

111TH CONGRESS
1ST SESSION

H. R. 23

IN THE SENATE OF THE UNITED STATES

MAY 13, 2009

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund 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 2009”.

6 **SEC. 2. PAYMENTS TO INDIVIDUALS WHO SERVED DURING**
7 **WORLD WAR II IN THE UNITED STATES MER-**
8 **CHANT MARINE.**

9 (a) Establishment of Compensation Fund- Sub-
10 chapter II of chapter 5 of title 38, United States Code,
11 is amended by adding at the end the following new section:

12 **“SEC. 533 MERCHANT MARINER EQUITY COMPENSATION**
13 **FUND.**

14 “(a) COMPENSATION FUND.—(1) There is in the gen-
15 eral fund of the Treasury a fund to be known as the ‘Mer-
16 chant Mariner Equity Compensation Fund’ (in this sec-
17 tion referred to as the ‘compensation fund’).

18 “(2) Subject to the availability of appropriations for
19 such purpose, amounts in the compensation fund shall be
20 available to the Secretary without fiscal year limitation to
21 make payments to eligible individuals in accordance with
22 this section.

23 “(b) ELIGIBLE INDIVIDUALS.—(1) An eligible indi-
24 vidual is an individual who—

1 “(A) during the one-year period beginning on
2 the date of the enactment of the Belated Thank You
3 to the Merchant Mariners of World War II Act of
4 2009, submits to the Secretary an application con-
5 taining such information and assurances as the Sec-
6 retary may require;

7 “(B) has not received benefits under the Serv-
8 icemen’s Readjustment Act of 1944 (Public Law
9 78–346); and

10 “(C) has engaged in qualified service.

11 “(2) For purposes of paragraph (1), a person has en-
12 gaged in qualified service if, between December 7, 1941,
13 and December 31, 1946, the person—

14 “(A) was a member of the United States mer-
15 chant marine (including the Army Transport Service
16 and the Naval Transport Service) serving as a crew-
17 member of a vessel that was—

18 “(i) operated by the War Shipping Admin-
19 istration or the Office of Defense Transpor-
20 tation (or an agent of the Administration or Of-
21 fice);

22 “(ii) operated in waters other than inland
23 waters, the Great Lakes, and other lakes, bays,
24 and harbors of the United States;

1 “(iii) under contract or charter to, or prop-
2 erty of, the Government of the United States;
3 and

4 “(iv) serving the Armed Forces; and

5 “(B) while so serving, was licensed or otherwise
6 documented for service as a crewmember of such a
7 vessel by an officer or employee of the United States
8 authorized to license or document the person for
9 such service.

10 “(c) AMOUNT OF PAYMENTS.—The Secretary shall
11 make a monthly payment out of the compensation fund
12 in the amount of \$1,000 to an eligible individual. The Sec-
13 retary shall make such payments to eligible individuals in
14 the order in which the Secretary receives the applications
15 of the eligible individuals.

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—(1)
17 There are authorized to be appropriated to the compensa-
18 tion fund amounts as follows:

19 “(A) For fiscal year 2010, \$120,000,000.

20 “(B) For fiscal year 2011, \$108,000,000.

21 “(C) For fiscal year 2012, \$97,000,000.

22 “(D) For fiscal year 2013, \$85,000,000.

23 “(E) For fiscal year 2014, \$75,000,000.

24 “(2) Funds appropriated to carry out this section
25 shall remain available until expended.

1 “(e) REPORTS.—The Secretary shall include, in docu-
2 ments submitted to Congress by the Secretary in support
3 of the President’s budget for each fiscal year, detailed in-
4 formation on the operation of the compensation fund, in-
5 cluding the number of applicants, the number of eligible
6 individuals receiving benefits, the amounts paid out of the
7 compensation fund, the administration of the compensa-
8 tion fund, and an estimate of the amounts necessary to
9 fully fund the compensation fund for that fiscal year and
10 each of the three subsequent fiscal years.

11 “(f) REGULATIONS.—The Secretary shall prescribe
12 regulations to carry out this section.”.

13 (b) REGULATIONS.—Not later than 180 days after
14 the date of the enactment of this Act, the Secretary shall
15 prescribe the regulations required under section 532(f) of
16 title 38, United States Code, as added by subsection (a).

17 (c) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by inserting
19 after the item related to section 532 the following new
20 item:

“533. Merchant Mariner Equity Compensation Fund.”.

Passed the House of Representatives May 12, 2009.

Attest: LORRAINE C. MILLER,
Clerk.