

108TH CONGRESS  
2D SESSION

# H. R. 3729

To amend title 46, United States Code, to provide a monthly monetary benefit to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 2004

Mr. FILNER introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 46, United States Code, to provide a monthly monetary benefit to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

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 “Belated Thank You  
5 to the Merchant Mariners of World War II Act of 2004”.

1 **SEC. 2. BENEFITS FOR WORLD WAR II MERCHANT MARI-**  
2 **NERS AND SURVIVORS.**

3 (a) MONTHLY BENEFIT.—Chapter 112 of title 46,  
4 United States Code, is amended—

5 (1) by inserting after the table of sections the  
6 following new subchapter heading:

7 “SUBCHAPTER I—VETERANS’ BURIAL AND  
8 CEMETERY BENEFITS”;

9 and

10 (2) by adding at the end the following new sub-  
11 chapter:

12 “SUBCHAPTER II—MONTHLY BENEFIT

13 “§ 11205. Monthly benefit

14 “(a) PAYMENT TO ELIGIBLE PERSONS.—The Sec-  
15 retary of Veterans Affairs shall pay to each person eligible  
16 for benefits under section 11206 of this title a monthly  
17 benefit of \$1,000.

18 “(b) SURVIVING SPOUSES OF ELIGIBLE PERSONS.—

19 “(1) PAYMENT TO SURVIVING SPOUSES.—The  
20 Secretary of Veterans Affairs shall pay to the sur-  
21 viving spouse of each person eligible for benefits  
22 under section 11206 of this title a monthly benefit  
23 of \$1,000.

24 “(2) EXCLUSION.—No benefit under this sub-  
25 section shall be paid to a surviving spouse of a per-  
26 son eligible for benefits under section 11206 of this

1 title unless such surviving spouse was married to  
2 such eligible person for no less than 1 year.

3 “(c) CHILDREN OF ELIGIBLE PERSONS.—If there is  
4 no surviving spouse entitled to benefits under this section,  
5 the Secretary of Veterans Affairs shall pay to the children  
6 of each person eligible for benefits under section 11206  
7 of this title a monthly benefit of \$1,000, equally divided.

8 “(d) EXEMPTION FROM TAXATION.—Payments of  
9 benefits under this section are exempt from taxation as  
10 provided in section 5301(a) of title 38.

11 **“§ 11206. Eligibility for benefit**

12 “(a) ELIGIBLE PERSONS.—A person referred to in  
13 subsection (b) who has performed qualified service as spec-  
14 ified under subsection (c) shall be eligible for benefits  
15 under section 11205(a) of this title.

16 “(b) COVERED PERSONS.—Subsection (a) applies to  
17 a person who receives an honorable service certificate  
18 under section 11207 of this title.

19 “(c) QUALIFIED SERVICE.—A person shall be consid-  
20 ered to have engaged in qualified service if, between De-  
21 cember 7, 1941, and December 31, 1946—

22 “(1) the person—

23 “(A) was a member of the United States  
24 merchant marine (including the Army Trans-

1 port Service and the Naval Transport Service)  
2 serving as a crewmember of a vessel that was—

3 “(i) operated by the War Shipping  
4 Administration or the Office of Defense  
5 Transportation (or an agent of the Admin-  
6 istration or Office);

7 “(ii) operated in waters other than in-  
8 land waters, the Great Lakes, and other  
9 lakes, bays, and harbors of the United  
10 States;

11 “(iii) under contract or charter to, or  
12 property of, the Government of the United  
13 States; and

14 “(iv) serving the Armed Forces; and

15 “(B) while so serving, was licensed or oth-  
16 erwise documented for service as a crewmember  
17 of such a vessel by an officer or employee of the  
18 United States authorized to license or document  
19 the person for such service; or

20 “(2) while performing service under paragraph  
21 (1), the person was forcibly detained or interned by  
22 an enemy government or hostile force as a result of  
23 action against a vessel under paragraph (1)(A).

1 **“§ 11207. Documentation of qualified service**

2 “(a) APPLICATION FOR SERVICE CERTIFICATE.—A  
3 person seeking benefits under section 11205 of this title  
4 shall submit an application for a service certificate to the  
5 Secretary of Transportation, or in the case of personnel  
6 of the Army Transport Service or the Naval Transport  
7 Service, the Secretary of Defense.

8 “(b) ISSUANCE OF SERVICE CERTIFICATE.—The  
9 Secretary who receives an application under subsection (a)  
10 shall issue a certificate of honorable service to the appli-  
11 cant if, as determined by that Secretary, the person en-  
12 gaged in qualified service under section 11206(c) of this  
13 title.

14 “(c) TIMING OF DOCUMENTATION.—A Secretary re-  
15 ceiving an application under subsection (a) shall act on  
16 the application not later than 1 year after the date of that  
17 receipt.

18 “(d) STANDARDS RELATING TO SERVICE.—In mak-  
19 ing a determination under subsection (b), the Secretary  
20 acting on the application shall apply the same standards  
21 relating to the nature and duration of service that apply  
22 to the issuance of honorable discharges under section  
23 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38  
24 U.S.C. 106 note).

1 **“§ 11208. Definitions**

2 “In this subchapter, the terms ‘surviving spouse’ and  
3 ‘child’ have the meanings given those terms in paragraphs  
4 (3) and (4), respectively, of section 101 of title 38, except  
5 that in applying those meanings in this subchapter, the  
6 term ‘veteran’ shall include a person who performed quali-  
7 fied service as specified in section 11206(c) of this title.”.

8 (b) CONFORMING AMENDMENTS.—Subsection (c) of  
9 section 11201 of title 46, United States Code, is amend-  
10 ed—

11 (1) in paragraph (1), by striking “chapter” and  
12 inserting “subchapter”; and

13 (2) in paragraph (2), by striking “chapter” the  
14 second place it appears and inserting “subchapter”.

15 (c) CLERICAL AMENDMENTS.—The table of sections  
16 at the beginning of chapter 112 of title 46, United States  
17 Code, is amended—

18 (1) by inserting at the beginning the following  
19 new item:

“SUBCHAPTER I—VETERANS’ BURIAL AND CEMETERY BENEFITS”;

20 and

21 (2) by adding at the end the following new  
22 items:

“SUBCHAPTER II—MONTHLY BENEFIT

“11205. Monthly benefit.

“11206. Eligibility for benefit.

“11207. Documentation of qualified service.

“11208. Definitions.”.

1       (d) **EFFECTIVE DATE.**—Section 11205 of title 46,  
2 United States Code, as added by subsection (a) of this  
3 section, shall take effect with respect to payments for peri-  
4 ods beginning on or after the date of the enactment of  
5 this Act, regardless of the date of application for benefits.

6 **SEC. 3. AUTHORIZATION OF APPROPRIATION.**

7       There is authorized to be appropriated to the Depart-  
8 ment of Veterans Affairs such sums as are necessary to  
9 carry out this Act.

