

under this subsection, to be carried out by of the United States Army Corps of Engineers.

(5) MATCHING REQUIREMENTS.—

(A) IN GENERAL.—Any costs of the project to be paid by the recipient’s matching share pursuant to subsection (a)(8)(B) may—

(i) be incurred prior to the date on which assistance is provided; and

(ii) include a loan agreement, a commitment from investors, cash on balance sheet, or other contributions determined acceptable by the Secretary.

(B) DETERMINATION OF EFFECTIVENESS.—In determining whether a project meets the criteria under clauses (i), (iii), (iv), (v), and (vi) of subsection (c)(6)(A), the Secretary shall accept documentation used to obtain a commitment of the matching funds covered by this paragraph, including feasibility studies, business plans, investor prospectuses, loan applications, or similar documentation.

(C) ADDITIONAL AUTHORITY OF THE SECRETARY.—In carrying out this section, the Secretary may—

(1) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to improve the efficiency of the transportation system, to increase port security, or to provide greater access to port facilities;

(2) seek to coordinate all reviews or requirements with appropriate Federal, State, and local agencies; and

(3) in addition to any financial assistance provided under subsection (a) or subsection (b), provide such technical assistance to any eligible applicants as described in subsection (a)(2).

(Added and amended Pub. L. 117–81, div. C, title XXXV, § 3513(a), (b), Dec. 27, 2021, 135 Stat. 2240.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (c)(1), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

CODIFICATION

Subsecs. (c) to (e) of section 50302 of this title, which were transferred to this section, redesignated as subsecs. (a) to (c), respectively, and amended by Pub. L. 117–81, § 3513(a)(2), (b), were based on Pub. L. 109–304, § 8(b), Oct. 6, 2006, 120 Stat. 1564; Pub. L. 111–84, div. C, title XXXV, § 3512, Oct. 28, 2009, 123 Stat. 2722; Pub. L. 113–66, div. C, title XXXV, § 3505(b), Dec. 26, 2013, 127 Stat. 1086; Pub. L. 116–92, div. C, title XXXV, § 3514(b), Dec. 20, 2019, 133 Stat. 1980; Pub. L. 116–283, div. C, title XXXV, § 3504, Jan. 1, 2021, 134 Stat. 4399.

AMENDMENTS

2021—Subsec. (a). Pub. L. 117–81, § 3513(a)(2), redesignated subsec. (c) of section 50302 of this title as subsec. (a) of this section. See Codification note above.

Subsec. (a)(2). Pub. L. 117–81, § 3513(b)(1)(A), substituted “or subsection (b)” for “or subsection (d)”.

Subsec. (a)(3)(A)(ii)(III), (IV). Pub. L. 117–81, § 3513(b)(1)(B), added subcls. (III) and (IV) and struck out former subcl. (III), which read as follows: “environmental mitigation measures and operational improvements directly related to enhancing the efficiency of ports and intermodal connections to ports; or”.

Subsec. (a)(5)(A). Pub. L. 117–81, § 3513(b)(1)(C)(i), substituted “or subsection (b)” for “or subsection (d)”.

Subsec. (a)(5)(B). Pub. L. 117–81, § 3513(b)(1)(C)(ii), substituted “subsection (b)” for “subsection (d)”.

Subsec. (a)(6)(B)(iii). Pub. L. 117–81, § 3513(b)(1)(D), added cl. (iii).

Subsec. (a)(7)(B). Pub. L. 117–81, § 3513(b)(1)(E)(i), substituted “subsection (b)” for “subsection (d)” in two places and “25 percent” for “18 percent”.

Subsec. (a)(7)(C)(ii). Pub. L. 117–81, § 3513(b)(1)(E)(ii), substituted “subsection (b)(3)(A)(ii)(III)” for “subsection (d)(3)(A)(ii)(III)”.

Subsec. (a)(8)(A). Pub. L. 117–81, § 3513(b)(1)(F)(i), substituted “or subsection (b)” for “or subsection (d)”.

Subsec. (a)(8)(B). Pub. L. 117–81, § 3513(b)(1)(F)(ii), substituted “subsection (b)” for “subsection (d)” in cls. (i) and (ii).

Subsec. (a)(9), (10)(A). Pub. L. 117–81, § 3513(b)(1)(G), (H)(i), substituted “subsection (b)” for “subsection (d)” in introductory provisions.

Subsec. (a)(10)(B) to (D). Pub. L. 117–81, § 3513(b)(1)(H)(ii), (iii), added subpar. (B) and redesignated former subpars. (B) and (C) as (C) and (D), respectively.

Subsec. (a)(12). Pub. L. 117–81, § 3513(b)(1)(I)(i), substituted “subsection (b)” for “subsection (d)” in introductory provisions.

Subsec. (a)(12)(D). Pub. L. 117–81, § 3513(b)(1)(I)(ii), added subpar. (D).

Subsec. (b). Pub. L. 117–81, § 3513(b)(2)(A), substituted “Inland River” for “Inland” in heading.

Pub. L. 117–81, § 3513(a)(2), redesignated subsec. (d) of section 50302 of this title as subsec. (b) of this section. See Codification note above.

Subsec. (b)(1). Pub. L. 117–81, § 3513(b)(2)(B), substituted “subsection (a)(7)(B)” for “subsection (c)(7)(B)”.

Subsec. (b)(3)(A)(ii)(III). Pub. L. 117–81, § 3513(b)(2)(C), substituted “subsection (a)(3)(B)” for “subsection (c)(3)(B)”.

Subsec. (b)(5)(A). Pub. L. 117–81, § 3513(b)(2)(D), substituted “subsection (a)(8)(B)” for “subsection (c)(8)(B)” in introductory provisions.

Subsec. (c). Pub. L. 117–81, § 3513(a)(2), redesignated subsec. (e) of section 50302 of this title as subsec. (c) of this section. See Codification note above.

Subsec. (c)(3). Pub. L. 117–81, § 3513(b)(3), substituted “subsection (a) or subsection (b)” for “subsection (c) or subsection (d)” and “subsection (a)(2)” for “subsection (c)(2)”.

PART D—PROMOTIONAL PROGRAMS

CHAPTER 551—COASTWISE TRADE

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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 I], 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.)