

(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

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 L. 110-181, § 3526(g), repealed Pub.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directed the amendment of section 2007 of the former Appendix to this title from which this section was derived, was repealed by Pub.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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.