

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

Secretary shall report to Congress within 30 days an action eliminating priority loading under this section.

(Pub. L. 109–304, §8(c), Oct. 6, 2006, 120 Stat. 1642, §55301; renumbered §55123, Pub. L. 116–283, div. A, title X, §1024(b)(1)(A), Jan. 1, 2021, 134 Stat. 3842.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
55301	46 App.:1121–1.	Pub. L. 96–387, §5, Oct. 7, 1980, 94 Stat. 1546; Pub. L. 97–31, §12(68), Aug. 6, 1981, 95 Stat. 159; Pub. L. 99–662, title IX, §947, Nov. 17, 1986, 100 Stat. 4200.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283 renumbered section 55301 of this title as this section.

CHAPTER 553—PASSENGER AND CARGO PREFERENCES

SUBCHAPTER I—GENERAL¹

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Editorial Notes

AMENDMENTS

2023—Pub. L. 118–31, div. C, title XXXV, §3521(a)(2), Dec. 22, 2023, 137 Stat. 819, added item 55301.

2021—Pub. L. 116–283, div. A, title X, §1024(b)(1)(B)(i), Jan. 1, 2021, 134 Stat. 3842, which directed amendment of the analysis for subchapter I of this chapter by striking out item 55301, was executed by striking item 55301 “Priority loading for coal” from this analysis to reflect the probable intent of Congress.

¹ So in original. Does not conform to subchapter heading.

2013—Pub. L. 113–67, div. A, title VI, §602(b), Dec. 26, 2013, 127 Stat. 1188, struck out items 55316 “Financing the transportation of agricultural commodities” and 55317 “Termination of subchapter”.

SUBCHAPTER I—GOVERNMENT IMPELLED TRANSPORTATION

Editorial Notes

AMENDMENTS

2021—Pub. L. 116–283, div. A, title X, §1024(b)(2), Jan. 1, 2021, 134 Stat. 3842, substituted “GOVERNMENT IMPELLED TRANSPORTATION” for “GENERAL” in heading.

§ 55301. Report on administration of programs by other Federal departments and agencies

(a) IN GENERAL.—The Administrator of the Maritime Administration shall annually submit to Congress a report on the administration by—

(1) the Department of Defense of section 2631 of title 10; and

(2) other Federal departments and agencies of programs the Administrator determines are subject to section 55305 of this title.

(b) CONTENTS.—Each annual report required under subsection (a) shall include, for each Federal department or agency that administers a program covered by the report—

(1) the gross tonnage of cargo (equipment, materials, or agricultural products), expressed by type of cargo, transported on United States flag vessels as compared to on foreign vessels; and

(2) the total number of United States flag vessels and total number of foreign vessels contracted by each department or agency.

(c) AGENCY REPORTING REQUIREMENTS.—Not later than January 31 of each year, the head of each Federal department or agency that administers a program covered by a report required under subsection (a) shall submit to the Administrator of the Maritime Administration the information described in subsection (b) for that department or agency.

(Added Pub. L. 118–31, div. C, title XXXV, §3521(a)(1), Dec. 22, 2023, 137 Stat. 819.)

Editorial Notes

PRIOR PROVISIONS

A prior section 55301 was renumbered section 55123 of this title.

§ 55302. Transportation of United States Government personnel

(a) IN GENERAL.—An officer or employee of the United States Government traveling by sea on official business overseas or to or from a territory or possession of the United States shall travel and transport personal effects on a vessel documented under the laws of the United States if such a vessel is available, unless the necessity of the mission requires the use of a foreign vessel.

(b) REGULATIONS.—The Administrator of General Services shall prescribe regulations under which agencies may not pay for or reimburse an officer or employee for travel or transportation