

TITLE 46 - SHIPPING**Subtitle V - Merchant Marine****Part B - Merchant Marine Service****CHAPTER 521 - MISCELLANEOUS****§ 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) 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)).