

105TH CONGRESS
1ST SESSION

H. R. 1126

To provide that certain service of members of the United States merchant marine during World War II constituted active military service for purposes of any law administered by the Secretary of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1997

Mr. EVANS (for himself, Mr. FILNER, Mr. GOODE, Mr. SMITH of Washington, Mr. HINCHEY, Mr. MASCARA, Mr. LIPINSKI, Mr. TAYLOR of Mississippi, Mr. ACKERMAN, Mr. STUPAK, Mr. FROST, Mr. CALVERT, Mr. BALLENGER, Mr. VENTO, Ms. PELOSI, Mr. LIVINGSTON, Mr. REGULA and Mr. UNDERWOOD) introduced the following bill; which was referred to the Committee on Veterans Affairs

A BILL

To provide that certain service of members of the United States merchant marine during World War II constituted active military service for purposes of any law administered by the Secretary of Veterans Affairs.

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 Mariners
5 Fairness Act of 1997”.

1 **SEC. 2. WORLD WAR II MERCHANT MARINE SERVICE**
2 **DEEMED TO BE ACTIVE MILITARY SERVICE.**

3 (a) IN GENERAL.—For purposes of section
4 401(a)(1)(A) of the GI Bill Improvement Act of 1977 (38
5 U.S.C. 106 note), the Secretary of Defense is deemed to
6 have determined that qualified service of a person con-
7 stituted active military service.

8 (b) DETERMINATION OF DISCHARGE STATUS.—(1)
9 The Secretary of Defense shall issue an honorable dis-
10 charge under section 401(a)(1)(B) of the GI Bill Improve-
11 ment Act of 1977 to each person whose qualified service
12 warrants an honorable discharge.

13 (2) Such discharge shall be issued before the end of
14 the one-year period beginning on the date of the enact-
15 ment of this Act.

16 **SEC. 3. PROHIBITION OF RETROACTIVE BENEFITS.**

17 Benefits may not be paid to any person as a result
18 of the enactment of this Act for any period before the date
19 of the enactment of this Act.

20 **SEC. 4. PROCESSING FEES.**

21 (a) IN GENERAL.—The Secretary of the Department
22 in which the Coast Guard is operating shall establish, as-
23 sess, and collect a fee for processing applications for bene-
24 fits based on qualified service.

25 (b) APPLICATION.—A fee established under this sec-
26 tion shall apply to any application that is received after

1 the date of the enactment of this Act by the Secretary
2 of the Department in which the Coast Guard is operating,
3 for a benefit (including for an increase in a benefit) based
4 on qualified service.

5 (c) AMOUNT.—The amount of a fee established under
6 this section shall be \$30.

7 **SEC. 5. DEFINITIONS.**

8 For purposes of this Act:

9 (1) The term “qualified service” means service
10 of a person as a member of the United States mer-
11 chant marine during the period beginning on Decem-
12 ber 7, 1941, and ending on December 31, 1946,
13 while such person was—

14 (A) licensed or otherwise documented by
15 an officer or employee of the United States au-
16 thorized by law to do so; and

17 (B) a crewmember of a vessel that at the
18 time of such service was—

19 (i) documented in the United States;

20 (ii) operated under the flag of the
21 United States in waters other than inland
22 waters of the United States;

23 (iii) under contract or charter to, or
24 property of, the Government of the United
25 States; and

- 1 (iv) serving the Armed Forces.
- 2 (2) The term “United States merchant marine”
- 3 includes the United States Army Transport Service
- 4 and the United States Naval Transport Service.

