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"(l) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss, or loss of use of both hands, or both feet, or of one hand and one foot, or is blind in both eyes, with 5/200 visual acuity or less, or is permanently bedridden or so helpless as to be in need of regular aid and attendance, the monthly pension shall be $180.

"(m) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss or loss of use of two extremities at a level, or with complications, preventing natural elbow or knee action with prosthesis in place, or has suffered blindness in both eyes, rendering him so helpless as to be in need of regular aid and attendance, the monthly pension shall be $211.50.

"(n) If the disabled person, as the result of service-incurred disability, has suffered the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or has suffered the anatomical loss of both eyes, the monthly pension shall be $238.50.

Person entitled to two or more rates.

"(o) If the disabled person, as the result of service-incurred disability, has suffered disability under conditions which would entitle him to two or more of the rates provided in one or more of the subparagraphs (l) to (n), inclusive, of part II, paragraph II, of this regulation, no condition being considered twice in the determination, or has suffered total deafness in combination with total blindness with 5/200 visual acuity or less, the monthly pension shall be $270.

Supra.

Disabilities exceeding requirements.

"(p) In the event the disabled person's service-incurred disabilities exceed the requirements for any of the rates prescribed herein, the Administrator, in his discretion, may allow the next higher rate or an intermediate rate, but in no event in excess of $270."

Effective date.

SEC. 2. The increased rates provided by this Act shall be effective from the first day of the second month following the passage of this Act, and shall be deemed to include the 15 per centum increase in the rate of compensation or pension payable for service-incurred disability under Public Law 469, Seventy-eighth Congress, December 7, 1944.

58 Stat. 797.
38 U. S. C., Supp. V, § 471a-2.

Approved August 8, 1946.

[CHAPTER 867]

AN ACT

August 8, 1946
[H. R. 3973]
[Public Law 660]

To amend the Act entitled "An Act to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes", approved June 23, 1943 (57 Stat. 162), and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective as of June 23, 1943, the Act entitled "An Act to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes", approved June 23, 1943 (57 Stat. 162), is amended to read as follows:

Merchant marine.
Reemployment rights.

50 U. S. C., Supp. V, app. §§ 1471–1475.
Post, p. 945.

(a) When used in this Act the term "service in the merchant marine" means (1) service as an officer or member of the crew on or in connection with a vessel documented under the laws of the United States or a vessel owned by, chartered to, or operated by or for the account or use of the Administrator, as an enrollee in the United States Maritime Service on active duty, and, to such extent as the Administrator shall prescribe, any period awaiting assignment to such service and any period of education or training for such service in any school or institution under the jurisdiction of the Administrator; and (2) service as a civilian officer or member of the crew on or in connection with a vessel owned by, chartered to, or operated by or for the account or use of the War Department.

"Service in the merchant marine."

Certificate.

(b) Any person entering service in the merchant marine after May 1, 1940, and before the termination of the unlimited national emergency

55 Stat. 1647.
50 U. S. C., Supp. V, app., note prec. § 1.

declared by the President on May 27, 1941, who, in accordance with rules and regulations prescribed by the Administrator, War Shipping Administration, completes a period of substantially continuous service in the merchant marine, shall be entitled to a certificate to that effect from the Administrator upon completion of such period, which shall include a record of any special proficiency or merit obtained.

Restoration to former positions.

SEC. 2. (a) In the case of any such person who, in order to perform service in the merchant marine, has left or leaves a position, other than a temporary position, in the employ of any employer and who (1) receives such certificate, (2) is still qualified to perform the duties of such position, and (3) makes application for reemployment within ninety days after completion of such service, and, in the case of that person described in subsection (b) of this section who fulfills the requirements of clauses (1) and (2) of this subsection and in the case of that person described in subsection (c) of this section who fulfills the requirements of clauses (1) and (2) of section 8 (b) of the Selective Training and Service Act of 1940, as amended, and makes application for reemployment within ninety days after completion of service in the merchant marine or relief from training and service in the land or naval forces or, in the case of any person described in this section, within ninety days from hospitalization continuing after such completion or such relief for a period of not more than one year—

54 Stat. 890.
50 U. S. C. app. § 308 (b); Supp. V, § 308 (b).

U. S. Government.

(A) if such position was in the employ of the United States Government, its Territories or possessions, or the District of Columbia, such persons shall be restored to such position or to a position of like seniority, status, and pay, without regard to whether such position shall have been covered into the classified civil service during the period of his military, naval or merchant marine service;

Private employer.

(B) if such position was in the employ of a private employer, such employer shall restore such person to such position or to a position of like seniority, status, and pay unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

State or political subdivision.

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position or to a position of like seniority, status, and pay.

Reemployment benefits.

(b) Any person who, after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, shall have entered upon active military or naval service in the land or naval forces of the United States, and who shall thereafter, within the aforesaid period, have been discharged or released from active service and have received a certificate evidencing satisfactory completion of such active service, and who shall, within thirty days from date of discharge or release from active service, have entered upon service in the merchant marine, shall be entitled to all the reemployment benefits of this Act, as amended, to the same extent as in the case of any person who, in order to perform service in the merchant marine, has left or leaves a position, other than a temporary position, in the employ of any employer, in lieu of the reemployment benefits of the Selective Training and Service Act of 1940, as amended, and of the Service Extension Act of 1941, as amended.

55 Stat. 1647.
50 U. S. C., Supp. V, app., note prec. § 1.

54 Stat. 885; 55 Stat. 626.
50 U. S. C. app. §§ 301-318; Supp. V, §§ 302 *et seq.*, 351-357, 359-362.
Ante, pp. 181, 341, 342, 871; *post*, p. 971.
Supra.

(c) Any person who, after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, shall have entered upon service in the merchant marine, and who shall thereafter within the aforesaid period have terminated such service in the merchant marine solely in order to perform active military or naval service in the land or naval forces of the United

States, and who shall, within thirty days from date of termination of his service in the merchant marine, have entered upon such active military or naval service, and who shall thereafter have received a partial certificate of substantially continuous service, shall be entitled to all the reemployment benefits of the Selective Training and Service Act of 1940, as amended, and of the Service Extension Act of 1941, as amended, to the same extent as in the case of any person who, in order to perform active military or naval service in the land or naval forces of the United States, has left or leaves a position other than a temporary position, in the employ of any employer, in lieu of the reemployment benefits of this Act, as amended.

54 Stat. 885; 55 Stat. 626.
50 U. S. C. app. §§ 301–318; Supp. V, §§ 302 *et seq.*, 351–357, 359–362.
Ante, pp. 181, 341, 342, 871; *post*, p. 971.

Person considered on furlough, etc.

(d) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (a) shall be considered as having been on furlough or leave of absence during his period of service, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person entered such service, and shall not be discharged from such position without reasonable cause within one year after such restoration.

Power of court to require compliance by private employer.

SEC. 3. In case any private employer fails or refuses to comply with the provisions of section 2, the district court of the United States for the district in which such private employer maintains a place of business shall have power, upon the filing of a motion, petition, or other appropriate pleading by the person entitled to the benefits of such provisions, to specifically require such employer to comply with such provisions, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful action. The court shall order a speedy hearing in any such case and shall advance it on the calendar. Upon application to the United States district attorney or comparable official for the district in which such private employer maintains a place of business, by any person claiming to be entitled to the benefits of such provisions, such United States district attorney or official, if reasonably satisfied that the person so applying is entitled to such benefits, shall appear and act as attorney for such person in the amicable adjustment of the claim or in the filing of any motion, petition, or other appropriate pleading and the prosecution thereof to specifically require such employer to comply with such provisions: *Provided*, That no fees or court costs shall be taxed against the person so applying for such benefits.

Court costs.

Employees of U. S. Government.
Compensation for accrued leave.

SEC. 4. Employees of the United States Government, its Territories or possessions, or the District of Columbia (including employers of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, or any corporation, all of the stock of which is owned or controlled by the United States Government, or any department, agency, or establishment thereof, whether or not the employees thereof are paid from funds appropriated by Congress), who, subsequent to May 1, 1940, shall have entered upon service in the merchant marine, shall be entitled to receive, in addition to any pay for such service, compensation in their civilian positions covering their accumulated or current accrued leave, or to elect to have such leave remain to their credit until their return from such service.

Rules and regulations.

SEC. 5. The Administrator, War Shipping Administration, may make such rules and regulations as he deems necessary or appropriate to carry out the provisions of this Act.

Approved August 8, 1946.