

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 44

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 Department of Veterans Affairs.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. FIELDS of Texas (for himself, Mr. EVANS, Mr. STUDDS, Mr. ACKERMAN, Mr. BARRETT of Nebraska, Mr. BATEMAN, Mr. BORSKI, Mr. CALLAHAN, Mr. CALVERT, Mr. CHAPMAN, Mr. DEFazio, Mr. DIAZ-BALART, Mr. DOOLITTLE, Mr. DORNAN, Mr. FILNER, and Mr. STARK) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## 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 Department 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 1993".

1 **SEC. 2. SERVICE DEEMED TO BE ACTIVE MILITARY SERV-**  
2 **ICE.**

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.—

9 (1) The Secretary of Defense shall issue an  
10 honorable discharge under section 401(a)(1)(B) of  
11 the GI Bill Improvement Act of 1977 to each person  
12 whose qualified service warrants an honorable dis-  
13 charge.

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

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

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

21 **SEC. 4. PROCESSING FEES.**

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

1 (b) APPLICATION.—A fee established under this sec-  
2 tion shall apply to any application that is received after  
3 the date of the enactment of this Act by the Secretary  
4 of the Department in which the Coast Guard is operating,  
5 for a benefit (including for an increase in a benefit) based  
6 on qualified service.

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

9 **SEC. 5. DEFINITIONS.**

10 For purposes of this Act—

11 (1) the term “qualified service” means service  
12 of a person as a member of the United States mer-  
13 chant marine during the period beginning December  
14 7, 1941, and ending December 31, 1946, while such  
15 person was—

16 (i) licensed or otherwise documented by an  
17 officer or employee of the United States author-  
18 ized by law to do so; and

19 (ii) a crewmember of any vessel which at  
20 the time of such service was—

21 (I) documented in the United States,

22 (II) operated under the flag of the  
23 United States in waters other than inland  
24 waters of the United States,

1                   (III) under contract or charter to, or  
2                   property of, the Government of the United  
3                   States, and

4                   (IV) serving the Armed Forces; and  
5                   (2) the term “United States merchant marine”  
6                   includes the United States Army Transport Service.

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