

109TH CONGRESS
1ST SESSION

H. R. 4261

To provide eligibility for veterans benefits for individuals who served in the United States merchant marine in the Southeast Asia theater of operations during the Vietnam Era.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 2005

Mr. BISHOP of Georgia introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To provide eligibility for veterans benefits for individuals who served in the United States merchant marine in the Southeast Asia theater of operations during the Vietnam Era.

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. VETERANS BENEFITS FOR MERCHANT MARI-**
4 **NERS WHO SERVED DURING THE VIETNAM**
5 **ERA IN THE SOUTHEAST ASIA THEATER OF**
6 **OPERATIONS.**

7 (a) **ELIGIBILITY FOR VETERANS BENEFITS.**—Not-
8 withstanding any other provision of law, the service of an

1 eligible individual described in subsection (b)(1) shall be
2 considered to be active duty in determining the individ-
3 ual's eligibility for veterans benefits under all laws admin-
4 istered by the Secretary of Veterans Affairs.

5 (b) ELIGIBLE INDIVIDUAL.—In this Act, the term
6 “eligible individual” means an individual in the United
7 States merchant marine who—

8 (1) served as a crewmember of a vessel that
9 was in oceangoing service during the Vietnam Era
10 in the Southeast Asia theater of operations; and

11 (2) receives a certificate of honorable discharge
12 under subsection (c).

13 (c) DOCUMENTATION OF SERVICE.—

14 (1) CERTIFICATE OF HONORABLE DIS-
15 CHARGE.—The Secretary of Defense shall, upon ap-
16 plication, issue a certificate of honorable discharge
17 to an individual in the United States merchant ma-
18 rine who served as a crewmember of a vessel that
19 was in oceangoing service during the Vietnam Era
20 in the Southeast Asia theater of operations who, as
21 determined by the Secretary, engaged in service of
22 a nature and duration that warrants issuance of the
23 certificate.

24 (2) STANDARDS RELATING TO SERVICE.—In
25 carrying out paragraph (1), the Secretary shall

1 apply the same standards relating to the nature and
2 duration of service that apply to the issuance of hon-
3 orable discharges under section 401(a)(1)(B) of the
4 GI Bill Improvement Act of 1977 (38 U.S.C. 106
5 note).

6 (d) DEFINITIONS.—In this Act, the following defini-
7 tions apply:

8 (1) INDIVIDUAL IN THE UNITED STATES MER-
9 CHANT MARINE.—The term “individual in the
10 United States merchant marine” means any citizen
11 or resident alien of the United States serving as a
12 civilian or civil service member of the United States
13 merchant marine.

14 (2) VIETNAM ERA.—The term “Vietnam Era”
15 means—

16 (A) the period beginning on February 28,
17 1961, and ending on May 7, 1975, in the case
18 of an individual in the United States merchant
19 marine who served in the Republic of Vietnam
20 during that period; and

21 (B) the period beginning on August 5,
22 1964, and ending on May 7, 1975, in all other
23 cases.

1 **SEC. 2. RETROACTIVE APPLICABILITY.**

2 Section 1 shall apply to an individual eligible for vet-
3 erans benefits under subsection (a) of such section as if
4 such section had been in effect as of the last date of the
5 individual's service described in subsection (b)(1) of such
6 section.

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