

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55115 .....	46 App.:883 (10th proviso).	June 5, 1920, ch. 250, §27 (10th proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 97-389, title V, §504, Dec. 29, 1982, 96 Stat. 1956.

The words “Section 55102 of this title does not apply to” are substituted for “for the purposes of this section” and “shall be considered ship’s equipment and not merchandise” for consistency in the chapter.

§ 55116. Canadian rail lines

Section 55102 of this title does not apply to the transportation of merchandise between points in the continental United States, including Alaska, over through routes in part over Canadian rail lines and connecting water facilities if the routes are recognized by the Surface Transportation Board and rate tariffs for the routes have been filed with the Board.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
55116 .....	46 App.:883 (3d proviso).	June 5, 1920, ch. 250, §27 (3d proviso), 41 Stat. 999; July 2, 1935, ch. 355, 49 Stat. 442; Pub. L. 85-508, §27(a), July 7, 1958, 72 Stat. 351; Pub. L. 104-324, title VII, §747(1), Oct. 19, 1996, 110 Stat. 3943.

§ 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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.

**CHAPTER 553—PASSENGER AND CARGO PREFERENCES**

SUBCHAPTER I—GENERAL

- Sec. 55301. Priority loading for coal.
- 55302. Transportation of United States Government personnel.
- 55303. Motor vehicles owned by United States Government personnel.
- 55304. Exports financed by the United States Government.
- 55305. Cargoes procured, furnished, or financed by the United States Government.

SUBCHAPTER II—EXPORT TRANSPORTATION OF AGRICULTURAL COMMODITIES

- 55311. Findings and purposes.
- 55312. Determining prevailing world market price.
- 55313. Exemption of certain agricultural exports from cargo preference provisions.
- 55314. Transportation requirements for certain exports sponsored by the Secretary of Agriculture.
- 55315. Minimum tonnage.
- 55316. Financing the transportation of agricultural commodities.
- 55317. Termination of subchapter.
- 55318. Effect on other law.

SUBCHAPTER III—AMERICAN GREAT LAKES VESSELS

- 55331. Definitions.
- 55332. Designating American Great Lakes vessels.
- 55333. Exemption from restriction on transporting certain cargo.
- 55334. Restrictions on operations.
- 55335. Revocations and terminations of designations.
- 55336. Civil penalty.

SUBCHAPTER I—GENERAL

**§ 55301. 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.)

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.