

113TH 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 as a coastwise merchant seaman during World War II, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2013

Mr. BUTTERFIELD (for himself, Mr. COURTNEY, Mr. JONES, Mr. MEADOWS, Mr. MCINTYRE, Mr. PITTENGER, Mr. HOLDING, Mr. HASTINGS of Florida, Mr. BRADY of Pennsylvania, Mrs. NAPOLITANO, Mr. CUMMINGS, Mr. LOBIONDO, Mr. McDERMOTT, Ms. PINGREE of Maine, Mr. LIPINSKI, Mr. GRIFFIN of Arkansas, Mr. SCHIFF, Mr. RANGEL, Ms. SCHWARTZ, Mr. LATTA, Mr. ROSS, Ms. HAHN, Mr. WITTMAN, Mr. LOEBSACK, Mr. McHENRY, Mr. JOHNSON of Georgia, Mr. CONNOLLY, Ms. MCCOLLUM, Mrs. CAROLYN B. MALONEY of New York, Ms. WASSERMAN SCHULTZ, Mr. BARROW of Georgia, Mrs. MCCARTHY of New York, Mr. KEATING, Ms. BROWN of Florida, Mr. KING of New York, Ms. BORDALLO, Mr. PRICE of North Carolina, Mr. KENNEDY, Mr. DEFazio, Mr. HIMES, Mr. HONDA, and Mr. WESTMORELAND) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 as a coastwise merchant seaman 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:

8 (1) The Merchant Marine Act, 1936 established
9 the United States Maritime Commission, and stated
10 as a matter of policy that the United States should
11 have a merchant marine that is “capable of serving
12 as a naval and military auxiliary in time of war or
13 national emergency”.

14 (2) The Social Security Act Amendments of
15 1939 (Public Law 76–379) expanded the definition
16 of employment to include service “on or in connec-
17 tion with an American vessel under contract of serv-
18 ice which is entered into within the United States or
19 during the performance of which the vessel touches
20 at a port in the United States, if the employee is
21 employed on and in connection with such vessel”.

22 (3) The Joint Resolution to repeal sections 2,
23 3, and 6 of the Neutrality Act of 1939, and for
24 other purposes (Public Law 77–294; 55 Stat. 764)
25 repealed section 6 of the Neutrality Act of 1939 (re-

1 lated to the arming of United States vessels) and
2 authorized the President during the national emer-
3 gency to arm or permit to arm any United States
4 vessel.

5 (4) On February 7, 1942, President Franklin
6 D. Roosevelt, through Executive Order Number
7 9054, established the War Shipping Administration
8 that was charged with building or purchasing, and
9 operating the civilian shipping vessels needed for the
10 war effort.

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

15 (6) At the conclusion of World War II, United
16 States merchant mariners were responsible for
17 transporting several million members of the United
18 States Armed Forces back to the United States.

19 (7) The GI Bill Improvement Act of 1977
20 (Public Law 95–202) provided that the Secretary of
21 Defense could determine that service for the Armed
22 Forces by organized groups of civilians, or contrac-
23 tors, be considered “active service” for benefits ad-
24 ministered by the Veterans Administration.

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

5 (9) In 1987, three merchant mariners along
6 with the AFL-CIO sued Edward C. Aldridge, Sec-
7 retary of the Air Force, challenging the denial of
8 their application for veterans status. In *Schumacher*
9 *v. Aldridge* (665 F. Supp. 41 (D.D.C. 1987)), the
10 Court determined that Secretary Aldridge had failed
11 to “articulate clear and intelligible criteria for the
12 administration” of the application approval process.

13 (10) During World War II, women were repeat-
14 edly denied issuance of official documentation af-
15 firming their merchant marine seamen status by the
16 War Shipping Administration.

17 (11) Coast Guard Information Sheet #77
18 (April 1992) identifies the following acceptable
19 forms of documentation for eligibility meeting the
20 requirements set forth in GI Bill Improvement Act
21 of 1977 (Public Law 95-202) and Veterans Pro-
22 grams Enhancement Act of 1998 (Public Law 105-
23 368):

24 (A) Certificate of shipping and discharge
25 forms.

1 (B) Continuous discharge books (ship's
2 deck or engine logbooks).

3 (C) Company letters showing vessel names
4 and dates of voyages.

5 (12) Coast Guard Commandant Order of 20
6 March, 1944, relieved masters of tugs, towboats,
7 and seagoing barges of the responsibility of submit-
8 ting reports of seamen shipped or discharged on
9 forms, meaning certificates of shipping and dis-
10 charge forms are not available to all eligible individ-
11 uals seeking to document their eligibility.

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

22 (14) Coast Guard Information Sheet #77
23 (April, 1992) states “some World War II period log
24 books do not name ports visited during the voyage
25 due to wartime security restrictions”, meaning that

1 company letters showing vessel names and dates of
2 voyages are not available to all eligible individuals
3 seeking to document their eligibility.

4 **SEC. 3. METHODS FOR VALIDATING CERTAIN SERVICE**
5 **CONSIDERED TO BE ACTIVE SERVICE BY THE**
6 **SECRETARY OF VETERANS AFFAIRS.**

7 (a) IN GENERAL.—For the purposes of verifying that
8 an individual performed service under honorable condi-
9 tions that satisfies the requirements of a coastwise mer-
10 chant seaman who is recognized pursuant to section 401
11 of the GI Bill Improvement Act of 1977 (Public Law 95–
12 202; 38 U.S.C. 106 note) as having performed active duty
13 service for the purposes described in subsection (c)(1), the
14 Secretary of Homeland Security shall accept the following:

15 (1) In the case of an individual who served on
16 a coastwise merchant vessel seeking such recognition
17 for whom no applicable Coast Guard shipping or dis-
18 charge form, ship logbook, merchant mariner’s docu-
19 ment or Z-card, or other official employment record
20 is available, the Secretary shall provide such recogni-
21 tion on the basis of applicable Social Security Ad-
22 ministration records submitted for or by the indi-
23 vidual, together with validated testimony given by
24 the individual or the primary next of kin of the indi-
25 vidual that the individual performed such service

1 during the period beginning on December 7, 1941,
2 and ending on December 31, 1946.

3 (2) In the case of an individual who served on
4 a coastwise merchant vessel seeking such recognition
5 for whom the applicable Coast Guard shipping or
6 discharge form, ship logbook, merchant mariner's
7 document or Z-card, or other official employment
8 record has been destroyed or otherwise become un-
9 available by reason of any action committed by a
10 person responsible for the control and maintenance
11 of such form, logbook, or record, the Secretary shall
12 accept other official documentation demonstrating
13 that the individual performed such service during pe-
14 riod beginning on December 7, 1941, and ending on
15 December 31, 1946.

16 (3) For the purpose of determining whether to
17 recognize service allegedly performed during the pe-
18 riod beginning on December 7, 1941, and ending on
19 December 31, 1946, the Secretary shall recognize
20 masters of seagoing vessels or other officers in com-
21 mand of similarly organized groups as agents of the
22 United States who were authorized to document any
23 individual for purposes of hiring the individual to
24 perform service in the merchant marine or dis-
25 charging an individual from such service.

1 (b) TREATMENT OF OTHER DOCUMENTATION.—

2 Other documentation accepted by the Secretary of Home-
3 land Security pursuant to subsection (a)(2) shall satisfy
4 all requirements for eligibility of service during the period
5 beginning on December 7, 1941, and ending on December
6 31, 1946.

7 (c) BENEFITS ALLOWED.—

8 (1) BURIAL BENEFITS ELIGIBILITY.—Service of
9 an individual that is considered active duty pursuant
10 to subsection (a) shall be considered as active duty
11 service with respect to providing burial benefits
12 under chapters 23 and 24 of title 38, United States
13 Code, to the individual.

14 (2) MEDALS, RIBBONS, AND DECORATIONS.—
15 An individual whose service is recognized as active
16 duty pursuant to subsection (a) may be awarded an
17 appropriate medal, ribbon, or other military decora-
18 tion based on such service.

19 (3) STATUS OF VETERAN.—An individual whose
20 service is recognized as active duty pursuant to sub-
21 section (a) shall be honored as a veteran but shall
22 not be entitled by reason of such recognized service
23 to any benefit that is not described in this sub-
24 section.

1 (d) DETERMINATION OF COASTWISE MERCHANT
2 SEAMAN.—The Secretary of Homeland Security shall
3 verify that an individual performed service under honor-
4 able conditions that satisfies the requirements of a coast-
5 wise merchant seaman pursuant to this section without
6 regard to the sex, age, or disability of the individual dur-
7 ing the period in which the individual served as such a
8 coastwise merchant seaman.

9 (e) DEFINITION OF PRIMARY NEXT OF KIN.—In this
10 section, the term “primary next of kin” with respect to
11 an individual seeking recognition for service under this
12 section means the closest living relative of the individual
13 who was alive during the period of such service.

14 (f) EFFECTIVE DATE.—This Act shall take effect 90
15 days after the date of the enactment of this Act.

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