

(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

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§ 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.).¹

(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

¹ Section repealed by Pub.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

¹ See References in Text note below.