

## MEDAL OF HONOR PENSIONS

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AUGUST 17 (legislative day, AUGUST 11), 1960.—Ordered to be printed

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

### R E P O R T

[To accompany H.R. 270]

The Committee on Finance, to whom was referred the bill (H.R. 270) 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 an amendment and recommend that the bill as amended do pass.

#### PURPOSE

The purpose of the bill, H.R. 270, is to liberalize the monthly pension payable to holders of the Congressional Medal of Honor. 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 increase the amount of the monthly pension from \$10 to \$100. The bill, as amended by the Committee on Finance and reported favorably to the Senate, would reduce the age requirement from 65 to 62, and allow the Medal of Honor holder, who has been honorably discharged from the Armed Forces, to elect, by filing proper application, either the \$10 rate or choose a monthly pension of \$100 which would be subject to reduction by the amount of any non-service-connected disability pension which he may receive.

#### GENERAL STATEMENT

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.

It is thought that if the pension for a Congressional Medal of Honor holder were increased to a flat \$100 rate, as proposed in the House-passed bill, the question of "need" could become one of the major determining factors in recommending the award in the future. It is the conviction of the committee that this award should never be associated with the degree of disability of the recipient. The veterans laws granting compensation for service-connected disability should continue to provide equal benefits to all veterans on the basis of identical requirements of eligibility.

To avoid inequities arising, the Committee on Finance approved two rates for this pension: the \$10 rate to be payable to all those on the Congressional Medal of Honor Roll; the \$100 rate if the holder is not already receiving an equal amount for disability not incurred in or as a result of his military service. The recipient makes the election as to the rate of pension paid.

Thus, the Congressional Medal of Honor holder has the assurance that he will receive from the Federal Government at least \$100 per month at age 62 (rather than 65 under existing law) whether it be through this distinction or some other form of remuneration in addition to any compensation he may receive based on service-connected disability.

The cost of the bill would be small inasmuch as there are only approximately 314 recipients of the Medal of Honor who were still living as of February 1959. It is believed that only a small number of persons would qualify under the provisions of the bill and file an application for the \$100 pension.

The administration has no objection to the enactment of this legislation.

#### 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—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] *sixty-two* 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. 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.

#### § 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 a special pension at the rate of \$10, beginning as of the date of application therefor under section 560 of this title.

(b) *Any person entitled to special pension under subsection (a) may, upon written application to the Administrator, or to the Secretary concerned in the case of an initial application, elect to receive in lieu thereof special pension at the rate of \$100 per month, reduced (but not below the rate of \$10 per month) by any pension payable to such person under subchapter II of this chapter. If such application is filed with the Administrator within one year after September 1, 1960, payment of special pension at such rate shall begin on such date, or on the date the person filing such application first became entitled to special pension under subsection (a), whichever is later; otherwise payment of special pension at such rate shall begin with the month in which application therefor is filed with the Administrator, or the Secretary concerned, as the case may be.*

[(b)] (c) 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. *Except as provided in subsection (b), special pension shall be paid in addition to all other payments under laws of the United States.*

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

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