

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5829

To direct the Secretary of Defense 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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2010

Mr. BUTTERFIELD (for himself, Mr. MCINTYRE, Mr. JONES, Mr. BRADY of Pennsylvania, Mr. COBLE, Ms. BORDALLO, Mr. KISSELL, Mrs. CHRISTENSEN, Mr. SPRATT, Ms. SHEA-PORTER, Ms. FOXX, Ms. MCCOLLUM, Mrs. MYRICK, Mr. BISHOP of Georgia, Mr. ETHERIDGE, Mr. MCHENRY, Mr. DELAHUNT, and Mr. TAYLOR) 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

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## A BILL

To direct the Secretary of Defense 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “World War II Mer-  
3 chant Mariner Service Act”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

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

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

20 (3) The Joint Resolution to repeal sections 2,  
21 3, and 6 of the Neutrality Act of 1939, and for  
22 other purposes (Public Law 77–294; 55 Stat. 764)  
23 repealed section 6 of the Neutrality Act of 1939 (re-  
24 lated to the arming of United States vessels) and  
25 authorized the President during the national emer-

1 agency to arm or permit to arm any United States  
2 vessel.

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

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

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

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

23 (8) Department of Defense Directive 1000.20  
24 directed that the determination be made by the Sec-

1       retary of the Air Force, and established the Civilian/  
2       Military Service Review Board and Advisory Panel.

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

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

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

22           (A) Certificate of shipping and discharge  
23      forms.

24           (B) Continuous discharge books (ship’s  
25      deck or engine logbooks).

1 (C) Company letters showing vessel names  
2 and dates of voyages.

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

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

20 (14) Coast Guard Information Sheet #77  
21 (April, 1992) states “some World War II period log  
22 books do not name ports visited during the voyage  
23 due to wartime security restrictions”, meaning that  
24 company letters showing vessel names and dates of

1       voyages are not available to all eligible individuals  
2       seeking to document their eligibility.

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

6       (a) IN GENERAL.—For the purposes of verifying that  
7 an individual performed service under honorable condi-  
8 tions that satisfies the requirements of as a member of  
9 the merchant marine who is recognized pursuant to sec-  
10 tion 401 of GI Bill Improvement Act of 1977 (Public Law  
11 95–202; 38 U.S.C. 106 note) as having performed active  
12 duty service for the purposes of all laws administered by  
13 the Secretary of Veterans Affairs, the Secretary of De-  
14 fense shall consider the following:

15           (1) In the case of an individual seeking such  
16 recognition for whom no applicable Coast Guard  
17 shipping or discharge form, ship logbook, or other  
18 official employment record is available, the Secretary  
19 may provide such recognition on the basis of applica-  
20 ble Social Security Administration records submitted  
21 by the individual, together with validated testimony  
22 given by the individual or the primary next of kin  
23 of the individual that the individual performed such  
24 service during the period beginning on December 7,  
25 1941, and ending on December 31, 1946.

1           (2) In the case of an individual seeking such  
2 recognition for whom the applicable Coast Guard  
3 shipping or discharge form, ship logbook, or other  
4 official employment record has been destroyed or  
5 otherwise become unavailable by reason of any ac-  
6 tion committed by a person responsible for the con-  
7 trol and maintenance of such form, logbook, or  
8 record, the Secretary shall accept other official docu-  
9 mentation demonstrating that the individual per-  
10 formed such service during period beginning on De-  
11 cember 7, 1941, and ending on December 31, 1946.

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

22           (b) TREATMENT OF OTHER DOCUMENTATION.—  
23 Other documentation accepted by the Secretary pursuant  
24 to subsection (a)(2) shall satisfy all requirements for eligi-

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

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

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

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