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REPORT  
No. 1123

## MEDAL OF HONOR PENSION

JUNE 26, 1964.—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. 2434]

The Committee on Finance, to whom was referred the bill (H.R. 2434) to amend title 38, United States Code, to permit the payment of special pension to holders of the Congressional Medal of Honor awarded such medal for actions not involving conflict with an enemy 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 this bill is to amend the existing law providing for the payment of a \$100 a month pension for holders of the Medal of Honor by including within the eligibility of the statute 17 individuals who received the Medal of Honor based on noncombatant service. Sixteen of these individuals served in the U.S. Navy and one in the U.S. Marine Corps.

#### COMMITTEE AMENDMENT

The bill as passed by the House of Representatives would have removed the 50-year-age requirement which is one of the prerequisites to payment of the \$100 pension; this provision, however, was stricken from the House-passed bill by the Committee on Finance.

It is the opinion of the Senate Committee on Finance that the awarding of the Congressional Medal of Honor should be a recognition solely of valor and heroism, without consideration of compensation or pension. The payment of the \$100 pension should continue to be on an optional basis for those medal holders who have reached the age of 50 who may be in need.

## GENERAL STATEMENT

38 U.S.C. 560-562 (as last amended by Public Law 88-77, July 25, 1963) provide for an Army, Navy, Air Force, and Coast Guard Medal of Honor roll upon which is recorded on written application to the Secretary of the department concerned, the name of each surviving person who has served on active duty in the Armed Forces of the United States, who has attained the age of 50 years, and who has been awarded a Medal of Honor for distinguishing himself conspicuously by gallantry and intrepidity at the risk of his own life above and beyond the call of duty (1) while engaged in action against an enemy of the United States, (2) while engaged in military operations involving conflict with an opposing foreign force, or (3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

Persons whose names are entered on the Medal of Honor roll who express a desire to receive a special pension are paid \$100 a month for life by this agency based on a certificate of entitlement from the department concerned. The law provides that this special pension shall be paid in addition to all other payments under laws of the United States.

It should be noted that the Medal of Honor has been awarded under prior law for acts of gallantry not performed against an enemy and not involving conflict. However, entry on the Medal of Honor roll has been limited to persons awarded the Medal of Honor for acts of gallantry against an enemy or involving conflict. Consequently, there are a number of recipients of the Medal of Honor, in many cases awarded the medal for peacetime acts of gallantry, who cannot qualify for entry on the Medal of Honor roll although they may meet the current age requirement for such entry.

H.R. 2434, if enacted, would end the mentioned distinction between recipients of the Medal of Honor.

The average age of the noncombatant Medal of Honor holder is 68.2 years, and the youngest is 53 and the oldest, 85. The names and a brief description of the reason for granting the Medal of Honor follows:

Name	Date of birth	Age	Name	Date of birth	Age
Robert E. Bonney.....	Nov. 23, 1882	81	Albert J. Smith.....	July 31, 1898	65
Demetri Coraboni.....	Jan. 3, 1880	84	Charles Henry Willey.....	Mar. 31, 1880	75
Raymond E. Davis.....	Jan. 5, 1900	58	Robert W. Cury.....	Aug. 18, 1890	73
William Badders.....	Sept. 10, 1901	62	James H. McDonald.....	July 15, 1902	61
Thomas Eadie.....	Apr. 7, 1887	77	Oscar Schmidt.....	Mar. 25, 1890	68
William R. Huber.....	July 16, 1902	62	Jesse W. Covington.....	Sept. 16, 1889	74
Charles A. Lindberg.....	Feb. 4, 1902	62	Donald L. Truesdell.....	Aug. 8, 1900	57
John Mihalowski.....	Aug. 12, 1910	53			
Joseph Quiek.....	Nov. 22, 1878	85	Average age.....		68.2
Thomas John Ryan.....	Aug. 5, 1901	62			

*Robert E. Bonney (U.S. Navy)*

Date: February 14, 1910.

Place: U.S.S. *Hopkins*.

Action: Bonney displayed extraordinary heroism, on the occasion of the accident to one of the boilers on the *Hopkins*.

*Demetri Corahori (U.S. Navy)*

Date: January 25, 1905.

Place: U.S.S. *Iowa*.

Action: For extraordinary herosim at the time of the blowing of the manhole plate of a boiler on board the *Iowa*.

*Raymond E. Davis (U.S. Navy)*

Date: July 21, 1905.

Place: U.S.S. *Bennington*.

Action: For extraordinary heroism displayed at the time of the explosion of a boiler on board the *Bennington*.

*William Badders (U.S. Navy)*

Date: May 23, 1939.

Place: U.S.S. *Squalus* sinking disaster off Isle of Shoals, Portsmouth, N.H.

Action: He was other member of rescue chamber crew.

*Thomas Eadie (U.S. Navy)*

Date: December 18, 1927.

Place: U.S.S. *S-4* sinking disaster.

Action: Eadie, under the most adverse diving conditions, deliberately and willingly took his own life in his hands to descend to the rescue of a companion diver who had become seriously fouled. After 2 hours of extremely dangerous and heartbreaking work, he succeeded in freeing the diver and bringing him to the surface.

*William R. Huber (U.S. Navy)*

Date: June 11, 1923.

Place: U.S.S. *Bruce*, at Navy Yard, Norfolk, Va.

Action: Entered the steam-filled fireroom after a boiler accident at great risk of his life, and succeeded in carrying Charles H. Bryan to safety. Although severely burned he descended once again to render further assistance.

*Charles A. Lindbergh (U.S. Army)*

Date: May 20-21, 1927.

Place: From New York City to Paris, France.

Action: Flew the Atlantic nonstop in his airplane—the *Spirit of St. Louis*.

*John Mihalowski (U.S. Navy)*

Date: May 23, 1939.

Place: U.S.S. *Squalus* sinking disaster off Isle of Shoals, Portsmouth, N.H.

Action: Member of rescue chamber crew, made extremely hazardous trip to attempt rescue of possible survivors in flooded portion of *Squalus*, being fully aware of the great danger involved in that, if the chamber crew (two) became incapacitated, there was no way either could be rescued.

*Joseph Quick (U.S. Navy)*

Date: April 27, 1902.

Place: Yokohama, Japan—U.S.S. *Oklahoma*.

Action: For heroism in rescuing Walentiy Wismeroski from drowning.

*Thomas J. Ryan (U.S. Navy)*

Date: September 1, 1923.

Place: Yokohama, Japan.

Action: During the 1923 earthquake and fire in Yokohama, Ryan with complete disregard for his life, extricated a woman from the burning Grand Hotel. His conduct on this occasion reflected the greatest credit on himself and the U.S. Navy.

*Albert J. Smith (U.S. Marine Corps)*

Date: February 11, 1921.

Place: Naval Air Station, Pensacola, Fla.

Action: Despite the explosion of a gasoline tank from a fallen and burning seaplane, Smith with total disregard of personal safety, pushed himself to a position to rescue Glen M. Phelps who was pinned beneath the burning wreckage, himself receiving painful burns.

*Charles H. Willey (U.S. Navy)*

Date: August 29, 1916.

Place: U.S.S. *Memphis*, off Santo Domingo City.

Action: Willey remained at his post in the engineers department amidst scalding steam and the rush of tons of flooding water, as long as the engines would turn, while the *Memphis* was suffering total destruction from a hurricane. When the boilers exploded he assisted in rescuing the men from the fireroom.

*Robert W. Cary (U.S. Navy)*

Date: January 21, 1915.

Place: U.S.S. *San Diego*.

Action: When the five boilers exploded in the No. 2 fireroom, Cary, who was an observer on duty there, held the doors open about 1 minute, between Nos. 1 and 2 firerooms, with escaping steam around him which was being closed electrically from the bridge, allowing three men to escape. His coolness of nerve did much to keep the men hauling fires on Nos. 1 and 3 fireroom boilers, which apparently had no water and were likely to explode any instant. After which he directed the men into bunkers in the event Nos. 1 and 3 boilers exploded.

*James H. McDonald (U.S. Navy)*

Date: May 23, 1939.

Place: U.S.S. *Squalus*, sinking disaster off Isle of Shoals, Portsmouth, N.H.

Action: McDonald, as a master diver throughout the rescue and salvage operations of the *Squalus*, displayed leadership, masterly skill, and general efficiency in directing diving operations, and made important and difficult dives under the most hazardous conditions.

*Oscar Schmidt, Jr. (U.S. Navy)*

Date: October 9, 1918.

Place: Explosion on the U.S. subchaser *219*.

Action: Attached to the U.S.S. *Chestnut Hill*, Schmidt, seeing a man with his legs partly blown off, hanging on a line from the bow of the subchaser *219*, which had exploded and was on fire, jumped overboard, swam to the man, and carried him from the bow to stern. Helped aboard the stern a seriously burned man who fell overboard from the burning midship section.

*Jesse W. Covington (U.S. Navy)*

Date: April 17, 1918.

Place: *Florence H.*, internal explosion.

Action: Following the explosion of the *Florence H.*, the sea was covered with boxes of smokeless powder repeatedly exploding. Covington plunged overboard from the U.S.S. *Stewart* to rescue a survivor amongst the powder boxes, fully realizing he was risking his life in saving the life of this man.

*Donald LeRoy Truesdell (U.S. Marine Corps) (was formerly Truesdale: name officially changed to Truesdell)*

Date: April 24, 1932.

Place: Northern Nicaragua.

Action: On patrol searching for a bandit group, a rifle grenade fell off its carrier igniting the detonator. Truesdell, knowing the grenade would explode in 2 or 3 seconds, grasped it in his right hand to throw it away from the patrol. It exploded in his hand, blowing it off and taking the full shock of the explosion himself, thus saving the members of the patrol from loss of life or serious injury.

At the present time there are 108 individuals on the Medal of Honor rolls who are receiving \$100 a month pension payable in addition to any other pension, compensation, or retirement pay to which they are entitled. There are 158 individuals not on the rolls due to the fact that they are under age 50. Six who are eligible to receive the pension have never applied. Assuming that all 17 of the noncombatants would receive the \$100 a month pension, and that all 158 below age 50 would elect to receive it, the first year cost of this legislation would be \$210,000.

#### DEPARTMENTAL REPORTS

The reports on this bill received from the Department of Defense, Veterans' Administration, and the Bureau of the Budget, express no opposition 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 OF CHAPTER 15, TITLE 38, UNITED STATES CODE

#### SUBCHAPTER IV—ARMY, NAVY, AIR FORCE, AND COAST GUARD 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, the Department of the Air Force, and the Department of the Treasury, respectively, a roll designated as the "Army, Navy, Air Force, and Coast Guard 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 on active duty in the armed forces of the United States, who has attained the age of fifty years, and who has been awarded a medal of honor for distinguishing himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

【(1) while engaged in action against an enemy of the United States;

【(2) while engaged in military operations involving conflict with an opposing foreign force; or

【(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.】

*beyond the call of duty while so serving.*

(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

(a) The Secretary concerned shall determine whether or not each applicant is entitled to have his name entered on the Army, Navy, Air Force, and Coast Guard 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, Air Force, and Coast Guard 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 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, Air Force, and Coast Guard 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 \$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.

