

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10906	46:658

Section 10906 provides that if a consular officer finds that a vessel has been sent to sea in an unsuitable state, a crew member requesting discharge must be paid one month's additional wages and passage to the United States.

§ 10907. Permission to make complaint

(a) A master may not refuse to permit, deny the opportunity to, or hinder a seaman who wishes to make a complaint authorized by this chapter.

(b) A master violating this section is liable to the United States Government for civil penalty of \$500.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 577.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10907	46:653 46:664

Section 10907 prohibits a master from hindering a seaman from making a complaint authorized by this chapter and subjects the master to a fine for violation of this section.

§ 10908. Penalty for sending unseaworthy vessel to sea

A person that knowingly sends or attempts to send, or that is a party to sending or attempting to send, a vessel of the United States to sea, in an unseaworthy state that is likely to endanger the life of an individual, shall be fined not more than \$1,000, imprisoned for not more than 5 years, or both.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 577.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10908	46:658

Section 10908 provides a penalty for a person knowingly sending or attempting to send an unseaworthy vessel to sea.

CHAPTER 111—PROTECTION AND RELIEF

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Editorial Notes

AMENDMENTS

2014—Pub. L. 113–281, title III, § 320(b), Dec. 18, 2014, 128 Stat. 3054, added item 11113.

1986—Pub. L. 99–307, § 1(19)(A), May 19, 1986, 100 Stat. 446, added item 11112.

§ 11101. Accommodations for seamen

(a) On a merchant vessel of the United States the construction of which began after March 4, 1915 (except a yacht, pilot vessel, or vessel of less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title)—

(1) each place appropriated to the crew of the vessel shall have a space of at least 120 cubic feet and at least 16 square feet, measured on the floor or deck of that place, for each seaman or apprentice lodged in the vessel;

(2) each seaman shall have a separate berth and not more than one berth shall be placed one above another;

(3) the place or berth shall be securely constructed, properly lighted, drained, heated, and ventilated, properly protected from weather and sea, and, as far as practicable, properly shut off and protected from the effluvia of cargo or bilge water;

(4) crew space shall be kept free from goods or stores that are not the personal property of the crew occupying the place in use during the voyage; and

(5) each crew berthing area shall be equipped with information regarding—

(A) vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage; and

(B) procedures and resources to report crimes, including sexual assault and sexual harassment, including information—

(i) on the telephone number, website address, and email address for reporting allegations of sexual assault and sexual harassment to the Coast Guard;

(ii) on vessel owner or company procedures to report violations of company policy and access resources;

(iii) on resources provided by outside organizations such as sexual assault hotlines and counseling;

(iv) on the retention period for surveillance video recording after an incident of sexual harassment or sexual assault is reported; and

(v) additional items specified in regulations issued by, and at the discretion of, the Secretary of the department in which the Coast Guard is operating.

(b) In addition to the requirements of subsection (a) of this section, a merchant vessel of the United States that in the ordinary course of trade makes a voyage of more than 3 days' duration between ports and carries a crew of at least 12 seamen shall have a hospital compartment, suitably separated from other spaces. The compartment shall have at least one bunk for each 12 seamen constituting the crew (but not more than 6 bunks may be required).

(c) A steam vessel of the United States operating on the Mississippi River or its tributaries shall provide, under the direction and approval of the Secretary, an appropriate place for the crew that shall conform to the requirements of

this section, as far as they apply to the steam vessel, by providing a properly heated sleeping room in the engineroom of the steam vessel properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck.

(d) A merchant vessel of the United States, the construction of which began after March 4, 1915, having more than 10 seamen on deck, shall have at least one lighted, clean, and properly heated and ventilated washing place. There shall be provided at least one washing outfit for each 2 seamen of the watch. A separate washing place shall be provided for the fireroom and engineroom seamen, if their number is more than 10, that shall be large enough to accommodate at least one-sixth of them at the same time, and have a hot and cold water supply and a sufficient number of washbasins, sinks, and shower baths. In each washing space in a visible location there shall be information regarding procedures and resources to report crimes upon the vessel, including sexual assault and sexual harassment, and vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage.

(e) Forecastles shall be fumigated at intervals provided by regulations prescribed by the Secretary of Health and Human Services, with the approval of the Secretary, and shall have at least 2 exits, one of which may be used in emergencies.

(f) The owner, charterer, managing operator, agent, master, or licensed individual of a vessel not complying with this section is liable to the United States Government for a civil penalty of at least \$50 but not more than \$500.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 577; Pub. L. 99–36, §1(a)(6), May 15, 1985, 99 Stat. 67; Pub. L. 104–324, title VII, §740, Oct. 19, 1996, 110 Stat. 3942; Pub. L. 117–263, div. K, title CXVI, §11604, Dec. 23, 2022, 136 Stat. 4148.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11101	46:660–1

Section 11101 provides mandatory standards for crew accommodations and a penalty for noncompliance with those standards.

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(5). Pub. L. 117–263, §11604(1)–(3), added par. (5).

Subsec. (d). Pub. L. 117–263, §11604(4), inserted at end “In each washing space in a visible location there shall be information regarding procedures and resources to report crimes upon the vessel, including sexual assault and sexual harassment, and vessel owner or company policies prohibiting sexual assault and sexual harassment, retaliation, and drug and alcohol usage.”

1996—Subsec. (a). Pub. L. 104–324 inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “100 gross tons” in introductory provisions.

1985—Subsec. (d). Pub. L. 99–36 substituted “lighted” for “light”.

§ 11102. Medicine chests

(a) A vessel of the United States on a voyage from a port in the United States to a foreign port (except to a Canadian port), and a vessel of the United States of at least 75 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title on a voyage between a port of the United States on the Atlantic Ocean and Pacific Ocean, shall be provided with a medicine chest.

(b) The owner and master of a vessel not equipped as required by subsection (a) of this section or a regulation prescribed under subsection (a) are liable to the United States Government for a civil penalty of \$500. If the offense was due to the fault of the owner, a master penalized under this section has the right to recover the penalty and costs from the owner.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 578; Pub. L. 104–324, title VII, §741, Oct. 19, 1996, 110 Stat. 3942.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11102(a)	46:666
11102(b)	46:667

Section 11102 requires that a United States vessel on a foreign or intercoastal domestic voyage be equipped with a medicine chest, and provides a penalty for noncompliance. The Committee intends that regulation will provide for a well stocked medicine chest adequate for the crew of a vessel.

Editorial Notes

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–324 inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “75 gross tons”.

§ 11103. Slop chests

(a) A vessel to which section 11102 of this title applies shall be provided with a slop chest containing sufficient clothing for the intended voyage for each seaman, including—

- (1) boots or shoes;
- (2) hats or caps;
- (3) underclothing;
- (4) outer clothing;
- (5) foul weather clothing;
- (6) everything necessary for the wear of a seaman; and
- (7) a complete supply of tobacco and blankets.

(b) Merchandise in the slop chest shall be sold to a seaman desiring it, for the use of the seaman, at a profit of not more than 10 percent of the reasonable wholesale value of the merchandise at the port at which the voyage began.

(c) This section does not apply to a vessel on a voyage to Canada, Bermuda, the West Indies, Mexico, or Central America, or a fishing or whaling vessel.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 578.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11103	46:670 46:671

Section 11103 requires that a United States vessel on a foreign or intercoastal domestic voyage be equipped with a slop chest and lists the items the slop chest must contain.

§ 11104. Destitute seamen

(a) A consular officer shall provide, for a destitute seaman of the United States, subsistence and passage to a port of the United States in the most reasonable manner, at the expense of the United States Government and subject to regulations prescribed by the Secretary of State. A seaman, if able, shall be required to perform duties on the vessel giving the seaman passage, in accordance with the seaman's rating.

(b) A master of a vessel of the United States bound to a port of the United States shall take a destitute seaman on board at the request of a consular officer and transport the seaman to the United States. A master refusing to transport a destitute seaman when requested is liable to the United States Government for a civil penalty of \$100. The certificate signed and sealed by a consular officer is prima facie evidence of refusal. A master is not required to carry a destitute seaman if the seaman's presence would cause the number of individuals on board to exceed the number permitted in the certificate of inspection or if the seaman has a contagious disease.

(c) Compensation for the transportation of destitute seamen to the United States who are unable to work shall be agreed on by the master and the consular officer, under regulations prescribed by the Secretary of State. However, the compensation may be not more than the lowest passenger rate of the vessel, or 2 cents a mile, whichever is less.

(d) When a master of a vessel of the United States takes on board a destitute seaman unable to work, from a port or place not having a consular officer, for transportation to the United States or to a port at which there is a consular officer, the master or owner of the vessel shall be compensated reasonably under regulations prescribed by the Secretary of State.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 578.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11104(a)	46:678
11104(b)-(d)	46:679

Section 11104 provides for the return to the United States of destitute seamen of the United States at the expense of the United States Government.

§ 11105. Wages on discharge when vessel sold

(a) When a vessel of the United States is sold in a foreign country, the master shall deliver to the consular officer a certified crew list and the agreement required by this part. The master shall pay each seaman the wages due the seaman and provide the seaman with employment on board another vessel of the United States bound for the port of original engagement of the

seaman or to another port agreed on. If employment cannot be provided, the master shall—

(1) provide the seaman with the means to return to the port of original engagement;

(2) provide the seaman passage to the port of original engagement; or

(3) deposit with the consular officer an amount of money considered sufficient by the officer to provide the seaman with maintenance and passage home.

(b) The consular officer shall endorse on the agreement the particulars of the payment, provision, or deposit made under this section.

(c) An owner of a vessel is liable to the United States Government for a civil penalty of \$500 if the master does not comply with this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 579.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11105	46:684

Section 11105 provides that when a United States vessel is sold in a foreign port, the seamen must be provided employment on another vessel, or passage to the port of original shipment.

§ 11106. Wages on justifiable complaint of seamen

(a) Before a seaman on a vessel of the United States is discharged in a foreign country by a consular officer on the seaman's complaint that the agreement required by this part has been breached because the vessel is badly provisioned or unseaworthy, or against the officers for cruel treatment, the officer shall inquire about the complaint. If satisfied of the justice of the complaint, the consular officer shall require the master to pay the wages due the seaman plus one month's additional wages and shall discharge the seaman. The master shall provide the seaman with employment on another vessel or provide the seaman with passage on another vessel to the port of original engagement, to the most convenient port of the United States, or to some port agreeable to the seaman.

(b) When a vessel does not have sufficient provisions for the intended voyage, and the seaman has been forced to accept a reduced ration or provisions that are bad in quality or unfit for use, the seaman is entitled to recover from the master or owner an allowance, as additional wages, that the court hearing the case considers reasonable.

(c) Subsection (b) of this section does not apply when the reduction in rations was for a period during which the seaman willfully and without sufficient cause failed to perform duties or was lawfully under confinement on board or on shore for misconduct, unless that reduction can be shown to have been unreasonable.

(d) Subsection (b) of this section does not apply to a fishing or whaling vessel or a yacht.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 579.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11106(a)	46:685
11106(b)-(d)	46:685

Section 11106 provides compensation to seamen on United States vessels when a shipping agreement is

breached. It does not apply to fishing vessels, whaling vessels or yachts.

§ 11107. Unlawful engagements void

An engagement of a seaman contrary to a law of the United States is void. A seaman so engaged may leave the service of the vessel at any time and is entitled to recover the highest rate of wages at the port from which the seaman was engaged or the amount agreed to be given the seaman at the time of engagement, whichever is higher.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 580.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11107	46:578

Section 11107 entitles seamen engaged contrary to any United States law to leave the service of the vessel without loss of wages.

§ 11108. Taxes

(a) **WITHHOLDING.**—Wages due or accruing to a master or seaman on a vessel in the foreign, coastwise, intercoastal, interstate, or non-contiguous trade or an individual employed on a fishing vessel or any fish processing vessel may not be withheld under the tax laws of a State or a political subdivision of a State. However, this section does not prohibit withholding wages of a seaman on a vessel in the coastwise trade between ports in the same State if the withholding is under a voluntary agreement between the seaman and the employer of the seaman.

(b) **LIABILITY.**—

(1) **LIMITATION ON JURISDICTION TO TAX.**—An individual to whom this subsection applies is not subject to the income tax laws of a State or political subdivision of a State, other than the State and political subdivision in which the individual resides, with respect to compensation for the performance of duties described in paragraph (2).

(2) **APPLICATION.**—This subsection applies to an individual—

(A) engaged on a vessel to perform assigned duties in more than one State as a pilot licensed under section 7101 of this title or licensed or authorized under the laws of a State; or

(B) who performs regularly assigned duties while engaged as a master, officer, or crewman on a vessel operating on navigable waters in 2 or more States.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 580; Pub. L. 98-364, title IV, §402(14), July 17, 1984, 98 Stat. 450; Pub. L. 106-489, §1, Nov. 9, 2000, 114 Stat. 2207; Pub. L. 111-281, title IX, §906, Oct. 15, 2010, 124 Stat. 3012.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11108	46:601

Section 11108 prohibits the mandatory withholding of state or local taxes from crewmembers on certain specified vessels. It permits, however, voluntary withholding agreements.

Editorial Notes

AMENDMENTS

2010—Subsec. (b)(2)(B). Pub. L. 111-281 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “who performs regularly-assigned duties while engaged as a master, officer, or crewman on a vessel operating on the navigable waters of more than one State.”

2000—Pub. L. 106-489 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1984—Pub. L. 98-364 substituted “an individual employed on a fishing vessel or any fish processing vessel” for “a fisherman employed on a fishing vessel”.

§ 11109. Attachment of wages

(a) Wages due or accruing to a master or seaman are not subject to attachment or arrestment from any court, except for an order of a court about the payment by a master or seaman of any part of the master’s or seaman’s wages for the support and maintenance of the spouse or minor children of the master or seaman, or both. A payment of wages to a master or seaman is valid, notwithstanding any prior sale or assignment of wages or any attachment, encumbrance, or arrestment of the wages.

(b) An assignment or sale of wages or salvage made before the payment of wages does not bind the party making it, except allotments authorized by section 10315 of this title.

(c) This section applies to an individual employed on a fishing vessel or any fish processing vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 580; Pub. L. 98-364, title IV, §402(15), July 17, 1984, 98 Stat. 450.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11109	46:601

Section 11109 limits the attachment of a seaman’s wages and establishes certain rules for the assignment of a seaman’s wages. It also applies to fishermen on fishing vessels.

Editorial Notes

AMENDMENTS

1984—Subsec. (c). Pub. L. 98-364 substituted “an individual employed on a fishing vessel or any fish processing vessel” for “a fisherman on a fishing vessel”.

§ 11110. Seamen’s clothing

The clothing of a seaman is exempt from attachments and liens. A person detaining a seaman’s clothing shall be fined not more than \$500, imprisoned for not more than 6 months, or both.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 580.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11110	46:563

Section 11110 exempts seamen’s clothing from attachments and liens. It also provides a penalty for violations.

§ 11111. Limit on amount recoverable on voyage

When a seaman is on a voyage on which a written agreement is required under this part,

not more than \$1 is recoverable from the seaman by a person for a debt incurred by the seaman during the voyage for which the seaman is signed on until the voyage is ended.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 581.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11111	46:602

Section 11111 limits the amount of money recoverable from a seaman for a debt incurred while on a voyage on which a shipping agreement is required.

§ 11112. Master's lien for wages

The master of a documented vessel has the same lien against the vessel for the master's wages and the same priority as any other seaman serving on the vessel.

(Added Pub. L. 99-307, § 1(19)(B), May 19, 1986, 100 Stat. 446.)

§ 11113. Treatment of abandoned seafarers

(a) ABANDONED SEAFARERS FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury a separate account to be known as the Abandoned Seafarers Fund.

(2) AUTHORIZED USES.—Amounts in the Fund may be appropriated to the Secretary for use—

(A) to pay necessary support of a seafarer—

(i) who—

(I) was paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), or for whom the Secretary has requested parole under such section; and

(II) is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of law by the Coast Guard; or

(ii) who—

(I) is physically present in the United States; and

(II) the Secretary determines was abandoned in the United States; and

(III) has not applied for asylum under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) to reimburse a vessel owner or operator for the costs of necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of law by the Coast Guard, if—

(i) the vessel owner or operator is not convicted of a criminal offense related to such matter; or

(ii) the Secretary determines that reimbursement is appropriate.

(3) CREDITING OF AMOUNTS TO FUND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), there shall be credited to the Fund the following:

(i) Penalties deposited in the Fund under section 9 of the Act to Prevent Pollution from Ships (33 U.S.C. 1908).

(ii) Amounts reimbursed or recovered under subsection (c).

(B) LIMITATION.—Amounts may be credited to the Fund under subparagraph (A) only if the unobligated balance of the Fund is less than \$5,000,000.

(4) REPORT REQUIRED.—Except as provided in paragraph (5), on the date on which the President submits each budget for a fiscal year pursuant to section 1105 of title 31, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

(A) the amounts credited to the Fund under paragraph (3) for the preceding fiscal year; and

(B) amounts in the Fund that were expended for the preceding fiscal year.

(5) NO REPORT REQUIRED.—A report under paragraph (4) shall not be required if there were no expenditures from the Fund in the preceding fiscal year. The Commandant shall notify Congress in the event a report is not required under paragraph (4) by reason of this paragraph.

(b) LIMITATION.—Nothing in this section shall be construed—

(1) to create a private right of action or any other right, benefit, or entitlement to necessary support for any person; or

(2) to compel the Secretary to pay or reimburse the cost of necessary support.

(c) REIMBURSEMENT; RECOVERY.—

(1) IN GENERAL.—A vessel owner or operator shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of a seafarer, if—

(A) the vessel owner or operator—

(i) during the course of an investigation, reporting, documentation, or adjudication of any matter that the Coast Guard referred to a United States attorney or the Attorney General, fails to provide necessary support of a seafarer who was paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication; and

(ii) subsequently is—

(I) convicted of a criminal offense related to such matter; or

(II) required to reimburse the Fund pursuant to a court order or negotiated settlement related to such matter; or

(B) the vessel owner or operator abandons a seafarer in the United States, as determined by the Secretary based on substantial evidence.

(2) ENFORCEMENT.—If a vessel owner or operator fails to reimburse the Fund under paragraph (1) within 60 days after receiving a written, itemized description of reimbursable expenses and a demand for payment, the Secretary may—

(A) proceed in rem against the vessel on which the seafarer served in the Federal district court for the district in which the vessel is found; and

(B) withhold or revoke the clearance required under section 60105 for the vessel and any other vessel operated by the same operator (as that term is defined in section 2(a)(9)(A)¹ of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(9)(A))² as the vessel on which the seafarer served.

(3) OBTAINING CLEARANCE.—A vessel may obtain clearance from the Secretary after it is withheld or revoked under paragraph (2)(B) if the vessel owner or operator—

(A) reimburses the Fund the amount required under paragraph (1); or

(B) provides a bond, or other evidence of financial responsibility, sufficient to meet the amount required to be reimbursed under paragraph (1).

(4) NOTIFICATION REQUIRED.—The Secretary shall notify the vessel at least 72 hours before taking any action under paragraph (2)(B).

(d) DEFINITIONS.—In this section:

(1) ABANDONS; ABANDONED.—Each of the terms “abandons” and “abandoned” means—

(A) a vessel owner’s or operator’s unilateral severance of ties with a seafarer; or

(B) a vessel owner’s or operator’s failure to provide necessary support of a seafarer.

(2) FUND.—The term “Fund” means the Abandoned Seafarers Fund established under this section.

(3) NECESSARY SUPPORT.—The term “necessary support” means normal wages and expenses the Secretary considers reasonable for lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other support the Secretary considers to be appropriate.

(4) SEAFARER.—The term “seafarer” means an alien crew member who is employed or engaged in any capacity on board a vessel subject to the jurisdiction of the United States.

(5) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term “vessel subject to the jurisdiction of the United States” has the meaning given that term in section 70502(c), except that it does not include a vessel that is—

(A) owned, or operated under a bareboat charter, by the United States, a State or political subdivision thereof, or a foreign nation; and

(B) not engaged in commerce.

(Added Pub. L. 113–281, title III, §320(a), Dec. 18, 2014, 128 Stat. 3051; amended Pub. L. 114–120, title III, §306(a)(7), Feb. 8, 2016, 130 Stat. 54; Pub. L. 115–232, div. C, title XXXV, §3546(i), Aug. 13, 2018, 132 Stat. 2326; Pub. L. 116–283, div. G, title LVXXXII [LXXXII], §8240(d), Jan. 1, 2021, 134 Stat. 4667.)

Editorial Notes

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (a)(2)(A)(ii)(III), is act June 27, 1952, ch. 477, 66 Stat. 163, which is classified principally to chapter 12

(§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

AMENDMENTS

2021—Subsec. (a)(4). Pub. L. 116–283, §8240(d)(1), substituted “Except as provided in paragraph (5), on the date” for “On the date” in introductory provisions.

Subsec. (a)(5). Pub. L. 116–283, §8240(d)(2), added par. (5).

2018—Subsec. (a)(4)(A). Pub. L. 115–232, §3546(i)(1), substituted “paragraph (3)” for “paragraph (2)”.

Subsec. (c)(2)(B). Pub. L. 115–232, §3546(i)(2), substituted “section 2(a)(9)(A)” for “section 2(9)(a)” and “33 U.S.C. 1901(a)(9)(A)” for “33 U.S.C. 1901(9)(a)”.

2016—Subsec. (c)(1)(A)(i). Pub. L. 114–120 struck out “under this Act” after “any matter”.

CHAPTER 112—MERCHANT MARINER BENEFITS

Sec.

11201. Eligibility for veterans’ burial and cemetery benefits.

11202. Qualified service.

11203. Documentation of qualified service.

11204. Processing fees.

§ 11201. Eligibility for veterans’ burial and cemetery benefits

(a) ELIGIBILITY.—

(1) IN GENERAL.—The qualified service of an individual referred to in paragraph (2) shall be considered to be active duty in the Armed Forces during a period of war for purposes of eligibility for benefits under the following provisions of title 38:

(A) Chapter 23 (relating to burial benefits).

(B) Chapter 24 (relating to interment in national cemeteries).

(2) COVERED INDIVIDUALS.—Paragraph (1) applies to an individual who—

(A) receives an honorable service certificate under section 11203 of this title; and

(B) is not eligible under any other provision of law for benefits under laws administered by the Secretary of Veterans Affairs.

(b) REIMBURSEMENT FOR BENEFITS PROVIDED.—The Secretary shall reimburse the Secretary of Veterans Affairs for the value of benefits that the Secretary of Veterans Affairs provides for an individual by reason of eligibility under this section.

(c) APPLICABILITY.—

(1) GENERAL RULE.—Benefits may be provided under the provisions of law referred to in subsection (a)(1) by reason of this chapter only for deaths occurring after the date of the enactment of this chapter.

(2) BURIALS, ETC. IN NATIONAL CEMETERIES.—Notwithstanding paragraph (1), in the case of an initial burial or columbarium placement after the date of the enactment of this chapter, benefits may be provided under chapter 24 of title 38 by reason of this chapter (regardless of the date of death), and in such a case benefits may be provided under section 2306 of such title.

(Added Pub. L. 105–368, title IV, §402(a), Nov. 11, 1998, 112 Stat. 3336; amended Pub. L. 116–283, div. G, title LVXXXV [LXXXV], §8505(b)(11), Jan. 1, 2021, 134 Stat. 4751.)

¹ So in original. Probably should be “2(a)(9)(a)”.

² So in original. Probably should be “33 U.S.C. 1901(a)(9)(a))”.