

(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

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))”.

(§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.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this chapter, referred to in subsec. (c), is the date of enactment of Pub. L. 105-368, which was approved Nov. 11, 1998.

AMENDMENTS

2021—Pub. L. 116-283 substituted “an individual” for “a person” wherever appearing.

§ 11202. Qualified service

For purposes of this chapter, an individual shall be considered to have engaged in qualified service if, between August 16, 1945, and December 31, 1946, the individual—

(1) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

(A) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

(B) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

(C) under contract or charter to, or property of, the Government of the United States; and

(D) serving the Armed Forces; and

(2) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the individual for such service.

(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)(12), Jan. 1, 2021, 134 Stat. 4752.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 substituted “an individual” for “a person” in introductory provisions and “the individual” for “the person” in introductory provisions and in par. (2).

§ 11203. Documentation of qualified service

(a) RECORD OF SERVICE.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall, upon application—

(1) issue a certificate of honorable service to an individual who, as determined by that Secretary, engaged in qualified service of a nature and duration that warrants issuance of the certificate; and

(2) correct, or request the appropriate official of the Federal Government to correct, the service records of that individual to the extent necessary to reflect the qualified service and the issuance of the certificate of honorable service.

(b) TIMING OF DOCUMENTATION.—A Secretary receiving an application under subsection (a) shall act on the application not later than 1 year after the date of that receipt.

(c) STANDARDS RELATING TO SERVICE.—In making a determination under subsection (a)(1), the

Secretary acting on the application shall apply the same standards relating to the nature and duration of service that apply to the issuance of honorable discharges under section 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note).

(d) CORRECTION OF RECORDS.—An official who is requested under subsection (a)(2) to correct the service records of an individual shall make such correction.

(Added Pub. L. 105-368, title IV, § 402(a), Nov. 11, 1998, 112 Stat. 3337; amended Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8505(b)(13), Jan. 1, 2021, 134 Stat. 4752.)

Editorial Notes

REFERENCES IN TEXT

Section 401(a)(1)(B) of the GI Bill Improvement Act of 1977, referred to in subsec. (c), is section 401(a)(1)(B) of Pub. L. 95-202, which is set out as a note under section 106 of Title 38, Veterans' Benefits.

AMENDMENTS

2021—Pub. L. 116-283, § 8505(b)(13)(A), substituted “an individual” for “a person” in subsecs. (a)(1) and (d).

Subsec. (a)(2). Pub. L. 116-283, § 8505(b)(13)(B), substituted “that individual” for “that person”.

§ 11204. Processing fees

(a) COLLECTION OF FEES.—The Secretary, or in the case of personnel of the Army Transport Service or the Naval Transport Service, the Secretary of Defense, shall collect a fee of \$30 from each applicant for processing an application submitted under section 11203(a) of this title.

(b) TREATMENT OF FEES COLLECTED.—Amounts received by the Secretary under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the department in which the Coast Guard is operating and ascribed to Coast Guard activities. Amounts received by the Secretary of Defense under this section shall be deposited in the General Fund of the Treasury as offsetting receipts of the Department of Defense. In either case, such amounts shall be available, subject to appropriation, for the administrative costs of processing applications under section 11203 of this title.

(Added Pub. L. 105-368, title IV, § 402(a), Nov. 11, 1998, 112 Stat. 3337.)

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 113—OFFICIAL LOGBOOKS

Sec.

11301.	Logbook and entry requirements.
11302.	Manner of making entries.
11303.	Penalties.
11304.	Additional logbook and entry requirements.