

[§ 53109. Repealed. Pub. L. 112-239, div. C, title XXXV, § 3508(h), Jan. 2, 2013, 126 Stat. 2225]

Section, Pub. L. 108-136, div. C, title XXXV, § 3531(a), Nov. 24, 2003, 117 Stat. 1817, related to special rule regarding age of participating fleet vessel.

§ 53110. Regulations

The Secretary and the Secretary of Defense may each prescribe rules as necessary to carry out their respective responsibilities under this chapter.

(Added Pub. L. 108-136, div. C, title XXXV, § 3531(a), Nov. 24, 2003, 117 Stat. 1817.)

Statutory Notes and Related Subsidiaries

INTERIM RULES

Pub. L. 108-136, div. C, title XXXV, § 3533, Nov. 24, 2003, 117 Stat. 1818, provided that: “The Secretary of Transportation and the Secretary of Defense may each prescribe interim rules necessary to carry out their respective responsibilities under this subtitle [subtitle C (§§ 3531-3537) of title XXXV of div. C of Pub. L. 108-136, enacting this chapter, amending former section 12102 of this title and sections 808 and 1162 of the former Appendix to this title, repealing sections 1187 to 1187e and 1222 of the former Appendix to this title, enacting provisions set out as a note under section 53101 of this title, and amending provisions set out as a note under section 1187 of the former Appendix to this title] and the amendments made by this subtitle. For this purpose, the Secretaries are excepted from compliance with the notice and comment requirements of section 553 of title 5, United States Code. All interim rules prescribed under the authority of this section that are not earlier superseded by final rules shall expire no later than 270 days after the effective date of this subtitle [see Effective Date note set out under section 53101 of this title].”

§ 53111. Authorization of appropriations

There are authorized to be appropriated for payments under section 53106, to remain available until expended—

- (1) \$300,000,000 for each of fiscal years 2018, 2019, and 2020;
- (2) \$494,008,000 for fiscal year 2021;
- (3) \$318,000,000 for each of fiscal years 2022, 2023, 2024, and 2025;
- (4) \$348,000,000 for each of fiscal years 2026, 2027, and 2028;
- (5) \$378,000,000 for each of fiscal years 2029, 2030, and 2031; and
- (6) \$408,000,000 for each of fiscal years 2032, 2033, 2034, and 2035.

(Added Pub. L. 108-136, div. C, title XXXV, § 3531(a), Nov. 24, 2003, 117 Stat. 1817; amended Pub. L. 111-383, div. C, title XXXV, § 3502(3), Jan. 7, 2011, 124 Stat. 4518; Pub. L. 112-239, div. C, title XXXV, § 3508(i), Jan. 2, 2013, 126 Stat. 2225; Pub. L. 114-92, div. C, title XXXV, § 3504(b), Nov. 25, 2015, 129 Stat. 1219; Pub. L. 114-113, div. O, title I, § 101(e)(2), Dec. 18, 2015, 129 Stat. 2988; Pub. L. 115-232, div. C, title XXXV, § 3546(p), Aug. 13, 2018, 132 Stat. 2327; Pub. L. 116-92, div. C, title XXXV, § 3502(d), Dec. 20, 2019, 133 Stat. 1969; Pub. L. 116-283, div. C, title XXXV, § 3501(c)(1), Jan. 1, 2021, 134 Stat. 4397.)

Editorial Notes

AMENDMENTS

2021—Par. (2). Pub. L. 116-283 substituted “\$494,008,000” for “\$314,007,780”.

2019—Pars. (3) to (6). Pub. L. 116-92 substituted “\$318,000,000 for each of fiscal years 2022, 2023, 2024, and 2025;” for “\$222,000,000 for each fiscal year thereafter through fiscal year 2025.” in par. (3) and added pars. (4) to (6).

2018—Pub. L. 115-232 redesignated pars. (5) to (7) as (1) to (3), respectively, and struck out former pars. (1) to (4) which set out authorized amounts for fiscal years 2006 to 2017.

2015—Par. (3). Pub. L. 114-113, § 101(e)(2)(A), substituted “and 2015” for “2015, 2017, and 2018;”.

Pub. L. 114-92 struck out “2016,” after “2015.”.

Pars. (4) to (7). Pub. L. 114-113, § 101(e)(2)(B), (C), added pars. (4) to (6), redesignated former par. (5) as (7), and struck out former par. (4) which read as follows: “\$210,000,000 for each of fiscal years 2019, 2020, and 2021; and”.

2013—Par. (2). Pub. L. 112-239, § 3508(i)(1), struck out “and” at end.

Pars. (3) to (5). Pub. L. 112-239, § 3508(i)(2), which directed amendment of par. (3) “to read as follows” and then set out pars. (3) to (5), was executed by amending par. (3) generally and adding pars. (4) and (5) to reflect the probable intent of Congress. Prior to amendment, par. (3) read as follows: “\$186,000,000 for each fiscal year thereafter through fiscal year 2025.”

2011—Par. (3). Pub. L. 111-383 substituted “2025” for “2015”.

CHAPTER 532—CABLE SECURITY FLEET

Sec.

53201.	Definitions.
53202.	Establishment of the Cable Security Fleet.
53203.	Award of operating agreements.
53204.	Effectiveness of operating agreements.
53205.	Obligations and rights under operating agreements.
53206.	Payments.
53207.	National security requirements.
53208.	Regulatory relief.
53209.	Authorization of appropriations.

§ 53201. Definitions

In this chapter:

(1) **CABLE SERVICES.**—The term “cable services” means the installation, maintenance, or repair of submarine cables and related equipment, and related cable vessel operations.

(2) **CABLE VESSEL.**—The term “cable vessel” means a vessel—

(A) classed as a cable ship or cable vessel by, and designed in accordance with the rules of, the American Bureau of Shipping, or another classification society accepted by the Secretary; and

(B) capable of installing, maintaining, and repairing submarine cables.

(3) **CABLE FLEET.**—The term “Cable Fleet” means the Cable Security Fleet established under section 53202(a).

(4) **CONTINGENCY AGREEMENT.**—The term “Contingency Agreement” means the agreement required by section 53207.

(5) **CONTRACTOR.**—The term “Contractor” means an owner or operator of a vessel that enters into an Operating Agreement for a cable vessel with the Secretary under section 53203.

(6) **FISCAL YEAR.**—The term “fiscal year” means any annual period beginning on October 1 and ending on September 30.

(7) **OPERATING AGENCY.**—The term “Operating Agency” means that agency or component of the Department of Defense so des-

ignated by the Secretary of Defense under this chapter.

(8) OPERATING AGREEMENT OR AGREEMENT.—The terms “Operating Agreement” or “Agreement” mean the agreement required by section 53203.

(9) 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.

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

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

(12) UNITED STATES CITIZEN TRUST.—

(A) Subject to paragraph (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) it was created under the laws of a state of the United States;

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

(iii) 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, the 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 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.

(Added Pub. L. 116-92, div. C, title XXXV, § 3521(a), Dec. 20, 2019, 133 Stat. 1988.)

§ 53202. Establishment of the Cable Security Fleet

(a) IN GENERAL.—(1) The Secretary, in consultation with the Operating Agency, shall es-

tablish a fleet of active, commercially viable, cable vessels to meet national security requirements. The fleet shall consist of privately owned, United States-documented cable vessels for which there are in effect Operating Agreements under this chapter, and shall be known as the Cable Security Fleet.

(2) The Fleet described under this section shall include two vessels.

(b) VESSEL ELIGIBILITY.—A cable vessel is eligible to be included in the Fleet if—

(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in commercial service providing cable services;

(3) the vessel is 40 years of age or less on the date the vessel is included in the Fleet;

(4) the vessel is—

(A) determined by the Operating Agency to be suitable for engaging in cable services by the United States in the interest of national security; and

(B) determined by the Secretary to be commercially viable, whether independently or taking any payments which are the consequence of participation in the Cable Fleet into account; and

(5) the vessel—

(A) is a United States-documented vessel;

or

(B) is not a United States-documented vessel, but—

(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Cable Fleet; and

(ii) at the time an Operating Agreement is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.

(c) REQUIREMENTS REGARDING CITIZENSHIP OF OWNERS AND OPERATORS.—

(1) VESSELS OWNED AND OPERATED BY SECTION 50501 CITIZENS.—A vessel meets the requirements of this paragraph if, during the period of an Operating Agreement under this chapter that applies to the vessel, the vessel will be owned and operated by one or more persons that are citizens of the United States¹ under section 50501 of this title.

(2) VESSELS OWNED BY A SECTION 50501 CITIZEN, OR UNITED STATES CITIZEN TRUST, AND CHARTERED TO A DOCUMENTATION CITIZEN.—A vessel meets the requirements of this paragraph if—

(A) during the period of an Operating Agreement under this chapter that applies to the vessel, the vessel will be—

(i) owned by a person that is a citizen of the United States under section 50501 of this title or that is a United States citizen trust; and

(ii) demise chartered to and operated by a person—

(I) that is eligible to document the vessel under chapter 121 of this title;

(II) the chairman of the board of directors, chief executive officer, and a major-

¹ So in original. Probably should be capitalized.