

(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

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 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 L. 110-181, § 3526(g), repealed Pub.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directed the amendment of section 2007 of the former Appendix to this title from which this section was derived, was repealed by Pub.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)¹ 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)).¹

(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)).

REFERENCES IN TEXT

Section 11 of the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1744), referred to in subsec. (c)(1)(A)(i), is section 11 of act Mar. 8, 1946, ch. 82, 60 Stat. 49, which was classified to section 1744 of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as section 4405 of Title 50.

Section 9(a) of the Military Selective Service Act (50 App. U.S.C. 459(a)), referred to in subsec. (d), is section 9(a) of act June 24, 1948, ch. 625, 62 Stat. 614, which was classified to section 459(a) of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as section 3808(a) of Title 50.

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.
53103. Award of operating agreements.
53104. Effectiveness of operating agreements.
53105. Obligations and rights under operating agreements.

¹ See References in Text note below.

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| Sec. | |
| 53106. | Payments. |
| 53107. | National security requirements. |
| 53108. | Regulatory relief. |
| 53109. | Special rule regarding age of participating fleet vessel. ¹ |
| 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) **PARTICIPATING FLEET VESSEL.**—The term “participating fleet vessel” means any vessel that—

(A) on October 1, 2015—

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

(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

(B) on December 31, 2014, is covered by an operating agreement under this chapter.

(6) **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.

(7) **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.

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

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

(10) **UNITED STATES.**—The term “United States” includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, the Virgin Islands.

(11) **UNITED STATES CITIZEN TRUST.**—(A) Subject to subparagraph (C), the term “United States citizen trust” means a trust that is qualified under this paragraph.

(B) A trust is qualified under this paragraph with respect to a vessel only if—

(i) each of the trustees is a citizen of the United States; and

(ii) the application for documentation of the vessel under chapter 121 of this title includes the affidavit of each trustee stating that the trustee is not aware of any reason involving a beneficiary of the trust that is not a citizen of the United States, or involving any other person that is not a citizen of the United States, as a result of which the beneficiary or other person would hold more than 25 percent of the aggregate power to influence or limit the exercise of the authority of the trustee with respect to matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States.

(C) If any person that is not a citizen of the United States has authority to direct or participate in directing a trustee for a trust in matters involving any ownership or operation of the vessel that may adversely affect the interests of the United States or in removing a trustee for a trust without cause, either directly or indirectly through the control of another person, the trust is not qualified under this paragraph unless the trust instrument provides that persons who are not citizens of the United States may not hold more than 25 percent of the aggregate authority to so direct or remove a trustee.

(D) This paragraph shall not be considered to prohibit a person who is not a citizen of the United States from holding more than 25 percent of the beneficial interest in a trust.

(12) **UNITED STATES-DOCUMENTED VESSEL.**—The term “United States-documented vessel” means a vessel documented under chapter 121 of this title.

(Added Pub. L. 108–136, div. C, title XXXV, § 3531(a), Nov. 24, 2003, 117 Stat. 1803; amended Pub. L. 112–239, div. C, title XXXV, § 3508(a), Jan. 2, 2013, 126 Stat. 2223.)

AMENDMENTS

2013—Par. (4). Pub. L. 112–239, § 3508(a)(1), amended par. (4) generally. Prior to amendment, par. (4) defined “foreign commerce”.

Par. (5). Pub. L. 112–239, § 3508(a)(4), amended par. (5) generally. Prior to amendment, par. (5) defined “participating fleet vessel”.

Pub. L. 112–239, § 3508(a)(2), (3), redesignated par. (6) as (5) and struck out former par. (5). Prior to amendment, text of par. (5) read as follows: “The term ‘LASH vessel’ means a lighter aboard ship vessel.”

Pars. (6) to (13). Pub. L. 112–239, § 3508(a)(3), redesignated pars. (7) to (13) as (6) to (12), respectively. Former par. (6) redesignated (5).

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112–239, div. C, title XXXV, § 3508(j), Jan. 2, 2013, 126 Stat. 2226, provided that: “The amendments made by—

“(1) paragraphs (2), (3), and (4) of subsection (a) [amending this section] take effect on December 31, 2014; and

“(2) subsection (f)(2) [amending section 53106 of this title] take effect on December 31, 2014.”

EFFECTIVE DATE

Pub. L. 108–136, div. C, title XXXV, § 3537, Nov. 24, 2003, 117 Stat. 1819, provided that:

“(a) **IN GENERAL.**—Except as provided in subsections (b) and (c), this subtitle [subtitle C (§§ 3531–3537) of title

¹ Section repealed by Pub. L. 112–239 without corresponding amendment of chapter analysis.