Pub. L. 115-91, § 3505(a)(4), inserted “to” after “may be used” in introductory provisions, added subpars. (A) and (B), and struck out former subpars. (A) to (C) which read as follows:

“(A) to make capital and related improvements in small shipyards located in or near maritime communities;

“(B) to provide training for workers in communities whose economies are related to the maritime industry; and

“(C) for such other purposes as the Administrator determines to be consistent with and supplemental to such activities.”

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. Renumbered § 51706]

PART D—PROMOTIONAL PROGRAMS

CHAPTER 551—COASTWISE TRADE

Sec.

- 55101. Application of coastwise laws.
- 55102. Transportation of merchandise.
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- 55104. Transportation of passengers between Puerto Rico and other ports in the United States.
- 55105. Transportation of hazardous waste.
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Sec.	
55119.	Yukon River.
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Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283, div. A, title X, § 1024(b)(1)(B)(ii), Jan. 1, 2021, 134 Stat. 3842, added item 55123.
 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.:877 (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.
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 II], 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).

Editorial Notes

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.)