

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