

§ 55117. Great Lakes rail route

Section 55102 of this title does not apply to the transportation of merchandise loaded on a railroad car or to a motor vehicle with or without a trailer, and with its passengers or contents when accompanied by the operator, when the railroad car or motor vehicle is transported in a railroad car ferry operated between fixed terminals on the Great Lakes as part of a rail route, if—

- (1) the car ferry is owned by a common carrier by water and operated as part of a rail route with the approval of the Surface Transportation Board;
(2) the stock of the common carrier by water, or its predecessor, was owned or controlled by a common carrier by rail prior to June 5, 1920;
(3) the stock of the common carrier owning the car ferry is, with the approval of the Board, now owned or controlled by a common carrier by rail; and
(4) the car ferry is built in and documented under the laws of the United States.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1640.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55117, 46 App.:883 (5th proviso), June 5, 1920, ch. 250, §27, as added Apr. 11, 1935, ch. 58, 49 Stat. 154.

§ 55118. Foreign railroads whose road enters by ferry, tugboat, or towboat

A foreign railroad, whose road enters the United States by ferry, tugboat, or towboat, may own and operate a vessel not having a coastwise endorsement in connection with the water transportation of the passenger, freight, express, baggage, and mail cars used by that road, together with the passengers, freight, express matter, baggage, and mails transported in those cars. However, the foreign railroad is subject to the same restrictions imposed by law on a vessel of the United States entering a port of the United States from the same foreign country. Except as otherwise authorized by this chapter, the ferry, tugboat, or towboat may not, under penalty of forfeiture, be used in the transportation of merchandise between ports or places in the United States to which the coastwise laws apply.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1640.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55118, 46 App.:316(c), R.S. § 4370(c); restated June 11, 1940, ch. 324, 54 Stat. 304.

The words "company or corporation" after "foreign railroad" are omitted as unnecessary. The words "vessel not having a coastwise endorsement" are substituted for "such vessel" (referring to a vessel described in 46 App. U.S.C. 316(a)) for clarity and because of the reorganization of the source material in the revised title. The words "However, the foreign railroad is subject to the same restrictions imposed by law on a vessel of the United States entering a port of the

United States from the same foreign country" are substituted for "without being subject to any other or different restrictions than those imposed by law on any vessel of the United States entering ports of the United States from ports in the same foreign country" to eliminate unnecessary words. The words "Except as otherwise authorized by this chapter" are substituted for "except as authorized by section 883 of this Appendix" because of the reorganization of the source material in the revised title. The words "its Territories or possessions" are omitted as unnecessary because of the definition of "United States" in chapter 1 of the revised title.

§ 55119. Yukon River

Section 55102 of this title does not apply to the transportation of merchandise on the Yukon River until the Alaska Railroad is completed and the Secretary of Transportation finds that proper facilities will be available for transportation by citizens of the United States to properly handle the traffic.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1640.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55119, 46 App.:883 (4th proviso), June 5, 1920, ch. 250, §27 (4th proviso), 41 Stat. 999; Exec. Order No. 6166, June 10, 1933, §12; July 2, 1935, ch. 355, 49 Stat. 442; June 29, 1936, ch. 858, title II, §204, title IX, §904, 49 Stat. 1987, 2016; Reorg. Plan No. 21 of 1950, eff. May 24, 1950, §204, 64 Stat. 1276; Pub. L. 97-31, §12(49), Aug. 6, 1981, 95 Stat. 157.

§ 55120. Transshipment of imported merchandise intended for immediate exportation

The Secretary of Homeland Security may prescribe regulations for the transshipment and transportation of merchandise that is imported into the United States by sea for immediate exportation to a foreign port by sea, or by a river, the right to ascend or descend which for the purposes of commerce is secured by treaty to the citizens of the United States and the subjects of a foreign power.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1641.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 55120, 46 App.:291, Feb. 17, 1898, ch. 26, §3, 30 Stat. 248.

§ 55121. Transportation of merchandise and passengers on Canadian vessels

(a) BETWEEN ROCHESTER AND ALEXANDRIA BAY.—Until passenger service is established by vessels of the United States between the port of Rochester, New York, and the port of Alexandria Bay, New York, the Secretary of Homeland Security may issue annually permits to Canadian passenger vessels to transport passengers between those ports. Canadian vessels holding such a permit are not subject to section 55103 of this title.

(b) WITHIN ALASKA OR BETWEEN ALASKA AND OTHER POINTS IN THE UNITED STATES.—Until the

Secretary of Transportation determines that service by vessels of the United States is available to provide the transportation described in paragraph (1) or (2), sections 55102 and 55103 of this title do not apply to the transportation on Canadian vessels of—

- (1) passengers between ports in southeastern Alaska; or
- (2) passengers or merchandise between Hyder, Alaska, and other points in southeastern Alaska or in the United States outside Alaska.

(Pub. L. 109-304, §8(c), Oct. 6, 2006, 120 Stat. 1641.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55121(a)	46 App.:289a.	Apr. 26, 1938, ch. 174, 52 Stat. 223; 1946 Reorg. Plan No. 3, §§101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097.
55121(b)	46 App.:289b.	Pub. L. 87-77, June 30, 1961, 75 Stat. 196; Pub. L. 97-31, §12(22), Aug. 6, 1981, 95 Stat. 155.

In subsection (a), the Secretary of Homeland Security is substituted for the Commissioner of Customs because the functions of the Customs Service and of the Secretary of the Treasury relating thereto were transferred to the Secretary of Homeland Security by section 403(1) of the Homeland Security Act of 2002 (Pub. L. 107-296, 116 Stat. 2178). The functions of the Commissioner of Customs previously were vested in the Secretary of the Treasury under section 321(c) of title 31. For prior related transfers of functions, see the transfer of functions note under 46 App. U.S.C. 289a.

§ 55122. Floating dry docks

(a) IN GENERAL.—Section 55102 of this title does not apply to the movement of a floating dry dock if—

- (1) the floating dry dock—
 - (A) is being used to launch or raise a vessel in connection with the construction, maintenance, or repair of that vessel;
 - (B) is owned and operated by—
 - (i) a shipyard located in the United States that is an eligible owner specified under section 12103(b) of this title; or
 - (ii) an affiliate of such a shipyard; and

(C)(i) was owned or contracted for purchase by such shipyard or affiliate prior to the date of the enactment of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015; or

(ii) had a letter of intent for purchase by such shipyard or affiliate signed prior to such date of enactment; and

(2) the movement occurs within 5 nautical miles of the shipyard or affiliate that owns and operates such floating dry dock or, in the case of a dry dock described in paragraph (1)(C)(ii), occurs between Honolulu, Hawaii, and Pearl Harbor, Hawaii.

(b) DRY DOCKS FOR CONSTRUCTION OF CERTAIN NAVAL VESSELS.—

(1) IN GENERAL.—In applying subsection (a) to a floating dry dock used for the construction of naval vessels in a shipyard located in the United States, the ownership and oper-

ation requirement in paragraph (1)(B) of that subsection shall be treated as satisfied and “December 19, 2017” shall be substituted for the date referred to in paragraph (1)(C) of that subsection if the Secretary of the Navy determines that—

- (A) such dry dock is necessary for the timely completion of such construction; and
- (B) such dry dock—

(i) is owned and operated by—

(I) a shipyard located in the United States that is an eligible owner specified under section 12103(b); or

(II) an affiliate of such a shipyard; or

(ii) is—

(I) owned by the State in which the shipyard is located or a political subdivision of that State; and

(II) operated by a shipyard located in the United States that is an eligible owner specified under section 12103(b).

(2) NOTICE TO CONGRESS.—Not later than 30 days after making a determination under paragraph (1), the Secretary of the Navy shall notify the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate of such determination.

(c) DEFINITION.—In this section, the term “floating dry dock” means equipment with wing walls and a fully submersible deck.

(Added Pub. L. 113-291, div. C, title XXXV, §3502(a), Dec. 19, 2014, 128 Stat. 3904; amended Pub. L. 114-328, div. C, title XXXV, §3508, Dec. 23, 2016, 130 Stat. 2780; Pub. L. 117-263, div. K, title CXV, §11525, Dec. 23, 2022, 136 Stat. 4145.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015, referred to in subsec. (a)(1)(C), is the date of enactment of Pub. L. 113-291, which was approved Dec. 19, 2014.

AMENDMENTS

2022—Subsec. (a)(1)(C). Pub. L. 117-263, §11525(1), designated existing provisions as cl. (i), substituted “2015; or” for “2015; and”, and added cl. (ii).

Subsec. (a)(2). Pub. L. 117-263, §11525(2), inserted “or, in the case of a dry dock described in paragraph (1)(C)(ii), occurs between Honolulu, Hawaii, and Pearl Harbor, Hawaii” before period at end.

2016—Subsecs. (b), (c). Pub. L. 114-328 added subsec. (b) and redesignated former subsec. (b) as (c).

§ 55123. Priority loading for coal

A vessel engaged in the coastwise transportation of coal produced in the United States, from a port in the United States to another port in the United States, shall be given priority in loading at any of those ports ahead of a waiting vessel engaged in the export transportation of coal produced in the United States. However, if the Secretary of Transportation finds that it is in the national interest, the Secretary may eliminate this priority loading at any port. The