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84TH CONGRESS }
2d Session }

SENATE

} REPORT
No. 1712

AMENDING THE ACT ENTITLED "AN ACT TO RECOGNIZE THE HIGH PUBLIC SERVICE RENDERED BY MAJ. WALTER REED AND THOSE ASSOCIATED WITH HIM IN THE DISCOVERY OF THE CAUSE AND MEANS OF TRANSMISSION OF YELLOW FEVER"

MARCH 23 (legislative day, MARCH 19), 1956.—Ordered to be printed

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

REPORT

[To accompany S. 2438]

The Committee on Finance, to whom was referred the bill (S. 2438) to amend the act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever," having considered the same, report favorably thereon with an amendment, and recommended that the bill, as amended, do pass.

The amendment is as follows:

On page 1, line 8, after the period, add a new section to read as follows:

SEC. 2. The provisions of this Act shall take effect on the first of the month following the date of its enactment.

GENERAL STATEMENT

In 1929 the Congress provided a pension of \$125 monthly to Maj. Walter Reed and those who were associated with him in the discovery of the cause and means of transmission of yellow fever.

The purpose of this legislation is to increase that pension from \$125 to \$200 per month. This pension is in lieu of any other pension. The cost will be \$900 per year.

The original act named 22 individuals, including Maj. Walter Reed, who would benefit under the provisions of the act. During the intervening time all persons have died with the exception of one who still remains on the rolls.

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APPROVAL OF BILL

The Department of the Army, the Bureau of the Budget, and the Veterans' Administration interpose no objection to the favorable enactment of this bill. The reports from the Departments are as follows:

SEPTEMBER 14, 1955.

HON. HARRY F. BYRD,
*Chairman, Committee on Finance,
United States 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 S. 2438, 84th Congress, a bill to amend the act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever," approved February 28, 1929, by striking out "\$125 per month" and inserting in lieu thereof "\$200 per month". The Secretary of Defense has delegated to the Department of the Army the responsibility for reporting thereon.

Information obtained from the Department of Labor statistics indicates that the cost of living has risen 56.1 percent since 1929, when the original bill became law. The index at that time was 73.3 and had risen to 114.4 in June 1955. This evidence indicates that the increased amount is warranted, especially since the amount provided in the act is in lieu of any other pension.

In view of the foregoing, the Department of the Army recommends that S. 2438 be favorably considered.

The enactment of this measure will not involve any increase in the budgetary requirements of the Department of Defense.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington 25, D. C., September 8, 1955.

HON. HARRY F. BYRD,
*Chairman, Committee on Finance,
United States Senate, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This will acknowledge your letter of July 11, 1955, inviting the Bureau of the Budget to comment on S. 2438, a bill to amend the act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever."

While only one potential eligible is now alive and the bill will be similar in effect to a private bill, the gratuity affected by the bill was originally voted as a recognition of the special services rendered to the Nation by Maj. Walter Reed and his associates. Although, as

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a principle, the Bureau of the Budget does not favor private bills which tend to distort general programs and frequently create inequities, these services may well be considered to have been in the nature of service-connected extra-hazardous duty.

Should the committee consider that the circumstances in this case warrant an increase in the gratuity provided by the act of February 28, 1929, it would appear equitable to relate the payment to the scheduled established for service-connected disability compensation.

Sincerely yours,

PERCY RAPPAPORT,
Assistant Director.

SEPTEMBER 16, 1955.

HON. HARRY F. BYRD,
*Chairman, Committee on Finance,
United States Senate, Washington 25, D. C.*

DEAR SENATOR BYRD: This has further reference to your request for a report by the Veterans' Administration on S. 2438, 84th Congress, a bill to amend the act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever."

It is the purpose of the bill to increase from \$125 to \$200 the rate of monthly payments authorized under the act of February 28, 1929 (45 Stat. 1409; 46 Stat. 809) for certain persons associated with Maj. Walter Reed in the investigations in Cuba which led to the discovery of the cause and means of transmission of yellow fever.

The bill is similar in purpose to S. 1481, 83d Congress, which was pending before your committee at the close of that Congress, and concerning which the Veterans' Administration submitted a report to the committee under date of June 9, 1953.

Under the act of February 28, 1929, the Secretary of War (now Secretary of the Army) is authorized and directed to publish annually in the Army Register a roll of honor carrying the names of those enumerated in the act, in special recognition of the high public service rendered and disabilities contracted in the interest of humanity and science as voluntary subjects for the experimentations during the yellow-fever investigations in Cuba. The Secretary is also required to define in appropriate language the part which each such person played in the experimentations. In addition, the act provided for the payment of \$125 monthly to certain of the persons named therein. The Secretary of the Treasury was made responsible for providing a suitable gold medal, and for presenting the medal to the persons named, if living, or to the representative of those persons who shall have died. By Executive Order 5476, effective December 1, 1930, the duties performed by the then War Department concerning payment of the annuities authorized by the act were transferred to the Veterans' Administration.

Veterans' Administration records disclose that only one person, James L. Hanberry, C-2 602938 (one and the same person as James F. Hanberry mentioned in the act) is receiving payment under the act of February 28, 1929. Thus, although S. 2438 is a general bill, its enactment would have the effect of benefiting only Mr. Hanberry.

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In view of the solely ministerial function of the Veterans' Administration in paying the mentioned annuity, no appraisal of the policy considerations presented by S. 2438 or a recommendation with respect thereto, is offered. Since it appears that the experimentations and other activities conducted during the yellow fever investigations, basic to the act of February 28, 1929, were under the then War Department, it is suggested that the committee may desire to obtain the views of the Secretary of Defense concerning the bill.

The additional cost of the bill, if enacted, would be \$900 for each applicable year.

Advice has been received from the Bureau of the Budget that there would be no objection to the submission of this report to your committee.

Sincerely yours,

H. V. HIGLEY, *Administrator.*

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 italics, existing law in which no change is proposed is shown in roman):

EXISTING LAW

ACT OF 28 FEBRUARY 1929 (CH. 381, 45 STAT. 1409)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in special recognition of the high public service rendered and disabilities contracted in the interest of humanity and science as voluntary subjects for the experimentations during the yellow-fever investigations in Cuba, the Secretary of War be, and he is hereby, authorized and directed to publish annually in the Army Register a roll of honor on which shall be carried the following names: Walter Reed, James Carroll, Jesse W. Lazear, Aristides Agramonte, James A. Andrus, John R. Bullard, A. W. Covington, William H. Dean, Wallace W. Forbes, Levi E. Folk, Paul Hamann, James F. Hanberry, Warren G. Jernegan, John R. Kissinger, John J. Moran, William Olsen, Charles G. Sonntag, Clyde L. West, Dr. R. P. Cooke, Thomas M. England, James Hildebrand, and Edward Weatherwalks, and to define in appropriate language the part which each of these persons played in the experimentations during the yellow-fever investigations in Cuba; and in further recognition of the high public service so rendered by the persons hereinbefore named, the Secretary of the Treasury is authorized and directed to cause to be struck for each of said persons a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury, and to present the same to each of said persons as shall be living and posthumously to such representatives of each of such persons as shall have died, as shall be designated by the Secretary of the Treasury. For this purpose there is hereby

authorized to be appropriated the sum of \$5,000; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts annually as may be necessary in order to pay to the following-named persons during the remainder of their natural lives the sum of **[\$125]** \$200 per month, and such amount shall be in lieu of any and all pensions authorized by law for the following named persons: Private Paul Hamann; Private John R. Kissinger; Private William Olsen, Hospital Corps; Private Charles G. Sonntag, Hospital Corps; Private Clyde L. West, Hospital Corps; Private James Hildebrand, Hospital Corps; Private James A. Andrus, Hospital Corps; Mr. John R. Bullard; Dr. Aristides Agramonte; Private A. W. Covington, Twenty-third Battery, Coast Artillery Corps; Private Wallace W. Forbes, Hospital Corps; Private Levi E. Folk, Hospital Corps; Private James F. Hanberry, Hospital Corps; Dr. R. P. Cooke; Private Thomas M. England; Mr. John J. Moran; and the widow of Private Edward Weatherwalks.

SEC. 2. The provisions of this Act shall take effect on the first of the month following the date of its enactment.

