

110TH CONGRESS
1ST SESSION

S. 961

To amend title 46, United States Code, 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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2007

Mr. NELSON of Nebraska (for himself, Mr. STEVENS, and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 46, United States Code, 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, and for other purposes.

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 2007”.

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—BURIAL AND CEMETERY
 9 BENEFITS FOR VETERANS”;

10 and

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

13 “SUBCHAPTER II—MONTHLY BENEFIT
 14 “§ 11211. Monthly benefit

15 “(a) PAYMENT.—The Secretary of Veterans Affairs
 16 shall pay to each individual issued a certificate of honor-
 17 able service pursuant to section 11213(b) of this title a
 18 monthly benefit of \$1,000.

19 “(b) SURVIVING SPOUSES.—

20 “(1) PAYMENT TO SURVIVING SPOUSES.—Sub-
 21 ject to paragraph (2), the Secretary of Veterans Af-
 22 fairs shall pay to the surviving spouse of each indi-
 23 vidual issued a certificate of honorable service pursu-
 24 ant to section 11213(b) of this title a monthly ben-
 25 efit of \$1,000.

1 “(2) EXCLUSION.—No benefit shall be paid
2 under paragraph (1) to a surviving spouse of an in-
3 dividual issued a certificate of honorable service pur-
4 suant to section 11213(b) unless the surviving
5 spouse was married to such individual for not less
6 than one year.

7 “(c) RETROACTIVE ELIGIBILITY FOR BENEFITS.—
8 The Secretary of Veterans Affairs shall pay—

9 “(1) to each individual issued a certificate of
10 honorable service under to section 11213(b) of this
11 title the monthly benefit described in subsection (a)
12 as if such individual had received such certificate of
13 honorable service on the date of the enactment of
14 the Belated Thank You to the Merchant Mariners of
15 World War II Act of 2007; and

16 “(2) to each surviving spouse issued a certifi-
17 cate of honorable service on behalf of a deceased in-
18 dividual under section 11213(e) of this title the
19 monthly benefit described in subsection (b)(1) as if
20 such surviving spouse had received such certificate
21 of honorable service on the date of the enactment of
22 Belated Thank You to the Merchant Mariners of
23 World War II Act of 2007.

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

4 **“§ 11212. Qualified service**

5 “For purposes of this subchapter, an individual shall
 6 be considered to have engaged in qualified service if, be-
 7 tween December 7, 1941 and December 31, 1946, the in-
 8 dividual—

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

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

17 “(B) operated in waters other than—

18 “(i) inland waters;

19 “(ii) the Great Lakes; and

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

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

25 “(D) serving the Armed Forces; and

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

6 **“§ 11213. Certificate of honorable service**

7 “(a) APPLICATION FOR SERVICE CERTIFICATE.—An
8 individual seeking benefits under section 11211 of this
9 title shall submit an application for a certificate of honor-
10 able service—

11 “(1) to the Secretary of Transportation; or

12 “(2) in the case of an individual who was a
13 member of the Army Transport Service or the Naval
14 Transport Service, to the Secretary of Defense.

15 “(b) ISSUANCE OF SERVICE CERTIFICATE.—The
16 Secretary who receives an application under subsection (a)
17 shall issue a certificate of honorable service to the appli-
18 cant if, as determined by that Secretary, the individual
19 engaged in qualified service described in section 11212 of
20 this title and meets the standards referred to in subsection
21 (d) of this section.

22 “(c) TIMING FOR CERTIFICATION.—A Secretary re-
23 ceiving an application under subsection (a) shall act on
24 the application not later than one year after the date of
25 that 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 a discharge from service under honor-
 6 able conditions under section 401(a)(1)(B) of the GI Bill
 7 Improvement Act of 1977 (Public Law 95–202; 38 U.S.C.
 8 106 note).

9 “(e) SURVIVING SPOUSES.—The surviving spouse of
 10 a deceased individual who engaged in qualifying service
 11 described in section 11212 may submit an application for
 12 a certificate of honorable service under subsection (a) and
 13 be issued such a certificate on behalf of such individual
 14 under subsection (b) for the purpose of receiving benefits
 15 under section 11211(b) of this title.

16 **“§ 11214. Surviving spouse defined**

17 “In this subchapter, the term ‘surviving spouse’ has
 18 the meaning given such term in section 101 of title 38,
 19 except that in applying the meaning in this subchapter,
 20 the term ‘veteran’ means an individual who performed
 21 qualified service described in section 11212 of this title.

22 **“§ 11215. Authorization of appropriations**

23 “There are authorized to be appropriated to the Sec-
 24 retary of Veterans Affairs such sums as may be necessary
 25 for the purpose of carrying out this subchapter.”.

1 (b) CONFORMING AMENDMENTS.—Subsection (c) of
 2 section 11201 of title 46, United States Code, is amend-
 3 ed—

4 (1) in paragraph (1), by striking “chapter” and
 5 inserting “subchapter”; and

6 (2) in paragraph (2), by striking “this chapter”
 7 both places it appears and inserting “this sub-
 8 chapter”.

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

12 (1) by inserting at the beginning the following
 13 new item:

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

14 and

15 (2) by adding at the end the following:

“SUBCHAPTER II—MONTHLY BENEFIT

“11211. Monthly benefit.

“11212. Qualified service.

“11213. Certificate of honorable service.

“11214. Surviving spouse defined.

“11215. Authorization of appropriations.”.

