

CONGRESSIONAL MEDAL OF HONOR PENSIONS

JULY 7, 1961.—Ordered to be printed

Mr. BYRD of Virginia, from the Committee on Finance, submitted the following

R E P O R T

[To accompany H.R. 845]

The Committee on Finance, to whom was referred the bill (H.R. 845) to amend title 38, United States Code, to increase the rate of special pension payable to certain persons awarded the Medal of Honor, and for other purposes, having considered the same, report favorably thereon with amendments, and recommend that the bill as amended do pass.

PURPOSE OF BILL

The purpose of the bill, H.R. 845, is to liberalize the requirements for entry on the Army, Navy, and Air Force Congressional Medal of Honor roll and to increase the rate of the special monthly pension from \$10 to \$100 which may be payable to persons on the roll.

GENERAL STATEMENT

The bill as passed by the House of Representatives would eliminate the existing law eligibility requirements that the individual must be 65 years of age and honorably discharged from the armed services, and would increase the amount of the special pension from \$10 to \$100 monthly. The bill as reported by your committee amends the House-passed bill in two particulars: one, it would prescribe an eligibility requirement of at least age 50 as compared with the requirement of existing law that the individual shall have attained age 65; two, as to those future applicants for entry on the Congressional Medal of Honor roll, it would limit the proposed \$100 rate of special pension to the individuals who specifically indicate a desire to receive such special pension. Persons already receiving the current \$10 special monthly pension would not have to indicate such desire but would automatically be paid the new \$100 rate from the effective date of the new law. Likewise, no such indication would be required of those

whose applications for entry on the honor roll and special pension were made before, but were pending on, such effective date.

The committee believes that the bill, as amended, is meritorious. It permits a holder of the Congressional Medal of Honor to have his name placed on the Medal of Honor Roll at age 50 and allows him to make the election to receive the \$100 monthly pension at that age or at any future time he may so desire. Thus, it affords added recognition to a most worthy and honored group through the Medal of Honor Roll and, in addition, permits those so interested an opportunity to obtain a special monthly payment of \$100.

It is not known, of course, how many of the group would choose to apply for the monthly benefit. It is estimated that 168 cases could benefit under the bill at a cost of less than \$202,000 the first year. There is a potential group under age 50, totaling 128, that may become entitled upon attaining age 50, which may increase the cost in future years. The 296 accounted for is based on latest information furnished to the Veterans' Administration by the Defense Department.

DEPARTMENTAL REPORTS

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., May 4, 1961.

HON. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate,
2227 New Senate Office Building, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in reply to your letters of March 8 and 14, 1961, requesting the views of this office with respect to H.R. 845, S. 1224 and S. 1310, identical bills, to amend title 38, United States Code, to increase the rate of special pension payable to certain persons awarded the Medal of Honor, and for other purposes.

You are advised that there would be no objection, from the standpoint of the administration's program, to enactment of this legislation.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE,
Washington, D.C., March 21, 1961.

Hon. Harry F. Byrd,
Chairman, Committee on Finance, U.S. Senate.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 845 and S. 1310, 87th Congress, bills to amend title 38, United States Code, to increase the rate of special pension payable to certain persons awarded the Medal of Honor, and for other purposes.

H.R. 845 and S. 1310 would increase from \$10 to \$100 the monthly pension payable to holders of the Medal of Honor, permit payment at any age instead of the present requirement of attaining the age of

65 years, and pay holders of the Medal of Honor whether or not they are on active duty.

Title 38, United States Code, chapter 15, subchapter IV, provides that the name of each surviving person who served in the Armed Forces of the United States during any war, who has attained the age of 65 years, has been awarded the Medal of Honor for certain acts of conspicuous gallantry or intrepidity in action involving actual conflict with an enemy, and has been honorably discharged, shall, upon application, be entered and recorded on the Army, Navy, and Air Force Medal of Honor Roll. Persons whose names are entered on such roll are paid a special pension by the Veterans' Administration of \$10 a month for life. This special pension is in addition to any other pension or benefit to which the recipient may be entitled.

The Department of Defense favors enactment of H.R. 845 and S. 1310. Enactment will not affect the budgetary requirements of the Department of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely yours,

CYRUS R. VANCE.

VETERANS' ADMINISTRATION,
April 11, 1961.

Hon. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

DEAR SENATOR BYRD: Further reference is made to your request for a report on H.R. 845, 87th Congress, as passed by the House of Representatives on March 6, 1961.

The purpose of the bill is to liberalize the requirements for entry on the Army, Navy, and Air Force Medal of Honor Roll and to increase the rate of special pension payable to persons whose names are entered on such roll.

H.R. 845 is identical with H.R. 270, 86th Congress, as introduced in and passed by the House of Representatives. The bill was amended and passed by the Senate and further amended by the House. The differences on the bill had not been reconciled upon the adjournment of the 86th Congress.

38 U.S.C. 560-562 provide for the Army, Navy, and Air Force Medal of Honor Roll upon which is recorded on written application to the head of the military department concerned, the name of each surviving person who has served in the military, naval, or air service of the United States in any war, who has attained the age of 65 years, and who has been awarded the Medal of Honor for having in action involving an actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity at the risk of his life above and beyond the call of duty, and who has been honorably discharged from service.

Persons whose names are entered on the Medal of Honor Roll are paid a special pension by this agency of \$10 a month for life based upon certificates of entitlement from the military departments. The

law provides that this special pension shall be paid in addition to all other payments under laws of the United States.

H.R. 845, if enacted, would eliminate the age and discharge requirements, and increase the rate of special pension from \$10 to \$100 monthly. The proposed amendments would take effect on the first day of the first calendar month after enactment of the bill.

The sole responsibility of the Veterans' Administration in connection with the special pension currently authorized is to arrange for its payment to persons certified as entitled thereto by the military departments. H.R. 845 would not alter this function.

According to information furnished by the Secretary of the Medal of Honor Society approximately 297 persons awarded the Medal of Honor were living as of December 31, 1960. It is therefore estimated that the first year's additional cost of the bill, if enacted, would be less than \$356,000. The annual cost for the next 4 years would decrease slightly.

Since the medals in question are awarded by the military departments and basic eligibility for the special pension is, and would be under H.R. 845, determined by such departments, it is suggested your committee may desire to obtain the views of the Secretary of Defense with respect to the bill.

This will also serve as a reply to your request for reports on an identical bill, S. 1310, 87th Congress, and S. 1224, 87th Congress, which except as to effective date, has the same purpose as H.R. 845. S. 1224 would be effective from date of enactment whereas H.R. 845 and S. 1310 would be effective the first day of the first calendar month which begins after date of enactment.

Advice was received from the Bureau of the Budget with respect to a similar report on H.R. 845 to the House Committee on Veterans' Affairs that there would be no objection to the presentation of that report from the standpoint of the administration's program.

Sincerely,

J. S. GLEASON, Jr., *Administrator.*

THE GENERAL COUNSEL OF THE TREASURY,
Washington, May 9, 1961.

HON. HARRY F. BYRD,
Chairman, Committee on Finance,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: Reference is made to your requests for the views of this Department on S. 1224, S. 1310, and H.R. 845, similar bills, to amend title 38, United States Code, to increase the rate of special pension payable to certain persons awarded the Medal of Honor, and for other purposes.

The proposed legislation would amend title 38 of the United States Code to increase from \$10 to \$100 the special monthly pension payable to the holders of the Medal of Honor, to permit payment at any age instead of the present requirement of attaining the age of 65 and to pay holders whether or not they are on active duty.

Since the proposed legislation relates to matters primarily within the jurisdiction of the Veterans' Administration, the Treasury has no comments to make on the bills.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Very truly yours,

ROBERT H. KNIGHT,
General Counsel.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SUBCHAPTER IV OF CHAPTER 15, TITLE 38, UNITED STATES CODE

Subchapter IV—Army, Navy, and Air Force Medal of Honor Roll

§ 560. Medal of Honor Roll; persons eligible

(a) There shall be in the Department of the Army, the Department of the Navy, and the Department of the Air Force, respectively, a roll designated as the "Army, Navy, and Air Force Medal of Honor Roll".

(b) Upon written application to the Secretary concerned, the Secretary shall enter and record on such roll the name of each surviving person who has served in the active military, naval, or air service of the United States in any war, who has attained the age of **[sixty-five years,]** *fifty years*, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty **[, and who was honorably discharged from service by muster out, resignation, or otherwise].**

(c) Applications for entry on such roll shall be made in the form and under regulations prescribed by the Secretary concerned, *and shall indicate whether or not the applicant desires to receive the special pension provided by section 562 of this title.* Proper blanks and instructions shall be furnished by the Secretary concerned, without charge upon the request of any person claiming the benefits of this subchapter.

[§ 561. Certificate entitling holder to pension

[(a) The Secretary concerned shall determine whether or not each applicant is entitled to the benefits of this subchapter. If the official award of the Medal of Honor to the applicant, or the official notice to him thereof, shows that the Medal of Honor was awarded to the applicant for an act described in section 560 of this title, such award or notice shall be sufficient to entitle the applicant to special pension under this subchapter without further investigation; otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence on file in any public office or department shall be considered.

[(b) Each person whose name is entered on the Army, Navy, and Air Force Medal of Honor roll shall be furnished a certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for

which the medal of honor was awarded, of enrollment on such roll, and of his right to special pension.

[(c) The Secretary concerned shall deliver to the Administrator a certified copy of each certificate which he issues under this subchapter. Such copy shall authorize the Administrator to pay to the person named in the certificate the special pension provided for in this subchapter.]

§ 561. Certificate

(a) *The Secretary concerned shall determine whether or not each applicant is entitled to have his name entered on the Army, Navy, and Air Force Medal of Honor Roll. If the official award of the Medal of Honor to the applicant, or the official notice to him thereof, shows that the Medal of Honor was awarded to the applicant for an act described in section 560 of this title, such award or notice shall be sufficient to entitle the applicant to have his name entered on such roll without further investigation; otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence on file in any public office or department shall be considered.*

(b) *Each person whose name is entered on the Army, Navy, and Air Force Medal of Honor Roll shall be furnished a certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the Medal of Honor was awarded, of enrollment on such roll, and, if he has indicated his desire to receive the special pension provided by section 562 of this title, of his right to such special pension.*

(c) *The Secretary concerned shall deliver to the Administrator a certified copy of each certificate issued by him under subsection (b) in which the right of the person named in the certificate to the special pension provided by section 562 of this title is set forth. Such copy shall authorize the Administrator to pay such special pension to the person named in the certificate.*

§ 562. Special provisions relating to pension

(a) *The Administrator shall pay monthly to each person whose name has been entered on the Army, Navy, and Air Force Medal of Honor roll, and a copy of whose certificate has been delivered to him under subsection (c) of section 561 of this title, a special pension at the rate of ~~[\$10]~~ \$100, beginning as of the date of application therefor under section 560 of this title.*

(b) *The receipt of special pension shall not deprive any person of any other pension or other benefit, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law. Special pension shall be paid in addition to all other payments under laws of the United States.*

(c) *Special pension shall not be subject to any attachment, execution, levy, tax lien, or detention under any process whatever.*

(d) *If any person has been awarded more than one medal of honor, he shall not receive more than one special pension.*