

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
51905 .....	46 App.:2005.	Pub. L. 100-324, § 6, May 30, 1988, 102 Stat. 577.

**§ 51906. Special certificates for civilian service to armed forces**

(a) GENERAL AUTHORITY.—The Maritime Administrator may issue a special certificate to an individual, or the personal representative of an individual, in recognition of service of that individual in the merchant marine of the United States, if the service has been determined to be active duty under section 401 of the GI Bill Improvement Act of 1977 (Public Law 95-202; 38 U.S.C. 106 note).

(b) RELATIONSHIP TO OTHER LAWS.—Issuance of a certificate under subsection (a) does not entitle an individual to any rights, privileges, or benefits under a law of the United States.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1585.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
51906 .....	46 App.:2006.	Pub. L. 100-324, § 7, May 30, 1988, 102 Stat. 577.

**§ 51907. Provision of decorations, medals, and replacements**

The Secretary of Transportation may provide—

- (1) the decorations and medals authorized by this chapter and replacements for those decorations and medals; and
- (2) replacements for decorations and medals issued under a prior law.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1585; Pub. L. 109-163, div. C, title XXXV, § 3510, Jan. 6, 2006, 119 Stat. 3557; Pub. L. 110-181, div. C, title XXXV, § 3523(a)(5)(A), (b), Jan. 28, 2008, 122 Stat. 599, 600.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
51907 .....	46 App.:2004(c).	Pub. L. 100-324, § 5(c), May 30, 1988, 102 Stat. 577.

The Secretary's authority to provide decorations and medals at cost, or to authorize the sale of decorations and medals at reasonable prices, is restated to apply only to replacement awards because Congress probably did not intend that recipients being honored would pay for their decorations and medals.

## AMENDMENTS

2008—Pub. L. 110-181, § 3523(b), repealed Pub. L. 109-163, § 3510. See 2006 Amendment note below.

Pub. L. 110-181, § 3523(a)(5)(A), incorporated the substance of the amendment by Pub. L. 109-163, § 3510, into this section by amending section catchline and text generally. Prior to amendment, text read as follows: “The Secretary of Transportation may—

“(1) authorize private persons to manufacture decorations and medals authorized under this chapter or a prior law; and

“(2) provide at cost, or authorize private persons to sell at reasonable prices, replacements for those decorations and medals.”

See 2006 Amendment note below and section 18(a) of Pub. L. 109-304, set out as a Legislative Purpose and Construction note preceding section 101 of this title.

2006—Pub. L. 109-163, § 3510, which directed the amendment of section 2004(c) of the former Appendix to this title from which this section was derived, was repealed by Pub. L. 110-181, § 3523(b). See 2008 Amendment notes and Historical and Revision notes above.

**§ 51908. Prohibition against unauthorized manufacture, sale, possession, or display of awards**

(a) PROHIBITION.—Except as authorized by this chapter or the Secretary of Transportation, a person may not manufacture, sell, possess, or display a decoration or medal provided for in this chapter.

(b) CIVIL PENALTY.—A person violating this section is liable to the United States Government for a civil penalty of not more than \$2,000.

(Pub. L. 109-304, § 8(b), Oct. 6, 2006, 120 Stat. 1585; Pub. L. 109-364, div. C, title XXXV, § 3510(b), Oct. 17, 2006, 120 Stat. 2520; Pub. L. 110-181, div. C, title XXXV, § 3526(e), (g), Jan. 28, 2008, 122 Stat. 602.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
51908 .....	46 App.:2007.	Pub. L. 100-324, § 8, May 30, 1988, 102 Stat. 577.

In subsection (b), the words “not more than” are added for clarity and for consistency in the revised title.

## AMENDMENTS

2008—Pub. L. 110-181, § 3526(g), repealed Pub. L. 109-364, § 3510(b). See 2006 Amendment note below.

Subsec. (a). Pub. L. 110-181, § 3526(e), incorporated the substance of the amendment by Pub. L. 109-364, § 3510(b), into this section by substituting “by this chapter or the Secretary of Transportation” for “under this chapter”. See 2006 Amendment note below and section 18(a) of Pub. L. 109-304, set out as a Legislative Purpose and Construction note preceding section 101 of this title.

2006—Pub. L. 109-364, § 3510(b), which directed the amendment of section 2007 of the former Appendix to this title from which this section was derived, was repealed by Pub. L. 110-181, § 3526(g). See 2008 Amendment note for subsec. (a) and Historical and Revision notes above.

**CHAPTER 521—MISCELLANEOUS**

Sec.

52101. Reemployment rights for certain merchant seamen.

**§ 52101. Reemployment rights for certain merchant seamen**

(a) IN GENERAL.—An individual who is certified by the Secretary of Transportation under subsection (c) shall be entitled to reemployment rights and other benefits substantially equivalent to the rights and benefits provided for by chapter 43 of title 38 for any member of a reserve component of the armed forces of the United States who is ordered to active duty.

(b) TIME FOR APPLICATION.—An individual may submit an application for certification under subsection (c) to the Secretary not later than 45 days after the date the individual completes a period of employment described in subsection

(c)(1)(A) with respect to which the application is submitted.

(c) CERTIFICATION DETERMINATION.—Not later than 20 days after the date the Secretary receives from an individual an application for certification under this subsection, the Secretary shall—

(1) determine whether the individual—  
(A) was employed in the activation or operation of a vessel—

(i) in the National Defense Reserve Fleet maintained under section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744) in a period in which the vessel was in use or being activated for use under subsection (b) of that section;

(ii) requisitioned or purchased under chapter 563 of this title; or

(iii) owned, chartered, or controlled by the United States Government and used by the Government for a war, armed conflict, national emergency, or maritime mobilization need (including for training purposes or testing for readiness and suitability for mission performance); and

(B) during the period of that employment, possessed a valid license, certificate of registry, or merchant mariner's document issued under chapter 71 or 73 of this title; and

(2) if the Secretary makes affirmative determinations under subparagraphs (A) and (B) of paragraph (1), certify that individual under this subsection.

(d) EQUIVALENCE TO MILITARY SELECTIVE SERVICE ACT CERTIFICATE.—For purposes of reemployment rights and benefits provided by this section, a certification under subsection (c) shall be considered to be the equivalent of a certificate described in section 9(a) of the Military Selective Service Act (50 App. U.S.C. 459(a)).

(Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1585.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
52101 .....	46 App.:1132.	June 29, 1936, ch. 858, title III, § 302, as added Pub. L. 104-239, § 10(a), Oct. 8, 1996, 110 Stat. 3133.

In subsection (c)(1)(B), the words “(as applicable)” are omitted as unnecessary.

In subsection (d), the words “certificate described in section 9(a) of the Military Selective Service Act (50 App. U.S.C. 459(a))” are substituted for “certificate referred to in paragraph (1) of section 4301(a) of title 38” because section 4301 of title 38 was amended generally by section 2(a) of Public Law 103-353, and before the amendment section 4301(a)(1) referred to a certificate described in section 9(a) of the Military Selective Service Act (50 App. U.S.C. 459(a)).

PART C—FINANCIAL ASSISTANCE PROGRAMS

AMENDMENTS

2006—Pub. L. 109-304, §8(b), Oct. 6, 2006, 120 Stat. 1586, inserted “Part C—Financial Assistance Programs”.

CHAPTER 531—MARITIME SECURITY FLEET

Sec.	
53101.	Definitions.
53102.	Establishment of Maritime Security Fleet.

Sec.	
53103.	Award of operating agreements.
53104.	Effectiveness of operating agreements.
53105.	Obligations and rights under operating agreements.
53106.	Payments.
53107.	National security requirements.
53108.	Regulatory relief.
53109.	Special rule regarding age of participating fleet vessel. <sup>1</sup>
53110.	Regulations.
53111.	Authorization of appropriations.

§ 53101. Definitions

In this chapter:

(1) BULK CARGO.—The term “bulk cargo” means cargo that is loaded and carried in bulk without mark or count.

(2) CONTRACTOR.—The term “contractor” means an owner or operator of a vessel that enters into an operating agreement for the vessel with the Secretary under section 53103.

(3) FLEET.—The term “Fleet” means the Maritime Security Fleet established under section 53102(a).

(4) FOREIGN COMMERCE.—The term “foreign commerce” means—

(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

(B) commerce or trade between foreign countries.

(5) LASH VESSEL.—The term “LASH vessel” means a lighter aboard ship vessel.

(6) PARTICIPATING FLEET VESSEL.—The term “participating fleet vessel” means any vessel that—

(A) on October 1, 2005—

(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

(ii) is less than 25 years of age, or less than 30 years of age in the case of a LASH vessel; and

(B) on December 31, 2004, is covered by an operating agreement under subtitle B of title VI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1187 et seq.).<sup>1</sup>

(7) PERSON.—The term “person” includes corporations, partnerships, and associations existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

(8) PRODUCT TANK VESSEL.—The term “product tank vessel” means a double hulled tank vessel capable of carrying simultaneously more than 2 separated grades of refined petroleum products.

(9) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(10) TANK VESSEL.—The term “tank vessel” has the meaning that term has under section 2101 of this title.

(11) UNITED STATES.—The term “United States” includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern

<sup>1</sup> Section repealed by Pub. L. 112-239 without corresponding amendment of chapter analysis.

<sup>1</sup> See References in Text note below.