

104TH CONGRESS
1ST SESSION

H. R. 2215

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

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1995

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

A BILL

To provide veterans benefits to 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 Benefit Act of 1990”.

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

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

1 mining the individual's eligibility for veterans benefits
2 under all laws administered by the Department of Veter-
3 ans Affairs.

4 (b) LIMITATIONS.—

5 (1) QUALIFIED SERVICE.—The service referred
6 to in subsection (a) shall be limited to the following:

7 (A) OCEAN, COASTAL, OR INTERCOASTAL
8 VOYAGES.—Service on a vessel of the United
9 States on ocean, coastwise, or intercoastal voy-
10 ages, during a period of war in a combat zone
11 of such war. The service shall be rendered to
12 the Armed Forces in a capacity considered civil-
13 ian employment or contractual service at the
14 time the service was rendered.

15 (B) FORCIBLE DETENTION OR INTERN-
16 MENT.—Any period of forcible detention or in-
17 ternment by an enemy government or hostile
18 force as a result of hostile action against a ves-
19 sel of the United States while the individual
20 was performing the service referred to in sub-
21 paragraph (A) on the vessel.

22 (C) OTHER SERVICE.—Any period of serv-
23 ice in the War Shipping Administration, the
24 United States Maritime Service, or a maritime
25 training program conducted or recognized by

1 the Armed Forces, except that not more than 6
2 months of such service may be included in cal-
3 culating the period of service referred to in sub-
4 section (a).

5 (2) APPLICABILITY OF MINIMUM ACTIVE-DUTY
6 SERVICE REQUIREMENTS.—The minimum active-
7 duty service requirement of any law administered by
8 the Department of Veterans Affairs shall apply in
9 determining an individual's eligibility for veterans
10 benefits under this Act.

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

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

19 **SEC. 4. VERIFICATION OF SERVICE.**

20 The service referred to in section 2(a) may be verified
21 by entries in a continuous discharge book, a certificate of
22 discharge to merchant seamen, a certificate of substan-
23 tially continuous service, or other documentation available
24 from the Secretary of Transportation or the head of any
25 other Federal agency.

1 **SEC. 5. DEFINITIONS.**

2 For purposes of this Act:

3 (1) The term “Armed Forces” has the meaning
4 given such term in section 101(10) of title 38,
5 United States Code.

6 (2) The term “combat zone” means an area in
7 which the Armed Forces are engaged in combat, as
8 determined by the Secretary of Defense.

9 (3) The term “individual in the United States
10 merchant marine” means any citizen or resident
11 alien of the United States serving as a civilian or
12 civil service member of the United States merchant
13 marine.

14 (4) The term “period of war” has the meaning
15 given such term in section 101(11) of title 38, Unit-
16 ed States Code.

17 (5) The term “vessel of the United States” has
18 the meaning given such term in section 2101(46) of
19 title 46, United States Code.

20 **SEC. 6. APPLICABILITY AND PROHIBITION OF RETRO-**
21 **ACTIVE BENEFITS.**

22 The service referred to in section 2(a) may be ren-
23 dered before the date of the enactment of this Act. An
24 individual who performs the service before the date of the
25 enactment of this Act shall not be paid veterans benefits
26 that accrue as a result of the enactment of this Act for

- 1 any period of accrual before the date of the enactment
- 2 of this Act.

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