

112TH CONGRESS
1ST SESSION

H. R. 1288

To direct the Secretary of Homeland Security to accept additional documentation when considering the application for veterans status of an individual who performed service in the merchant marines during World War II, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2011

Mr. BUTTERFIELD (for himself, Mr. JONES, Mr. MCINTYRE, and Mr. FORTENBERRY) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To direct the Secretary of Homeland Security to accept additional documentation when considering the application for veterans status of an individual who performed service in the merchant marines during World War II, and for other purposes.

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 “World War II Mer-
5 chant Mariner Service Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The Merchant Marine Act, 1936 established
2 the United States Maritime Commission, and stated
3 as a matter of policy that the United States should
4 have a merchant marine that is “capable of serving
5 as a naval and military auxiliary in time of war or
6 national emergency”.

7 (2) The Social Security Act Amendments of
8 1939 (Public Law 76–379) expanded the definition
9 of employment to include service “on or in connec-
10 tion with an American vessel under contract of serv-
11 ice which is entered into within the United States or
12 during the performance of which the vessel touches
13 at a port in the United States, if the employee is
14 employed on and in connection with such vessel”.

15 (3) The Joint Resolution to repeal sections 2,
16 3, and 6 of the Neutrality Act of 1939, and for
17 other purposes (Public Law 77–294; 55 Stat. 764)
18 repealed section 6 of the Neutrality Act of 1939 (re-
19 lated to the arming of United States vessels) and
20 authorized the President during the national emer-
21 gency to arm or permit to arm any United States
22 vessel.

23 (4) On February 7, 1942, President Franklin
24 D. Roosevelt, through Executive Order Number
25 9054, established the War Shipping Administration

1 that was charged with building or purchasing, and
2 operating the civilian shipping vessels needed for the
3 war effort.

4 (5) During World War II, United States mer-
5 chant mariners transported goods and materials
6 through “contested waters” to the various combat
7 theaters.

8 (6) At the conclusion of World War II, United
9 States merchant mariners were responsible for
10 transporting several million members of the United
11 States Armed Forces back to the United States.

12 (7) The GI Bill Improvement Act of 1977
13 (Public Law 95–202) provided that the Secretary of
14 Defense could determine that service for the Armed
15 Forces by organized groups of civilians, or contrac-
16 tors, be considered “active service” for benefits ad-
17 ministered by the Veterans Administration.

18 (8) Department of Defense Directive 1000.20
19 directed that the determination be made by the Sec-
20 retary of the Air Force, and established the Civilian/
21 Military Service Review Board and Advisory Panel.

22 (9) In 1987, three merchant mariners along
23 with the AFL–CIO sued Edward C. Aldridge, Sec-
24 retary of the Air Force, challenging the denial of
25 their application for veterans status. In Schumacher

1 v. Aldridge (665 F. Supp. 41 (D.D.C. 1987)), the
2 Court determined that Secretary Aldridge had failed
3 to “articulate clear and intelligible criteria for the
4 administration” of the application approval process.

5 (10) During World War II, women were repeat-
6 edly denied issuance of official documentation af-
7 firming their merchant marine seamen status by the
8 War Shipping Administration.

9 (11) Coast Guard Information Sheet #77
10 (April 1992) identifies the following acceptable
11 forms of documentation for eligibility meeting the
12 requirements set forth in GI Bill Improvement Act
13 of 1977 (Public Law 95–202) and Veterans Pro-
14 grams Enhancement Act of 1998 (Public Law 105–
15 368):

16 (A) Certificate of shipping and discharge
17 forms.

18 (B) Continuous discharge books (ship’s
19 deck or engine logbooks).

20 (C) Company letters showing vessel names
21 and dates of voyages.

22 (12) Coast Guard Commandant Order of 20
23 March, 1944, relieved masters of tugs, towboats,
24 and seagoing barges of the responsibility of submit-
25 ting reports of seamen shipped or discharged on

1 forms, meaning certificates of shipping and dis-
2 charge forms are not available to all eligible individ-
3 uals seeking to document their eligibility.

4 (13) Coast Guard Information Sheet #77
5 (April, 1992) states that “deck logs were tradition-
6 ally considered to be the property of the owners of
7 the ships. After World War II, however, the deck
8 and engine logbooks of vessels operated by the War
9 Shipping Administration were turned over to that
10 agency by the ship owners, and were destroyed dur-
11 ing the 1970s”, meaning that continuous discharge
12 books are not available to all eligible individuals
13 seeking to document their eligibility.

14 (14) Coast Guard Information Sheet #77
15 (April, 1992) states “some World War II period log
16 books do not name ports visited during the voyage
17 due to wartime security restrictions”, meaning that
18 company letters showing vessel names and dates of
19 voyages are not available to all eligible individuals
20 seeking to document their eligibility.

21 **SEC. 3. METHODS FOR VALIDATING CERTAIN SERVICE**
22 **CONSIDERED TO BE ACTIVE SERVICE BY THE**
23 **SECRETARY OF VETERANS AFFAIRS.**

24 (a) IN GENERAL.—For the purposes of verifying that
25 an individual performed service under honorable condi-

1 tions that satisfies the requirements of as a member of
2 the merchant marine who is recognized pursuant to sec-
3 tion 401 of GI Bill Improvement Act of 1977 (Public Law
4 95–202; 38 U.S.C. 106 note) as having performed active
5 duty service for the purposes of all laws administered by
6 the Secretary of Veterans Affairs, the Secretary of Home-
7 land Security shall consider the following:

8 (1) In the case of an individual seeking such
9 recognition for whom no applicable Coast Guard
10 shipping or discharge form, ship logbook, or other
11 official employment record is available, the Secretary
12 may provide such recognition on the basis of applica-
13 ble Social Security Administration records submitted
14 by the individual, together with validated testimony
15 given by the individual or the primary next of kin
16 of the individual that the individual performed such
17 service during the period beginning on December 7,
18 1941, and ending on December 31, 1946.

19 (2) In the case of an individual seeking such
20 recognition for whom the applicable Coast Guard
21 shipping or discharge form, ship logbook, or other
22 official employment record has been destroyed or
23 otherwise become unavailable by reason of any ac-
24 tion committed by a person responsible for the con-
25 trol and maintenance of such form, logbook, or

1 record, the Secretary shall accept other official docu-
2 mentation demonstrating that the individual per-
3 formed such service during period beginning on De-
4 cember 7, 1941, and ending on December 31, 1946.

5 (3) For the purpose of determining whether to
6 recognize service allegedly performed during the pe-
7 riod beginning on December 7, 1941, and ending on
8 December 31, 1946, the Secretary shall recognize
9 masters of seagoing vessels or other officers in com-
10 mand of similarly organized groups as agents of the
11 United States who were authorized to document any
12 individual for purposes of hiring the individual to
13 perform service in the merchant marine or dis-
14 charging an individual from such service.

15 (b) TREATMENT OF OTHER DOCUMENTATION.—
16 Other documentation accepted by the Secretary of Home-
17 land Security pursuant to subsection (a)(2) shall satisfy
18 all requirements for eligibility of service during the period
19 beginning on December 7, 1941, and ending on December
20 31, 1946.

21 (c) DEFINITION OF PRIMARY NEXT OF KIN.—In this
22 section, the term “primary next of kin” with respect to
23 an individual seeking recognition for service under this
24 section means the closest living relative of the individual
25 who was alive during the period of such service.

1 (d) EFFECTIVE DATE.—This Act shall take effect 90
2 days after the date of the enactment of this Act.

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