

109TH CONGRESS
1ST SESSION

H. R. 23

To amend title 46, United States Code, and title II of the Social Security Act to provide benefits 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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

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

A BILL

To amend title 46, United States Code, and title II of the Social Security Act to provide benefits 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 2005”.

1 **SEC. 2. MONTHLY BENEFIT FOR WORLD WAR II MERCHANT**
2 **MARINERS AND SURVIVORS UNDER TITLE 46,**
3 **UNITED STATES CODE.**

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

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

8 “SUBCHAPTER I—VETERANS’ BURIAL AND
9 CEMETERY BENEFITS”; 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.—The Secretary of Veterans Affairs
15 shall pay to each person issued a certificate of honorable
16 service pursuant to section 11207(b) of this title a month-
17 ly benefit of \$1,000.

18 “(b) SURVIVING SPOUSES.—

19 “(1) PAYMENT TO SURVIVING SPOUSES.—The
20 Secretary of Veterans Affairs shall pay to the sur-
21 viving spouse of each person issued a certificate of
22 honorable service pursuant to section 11207(b) of
23 this title a monthly benefit of \$1,000.

24 “(2) EXCLUSION.—No benefit shall be paid
25 under paragraph (1) to a surviving spouse of a per-
26 son issued a certificate of honorable service pursuant

1 to section 11207(b) unless the surviving spouse was
2 married to such person for no less than 1 year.

3 “(c) EXEMPTION FROM TAXATION.—Payments of
4 benefits under this section are exempt from taxation as
5 provided in section 5301(a) of title 38.

6 **“§ 11206. Qualified service**

7 “For purposes of this subchapter, a person shall be
8 considered to have engaged in qualified service if, between
9 December 7, 1941, and December 31, 1946, the person—

10 “(1) was a member of the United States mer-
11 chant marine (including the Army Transport Service
12 and the Naval Transport Service) serving as a crew-
13 member of a vessel that was—

14 “(A) operated by the War Shipping Ad-
15 ministration or the Office of Defense Transpor-
16 tation (or an agent of such Administration or
17 Office);

18 “(B) operated in waters other than—

19 “(i) inland waters;

20 “(ii) the Great Lakes; and

21 “(iii) other lakes, bays, and harbors of
22 the United States;

23 “(C) under contract or charter to, or prop-
24 erty of, the Government of the United States;
25 and

1 “(D) serving the Armed Forces; and
2 “(2) while serving as described in paragraph
3 (1), was licensed or otherwise documented for serv-
4 ice as a crewmember of such a vessel by an officer
5 or employee of the United States authorized to li-
6 cense or document the person for such service.

7 **“§ 11207. Documentation of qualified service**

8 “(a) APPLICATION FOR SERVICE CERTIFICATE.—A
9 person seeking benefits under section 11205 of this title
10 shall submit an application for a service certificate to the
11 Secretary of Transportation, or in the case of personnel
12 of the Army Transport Service or the Naval Transport
13 Service, the Secretary of Defense.

14 “(b) ISSUANCE OF SERVICE CERTIFICATE.—The
15 Secretary who receives an application under subsection (a)
16 shall issue a certificate of honorable service to the appli-
17 cant if, as determined by that Secretary, the person en-
18 gaged in qualified service under section 11206 of this title
19 and meets the standards referred to in subsection (d) of
20 this section.

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

1 “(d) STANDARDS RELATING TO SERVICE.—In mak-
2 ing a determination under subsection (b), the Secretary
3 acting on the application shall apply the same standards
4 relating to the nature and duration of service that apply
5 to the issuance of honorable discharges under section
6 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38
7 U.S.C. 106 note).

8 **“§ 11208. Definitions**

9 “‘In this subchapter, the term ‘surviving spouse’ has
10 the meaning given such term in section 101 of title 38,
11 except that in applying the meaning in this subchapter,
12 the term ‘veteran’ shall include a person who performed
13 qualified service as specified in section 11206 of this title.

14 **“§ 11209. Authorization of appropriations**

15 “‘There are authorized to be appropriated to the Sec-
16 retary of Veterans Affairs such sums as may be necessary
17 for the purpose of carrying out this subchapter.’”.

18 (b) CONFORMING AMENDMENTS.—Subsection (c) of
19 section 11201 of title 46, United States Code, is amend-
20 ed—

21 (1) in paragraph (1), by striking “chapter” and
22 inserting “subchapter”; and

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

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

4 (1) by inserting at the beginning the following
 5 new item:

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

6 (2) by adding at the end the following new
 7 items:

“SUBCHAPTER II—MONTHLY BENEFIT

“11205. Monthly benefit.
 “11206. Qualified service.
 “11207. Documentation of qualified service.
 “11208. Definitions.
 “11209. Authorization of appropriations.”.

8 (d) EFFECTIVE DATE.—Subchapter II of chapter
 9 112 of title 46, United States Code, as added by sub-
 10 section (a) of this section, shall take effect with respect
 11 to payments for periods beginning on or after the date
 12 of the enactment of this Act, regardless of the date of ap-
 13 plication for benefits.

14 **SEC. 3. BENEFITS FOR WORLD WAR II MERCHANT MARI-**
 15 **NERS UNDER TITLE II OF THE SOCIAL SECU-**
 16 **RITY ACT.**

17 (a) BENEFITS.—Section 217(d) of the Social Secu-
 18 rity Act (42 U.S.C. 417(d)) is amended by adding at the
 19 end the following new paragraph:

20 “(3) The term ‘active military or naval service’
 21 includes the service, or any period of forcible deten-

1 tion or internment by an enemy government or hos-
2 tile force as a result of action against a vessel de-
3 scribed in subparagraph (A), of a person who—

4 “(A) was a member of the United States
5 merchant marine (including the Army Trans-
6 port Service and the Naval Transport Service)
7 serving as a crewmember of a vessel that was—

8 “(i) operated by the War Shipping
9 Administration or the Office of Defense
10 Transportation (or an agent of such Ad-
11 ministration or Office);

12 “(ii) operated in waters other than—

13 “(I) inland waters;

14 “(II) the Great Lakes; and

15 “(III) other lakes, bays, and har-
16 bors of the United States;

17 “(iii) under contract or charter to, or
18 property of, the Government of the United
19 States; and

20 “(iv) serving the Armed Forces; and

21 “(B) while serving as described in subpara-
22 graph (A), was licensed or otherwise docu-
23 mented for service as a crewmember of such a
24 vessel by an officer or employee of the United

1 States authorized to license or document the
2 person for such service.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall apply only with respect to benefits for
5 months beginning on or after the date of the enactment
6 of this Act.

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