

“(2) WAIVER.—The Secretary of Defense may waive the provisions of this subsection for a specific contract if the Secretary—

“(A) makes a determination that such waiver is vital to the national security of the United States; and

“(B) submits to Congress a report justifying the use of such waiver and the importance of such waiver to the national security of the United States.

“(3) REPORT.—Not later than one year after the date of the enactment of this subsection, and annually for three subsequent years, the Secretary of Defense shall submit to Congress a report on the implementation of this subsection.

“(b) POLICY WITH RESPECT TO PORTS ACCEPTING FEDERAL GRANT MONEY.—

“(1) [Enacted this section.]

“(2) [Amended analysis of chapter 503 of this title.]

“(3) APPLICABILITY.—Section 50309 of title 46, United States Code, as added by paragraph (1), shall apply with respect to any contract entered into on or after the date that is 180 days after the date of the enactment of this subsection [Dec. 22, 2023].

“(4) REPORTING.—Not later than one year after the date of the enactment of this subsection, and annually for three subsequent years, the Secretary of Transportation shall submit to Congress a report on the implementation of section 50309 of title 46, United States Code, as added by paragraph (1).

“(c) NEGOTIATIONS WITH ALLIES AND PARTNERS.—

“(1) NEGOTIATIONS REQUIRED.—The Secretary of State shall seek to enter into negotiations with United States ally and partner countries, including those described in paragraph (3), if the President determines that ports or other entities operating within the jurisdiction of such ally or partner countries are using or are considering using a covered logistics platform.

“(2) ELEMENTS.—As part of the negotiations described in paragraph (1), the President shall—

“(A) urge governments of such ally and partner countries to require entities within the jurisdiction of such governments to terminate the use of a covered logistics platform;

“(B) describe the threats posed by a covered logistics platform to United States military and strategic interests and the implications such threats may have for the presence of members of the Armed Forces of the United States in such countries;

“(C) urge governments to use their voice, influence, and vote to align with the United States and to counter attempts by foreign adversaries at international standards-setting bodies to adopt standards that incorporate a covered logistics platform; and

“(D) attempt to establish, through multilateral entities, bilateral or multilateral negotiations, military cooperation, and other relevant engagements or agreements, a prohibition on the use of a covered logistics platform.

“(3) ALLIES AND PARTNERS DESCRIBED.—The countries and entities with which the President shall conduct negotiations described in this subsection shall include—

“(A) all countries party to a collective defense treaty or other collective defense arrangement with the United States;

“(B) India; and

“(C) Taiwan.

“(4) REPORT.—Not later than one year after the date of the enactment of this subsection [Dec. 22, 2023], the Secretary of State shall submit a report to the appropriate congressional committees describing—

“(A) the efforts made by the United States Government as of the date of the submission of the report in the negotiations described in this subsection; and

“(B) the actions taken by the governments of ally and partner countries pursuant to the negotiation priorities described in this subsection.

“(d) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committees on Armed Services, Foreign Affairs, and Transportation and Infrastructure of the House of Representatives; and

“(B) the Committees on Armed Services, Foreign Relations, and Commerce, Science, and Transportation of the Senate.

“(2) COVERED LOGISTICS PLATFORM.—The term ‘covered logistics platform’ has the meaning given in section 50309 of title 46, United States Code, as added by this section.

“(3) FOREIGN ADVERSARY.—The term ‘foreign adversary’ means—

“(A) the People’s Republic of China, including the Hong Kong and Macau Special Administrative Regions;

“(B) the Republic of Cuba;

“(C) the Islamic Republic of Iran;

“(D) the Democratic People’s Republic of Korea;

“(E) the Russian Federation; and

“(F) the Bolivarian Republic of Venezuela under the regime of Nicolás Maduro Moros.”

## CHAPTER 504—COMMITTEES

Sec.

50401. United States Committee on the Marine Transportation System.

50402. Maritime Transportation System National Advisory Committee.

### Editorial Notes

#### AMENDMENTS

2021—Pub. L. 117–81, div. C, title XXXV, § 3512(c)(1), Dec. 27, 2021, 135 Stat. 2239, amended chapter analysis generally, reenacting heading without change and substituting items 50401 “United States Committee on the Marine Transportation System” and 50402 “Maritime Transportation System National Advisory Committee” for former items 55501 “United States Committee on the Marine Transportation System” and 55502 “Maritime Transportation System National Advisory Committee”, respectively.

Pub. L. 117–81, div. C, title XXXV, § 3512(a)(2), Dec. 27, 2021, 135 Stat. 2239, substituted “COMMITTEES” for “MISCELLANEOUS” in chapter heading.

Pub. L. 117–81, div. C, title XXXV, § 3512(a)(1), Dec. 27, 2021, 135 Stat. 2239, which directed that chapter 555 of title 46 be redesignated as chapter 504 and transferred to appear after chapter 503, was executed by transferring the analysis preceding section 55501 of this title to precede section 50401 of this title, to reflect the probable intent of Congress.

Pub. L. 116–283, div. G, title LVXXXIII [LXXXIII], § 8332(c), Jan. 1, 2021, 134 Stat. 4704, added item 55502.

2014—Pub. L. 113–281, title III, § 301(3), Dec. 18, 2014, 128 Stat. 3042, added item 55501 and struck out former items 55501 “Mobile trade fairs” and 55502 “United States Committee on the Marine Transportation System”.

2012—Pub. L. 112–213, title III, § 310(b), Dec. 20, 2012, 126 Stat. 1568, added item 55502.

### § 50401. United States Committee on the Marine Transportation System

(a) ESTABLISHMENT.—There is established a United States Committee on the Marine Transportation System (in this section referred to as the “Committee”).

(b) PURPOSE.—The Committee shall serve as a Federal interagency coordinating committee for the purpose of—

(1) assessing the adequacy of the marine transportation system (including ports, waterways, channels, and their intermodal connections);

(2) promoting the integration of the marine transportation system with other modes of transportation and other uses of the marine environment; and

(3) coordinating, improving the coordination of, and making recommendations with regard to Federal policies that impact the marine transportation system.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall consist of—

- (A) the Secretary of Transportation;
- (B) the Secretary of Defense;
- (C) the Secretary of Homeland Security;
- (D) the Secretary of Commerce;
- (E) the Secretary of the Treasury;
- (F) the Secretary of State;
- (G) the Secretary of the Interior;
- (H) the Secretary of Agriculture;
- (I) the Attorney General;
- (J) the Secretary of Labor;
- (K) the Secretary of Energy;
- (L) the Administrator of the Environmental Protection Agency;
- (M) the Chairman of the Federal Maritime Commission;
- (N) the Chairman of the Joint Chiefs of Staff; and
- (O) the head of any other Federal agency who a majority of the voting members of the Committee determines can further the purpose and activities of the Committee.

(2) NONVOTING MEMBERS.—The Committee may include as many nonvoting members as a majority of the voting members of the Committee determines is appropriate to further the purpose and activities of the Committee.

(d) SUPPORT.—

(1) COORDINATING BOARD.—

(A) IN GENERAL.—There is hereby established, within the Committee, a Coordinating Board. Each member of the Committee may select a senior level representative to serve on such Board. The Board shall assist the Committee in carrying out its purpose and activities.

(B) CHAIR.—There shall be a Chair of the Coordinating Board. The Chair of the Coordinating Board shall rotate each year among the Secretary of Transportation, the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce. The order of rotation shall be determined by a majority of the voting members of the Committee.

(2) EXECUTIVE DIRECTOR.—The Secretary of Transportation, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Commerce, shall appoint an Executive Director of the Committee.

(3) TRANSFERS.—Notwithstanding any other provision of law, the head of a Federal department or agency who is a member of the Committee may—

- (A) provide, on a reimbursable or non-reimbursable basis, facilities, equipment, services, personnel, and other support services to carry out the activities of the Committee; and

(B) transfer funds to another Federal department or agency in order to carry out the activities of the Committee.

(e) MARINE TRANSPORTATION SYSTEM ASSESSMENT AND STRATEGY.—Not later than one year after the date of enactment of this Act and every 5 years thereafter, the Committee shall provide to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—

- (1) steps taken to implement actions recommended in the document titled “National Strategy for the Marine Transportation System: A Framework for Action” and dated July 2008;
- (2) a conditions and performance analysis of the marine transportation system;
- (3) a discussion of the challenges the marine transportation system faces in meeting user demand, including estimates of investment levels required to ensure system infrastructure meets such demand;
- (4) a plan, with recommended actions, for improving the marine transportation system to meet current and future challenges;
- (5) steps taken to implement actions recommended in previous reports required under this subsection; and
- (6) a compendium of the Federal programs engaged in the maritime transportation system.

(f) CONSULTATION.—In carrying out its purpose and activities, the Committee may consult with marine transportation system-related advisory committees, interested parties, and the public.

(Added Pub. L. 112–213, title III, §310(a), Dec. 20, 2012, 126 Stat. 1567, §55502; renumbered §55501, Pub. L. 113–281, title III, §301(2), Dec. 18, 2014, 128 Stat. 3042; amended Pub. L. 116–283, div. G, title LVXXXIII [LXXXIII], §8315, Jan. 1, 2021, 134 Stat. 4699; renumbered §50401 and amended, Pub. L. 117–81, div. C, title XXXV, §3512(a)(3), (4), Dec. 27, 2021, 135 Stat. 2239.)

### Editorial Notes

#### REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsec. (e), probably means the date of enactment of Pub. L. 112–213, which enacted this section and was approved Dec. 20, 2012.

#### AMENDMENTS

2021—Pub. L. 117–81, §3512(a)(4), amended section catchline generally, substituting “United States Committee on the Marine Transportation System” for “United States Committee on the Marine Transportation System”.

Pub. L. 117–81, §3512(a)(3), renumbered section 55501 of this title as this section.

Subsec. (e)(2). Pub. L. 116–283, §8315(1), substituted “a conditions and performance analysis” for “an assessment of the condition”.

Subsec. (e)(6). Pub. L. 116–283, §8315(2)–(4), added par. (6).

2014—Pub. L. 113–281 renumbered section 55502 of this title as this section.

**§ 50402. Maritime Transportation System National Advisory Committee**

(a) **ESTABLISHMENT.**—There is established a Maritime Transportation System National Advisory Committee (in this section referred to as the “Committee”).

(b) **FUNCTION.**—The Committee shall advise the Secretary of Transportation on matters relating to the United States maritime transportation system and its seamless integration with other segments of the transportation system, including the viability of the United States Merchant Marine.

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Committee shall consist of 27 members appointed by the Secretary of Transportation in accordance with this section and section 15109.

(2) **EXPERTISE.**—Each member of the Committee shall have particular expertise, knowledge, and experience in matters relating to the function of the Committee.

(3) **REPRESENTATION.**—Members of the Committee shall be appointed as follows:

(A) At least one member shall represent the Environmental Protection Agency.

(B) At least one member shall represent the Department of Commerce.

(C) At least one member shall represent the Corps of Engineers.

(D) At least one member shall represent the Coast Guard.

(E) At least one member shall represent Customs and Border Protection.

(F) At least one member shall represent State and local governmental entities.

(G) Additional members shall represent private sector entities that reflect a cross-section of maritime industries, including port and water stakeholders, academia, and labor.

(H) The Secretary may appoint additional representatives from other Federal agencies as the Secretary considers appropriate.

(4) **RESTRICTIONS ON MEMBERS REPRESENTING FEDERAL AGENCIES.**—Members of the Committee that represent Federal agencies shall not—

(A) comprise more than one-third of the total membership of the Committee or of any subcommittee therein; or

(B) serve as the chair or co-chair of the Committee or of any subcommittee therein.

(5) **ADMINISTRATION.**—For purposes of section 15109—

(A) the Committee shall be treated as a committee established under chapter 151; and

(B) the Secretary of Transportation shall fulfill all duties and responsibilities and have all authorities of the Secretary of Homeland Security with regard to the Committee.

(Added Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], § 8332(a), Jan. 1, 2021, 134 Stat. 4703, § 55502; renumbered § 50402, Pub. L. 117-81, div. C, title XXXV, § 3512(a)(3), Dec. 27, 2021, 135 Stat. 2239.)

**Editorial Notes**

AMENDMENTS

2021—Pub. L. 117-81 renumbered section 55502 of this title as this section.

**Statutory Notes and Related Subsidiaries**

TREATMENT OF EXISTING COMMITTEE

Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], § 8332(b), Jan. 1, 2021, 134 Stat. 4704, as amended by Pub. L. 117-81, div. C, title XXXV, § 3512(b), Dec. 27, 2021, 135 Stat. 2239, provided that: “Notwithstanding any other provision of law—

“(1) an advisory committee substantially similar to the Committee established by section 50402 of title 46, United States Code, and that was in force or in effect on the day before the date of the enactment of this Act [Jan. 1, 2021], including the charter, membership, and other aspects of such advisory committee, may remain in force or in effect for the 2-year period beginning on the date of the enactment of this section; and

“(2) during such 2-year period—

“(A) requirements relating the Maritime Transportation System National Advisory Committee established by such section shall be treated as satisfied by such substantially similar advisory committee; and

“(B) the enactment of this section shall not be the basis—

“(i) to deem, find, or declare such committee, including the charter, membership, and other aspects thereof, void, not in force, or not in effect;

“(ii) to suspend the activities of such committee; or

“(iii) to bar the members of such committee from a meeting.”

**CHAPTER 505—OTHER GENERAL PROVISIONS**

Sec. 50501.	Entities deemed citizens of the United States.
50502.	Applicability to receivers, trustees, successors, and assigns.
50503.	Oceanographic research vessels.
50504.	Sailing school vessels.

**§ 50501. Entities deemed citizens of the United States**

(a) **IN GENERAL.**—In this subtitle, a corporation, partnership, or association is deemed to be a citizen of the United States only if the controlling interest is owned by citizens of the United States. However, if the corporation, partnership, or association is operating a vessel in the coastwise trade, at least 75 percent of the interest must be owned by citizens of the United States.

(b) **ADDITIONAL REQUIREMENTS FOR CORPORATIONS.**—In this subtitle, a corporation is deemed to be a citizen of the United States only if, in addition to satisfying the requirements in subsection (a)—

(1) it is incorporated under the laws of the United States or a State;

(2) its chief executive officer, by whatever title, and the chairman of its board of directors are citizens of the United States; and

(3) no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum.

(c) **DETERMINATION OF CONTROLLING CORPORATE INTEREST.**—The controlling interest in a cor-