

79TH CONGRESS  
1ST SESSION

# S. 1128

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## IN THE SENATE OF THE UNITED STATES

JUNE 8 (legislative day, JUNE 4), 1945

Mr. RADCLIFFE introduced the following bill; which was read twice and referred to the Committee on Commerce

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## A BILL

To provide aid for the readjustment in civilian life of those persons who rendered war service in the United States merchant marine during World War II, and to provide aid for the families of deceased war-service merchant seamen.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Merchant Seamen's War
- 4 Service Act".



1 TITLE I—DEFINITIONS AND CERTIFICATE OF  
2 MARITIME WAR SERVICE

3 DEFINITIONS

4 SEC. 101. As used in this Act, the term—

5 (a) "Chairman" means the Chairman of the United  
6 States Maritime Commission.

7 (b) "Maritime war service" means civilian service by  
8 an individual after September 30, 1941, and prior to six  
9 months after the termination of hostilities as—

10 (1) a master, officer, or member of the crew, on  
11 and in connection with the operation of (A) any vessel  
12 documented under the laws of the United States, or  
13 (B) any vessel in the United States Army Transport  
14 Service, or (C) any vessel owned by, chartered to, or  
15 operated by or for the account of, or at the direction  
16 or under the control of, the United States Maritime  
17 Commission or the War Shipping Administration; or

18 (2) an enrollee in the United States Maritime  
19 Service on active duty; or

20 (3) an enrollee or student in any maritime school  
21 or institution, including basic training schools and  
22 academies of the United States Merchant Marine Cadet  
23 Corps, and any State maritime academy under the  
24 jurisdiction or supervision of the War Shipping Ad-  
25 ministration, but no service under this paragraph shall

1 be deemed to constitute "maritime war service" if the  
2 individual fails to complete successfully the course of  
3 instruction, unless such failure is determined by the Chair-  
4 man to have been for a justifiable reason.

5 If the individual during any period is not actually per-  
6 forming any service described in any of the foregoing  
7 provisions, but nevertheless is entitled, by reason of service  
8 so described, to continue to receive his pay with respect to  
9 such period, as and for his maintenance, or because of an  
10 injury or disease incurred as a result of such service, then  
11 such individual shall be considered as rendering "maritime  
12 war service" during such period.

13 (c) "War-service seaman" means an individual with  
14 respect to whom a certificate of maritime war service has  
15 been issued pursuant to this Act.

16 (d) "Disabled war-service seaman" means a war-  
17 service seaman on whose certificate of maritime war service  
18 a disability endorsement has been made pursuant to this  
19 Act.

20 (e) "Deceased war-service seaman" means a war-  
21 service seaman on whose certificate of maritime war service  
22 a death endorsement has been made pursuant to this Act.

23 (f) "Vessel" does not include—

24 (1) any vessel engaged in operation exclusively  
25 on the Great Lakes, or



1 (2) any vessel engaged in operation principally  
2 within ports or inland waters, or

3 (3) any vessel engaged in the catching, taking,  
4 harvesting, cultivating, or farming of any kind of fish,  
5 shellfish, crustacea, sponges, seaweeds, or other aquatic  
6 forms of animal or vegetable life.

7 (g) "Termination of hostilities" means the date pro-  
8 claimed by the President as the date of the termination of  
9 hostilities in the present war, or the date specified in a  
10 concurrent resolution of the two Houses of Congress as the  
11 date of termination of such hostilities, whichever is the earlier.

12 (h) "State" means any of the States of the Union, any  
13 Territory or possession, or the District of Columbia.

14 (i) "Continental United States" means the States of  
15 the Union and the District of Columbia.

16 CERTIFICATES OF MARITIME WAR SERVICE

17 SEC. 102. (a) The Chairman shall issue to each in-  
18 dividual who rendered maritime war service a certificate  
19 of maritime war service if—

20 (1) application therefor is made prior to the ex-  
21 piration of two years and six months after the termi-  
22 nation of hostilities; and

23 (2) such individual (A) is a citizen of the United  
24 States, or (B) has, prior to the filing of the applica-  
25 tion, been lawfully admitted to the United States for

1 permanent residence, and is not, at the time of such  
2 filing, a resident of any foreign country, and is eligible  
3 to citizenship by naturalization; and

4 (3) such maritime war service was either—

5 (A) of a duration of at least ninety days and  
6 substantially continuous from the beginning of mari-  
7 time war service by such individual until six  
8 months after the termination of hostilities or until  
9 such service is or was terminated upon a finding  
10 by the Chairman, in accordance with regulations  
11 prescribed by the Chairman, that the individual's  
12 continued service is or was no longer necessary; or

13 (B) was terminated by an injury or disability  
14 incurred in such service, the degree of which is de-  
15 termined under regulations prescribed by the Chair-  
16 man to be such as to incapacitate or to have inca-  
17 pacitated such individual for further maritime war  
18 service; or

19 (C) was terminated by death incurred in such  
20 service; or

21 (D) was terminated by detention by the  
22 enemy.

23 The determination of whether maritime war service was  
24 substantially continuous shall be made in accordance with  
25 regulations prescribed by the Chairman; except that in mak-



1 ing such determination, any period of absence from maritime  
 2 war service (after rendering a period of such service) be-  
 3 cause of disease or disability (whether or not incurred in  
 4 such service), or because of service in the armed forces, or  
 5 required in the course of repatriation to the continental  
 6 United States after separation from a vessel for reasons other  
 7 than misconduct, as determined in accordance with regula-  
 8 tions prescribed by the Chairman, shall be disregarded.

9 (b) A certificate of maritime war service may be issued  
 10 to an individual who was, after rendering a period of mari-  
 11 time war service, separated from such service, for reasons  
 12 other than misconduct connected with such service, when,  
 13 in the judgment of the Chairman, the denial of a certificate  
 14 of maritime war service would be against equity or good  
 15 conscience.

16 (c) In the case of any seaman determined by evidence  
 17 satisfactory to the Chairman to be guilty of mutiny, treason,  
 18 sabotage, or rendering assistance to an enemy of the United  
 19 States or of its allies no certificate of maritime war service  
 20 shall be issued with respect to such seaman.

21 (d) A certificate of maritime war service shall not be  
 22 issued with respect to any seaman whose certificate of service  
 23 or license or certificate of registry as staff officer has been  
 24 revoked during the period of war service by the United  
 25 States Coast Guard for misconduct connected with service.

1 (e) No certificate of war service, except one bearing  
 2 a death, disability, or release endorsement, shall be issued  
 3 by the Chairman prior to six months after the termination  
 4 of hostilities.

#### 5 DISABILITY ENDORSEMENTS

6 SEC. 103. (a) At the time of making application for  
 7 a certificate of maritime war service or at any time prior  
 8 to the expiration of two years and six months after the  
 9 termination of hostilities, application may be made to the  
 10 Chairman for a disability endorsement on a certificate of  
 11 maritime war service. Such application shall be made on  
 12 forms to be furnished by the Chairman, shall contain such  
 13 information as the Chairman may require, and shall be ac-  
 14 companied by a statement of a medical officer of the United  
 15 States, made after an examination provided for in section  
 16 538, stating the nature of the injury or disease and the  
 17 nature and probable extent of the disability resulting there-  
 18 from.

19 (b) If the Chairman finds, subject to appeal as pro-  
 20 vided in section 602, that the injury or disease resulting  
 21 in the disability was incurred in or aggravated by maritime  
 22 war service and that the disability is of such a degree as  
 23 to entitle the individual to disability benefits therefor under  
 24 title V, he shall make an endorsement to that effect on the  
 25 certificate of maritime war service. Whenever, as a result



1 of examination under section 538, the Chairman finds, subject  
 2 to appeal as provided in section 602, that the disability  
 3 is no longer of such a degree as to entitle the individual  
 4 to benefits therefor under title V, he shall make a further  
 5 endorsement on the certificate of maritime war service  
 6 canceling the disability endorsement.

#### 7 DEATH ENDORSEMENTS

8 SEC. 104. (a) If at the time application is made for  
 9 a certificate of maritime war service with respect to any  
 10 individual, such individual is dead, then in connection with  
 11 the application for such certificate application may be made  
 12 to the Chairman for a death endorsement on such cer-  
 13 tificate; and if, after a certificate of maritime war service  
 14 has been issued with respect to any individual, such in-  
 15 dividual dies, application may be made to the Chairman for  
 16 a death endorsement on such certificate. An application  
 17 for a death endorsement shall be made on forms to be  
 18 furnished by the Chairman, shall contain such informa-  
 19 tion as the Chairman may require, and shall, if required  
 20 by the Chairman, be accompanied by a statement of a  
 21 medical officer of the United States stating such officer's  
 22 opinion as to the probable cause of death.

23 (b) If the Chairman finds, subject to appeal as pro-  
 24 vided in section 602, that death was incurred in maritime

1 war service, or that death resulted from an injury or disease  
 2 incurred in or aggravated by maritime war service, he shall  
 3 make an endorsement to that effect on the certificate of  
 4 maritime war service.

#### 5 RELEASE ENDORSEMENTS

6 SEC. 105. (a) If the maritime war service of an in-  
 7 dividual has been terminated upon a finding by the Chair-  
 8 man, as provided in section 102 (a), that the continued  
 9 service of such individual is or was no longer necessary,  
 10 the Chairman, upon issuing a certificate of maritime war  
 11 service with respect to such individual, shall make an en-  
 12 dorsement to that effect upon such certificate.

### 13 TITLE II—EDUCATION AND TRAINING

#### 14 CONTINUATION OF EDUCATION

15 SEC. 201. A war-service seaman whose education or  
 16 training has been impeded, delayed, interrupted, or inter-  
 17 ferred with by reason of his having entered upon maritime  
 18 war service, shall be eligible to receive education or training  
 19 as herein provided. Such course of education or training  
 20 shall be initiated not later than three years after the termina-  
 21 tion of hostilities and shall not be afforded beyond seven  
 22 years after such termination of hostilities. Any war-service  
 23 seaman who was not over twenty-five years of age at the  
 24 time he entered upon maritime war service shall be deemed



1 to have had his education or training impeded, delayed,  
2 interrupted, or interfered with.

3 PERIOD OF TRAINING

4 SEC. 202. Any war-service seaman eligible for the  
5 benefits of this title shall be entitled to education or training,  
6 or a refresher or retraining course, at an approved educa-  
7 tional or training institution, for a period of one year (or  
8 the equivalent thereof in continuous part-time study), or for  
9 such lesser time as may be required for the course of instruc-  
10 tion chosen by him. Upon satisfactory completion of such  
11 course of education or training, according to regularly pre-  
12 scribed standards and practices of the institutions, except a  
13 refresher or retraining course, such seaman shall be entitled  
14 to an additional period or periods of education or training  
15 not to exceed the time such seaman rendered maritime war  
16 service, but in no event shall the total period of education  
17 or training exceed four years. Wherever such additional  
18 period of instruction ends during a quarter or semester, and  
19 after a major part of such quarter or semester has expired,  
20 such period of instruction shall be extended to the termination  
21 of such unexpired quarter or semester. In order to con-  
22 tinue qualified for the benefits of this title the seaman's  
23 work must continue to be satisfactory, according to the  
24 regularly prescribed standards and practices of the institution.

1 SELECTION OF INSTITUTION AND COURSE OF INSTRUCTION

2 SEC. 203. (a) A war-service seaman eligible for the  
3 benefits of this title shall be entitled to such course of education  
4 or training as he may elect, and at any approved educational  
5 or training institution at which he chooses to enroll, whether  
6 or not located in the State in which he resides, which will  
7 accept or retain him as a student or trainee in any field or  
8 branch of knowledge which such institution finds him quali-  
9 fied to undertake or pursue. Such seaman may, for reasons  
10 satisfactory to the Chairman, change his course of instruction.

11 The course of education or training may be discontinued at  
12 any time, if it is found by the Chairman that, according to  
13 the regularly prescribed standards and practices of the institu-  
14 tion, the conduct or progress of the seaman is unsatisfactory.

15 (b) From time to time the Chairman shall secure  
16 from the appropriate agency of each State a list of the  
17 educational and training institutions, including industrial  
18 establishments, within its jurisdiction, which are qualified  
19 and equipped to furnish education or training, including ap-  
20 prenticeship and refresher or retraining training, which insti-  
21 tutions together with such additional ones as may be recog-  
22 nized and approved by the Chairman, shall be deemed quali-  
23 fied and approved to furnish education or training to such  
24 war-service seaman who shall enroll under this title; except



1 that wherever there are established State apprenticeship  
2 agencies expressly charged by State laws to administer  
3 apprentice training, whenever possible, the Chairman shall  
4 utilize such existing facilities and services in training on the  
5 job, when such training is of one year's duration or more.

#### 6 PAYMENTS BY CHAIRMAN

7 SEC. 204. (a) The Chairman shall pay to the educa-  
8 tional or training institution, for each war-service seaman  
9 eligible for the benefits of this title and enrolled in full-time  
10 or part-time course of education or training, the customary  
11 cost of tuition, and such laboratory, library, health, in-  
12 firmary, and other similar fees as are customarily charged,  
13 and may pay for books, supplies, equipment, and other  
14 necessary expenses, exclusive of board, lodging, other living  
15 expenses and travel, as are generally required for the success-  
16 ful pursuit and completion of the course by other students  
17 in the institution.

18 (b) The payments specified in subsection (a) shall  
19 not exceed \$500 for any such seaman during an ordinary  
20 school year; and no payments specified in subsection (a)  
21 shall be made to institutions, business, or other establish-  
22 ments furnishing apprentice training on the job.

23 (c) If any such institution has no established tuition  
24 fee, or if its established tuition fee shall be found by the

1 Chairman to be inadequate compensation to such institu-  
2 tion for furnishing such education or training, he is authorized  
3 to provide for the payment, with respect to any such seaman,  
4 of such fair and reasonable compensation as will not exceed  
5 \$500 for an ordinary school year.

#### 6 SUBSISTENCE DURING TRAINING

7 SEC. 205. (a) While enrolled in and pursuing a course  
8 under the authority of this title, a war-service seaman, upon  
9 application to the Chairman, shall be paid a subsistence  
10 allowance of \$50 per month, if without a dependent or de-  
11 pendants, or \$75 per month if he has a dependent or de-  
12 pendants; but any such seaman who is either attending a  
13 course on a part-time basis or is receiving compensation for  
14 productive labor performed as part of his apprentice or other  
15 training on the job at institutions, business or other establish-  
16 ments, shall be entitled to receive such lesser sums, if any, as  
17 subsistence or dependency allowances, as may be determined  
18 by the Chairman. Such subsistence and dependency allow-  
19 ances shall be paid during regular holidays and leave not to  
20 exceed thirty days in any one calendar year.

21 (b) No payments specified in subsection (a) shall be  
22 paid to any seaman who is receiving a subsistence allowance  
23 from the institution at which he is enrolled.



## 1 PROHIBITION OF FEDERAL CONTROL OF INSTITUTIONS

## 2 RECEIVING PAYMENTS

3 SEC. 206. No department, agency, or office of the United  
 4 States, in carrying out the provisions of this title, shall exer-  
 5 cise any supervision or control, whatsoever, over any State  
 6 educational agency, or State apprenticeship agency, or any  
 7 educational or training institution and nothing in this title  
 8 shall be deemed to prevent any department, agency, or officer  
 9 of the United States from exercising any supervision or con-  
 10 trol which such department, agency, or officer is authorized,  
 11 by existing provisions of law, to exercise over any Federal  
 12 educational or training institution, or to prevent the furnish-  
 13 ing of education or training under this part in any institution  
 14 over which supervision or control is exercised by such other  
 15 department, agency, or officer under authority of existing  
 16 provisions of law.

## 17 DEFINITION

18 SEC. 207. As used in this title, the term "educational  
 19 or training institution" shall include all public or private ele-  
 20 mentary, secondary, and other schools furnishing education  
 21 for adults, business schools and colleges, scientific and tech-  
 22 nical institutions, colleges, vocational schools, junior colleges,  
 23 teachers colleges, normal schools, professional schools, uni-  
 24 versities, or other educational institutions, and shall also  
 25 include business or other establishments providing appren-

1 tice or other training on the job, including those under the  
 2 supervision of an approved college or university or any State  
 3 department of education, or any State apprenticeship agency  
 4 or State board of vocational education, or any State appren-  
 5 ticeship council of the Federal Apprentice Training Service  
 6 established in accordance with Public Law Numbered 308,  
 7 Seventy-fifth Congress, or any agency in the executive branch  
 8 of the Federal Government authorized under other laws to  
 9 supervise such training.

10 TITLE III--EMPLOYMENT RIGHTS FOR WAR-  
11 SERVICE SEAMEN

## 12 EMPLOYMENT SERVICE

13 SEC. 301. The Administrator of the Federal Security  
 14 Agency, or whoever may have the responsibility of admin-  
 15 istering the functions of the United States Employment  
 16 Service, is authorized, upon the request of the Chairman  
 17 and in the interest of providing war-service seamen with  
 18 the maximum of job opportunity in the field of gainful em-  
 19 ployment, to furnish such services and facilities as may be  
 20 necessary and appropriate to such end, including the pro-  
 21 motion of interest of employers in employing war-service  
 22 seamen, the maintenance of regular contact with employers  
 23 and bona fide maritime labor organizations with a view to  
 24 keeping employers advised of war-service seamen available  
 25 for work and keeping war-service seamen advised of oppor-



1 tunities for work, and the assignment of employees of the  
2 staffs of local employment service offices whose services  
3 shall be primarily devoted to the job placement of such  
4 seamen.

#### 5 PREFERENCE IN EMPLOYMENT

6 SEC. 302. In all classified and unclassified civilian posi-  
7 tions in the United States Maritime Commission, the War  
8 Shipping Administration, the Coast and Geodetic Survey, the  
9 Bureau of Marine Inspection and Navigation, the Army  
10 Transport Service, and the Bureau of Customs, a war-service  
11 seaman shall be granted the same preference as is now given  
12 to veterans under the provisions of the Veterans' Preference  
13 Act of 1944. The Civil Service Commission shall promul-  
14 gate appropriate rules and regulations for the administration  
15 and enforcement of the provisions of this section.

#### 16 REEMPLOYMENT RIGHTS

17 SEC. 303. Section 2 (a) of the Act entitled "An Act  
18 to provide reemployment rights for persons who leave their  
19 positions to serve in the merchant marine, and for other pur-  
20 poses", approved June 23, 1943, is amended by striking  
21 out the word "forty" therefrom and inserting the word  
22 "ninety" in lieu thereof and by inserting after the words  
23 "completion of such service" the following: "or, in the event  
24 such person is hospitalized, or under domiciliary, institu-  
25 tional, or convalescent care, immediately after the completion

1 of such service, within a period of one year after the com-  
2 pletion of such service".

### 3 TITLE IV—LOANS FOR THE PURCHASE OR CON- 4 STRUCTION OF HOMES, FARMS, AND BUSI- 5 NESS PROPERTY

#### 6 PART I

#### 7 GENERAL PROVISIONS FOR LOANS

8 SEC. 401. (a) A war-service seaman may make appli-  
9 cation within five years after the termination of hostilities  
10 to the Chairman for the guaranty by the Chairman of not  
11 to exceed 50 per centum of a loan or loans for any of the  
12 purposes specified in sections 421, 431, and 441.

13 (b) The aggregate amount of any loan or loans guar-  
14 anteed under the provisions of this title shall not exceed  
15 \$2,000. If the Chairman finds that the war-service seaman  
16 is eligible for the benefits of this title and that the loan applied  
17 for appears practicable, the Chairman shall guarantee the  
18 payment of the part thereof as set forth in this title.

19 (c) Interest for the first year on that part of the loan  
20 guaranteed by the Chairman shall be paid by the Chairman  
21 out of available appropriations. No security for the guaranty  
22 of a loan shall be required except the right to be subrogated  
23 to the lien rights of the holder of the obligation which is  
24 guaranteed.



(d) Pursuant to regulations prescribed by the Chairman, the mortgagor and mortgagee shall agree that before beginning foreclosure proceedings for default in payment of principal or interest due, the Chairman shall have at least thirty days' notice with the option of bidding in the property on foreclosure or of refinancing the loan with any other agency or by any other means available.

(e) Loans guaranteed by the Chairman under this title shall be payable under such terms and conditions as may be approved by the Chairman.

(f) The liability under such guaranty, within the limitations of this title, shall decrease or increase pro rata with any decrease or increase of the amount of the unpaid portion of the obligation.

(g) Loans guaranteed by the Chairman shall bear interest at a rate not exceeding 4 per centum per annum and shall be payable in full in not more than twenty years.

(h) The Chairman, subject to the provisions of this title, is authorized and directed to guarantee loans to war-service seamen on approved applications made to persons, firms, associations and corporations, and to governmental agencies and corporations, either State or Federal.

#### UTILIZATION OF OTHER AGENCIES

SEC. 402. (a) The Chairman shall designate such agency or agencies, if any, as he finds equipped to determine

whether the guaranty of any loan should be approved under this title. In any case wherein a principal loan, for any of the purposes stated in section 421, 431, or 441, is approved by a Federal agency to be made or guaranteed or insured by it pursuant to applicable law and regulations, and the applicant is in need of a second loan to cover the remainder of the purchase price or cost, or a part thereof, the Chairman, subject otherwise to the provisions of this title, including the limitation of \$2,000 on the total amount which may be guaranteed, may guarantee the full amount of the second loan.

(b) Such second loan shall not exceed 20 per centum of the purchase price or cost and that the rate of interest therein shall not exceed that on the principal loan by more than 1 per centum.

(c) Rules and regulations to be promulgated jointly by the Chairman and the head of such agency may provide for servicing of both such loans by such agency and for the refinancing of the principal loan to include any unpaid portion of the second loan with accrued interest, if any, after the curtailment therein equals twice the amount of the second loan.

#### PART II

#### PURCHASE OR CONSTRUCTION OF HOMES

SEC. 421. (a) Any application made by a war-service



1 seaman under this title for the guaranty of a loan to be used  
 2 in purchasing residential property or in constructing a dwell-  
 3 ing on unimproved property owned by him to be occupied  
 4 as his home may be approved by the Chairman if he finds—

5 (1) that the proceeds of such loans will be used  
 6 for payment for such property to be purchased or con-  
 7 structed by such applicant;

8 (2) that the contemplated terms of payment re-  
 9 quired in any mortgage to be given in part of the pur-  
 10 chase price or the construction cost bear a proper relation  
 11 to such applicant's present and anticipated income and  
 12 expenses; and that the nature and condition of the  
 13 property is such as to be suitable for dwelling purposes;  
 14 and

15 (3) that the purchase price paid or to be paid by  
 16 such applicant for such property or the construction cost,  
 17 including the value of the unimproved lot, does not  
 18 exceed the reasonable normal value thereof as determined  
 19 by proper appraisal.

20 (b) Any application for the guaranty of a loan under  
 21 this section for the purpose of making repairs, alterations, or  
 22 improvements in, or paying delinquent indebtedness, taxes,  
 23 or special assessments on, residential property owned by the  
 24 seaman, and used by him as his home, may be approved by

1 the Chairman if he finds that the proceeds of such loan will  
 2 be used for such purpose or purposes.

3 (c) No first mortgage shall be ineligible for insurance  
 4 under the National Housing Act, as amended, by reason of  
 5 any loan guaranteed under this title, or by reason of any  
 6 secondary lien upon the property involved securing such  
 7 loan.

### 8 PART III

#### 9 PURCHASE OF FARMS AND FARM EQUIPMENT

10 SEC. 431. Any application made under this title for the  
 11 guaranty of a loan to be used in purchasing any land, build-  
 12 ings, livestock, equipment, machinery, or implements, or in  
 13 repairing, altering, or improving any buildings or equipment,  
 14 to be used in farming operations conducted by the applicant,  
 15 may be approved by the Chairman if he finds—

16 (a) that the proceeds of such loan will be used in  
 17 payment for real or personal property purchased or to  
 18 be purchased by the applicant, or for repairing, altering,  
 19 or improving any building or equipment, to be used in  
 20 bona fide farming operations conducted by him;

21 (b) that such property will be useful in and reason-  
 22 ably necessary for efficiently conducting such operations;

23 (c) that the ability and experience of the applicant,  
 24 and the nature of the proposed farming operations to be



1 conducted by him, are such that there is a reasonable  
2 likelihood that such operations will be successful; and

3 (d) that the purchase price paid or to be paid by  
4 the applicant for such property does not exceed the  
5 reasonable normal value thereof as determined by proper  
6 appraisal.

#### 7 LOANS UNDER BANKHEAD-JONES FARM TENANT ACT

8 SEC. 432. A war-service seaman who is found to be  
9 eligible for the benefits of this title, and who is found by the  
10 Secretary of Agriculture, by reason of his ability and ex-  
11 perience, including training as a vocational trainee, to be  
12 likely to carry out successfully undertakings required of him  
13 under a loan which may be made under the Bankhead-Jones  
14 Farm Tenant Act, shall be eligible for the benefits of such  
15 Act to the same extent as if he were a farm tenant.

#### 16 PART IV 17 PURCHASE OF BUSINESS PROPERTY

18 SEC. 441. Any application made under this title for  
19 the guaranty of a loan to be used in purchasing any busi-  
20 ness, land, buildings, supplies, equipment, machinery, or  
21 tools, to be used by the applicant in pursuing a gainful  
22 occupation, other than farming, may be approved by the  
23 Chairman if he finds—

24 (a) that the proceeds of such loan will be used for  
25 payment for real or personal property purchased or to

1 be purchased by the applicant and used by him in the  
2 bona fide pursuit for such gainful occupation;

3 (b) that such property will be useful in and reason-  
4 ably necessary for the efficient and successful pursuit of  
5 such occupation;

6 (c) that the ability and experience of the applicant,  
7 and the conditions under which he proposes to pursue  
8 such occupation, are such that there is a reasonable likeli-  
9 hood that he will be successful in the pursuit of such  
10 occupation; and

11 (d) that the purchase price paid, or to be paid, by  
12 the applicant for such property does not exceed the  
13 reasonable normal value thereof as determined by proper  
14 appraisal.

#### 15 TITLE V—BENEFITS FOR DISABLED SEAMEN, 16 AND DEATH BENEFITS FOR SURVIVING 17 DEPENDENTS.

#### 18 PART I—HOSPITALIZATION AND MEDICAL TREATMENT 19 CARE AND TREATMENT OF WAR-SERVICE SEAMEN

20 SEC. 501. Part C of title III of the Public Health Serv-  
21 ice Act, approved July 1, 1944, is amended by adding a  
22 new section to read as follows:

23 “CARE AND TREATMENT OF WAR-SERVICE SEAMEN

24 “SEC. 322A. Pursuant to regulations:

25 “(a) Any war-service seamen (as defined in the Mer-



chant Seamen's War Service Act) who qualifies under paragraph (1) or (2) of this subsection shall be entitled, in such order of preference as may be prescribed in such regulations, to medical, surgical, and dental treatment and hospitalization without charge at hospitals and other stations of the Public Health Service as follows:

"(1) Any disabled war-service seaman when in need of care and treatment for a disability with respect to which the disability endorsement on his certificate of maritime war service was made; and

"(2) Any war-service seaman who is unable to defray the expenses of necessary care and treatment.

"(b) A war-service seaman entitled to care and treatment under subsection (a) of this section shall be furnished transportation and other necessary expenses incidental thereto to facilities of the Public Health Service for hospitalization, domiciliary care, institutional care, convalescent care, or for the fitting or refitting of appliances under subsection (c) of this section if such seaman is unable to defray the cost of such transportation. Such transportation and other necessary expenses incidental thereto shall also be furnished to cover return travel to the place from which such seaman proceeded to the facility, when such seaman is regularly discharged upon completion of such hospitalization, care, fitting, or refitting and also to cover travel involved in a transfer

from one facility to another. All such travel shall be subject to prior authorization therefor by the Public Health Service.

"(c) Where a war-service seaman entitled to care and treatment under subsection (a) of this section is suffering from any disability necessitating the use of an appliance, including dental appliances, wheel chairs, artificial limbs, trusses, and similar prosthetic appliances, such seaman shall be furnished and fitted with such appliance free of charge by the Public Health Service and shall be trained in the use of such appliance. Any such seaman entitled to an appliance shall be entitled, in addition, to new appliances when one previously furnished is outworn or rendered useless, and to necessary fitting of any such new appliance.

"(d) There shall be included as part of the care and treatment of war-service seamen under subsection (a) of this section—

"(1) payment of court costs and other expenses incident to proceedings taken for the commitment of mentally incompetent war-service seamen to institutions for the care or treatment of the insane; and

"(2) provision of seeing-eye or guide dogs trained for the aid of blind war-service seamen, the payment of all necessary travel expenses to and from their homes and of other expenses incurred in becoming adjusted to such seeing-eye or guide dogs, and the provision of such



1 seamen with mechanical electronic equipment for aiding  
2 them in overcoming the handicap of blindness.

3 “(e) A war-service seaman, while receiving care and  
4 treatment under subsection (a) of this section, shall be  
5 furnished clothing by the Public Health Service in the fol-  
6 lowing cases:

7 “(1) Where such seaman is indigent and the fur-  
8 nishing of clothing is necessary to protect health or sani-  
9 tation.

10 “(2) Where such seaman requires special clothing  
11 made necessary by the wearing of appliances.

12 “(f) A war-service seaman, while receiving care and  
13 treatment under subsection (a) of this section, shall be  
14 furnished free of charge such additional incidental benefits  
15 such as free barbering, free postage, free smokes and such  
16 other additional incidental benefits not to exceed \$6 in any  
17 one month.”

18 HOSPITALIZATION AND TREATMENT FOR DEPENDENTS OF  
19 WAR-SERVICE SEAMEN

20 SEC. 502. Section 326 of the Public Health Service Act  
21 is amended by adding a new subsection at the end thereof to  
22 read as follows:

23 “(d) Subject to regulations of the President, the de-  
24 pendent members of the family (as defined in such regula-  
25 tions) of a disabled or deceased war-service seaman (as

1 defined in the Merchant Seamen's War Service Act) shall  
2 be furnished medical advice and out-patient treatment by  
3 the Public Health Service at its hospitals and relief stations,  
4 and they shall also be furnished hospitalization at hospitals  
5 of the Public Health Service, if suitable accommodations  
6 are available, at a per diem cost to such dependents con-  
7 cerned. Such cost shall be at such uniform rate as may be  
8 prescribed from time to time by the President for the hospi-  
9 talization of dependents of naval and Marine Corps personnel  
10 at any naval hospital pursuant to section 2 of the Act of  
11 May 10, 1943 (57 Stat. 80).”

12 PART II—VOCATIONAL REHABILITATION  
13 AMENDMENTS TO VOCATIONAL REHABILITATION ACT

14 SEC. 521. Section 2 (a) of the Vocational Rehabili-  
15 tation Act, approved June 2, 1920, as amended (57 Stat.  
16 374; U. S. C., title 29, ch. 4), is amended by adding at the  
17 end thereof a new paragraph to read as follows:

18 “(11) provide that any disabled war-service sea-  
19 men, as defined in the Merchant Seamen's War Service  
20 Act, shall be entitled to vocational rehabilitation ben-  
21 efits under the State plan regardless of the State of such  
22 war-service seaman's actual residence.”

23 SEC. 522. Subparagraph (2) of paragraph (b) of sec-  
24 tion 10 of the Vocational Rehabilitation Act, approved



1 June 2, 1920, as amended (57 Stat. 374; title 29, ch. 4),  
2 is amended to read as follows:

3 “(2) Any disabled war-service seaman, as defined  
4 in the Merchant Seamen’s War Service Act;”.

5 PART III—DISABILITY BENEFITS AND DEATH BENEFITS

6 FOR SURVIVING DEPENDENTS

7 ELIGIBILITY FOR BENEFITS

8 SEC. 531. Disabled war-service seamen, and the de-  
9 pendents of deceased war-service seamen shall be entitled to  
10 receive benefits for such disability or death to the extent  
11 provided in this part.

12 SCHEDULE OF RATINGS FOR A DISABILITY

13 SEC. 532. The Chairman is authorized to adopt and  
14 apply a schedule of ratings for reduction in earning capacity  
15 from specific disabilities or combination of disabilities. A  
16 rating of 100 per centum shall constitute a rating of total  
17 disability. The ratings shall be based, as far as practicable,  
18 upon the average impairments or reductions in earning  
19 capacity resulting from such disabilities with respect to  
20 occupations in the maritime industry and not upon the  
21 impairment in earning capacity in each individual case, so  
22 that there shall be no reduction in the benefit for individual  
23 success in overcoming a handicap. The Chairman, in adopt-  
24 ing the schedule of ratings, shall consider the impairment  
25 in ability to secure work which results from such disabilities.

1 The Chairman shall from time to time readjust the schedule  
2 of ratings in accordance with experience.

3 BENEFITS FOR DISABILITY INCURRED IN WAR SERVICE

4 SEC. 533. (a) Except as provided in subsection (b),  
5 each disabled war-service seaman, upon application to the  
6 Chairman, shall be paid on account of the disability with  
7 respect to which the disability endorsement on his certificate  
8 of maritime war service was made the applicable monthly  
9 benefit shown in the following table:

Rated Reduction in Earning Capacity	Monthly Benefit
10 per centum and under 20 per centum-----	\$11. 50
20 per centum and under 30 per centum-----	23. 00
30 per centum and under 40 per centum-----	34. 50
40 per centum and under 50 per centum-----	46. 00
50 per centum and under 60 per centum-----	57. 50
60 per centum and under 70 per centum-----	69. 00
70 per centum and under 80 per centum-----	80. 50
80 per centum and under 90 per centum-----	92. 00
90 per centum and under 100 per centum-----	103. 50
100 per centum-----	115. 00

10 In case the disability consists of the anatomical loss, or loss  
11 of use of, only one foot or one hand, or one eye, the monthly  
12 benefit payable under the above table shall be increased  
13 by \$35.

14 (b) If the disability with respect to which the dis-  
15 ability endorsement on the certificate of maritime war serv-  
16 ice of a disabled war-service seaman consists of any of the  
17 disabilities described in the following paragraphs, the  
18 Chairman, upon application therefor, shall pay to such indi-



vidual the monthly benefit shown in that one of such paragraphs which is applicable thereto:

(1) Anatomical loss, or loss of the use of, both hands, both feet, or one hand and one foot; or any disability which renders the seaman so helpless as to be in need of regular aid and attendance; \$165.

(2) Anatomical loss, or loss of the use of, both hands and one foot, or both feet and one hand; or blindness in both eyes so that the seaman has only light perception; \$190.

(3) Blindness in both eyes so that the seaman has only light perception, combined with the anatomical loss, or loss of the use, of one hand or one foot; \$215.

(4) Any combination of disabilities to which a monthly rate of benefit under any two or more of the foregoing paragraphs is applicable, no specified condition being considered twice in the determination; \$265.

(c) If a war-service seaman is entitled to benefits under subsection (a) or (b) on account of a disability which consists of the seaman being totally blind or having lost both hands or both feet or the use thereof, or being paralyzed and unable to walk or on account of any other disability actually rendering him so helpless as to require constant attendance, the Chairman, upon application, may pay to such seaman an additional amount of not more than

\$50 a month, if he finds that the service of an attendant is constantly necessary by reason of such disability.

#### DEATH FROM WAR SERVICE; BENEFITS FOR DEPENDENTS

SEC. 534. (a) The Chairman, upon application therefor, shall pay to the following persons, on account of the death of a deceased war-service seaman, a monthly benefit as follows:

(1) To the widow, if there is no child, a monthly benefit of \$50 until her death or remarriage.

(2) To the widow, if there is a child, the monthly benefit payable under paragraph (1) of this subsection, and in addition, a monthly benefit of \$15, and for each additional child, a monthly benefit of \$13.

(3) To the children, if there is no widow, a monthly benefit of \$25 for one child; a monthly benefit of \$38 (equally divided) for two children, with a monthly benefit of \$10 for each additional child (the total sums to be equally divided among such children).

(4) To a parent dependent for his or her chief support on the seaman at the time of the seaman's death, and incapable of self-support, a monthly benefit of \$25, or if both parents were so dependent for their chief support and are incapable of self-support, a monthly benefit of \$45 in the aggregate. These benefits payable



1 to a parent shall continue until such person becomes  
2 capable of self-support or dies.

3 (b) The monthly benefit payable on the account of any  
4 child shall continue—

5 (1) until he dies, marries, or reaches the age of  
6 eighteen; or

7 (2) if over eighteen, and had been dependent for  
8 his chief support on the seaman because of a disability,  
9 until he becomes capable of self-support; or

10 (3) if over eighteen, until the completion of edu-  
11 cation or training (but not after the child reaches the age  
12 of twenty-one years) in a course of instruction at a school,  
13 college, academy, seminary, technical institute, or uni-  
14 versity, particularly designated by the child and ap-  
15 proved by the Chairman, which shall have agreed to  
16 report to the Chairman the termination of attendance  
17 of such child, and if any such institution of learning fails  
18 to make such report promptly the approval shall be  
19 withdrawn.

20 (c) For the purposes of this section—

21 (1) the term “child” shall mean a person un-  
22 married and under the age of eighteen years, or of any  
23 age if the child is incapable of self-support because of  
24 a disability, who is—

25 (A) a legitimate child;

1 (B) a child legally adopted;

2 (C) a stepchild who is incapable of self-sup-  
3 port because of a disability;

4 (D) an illegitimate child but as to the father  
5 only if acknowledged in writing signed by him,  
6 or if he has been judicially ordered or decreed to  
7 contribute to the child's support or has been prior  
8 to his death judicially decreed to be the putative  
9 father of such child, or if he is otherwise shown  
10 by evidence satisfactory to the Chairman to be  
11 the putative father of such child; and

12 (E) an individual to whom the deceased sea-  
13 man stood in loco parentis and has so stood for  
14 not less than twelve months prior to the date of  
15 death of the deceased seaman.

16 (2) the term “parent” means the mother or father  
17 (including a mother or father through adoption) of  
18 the deceased war-service seaman, and any person who,  
19 for a period of not less than twelve months prior to  
20 the seaman's death, stood in loco parentis to such  
21 seaman;

22 (3) the term “widow” means an individual married  
23 to the war-service seaman prior to the expiration of ten  
24 years subsequent to the termination of hostilities;

25 (4) the term “marriage” or “remarriage” means a



1 valid marriage according to the laws of the place where  
 2 the parties entered into the contract of marriage or the  
 3 law of the place where the parties resided at the time the  
 4 right to benefits on account of such marriage accrue  
 5 under the provisions of this Act.

#### 6 LUMP-SUM PAYMENT OF BENEFITS

7 SEC. 535. If the beneficiary under section 533 or 534  
 8 is or is about to become a nonresident of the United States,  
 9 the liability of the Chairman for benefits to such beneficiary  
 10 may be discharged by the payment of a lump sum equal to  
 11 the present value of all future payments of benefits computed  
 12 at 4 per centum true discount compounded annually. The  
 13 probability of the beneficiary's death before the expiration  
 14 of the period during which he is entitled to benefits shall be  
 15 determined according to any standard table of mortality.  
 16 The probability of the happening of any other contingency  
 17 affecting the amount or duration of the benefits payable shall  
 18 be disregarded.

#### 19 DEATH OF WAR-SERVICE SEAMAN; BURIAL BENEFITS

20 SEC. 536. (a) If a war-service seaman dies, the Chair-  
 21 man, in his discretion and with due regard to the circum-  
 22 stances in each case, shall pay to the personal representa-  
 23 tive of such deceased seaman funeral and burial expenses,  
 24 including preparation of the body and the transportation  
 25 of the body to the place of burial, not to exceed \$200. In

1 the case of any such seaman whose home is within the con-  
 2 tinental United States, if death occurs away from his home  
 3 or outside of the continental United States and if so desired  
 4 by his relatives the body shall, in the discretion of the  
 5 Chairman, be embalmed and transported in a hermetically  
 6 sealed casket to the home of such seaman.

7 (b) If a war-service seaman dies, a flag to drape the  
 8 casket shall be furnished by the Chairman. Such flag may  
 9 be given to the next of kin after the burial of such seaman.

#### 10 APPLICATIONS FOR BENEFITS

11 SEC. 537. (a) All applications for benefits under sec-  
 12 tion 533 shall be made prior to two years and six months  
 13 after the termination of hostilities. All applications for  
 14 benefits under section 534 shall be made prior to two years  
 15 and six months after the termination of hostilities or prior  
 16 to two years after the seaman's death, whichever is the  
 17 later. Application for benefits under section 533 or 534  
 18 shall be made by delivering it to the office of the Chair-  
 19 man, or of any person who may be designated for that pur-  
 20 pose under section 601, or by depositing it in the mail,  
 21 properly stamped and addressed to such office.

22 (b) Applications for benefits under section 533 or 534  
 23 shall be made on forms furnished by the Chairman and  
 24 shall contain all information required by the Chairman.  
 25 Each application shall be made under oath and, unless not



1 required by the Chairman, shall be accompanied by a state-  
 2 ment of a medical officer of the United States with respect  
 3 thereto.

#### 4 PHYSICAL EXAMINATIONS

5 SEC. 538. A seaman making application for, or re-  
 6 ceiving, any benefits under this part, or making application  
 7 for, or having, a disability endorsement on his certificate  
 8 of maritime war service, shall, as frequently and at such  
 9 times and places as may be reasonably required, submit  
 10 himself to examination by a medical officer of the United  
 11 States or by a duly qualified physician designated or  
 12 approved by such officer. The seaman may have a duly  
 13 qualified physician designated and paid by him present to  
 14 participate in such examination. If the seaman refuses  
 15 to submit himself for or in any way obstructs any ex-  
 16 amination, his right to claim benefits under this title shall  
 17 be suspended until such refusal or obstruction ceases. No  
 18 benefits shall be payable under this title while such refusal  
 19 or obstruction continues, and the period of such refusal or  
 20 obstruction shall be deducted from the period for which  
 21 benefits are payable to him. For any examination required  
 22 by the Chairman, the seaman shall be paid all expenses  
 23 incident to such examination which, in the opinion of the  
 24 Chairman, are necessary and reasonable, including trans-  
 25 portation and loss of wages incurred in order to submit to

1 examination. In case of any disagreement between the  
 2 physician making an examination on behalf of the Chair-  
 3 man and the seaman's physician, the Chairman shall appoint  
 4 a third physician, duly qualified, who shall make an  
 5 examination. Fees for examinations made on behalf of the  
 6 Chairman by physicians other than medical officers of the  
 7 United States shall be fixed by the Chairman.

#### 8 SET-OFF; SATISFACTION OF LEGAL LIABILITY

9 SEC. 539. If disability or death for which benefits are  
 10 payable under this part is caused under circumstances creat-  
 11 ing a legal liability in any person or persons, including the  
 12 United States, and a beneficiary entitled to benefits under  
 13 this part for such disability or death receives any money  
 14 or compensation, directly or indirectly, in satisfaction of  
 15 any such liability, such beneficiary shall, after deducting the  
 16 costs of any law suit and reasonable attorney's fee, apply  
 17 the money or other compensation so received in the follow-  
 18 ing manner:

19 (a) If the benefits have been paid in whole or in part,  
 20 he shall refund to the Chairman the amount of the benefits  
 21 which have been paid by the Chairman and credit any surplus  
 22 against future payments or benefits payable to him on  
 23 account of such injury or death.

24 (b) If no benefits have been paid to him by the Chair-  
 25 man, such beneficiary shall credit the money or other com-



1   pensation so received against any benefits payable to him  
2   by the Chairman on account of such disability or death.

### 3                   SET-OFF; INSURANCE BENEFITS

4       SEC. 540. If disability or death for which benefits are  
5   payable under this part is caused under circumstances creat-  
6   ing a legal liability for the payment of insurance benefits,  
7   and a beneficiary entitled to benefits under this part for such  
8   injury or death receives, or prior to the enactment of this  
9   Act has received, any money or other compensation in  
10   satisfaction of such legal liability for the payment of insur-  
11   ance benefits, such beneficiary shall apply such money or  
12   other compensation so received in the same manner as pro-  
13   vided in subsections (a) and (b) of section 539, or such  
14   money shall be applied in such manner and in such amount  
15   as the Chairman may find to be just, and to make equitable  
16   provision for such beneficiary. This section shall not apply  
17   to insurance benefits (including benefits payable under the  
18   Social Security Act, as amended) for which the insured has  
19   contributed all or part of the premium.

### 20                   BENEFITS NOT SUBJECT TO LEGAL PROCESS

21       SEC. 541. Benefits under this part shall not be assign-  
22   able, and shall not be subject to garnishment, attachment, or  
23   other legal process. Such benefits shall not be subject to  
24   taxation by the United States, or by any State, Territory,

1   or possession thereof, or by any political subdivision of any  
2   such State, Territory, or possession, or by the District of  
3   Columbia.

### 4                   ACCRUAL OF BENEFITS

5       SEC. 542. Benefits payable under this part (including  
6   increases therein) shall begin to accrue from the first day  
7   of the month in which the application therefor is made, or  
8   from the first day of the month in which occurred the hap-  
9   pening of the event which made such benefit (or such in-  
10   crease therein) payable, whichever is the later. A decrease  
11   in benefits shall begin to accrue from the first day of the  
12   month in which it is finally determined under this Act that  
13   such decrease should be made.

## 14                   TITLE VI—ADMINISTRATIVE PROVISIONS

### 15                   ADMINISTRATION

16       SEC. 601. The Chairman is authorized to establish in  
17   the Commission a Division of War-Service Benefits, to  
18   appoint the head of such Division, to delegate to such head  
19   any of his powers and duties under this Act (except the  
20   duty to appoint a Board of War-Service Seamen's Appeals,  
21   and his authority to review decisions of such Board, as  
22   provided in section 602), and to authorize delegations and  
23   successive redelegations of any such authority within such  
24   division.



1 BOARD OF WAR-SERVICE SEAMEN'S APPEALS

2 SEC. 602. (a) There is hereby established in the Com-  
 3 mission a Board of War-Service Seamen's Appeals (herein-  
 4 after called the "Board"), which shall consist of such num-  
 5 ber of members (not less than three nor more than eleven)  
 6 as the Chairman deems necessary. The Chairman shall  
 7 designate the member who shall be Chairman of the Board.  
 8 (b) The Chairman of the Board may divide the Board  
 9 into sections of not less than three members each, designate  
 10 the chief of each such section, and prescribe the classes  
 11 of appeals to be handled by each such section. A determi-  
 12 nation of a section concurred in by all of the members of  
 13 the section shall be considered the determination of the  
 14 Board and shall be final, except that the Chairman of the  
 15 Commission, in his discretion, upon application of the  
 16 claimant, may review any such determination, and his  
 17 decision upon such review shall be final. Nothing in this  
 18 section shall prevent the increase or decrease in, or termi-  
 19 nation of, any benefit previously awarded where such in-  
 20 crease, decrease, or termination is warranted by changed  
 21 circumstances.

22 (c) All questions on claims involving benefits adminis-  
 23 tered under this Act by the Chairman shall be subject to  
 24 one review on appeal to the Board. The Board shall by  
 25 regulations prescribe the time within which applications for

1 such review must be made, the forms and procedure in  
 2 connection with such review, and such other matters relat-  
 3 ing thereto (including the conduct of hearings, rules and  
 4 presentation of evidence, submission of briefs, and oral  
 5 arguments) as it may deem appropriate.

6 NO DUPLICATION OF WAR SERVICE AND VETERANS'

7 BENEFITS

8 SEC. 603. Any individual who by reason of service in  
 9 the armed forces during the present war has received, or  
 10 is receiving, or is entitled to receive, for any period, com-  
 11 pensation or benefits under the provisions of the Service-  
 12 men's Readjustment Act of 1944, or under any other Act  
 13 administered by the Administrator of Veterans' Affairs, shall  
 14 not be entitled to similar benefits under this Act for such  
 15 period.

16 RECOVERY OF BENEFITS

17 SEC. 604. (a) If the Chairman finds that at any time  
 18 more than the correct amount of benefits has been paid to  
 19 any individual under this Act or a payment has been made  
 20 to an individual not entitled thereto, recovery by adjust-  
 21 ments in subsequent payments to which such individual is  
 22 entitled under this Act or any other Act administered by  
 23 the Chairman may, except as otherwise provided in this  
 24 subsection, be made under regulations prescribed by the



1 Chairman. If such individual dies before recovery is com-  
 2 pleted, recovery may be made by set-off or adjustments,  
 3 under regulations prescribed by the Chairman, in subsequent  
 4 payments due, under this Act or any other Act administered  
 5 by the Chairman to the estate of such individual or to any  
 6 other person.

7 (b) Adjustments under this section may be made  
 8 either by deductions from subsequent payments or, with  
 9 respect to payments which are to be made during a lifetime  
 10 or lifetimes, by subtracting the total amount of benefits paid  
 11 in excess of the proper amount from the actuarial value,  
 12 as determined by the Chairman, of such payments to be  
 13 made during a lifetime or lifetimes and recertifying such  
 14 payments on the basis of the reduced actuarial value. In  
 15 the latter case, recovery shall be deemed to have been com-  
 16 pleted upon such recertification.

17 (c) There shall be no recovery in any case in which  
 18 more than the correct amount of benefits has been paid to  
 19 an individual who, in the judgment of the Chairman, is  
 20 without fault when, in the judgment of the Chairman, re-  
 21 covery would be contrary to the purpose of this Act or would  
 22 be against equity or good conscience.

23 (d) No certifying or disbursing officer shall be held  
 24 liable for any amount certified or paid by him in good faith  
 25 to any person where the recovery of such amount is waived

1 under subsection (c) of this section or has been begun but  
 2 cannot be completed under subsections (a) and (b).

### 3 FINALITY OF AWARDS

4 SEC. 605. Except as otherwise provided in this Act,  
 5 no determination made under this Act of any question in-  
 6 volving eligibility for, or the amount of, any benefits admin-  
 7 istered under this Act by the Chairman shall, in the absence  
 8 of fraud or mistake in mathematical calculation, be subject  
 9 to review by any other administrative or accounting officer  
 10 of the United States.

### 11 APPLICATIONS FOR, AND PAYMENT OF, BENEFITS

12 SEC. 606. (a) Applications for benefits administered  
 13 under this Act by the Chairman shall be made by the person  
 14 claiming to be entitled thereto, or by such other person or  
 15 persons on his behalf as the Chairman may by regulations  
 16 prescribe.

17 (b) The person or persons to whom benefits admin-  
 18 istered by the Chairman under this Act shall be paid on  
 19 behalf of a minor or an incompetent person shall be pre-  
 20 scribed by regulations of the Chairman.

### 21 ATTENDANCE OF WITNESSES

22 SEC. 607. (a) For the purpose of any investigation or  
 23 other proceeding relative to the determination of any right  
 24 to benefits administered under this Act by the Chairman,  
 25 the Chairman and the Board of War-Service Seamen's



1 each and every offense shall be punishable by a fine of not  
2 more than \$500 or by imprisonment at hard labor for not  
3 more than one year, or both.

4 (b) Whoever, in any claim for benefits under this  
5 Act, or in any document required by this Act, or by regula-  
6 tion made under this Act, makes any sworn statement of  
7 a material fact knowing it to be false, shall be guilty of  
8 perjury and shall be punished by a fine of not more than  
9 \$5,000 or by imprisonment for not more than two years,  
10 or both.

11 (c) Any person entitled to payment of benefits under  
12 this Act, whose right to such payment ceases upon the  
13 happening of any contingency and who thereafter fraudu-  
14 lently accepts any such payment shall be punished by a  
15 fine of not more than \$2,000 or by imprisonment for not  
16 more than one year, or both.

17 (d) Whoever shall obtain or receive any payment or  
18 benefit under this Act without being entitled thereto and  
19 with intent to defraud the United States shall be punished  
20 by a fine of not more than \$2,000 or by imprisonment for  
21 not more than one year, or both.



79TH CONGRESS  
1ST SESSION

**S. 1128**

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**A BILL**

To provide aid for the readjustment in civilian life of those persons who rendered war service in the United States merchant marine during World War II, and to provide aid for the families of deceased war-service merchant seamen.

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By Mr. RADCLIFFE

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JUNE 8 (legislative day, JUNE 4), 1945

Read twice and referred to the Committee on Commerce