

**§ 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-

poration 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.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50501(a) .....	46 App.:802(a) (words before 3d comma and after 11th comma).  46 App.:1244(c).	Sept. 7, 1916, ch. 451, §2(a)–(c), 39 Stat. 729; July 15, 1918, ch. 152, §2, 40 Stat. 900; June 5, 1920, ch. 250, §38, 41 Stat. 1008; Pub. L. 86–327, §3, Sept. 21, 1959, 73 Stat. 597; Pub. L. 105–383, title IV, §421, Nov. 13, 1998, 112 Stat. 3439. June 29, 1936, ch. 858, title IX, §905(c), 49 Stat. 2016; June 23, 1938, ch. 600, §39(b), 52 Stat. 964; Pub. L. 86–327, §4, Sept. 21, 1959, 73 Stat. 597.
50501(b) .....	46 App.:802(a) (words between 3d and 11th commas).	
50501(c) .....	46 App.:802(b).	
50501(d) .....	46 App.:802(c).	

In subsection (a), the words “and with respect to a corporation under subchapter VI of this chapter, all directors of the corporation are citizens of the United States” in 46 App. U.S.C. 1244(c) are omitted because part A of subchapter VI contains the operating-differential subsidy program which, under 46 App. U.S.C. 1185a, is being phased out, and part B of subchapter VI contains the Maritime Security Fleet program which is being repealed (effective October 1, 2005) and replaced by chapter 531 of title 46 as enacted by the Maritime

Security Act of 2003. Thus, subchapter VI is being omitted from the revised title and will instead appear as a note under section 53101. The words “and, in the case of a corporation, partnership, or association operating a vessel on the Great Lakes, or on bays, sounds, rivers, harbors, or inland lakes of the United States the amount of interest required to be owned by a citizen of the United States shall be not less than 75 per centum” in 46 App. U.S.C. 1244(c) are omitted as covered by the 75 percent ownership requirement for operation in the coastwise trade.

In subsection (b)(1), the words “Territory, District, or possession thereof” are omitted because of the definition of “State” in chapter 1 of the revised title.

**§ 50502. Applicability to receivers, trustees, successors, and assigns**

This subtitle applies to receivers, trustees, successors, and assigns of any person to whom this subtitle applies.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1567.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50502 .....	46 App.:803.	Sept. 7, 1916, ch. 451, §2(d), 39 Stat. 729; June 5, 1920, ch. 250, §38, 41 Stat. 1008.

**§ 50503. Oceanographic research vessels**

An oceanographic research vessel (as defined in section 2101 of this title) is deemed not to be engaged in trade or commerce.

(Pub. L. 109–304, §8(b), Oct. 6, 2006, 120 Stat. 1567.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
50503 .....	46 App.:441. 46 App.:443. 46 App.:444.	Pub. L. 89–99, §§1, 3, 4, July 30, 1965, 79 Stat. 424.

The definitions of “oceanographic research vessel” and “scientific personnel” in 46 App. U.S.C. 441 are omitted because substantially the same definitions are already in 46 U.S.C. 2101.

The text of 46 App. U.S.C. 444 is omitted because section 10101(3) of title 46, which defines “seaman” for purposes of part G of subtitle II of title 46, already contains an exception for scientific personnel. Title 53 of the Revised Statutes, referred to [in] 46 App. U.S.C. 444, was previously codified principally in part G of subtitle II of title 46.

**§ 50504. Sailing school vessels**

(a) DEFINITIONS.—In this section, the terms “sailing school instructor”, “sailing school student”, and “sailing school vessel” have the meaning given those terms in section 2101 of this title.

(b) NOT SEAMEN.—A sailing school student or sailing school instructor is deemed not to be a seaman under—

(1) parts B, F, and G of subtitle II of this title; or

(2) the maritime law doctrines of maintenance and cure or warranty of seaworthiness.

(c) NOT MERCHANT VESSEL OR ENGAGED IN TRADE OR COMMERCE.—A sailing school vessel is deemed not to be—

(1) a merchant vessel under section 11101(a)–(c) of this title; or