

G, title LVXXXIII [LXXXIII], § 8332(d)(4), (5), Jan. 1, 2021, 134 Stat. 4705.)

PART E—CONTROL OF MERCHANT MARINE
CAPABILITIES

CHAPTER 561—RESTRICTIONS ON
TRANSFERS

Editorial Notes

AMENDMENTS

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. Marine highway transportation defined

In this chapter, the term “marine highway transportation” means the carriage by a documented vessel of cargo—

- (1) that is—
 - (A) contained in intermodal cargo containers and loaded by crane on the vessel;
 - (B) loaded on the vessel by means of wheeled technology;
 - (C) shipped in discrete units or packages that are handled individually, palletized, or unitized for purposes of transportation; or
 - (D) freight vehicles carried aboard commuter ferry boats; and
- (2) that is—
 - (A) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or
 - (B) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.

(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.)

Editorial Notes

AMENDMENTS

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.

| Sec. | |
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| 56101. | Approval required to transfer vessel to non-citizen. |
| 56102. | Additional controls during war or national emergency. |
| 56103. | Conditional approvals. |
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§ 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

(2) an operating agreement covering the vessel under chapter 531 of this title has expired.

(d) STATUS OF PROHIBITED TRANSACTION.—A charter, sale, or transfer of a vessel, or of an interest in or control of a vessel, in violation of this section is void.