

ordinating 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.
50505.	Consistent approval of existing categorical exclusions.

Editorial Notes

AMENDMENTS

2024—Pub. L. 118-159, div. C, title XXXV, § 3511(b)(2), Dec. 23, 2024, 138 Stat. 2306, added item 50505.

§ 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 corporation is owned by citizens of the United States under subsection (a) only if—

(1) title to the majority of the stock in the corporation is vested in citizens of the United States free from any trust or fiduciary obligation in favor of a person not a citizen of the United States;

(2) the majority of the voting power in the corporation is vested in citizens of the United States;

(3) there is no contract or understanding by which the majority of the voting power in the corporation may be exercised, directly or indirectly, in behalf of a person not a citizen of the United States; and

(4) there is no other means by which control of the corporation is given to or permitted to be exercised by a person not a citizen of the United States.

(d) DETERMINATION OF 75 PERCENT CORPORATE INTEREST.—At least 75 percent of the interest in a corporation is owned by citizens of the United States under subsection (a) only if—

(1) title to at least 75 percent of the stock in the corporation is vested in citizens of the United States free from any trust or fiduciary obligation in favor of a person not a citizen of the United States;

(2) at least 75 percent of the voting power in the corporation is vested in citizens of the United States;

(3) there is no contract or understanding by which more than 25 percent of the voting power in the corporation may be exercised, directly or indirectly, in behalf of a person not a citizen of the United States; and

(4) there is no other means by which control of more than 25 percent of any interest in the corporation is given to or permitted to be exercised by a person not a citizen of the United States.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1566.)