

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

# S. 663

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 19, 2009

Mr. NELSON of Nebraska (for himself, Mr. BROWNBACK, Mr. KENNEDY, Mrs. LINCOLN, Mr. GRASSLEY, Mr. DURBIN, Mr. WHITEHOUSE, Mr. INHOFE, Mr. WYDEN, Mr. CARDIN, Mr. KERRY, Ms. MURKOWSKI, Mr. SPECTER, Mrs. MURRAY, Ms. COLLINS, Ms. STABENOW, Mr. ROBERTS, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Belated Thank You  
3 to the Merchant Mariners of World War II Act of 2009”.

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

7 (a) ESTABLISHMENT OF COMPENSATION FUND.—  
8 Subchapter II of chapter 5 of title 38, United States Code,  
9 is amended by adding at the end the following new section:

10 **“§ 532. Merchant Mariner Equity Compensation Fund**

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

15 “(2) Subject to the availability of appropriations for  
16 such purpose, amounts in the fund shall be available to  
17 the Secretary without fiscal year limitation to make pay-  
18 ments to eligible individuals in accordance with this sec-  
19 tion.

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

22 “(A) before October 1, 2009, submits to the  
23 Secretary an application containing such information  
24 and assurances as the Secretary may require;

1           “(B) has not received benefits under the Serv-  
2           icemen’s Readjustment Act of 1944 (Public Law  
3           78–346); and

4           “(C) has engaged in qualified service.

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

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

12           “(i) operated by the War Shipping Admin-  
13           istration or the Office of Defense Transpor-  
14           tation (or an agent of the Administration or Of-  
15           fice);

16           “(ii) operated in waters other than inland  
17           waters, the Great Lakes, and other lakes, bays,  
18           and harbors of the United States;

19           “(iii) under contract or charter to, or prop-  
20           erty of, the Government of the United States;  
21           and

22           “(iv) serving the Armed Forces; and

23           “(B) while so serving, was licensed or otherwise  
24           documented for service as a crewmember of such a  
25           vessel by an officer or employee of the United States

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

3 “(c) AMOUNT OF PAYMENTS.—The Secretary shall  
4 make a monthly payment out of the compensation fund  
5 in the amount of \$1,000 to an eligible individual. The Sec-  
6 retary shall make such payments to eligible individuals in  
7 the order in which the Secretary receives the applications  
8 of the eligible individuals.

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

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

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

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

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

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

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

19 “(e) REPORTS.—The Secretary shall include, in docu-  
20 ments submitted to Congress by the Secretary in support  
21 of the President’s budget for each fiscal year, detailed in-  
22 formation on the operation of the compensation fund, in-  
23 cluding the number of applicants, the number of eligible  
24 individuals receiving benefits, the amounts paid out of the  
25 compensation fund, the administration of the compensa-

1 tion fund, and an estimate of the amounts necessary to  
2 fully fund the compensation fund for that fiscal year and  
3 each of the three subsequent fiscal years.

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

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

10 (c) CLERICAL AMENDMENT.—The table of sections  
11 at the beginning of such chapter is amended by inserting  
12 after the item related to section 531 the following new  
13 item:

“532. Merchant Mariner Equity Compensation Fund.”.

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