

lessons learned from the pilot program, any recommendations based on feedback from maritime stakeholders, States, Indian Tribes, nonprofit organizations, and other stakeholders, and recommendations for establishing future marine highways in the United States.”

DEADLINE FOR PUBLIC AVAILABILITY OF MAP

Pub. L. 117-263, div. C, title XXXV, § 3521(f), Dec. 23, 2022, 136 Stat. 3080, provided that: “Not later than 120 days after the date of the enactment of this Act [Dec. 23, 2022], the Maritime Administration shall make publicly available the map of marine highway program routes required to be made publicly available under subsection (c) of section 55601 of title 46, United States Code, as amended by this section.”

§ 55602. Cargo and shippers

(a) MEMORANDUMS OF AGREEMENT.—The Secretary of Transportation shall enter into memorandums of understanding with the heads of other Federal entities to transport federally owned or generated cargo using a marine highway transportation project designated under section 55601 when practical or available.

(b) SHORT-TERM INCENTIVES.—The Secretary shall consult shippers and other participants in transportation logistics and develop proposals for short-term incentives to encourage the use of marine highway transportation.

(Added Pub. L. 110-140, title XI, § 1121(a), Dec. 19, 2007, 121 Stat. 1761; amended Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], § 8332(d)(4), Jan. 1, 2021, 134 Stat. 4705.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “marine highway” for “short sea” in subsecs. (a) and (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 55603. Multistate, State, Tribal, and regional transportation planning

(a) IN GENERAL.—The Secretary, in consultation with Federal entities, State and local governments, Tribal governments, and appropriate private sector entities, may develop strategies to encourage the use of marine highway transportation for transportation of passengers and cargo.

(b) STRATEGIES.—If the Secretary develops strategies under subsection (a), the Secretary may—

(1) assess the extent to which States, local governments, and Tribal governments include marine highway transportation and other marine transportation solutions in transportation planning;

(2) encourage State and Tribal departments of transportation to develop strategies, where appropriate, to incorporate marine highway transportation, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in transportation planning; and

(3) encourage groups of States, Tribal governments, and multistate transportation entities to determine how marine highways can address congestion, bottlenecks, and other interstate transportation challenges.

(Added Pub. L. 117-263, div. C, title XXXV, § 3521(b)(1), Dec. 23, 2022, 136 Stat. 3078.)

Editorial Notes

PRIOR PROVISIONS

A prior section 55603, added Pub. L. 110-140, title XI, § 1121(a), Dec. 19, 2007, 121 Stat. 1761, which related to an interagency board to identify and seek solutions to impediments hindering effective use of short sea transportation, was repealed by Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], § 8332(d)(1), Jan. 1, 2021, 134 Stat. 4704.

§ 55604. Research on marine highway transportation

The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, may conduct research on marine highway transportation, regarding—

(1) the economic effects of marine highway transportation on the United States economy;

(2) the effects of marine highway transportation, including with respect to the provision of additional transportation options, on rural areas;

(3) the environmental and transportation benefits to be derived from marine highway transportation alternatives for other forms of transportation;

(4) technology, vessel design, and other improvements that would reduce emissions, increase fuel economy, and lower costs of marine highway transportation and increase the efficiency of intermodal transfers; and

(5) solutions to impediments to marine highway transportation projects designated under section 55601.

(Added Pub. L. 110-140, title XI, § 1121(a), Dec. 19, 2007, 121 Stat. 1761; amended Pub. L. 116-283, div. G, title LVXXXIII [LXXXIII], § 8332(d)(4), (5), Jan. 1, 2021, 134 Stat. 4705; Pub. L. 117-263, div. C, title XXXV, § 3521(c), Dec. 23, 2022, 136 Stat. 3078.)

Editorial Notes

AMENDMENTS

2022—Pars. (1) to (5). Pub. L. 117-263 added pars. (1) and (2) and redesignated former pars. (1) to (3) as (3) to (5), respectively.

2021—Pub. L. 116-283 substituted “marine highway” for “short sea” in section catchline and wherever appearing in text.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

§ 55605. Definitions

In this chapter:

(1) The term “marine highway transportation” means the carriage by a documented

vessel of cargo (including such carriage of cargo and passengers), if such cargo—

(A) is—

(i) contained in intermodal cargo containers and loaded by crane on the vessel;

(ii) loaded on the vessel by means of wheeled technology, including roll-on roll-off cargo;

(iii) shipped in discrete units or packages that are handled individually, palletized, or unitized for purposes of transportation;

(iv) bulk, liquid, or loose cargo loaded in tanks, holds, hoppers, or on deck; or

(v) freight vehicles carried aboard commuter ferry boats; and

(B) is—

(i) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada or Mexico; or

(ii) loaded at a port in Canada or Mexico and unloaded at a port in the United States.

(2) The term “Tribal government” means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently, as of the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(3) The term “Alaska Native Corporation” has the meaning given the term “Native Corporation” under section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(Added Pub. L. 110–140, title XI, § 1121(a), Dec. 19, 2007, 121 Stat. 1761; amended Pub. L. 112–213, title IV, § 405(b), Dec. 20, 2012, 126 Stat. 1571; Pub. L. 114–92, div. C, title XXXV, § 3508, Nov. 25, 2015, 129 Stat. 1223; Pub. L. 116–283, div. G, title LVXXXIII [LXXXIII], § 8332(d)(6), Jan. 1, 2021, 134 Stat. 4705; Pub. L. 117–263, div. C, title XXXV, § 3521(d)(1), Dec. 23, 2022, 136 Stat. 3079.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, referred to in par. (2), is the date of enactment of Pub. L. 117–263, which was approved Dec. 23, 2022.

AMENDMENTS

2022—Pub. L. 117–263 amended section generally. Prior to amendment, section defined the term “marine highway transportation” as used in this chapter.

2021—Pub. L. 116–283 substituted “Marine highway” for “Short sea” in section catchline and “marine highway transportation” for “short sea transportation” in introductory provisions.

2015—Par. (1)(C), (D). Pub. L. 114–92 added subpars. (C) and (D).

2012—Pub. L. 112–213, which directed amendment of section 55605, without specifying the title to be amended, by substituting “by a documented vessel” for “by vessel” in the matter preceding par. (1), was executed to this section, to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as a note under section 1824 of Title 2, The Congress.

PART E—CONTROL OF MERCHANT MARINE CAPABILITIES

CHAPTER 561—RESTRICTIONS ON TRANSFERS

Sec.	
56101.	Approval required to transfer vessel to non-citizen.
56102.	Additional controls during war or national emergency.
56103.	Conditional approvals.
56104.	Penalty for false statements.
56105.	Forfeiture procedure.

§ 56101. Approval required to transfer vessel to noncitizen

(a) RESTRICTIONS.—

(1) IN GENERAL.—Except as otherwise provided in this section, section 12119 of this title, or section 611 of the Merchant Marine Act, 1936, a person may not, without the approval of the Secretary of Transportation—

(A) sell, lease, charter, deliver, or in any other manner transfer, or agree to sell, lease, charter, deliver, or in any other manner transfer, to a person not a citizen of the United States, an interest in or control of—

(i) a documented vessel owned by a citizen of the United States; or

(ii) a vessel last documented under the laws of the United States; or

(B) place under foreign registry, or operate under the authority of a foreign country, a documented vessel or a vessel last documented under the laws of the United States.

(2) EXCEPTIONS.—Paragraph (1)(A) does not apply to a vessel that has been operated only for pleasure or only as a fishing vessel, fish processing vessel, or fish tender vessel (as defined in section 2101 of this title).

(b) APPROVAL BEFORE DOCUMENTATION.—To promote financing with respect to a vessel to be documented under chapter 121 of this title, the Secretary may grant approval under subsection (a) before the vessel is documented.

(c) EXCEPTIONS.—Notwithstanding any other provision of this subtitle, the Merchant Marine Act, 1936, or any contract with the Secretary made under this subtitle or that Act, a person may place a vessel under foreign registry without the approval of the Secretary if—

(1)(A) the Secretary, in conjunction with the Secretary of Defense, determines that at least one replacement vessel of equal or greater military capability and of a capacity that is equivalent or greater, as measured by deadweight tons, gross tons, or container equivalent units, as appropriate, is documented under chapter 121 of this title by the owner of the vessel placed under foreign registry; and

(B) the replacement vessel is not more than 10 years old on the date of that documentation; or