103D CONGRESS
1ST SESSION

H. R. 1109

AN ACT

To amend the Merchant Marine Act, 1936 to establish reemployment rights for certain merchant seamen.

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To amend the Merchant Marine Act, 1936 to establish reemployment rights for certain merchant seamen.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4   This Act may be cited as the ''Merchant Seamen Re-

5 employment Rights Act of 1993''.

6 **SEC. 2. REEMPLOYMENT RIGHTS FOR CERTAIN MERCHANT**

7   **SEAMEN.**

8   (a) IN GENERAL.—Title III of the Merchant Marine

9 Act, 1936 (46 App. U.S.C. 1131) is amended by inserting

10 after section 301 the following new section:

1 ''SEC. 302. (a) An individual who is certified by the

2 Secretary of Transportation under subsection (c) shall be

3 entitled to reemployment rights and other benefits sub-

4 stantially equivalent to the rights and benefits provided

5 for by chapter 43 of title 38, United States Code, for any

6 member of a Reserve component of the Armed Forces of

7 the United States who is ordered to active duty.

8 ''(b) An individual may submit an application for cer-

9 tification under subsection (c) to the Secretary of Trans-

10 portation not later than 45 days after the date the individ-

11 ual completes a period of employment described in sub-

12 section (c)(1)(A) with respect to which the application is

13 submitted.

14 ''(c) Not later than 20 days after the date the Sec-

15 retary of Transportation receives from an individual an

16 application for certification under this subsection, the Sec-

17 retary shall—

18   ''(1) determine whether or not the individual—

19   ''(A) was employed in the activation or op-

20   eration of a vessel—

21   ''(i) in the National Defense Reserve

22   Fleet maintained under section 11 of the

23   Merchant Ship Sales Act of 1946, in a pe-

24   riod in which that vessel was in use or

1   being activated for use under subsection

2   (b) of that section;

3   ''(ii) that is requisitioned or pur-

4   chased under section 902 of this Act; or

5   ''(iii) that is owned, chartered, or con-

6   trolled by the United States and used by

7   the United States for a war, armed con-

8   flict, national emergency, or maritime mo-

9   bilization need (including for training pur-

10   poses or testing for readiness and suit-

11   ability for mission performance); and

12   ''(B) during the period of that employ-

13   ment, possessed a valid license, certificate of

14   registry, or merchant mariner's document is-

15   sued under chapter 71 or chapter 73 (as appli-

16   cable) of title 46, United States Code; and

17   ''(2) if the Secretary makes affirmative deter-

18   minations under paragraph (1) (A) and (B), certify

19   that individual under this subsection.

20   ''(d) For purposes of reemployment rights and bene-

21 fits provided by this section, a certification under sub-

22 section (c) shall be considered to be the equivalent of a

23 certificate referred to in clause (1) of section 4301(a) of

24 title 38, United States Code.''.

1   (b) APPLICATION.—The amendment made by sub-

2 section (a) shall apply to employment described in section

3 302(c)(1)(A) of the Merchant Marine Act, 1936, as

4 amended by subsection (a), occurring after August 2,

5 1990.

6   (c) EMPLOYMENT ENDING BEFORE ENACTMENT.—

7 Notwithstanding subsection (b) of section 302 of the Mer-

8 chant Marine Act, 1936, as amended by this Act, an indi-

9 vidual who, in the period beginning August 2, 1990, and

10 ending on the date of the enactment of this Act, completed

11 a period of employment described in subsection (c)(1)(A)

12 of that section may submit an application for certification

13 under subsection (c) of that section with respect to that

14 employment not later than 45 days after the date of the

15 enactment of this Act.

16   (d) REGULATIONS.—Not later than 120 days after

17 the date of the enactment of this Act, the Secretary of

18 Transportation shall issue regulations implementing this

19 section.

    Passed the House of Representatives March 16, 1993.

    Attest:

Clerk.