

109TH CONGRESS
1ST SESSION

H. R. 4338

To provide veterans benefits to certain individuals who serve in the United States merchant marine during a period of war.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2005

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

A BILL

To provide veterans benefits to certain individuals who serve in the United States merchant marine during a period of war.

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 “Combat Merchant
5 Mariners Veterans Benefits Act of 2005”.

6 **SEC. 2. ELIGIBILITY FOR VETERANS BENEFITS.**

7 (a) IN GENERAL.—Subject to subsection (b), the
8 qualifying service of an individual in the United States
9 merchant marine during a period of war for a total period
10 equal to at least 12 months shall be considered to be active

1 duty in determining the individual's eligibility for veterans
2 benefits under all laws administered by the Secretary of
3 Veterans Affairs.

4 (b) QUALIFYING SERVICE.—For purposes of this sec-
5 tion, qualifying service is any of the following:

6 (1) OCEAN, COASTAL, OR INTERCOASTAL VOY-
7 AGES.—Service on a vessel of the United States on
8 ocean, coastwise, or intercoastal voyages during a
9 period of war in a combat zone of such war if such
10 service is rendered to the Armed Forces in a capac-
11 ity considered civilian employment or contractual
12 service at the time the service is performed.

13 (2) FORCIBLE DETENTION OR INTERNMENT.—
14 Any period of forcible detention or internment by an
15 enemy government or hostile force as a result of hos-
16 tile action against a vessel of the United States
17 while the individual was performing service referred
18 to in paragraph (1) on that vessel.

19 (3) OTHER SERVICE.—Any period of service in
20 the War Shipping Administration, the United States
21 Maritime Service, or a maritime training program
22 conducted or recognized by the Armed Forces, ex-
23 cept that not more than six months of such service
24 may be included in calculating the period of service
25 referred to in subsection (a).

1 (c) APPLICABILITY OF MINIMUM ACTIVE-DUTY
2 SERVICE REQUIREMENTS.—The minimum active-duty
3 service requirement of any law administered by the Sec-
4 retary of Veterans Affairs shall apply in determining an
5 individual’s eligibility for veterans benefits under this Act.

6 **SEC. 3. WAIVER OF PERIOD OF SERVICE.**

7 The requirement of section 2(a) that the period of
8 service referred to in that section be equal to at least 12
9 months shall not apply to an individual who is perma-
10 nently disabled in the performance of the service referred
11 to in such section while the vessel of the United States
12 on which the individual is performing the service is sub-
13 jected to hostile action.

14 **SEC. 4. VERIFICATION OF SERVICE.**

15 The service referred to in section 2(a) may be verified
16 by—

- 17 (1) entries in a continuous discharge book;
- 18 (2) a certificate of discharge to merchant sea-
19 men;
- 20 (3) a certificate of substantially continuous
21 service; or
- 22 (4) any other documentation available from the
23 Secretary of Transportation or the head of any other
24 Federal agency.

1 **SEC. 5. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “individual in the United States
4 merchant marine” means any citizen or resident
5 alien of the United States serving as a civilian or
6 civil service member of the United States merchant
7 marine.

8 (2) The terms “period of war” and “Armed
9 Forces” have the meanings given those terms in sec-
10 tion 101 of title 38, United States Code.

11 (3) The term “combat zone” means an area in
12 which the Armed Forces are engaged in combat, as
13 determined by the Secretary of Defense.

14 (4) The term “vessel of the United States” has
15 the meaning given that term in section 2101(46) of
16 title 46, United States Code.

17 **SEC. 6. APPLICABILITY AND PROHIBITION OF RETRO-**
18 **ACTIVE BENEFITS.**

19 Service referred to in section 2(a) that was performed
20 before the date of the enactment of this Act shall be count-
21 ed for purposes of this Act. An individual who performs
22 such service before the date of the enactment of this Act
23 may not be provided veterans benefits that accrue as a
24 result of the enactment of this Act for any period before
25 the date of the enactment of this Act.