

sole trustee or receiver (subject to the direction of the court) if—

(A) the court finds that the appointment will—

- (i) inure to the advantage of the estate and the parties in interest; and
- (ii) tend to carry out the purposes of this subtitle; and

(B) the Secretary expressly consents to the appointment.

(2) APPOINTMENT OF OTHER PERSON.—The appointment of another person as trustee or receiver without a hearing becomes effective when ratified by the Secretary, but the Secretary may demand a hearing.

(b) OPERATION OF VESSELS.—

(1) IN GENERAL.—If the court is unwilling to allow the trustee or receiver to operate the vessel in foreign commerce without financial aid from the Government pending termination of the proceeding, and the Secretary certifies to the court that the continued operation of the vessel is essential to the foreign commerce of the United States and is reasonably calculated to carry out the purposes of this subtitle, the court may allow the Secretary to operate the vessel, either directly or through a managing agent or operator employed by the Secretary. The Secretary must agree to comply with terms imposed by the court sufficient to protect the parties in interest. The Secretary also must agree to pay all operating losses resulting from the operation. The operation shall be for the account of the trustee or receiver.

(2) PAYMENT OF OPERATING LOSSES AND OTHER AMOUNTS.—The Secretary has no claim against the corporation, its estate, or its assets for operating losses paid by the Secretary, but the Secretary may pay amounts for depreciation the Secretary considers reasonable and other amounts the court considers just. The payment of operating losses and the other amounts and compliance with terms imposed by the court shall be in satisfaction of any claim against the Secretary resulting from the operation of the vessel.

(3) DEEMED OPERATION BY GOVERNMENT.—A vessel operated by the Secretary under this subsection is deemed to be a vessel operated by the United States under chapter 309 of this title.

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1565.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50305	46 App.:1247.	June 29, 1936, ch. 858, title IX, §908, as added Pub. L. 95-598, title III, §334, Nov. 6, 1978, 92 Stat. 2680; Pub. L. 97-31, §12(134), Aug. 6, 1981, 95 Stat. 165.

In subsection (a)(1), before subparagraph (A), the words “Notwithstanding any other provision of law” and “bankruptcy, equity, or admiralty” are omitted as unnecessary.

In subsection (a)(2), the words “but the Secretary may demand a hearing” are substituted for “unless the Secretary shall deem a hearing necessary” for clarity.

In subsection (b)(1), the words “subject to the orders of the court” and “comply with the terms imposed by the court” are omitted as unnecessary.

In subsection (b)(2), the words “operating losses paid by the Secretary” are substituted for “the amount of such payments” for clarity.

In subsection (b)(3), the words “vessel operated by the United States” are substituted for “vessel of the United States” for clarity and consistency with chapter 309.

§ 50306. Requiring testimony and records in investigations

(a) IN GENERAL.—In conducting an investigation that the Secretary of Transportation considers necessary and proper to carry out this subtitle, the Secretary may administer oaths, take evidence, and subpoena persons to testify and produce documents relevant to the matter under investigation. Persons may be required to attend or produce documents from any place in the United States at any designated place of hearing.

(b) FEES AND MILEAGE.—Persons subpoenaed by the Secretary under subsection (a) shall be paid the same fees and mileage paid to witnesses in the courts of the United States.

(c) ENFORCEMENT OF SUBPOENAS.—If a person disobeys a subpoena issued under subsection (a), the Secretary may seek an order enforcing the subpoena from the district court of the United States for the district in which the person resides or does business. Process may be served in the judicial district in which the person resides or is found. The court may issue an order to obey the subpoena and punish a refusal to obey as a contempt of court.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
50306	46 App.:1124.	June 29, 1936, ch. 858, title II, §214, 49 Stat. 1991; June 23, 1938, ch. 600, §3, 52 Stat. 954; Pub. L. 91-452, title II, §241, Oct. 15, 1970, 84 Stat. 930; Pub. L. 97-31, §12(72), Aug. 6, 1981, 95 Stat. 159; Pub. L. 98-237, §20(a), Mar. 20, 1984, 98 Stat. 89; Pub. L. 98-595, §2, Oct. 30, 1984, 98 Stat. 3132.

In subsection (a), the word “affirmations” is omitted as unnecessary because of the definition of “oath” in 1 U.S.C. 1. The words “or any territory, district, or possession thereof” are omitted as unnecessary because of the definition of “United States” in chapter 1 of the revised title.

Subsection (c) is substituted for the source provision to eliminate unnecessary words.

§ 50307. Maritime environmental and technical assistance program

(a) IN GENERAL.—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and nongovernmental entities and facilities.

(b) COMPONENTS.—Under this section, the Secretary of Transportation may—

- (1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—
 - (A) reducing air emissions, water emissions, or other ship discharges;
 - (B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or
 - (C) controlling aquatic invasive species; and
- (2) coordinate with the Environmental Protection Agency, the Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

(c) COORDINATION.—Coordination under subsection (b)(2) may include—

- (1) activities that are associated with the development or approval of validation and testing regimes; and
- (2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

(d) ASSISTANCE.—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and nongovernmental entities and facilities to carry out the activities authorized under subsection (a).

(Added Pub. L. 112-213, title IV, § 403(a), Dec. 20, 2012, 126 Stat. 1569.)

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