

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: October 11, 2013

TO: Honorable Members of the Rules, Elections & Intergovernmental Relations
Committee

FROM: Gerry F. Miller 
Chief Legislative Analyst C.F. 13-0002-S116
Assignment: No. 13-08-0749

SUBJECT: Resolution (Buscaino-LaBonge) to SUPPORT H.R. 1936 (Hahn), "The Honoring
Our WWII Merchant Mariners Act of 2013"

CLA RECOMMENDATION: ADOPT Resolution (Buscaino-LaBonge) to include in the City's 2013-2014 Federal Legislative Program SUPPORT of H.R. 1936 (Hahn), the "Honoring Our Merchant Mariners of World War II Act of 2013," which would provide benefits to individuals who served in the U.S. Merchant Marines during World War II and who were unjustly excluded from eligibility for benefits under the G.I. Bill of Rights.

SUMMARY:

Resolution (Buscaino-LaBonge), introduced on August 20, 2013, notes that the U.S. Merchant Marines served their country during World War II by performing the hazardous duty of transporting troops, food, equipment, fuel and other needed supplies to every theater of the war. Further, the World War II Merchant Marines were said to have suffered the highest casualty rate of any of the service branches and whose chance of dying during service was extremely high.

The Resolution asserts that a great injustice was imposed upon the World War II Merchant Marines in that those who survived the war were denied veteran's benefits under the G.I. Bill of Rights that was enacted by Congress in 1945. In 1988, Congress passed the Seaman Acts, which granted some benefits to the World War II Merchant Marines but still did not provide veteran's status for purposes of calculating Social Security benefits, as was provided to World War II veterans of the Army, Navy, Marine Corps, Air Force and Coast Guard.

The Resolution advises that H.R. 1936, introduced by Congresswoman Janice Hahn on May 9, 2013, would provide a tax-exempt, monthly benefit of \$1,000 to each honorably discharged, eligible World War II Merchant Marine veteran or surviving spouse; a veteran's burial and cemetery benefits; and veteran's benefits under the Social Security Act.

The Resolution therefore proposes that, with the concurrence of the Mayor, the City of Los Angeles include in its 2013 - 2014 Federal Legislative Program SUPPORT of H.R. 1936 (Hahn), "The Honoring Our World War II Merchant Mariners Act of 2013," which would provide benefits to individuals who served in the U.S. Merchant Marines during World War II and who were unjustly excluded from eligibility for benefits under the G.I. Bill of Rights.

BACKGROUND:

Key provisions of H.R. 1936 include the following:

- Would establish in the U.S. Treasury General Fund a “Merchant Mariner Equity Compensation Fund,” from which amounts as appropriated would be available to the Secretary to make payments to eligible individuals in accordance with this law;
- Would define an “eligible individual” to be one who (a) has submitted an application as specified; (b) has not received benefits under the Servicemen’s Readjustment Act of 1944; (c) has engaged in qualified service, as specified;
- Would authorize the Secretary to make a monthly payment out of the compensation fund in the amount of \$1,000 to an eligible individual;
- Would require the Secretary to make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals;
- Would authorize appropriations to the compensation fund as follows:
 - ▶ For FY 2014, \$120,000,000;
 - ▶ For FY 2015, \$108,000,000;
 - ▶ For FY 2016, \$97,000,000;
 - ▶ For FY 2017, \$85,000,000;
 - ▶ For FY 2018, \$75,000,000.


DEPARTMENT(S) NOTIFIED: Harbor

BILL STATUS:

Introduced on May 9, 2013.

Referred to the House Committee on Veteran’s Affairs on May 9, 2013.

Referred to the Subcommittee on Disability Assistance and Memorial Affairs on May 24, 2013.



Christine Yee Hollis
Analyst

Attachments: Resolution (Resolution (Buscaino-LaBonge), introduced on August 20, 2013
H.R. 1936 (Hahn), introduced on May 9, 2013

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and


WHEREAS, the U.S. Merchant Marines served their country during World War II by performing the hazardous duty of transporting troops, food, equipment, fuel and other needed supplies to every theater of the war; and

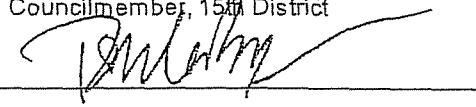
WHEREAS, it has been said that the World War II Merchant Marines suffered the highest casualty rate of any of the branches of service and whose chance of dying during service was extremely high; and

WHEREAS, a great injustice was imposed upon the World War II Merchant Mariners in that those who survived the war were denied veteran's benefits under the G.1. Bill of Rights that was enacted by Congress in 1945, and the contributions to the war effort of these brave veterans were not officially recognized until 1988, when Congress passed the Seaman Acts, which provided some benefits to the World War II Merchant Mariners but still did not provide veteran's status for purposes of calculating Social Security benefits as was granted to World War II veterans of the Army, Navy, Marine Corps, Air Force and Coast Guard; and

WHEREAS, Congresswoman Janice Hahn of California has introduced H.R. 1936, which would provide a tax-exempt, monthly benefit of \$1,000 to each honorably discharged, eligible World War II Merchant Mariner veteran or surviving spouse; a veteran's burial and cemetery benefits; and veteran's benefits under the Social Security Act;

NOW, THEREFORE BE IT RESOLVED, with the concurrence of the Mayor, that by adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 Federal Legislative Program SUPPORT of H.R. 1936 (Hahn), the "Honoring Our Merchant Mariners of World War II Act of 2013," which would provide benefits to individuals who served in the U.S. Merchant Marines during World War II and who were unjustly excluded from eligibility for benefits under the G.1. Bill of Rights.

PRESENTED BY: 
JOE BUSCAINO
Councilmember, 15th District

SECONDED BY: 

113TH CONGRESS
1ST SESSION

H. R. 1936

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2013

Ms. HAIN introduced the following bill; which was referred to the Committee on Veterans' Affairs

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Honoring Our WWII
5 Merchant Mariners Act of 2013".

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

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

7 **“§ 533. Merchant Mariner Equity Compensation Fund**

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

12 “(2) Subject to the availability of appropriations for
13 such purpose, amounts in the compensation fund shall be
14 available to the Secretary without fiscal year limitation to
15 make payments to eligible individuals in accordance with
16 this section.

17 “(b) **ELIGIBLE INDIVIDUALS.**—(1) An eligible indi-
18 vidual is an individual who—

19 “(A) during the one-year period beginning on
20 the date of the enactment of this section, submits to
21 the Secretary an application containing such infor-
22 mation and assurances as the Secretary may require;

23 “(B) has not received benefits under the Serv-
24 icemen’s Readjustment Act of 1944 (Public Law
25 78-346); and

26 “(C) has engaged in qualified service.

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

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

8 “(i) operated by the War Shipping Admin-
9 istration or the Office of Defense Transpor-
10 tation (or an agent of the Administration or Of-
11 fice);

12 “(ii) operated in waters other than inland
13 waters, the Great Lakes, and other lakes, bays,
14 and harbors of the United States;

15 “(iii) under contract or charter to, or prop-
16 erty of, the Government of the United States;
17 and

18 “(iv) serving the Armed Forces; and

19 “(B) while so serving, was licensed or otherwise
20 documented for service as a crewmember of such a
21 vessel by an officer or employee of the United States
22 authorized to license or document the person for
23 such service.

24 “(c) AMOUNT OF PAYMENTS.—The Secretary shall
25 make a monthly payment out of the compensation fund

1 in the amount of \$1,000 to an eligible individual. The Sec-
2 retary shall make such payments to eligible individuals in
3 the order in which the Secretary receives the applications
4 of the eligible individuals.

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

8 “(A) For fiscal year 2014, \$120,000,000.

9 “(B) For fiscal year 2015, \$108,000,000.

10 “(C) For fiscal year 2016, \$97,000,000.

11 “(D) For fiscal year 2017, \$85,000,000.

12 “(E) For fiscal year 2018, \$75,000,000.

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

15 “(e) REPORTS.—The Secretary shall include, in docu-
16 ments submitted to Congress by the Secretary in support
17 of the President’s budget for each fiscal year, detailed in-
18 formation on the operation of the compensation fund, in-
19 cluding the number of applicants, the number of eligible
20 individuals receiving benefits, the amounts paid out of the
21 compensation fund, the administration of the compensa-
22 tion fund, and an estimate of the amounts necessary to
23 fully fund the compensation fund for that fiscal year and
24 each of the three subsequent fiscal years.

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

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

7 (c) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by inserting
9 after the item related to section 532 the following new
10 item:

“533. Merchant Mariner Equity Compensation Fund.”.

□