

Vietnamese and she defied them to prove it.

There's no reason—

Said the newly wed Mrs. Hayden—to believe that U.S. Air Force officers tell the truth, they are professional killers.

Not knowing when to stop, the former Mrs. Vadim said, "the Vietnamese are a gentle people."

When asked by a person in the audience if she did not think there had been atrocities on both sides in Vietnam, she

bared it all again and answered—simply—"No."

Mr. Speaker, for those of my colleagues who may have missed it, I submit the following article from the April 19 issue of the Washington Star-News:

JANE FONDA DEFIES POWS TO PROVE TORTURE CLAIMS

LOS ANGELES.—Jane Fonda said yesterday there are no grounds to believe former POWs when they say they were tortured by the North Vietnamese and she defied them to prove it.

"We have no reason to believe that U.S.

Air Force officers tell the truth," she said. "they are professional killers."

She said she would "eat her words" if the liberated POWs could prove their torture stories in an open forum, where they could be questioned, or in a court of law.

The Vietnamese are "a gentle people," she said.

"Never in the history of the United States have POWs come home looking like football players," she said at UCLA while attending a session on "Women in Vietnam."

When asked by a person in the audience if she did not think there had been atrocities on both sides in Vietnam, she answered simply "no."

## HOUSE OF REPRESENTATIVES—Monday, May 7, 1973

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Now abideth faith, hope, love, these three; but the greatest of these is love.*—I Corinthians 13: 13.

O God, Our Father, who art calling us to walk in the way of wisdom and to live with love in our hearts grant unto us the steady assurance that Thou art with us this day and every day of our lives. May Thy divine spirit abiding in us sustain us in every right and good endeavor. Renew in us the resources of strength that we may not be overcome by trouble but overcoming it make each day an experience of triumph.

We pray for our Nation, our President, our Speaker, Members of Congress, and all who work with them and for them. Following the leading of Thy spirit and living by Thy Commandments may we here in America find a new unity in a common faith and a common adventure. And living close to Thee find ourselves coming closer to each other.

Bless Thou the land of Israel and lead her to an enduring peace with her neighbors; for Thy name's sake. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS THE ADMINISTRATION HAS ALSO LOST THE CONFIDENCE OF THE PEOPLE ON ECONOMIC MATTERS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, George Meany, the president of the AFL-CIO, has effectively deflated administration pretensions to a successful economic policy.

Several days ago, Roy Ash, the Director of the Office of Management and Budget, published a compilation of rosy rationalizations intended to show that the administration was doing all right—at least on economic matters.

Among other things, Mr. Ash said

pridefully that unemployment has declined from 6 to 5.1 percent.

In his sharp reply, Mr. Meany pointed out that it was the policies of the Nixon administration which drove unemployment to 6 percent in the first place.

Mr. Meany also cited Labor Department figures showing that living costs had risen 8 percent in March. That is the second consecutive month in which living costs rose faster than at any time in the past 22 years.

Mr. Meany said:

The truth is that inflation is nearly twice as bad now as it was when Mr. Nixon took office.

And finally, Mr. Meany referred to a University of Michigan survey which showed that there was a substantial increase in the number of families who now feel worse off than before—and who expect things to get still worse.

It is quite plain that in economic and consumer affairs—as well as in other matters—this administration has lost the confidence of the American people.

### CHANGE OF LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, I take this time to announce that on Tuesday, the Speaker will recognize for a motion to suspend the rules and pass the bill S. 1379 instead of the bill previously announced, H.R. 5932. The Senate bill is similar to the House bill and will be considered instead of the House bill since it has already passed the Senate and is pending on the Speaker's table.

### KLAMATH INDIAN TRIBE LANDS

Mr. MEEDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3867) to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3867

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of August 13, 1954, as amended by the Act of August 23, 1958 (68 Stat. 718; 72 Stat. 816), is further amended by adding a new section 29 as follows:*

Sec. 29. The Secretary of Agriculture is authorized and directed to acquire by condemnation all of the Klamath Indian for-

est lands which the trustee for the Klamath Indian Tribe is required to sell by the terms of its trust agreement, and the lands so acquired shall become a part of the Winema National Forest. The condemnation action may be initiated either before or after the lands are offered for sale by the trustee. If the condemnation award is for more than \$60,000,000, the Secretary of Agriculture shall notify and submit his recommendations to the Committees on Interior and Insular Affairs and the Committees on Appropriations of the House of Representatives and the Senate, and if any of such committees disapproves the amount of the award within twenty-one days after notice the condemnation proceeding shall be discontinued. The homesite provisions of section 28(g) shall apply to the lands acquired by the Secretary pursuant to this Act.

The SPEAKER. Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

### CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 123]

Adams	Erlenborn	Kluczynski
Addabbo	Fish	Kyros
Andrews, N.C.	Ford	Leggett
Archer	Gerald R.	Long, Md.
Ashbrook	Ford,	McCormack
Aspin	William D.	McKinney
Badillo	Forsythe	McSpadden
Bevill	Fountain	Macdonald
Biaggi	Fraser	Mailliard
Blackburn	Frelinghuysen	Marazita
Blatnik	Frenzel	Mathis, Ga.
Boggs	Gibbons	Mayne
Bolling	Gray	Melcher
Brademas	Green, Oreg.	Milford
Brown, Calif.	Griffiths	Minish
Brown, Mich.	Guyer	Moorhead, Pa.
Buchanan	Hanna	Murphy, Ill.
Carter	Hawkins	Myers
Chisholm	Hebert	Obey
Clancy	Helstoski	O'Hara
Collier	Hinshaw	Owens
Coughlin	Holtzman	Patman
Culver	Howard	Podell
Davis, Ga.	Jarman	Powell, Ohio
de la Garza	Johnson, Calif.	Price, Tex.
Dellenback	Johnson, Pa.	Randall
Diggs	Jones, Ala.	Reid
Dingell	Jones, Tenn.	Reuss
Drinan	Jordan	Rhodes
Eckhardt	Karth	Rogers

Roncallo, N.Y.	Shriver	Thompson, N.J.
Rooney, N.Y.	Stark	Vander Jagt
Rosenthal	Steed	Walde
Rostenkowski	Steiger, Wis.	Widnall
Roy	Stephens	Wolff
Ryan	Symington	Wright
St Germain	Taylor, Mo.	Yatron
Satterfield	Teague, Tex.	Young, Ga.

The SPEAKER. On this rollcall, 321 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

#### KLAMATH INDIAN TRIBE LANDS

Mr. MEEDS. Mr. Speaker, I yield myself 10 minutes.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Florida.

Mr. HALEY. Mr. Speaker, when Federal supervision over the Klamath Indian Tribe was terminated in 1958, most of the tribal members were paid in cash their pro rata share of the tribal assets, and they ceased to be members of the tribe. A small group of the members, however, elected to continue as a tribe, but not under Federal supervision. Their share of the tribal assets was conveyed to a private trustee, the U.S. National Bank of Portland, Oreg., under a trust agreement that required the bank to liquidate the assets and distribute the cash realized per capita, if the beneficiaries voted to terminate the trust.

The Indians have voted to terminate the private trust, and the bank is preparing to sell about 135,000 acres of forest land on the open market. This land is surrounded by a national forest, and in fact is an in-holding in the forest.

H.R. 3867 directs the Secretary of Agriculture to acquire this land by condemnation at a price that does not exceed \$60,000,000. If the court should fix a higher value, the Secretary cannot proceed without first reporting to Congress, and he may not proceed at all if either the Interior Committee or the Appropriations Committee disapproves of the higher price.

The gentleman from Washington (Mr. MEEDS) and the gentleman from Oregon (Mr. ULLMAN) will explain the reasons why the land is needed by the Forest Service.

Mr. MEEDS. Mr. Speaker, H.R. 3867 directs the Secretary of Agriculture to acquire, by condemnation, approximately 135,000 acres of forest lands of the Klamath Indians for inclusion in the Winema National Forest. The bill limits the price which the Secretary may pay for the land to \$60,000,000 with a proviso that, if the condemnation award is for more than that figure, the Secretary must report such figure to the Committees on Appropriation and on Interior and Insular Affairs of the House of Representatives and the Senate for approval. If any of such committees indicates disapproval within 21 days, the condemnation proceedings must be discontinued.

These valuable forest lands are a portion of the former Klamath Indian Reservation in Oregon. In 1958, the Congress terminated Federal supervision over the Klamath Tribe and made provision for

the disposition of the tribal assets. The plan adopted provided that the members of the tribe could elect to remain in or withdraw from the tribal entity. The assets of the tribe were apportioned between those electing to remain and those electing to withdraw. The assets apportioned to those persons. Included within that sale was approximately 525,680 acres of forest lands, much of which was purchased by the United States to become, basically, the Winema National Forest.

The assets apportioned to the remaining members were transferred to a private trustee, the U.S. National Bank of Oregon, to be administered for the benefit of the remaining members. The trust agreement provided that the remaining members could at any time elect to dissolve the trust and direct the trustee to sell the assets. The Termination Act provided that, if the trustee offered any of the Klamath Forest for sale, the Secretary of Agriculture would have the right to buy those lands for the appraised price. The authority extended for only 1 year after the offer.

The remaining members have since elected to terminate the trust. The trustee offered the land for sale to the Secretary for the appraised price of \$51,369,731, but the Secretary did not exercise his option because of fiscal restraints and the time period has elapsed.

In the last Congress, we enacted H.R. 56, the environmental data bank bill which contained a proviso directing the Secretary to exercise his option to purchase the lands. As you know, the President vetoed that bill, but in his veto message stated:

After studying this proposal carefully, I believe this purchase would be sound public policy, and if the next Congress provides the necessary funds, I shall happily approve acquisition of these unique lands.

The trustee is now prepared to offer these lands for not less than \$57,445,000, but the Secretary will now have no preferred right to purchase them at their appraised value. The trustee has indicated its intention of shortly offering the lands for sale on competitive bidding.

It is the opinion of the witnesses who appeared before the Subcommittee on Indian Affairs and of many lumbermen and foresters that the high cost of these lands would virtually force private logging companies to clear cut the timber resulting in severe damage to both the economy and the ecology of the local area. The specter of massive erosion of the fragile pumice soils in this area, pollution of two major river systems in the area, destruction of fish and wildlife, and impairment of recreation, scenic, and other multiple-use purposes would be raised in the event of such clear cutting. Private ownership and use would likely result in damage to the administration and use of the existing Winema National Forest and deny public access to the many scenic areas within the lands being offered for sale.

It is the opinion of the Committee on Interior and Insular Affairs that these lands be purchased by the United States for inclusion in the Winema National Forest and to bring the lands under Federal multiple-use, sustained-yield

management to insure protection of the fish, wildlife, recreational, watershed, timber, and scenic values. These forest lands are critical to the economy of the Klamath Basin area, where an estimated 40 percent of the work force is involved in wood products harvest and manufacture. Sustained yield management would help maintain a stable economic base in this area.

While it is important that the United States acquire the lands, it is also important that the Indian owners not be prejudiced by such acquisition. The committee feels that it has arrived at the best solution for insuring Federal acquisition while insuring that the Indians receive the full market value for the lands which they have chosen to sell. The committee considered an amendment which would have given the United States a pre-emptive right to meet any high bid when the trustee offered the lands for sale through competitive bidding. However, the trustee advised the committee that this right in the Government would dampen the private market for the lands and lessen the potential price the Indians might obtain. By directing the Secretary to condemn the lands, either before or after they are offered by sale by the trustee, the fair market value will be determined by a court on the basis of all available information and the Indians are assured of receiving full value.

The committee was concerned not only with the right of the Indians to receive fair value, but other equities which might exist. The bill provides that Indians living on lands included within the lands being sold, will be given a life estate in those lands as provided in the original termination act. The use of these lands would not be inconsistent with Federal management of the forest. In addition, it was the desire of the committee that the forest make a special effort to train and hire Indians in the administration of the forest to the extent practicable and feasible. While this is not written into the bill, we trust the forest service will give this desire due consideration.

Mr. Speaker, I urge the House to enact the bill.

Mr. WYLIE. Mr. Speaker, will the gentleman yield for a question?

Mr. MEEDS. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

This bill provides for condemnation proceedings to acquire Indian lands. Is more than one condemnation proceeding contemplated? Are all of the lands to be included in one huge condemnation proceeding?

Mr. MEEDS. The trustee is now offering lands for sale in 10 different parcels. The Federal Government under this legislation would have the right to condemn either before or after the sale. If the lands were condemned prior to the sales, I assume that the market value again would be established by expert witnesses. In the event they were condemned afterward, certainly, the sales price would probably be the best evidence.

Mr. WYLIE. If the gentleman will yield further, I think I understand the

question of constitutionality raised by the Justice Department in that this bill provides for acquisition of the Klamath Indian lands by condemnation proceedings, but if the total cost of all the land is above \$60 million according the verdicts then the Government in effect can take it all back and refuse to proceed?

Mr. MEEDS. The Congress can refuse to let the Federal Government go through with it by refusing to appropriate further funds for that, yes.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. FROELICH).

Mr. FROELICH. Mr. Speaker, the Klamath Indian Tribe was terminated by Congress in 1954. Federal supervision over the tribe came to an end in 1958. The situation of the Klamath Tribe is thus very similar to the situation of the Menominee Tribe of Wisconsin in that both tribes were terminated and thereby deprived of their status as Indians under Federal law and denied the services and benefits to which Indians are entitled because of their status.

But here the similarity appears to end. Since 1961, when Federal supervision over the Menominee Tribe was discontinued, the Menominees have struggled to preserve and maintain the land that once constituted their reservation. They have not been entirely successful; but certainly they have not failed. Today most of the Menominee land remains intact.

The Klamath Tribe, however, appears to have taken a different course. According to the Interior Committee report, after Federal supervision ended in 1958, the assets of the Klamath Tribe were apportioned between those members electing to withdraw from the tribe and those electing to remain in the tribe. The assets apportioned to the withdrawing members were sold and the proceeds were distributed to such members on a per capita basis.

Approximately 525,680 acres of forest land were sold under this arrangement. Most of this land was purchased by the United States for the Winema National Forest.

The bill under consideration today comes in the wake of a decision by the Klamath Tribe to sell the remaining portion of the land that was once their reservation. The bill itself directs the Secretary of Agriculture to acquire this land by condemnation and to pay the trustee of the tribe up to \$60,000,000.

Last week, I introduced legislation to restore the Menominee Indian Tribe of Wisconsin as a federally recognized tribe. My bill would lead to the eventual re-establishment of the Menominee Indian Reservation. I am very proud that 24 Members, including the distinguished gentleman from Washington, joined me in that bill.

The Menominee Restoration Act comes at a time when there is a widespread consensus that the termination policy of the 1950's was undesirable. In this context, the restoration of some tribes to their former status may be possible. These de-

velopments raise an important question about the legislation before us today.

Is there any evidence, an indication, that the Klamath Tribe would prefer restoration to the sale of their remaining land?

If there is no such sentiment, then this bill should be passed.

But if there is such sentiment, if there is a good possibility that this tribe would prefer to be restored, this bill should not be passed.

Clearly, a tribe cannot expect to sell all its land to the United States, at the cost of many, many millions of dollars, and then come back to the Congress and say, "Make us Indians again and give us back our reservation."

In short, this bill is consistent with complete termination. It is inconsistent with restoration.

Hence, before we vote, I think the record on this point should be very clear. We should not act against the wishes of the tribe. Nor should we authorize the Secretary to initiate a condemnation action on Indian land before it is offered for sale, unless we are certain that the Klamath Tribe does not wish to be restored.

Mr. Speaker, Members of the House, this bill provides great concern to me, inasmuch as the two great political parties and the President have indicated that termination as a policy of this Government is over with. That, in my opinion, is also the prevailing opinion of this House.

Mr. ULLMAN. Mr. Speaker, will the gentleman yield?

Mr. FROELICH. Mr. Speaker, I yield to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Speaker, I concur in what the gentleman is saying, but the fact of this situation is that these Indians were terminated before I came to Congress. That was back in 1952, when they had a program of termination.

The whole Klamath Tribe was terminated then. Subsequently, we passed a number of bills to provide for the distribution of the property. Most of the Indians who had already been terminated took their cash and left, but there were almost 500 Indians who decided, even though they were terminated, not to take their cash, but to take the land under a trust agreement.

What we are talking about here is Indians who are already terminated, having property in a trust agreement whereby they had procedures that they could terminate that trust agreement. They decided to do so, so we are not talking here about termination at all.

I know the gentleman from Pennsylvania will bear me out on this.

Mr. FROELICH. Mr. Speaker, I thank the gentleman.

I raise these questions because we are dealing in this bill with a continuation of the policy of termination:

Have the remaining 500 Indians been advised of the climate of this Congress? Have they been advised of the position of the major political parties? Have they been advised that we are on our way to restoration of other tribes in this Nation?

Have they had a chance to understand this before the Government buys their lands for forest and recreational purposes?

These questions have not been answered, in my opinion. I think that we should go back and inform the 500 Indians that there is a possibility of restoration; that there is a program being established to allow Indians to retain their culture and heritage and Indian lands.

Until they are fully informed, Mr. Speaker, it seems that we are going down the wrong road and at too great a speed.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Speaker, I thank the gentleman from Iowa for this time.

Mr. Speaker, I would just like to again remind the House that this bill substantially in this form was approved previously. These are unique lands; the values are up some.

The situation of the Forest Service is different now than it was last year.

Mr. Speaker, I think it is essential that this bill be passed. If the objectives raised by the Justice Department have validity, then what we are doing would not amount to anything. If, on the other hand, after studying them, we find that they do have validity, we intend to work out the problems with the other body.

The Justice Department letter arrived to the attention of the committee just this morning. This matter was passed out of the committee approximately a month ago. The matter has been before Congress for a long time.

Mr. Speaker, I would again remind my colleague on this side of the aisle that the President, in vetoing legislation to which this act was amended last year, said that if this purchase came before him at the proper time, that he would happily recommend it.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. Saylor).

Mr. SAYLOR. Mr. Speaker, I find myself in the usual position, of "I told you so."

Back in 1952 and 1953, when President Eisenhower at the insistence of some Members of the other body suggested a policy of termination of Indian tribes, I opposed it.

I lost that battle, and today we are being called upon to pay the price of the mistakes of Congress in 1952, 1954, and 1956.

The Klamath Tribe was terminated by an act of Congress in 1954. The assets were apportioned among the members, those who withdrew and those who elected to remain on the land that had been an Indian reservation. The withdrawing members sold over 500,000 acres of their land to the United States for the addition to a national forest. The remaining members, with whom we are dealing today, kept approximately 135,000 acres and turned it over to the U.S. National Bank of Portland, Oreg., their trustee. Now they have determined that they would like to sell the lands on which a

very large and valuable stand of timber is located.

Anybody who knows anything about the economic situation of our country at the present time knows that one of the things we are drastically short of is timber.

I should like to inform the Members of Congress that it is not just people in this country who are looking at these 135,000 acres; people in other countries are very much interested in these 135,000 acres.

The problem we face today is whether or not we want this timber to be used for the people in this country or in all probability go overseas. Those who are overseas, if they buy it, will clearcut it and get out, because they will own it and they will be interested only in taking the lumber and logs out of this country.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the chairman of the full committee.

Mr. HALEY. The situation briefly is this: If we do nothing the land and forest will be sold anyway. It is completely out of our hands, in the hands of the trustees, and they can sell it any time they want to.

Mr. SAYLOR. That is correct.

Mr. WYATT. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Oregon.

Mr. WYATT. Further along the line of what the chairman said, the sale is going forward and the only question involved here is whether the Forest Service purchases this land or whether it goes to private purchasers. This is not the question of termination of a tribe. The members of the tribe voted on that question once. That is why we are here.

Mr. SAYLOR. That is correct.

Last year their trustee offered this land for sale. Under the original termination bill, the Secretary had a 1-year option on the entire 135,000 acres, if and when it was offered for sale.

Unfortunately, under the economic restraints placed by the President last year the Secretary of Agriculture did not have \$51 million to buy it. The option expired. In an effort to let the Secretary of Agriculture acquire last year the other body attached a new authorization, as a rider to another bill, for the Secretary to buy it. That was one of the bills the President vetoed. But in his veto message he singled out this rider for praise, and he said it was sound public policy to keep the 135,000 acres of timber in the public domain. He urged Congress to send it back in a separate bill. That is what we have here today.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GROSS. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Ohio.

Mr. WYLIE. This bill provides for condemnation proceedings to acquire the land, and further provides that no more than \$60 million will be spent in payment. What if a jury or juries find that

more than that amount will be required to buy this land?

What then happens to the land? Did that question come up for discussion during deliberations of the committee?

Mr. SAYLOR. Well, it did, and the reason we increased it to \$60 million is that those of the members who have tried to keep track, as the members of our committee have done, of the increased price of lumber in the last year, realize the difference between what the property was worth when it was offered to the Department last year and the figure of about \$60 million.

Mr. Speaker, if this property goes on the public auction block and is bought for approximately \$60 million or less, that in our opinion would establish the fair market value, and it, therefore, would be the price that would be paid.

Mr. WYLIE. Mr. Speaker, I understand that, but is it the intention under this bill that the property may be first acquired and then given back or could be given back if the amount exceeds \$60 million?

Mr. SAYLOR. No, the property is not being acquired and then given back. The property will not then belong to the Indians; the property will then be added to the national forest.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, in answer specifically to the question, if the condemnation suit determines or the court determines it is over \$60 million, then the committee will still have the right to approve or disapprove the final purchase price. Congress retains control over the amount of money to be paid for this land.

Mr. WYLIE. Well, Mr. Speaker, if the gentleman will yield—

Mr. SAYLOR. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Let us assume Congress does not approve the acquisition for more than \$60 million, or your Committee on Interior and Insular Affairs or the Committee on Appropriations of the House does not approve a purchase, after condemnation proceedings for, say, \$65 million?

The SPEAKER. The time of the gentleman has again expired.

Mr. GROSS. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I would urge that the rules be suspended and this bill passed, because this timber and this 135,000 acres will be a great national asset and should be kept in our national forests in the State of Oregon.

Mr. MEEDS. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. ULLMAN), the sponsor of the bill.

Mr. ULLMAN. Mr. Speaker, I will be brief. This land lies in my district. I want to report to this body that to my knowledge the support of this legislation is unanimous throughout my district in the State of Oregon, and it is certainly unanimous among the conservation organizations of the country.

There is no issue of termination here. This Congress terminated supervision

over the Klamath Indians back in 1954 before I was a Member of this body. I would have opposed it then; I think it was the wrong way to go. I think time has demonstrated that.

But, Mr. Speaker, that is not the issue here. In 1958, in trying to salvage what we could from the termination proceedings, we set up a private trust. The Indians voted whether they would liquidate their land or whether they would stay in the trust and hold their lands. About 80 percent of them voted to liquidate. The 20 percent that stayed in remained in a completely private trust with no Government control whatsoever. This is a private trust, with a provision for a vote every 5 years to determine whether it should be liquidated.

So, Mr. Speaker, these Indians voted, and they voted to sell their holdings. Now the trustees have offered blocs of it for sale. The issue is whether it shall go into private purchase for exploitation or whether it be held by the Government.

Mr. Speaker, I want to make a plea here that this land is an integral part of that forest. It has been part of the original Klamath Forest. It would be the greatest conservation error that I have known to allow this land now to be divided up and exploited. It involves a tremendous river basin, beautiful rivers, and it is an integral part of a beautiful and a delicate forest built on pumice lands, and if it were exploited and cut off, it would completely destroy the basin.

This is a conservation measure of the first order.

Mr. Speaker, I urge all of the Members to suspend the rules and pass the bill.

Mr. Speaker, I urge my colleagues to support H.R. 3867, my bill to achieve Federal purchase of 135,000 acres of Klamath Indian forest lands in my district in southern Oregon. The lands involved were retained by Indians who chose to place land in a private trust rather than liquidate their shares when the tribe and reservation were terminated in 1958. There are about 470 shares in this private trust. In 1969, the Indians voted to terminate the trust agreement between U.S. National Bank and the Indian owners. The late Senator Richard Neuberger and I proposed amendments to the Termination Act of 1957 and 1958 to set up Federal purchase of the terminated timberlands in the old reservation, and to provide the machinery for purchasing these remaining lands in the event they were ever offered for sale. The initial purchase of 525,000 acres became the Winema National Forest.

The administration failed to use its preferred purchaser status in early 1972 due to budget constraints, so the Oregon delegation put together legislation to direct Federal purchase of the lands. The Senate held hearings on the bill and attached it to H.R. 56, the environmental data bank bill which had already passed the House. Final approval came in October, just prior to adjournment. On October 21, President Nixon vetoed H.R. 56, primarily because of the data bank provisions. In his veto message, he indicated clear support for Federal purchase of the Klamath forest lands. The President stated:

A third portion of H.R. 56 would direct the Federal Government to purchase the Klamath Indian Forest Lands in Oregon. After studying this proposal carefully, I believe this purchase would be sound public policy, and if the next Congress provides the necessary funds, I shall happily approve the acquisition of these unique lands.

Now the Government is no longer a preferred purchaser. We must either compete as a bidder or condemn the lands. This legislation authorizes and directs the filing of a condemnation proceeding to acquire all 10 parcels. Four parcels were opened for bids on April 9, with bids due on two parcels by August 6 and by September 5 on the other two parcels. The Congress must act swiftly so that the condemnation proceeding can be filed soon.

This legislation authorizes \$60 million for purchase of the lands, and provides a procedure whereby Congress could approve additional funds if the award was for more than \$60 million. The appraisal figure is \$57,445,000, but stumpage values have been increasing substantially lately in the Pacific Northwest, and it was the feeling of the Members of the Oregon delegation and others that some flexibility is necessary to assure Federal purchase.

The present boundaries of the Winema National Forest surround this tract of land, and it is a logical and necessary addition. These forest lands are critical to the economic life of the Klamath Basin area, with an estimated 40 percent of the work force involved in wood products harvest and manufacture. Sustained yield management will help maintain a stable economic base in this area.

The lands comprise major portions of the watersheds for the Sprague and Williamson Rivers, as well as stretches of the rivers themselves. They are among the first native trout fishing streams in the Western United States, and it is important that public access be guaranteed. The Oregon Game Commission estimates an annual value of public access at \$4 million. In the event of private acquisition at the prices stated, there is a strong likelihood of intensive cutting to recoup the investment. This would be a disaster for the fragile pumice soils in this area, resulting in severe erosion and loss of topsoils. Private purchase under these conditions would also encourage subdivision of stream-frontage areas for vacation homesite development. Aside from the loss of public access rights, such developments would seriously threaten scenic values and water quality.

The legislation, both last year and this year, has received tremendous support from conservation groups, the State fish and game commission, and local chambers of commerce. The executive committee of the remaining members of the tribe also supports the bill. Organized opposition has not been apparent.

Mr. Speaker, I ask my colleagues to join me in support of this legislation.

Mr. FROELICH. Will the gentleman yield?

Mr. ULLMAN. If I have time, I will be happy to yield.

Mr. FROELICH. Has there been any consultation with the remaining mem-

bers of the tribe itself as to the policy of restoration that is appearing here in this Congress in this session at all?

Mr. ULLMAN. I have a bill in that would give or return to all of the Klamath Indians some benefits from the Indian program, but if we are talking about justice to the Indians, we should not just talk about this 20 percent who held their holdings in trust. We should talk about all of the Klamaths. That is where the justice should come if we are to return to the Indian rights. It would be very unjust to return them only to these Indians who hold a tribal trust and not to those who have already liquidated theirs.

Mr. GROSS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, in reading the report I was struck by the fact that the Department of the Interior letter to the committee states:

We defer to the views of the Department of Agriculture as to whether this bill should be enacted.

Then I look elsewhere in the report and there is no statement whatever on the part of the Department of Agriculture.

This is most unusual, that the Department of the Interior would turn it over to the Department of Agriculture and it would remain mute on the subject.

Can the gentleman from Washington help me out with this?

Mr. SAYLOR. If the gentleman will yield, I can answer the question.

Mr. GROSS. I will be glad to yield to the gentleman.

Mr. SAYLOR. You are correct in the position of the Department of the Interior. The Department of Agriculture did not send up a report on this bill this year, but instead they sent up witnesses who testified in favor of the bill. We have never received a letter from them yet, but the witnesses who appeared before our committee all said they want the bill and reaffirmed their position on a similar bill of last year that they approved.

Mr. GROSS. The gentleman will agree with me that it is unusual that the Department having the most direct interest in the bill has nothing in the record of the report in support of it.

Mr. SAYLOR. If the gentleman will yield, that is correct. But they appeared before our committee and testified in favor of it and asked that we report the bill favorably. It was their idea that we increase it to \$60 million.

Mr. GROSS. What is the substance, then, of the letter that we have heard referred to from the Department of Justice?

Mr. SAYLOR. If the gentleman will yield further to me, all I can tell you is this bill was reported out a month ago. The Department of Justice was notified of our original hearings, and it has been on the calendar of the House of Representatives for over a month. This morning the chairman and I got a telephone call from the Department of Justice saying that they did not like the bill. All I can tell you is if they are that far behind, then, this Congress should not worry about it but should pass the legislation and send it down to the White House. If they have enough influence

with the President, tell them to go ahead and get it vetoed.

Mr. GROSS. I assume the Department of Justice would be involved in this if the \$60 million, which would be authorized under the terms of this bill, did not suffice to take over the land.

Mr. SAYLOR. If the gentleman will yield, only if they are involved so far as the condemnation proceedings are concerned.

Mr. GROSS. Of one thing we can be certain with respect to this legislation: It is going to cost anywhere from \$6 million to \$9 million more than it would have cost less than 2 years ago. Is that not true?

Mr. SAYLOR. That is correct. And I can only say to the gentleman, if he will yield further, that we are lucky it did not cost more, because if we take the increased price of 135,000 acres of prime timber, it is more than that.

Mr. GROSS. I think it remains to be seen as to whether they are able to sell these lands. I notice they are advertising in the Wall Street Journal, but I have seen no results from the advertisement.

The SPEAKER. The time of the gentleman has expired.

Mr. GROSS. Mr. Speaker, I have no further requests for time.

Mr. MEEDS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, I take this time for the purpose of answering some of the questions posed by the gentleman from Wisconsin (Mr. FROELICH) with regard to termination. I am delighted to see the gentleman take the position that he has on this matter. I think it is an excellent position, but I would add that we are here not dealing with that particular matter. The termination, as some of the previous speakers have pointed out, has already transpired with regard to the Klamath Tribe. I am sure the gentleman from Wisconsin (Mr. FROELICH) knows how I feel about termination, and I feel much the same way he does.

I think that it was a disastrous policy, and I believe that any group of Indians who have been terminated and who wish to be reinstated should have that opportunity. I might add further that I am working with the gentleman from Wisconsin on the Menominee restoration. But, as I say, we are not presently dealing with that question. The problem here is that the Klamath Indians who were terminated a number of years ago, the 500 who remained, have determined by an almost unanimous vote to sell this land now, and they do not wish to be reinstated. Therefore I think it behooves us to proceed with their wishes.

They have been informed, and, indeed, I sought and tried to find people who might be opposed in that group to this legislation, because I did not want to proceed with the legislation if there were those people extant, but I could not find any.

So I can assure the gentleman from Wisconsin that efforts have been made, and it is my earnest opinion that the overwhelming majority of these people wish to proceed precisely as this bill directs. And, again, we have sought to protect them by requiring condemnation

which will give them the best possible price.

Mr. FROELICH. If the gentleman will yield, I believe that I can then read from the remarks of the gentleman that those remaining members of the tribe have been informed of the right of restoration policy for formerly terminated tribes.

Mr. MEEDS. Indeed, I am sure they have been.

Mr. Speaker, I have no further requests for time.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I am happy to yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, I was pleased to have been able to join with my colleagues from the Oregon delegation, Congressman ULLMAN, Congresswoman GREEN, and Congressman WYATT in introducing H.R. 3867 to provide for Federal acquisition of the Klamath Indian Lands.

The bill was introduced last Congress and attached in conference as a purchase directive to H.R. 56, the environmental data systems bill. The bill passed both Houses but was vetoed by the President on October 21, 1972. In his veto message the President said of the Klamath Indian land purchase:

I believe this purchase would be sound public policy, and if the next Congress provides the necessary funds, I shall happily approve the acquisition of these unique lands.

We, in the Oregon delegation, agree with the President that the acquisition of these lands would make a desirable addition to our national forests.

These lands are an integral part of the forest system which is encompassed by the Winema National Forest. This national forest was created with the Klamath Termination Act which provided for the termination of the Klamath Indian Reservation and the disposal of their lands. The original disposal resulted in the sale of the land which is now the Winema National Forest to the Secretary of Agriculture and the establishment of a trust for the remaining lands. The act provided that at the time the trust was dispersed the lands had to first be offered to the remaining tribal members who had 6 months within which to purchase what lands they desired.

On December 9, 1970, the trustee initiated proceedings to dispose of the lands, however, none of the members of the trust expressed an interest in buying. On July 2, 1971, the trustee offered the lands at a minimum price of \$51,369,731 to the Secretary of Agriculture who, under the law, had 12 months within which to buy before they were offered for public sale. The Secretary did not exercise his option to buy within the year deadline because of fiscal restraints in the executive branch and the land has now been offered for public sale. These unfortunate circumstances have led the Oregon delegation to propose the acquisition of this land through condemnation.

The Klamath Indian forest contains 135,000 acres composed of 133,300 acres

of timber, 1,100 acres of grassland, and 600 acres of other types of land. There are 895,740,000 board feet of timber available for marketing, making this resource the main source of income from the forest. Under the original termination act it was intended that at such time as the Indians relinquished the remaining land the Government should purchase it to be managed on a multiple-use and sustained-yield basis.

Only if the Federal Government purchases this scenic and bountiful timberland can we guarantee maximum long-run sustained-yield utilization of this magnificent resource. It is feared that the tremendous investment that would be necessary to operate this tract over a long period of time would force a private owner into a "cut and sell" operation in order to recover a substantial proportion of his capital outlay. There would be a strong incentive for rapid removal of the timber and, very possibly, instead of sound, immediate and complete reforestation, some alternate use such as subdivision of the area for residential purposes.

A rapid liquidation could also lead to severe environmental problems. A private owner, while required by law to meet certain pollution standards, could have little concern for environmental enhancement. Only management of the timberland on a long-term sustained yield basis by the Forest Service will assure responsible use of all resources involved.

Federal purchase would provide the greatest benefit to the Klamath Indians and to other residents in the area by assuring jobs and recreational opportunities for future generations. A rapid cutting of the forest which is expected under private ownership would require a large transient labor force during the period of heavy cut and would severely affect the long-range stability of the local economy.

Another significant factor in this proposed transaction that cannot be overlooked is the impact that private ownership could have on the log export situation. For years Japan has been the principal market for log exports from the Pacific Northwest. Japanese building efforts require vast amounts of imported timber. There are reports that Japanese interests are taking a long, hard look at this tract as a potential source of a large, much-needed softwood supply.

It is highly possible that a Japanese concern would attempt to purchase the land outright, or enter into an agreement with a private, domestic corporation. The probable result would no doubt be a rapid cut with subsequent sale of the harvest to Japan.

While there are many other factors that strongly favor Federal purchase of the remaining Klamath Indian Forest I did want to emphasize these points for your consideration today.

I am pleased that both the Indian Affairs Subcommittee and the Interior Committee agreed with the position of the Oregon delegation and overwhelmingly supported this legislation. The committee version would provide for Federal ownership and all its aforementioned benefits and would also help maintain the Indians' tie to this land.

In April of this year, the trustee for the Klamath Indians announced the first offering of a portion of this land for public sale. In light of this action and with the belief that this land would be a desirable addition of our national forest system, I urge your favorable and swift action on this legislation. Its enactment and early implementation would represent the soundest possible investment in and for the future.

I am aware that \$60 million is a major amount of money and that this amount is not easily come by. But the purpose for which we are here proposing these dollars be spent seems to me without question to have such a long-range impact on our areas and the whole United States' supply of softwood timber and timber products that this action is clearly and highly desirable.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. MEEDS), that the House suspend the rules and pass the bill H.R. 3867, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the subject of the bill, H.R. 3867.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### INDIAN CLAIMS COMMISSION AUTHORIZATION

Mr. MEEDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4967) to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4967

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Indian Claims Commission Act (25 U.S.C. 70), during fiscal year 1974 a sum not to exceed \$1,200,000.*

*SEC. 2. Section 1 of the Act of November 4, 1963 (77 Stat. 301), as amended (25 U.S.C. 70n-1), is further amended by striking out "\$1,800,000" and by inserting "\$2,700,000".*

The SPEAKER. Is a second demanded?

Mr. SAYLOR. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. MEEDS. Mr. Speaker, I yield myself 10 minutes.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman

from Florida (Mr. HALEY) the chairman of the full committee.

Mr. HALEY. Mr. Speaker, I might say that I think this legislation is vitally necessary if the Indian Claims Commission is to continue to do the job which needs to be done. They come back before us on an annual basis, so to speak, so that we can keep more or less some control over the operations of the Indian Claims Commission, and see if we can push it along to the point where they can finish all of their work.

Mr. Speaker, the Indian Claims Commission is nearing the end of its life. It was established under a 1946 Act to hear and settle all Indian tribal claims against the United States that arose before 1946. The Commission was expected to finish its job in 10 years, but, for a number of reasons which I shall not discuss here, it did not finish and Congress found it necessary to grant repeated extensions. The last extension was granted last year, 1972, and the statute provided that any work the Commission has not finished by 1977 will be transferred to the Court of Claims, and the Commission will expire.

In order to provide for closer congressional oversight of the work of the Commission, the 1972 act also required an annual appropriation authorization act to be enacted each year, authorizing the dollar amount to be appropriated in order to keep the Commission on schedule. The amount authorized by H.R. 4967 is \$1,200,000 for fiscal year 1974, which will keep the Commission operating at its present level. The Commission feels that at this level it will be able to finish in 1977, as required by law.

In order to facilitate the work of the Commission, the bill also amends a revolving loan fund that is available for loans to tribes to employ expert witnesses. The fund is increased from \$1,800,000 to \$2,700,000. The loans are repayable out of any judgments recovered by the tribes.

I recommend enactment of the bill.

Mr. MEEDS. Mr. Speaker, I thank the gentleman from Florida for his support, and for his long standing support and interest in these matters.

Mr. Speaker, the purpose of this bill is to authorize appropriations for the Indian Claims Commission for fiscal year 1974 and to increase the authorization for the Indian expert witness revolving loan fund from \$1,800,000 to \$2,700,000—or increase it by \$900,000.

The Indian Claims Commission was created by the Act of August 13, 1946 (60 Stat. 1049) to consider and settle, finally, all claims of Indian tribes against the United States arising out of various treaties and statutes, and accruing on or before the date of the act. These claims are of both a legal and moral nature and are, in general, for lands ceded by the tribes to the United States without compensation or with inadequate compensation. Other claims are of an accounting nature where the Indians allege that the United States inadequately performed its function as trustee resulting in damage to the trust assets of the tribe.

Prior to the Indian Claims Commission Act, the Congress had offered relief in

such cases by a series of individual jurisdictional acts conferring authority on the Court of Claims to hear and decide such claims. The Claims Commission Act was a deliberate policy of the Congress to cease considering these jurisdictional acts and to establish a tribunal to settle these old claims once and for all time.

I think it should be made clear that the Indian Claims Commission is not empowered to consider, nor does the act affect Indian claims arising out of existing treaty obligation or acts of Congress accruing after August 13, 1946. The United States still has certain obligations to the tribes under these treaties and as trustee for the Indians which can give rise to claims against it by the Indians. These claims can be brought in the Court of Claims.

The original act required the Commission to complete its work within 10 years. For a number of reasons, the Commission was unable to do so and the Congress has repeatedly extended the time limit with an admonition to the Commission to proceed more rapidly in processing these claims. The size of the Commission was increased from three to five members in 1967 to expedite processing of the claims. At the time of the last extension in 1972, the Congress provided that the unfinished business of the Commission when it expired in 1977 would be transferred to the Court of Claims and that no further extensions were contemplated. Congress also required by that act that an annual appropriation authorization be enacted in order that the Interior and Insular Affairs Committee could exercise closer oversight of the work of the Commission. That annual appropriation authorization is the purpose of this legislation.

As of December 31, 1972, the Commission had disposed of 384 dockets, either by an award or by dismissal, out of a total of 611 dockets filed, and 227 dockets remain to be completed. To date, the Commission has awarded \$423,926,883.29 in 208 dockets.

The bill authorizes appropriations of \$1,200,000 for the expenses of the Commission for fiscal year 1974.

During hearings on the bill, the Chairman of the Indian Claims Commission advised the Subcommittee on Indian Affairs that it would be necessary to increase the funds available to Indian tribes for expert witnesses from the expert witness revolving loan fund if the Commission was to finish its work by the 1977 expiration date.

The expert assistance revolving loan fund was established by the Act of November 4, 1964 (77 Stat. 301) and is administered by the Bureau of Indian Affairs rather than by the Indian Claims Commission. It was created to provide a source of credit to Indian tribes to obtain the services of experts in the preparation and presentation of their claims. Most of the claims before the Commission are based on transactions and circumstances occurring in the early and middle 1800's. Extensive and exhaustive research and documentation is necessary to provide the foundation for these claims. The services of expert appraisers to appraise land values on the date of

taking, often in the 1830's and 1840's, are necessary. Anthropologists and historians are needed to document occupation of lands by various tribes and the status of these tribes at the time of the land cessions. Most tribes pressing claims before the Commission simply do not have the financial resources at hand to counter the resources available to the Federal Government in defending against these claims.

It should be made clear that these funds are not available for loans to tribes to pay attorney fees. The payment of such fees are provided for and regulated by the Claims Commission Act itself and are generally on a contingent basis and not to exceed 10 percent of the amount recovered.

Loans made from the fund bear interest and are recoverable out of any award made to the tribe by the Commission. If no award is recovered or if the amount of the award is inadequate to cover the loan and interest, the Secretary of the Interior can cancel the loan. To date, there has been no default on any loan made from the fund. Loans repaid and interest is returned to the fund on a revolving basis.

The expert assistance revolving loan fund is now depleted. Although no applications for loans are pending before the Department, the last few loans approved were approved subject to funds being available.

On February 12 of this year, the Indian Claims Commission held a conference of claims attorneys for the purpose of projecting dates for trial of pending cases. At that time, various tribal claims attorneys stated that tribes they represented were poor and did not have the funds to hire needed expert witnesses for their claims. According to estimates of the attorneys, the total new funds needed would be approximately \$1 million.

Loans from the fund presently total \$2,095,586, and additional loans of \$220,448 have been approved subject to the availability of funds. Bureau of Indian Affairs and Claims Commission officials believe that, in addition to the \$1,800,000 presently authorized and appropriated for the fund, \$900,000 more is needed to permit the Commission to complete its work on time.

Thus the bill amends the act of November 4, 1963 to increase the authorization from \$1,800,000 to \$2,700,000.

Mr. Speaker, this authorization is needed if the Appropriation Committee is to be able to appropriate the funds for the Commission for fiscal year 1974, and I urge the House to pass the bill.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, should we say as a matter of congressional intent that we hope the Claims Commission will ascertain if any claims are being made by any person responsible for any of the destruction of the Bureau of Indian Affairs building in an attempt to offset any such damage against any claim that might

be made by a participant in that ill-advised affair?

Mr. MEEDS. Mr. Speaker, I did not hear the full question.

Mr. WYLIE. Mr. Speaker, I wonder if we should as a matter of congressional intent say to the Claims Commission—will you ascertain if any of the persons making a claim under this bill were in any way responsible for any part of the destruction of the Bureau of Indian Affairs building, if the gentleman knows what I am talking about, and have that amount offset against any claims contemplated herein?

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. MEEDS. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, if I may respond to the gentleman from Ohio, I think that would be extremely unwise, because it would be visiting the sins of the father on many succeeding generations.

In the Claims Commission Act awards, they are given to tribes for lands which were held a number of years ago on treaties or inequities which were enacted many years ago and are now being straightened out for a tribe, not for an individual Indian.

Mr. Speaker, I know of no tribe that is responsible, whether we agree or disagree with what happened at the Bureau of Indian Affairs—I know of no tribe which was responsible for that. Therefore, we would be visiting the sins of individuals on the tribal entity, which I think is extremely unwise.

Mr. WYLIE. Mr. Speaker, if the gentleman will yield further, there is no way we can visit the sins of those persons responsible for this destruction on them as individuals in this legislation? Is that what the gentleman is saying?

Mr. MEEDS. Mr. Speaker, the gentleman from Ohio, I am sure, is fully aware that there are ways in which those who were responsible can be punished for their transgressions. There are laws against that type of thing, and all that is necessary is that those laws be enforced.

I would be in favor of that.

Mr. WYLIE. Mr. Speaker, I thank the gentleman.

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. I yield to the distinguished chairman of the Committee (Mr. HALEY).

Mr. HALEY. Mr. Speaker, the chairman of the subcommittee has very kindly stated what the situation is. There was no tribe as such involved in this hassle, this mess which we had down here at the Bureau of Indian Affairs. It was individuals, pure and simple.

As the gentleman has suggested and as I have suggested, there are ways to stop this kind of thing. Those people should have been arrested, they should have been tried and if found guilty, sent to a prison.

It is just such as we have this terrible situation out at Wounded Knee. If we really understood what happened at Wounded Knee in 1890, there would not be too much sympathy for these Indians now out there.

Some of them, I understand, will be arrested. I hope that the leaders who have gone out there and destroyed property and took over by force, we might say, I hope they go to the Federal penitentiary. That is where they belong and that is what should happen to them.

Mr. Speaker, I regret that the Federal Government through its various agencies of Government here in the District of Columbia got involved in this thing. We have a recognized reservation. They had a recognized constitution. They have people out there who could have enforced the laws of the reservation, and they should have been allowed to do it.

The SPEAKER. The time of the gentleman from Washington has again expired.

Mr. MEEDS. Mr. Speaker, I yield myself 1 additional minute.

Mr. TAYLOR of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MEEDS. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Speaker, as I understand it, this money will be used as a loan for the different tribes to aid them in procuring expert witnesses to present their claims before the Indian Commission?

Mr. MEEDS. That is correct.

Mr. TAYLOR of North Carolina. And the loan will be paid back and judgment issued?

Mr. MEEDS. That is correct.

Mr. TAYLOR of North Carolina. So, there will be no cost to the Government in this legislation unless it is interest on the money loaned?

Mr. MEEDS. That is correct, except if the Secretary decides to forgive one of the loans because the award is not large enough or there is no award.

Mr. TAYLOR of North Carolina. But the history is that in all cases that have been tried up to now, there have been awards?

Mr. MEEDS. That is correct.

Mr. TAYLOR of North Carolina. This extra money will expedite the processing of claims now pending before the Commission?

Mr. MEEDS. We are assured it will meet that.

Mr. SAYLOR. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as a result of the Committee on Interior and Insular Affairs trying to maintain closer supervision over the Indian Claims Commission, we now come to the House every year with an authorization bill for their appropriation.

The Indian Claims Commission was established in 1946 for a period of 10 years. At that time everybody said there would be no doubt about the fact that within that time they could take care of all claims the Indians had for anything that was due them for all the land the tribes had owned throughout the length and breadth of the land and be out of business. Unfortunately, at the end of 10 years the work was not completed, so we extended the Commission for 5 years more. At the end of that 5 years the work was not completed, and we extended the Commission for 5 years more.

In 1972 we extended the Commission for another 5 years with instructions that if their work were not completed by 1977 all of the pending claims would be turned over to the U.S. court of claims. At that time we increased the number of judges, and they were told to go ahead with the work. They have increased their staff. They have proceeded with their work.

They reported to us in the hearings this year that they expected to have all of their work completed and to be out of business by 1977.

To take care of them during the coming year this bill calls for \$1.2 million for their operations. It also calls for \$900,000 to be given to the Indian Claims Commission, to be loaned to the various tribes who do not have any money in their treasury with which to hire expert witnesses.

I know that some folks may wonder what kind of money it takes to hire expert witnesses, in the neighborhood of \$900,000, but we have to understand that the Indian Claims Commission has to go back and ask people to appraise real estate; in some instances it is necessary to appraise the entire State, or . . . in several instances . . . States, and one does not do that at today's market prices. It is necessary to find individuals with the expertise to go back and find out what the value of the land was when Uncle Sam acquired it from the Indian tribe.

This is a continuation of a fund which has been in existence for some period of time. All of the money the Congress has heretofore appropriated to that fund has been used. Some of it has been repaid. That which has been repaid has been repaid without interest. This money which is to be loaned to those tribes, who will be applying for it, will be repaid at 5 percent interest.

I believe this to be a good bill. I urge that the rules be suspended and that the bill be passed.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. I thank my friend from Pennsylvania for yielding.

What I find unacceptable about this bill is the prolonged life of the Indian Claims Commission, which was created in 1946, as the gentleman stated, for a 10-year period. It is now 27 years old, and it will be 31 years old—a tripling of the life—if—and I emphasize if—it goes out of existence in 1977.

This to me is unconscionable. What in the world has this Commission been doing that it could not take care of this business in at least twice the 10 years, the latter being the original period which was provided in the legislation?

Mr. SAYLOR. Well, Mr. Speaker, I can say to my colleague, the gentleman from Iowa (Mr. Gross), that we have raised the same question with members of that Commission every time that they have come up here before our committee since 1949, and I lost every one of the battles until the last one which we had last year, in which we finally gave them a deadline.

Mr. Speaker, I might say that our col-

league, who serves in the other body, Senator JACKSON, who was the author of the original bill, said at the last conference that had he ever dreamed that the Commission would not have done their work in 10 years, he would not have introduced the first bill.

But I think that they are now in a position to do their work. I will have to commend those who are on the Commission right now for being diligent, for getting rid of many of the cases, and I can clearly see that by 1977 all of the work will be done.

Mr. GROSS. Mr. Speaker, will the gentleman from Pennsylvania give us an estimate of what this Commission has cost us up to this point?

Mr. SAYLOR. I would inform the gentleman that to date, as of April 30, 1973, the cost of operating this Commission has been \$8,281,170.10, and I am certain the gentleman will agree that much of this money went down the drain until our committee finally got tough and insisted that they get their work done and get out of business.

Mr. GROSS. Do the members of this Commission work or play, or just what in the world has happened? Did they spend their time hunting or fishing or golfing, or what were they doing? This has got to be one of the bonanzas for the lawyers that ever came down the pike.

Mr. SAYLOR. All I can tell the gentleman is that some of those Members who were on the Commission originally did not do much work.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. SAYLOR. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. LUJAN).

Mr. LUJAN. Mr. Speaker, I thank the gentleman for yielding the time to me.

I, too, am concerned about this legislation. I view it with mixed emotion. I view the support of the legislation with mixed emotion.

Mr. Speaker, I will just take this time to point out to the gentleman from Iowa (Mr. Gross) that his concern certainly is very legitimate, because from the total of 611 docketed cases, after 27 years we still have some 227 cases, and I take the time to point out that I think it is time that this Congress point to the Indian Claims Commission and tell them that we are really determined that we will not extend this beyond the 30-year period.

It is certainly regrettable that something that was supposed to take 10 years would now extend to 30 years' time.

Mr. MEEDS. Mr. Speaker, I yield myself 1 additional minute just to assure the gentleman from Iowa (Mr. Gross) and the gentleman from New Mexico (Mr. LUJAN) that the gentleman from Pennsylvania (Mr. SAYLOR) is exactly correct, that the Committee on Interior and Insular Affairs, the full committee, is just as concerned and just as adamant as are both those gentlemen that the Indian Claims Commission finish its work, and we have so provided by the legislation. If there are any remaining cases they must be turned over to the Court of Claims after April 1977 when this legislation is terminated.

#### GENERAL LEAVE

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this subject in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MEEDS. Mr. Speaker, I have no further requests for time.

Mr. SAYLOR. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Washington (Mr. MEEDS) that the House suspend the rules and pass the bill H.R. 4967, as amended.

The question was taken.

Mr. WYLIE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 336, nays 8, not voting 89, as follows:

[Roll No. 124]

YEAS—336

Abdnor	Cohen	Gubser
Abzug	Conable	Gude
Addabbo	Conte	Gunter
Alexander	Conyers	Haley
Anderson	Corman	Hamilton
	Calif.	Cotter
Anderson, III.	Coughlin	Hammer-
Andrews, N.C.	Cronin	schmidt
	Daniel, Dan	Hanley
Andrews, N. Dak.	Daniel, Robert	Hanrahan
Annunzio	W., Jr.	Hansen, Idaho
Arends	Daniels	Hansen, Wash.
Armstrong	Dominick V.	Harrington
Ashley	Danielson	Harsha
Bafalis	Davis, S.C.	Harvey
Baker	Davis, Wis.	Hastings
Barrett	Delaney	Hicks
Beard	Dellenback	Henderson
Bell	Dellums	Henzl
Bennett	Denholm	Hillis
Bergland	Dennis	Hinshaw
Blester	Dent	Hogan
Bingham	Derwinski	Holifield
Boggs	Devine	Holt
Boland	Dickinson	Holtzman
Bolling	Dorn	Horton
Bowen	Downing	Hosmer
Brasco	Drinan	Huber
Bray	Dulski	Hudnut
Breaux	Duncan	Hungate
Breckinridge	du Pont	Hunt
Brinkley	Eckhardt	Hutchinson
Brooks	Edwards, Ala.	Ichord
Broomfield	Edwards, Calif.	Jarmar
Brotzman	Elberg	Jordan
Brown, Mich.	Esch	Jones, N.C.
Brown, Ohio	Eshleman	Jones, Okla.
Broyhill, N.C.	Evans, Colo.	Kazan
Broyhill, Va.	Evens, Tenn.	Keating
Burgener	Fascell	Kemp
Burke, Calif.	Findley	Ketchum
Burke, Fla.	Fisher	King
Burke, Mass.	Flood	Koch
Burleson, Tex.	Burton	Kuykendall
Burlison, Mo.	Butler	Kyros
Camp	Frey	Landrum
Carey, N.Y.	Froehlich	Fulton
Carney, Ohio	Fulton	Fuqua
Casey, Tex.	Gettys	Gaydos
Cederberg	Gilman	Lehman
Chamberlain	Ginn	Lent
Chappell	Gonzalez	Littton
Clark	Goodling	Long, La.
Clausen, Don H.	Grasso	Lott
Clawson, Del	Gray	Lujan
Clay	Green, Pa.	McClory
Cleveland	Griffiths	McCloskey
Cochran	Grover	McCollister

McFall	Poage	Steele
Macdonald	Podell	Steelman
Madden	Powell, Ohio	Steiger, Ariz.
Madigan	Preyer	Stokes
Mahon	Price, Ill.	Stratton
Maillard	Pritchard	Stubblefield
Mallary	Quie	Stuckey
Mann	Quillen	Studds
Martin, Nebr.	Railsback	Sullivan
Martin, N.C.	Rangel	Symms
Mathias, Calif.	Rees	Talcott
Matsunaga	Regula	Taylor, N.C.
Mazzoli	Riegle	Teague, Calif.
Meeds	Rinaldo	Thomson, Wis.
Metcalfe	Roberts	Thone
Mezvinsky	Robinson, Va.	Thornton
Michel	Robison, N.Y.	Tiernan
Miller	Rodino	Towell, Nev.
Mills, Ark.	Roe	Treen
Mills, Md.	Roncalio, Wyo.	Udall
Minish	Rooney, Pa.	Ullman
Mink	Rose	Van Deerlin
Minshall, Ohio	Roush	Vanik
Mitchell, Md.	Roybal	Veysey
Mitchell, N.Y.	Runnels	Vigorito
Mizell	Ruppe	Waggoner
Moakley	Ruth	Walsh
Mollohan	Ryan	Wampler
Montgomery	St Germain	Ware
Moorhead,	Sandman	Whalen
Calif.	Sarasin	White
Moorhead, Pa.	Sarbanes	Whitehurst
Morgan	Saylor	Whitten
Mosher	Scherle	Wiggins
Moss	Schneebeli	Williams
Murphy, N.Y.	Schroeder	Wilson, Bob
Myers	Sebelius	Wilson, Charles H., Calif.
Natcher	Seiberling	Wilson, Charles, Tex.
Nedzi	Shipley	Winn
Neisen	Shoup	Wyatt
Nichols	Shuster	Wyder
Nix	Sikes	Yates
O'Brien	Sisk	Young, Alaska
O'Neill	Skubitz	Young, Fla.
Owens	Slack	Young, Ill.
Parris	Smith, Iowa	Young, S.C.
Passman	Smith, N.Y.	Zablocki
Patten	Snyder	Zion
Pepper	Spence	Zwach
Perkins	Staggers	
Pettis	Stanton, J. William	
Peyser	Stanton, James V.	
Pickle	NAYS—8	
Pike		

Ashbrook	Gross	Rousselot
Collins	Landgrebe	Wylie
Crane	Rarick	

#### NOT VOTING—89

Adams	Frenzel	O'Hara
Archer	Gialmo	Patman
Aspin	Gibbons	Price, Tex.
Badillo	Goldwater	Randall
Bevill	Green, Oreg.	Reid
Blaggi	Guyer	Reuss
Blackburn	Hanna	Rhodes
Blatnik	Hawkins	Rogers
Brademas	Hebert	Roncallo, N.Y.
Brown, Calif.	Helstoski	Rooney, N.Y.
Buchanan	Howard	Rosenthal
Carter	Johnson, Calif.	Rostenkowski
Chisholm	Johnson, Pa.	Roy
Clancy	Jones, Ala.	Satterfield
Collier	Jones, Tenn.	Shriver
Conian	Karth	Stark
Culver	Kluczynski	Steed
Davis, Ga.	Leggett	Steiger, Wis.
de la Garza	Long, Md.	Stephens
Diggs	McCormack	Symington
Dingell	McKay	Taylor, Mo.
Donohue	McKinney	Teague, Tex.
Erlenborn	McSpadden	Thompson, N.J.
Ford, Gerald R.	Maraziti	Vander Jagt
Ford,	Mathis, Ga.	Walde
William D.	Mayne	Widnall
Forsythe	Meicher	Wolf
Fountain	Milford	Wright
Fraser	Murphy, Ill.	Yatron
Frelinghuysen	Obey	Young, Ga.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Fraser.

Mr. Thompson of New Jersey with Mr. For-

sythe.

Mr. Brademas with Mr. Widnall.

Mr. Teague of Texas with Mr. Gerald R.

Ford.

Mrs. Chisholm with Mr. O'Hara.  
 Mr. Culver with Mr. Shriver.  
 Mr. Davis of Georgia with Mr. Archer.  
 Mr. Giaimo with Mr. Maraziti.  
 Mr. Hébert with Mr. Rhodes.  
 Mr. Helstoski with Mr. Steiger of Wisconsin.  
 Mr. Johnson of California with Mr. William D. Ford.  
 Mr. Jones of Alabama with Mr. Blackburn.  
 Mr. Kluczynski with Mr. Collier.  
 Mr. McCormack with Mr. Guyer.  
 Mr. Murphy of Illinois with Mr. Hanna.  
 Mr. Obey with Mr. Vander Jagt.  
 Mr. Reid with Mr. Johnson of Pennsylvania.  
 Mr. Rostenkowski with Mr. Mayne.  
 Mr. Stark with Mr. McKinney.  
 Mr. Stephens with Mr. Buchanan.  
 Mr. Wolff with Mr. Roncallo of New York.  
 Mr. Young of Georgia with Mr. Badillo.  
 Mr. Waldie with Mr. Goldwater.  
 Mr. Adams with Mr. Frenzel.  
 Mr. Bevill with Mr. Carter.  
 Mr. Blatnik with Mr. Price of Texas.  
 Mr. Diggs with Mr. Roy.  
 Mr. Dingell with Mr. Jones of Tennessee.  
 Mr. Donohue with Mr. Clancy.  
 Mr. Fountain with Mr. Conlan.  
 Mr. Gibbons with Mr. Taylor of Missouri.  
 Mr. Hawkins with Mr. Biaggi.  
 Mr. Howard with Mr. Frelinghuysen.  
 Mr. Karth with Mr. Erlenborn.  
 Mr. Leggett with Mr. Melcher.  
 Mr. Long of Maryland with Mr. Randall.  
 Mr. Yatron with Mr. Symington.  
 Mrs. Green of Oregon with Mr. Brown of California.  
 Mr. Mathis of Georgia with Mr. Aspin.  
 Mr. Rogers with Mr. Reuss.  
 Mr. Rosenthal with Mr. Steed.  
 Mr. de la Garza with Mr. McKay.  
 Mr. McSpadden with Mr. Milford.  
 Mr. Satterfield with Mr. Wright.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the bill (S. 721) to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes, and ask for immediate consideration of the bill.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 721

An act to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to carry out the provisions of the Indian Claims Commission Act (25 U.S.C. section 70), during fiscal year 1974, a sum not to exceed \$1,200,000 for the necessary expenses of the Commission.*

AMENDMENT OFFERED BY MR. MEEDS

Mr. MEEDS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEEDS: Strike out all after the enacting clause of S. 721 and insert in lieu thereof the provisions of H.R. 4967, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4967) was laid on the table.

SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE FOR RESERVE AND NATIONAL GUARD

Mr. DORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6574) to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve, and for other purposes.

The Clerk read as follows:

H.R. 6574

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (5) of section 765 of title 38, United States Code, is amended to read as follows:*

"(5) The term 'member' means—

"(A) a person on active duty, active duty for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank or grade, or as a cadet or midshipman of the United States Military Academy, United States Naval Academy, United States Air Force Academy, or the United States Coast Guard Academy;

"(B) a person who volunteers for assignment to the Ready Reserve of a uniformed service and is assigned to a unit or position in which he may be required to perform active duty, or active duty for training, and each year will be scheduled to perform at least twelve periods of inactive duty training that is creditable for retirement purposes under chapter 67 of title 10, United States Code;

"(C) a person assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who has not received the first increment of retirement annuities or has not yet reached sixty-one years of age and has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, United States Code; and

"(D) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises."

Sec. 2. Section 767 of title 38, United States Code, is amended as follows:

(1) Subsection 767(a) is amended to read as follows:

"(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure against death—

"(1) any member of a uniformed service on active duty, active duty for training, or inactive duty for training scheduled in advance by competent authority;

"(2) any member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 765(5)(B) of this title; and

"(3) any member assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service who meets the qualifications set forth in section 765(5)(C) of this title; in the amount of \$15,000 unless such member elects in writing not to be insured under this subchapter, or to be insured in the amount of \$10,000 or \$5,000. The insurance

shall be effective the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or the first day a member of the Ready Reserve meets the qualifications set forth in section 765(5)(B) of this title, or the first day a member of the reserves, whether or not assigned to the Retired Reserve of a uniformed service, meets the qualifications of section 765(5)(C) of this title, or the date certified by the Administrator to the Secretary concerned as the date servicemen's group life insurance under this subchapter for the class or group concerned takes effect, whichever is the later date."

(2) Subsection 767(b) is amended by deleting therefrom "ninety days" wherever it appears therein and inserting in lieu thereof "one hundred and twenty days".

(3) Subsection 767(c) is amended by inserting after the words "any member" the words "(other than a member assigned to the Retired Reserve)".

Sec. 3. Section 768 of title 38, United States Code, is amended as follows:

(1) Subsection 768(a) is amended by inserting "or while the member meets the qualifications set forth in sections 765(5)(B) or (C) of this title," before the words "and such insurance shall cease".

(2) Subsections 768(a) (2) and (3) are each amended by deleting therefrom "ninety days" wherever it appears therein and inserting in lieu thereof "one hundred and twenty days".

(3) Subsection 768(a) is further amended by adding at the end thereof the following:

"(4) with respect to a member of the Ready Reserve of a uniformed service who meets the qualifications set forth in section 765(5)(B) of this title, one hundred and twenty days after separation or release from such assignment—

"(A) unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance shall cease one year after the date of separation or release from such assignment, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after separation or release from such assignment; or

"(B) unless on the date of such separation or release the member has completed at least twenty years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, United States Code, and would upon application be eligible for assignment to or is assigned to the Retired Reserve, in which event the insurance, unless converted, shall, upon timely payment of premiums under terms prescribed by the Administrator directly to the administrative office established under section 766(b) of this title, continue in force until receipt of the first increment of retirement annuity by the member or the member's sixty-first birthday, whichever occurs earlier.

"(5) with respect to a member of the Retired Reserve who meets the qualifications of section 765(5)(C) of this title, and who was assigned to the Retired Reserve prior to the date insurance under this amendment is placed in effect for such members, at such time as the member receives the first increment of retirement annuity, or the member's sixty-first birthday, whichever occurs earlier, subject to the timely payment of the initial and subsequent premiums, under terms prescribed by the Administrator, directly to the administrative office established under section 766(b) of this title."

(4) Subsection 768(b) is amended—

(A) by deleting the period at the end of subsection 768(b)(2) and inserting in lieu thereof a semicolon;

(B) by deleting from subsection 768(b)(2)

the words "ninety days" and "ninety-day" and inserting in lieu thereof the words "one hundred and twenty days" and "one hundred and twenty-day", respectively; and (C) by adding at the end of subsection 768(b) the following:

"(3) with respect to a member of the Ready Reserve of a uniformed service who meets the qualifications of section 765(5)(B) of this title, effective the one hundred and twenty-first day after separation or release from such assignment, unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance may be converted at any time while it is continued in force by reason of such disability, but in no event more than one year after the date of separation or release from such assignment; and

"(4) with respect to a member who was assigned to the Retired Reserve of a uniformed service before insurance for such members was placed in effect there shall be no right of conversion."

(5) The third and fourth sentences of subsection 768(c) are amended to read as follows: "Such converted insurance shall be issued without a medical examination if application is made within one hundred and twenty days after separation or release (1) from active duty or active duty for training under a call or order to duty that did not specify a period of less than thirty-one days, or (2) from an assignment which meets the qualifications set forth in section 765(5)(B) of this title. Medical examinations and evidence of qualifying health conditions may be required in any case where the former member alleges that his insurance is continued in force or may be converted beyond the normal termination of conversion date by reason of qualifying disability incurred or aggravated during active duty, active duty for training, inactive duty training, or while assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications of section 765(5)(B) of this title."

SEC. 4. Section 769 of title 38, United States Code, is amended—

(1) by redesignating subsections 769(a) (2) and (3) as "(3)" and "(4)", respectively, and by adding after subsection 769(a)(1) a new subsection (2) to read as follows:

"(2) During any month in which a member is assigned to the Ready Reserve of a uniformed service under conditions which meet the qualifications of section 765(5)(B) of this title, or is assigned to the Reserve (other than the Retired Reserve) and meets the qualifications of section 765(5)(C) of this title, and is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under this policy, less any costs traceable to the extra hazards of such duty in the uniformed services. Any amounts so contributed on behalf of any individual shall be collected by the Secretary concerned from such individual (by deduction from pay or otherwise) and shall be credited to the appropriation from which such contribution was made.";

(2) by deleting from subsection 769(a)(3) (redesignated as (4) by this amendment) the words "subsection (1) hereof, or fiscal year amount under subsection (2) hereof" and inserting in lieu thereof the words "subsections (1) or (2) hereof, or fiscal year amount under subsection (3) hereof"; and

(3) by adding at the end of section 769 a new subsection (e) to read as follows:

"(e) The premiums for Servicemen's Group Life Insurance placed in effect and con-

tinued in force for a member assigned to the Retired Reserve of a uniformed service who meets the qualifications of section 765(5)(C) of this title, shall be established under the criteria set forth in section 771 (a) and (c) of this title, except that the Administrator may provide for average premiums for such various age groupings as he may determine to be necessary according to sound actuarial principles, and shall include an amount necessary to cover the administrative cost of such insurance to the company or companies issuing or continuing such insurance. Such premiums shall be payable by the insureds thereunder as provided by the Administrator directly to the administrative office established for such insurance under section 766(b) of this title. The provisions of section 771(d) and (e) of this title shall be applicable to Servicemen's Group Life Insurance continued in force or issued to a member assigned to the Retired Reserve of a uniformed service. However, a separate accounting may be required by the Administrator for insurance issued to or continued in force on the lives of members assigned to the Retired Reserve and for other insurance in force under this subchapter. In such accounting, the Administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles."

Sec. 5. The first clause of section 770(a) of title 38, United States Code, is amended to read as follows: "First, to the beneficiary or beneficiaries as the member or former member may have designated by a writing received prior to death (1) in the uniformed service, or (2) in the administrative office established under section 766(b) of this title if separated or released from service, or if assigned to the Retired Reserve, and insured under this subchapter."

Sec. 6. Section 771(e) of title 38, United States Code, is amended by deleting therefrom "section 766" and inserting in lieu thereof "section 769(d)(1)".

Sec. 7. (a) Chapter 13 of title 37, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 707. Allotments: Members of the National Guard

"The Secretary of the Army or the Secretary of the Air Force, as the case may be, may allow a member of the National Guard who is not on active duty to make allotments from his pay under sections 204 and 206 of this title for the payment of premiums under a group life insurance program sponsored by the military department of the State in which such member holds his National Guard membership or by the National Guard association of such State."

(b) The table of sections at the beginning of chapter 13 of such title is amended by adding at the end thereof a new item as follows:

"707. Allotments: Members of the National Guard."

The SPEAKER. Is a second demanded?

Mr. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DORN. Mr. Speaker, as indicated in its title, this bill is designed to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage, subject to certain conditions, under serviceman's group life insurance for such members and for certain members of the Retired Reserve. The bill is substantially identical to H.R. 14742 which passed the House in the 92d Congress but was not acted upon by the other body.

H.R. 6574 was introduced by the distinguished gentleman from Mississippi (Mr. MONTGOMERY) with the cosponsorship of 20 fellow members of our Committee on Veterans' Affairs. Mr. Speaker, I might say the distinguished gentleman from Mississippi rendered outstanding service in holding hearings and expeditiously reporting this bill to the full committee and bringing it now to the House.

I am now happy to yield such time as he may consume to the gentleman from Mississippi, the distinguished chairman of our Subcommittee on Insurance (Mr. MONTGOMERY).

#### GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I thank my chairman and the other members of the committee for giving us the opportunity to bring this bill before the House.

Mr. Speaker, the major thrust of this bill is to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and for certain members of the Retired Reserve up to age 60.

The bill would provide full-time coverage under Servicemen's Group Life Insurance—SGLI—up to \$15,000 for persons who volunteer for assignment to the Ready Reserve of a uniformed service and are assigned to a unit or position in which they may be required to perform active duty or active duty for training, and each year will be scheduled to perform at least 12 periods of inactive duty training that is creditable for retirement purposes under chapter 67 of title 10, United States Code. At the present time, this group, along with other reserves, are covered under SGLI only on the days they are on active duty or active duty for training under a call or order to duty that specifies a period of less than 31 days, during the hours of scheduled inactive duty training, and while traveling to or from such duties.

The second purpose of the bill is to provide full-time coverage under SGLI for persons assigned to, or who, upon application to the Retired Reserve of a uniformed service who are under 60 years of age and have completed at least 20 years of satisfactory service creditable for retirement purposes under chapter 67 of title 10, United States Code. At the present time, members of the Retired Reserve have no eligibility for SGLI.

The full-time coverage of a member of the ready reserve would terminate 120 days after separation or release from an assignment which qualifies him for such coverage. However, if on the date of such separation or release the member was totally disabled, SGLI coverage would continue in effect during total disability up to 1 year as is provided in present law

for persons on extended active duty. Further, if on the date of separation or release from such an assignment, the member has completed at least 20 years of satisfactory service creditable for retirement purposes, the full-time coverage, unless converted, would continue in force until receipt of the first increment of retirement annuity by the member of the member's 61st birthday, which ever occurs earlier. Such continued coverage would be subject to the timely payment of premiums under terms prescribed by the administrator directly to the office of Servicemen's Group Life Insurance—OSGLI.

The premium charges will be paid by the member through payroll deduction. There is no cost to the government in this piece of legislation; in fact the government is paid to make the payroll deduction.

The bill grants the administrator authority to establish premiums charged members assigned to the Retired Reserve by various age groupings as he may determine to be necessary according to sound actuarial principles. Also, such premiums shall include an amount necessary to cover the administrative cost of such insurance to the commercial underwriters. A separate accounting may be required of the underwriters by the administrator for insurance issued to or continued in force on the lives of members of the Retired Reserve, and for SGLI issued to others. In such accounting, the administrator is authorized to allocate claims and other costs among such programs of insurance according to accepted actuarial principles.

As I stated at the outset, this legislation is designed to encourage persons to join and remain in the Reserves and National Guard by extending full-time SGLI coverage in lieu of the rather limited coverage they now have only when engaged in active or training duty. Further, it will provide a sorely needed survivor benefit for members of the Reserves who may retire after 20 years of service but are ineligible to receive retirement pay until they reach the age of 60. This provision will extend insurance coverage during such a period. After a retired reservist is himself eligible for retirement pay, he then may elect an annuity option for his widow under the armed services family protection plan.

As our chairman has pointed out, H.R. 6574 is substantially identical to H.R. 14742, a bill which passed the House in the 92d Congress but was not acted upon by the other body. The only significant change in the bill this year is the inclusion of a provision which allows the Secretary of the Army or the Secretary of the Air Force to permit a National Guard member, if he so desires, to allot a portion of his pay for payment of premiums under State-sponsored insurance programs for the National Guard.

The Department of Defense strongly recommends the enactment of legislation with the basic objective of H.R. 6574 "as a positive and feasible incentive for service in the National Guard and Ready Reserve forces, particularly the Selected Reserve." With respect to the minor amendment referred to, the De-

partment recommended deferral of such provision, without prejudice, until it has adequate time to study its ramifications. Our committee gave consideration to this recommendation but was not persuaded that there was any sound basis for a deferral of action on this provision.

A hearing on the predecessor of this bill was held by the Subcommittee on Insurance on March 28, 1973. Enthusiastic support of its objectives was expressed by representatives of the Reserve Officers Association of the United States, the National Guard Association of the United States, the American Legion, and the Disabled American Veterans.

Mr. Speaker, I strongly urge approval of this meritorious bill by the Members of the House.

Mr. HILLIS. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. I thank the gentleman for yielding.

I should like to commend the gentleman on the statement he has made on this important piece of legislation.

I should like to ask whether at the hearings held on this bill those in attendance, representing the Ready Reserve and the National Guard, felt that this piece of legislation was more or less essential if we are going to be able to keep up an adequate rate of reenlistment of those serving both in the Ready Reserve and the National Guard?

Mr. MONTGOMERY. This bill is sorely needed. Mainly it is an incentive to attract young persons into the Reserves.

It is estimated the reserve strength will be down by 10 percent by 1974.

We need this bill. It represents no cost to the Government. It will be an incentive to get young men to come into the Reserves and the National Guard.

I thank the gentleman for serving on this subcommittee. I know we have a good bill.

Mr. HILLIS. I thank the gentleman.

Mr. DORN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. SIKES), the dean of the Florida delegation.

Mr. SIKES. Mr. Speaker, the importance of a strong Reserve to support regular military forces is again coming into strong focus. The peacetime forces of the Nation are being reduced in strength. The historic concept of a strong Reserve to support the active Military Establishment is assuming greater significance.

In all our wars except the war in Indochina, America has depended upon strong, willing Reserve Forces to help provide its war-time strength requirements. Only the Air Force Reserve and a few selected Army units saw service in Indochina and they performed in a very creditable way. The fact that the Reserves generally were not used was a political decision. It was a disappointing situation for the Reservists who wanted to serve and for the Nation's military leaders who recognized the contributions the Reserves could make. Under the present administration, there have been positive statements by the Secretary of Defense that this would not

be the case if there should be another national emergency.

The contributions of the Reserves have been highly important in one national emergency after another, but this is only part of the story. Reserve units are much less costly to maintain. This is particularly true now that the costs of the regular military establishment are escalating by leaps and bounds. Pay and equipment costs are high. Defense dollars go further in the Reserve components.

Providing strong Reserves is not now an easy thing to do. The attractiveness for service in the Reserves is not as great under present day conditions and attitudes as in previous years. The pressure of the draft is off and those who sought service in the Reserves to avoid service in the regular forces are no longer impelled in this direction. Reserve strength figures are dropping. If we are to make service in the Reserves sufficiently attractive to maintain adequate strength levels, we shall have to provide new incentives.

Today's bill, H.R. 6574, is one important step. I support it strongly. But let us also accept the fact that this bill will not complete the job which is required. We should speedily give consideration to an enlistment bonus and a reenlistment bonus for Reserve units. This is considered second in importance only to the life insurance program. We shall also have to go further than bonus benefits. We should provide a system of additional benefits which includes education and medical care. We should eliminate the 72-hour PX limitation which is now in effect. There may be other things that must be done. Even so, the Reserve components will be the least costly elements in the Nation's defense forces.

Consequently, I support H.R. 6574, the bill under consideration by the House today, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve.

This measure would provide full-time coverage under servicemen's group life insurance for persons who volunteer for assignment to the Ready Reserve of a uniformed service and are assigned to a unit or position in which they may be required to perform active duty or active duty for training, and each year will be scheduled to perform at least 12 periods of inactive duty training that is creditable for retirement purposes. At the present time, this group, along with other Reserves, are covered under SGLI only on the days they are on active duty or active duty for training under a call or order to duty that specifies a period of less than 31 days, during the hours of scheduled inactive duty training, and while traveling to or from such duties.

Another feature of the bill is to provide full-time coverage under SGLI for persons assigned to, or who, upon application, would be eligible for assignment to the Retired Reserve of a uniformed service who are under 60 years of age and have completed at least 20 years of satisfactory service creditable for retirement purposes. At the present time, members

of the Retired Reserve have no eligibility for SGLI.

The full-time coverage of a member of the Ready Reserve would terminate 120 days after separation or release from an assignment which qualifies him for such coverage. Those who are totally disabled on the date of such separation or release will be covered for 1 year. If the member has completed at least 20 years of satisfactory service creditable for retirement purposes, the full-time coverage, unless converted, will continue in force until receipt of the first increment of retirement annuity or until the member's 61st birthday, whichever occurs earlier. Such continued coverage would be subject to the timely payment of premiums under terms prescribed by the Administrator directly to the Office of Servicemen's Group Life Insurance.

A member of the Ready Reserve who is released from an assignment which qualified him for full-time coverage could, on the 121st day after such release, or up to 1 year in total disability cases, convert his SGLI to an individual policy of commercial insurance. If the member has completed at least 20 years of satisfactory service creditable for retirement purposes, the full-time coverage, unless converted, will continue in force until receipt of the first increment of retirement annuity or until the member's 61st birthday, whichever occurs earlier.

The premium charges for members of the Reserve eligible for full-time coverage under the bill will be contributed from the appropriation made for active duty pay of the uniformed service concerned. Any amounts so contributed on behalf of an individual shall be collected by the Secretary concerned from such individual and shall be credited to the appropriation from which such contribution was made.

The bill grants the Administrator authority to establish premiums charged members assigned to the Retired Reserve by various age groupings as he may determine to be necessary according to sound actuarial principles. Also, such premiums shall include an amount necessary to cover the administrative cost of such insurance to the commercial underwriters.

Coverage is to be available, as in the case of other SGLI policies, increments of \$5,000, \$10,000, or \$15,000. Coverage will be in the amount of \$15,000 unless the member notifies the military department concerned in writing that he does not wish coverage or wishes coverage in an amount less than \$15,000. Premiums are to be established by the Administrator of Veterans' Affairs, and it is estimated that the amount of premium initially will be approximately \$1 per month for each \$5,000 of coverage.

This bill has the support of the Department of Defense, the Veterans' Administration, the National Guard Association of the United States and the Reserve Officers Association.

Mr. Speaker, this is a good bill and is deserving of our support. It is badly needed. I urge my colleagues to give it solid support.

I congratulate the distinguished gen-

tleman from South Carolina (Mr. DORN) and the members of the great Committee on Veterans' Affairs for bringing this bill to the floor.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6574. This bill will expand the life insurance protection available to members of the Reserve forces and the National Guard. The availability of this insurance coverage should serve as an additional incentive for service in these branches of our military establishment.

Under existing law, Mr. Speaker, members of the Reserve forces and the National Guard are covered by a policy of servicemen's group life insurance in the maximum amount of \$15,000, but only for those limited periods of time when they are actually participating in military training or duty and while traveling to and from such duties.

This measure, H.R. 6574, authorizes full time life insurance coverage for reservists and National Guardsmen who are assigned to a unit or position in which at least 12 periods of inactive duty training are scheduled and required.

In addition, Mr. Speaker, the bill will provide life insurance protection to a member of the Retired Reserve up to his 61st birthday.

Under the law, today, this type of insurance protection terminates when a reservist or National Guardsman completes his Active Reserve service and is transferred to the Retired Reserve. Despite the fact that he may have completed 20 or even 30 years of creditable service for retirement purposes and selected an annuity option for his widow in the event of his death under the armed services family protection plan, no retirement benefits are payable to the retired reservist until he reaches age 60 and no family protection annuity is payable to his widow unless he had been in receipt of retirement pay prior to his demise.

This bill, Mr. Speaker, will authorize \$15,000 worth of life insurance coverage for such an individual during the period between the transfer to the Retired Reserve and the attainment of age 60 when he receives the initial retirement check.

This is good legislation, Mr. Speaker, and I urge that it be passed.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota, the ranking minority member of the subcommittee (Mr. ZWACH).

Mr. ZWACH. Mr. Speaker, I rise in support of H.R. 6574, a bill to provide full time coverage under servicemen's group life insurance for certain members of the Reserve forces and the National Guard.

As the ranking Republican member of the Subcommittee on Insurance, I was privileged to have cosponsored similar legislation that was approved by this body in the 92d Congress. Unfortunately, it failed to pass the other body. Again, Mr. Speaker, this legislation that will encourage persons to join and remain in the Reserves and National Guard is before us and I strongly support it.

This bill has two principal purposes. It

will provide full-time coverage under the servicemen's group life insurance program—SGLI—for members of Ready Reserve and National Guard who are actively participating in units that conduct a minimum of 12 periods of active duty or inactive duty training per year.

Existing coverage for this group is limited to the hours of scheduled inactive duty training and while traveling to and from such training.

Coverage of \$15,000 is provided unless \$10,000 or \$5,000 or no insurance is specifically requested in writing. Modest premiums to include administrative costs would be set by the Administrator of Veterans' Affairs.

It will also provide full-time SGLI coverage for reservists and National Guardsmen who have qualified for retirement but have not yet reached age 60, when the actual payment of retirement annuities begins. Existing coverage for this group is also limited to the time of actual participation in Reserve or National Guard training.

Mr. Speaker, I support the bill and urge that it be passed.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR) the senior minority member of our committee.

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 6574. This bill is intended to encourage people to enter into and remain in the Reserves and National Guard programs by offering full-time insurance coverage in the amount of \$15,000 for a nominal premium of approximately \$3 a month. A second feature of the bill would offer low cost insurance protection to members of the Retired Reserve who have completed at least 20 years of satisfactory service who are under 61 years of age. This will cover the family of the individual during the interim period between the time he has attained the required number of years for Reserve retired pay, but has not attained the required age, thus assuring the family some monetary benefit for the Reservist's years of service to his country should he die before becoming eligible for retired pay.

The claim costs of this program are not a factor since they would be borne by the insureds.

In these days where we are attempting to build up a voluntary defense force, I believe this type of insurance program will prove to be a valuable tool and, accordingly, intend to vote for it.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 6574, a bill which will provide full time insurance coverage under the Servicemen's Group Life Insurance plan to Reservists and National Guardsmen. At the present time only those persons serving on active duty enjoy this protection.

This bill also will provide coverage to the Reservist for the interim period between the date he completes at least 20 years of service for retirement purposes and the date he reaches age 60 when he

becomes eligible for retired pay. Under current law, the Reservist upon becoming eligible for retired pay may elect an annuity option for his widow. If he dies, however, before attaining age 60 his survivors do not derive any benefit from his years of service.

The Department of Defense strongly supports this type of legislation because it provides an incentive for voluntary service in the National Guard and Reserve forces. I join in urging its enactment, because I believe it has great merit.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 6574, a bill to provide servicemen's group life insurance (SGLI) coverage for members of the Ready Reserve and the Retired Reserve.

This legislation is both timely and essential in view of the current program to implement and maintain an effective all volunteer military establishment and avoid the use of conscription except in the most dire of national emergencies.

An integral aspect of the total volunteer military establishment concept are the Ready Reserve and National Guard components which lend significant depth to the regular standing branches of the Armed Forces.

In this regard, it is important to note that in the past the reserve components have received a powerful recruiting stimulus because of the draft. Since the draft has been ended, additional incentives are now required to keep Reserve manpower up to desired levels. To help achieve this need, I cosponsored this bill as a member of the Committee on Veterans' Affairs. By providing full-time coverage under servicemen's group life insurance for those who volunteer for Reserve component assignments in a position where they may be required to perform active duty or active duty training that is creditable for retirement purposes under title 10 of the United States Code, we will hopefully provide an added incentive for people to join and stay in the Reserves and National Guard. Presently, such individuals are only covered by servicemen's group life insurance on the days when they are on extended active duty or on annual active duty training. To complement this coverage, the bill will also provide full-time coverage under servicemen's group life insurance for those under age 60 who have completed at least 20 years of satisfactory service and are eligible to be assigned to the Retired Reserve. At present these members of the Retired Reserve also have no eligibility for servicemen's group life insurance.

This bill only expands the insurance coverage of reservists. All premium costs will be borne by those insured who elect to participate. Any additional administrative costs will be either very insignificant or absorbed within the existing operating expenses of the Army and Air Force. A bill such as this, which will provide a significant service, promote an important national defense policy, and cost

the taxpayer little or nothing in additional expenditures, is rather rare these days. I therefore strongly urge support for this bill.

Mr. DORN. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. DANIELSON) a member of the committee.

Mr. DANIELSON. Mr. Speaker, I rise in support of H.R. 6574 to provide servicemen's group life insurance coverage for members of the Reserves and National Guard.

I am most pleased to be a coauthor of this legislation which will provide an attractive and effective incentive for young people to join our military Reserves and National Guard. In this day when we are trying to convert from a system of compulsory military service to an all-volunteer Armed Forces, we must rely heavily upon our Reserves and National Guard as a supplement to our national defense effort. This bill will provide a very real incentive for young people to join these services.

Many of the young people in our Reserves are just commencing their careers. Oftentimes they are married, with one or two small children. This bill will provide them with substantial insurance coverage for families at a nominal cost. Members of the Reserves and National Guard would not be compelled to participate in this program if they chose not to. If they decided to participate, they could obtain coverage at the levels of \$5,000, \$10,000, or \$15,000 at a price of approximately \$1 per month for each \$5,000 of coverage. Thus, our reservists could provide \$15,000 protection for their families for \$3 per month, and this sum could be deducted from their pay.

This bill provides a good incentive for joining our Reserves, as well as meeting an important social need of young families. I urge my colleagues to support this important legislation.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope that the House will promptly and resoundingly approve this bill, H.R. 6574, designed to provide full-time servicemen's group life insurance coverage for persons who volunteer for Ready Reserve assignment in a uniformed service and for other individuals who are under 60 years of age, have at least 20 years of satisfactory service and are otherwise eligible for assignment to the Retired Reserves.

At a time when we are trying to encourage a transition to an all-volunteer Army this measure would provide a positive and realistic incentive in the National Guard and Ready Reserve forces, particularly the Selected Reserve.

The insurance benefits projected in this measure are practical and actuarially sound. All of the claims cost contained in the bill would be borne by the insureds as well as all the administrative costs to the Veterans' Administration. There is no foreseeable possibility of any extra hazard cost being imposed upon the Government by the operation of this bill.

Mr. Speaker, by any standard of measurement this is a prudent bill and its objectives are unquestionably in the national interest. Therefore, I hope it is

overwhelmingly adopted without extended delay.

Mr. ROBINSON of Virginia. Mr. Speaker, as a cosponsor with my distinguished colleague, the gentleman from Mississippi (Mr. MONTGOMERY), of a similar bill, H.R. 6166, I am happy to have this opportunity to state my support of the bill before us (H.R. 6574) which would extend the coverage of servicemen's group life insurance to members of the Reserve components, including the National Guard, and certain members of the Retired Reserve.

The adjutant general of Virginia, as commanding officer of the Virginia National Guard, has emphasized to me the importance of making such benefits available as a further inducement to recruitment and retention, and I have been glad to have his confirmation of my conclusion that this legislation is in the national interest.

In the concept of the volunteer defense force, Mr. Speaker, we are placing increased emphasis on the readiness of the Reserve components to respond promptly in emergency situations which we hope we may not encounter. We are endeavoring to recruit personnel of ability and promise. We are upgrading our training programs at substantial expense. Our investment will be improved, therefore, if our "package" of salary and related benefits still looks attractive at reenlistment time.

The insurance coverage which would be provided by this bill is important to that attractiveness, and it should have an equal appeal to the general taxpayer. It represents an insignificant charge on him, in that the bulk of the cost would be met by premium payments keyed to sound appraisal of risks in accordance with established actuarial principles.

Mr. CLEVELAND. Mr. Speaker, as cosponsor of similar legislation, I rise in support of H.R. 6754 as a much-needed means of strengthening the National Guard and Reserve components of our armed services.

By providing full-time coverage under servicemen's group life insurance for members in these categories, this bill will offer needed incentives for enlistment to help bring their levels up to mandated strength. Since premiums will be paid by members themselves through payroll deductions, there will be no cost to the taxpayers.

I have long been concerned about the adequacy of our military services, and for this reason became an early advocate of the all-volunteer army. This was recognized at the outset as an additional expense. At the same time, the President's policy has decreed that the Reserve and National Guard will be the initial and primary sources for augmentation of Active Forces in any future emergency. Thus any incentive to strengthen the Reserve components is consistent with the policy of having a professional army readily subject to reinforcement by trained reserves.

I urge my colleagues to join in supporting this worthwhile improvement in our Reserve and National Guard programs. My colleague, the distinguished and able



teries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

"(b) The National Cemetery System shall consist of—

"(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973;

"(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

"(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, or later acquired or developed by the Administrator.

**§ 1001. Advisory Committee on Cemeteries and Memorials**

"There shall be appointed by the Administrator an Advisory Committee on Cemeteries and Memorials. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee shall make periodic reports and recommendations to the Administrator and to Congress.

**§ 1002. Persons eligible for interment in national cemeteries**

"Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery in the National Cemetery System:

"(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

"(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

"(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

"(A) attending an authorized training camp or an authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(4) Any citizen in the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

"(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child of any of the persons listed in paragraphs (1) through (4).

"(6) Such other persons or classes of persons as may be designated by the Administrator.

**§ 1003. Memorial areas**

"(a) The Administrator shall set aside, when available, suitable areas in national

cemeteries to honor the memory of members of the Armed Forces missing in action, or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea or have been determined to be nonrecoverable.

"(b) Under regulations prescribed by the Administrator, appropriate memorials or markers shall be erected to honor the memory of those individuals, or group of individuals, referred to in subsection (2) of this section.

"(c) All national and other veterans' cemeteries in the national cemetery system created by this Act shall be considered national shrines as a tribute to our gallant dead and, notwithstanding the provisions of any other law, the Administrator is hereby authorized to permit appropriate officials to fly the flag of the United States of America at such cemeteries twenty-four hours each day.

**§ 1004. Administration**

"(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

"(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator shall provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbaria.

"(c) Each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator shall by regulation prescribe.

"(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried, and such other information as the Administrator by regulation may prescribe.

"(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe.

"(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

"(g) Notwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, such portion of legislative jurisdiction over the lands involved as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of jurisdiction under the authority of this subsection may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

**§ 1005. Disposition of inactive cemeteries**

"(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. Any cemetery transferred to the Department of the Interior shall be administered by the Secretary of the Interior as a part of the National Park System, and funds appropriated to the Secretary for such system shall be available for the management and operation of such cemetery.

"(b) The Administrator may also transfer and convey all right, title, and interest of the United States in or to any inactive cemetery or burial plot, or portion thereof, to any State, county, municipality, or proper agency thereof, in which or in the vicinity of which such cemetery or burial plot is located, but in the event the grantee shall cease of fail to care for and maintain the cemetery or burial plot or the graves and monuments contained therein in a manner satisfactory to the Administrator, all such right, title, and interest transferred or conveyed by the United States, shall revert to the United States.

"(c) If a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

**§ 1006. Acquisition of lands**

"As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States.

**§ 1007. Authority to accept and maintain suitable memorials**

"Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary."

"(b) The table of chapters of part II and the table of parts and chapters of title 38, United States Code, are each amended by inserting immediately below

"23. Burial benefits 901" the following:

"24. National cemeteries and memorials 1000."

"(c) Section 5316 of title 5, United States Code, is amended by striking out:

"(131) General Counsel of the Equal Employment Opportunity Commission."

and inserting in lieu thereof the following:

"(132) General Counsel of the Equal Employment Opportunity Commission.

"(133) Director, National Cemetery System, Veterans' Administration."

Sec. 3. (a) The Administrator shall conduct a comprehensive study and submit his recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

"(1) criteria which govern the development and operation of the National Cemetery System, including the concept of regional cemeteries;

"(2) the relationship of the National Cemetery System to other burial benefits provided

by Federal and State Governments to Service-men and veterans;

(3) steps to be taken to conform the existing System to the recommended criteria;

(4) the private burial and funeral costs in the United States;

(5) current headstone and marker programs; and

(6) the marketing and sales practices of non-Federal cemeteries and interment facilities, or any person either acting on their behalf or selling or attempting to sell any rights, interest, or service therein, which is directed specifically toward veterans and their dependents.

(b) The Administrator shall also, in conjunction with the Secretary of Defense, conduct a comprehensive study of and submit their joint recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) whether it would be advisable in carrying out the purposes of this Act to include the Arlington National Cemetery within the National Cemetery System established by this Act;

(2) the appropriateness of maintaining the present eligibility requirements for burial at Arlington National Cemetery; and

(3) the advisability of establishing another national cemetery in or near the District of Columbia.

Sec. 4. (a) Subchapter II of chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new section:

“§ 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans’ Administration reservations

“(a) For the purpose of maintaining law and order and of protecting persons and property on lands (including cemeteries) and in buildings under the jurisdiction of the Veterans’ Administration (and not under the control of the Administrator of General Services), the Administrator or any officer or employee of the Veterans’ Administration duly authorized by him may—

“(1) make all needful rules and regulations for the governing of the property under his charge and control, and annex to such rules and regulations such reasonable penalties within the limits prescribed in subsection (b) of this section as will insure their enforcement. Such rules and regulations shall be posted in a conspicuous place on such property;

“(2) designate officers and employees of the Veterans’ Administration to act as special policemen on such property and, if the Administrator deems it economical and in the public interest, with the concurrence of the head of the agency concerned, utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, utilize the facilities and services of such State or local law-enforcement agencies; and

“(3) empower officers or employees of the Veterans’ Administration who have been duly authorized to perform investigative functions to act as special investigators and to carry firearms, whether on Federal property or in travel status. Such special investigators shall have, while on real property under the charge and control of the Veterans’ Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations issued under subsection (a) (1) of this section. Any such special investigator may make an arrest with or without a warrant for any offense committed upon such property in his presence or if he has reasonable ground to believe (A) the offense constitutes a felony under the laws of the United States, and (B) that the person to be arrested is guilty of that offense.

“(b) Whoever shall violate any rule or regulation issued pursuant to subsection (a) (1) of this section shall be fined not more than \$50 or imprisoned not more than thirty days, or both.”

(b) Section 625 of title 38, United States Code, is hereby repealed.

(c) (1) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by inserting immediately after—

“217. Studies of rehabilitation of disabled persons.”

the following:

“218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans’ Administration reservations.”

(2) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by striking out—

“625. Arrests for crimes in hospitals and domiciliary reservations.”

Sec. 5. (a) Chapter 23 of title 38, United States Code, is amended by—

(1) amending section 903 to read as follows:

“§ 903. Death in Veterans’ Administration facility; plot allowance

“(a) Where death occurs in a Veterans’ Administration facility to which the deceased was properly admitted for hospital or domiciliary care under section 610 or 611 of this title, the Administrator—

“(1) shall pay the actual cost (not to exceed \$250) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans’ Administration; and

“(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

“(b) In addition to the foregoing, if such a veteran, or a veteran eligible for a burial allowance under section 902 of this title, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard for the circumstances in each case, may pay a sum not exceeding \$150, as a plot or interment allowance to such person as he prescribes. In any case where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities.”; and

(2) adding at the end of such chapter the following new sections:

§ 906. Headstones and markers

“(a) The Administrator shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

“(1) Any individual buried in a national cemetery or in a post cemetery.

“(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1002(a) (4), (5), and (6) of this title.

“(3) Soldiers of the Union and Confederate Armies of the Civil War.

“(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provi-

sions of section 1003 of this title, or in any private or local cemetery.

§ 907. Death from service-connected disability

“In any case in which a veteran dies as the result of a service-connected disability or disabilities, the Administrator, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 902 and 903 (a) (1) and (b) of this title.”

(b) The table of sections at the beginning of chapter 23 of title 38, United States Code, is amended—

(1) by striking out

“903. Death in Veterans’ Administration facility.”

and inserting in lieu thereof

“903. Death in Veterans’ Administration facility; plot allowance.”;

and

(2) by adding at the end thereof the following items:

“906. Headstones and markers.

“907. Death from service-connected disability.”.

Sec. 6. (a) (1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans’ Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers’ and Airmen’s Home and Arlington National Cemetery), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section (except the cemetery located at the United States Military Academy at West Point) which the President determines would be appropriate in carrying out the purposes of this Act.

(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans’ Affairs all jurisdiction over, and responsibility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section (except those cemeteries located at the United States Naval Academy at Annapolis, the United States Naval Home Cemetery at Philadelphia, and the United States Air Force Academy at Colorado Springs) which the President determines would be appropriate in carrying out the purposes of this Act.

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans’ Affairs.

(c) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

(d) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans’ Administration by this Act, unless contrary to

the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, or the Department of the Air Force with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such department with respect to functions transferred under such subsection (a) or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect, any such department, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred, such suit shall be continued by the Administrator of Veterans' Affairs.

SEC. 7. (a) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) Sections 4870, 4871, 4872, 4873, 4875, 4877, 4881, and 4882 of the Revised Statutes (24 U.S.C. 271, 272, 273, 274, 276, 279, 286, and 287).

(2) The Act entitled "An Act to provide for a national cemetery in every State", approved June 29, 1938 (24 U.S.C. 271a).

(3) The Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in line of duty for active field service", approved March 24, 1948, as amended (24 U.S.C. 275).

(4) The proviso to the second paragraph preceding the center heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July 24, 1876, as amended (24 U.S.C. 278).

(5) The Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service on or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948, as amended (24 U.S.C. 279a-279c).

(6) The Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948, as amended (24 U.S.C. 281).

(7) The Act entitled "An Act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action", approved August 27, 1954, as amended (24 U.S.C. 279d).

(8) The Act entitled "An Act to provide for the utilization of surplus War Department owned military real property as national cemeteries, when feasible", approved August 4, 1947 (24 U.S.C. 281a-281c).

(9) The Act entitled "An Act to preserve historic graveyards in abandoned military posts", approved July 1, 1947 (24 U.S.C. 296).

(10) The Act entitled "An Act to provide for the utilization as a national cemetery

of surplus Army Department owned military real property at Fort Logan Colorado", approved March 10, 1950 (24 U.S.C. 281d-f).

(11) The Act entitled "An Act to provide for the expansion and disposition of certain national cemeteries", approved August 10, 1950 (24 U.S.C. 281g).

(12) The ninth paragraph following the side heading "National Cemeteries" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912 (24 U.S.C. 282).

(13) The fourth paragraph after the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (24 U.S.C. 288).

(14) The second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (24 U.S.C. 289).

(15) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926 (44 Stat. 287).

(16) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes", approved February 23, 1927 (44 Stat. 1138).

(17) The first proviso of the fourth paragraph and all of the fifth paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes", approved March 23, 1928 (45 Stat. 354).

(18) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes", approved February 28, 1929 (45 Stat. 1375).

(19) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved May 28, 1930 (46 Stat. 458).

(20) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1302).

(21) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1933, and for other purposes", approved July 14, 1932 (47 Stat. 689).

(22) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1934, and for other purposes", approved March 4, 1933 (47 Stat. 1595).

(23) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes", approved April 26, 1934 (48 Stat. 639).

(24) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes", approved April 9, 1935 (49 Stat. 145).

(25) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes", approved May 15, 1936 (49 Stat. 1305).

(26) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes", approved July 19, 1937 (50 Stat. 515).

(27) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department and for other purposes", approved June 11, 1938 (52 Stat. 668).

(28) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes", approved June 28, 1939 (53 Stat. 857).

(29) The first proviso to the first paragraph and all of the second paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes", approved June 24, 1940 (54 Stat. 505).

(30) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (55 Stat. 191).

(31) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes", approved April 28, 1942 (56 Stat. 220).

(32) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved June 2, 1943 (57 Stat. 94).

(33) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes", approved June 26, 1944 (58 Stat. 327-328).

(34) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1946, for civil functions administered by the War Department, and for other purposes" approved March 31, 1945 (59 Stat. 39).

(35) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions administered by the War Department, and for other purposes", approved May 2, 1946 (60 Stat. 161).

(36) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948, and for other purposes", approved July 31, 1947 (61 Stat. 687).

(37) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes", approved June 25, 1948 (62 Stat. 1019).

(38) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes", approved October 13, 1949 (63 Stat. 846).

(39) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in chapter IX of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 725).

(40) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1952, and for other purposes", approved October 24, 1951 (65 Stat. 617).

(41) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1953, and for other purposes", approved July 11, 1952 (66 Stat. 579).

(42) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes", approved July 27, 1953 (24 U.S.C. 290).

(43) The first proviso to the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (43 Stat. 926).

(44) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act

entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1955, and for other purposes", approved June 30, 1954 (68 Stat. 331).

(45) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Atomic Energy Commission, the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1956, and for other purposes", approved July 15, 1955 (69 Stat. 360).

(46) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1957, and for other purposes", approved July 2, 1956 (70 Stat. 474).

(47) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes", approved August 26, 1957 (71 Stat. 416).

(48) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes", approved September 2, 1958 (72 Stat. 1572).

(49) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1960, and for other purposes", approved September 10, 1959 (73 Stat. 492).

(50) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and certain river basin commissions for the fiscal year ending June 30, 1963, and for other purposes", approved October 24, 1962 (76 Stat. 1216).

(51) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes", approved December 31, 1963 (77 Stat. 844).

(52) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes", approved December 11, 1969 (83 Stat. 327).

ration, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes", approved August 30, 1964 (78 Stat. 682).

(53) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, and the Interceanic Canal Commission, for the fiscal year ending June 30, 1966, and for other purposes", approved October 28, 1965 (79 Stat. 1096).

(54) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interceanic Canal Study Commission, the Delaware River Basin Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes", approved October 15, 1966 (80 Stat. 1002).

(55) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Interceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1968, and for other purposes", approved November 20, 1967 (81 Stat. 471).

(56) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atlantic-Pacific Interceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 30, 1969, and for other purposes", approved August 12, 1968 (82 Stat. 705).

(57) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes", approved December 11, 1969 (83 Stat. 327).

(58) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation,

power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes", approved October 7, 1970 (84 Stat. 893).

(59) The first proviso to the paragraph following the center heading "CEMETERY EXPENSES" in the Act entitled "An Act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes", approved October 5, 1971 (85 Stat. 368).

(60) The Act entitled "An Act to revise eligibility requirements for burial in national cemeteries, and for other purposes", approved September 14, 1959 (73 Stat. 547).

(61) The Act entitled "An Act to amend the Act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national cemeteries", approved August 30, 1961 (75 Stat. 411).

(b) Nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of—

(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section, or

(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 6(a) of this Act do not apply.

SEC. 8. The first sentence of section 3505(a) of title 38, United States Code, is amended by inserting immediately after the words "gratuitous benefits" where first appearing therein, the following: "(including the right to burial in a national cemetery)".

SEC. 9. (a) The Secretary of Defense is authorized and directed to cause to be brought to the United States the remains of an American, who was a member of the Armed Forces of the United States, who served in Southeast Asia who lost his life during the Vietnam era, and whose identity has not been established, for burial in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia.

(b) The implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia, as determined by the President or the Congress of the United States.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 10. (a) The first section and sections 2, 3, 4, and 8 of this Act shall take effect on the date of enactment of this Act.

(b) Clause (1) of section 5(a) shall take effect on the first day of the second calendar month following the date of enactment of this Act.

(c) Clause (2) of section 5(a) and sections 6 and 7 of this Act shall take effect July 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register.

THE SPEAKER. Is a second demanded?

MR. HAMMERSCHMIDT. Mr. Speaker, I demand a second.

THE SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

MR. DORN. Mr. Speaker, H.R. 2828, entitled the "National Cemeteries Act of 1973" has several objectives which I will

briefly outline, but is primarily designed to establish a National Cemetery System within the Veterans' Administration.

In my extension of remarks I will include for the Record a detailed section-by-section analysis of the bill, accompanied by a brief review of the background of this legislation and a résumé of the reasoning behind the various policy decisions made by the committee and reflected in the reported bill.

In its present form the bill:

First, transfers responsibility for administration of all National Cemeteries from the Department of the Army to the Veterans' Administration, except Arlington National Cemetery. Other exceptions are cemeteries in national parks operated by the Department of the Interior, cemeteries at the three military academies located at Colorado Springs, Colo., Annapolis, Md., and West Point, N.Y., the U.S. Soldiers' Home at Washington, D.C., and the U.S. Naval Home located in Philadelphia, Pa.

Second, authorizes a plot allowance of \$150, in addition to the present allowance for burial and funeral expenses of \$250, payable in any case in which the veteran is not buried in a national or other Federal cemetery.

Third, provides authority in VA for furnishing a headstone or marker, upon request, for the unmarked graves of any individual buried in a national cemetery or in a post cemetery, as well as most individuals eligible for burial in those locations but not buried there, and soldiers of the Union and Confederate Armies of the Civil War.

Fourth, includes provision for the burial of an unknown soldier of the war in Vietnam in Arlington National Cemetery at the appropriate time to be selected at a later date.

Fifth, permits the flying of the U.S. flag at veterans' cemeteries 24 hours a day.

Sixth, directs VA to conduct and submit recommendations to the Congress, not later than 6 months after the convening first session of the 93d Congress, concerning: Criteria to govern development and operation of the National Cemetery System, including the concept of regional cemeteries; relationship of the new National Cemetery System to other burial benefits to servicemen and veterans; steps to be taken to conform the existing system to the recommended criteria; private burial and funeral costs in the United States; current headstone and marker program; and the marketing and sales practices of non-Federal cemeteries and interment facilities, directed specifically toward veterans and other dependents.

Seventh, directs VA, in conjunction with the Secretary of Defense, to conduct a study concerning the future of Arlington National Cemetery; present eligibility requirements for burial in Arlington; and the need for another national cemetery in or near the District of Columbia.

Eighth, extends Administrator's authority to prescribe standards of conduct and authorize the investigation of and arrests for crimes on all VA reserva-

tions, including hospitals, cemeteries, and other VA facilities.

Ninth, provides a new burial benefit, not to exceed \$800, which is authorized in lieu of any other burial benefit if a veteran dies of a service-connected disability. This is patterned after the Federal employees' death benefit.

For a number of years, the problem of national cemeteries, their locations and adequacy, as well as burial benefits generally for veterans, has been the subject of great concern to the Congress as a whole and to individual Members from every State in the Union. National focus on the problem was made particularly acute when the Department of the Army in 1967 made radical changes in its regulations governing eligibility for burial in Arlington National Cemetery, under which eligibility was limited almost exclusively to servicemen who die on active duty and certain so-called VIP's.

In the 90th Congress a Special Subcommittee on Cemeteries was formed to inquire into the many facets of the problem. Although rather extensive hearings were held and a bill, similar in many respects to H.R. 2828, was reported by the committee, no further legislative action was taken during that Congress.

After hearings before the full committee in the second session of the 92d Congress, attended by representatives of the Veterans' Administration, the Department of Defense, representatives of veterans' organizations and members of Congress, H.R. 12674 was approved and passed by the House on June 5, 1972. The bill later passed the Senate with an amendment which the House accepted on October 11 and cleared the bill for the President.

On October 27, 1972, President Nixon announced his pocket veto of H.R. 12674 issuing the following Memorandum of Disapproval:

NATIONAL CEMETERIES ACT OF 1972  
(H.R. 12674)

This bill would block the orderly system of surplus land disposal established by general law and Executive order, by requiring an unusual congressional approval procedure before any VA land holdings larger than 100 acres could be sold.

These property transfer restrictions would undermine the executive branch's Governmentwide system of property management and surplus property disposal which is designed to assure the best and fullest use of Federal property. It would impede the Legacy of Parks program and the procedures for disposing of surplus Federal property under the Federal Property and Administrative Services Act and Executive Order 11508.

Also, the bill deals inconsistently with the serious problem of burial benefits for the Nation's veterans and war dead. It commissions a study of this problem at the same time it preempts the results of such a study by authorizing new burial benefits which would annually add \$55 million to the Federal budget beginning next year. The Administrator of Veterans' Affairs already is at work on such a study, which will identify the alternatives for improving burial and cemetery benefits. In the interim, it would be unwise to commit additional Federal resources as proposed by this bill.

As originally introduced, H.R. 2828 was identical with the bill vetoed by the President last year. Hearings on the bill were held on April 3 and 4, 1973. A

committee amendment to the bill, however, deletes, without prejudice, the provision with respect to the disposition of VA landholdings. In this respect, the House bill conforms with the provisions of S. 49 which passed the Senate March 6, 1973. Thus, the committee has removed from the present bill a major objection causing the adverse Presidential action on the previous legislation.

As pointed out above, the bill directs certain studies on the part of the Administrator of Veterans Affairs. These provisions are identical with those on the subject contained in the 92d Congress bill. In the meantime, in testifying on H.R. 2828, the Administrator submitted a "Study of Veterans Burial Benefits", dated March 30, 1973, and prepared by a special study group appointed by him. The committee finds this study of interest but, nevertheless, retains the "study" provisions in the bill to afford the Administrator further opportunity to continue his study with the possibility of coming up with further specific recommendations. In any event, the committee reiterates its direction that the Veterans' Administration, in conjunction with the Secretary of Defense, conduct a study of the future and eligibility requirements involving Arlington National Cemetery and the need for another national cemetery in or near the District of Columbia.

Throughout the hearings on this proposal it was practically the unanimous view of all interested parties that the various Federal Cemetery systems in the United States are unduly and inefficiently fragmented. On this point, it would be well to quote the following excerpt from the Veterans' Administration report on H.R. 12674, 92d Congress, which report was, of course, cleared by the Office of Management and Budget:

There is merit in consolidating the national cemeteries now under the jurisdiction of the Department of the Army with those cemeteries currently operated by the Veterans' Administration, in order to achieve administrative simplicity and maximum utilization. While experience over many years has shown that the Department of the Army can administer a National Cemetery System in an efficient manner, the figures which have been made available to us reveal that more than 90 percent of interments in national cemeteries are of veterans and their dependents, with servicemen dying in active service comprising less than 10 percent. Thus, as it now exists, burial in a national cemetery is more closely related to veterans' benefits than to the functions of a service department. Consequently, we believe that it would be logical for the national and Veterans' Administration cemeteries to be consolidated into one system to be administered by the Veterans' Administration. We would also agree that the responsibility for providing grave markers and headstones should likewise be transferred to the Veterans' Administration as a correlative function.

On April 2, 1973, the Administrator transmitted to the Congress a draft bill "to amend title 38 of the United States Code, in order to establish a National Cemetery System within the Veterans' Administration; assist States in the establishment and operation of veterans' cemeteries; to revise eligibility for burial allowances; to eliminate certain dupli-

cations in Federal burial benefits; and for other purposes." The draft bill contained the same broad objective of transferring national cemeteries to the Veterans' Administration and establishing a new National Cemetery System; however, the bill contained a number of restrictive provisions that were unacceptable to the committee.

For example, with regard to the long-standing burial allowance which has been available to the survivors of a veteran of any war the Administration would for the first time limit the payment of this allowance for those veterans who die of a service-connected disability or in the case of war veterans in receipt of pension. Eligibility for a plot allowance would be similarly limited. Another restriction would reduce the burial allowance by any amount payable under other laws in death cases, such as the social security lump sum payment. Finally, the VA draft would delete entirely the provision of extending a greater burial allowance in the case of veterans whose deaths are service connected.

While the committee is realistic enough not to assume that the newly authorized plot allowance will serve as a total solution to the national cemetery problem, it will necessarily have a major effect in reducing the current demand for burials in existing national cemeteries. In this connection, experience has shown that the families of deceased veterans, in the vast majority of cases, have preferred and sought burial of the veterans within 50 miles of the family home. Although the plot allowance is relatively modest, its availability should serve to encourage more burials in local and surrounding cemeteries.

The provision for the burial of a Vietnam unknown soldier in Arlington National Cemetery follows the text of a separate bill (H.J. Res. 609) introduced last year by Hon. HAMILTON FISH, JR., of New York. The committee has learned and is pleased to invite attention to the historical fact that in 1920 a similar resolution resulting in the creation of the Tomb of the Unknown Soldier of World War I was sponsored by the father of Congressman FISH, Hon. Hamilton Fish, Sr. The Defense Department advises the committee that to date all deceased servicemen have been accounted for; however, this authorizing legislation is desirable since it will permit immediate implementation at such time as the hostilities have been finally terminated.

The provisions added by section 4 would authorize the Administrator to prescribe rules and regulations necessary to maintain law and order and protect persons and property in cemeteries and would establish reasonable penalties necessary to insure their enforcement; and to designate persons having authority to investigate and make arrests for violations of such rules and regulations and for crimes against the United States. Since the committee believes it is desirable for this authority to apply equally to other lands, buildings, and facilities over which the Administrator has jurisdiction, the new section added by the bill would have that effect and, there-

fore, would repeal the current provisions of 38 U.S.C. 625.

Under current law, there are over 28 million veterans eligible for interment in national cemeteries. If dependents are included, it is estimated that more than 50 million persons are eligible for burial therein. With approximately 1 million actual and potential gravesites available in all national cemeteries, the need for prompt consideration of our national burial policy is evident. The National Cemetery Act of 1973 would provide for the transfer of most cemeteries under the jurisdiction of the Department of the Army to the Veterans' Administration. The committee believes this to be a logical transfer in view of the fact that more than 95 percent of the interments in national cemeteries are of veterans and dependents with active duty servicemen comprising the remainder.

A section-by-section analysis follows:

**SECTION-BY-SECTION ANALYSIS OF H.R. 2828,  
AS AMENDED**  
**SECTION 1**

This section provides the Act may be cited as the National Cemeteries Act of 1973.

**SECTION 2**

Subsection (a) adds a new chapter 24 to part II of title 38, United States Code. This chapter creates a National Cemetery System within the jurisdiction of the Veterans' Administration and is in large part patterned after chapter 7 of title 24, United States Code which contains current authority for the Secretary of Army to operate and maintain such a System. A detailed analysis of the new chapter, the provisions of which have been modernized and simplified somewhat, follows:

*Section 1000. Establishment of a National Cemetery System: composition of such system; appointment of director*

A National Cemetery System would be established within the Veterans' Administration for interment of deceased servicemen and veterans. The new System would be headed by a director who would be responsible to the Administrator for the operation of the National Cemetery System. This System would consist of national cemeteries transferred from the Department of the Army to the Veterans' Administration; cemeteries under the jurisdiction of the Veterans' Administration at the time the bill is enacted; and any other cemetery, memorial, or monument transferred to the Veterans' Administration by this bill or later acquired or developed.

*Section 1001. Advisory Committee on Cemeteries and Memorials*

This section directs the establishment of an Advisory Committee on Cemeteries and Memorials, whose members would be appointed by the Administrator. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible and with respect to selection of cemetery sites, the erection of appropriate memorials and adequacy of Federal burial benefits. The Advisory Committee shall make periodic reports and recommendations to the Administrator and the Congress.

*Section 1002. Persons eligible for interment in national cemeteries*

This section designates those persons who, subject to regulations the Administrator shall prescribe and further subject to the forfeiture provisions of section 3505 of title 38, shall be eligible for interment in any open national cemetery in the National Cemetery System. Eligibility provisions of this section are identical to those currently

in force in section 281 of title 24, United States Code. These include servicemen who die on active duty, veterans, reservists, National Guardsmen, Reserve Officers, Training Corps members United States citizens who served honorably with the armed forces allied with the United States in wars engaged in by this country and certain dependents of eligible persons in the foregoing categories.

Subsection (a)(6) of this section also provides the Administrator with the authority to include "such other persons or classes of persons" as he may designate. This additional category is consistent with authority currently based on VA Regulation 6200(C), as revised June 2, 1966. Similar authority apparently resides in the Secretary of Army pursuant to 32 C.F.R. 553.18(b)(1) which authorizes "burial in national cemeteries under such regulations as the Secretary may, with the approval of the Secretary of Defense, prescribe."

#### Section 1003. Memorial areas

This section authorizes the Administrator to set aside, where available, suitable memorial areas in national cemeteries to have those men missing in action or whose remains have not been identified or received. He is authorized to erect appropriate memorials or markers to honor their memory.

This section also authorizes the flying of the flag of the United States over cemeteries within the National Cemetery System 24 hours each day.

#### Section 1004. Administration

This section authorizes the Administrator to make all necessary and appropriate rules and regulations to carry out the provisions of chapter 24 including the power to designate cemeteries under his jurisdiction as national cemeteries. In discharging his responsibilities under this chapter the Administrator shall provide all necessary facilities for cemeteries including superintendents' lodges, chapels, crypts, mausoleums and columbaria. Graves in national cemeteries would be required to be marked by appropriate markers with specified information placed thereon. Registers of burials will be kept in each cemetery and also at the main office of the Veterans' Administration. These provisions are similar to authority presently vested in the Secretary of Army under sections 278 and 279 of title 24, United States Code. In fulfilling his responsibilities under this chapter the Administrator is also authorized to contract with responsible persons, firms, and corporations for the care and maintenance of such cemeteries under his jurisdiction.

The Administrator would be authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States to any Government owned or controlled approach road providing the State or political subdivision states in writing prior to such conveyance, its willingness to accept and maintain such road. Upon conveyance the jurisdiction of the United States over such road would cease and would vest in the State or political subdivision. This is similar to authority presently contained in section 289 of title 24. When the Administrator deems it to be desirable he is authorized to cede concurrent jurisdiction to a State in which any cemetery monument or memorial under his jurisdiction is located. This partial relinquishment of legislative jurisdiction shall be initiated by filing a notice with the Governor of the State concerned and shall take effect upon acceptance by the State in such manner as its laws prescribe.

#### Section 1005. Disposition of inactive cemeteries

The Administrator would be authorized to transfer with the consent of the agency concerned, any inactive cemetery, burial

plot, memorial or monument in his control to the Department of Interior or to any other agency of the Government for maintenance as a national monument or park. Funds appropriated to the Secretary for the National Park System shall be available for the management and operation of any cemetery transferred to the Department of Interior. The Administrator is also permitted to transfer any inactive cemetery or burial plot to a State or political subdivision thereof provided the State or subdivision agrees to maintain such cemetery in an appropriate manner. Any transfer would be subject to reversion to the Veterans' Administration should the grantee fail to care for and maintain such property in a manner satisfactory to the Administrator.

Where a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator could provide for the removal of remains from that cemetery to any cemetery within the National Cemetery System. The Administrator is also authorized to remove any veteran's remains from a place of temporary interment, or from an abandoned grave or cemetery to a national cemetery.

#### Section 1006. Acquisition of lands

The Administrator would be authorized to acquire additional lands for national cemeteries as needed. This could be accomplished by purchase, gift (including donations from State or political subdivisions), condemnation, transfer from other Federal agencies, or otherwise as is deemed in the best interest of the United States. Such authority is similar to that presently vested in the Secretary of Army pursuant to sections 271 and 271a of title 24, United States Code.

#### Section 1007. Authority to accept and maintain suitable memorials

The Administrator, subject to such restrictions as he may prescribe, would be authorized to accept gifts, devises, or bequests from legitimate societies and organizations or from reputable individuals for the purpose of beautifying or benefiting national cemeteries. He would also be authorized to make land available for this purpose and to furnish such care and maintenance as he deems necessary.

Subsection (b) of section 2 of the bill amends the table of chapters at the beginning of part II of title 38, United States Code to reflect the addition of a new chapter 24 establishing national cemeteries and memorials.

Subsection (c) of section 2 of the bill amends section 5316 of title 5, United States Code by making certain technical corrections and including the Director, National Cemetery System, Veterans' Administration as paragraph 133 of level V of the Executive Schedule Pay Rate.

#### SECTION 3

Subsection (a) directs the Administrator to conduct a comprehensive study of and submit his recommendations to Congress on or before July 1, 1973 concerning (1) the criteria which governs the development and operation of the National Cemetery System including the concept of regional cemeteries; (2) the relationship of the National Cemetery System to other burial benefits provided by Federal and State governments to servicemen and veterans; (3) steps to be taken to conform the existing system to the recommended criteria; (4) private burial and funeral costs in the United States; (5) current headstone and marker programs; and (6) the marketing and sales practices of non-Federal cemeteries and interment facilities for any persons either acting on their behalf or selling or attempting to sell any rights, interest, or service therein which is directed specifically towards the veterans and their dependents.

Subsection (b) provides that the Admin-

istrator shall in conjunction with the Secretary of Defense conduct a similar study and submit recommendations on or before July 1, 1973, concerning whether Arlington National Cemetery should be included within the National Cemetery System, the appropriateness of maintaining the present eligibility requirements for burial at that cemetery; and finally, the advisability of establishing another national cemetery in the District of Columbia or vicinity.

#### SECTION 4

Subsection (a) amends subchapter II of chapter 3 of title 38 by adding a new section 218 more fully described as follows:

#### § 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations

This section is closely patterned after existing authority granted to the Administrator of General Services in sections 318-318(d) of title 4, United States Code. It would authorize the Administrator with respect to all lands and buildings under his jurisdiction to make all needful rules and regulations to maintain law and order to protect persons and properties on VA lands. Violation of such rules and regulations may result in a fine not to exceed \$50 or thirty days imprisonment. The Administrator would be empowered to designate officers and employees of the Veterans' Administration to act as special policemen on VA property. He would also be authorized to utilize the facilities and services of existing Federal law enforcement agencies and State or local law enforcement agencies. The Administrator is authorized to empower officers or employees of the Veterans' Administration to act as special investigators with the power to enforce the rules and regulations made under this section and to make arrests with or without warrant for any offenses committed upon such property in his presence or if the investigator has reasonable ground to believe: (1) the offense commits a felony under the laws of the United States; and (2) that the person to be arrested is guilty of that offense.

Subsection (b) of section 625 of title 38 dealing with arrests for crimes in hospitals and domiciliary reservations is repealed in light of the new and broader section 218 which applies to all lands and buildings under the jurisdiction of the Veterans' Administration.

#### SECTION 5

Subsection (a) amends present section 903 and adds new sections 906 and 907 more fully described as follows:

#### § 903. Death in Veterans' Administration facility; plot allowance

Subsection (a) of 903 restates existing law authorizing a \$250 burial allowance for those veterans whose death occurs within a Veterans' Administration facility. New subsection (b) provides that in addition to the amounts payable for the burial or funeral expenses of an eligible veteran under section 902 or 903, if the veteran is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, at his discretion, having due regard to the circumstances in each case, may pay a sum not exceeding \$150 plot or interment allowance to such person as he prescribes. If any part of the plot or interment expense has been paid or assumed by a State or subdivision, or the employer of the deceased veteran, a claim for only the difference between the entire amount of the expenses and the amount paid could be allowed.

#### Section 906. Headstones and markers

This new section would transfer the authority for the present headstone and marker program to the Administrator. This au-

thority is identical to existing authority presently residing with the Secretary of Army under section 279a, title 24, United States Code. The language has been modernized and simplified to make it conform with the present language of title 38. The new section directs the Administrator to furnish appropriate headstones or markers at Government expense where requested, for the unmarked grave of (1) any individual buried in the national cemetery or post cemetery; (2) an individual eligible for burial in a national cemetery, but not buried there (except for graves of the United States citizens who served honorably with the armed forces of foreign countries allied with the United States, dependents of certain servicemen and veterans and those other persons or classes of persons designated by the Administrator as eligible for burial in such cemeteries); and (3) soldiers of the Union and Confederate Armies of the Civil War.

Subsection (b) of new section 906 would authorize the Administrator to furnish when requested an appropriate memorial headstone or marker to commemorate any veteran dying in the service and whose remains have not been recovered or identified or were buried at sea, for placement in a national cemetery area reserved for such purposes or in a private or local cemetery.

#### Section 907. Death from service-connected disability

This new section provides that in any case in which a veteran dies as the result of a service-connected disability the survivors are entitled to receive payment for burial and funeral expenses incurred in connection with the veterans death in an amount not exceeding that currently authorized under section 8134(a) of title 5 of Federal employees whose death occurs as a result of injury sustained in the performance of duty. These benefits would be in lieu of benefits authorized under sections 902 and 903(a)(1) and (b) of title 38. Should death occur in a VA facility, transportation benefits provided in section 903(a)(2) as amended by this Act would continue to be available.

Subsection (b) of section 5 of the bill amends the table of sections at the beginning of chapter 23 of title 38 to include a reference to new sections 906 and 907.

#### SECTION 6

Subsection (a) provides for the transfer from the Secretary of Army to the Administrator of Veterans' Affairs jurisdiction over and responsibility for all national cemeteries with the exception of the cemetery at the U.S. Soldiers' Home and Arlington National Cemetery. This subsection also provides for the transfer from the Secretaries of Army, Navy, and Air Force to the Administrator of Veterans' Affairs, jurisdiction over and responsibility for any cemetery, memorial, or monument coming within their respective jurisdiction which the President determines would be appropriate. Excepted from this transfer are the cemeteries located at the U.S. Military Academy at West Point, the U.S. Naval Academy at Annapolis, and the U.S. Air Force Academy at Colorado Springs.

Subsection (b) directs the transfer of so much of the personnel, property and unexpended balances of appropriations, allocations, and other funds available to the Secretaries of Army, Navy, and Air Force in connection with the functions transferred by this bill, as determined by the Director of the Office of Management and Budget, to the Administrator of Veterans' Affairs.

Subsection (c) is a savings provision whereby all offenses committed and all penalties and forfeitures incurred under any law amended or repealed by this measure may be prosecuted and punished in the same manner as if these amendments or repeals have not been made.

Subsection (d) provides that all rules, regulations, orders, permits, and other privileges issued or granted by the Secretaries of the Army, Navy, and Air Force will remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator, by any court of competent jurisdiction, or by operation of law.

Subsection (e) is a further savings provision under which (1) no suit, action or other proceeding commenced by or against any officer in his official capacity as an officer of the Department of Army, Navy, or Air Force, with the respect of functions transferred by this bill, shall abate because of the enactment of this bill; (2) no cause of action by or against any Department or Commission concerning the functions transferred or by or against any officer thereof in his official capacity shall abate because of the enactment of this bill; (3) causes of actions, suits, or other proceedings may be asserted by or against the United States or appropriate officers of the Veterans' Administration in any litigation pending at the time this Act takes effect with the court, on its own motion or the motion of any party, being authorized to enter an order giving such effect; and (4) suits commenced prior to the date of enactment of this bill with respect to any function transferred shall be continued by the Administrator.

#### SECTION 7

Subsection (a) of this section provides for the repeal of statutes giving the Secretary of Army jurisdiction over and responsibility for national cemeteries. Accordingly, most codified provisions contained in chapter 7 of title 24 are repealed. It should also be noted that beginning with a provision of the Appropriations Act of 1925 for the military and nonmilitary activities of the War Department and codified in 1953 in 24 U.S.C. 290 railroads have not been permitted "upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States." Subsection (a) also provides for the repeal of each of these provisions consistent with the intent of the bill to simplify and recodify the cemetery legislation in title 38. The Committee wishes to note, however, the power to prohibit railroads from encroaching on the rights of way to national cemeteries must be maintained and it intends that the Administrator accomplish this through exercising the power granted in this Act to promulgate regulations to that effect. Although subsection (a) repeals existing authority all rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before the effective date of the transfer of these cemeteries to the new National Cemetery System are preserved under the language of this subsection.

Subsection (b) provides that nothing in the repealed section shall be deemed to affect in any manner the function, powers, and duties of the Secretary of Interior with respect to those cemeteries and memorials or monuments coming within his jurisdiction on the date the new National Cemetery System is created or those of the Secretary of the Army, Navy, or Air Force with respect to those cemeteries or memorials or monuments under their respective jurisdiction to which the transfer provisions of this bill do not apply.

#### SECTION 8

Section 3505 of title 38 provides for the forfeiture of gratuitous benefits under laws administered by the Veterans' Administration by any individual convicted of certain crimes. This would amend subsection (a) of section 3505 to make explicit that forfeiture benefits also include the right to burial in a national cemetery.

#### SECTION 9

This section would authorize and direct the Secretary of Defense to cause to be brought to the United States the remains of an unidentified American who was a member of the Armed Forces of the United States who served in Southeast Asia and lost his life during the Vietnam era for burial in Arlington National Cemetery Memorial Amphitheater. Implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia. Such sums as may be necessary to carry out the provisions of this section are authorized to be appropriated.

#### SECTION 10

The new burial plot allowance becomes effective on the first day after the second month following enactment. The transfer of cemeteries and the Government marker program to the Veterans' Administration and the repeal of resulting inconsistent statutes shall take place no later than July 1, 1973 or such earlier date as the President may prescribe. All remaining provisions of the bill become effective upon enactment.

#### ESTIMATE OF COST BURIAL PLOT ALLOWANCE

Based on a recent VA study, approximately 15 percent of the veterans dying were buried in a national cemetery. Assuming this proportion still prevails, and that each purchaser receives the maximum payment, estimated costs of H.R. 2828 would be as follows:

	Burial awards affected	Additional annual cost
Fiscal year:		
1974	284,800	\$42,720,000
1975	297,500	44,625,000
1976	306,000	45,900,000
1977	323,000	48,450,000
1978	340,000	51,000,000

The committee has examined the above cost estimates provided by the Veterans' Administration and finds no basis to question their authenticity and therefore adopts them as its own. Data are not available upon which to base any cost estimate of the 24-hour flag-flying provision.

H.R. 2828 is substantially identical with the Senate-passed bill, S. 49, with the exception of several technical amendments and one substantive amendment. The latter amendment extends discretionary authority to the Administrator of Veterans' Affairs to permit appropriate officials to fly the flag of the United States of America 24 hours each day at cemeteries included in the new National Cemetery system. I am confident that the other body will accept this meritorious amendment in order that the bill can be presented to the President at an early date.

Once again, we have before us a bill which represents a reasonable and forward looking approach to what we hope will be an ultimate satisfactory solution. I strongly recommend approval of H.R. 2828 by the House.

Mr. GOODING. Mr. Speaker, will the gentleman yield?

Mr. DORN. I yield to my distinguished colleague, the gentleman from Pennsylvania.

Mr. GOODING. I thank the gentleman for yielding.

Am I correct in assuming that cemeteries now under the jurisdiction of the Park Service are excluded under this bill?

Mr. DORN. The gentleman is correct. I believe he has specific reference to Gettysburg. Yes, that is true, along with the cemeteries at the National Service Academies, Colorado Springs, West Point, and Annapolis, and Arlington National Cemetery.

Mr. GOODLING. Has the gentleman's committee ever given any thought to enlarging existing cemeteries?

Mr. DORN. I might say to my distinguished colleague that this bill provides for a comprehensive national cemetery service throughout the Nation. A study is being authorized, and hopefully they will report back in this session of Congress and we will establish under the Veterans' Administration a veterans cemetery system, similar to that at Arlington, in various regions of the country. So the families of the deceased veteran can visit more frequently the national cemeteries. We feel this would be a step in the right direction.

Mr. GOODLING. Would the gentleman's study include cemeteries under the present jurisdiction of the Department of the Interior?

Mr. DORN. Mr. Speaker, I might say to my colleague that they are excluded. There is nothing in this bill or contemplated that would take Gettysburg away from under the jurisdiction of the Department of the Interior.

Mr. GOODLING. Gettysburg, as the gentleman may or may not know, is now filled. We do have some precedent for enlarging the cemeteries under the Department of the Interior. Several years ago at my suggestion the Bethlehem Steel Co. donated 8 or 10 acres of ground that adjoined the national cemetery in Gettysburg, so I say we do have precedent.

That plot is now filled. We have hundreds and hundreds of acres of ground in the battlefield that are doing nothing more than growing weeds at the present time. I personally feel, and I am sure a great many Members of Congress also feel, we do have an obligation to bury the veterans when we are requested to do so by the members of the families of those veterans.

I trust in the gentleman's study he will give some thought to what might happen to the cemeteries under the jurisdiction of the Department of the Interior at this time.

Mr. Speaker, I thank the gentleman for yielding.

Mr. DORN. I thank my colleague, the gentleman from Pennsylvania. I might say I agree with him that certainly this ground in the national battlefield at Gettysburg should be considered by the appropriate authorities.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. DORN. I yield to the gentleman from Texas.

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman for yielding.

First let me compliment the distinguished gentleman and his committee for once again presenting this most important legislation for the Congress to consider. I still do not quite understand the rationale of the veto last year, but maybe it is because some of us, such as the gentleman from Pennsylvania, have particular exposure to the real needs.

I happen to represent and have the great honor of doing so the area that includes the Fort Sam Houston National Cemetery. I think the Fort Sam Houston National Cemetery is just as famous as Arlington and perhaps is even more hallowed, not only because of the history but also because of the association of the men and their families who have survived the wars.

A very important part of their expectation in life is that they will have a chance to be buried in that cemetery. At this particular time Fort Sam Houston is approximately filled or would be filled up very soon, but there are 15 acres available and ready and they were set apart years ago for this purpose but because of the freeze nothing is being done about it. Can the distinguished gentleman tell us whether we could offer some hope to our veteran population?

Mr. Speaker, I have written a letter to the President as of last week and have had no reply as yet, although it is too early to expect one, but since the acreage is available, can something be done? It would carry the expectancy list through the 1980's and it seems to me it would be a logical answer no matter who is administering the cemeteries.

Mr. DORN. I might say to my distinguished friend, the gentleman from Texas, that under this new act the Veterans' Administration will administer the cemetery facilities at Fort Sam Houston and in this study we would hope it would call for an addition wherever reasonable to the burial plots at Fort Sam Houston.

Also I might say to my colleague that we are working with the Department of Defense with regard to the possibility of taking over certain post cemeteries throughout the Nation.

Mr. Speaker, I hope the gentleman from Texas will send me a copy of his letter to the President of the United States on this matter.

Mr. GONZALEZ. Mr. Speaker, I include a copy of my letter to the President at this point in the RECORD:

APRIL 30, 1973.

Hon. RICHARD M. NIXON,  
President of the United States, The White  
House, Washington, D.C.

DEAR MR. PRESIDENT: Since the 1950's, the policy of the Executive has been not to approve the further expansion of the national cemetery system. Though there are sound reasons for this policy, I believe that there are also sound reasons for exemptions from it. Arlington National Cemetery is clearly a special case, and allowances have been made for that. I am writing to ask that you allow expansion of the Fort Sam Houston, Texas National Cemetery.

The Fort Sam Houston National Cemetery has burial spaces sufficient to meet demands for only a few more years. Unless expansion is allowed, the cemetery will have to become inactive. But there are many thousand military retirees in San Antonio who cherish the idea of burial in a national cemetery, and

there is no practical reason why Fort Sam Houston National Cemetery could not be expanded by a considerable amount.

The government already owns property—some fifteen acres—adjacent to the Fort Sam Houston National Cemetery that has been designated for cemetery use. Expansion of the cemetery would require only that the property be transferred from Fort Sam Houston proper to the cemetery. This would cost the government nothing, other than the very minimum cost of actually developing the land in question.

Mr. President, here is a special case: a situation in which expansion of a national cemetery is possible, much desired by the community, and in accordance with a long existing land use plan of the government. I believe that no good purpose is served by continuing to refuse expansion of this facility. This can be done only with your intervention, however, and I respectfully urge that you undertake the necessary action to allow this facility to be expanded.

With every good wish, I remain,

Sincerely yours,  
HENRY B. GONZALEZ,  
Member of Congress.

Mr. DORN. Mr. Speaker, I thank my colleague from Texas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 2828, the National Cemeteries Act of 1973.

Members will recall that a similar bill was approved by the 92d Congress. Because the bill contained a provision relating to the disposal of surplus Veterans' Administration property, and the Administration objected to this provision, the bill was pocket vetoed at the close of the 92d Congress.

The bill before the House today, Mr. Speaker, is virtually the same bill with the controversial provision relating to the disposal of surplus Veterans' Administration property eliminated therefrom.

The bill as reported by the Committee on Veterans' Affairs, Mr. Speaker, provides for the establishment of a national cemetery system within the Veterans' Administration. All of the national cemeteries now under the jurisdiction of the Department of the Army with the exception of Arlington National Cemetery and the cemeteries of the U.S. Soldiers and Airmen's Home in Washington, D.C., and the U.S. Naval Home in Philadelphia would be transferred to the administrative jurisdiction of the Veterans' Administration.

The function of providing grave markers and headstones would be administered by the Veterans' Administration instead of the Department of the Army.

A burial plot allowance not to exceed \$150 payable on behalf of those veterans not buried in a national cemetery would be authorized.

The burial and funeral expenses on behalf of a veteran who dies as a result of a service-connected disability would be authorized in an amount not exceeding the amount payable for Federal employees in job-related deaths. This amount is currently set at \$800.

The bill will authorize the Secretary of Defense to provide for the burial of an unknown soldier of the war in Vietnam and Southeast Asia in Arlington National Cemetery.

Finally, Mr. Speaker, the bill authorizes a comprehensive study of national cemeteries and their relationship to other

burial benefits for servicemen and veterans. The propriety of including Arlington National Cemetery in the national cemetery system, as well as the review of eligibility requirements for burial in Arlington, would also be studied. The results of this study together with the recommendations of the Administrator of Veterans' Affairs would be made to the Congress within 6 months after the convening of the 94th Congress.

This bill, Mr. Speaker, represents a giant step forward in the creation of a national burial policy for the Nation's veterans. I urge that the bill be passed.

Mr. Speaker I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of the National Cemeteries Act of 1973, H.R. 2828, as amended. This bill is designed primarily to enlarge the national cemetery program and increase burial allowances, both of which are long overdue in view of the ever-diminishing space available in national cemeteries and the increasing costs of burial. A National Cemetery System would be established within the Veterans' Administration embracing the national cemeteries, with a few exceptions, now under the Department of the Army, and those already under the jurisdiction of the Veterans' Administration.

It provides for a plot allowance not exceeding \$150 for veterans not buried in Federal cemeteries. In the case of a veteran who dies of a service-connected disability, an amount not to exceed \$800 would be payable for burial and funeral expenses. This allowance is comparable to the payment authorized for Federal employees who die of injuries sustained as a result of the performance of their duties.

There is also a provision granting authority to the Secretary of Defense for burial of an unknown soldier of Vietnam and Southeast Asia in Arlington National Cemetery.

I believe this bill is necessary if our veterans are to be assured of an honorable burial and I intend to vote for it.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the member of the committee, the Congresswoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Speaker, I rise in support of H.R. 2828, as amended.

I believe this is a very meritorious bill because it will accomplish two goals of major importance to our veterans, first, enlarge the national cemetery program, and second, increase burial allowances. The existing national cemetery program and cemeteries under the jurisdiction of the Veterans' Administration will be combined into a National Cemetery System to be administered by the Veterans' Administration.

In those cases where burial is not in a Federal cemetery, a plot allowance not to exceed \$150 will be authorized.

When a veteran dies of a service connected disability, a burial allowance will be payable in an amount not to exceed \$800. This would be in lieu of the proposed plot allowance of \$150 and the ex-

isting \$250 burial allowance which would be paid in nonservice connected death cases. A precedent exists for the larger payment in service connected death cases, established by the formula used for Federal employees whose deaths are the result of injuries sustained in the performance of duty.

Authority will be granted to the Secretary of Defense for the burial of an unknown soldier of Vietnam at Arlington National Cemetery, and authorization will be extended to fly the flag of the United States 24 hours a day at all national cemeteries.

I will vote for this bill because the provisions in it, in my estimation, are long overdue.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise to urge my colleagues to support H.R. 2828, the National Cemeteries Act of 1973. Basically, this bill is the same as the National Cemeteries Act of 1972 which was vetoed by the President late last year. The primary objection of the White House to the measure was a provision requiring that the disposal of any land holdings of the Veterans' Administration would require congressional approval if the land involved was larger than 100 acres. The administration felt that this would unnecessarily impair the Government-wide system of property management which the administration contended was necessary to assure the best use of Federal property. The bill before us today has eliminated this land disposed provision and therefore basically conforms with S. 49, a companion measure passed by the other body on March 6.

In brief, the bill transfers the administrative responsibilities for national cemeteries from the Department of the Army to the Veterans' Administration with certain exceptions. It authorizes a plot allowance of \$150 in addition to the current allowance of \$250 for burial and funeral expenses. It authorizes the VA to furnish a headstone for unmarked graves of eligible veterans and provides for the burial of an unknown soldier of the Vietnam war at the Tomb of the Unknowns in Arlington National Cemetery. It authorizes a new \$800 burial benefit for a veteran who dies of a service-connected disability, which is in lieu of any other burial benefit. It directs the VA to study and make recommendations concerning improvements of the National Cemetery System and the future use of Arlington National Cemetery.

Our combat role in Southeast Asia is coming to a close. Like any other war, it has expanded the need for the many services that the Federal Government provides to veterans who have so ably and courageously served their country. The bill before us today makes necessary changes that will update and improve the administration of the National Cemetery System so that we can hopefully meet the need of providing a proper and dignified final resting place for our veterans.

Mr. HAMMERSCHMIDT. Mr. Speak-

er, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, I rise in support of H.R. 2828, a bill which would establish a National Cemetery System under the jurisdiction of the Veterans' Administration.

In conjunction with this program a comprehensive study will be undertaken, to be reported upon with recommendations within 6 months after the convening of the 93d Congress. It will include private burial and funeral costs for comparison with burial benefits for servicemen and veterans, and the current headstone and marker programs. Working with the Secretary of Defense, the inclusion of Arlington National Cemetery in the National Cemetery System, eligibility for burial at Arlington, and/or the advisability of establishing another national cemetery in or near the District of Columbia will be a part of the study.

It also provides for the payment of an amount not to exceed \$150 for the purchase of a burial plot where the veteran is not buried in a cemetery under the jurisdiction of the United States. In those instances where a veteran dies of a service connected disability, an allowance of up to \$800 will be paid to cover funeral expenses. This is comparable to the allowance paid where a Federal employee dies from an injury or disease incurred in the performance of his duties and will be in lieu of the present VA burial allowance.

Finally, the bill will transfer the National Cemetery System, with the exception of Arlington National Cemetery, from the Department of the Army to the Veterans' Administration.

I believe in this bill, because I consider proper and dignified burials a right that our veterans have earned. This legislation will go a long way toward insuring this right.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Speaker, I rise in support of the National Cemeteries Act of 1973 (H.R. 2828). This legislation would revise and streamline the administration of our national cemeteries by consolidating them under the jurisdiction of the Veterans' Administration. The bill also authorizes a comprehensive study by the VA of the future development and operation of the National Cemeteries System and provides for an additional plot allowance of \$150 in cases where the veteran is not buried in a national or other Federal cemetery.

As we all know, a similar measure was vetoed last October by President Nixon because of objections to a VA land holdings provision. The Veterans' Affairs Committee has deleted that section from this bill and now the measure has the support of the administration.

I am particularly proud that the committee has again incorporated into this bill, legislation which I originally introduced in 1971—as House Joint Resolution 609—and reintroduced as House Joint Resolution 82 in the 93d Congress on

January 3, 1973. My bill, now section 9 of H.R. 2828, authorizes the interment of an unknown soldier from the Vietnam war in Arlington National Cemetery.

Over 52 years ago, on December 21, 1920, my father—Hamilton Fish, Sr.—introduced a similar measure in the House of Representatives. The adoption of my father's resolution resulted in the creation of the Tomb of the Unknown Soldier, a revered national shrine. Since that time, unknown casualties of both World War II and Korea have joined their comrade of World War I, and are similarly enshrined near the tomb at Arlington. I introduced my resolution at the urging and with the support of my father, who at the age of 84 continues to be very active on behalf of our Nation's 28 million veterans.

Mr. Speaker, I strongly believe that this is a most appropriate way to commemorate the sacrifices made by American servicemen in Vietnam, the same sacrifices recently dramatized by the return of our courageous POW's. We all know that the Vietnam war is uniquely different from those which preceded it. But this tragic war has resulted in almost 50,000 dead and well over a quarter of a million wounded. We cannot permit the political controversy to obscure the tremendous contributions made by the 2.5 million young men who have served in Southeast Asia. Through the adoption of this legislation, Congress can demonstrate that, despite diverging opinions on the wisdom of this conflict, that these boys and their families will not be forgotten.

The Vietnam unknown soldier proposal has the expressed public support of the Department of Defense, specifically the Department of the Army, and the Office of Management and Budget. Numerous veterans organizations have expressed their strong support, including: the American Legion, the Veterans of Foreign Wars, the Catholic War Veterans, the Blind Veterans Association, the Military Order of the World Wars, the Military Order of the Purple Heart, the Fleet Reserve Association, the Marine Corps League, the Reserved Officers Association of the United States and the Congressional Medal of Honor Society.

Finally, I want to congratulate Chairman DORN and the full membership of the Veterans' Affairs Committee, for their fine work on this legislation. I also want to take this opportunity to thank former Veterans' Affairs Committee chairman, OLIN E. TEAGUE, for his courtesy and gracious assistance regarding the unknown soldier bill in the last Congress. The National Cemeteries Act deserves the overwhelming support of the House and I urge my colleagues to act accordingly.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, having introduced similar legislation in the 91st, 92d and 93d Congresses, I want to express my wholehearted support of H.R. 2828, which would establish a national cemetery system under the administrative control of the Veterans' Administration.

When I first introduced this legislation in 1969, I pointed out the fact that uncommitted gravesites at seven national cemeteries had been exhausted since 1966. This situation has continued to grow worse. Now there are 28 million veterans and 22 million dependents eligible for burial in national cemeteries. However, there are only 1 million gravesites which are currently or potentially available.

The increasing scarcity of gravesites amply demonstrates the need for the comprehensive program of administration and expansion that the bill provides. The provision of the bill requiring the administrator of the Veterans' Administration to submit recommendations to the Congress concerning the development, operation and improvement of the national cemetery system and other important problems is a crucial one. It will greatly assist the Congress in determining what more needs to be done to alleviate this problem which now borders on becoming a national disgrace.

Since 1965, I have been attempting to have a national cemetery established in New England. Passage of this legislation is a necessary first step for the reassessment of the need for additional cemeteries in New England, and throughout the Nation. I urge enactment of this legislation.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, on this day, when the House is acting again on legislation to create a national cemetery system within the Veterans' Administration—which legislation, I am advised, has every chance of receiving Presidential approval—it is most appropriate that I pay tribute to the late Ira Dodrill of Battle Creek, Mich.

A friend and a former constituent, Mr. Dodrill served as national chairman of the Veterans of Foreign Wars' effort to assist the Nation in fulfilling its commitment to provide a final resting place in a national cemetery for all those who so wish, and who have served in times of national conflict.

Ira Dodrill worked untiringly for many years, until his passing last December, toward the realization of his dream of the establishment of a national cemetery at Fort Custer, Mich. His spirit, his determination, and his guidance were constant sources of support to me in my efforts on behalf of this goal. It was this unwavering support that sustained me in the face of many disappointments and setbacks—not the least of which was the veto last October of a similar bill.

Ira Dodrill, who was as fine a citizen as I have ever had the privilege of knowing, went to great effort to witness passage of this legislation, knowing it to be a necessary first step toward the accomplishment of his personal goal. Last fall, when a similar bill was being considered by the House, Mr. Dodrill, although of advanced age and a disabled veteran himself, made the long journey from Battle Creek to sit in the gallery and observe the approval of "his" bill. I am only sorry that he cannot be present

today, when prospects for the creation of a national cemetery system appear brighter.

I sincerely hope that today's action will ultimately bring about the result toward which Ira Dodrill devoted so much of his incredible energy—the establishment of a national cemetery at Fort Custer, Mich. And, to Ira Dodrill, a quiet "thank you" from his Congressman.

Thank you, Mr. Speaker.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, I oppose the enactment of H.R. 2828. This bill comes to us today under Suspension of the Rules, a procedure which prohibits the offering of amendments to the bill. Since I could support the legislation only if substantially modified, and the changes I seek cannot be considered, I must vote against the bill.

H.R. 2828 establishes a National Cemetery System within the Veterans' Administration. The system shall consist of most existing national cemeteries and all those acquired and developed hereafter. Burial in a national cemetery is authorized for any veteran; any member of a Reserve component, including the ROTC, or the National Guard, whose death occurs from injury or illness while on active or inactive duty; any U.S. citizen who served in the Armed Forces of an ally during any war; and certain dependents of the foregoing. A schedule of burial benefits is authorized, ranging from a maximum of \$800 in the case of a veteran who dies as a result of a service-connected disability, to a minimum of \$150 as an allowance in the case of nonservice-connected deaths when burial is at a place other than a national cemetery. The estimated 5-year cost of the system thus established is approximately \$100,000,000.

I support adequate provisions for the burial in a national cemetery, or elsewhere, if the family wishes, of members of our Armed Forces who die as the result of injuries or illnesses occurring in the service of our country. I do not support the burial in a national cemetery or elsewhere at public expense of a veteran or members of his family, simply because of his prior service in the Armed Forces.

This legislation treats veterans and their families as a favored class without rational justification. I do not accept the argument that veterans have earned the special benefits accorded by this legislation, as a form of deferred compensation, by reason of their prior service alone. This argument is premised upon a "contract" theory to the effect that future unspecified benefits were part of the original bargain between a man and his government which induced service in the military. The argument is patently a fiction.

In all candor, we should acknowledge the truth of the matter. Veterans and their families constitute a large, politically potent class, to which legislators have traditionally catered. This legislation is in keeping with that tradition.

A responsible government should treat

with problems, rather than real or imagined political pressures. The escalating cost of dying is such a problem, but its burden is felt by all families of modest means, not just those of veterans. If public support for burial expenses is in order, it should be made available to all those in need.

I am mindful, of course, that burial benefits are only one of the many special favors for veterans which are found in our laws. My arguments, if valid, apply with equal force to those other laws as well.

Mr. Speaker, I am a veteran of both World War II and the Korean conflict. I have been the recipient of educational benefits as a veteran. College and law school would have been most difficult for me personally had I not received payments under the GI bill. Many veterans would not have received the education which they in fact received, but for the GI bill. Without question, the country has benefited because of this act of generosity toward our veterans. To acknowledge this fact, however, does not undermine the reasons for my opposition to this bill. The country would have benefited far more had a reasonable program of support for all those in need been available.

Service to country is not its own reward entirely; but, on the other hand, it does not require continuous monetary compensation either. The personal gratification which is felt by one who discharges a patriotic duty, plus fair compensation while in the performance of that duty, and reasonable provisions for those killed or disabled, and their families, should be enough.

I urge defeat of this bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Speaker, I rise at this time to express my strong support for the National Cemeteries Act of 1973.

As I have said on many occasions, in this Chamber and elsewhere, there is no group of citizens more worthy of our consideration and assistance than the veterans of our armed services, and I am happy to see that several excellent provisions have been included in this legislation we are considering today.

I am particularly enthused by this bill's establishment of a national cemetery system to make the most efficient possible use of the space remaining in our national cemeteries for burial of America's veterans.

But since it is estimated that only 1 million plots are still available in these national cemeteries, as compared with 50 million veterans and dependents eligible for burial in these grounds, another provision of this legislation is perhaps even more important for the future.

This section provides for a \$250 allowance to help defray burial expenses for veterans buried in non-Federal cemeteries. Since the families of veterans are having to turn increasingly to private facilities at substantial additional expense, this additional payment is fully warranted, as is the additional \$150 allowance for veterans who die in a Vet-

erans' Administration hospital, and the \$800 burial allowance in cases where veterans die of service-related disabilities.

I believe these provisions, and others incorporated in this bill, are good ones, deserving our support, and worthy tributes to our veterans. I urge my colleagues to join me in voting for passage of this National Cemeteries Act.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Speaker, I rise in support of this bill.

I have been a strong proponent for transfer from the Department of the Army to the Veterans' Administration for a number of years.

Mr. Speaker, we have a cemetery in south Jersey known as Beverly Cemetery which has been filled for a number of years. The only persons who can be buried there now are the spouses of the deceased veterans who are already buried there. The grave sites are completely taken up.

About 9 years ago, I petitioned the Army to give us a piece of Fort Dix, which is nearby. With the Veterans' Administration taking over the cemetery, I am quite sure that they may remove the jaundiced eye which they have cast upon Beverly Cemetery so that we might go not too far away and pick up some more ground for burial purposes.

Mr. Speaker, bear in mind that this is not only a national cemetery for the State of New Jersey, but also a national cemetery which has accommodated veterans from the State of New York, the State of Pennsylvania, the State of Maryland, and the State of Delaware. It has been a very popular cemetery over the years because of the close proximity of the heavily populated areas.

Mr. Speaker, a State such as the State of New Jersey should not be without a national cemetery, considering the fact that we have a population which exceeds any other known density in the United States with almost a thousand people per square mile and with a tremendous grouping of veterans in there who are entitled to be buried in a national cemetery in the State where they come from, just as are the other people who surround us.

Mr. Speaker, I can only strongly urge passage of this legislation and the enlargement of all those cemeteries where they need this burial ground for those persons who have served their country so well.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time.

Mr. DORN. Mr. Speaker, I yield such time as he may consume to my distinguished colleague on the committee, the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I rise in support of H.R. 2828, the National Cemeteries Act of 1973. I am most pleased to have the opportunity to join with my colleagues on the Veterans' Affairs Committee as one of the authors of this legislation.

Last year the Congress passed, by an overwhelming vote, a similar bill to bring some order to the chaos of our national

cemeteries system. Unfortunately, this legislation was pocket-vetoed by the President at the close of the 92d Congress, and therefore failed to become law.

H.R. 2828, which is now before us, has been carefully drafted to bring about most of the beneficial changes included in last year's legislation, and to eliminate most of those provisions which induced the President to veto the predecessor bill. While I do not feel that the Congress should have stepped back from its original commitment, this is nevertheless a beneficial bill.

This legislation is a step toward the ultimate correction of a deficiency in our laws dealing with national cemeteries. Unfortunately, this bill will not provide the additional cemeteries necessary in California, New Jersey, and New England where today it is impossible for veterans to be buried in a national cemetery, which is their right as a matter of law. Until we have corrected this lack in our laws, we will not have fully met our responsibilities. However, by bringing substantially all of the national cemeteries under the jurisdiction of the Veterans' Administration, we will have taken an important step toward meeting our responsibilities. Accordingly, I urge my colleagues to give their full support to this legislation.

Mr. DORN. Mr. Speaker, I might say to my distinguished colleague from New Jersey that this is exactly what we have in mind by regional national cemeteries under the jurisdiction of the Veterans' Administration. Certainly any representation the gentleman would care to make to the committee or to the Veterans' Administration would be deeply appreciated.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. DORN. I yield to the gentleman from New Jersey.

Mr. HUNT. I take this opportunity to commend the gentleman for this fine legislation. I will give him all the support he needs, because it is about time we recognized some of the needs for burial of veterans.

Mr. DORN. I thank the gentleman.

The committee, on behalf of the chairman, would like to commend the distinguished minority leader on the committee in his first role of minority leader of the committee, for his splendid cooperation and dedication to the cause of veterans.

#### GENERAL LEAVE

Mr. DORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 2828, National Cemeteries Act, 1973.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BURKE of Florida. Mr. Speaker, again this year, I rise in support of the National Cemeteries Act. In the previous Congress I supported this legislation in spite of the fact that the Veterans' Administration recommended against favorable consideration of my two bills which would establish a national ceme-

tery in Broward or Dade County, Fla., or, in the alternative, another cemetery elsewhere in the State of Florida.

The Veterans' Administration objected to my bills on the basis that until the policy with respect to the future of the national cemetery system has been resolved, it is premature to consider any measure proposing the expansion of that system. In fairness, the various Federal cemetery systems in the United States are unduly and inefficiently fragmented, and there is merit in consolidating the national cemeteries now under the jurisdiction of the Department of the Army with those cemeteries currently operated by the Veterans' Administration to achieve administrative simplicity and maximum utilization.

For the past few years I have been concerned with the lack of space in our national cemeteries. At present, there are 28 million veterans and 22 million dependents eligible for burial in national cemeteries. However, there are only about 1 million graves currently and potentially available nationwide, and only about 700 available at the one national cemetery in Florida.

I was disappointed that the President pocket-vetoed this legislation last year. Death does not wait for anyone, and the delay in setting our national cemeteries in order has caused much anguish and grief among those who desired burial in a national cemetery but found it unfeasible. I am pleased, however, that the major objection stated in the veto message has been deleted from the new bill. There is no provision requiring congressional approval to sell any VA land holdings larger than 100 acres or worth more than \$100,000 which the President felt would block the orderly system of surplus land disposal.

In most other respects this bill is the same as the one passed by the 92d Congress. The bill:

First. Transfers responsibility for administration of all national cemeteries from the Department of the Army to the Veterans' Administration, except Arlington National Cemetery, and a few other special cases.

Second. Authorizes a plot allowance of \$150, in addition to the present allowance for burial and funeral expenses of \$250, payable in any case in which the veteran is not buried in a national or other Federal cemetery.

Third. Provides authority in VA for furnishing of a headstone or marker, upon request, for the unmarked graves of any individual buried in a national cemetery or in a post cemetery, as well as most individuals eligible for burial in those locations but not buried there, and soldiers of the Union and Confederate Armies of the Civil War.

Fourth. Includes provision for the burial of an unknown soldier of the war in Vietnam in Arlington National Cemetery at an appropriate time to be selected at a later date.

Fifth. Direct VA to conduct a study and submit recommendations to the Congress, not later than 6 months after the convening first session of the 93d Congress, concerning: First, criteria to govern development and operation of the

National Cemetery System, including the concept of regional cemeteries; second, relationship of the new National Cemetery System to other burial benefits to servicemen and veterans; third, steps to be taken to conform the existing system to the recommended criteria; fourth, private burial and funeral costs in the United States; fifth, current headstone and marker program; and sixth, the marketing and sales practices of non-Federal cemeteries and interment facilities, directed specifically toward veterans and their dependents.

Sixth. Directs VA, in conjunction with the Secretary of Defense, to conduct a study concerning: First, the future of Arlington National Cemetery; second, present eligibility requirements for burial in Arlington; and third, the need for another national cemetery in or near the District of Columbia.

Seventh. Extends Administrator's authority to prescribe standards of conduct and authorize the investigation of and arrests for crimes on all VA reservations, including hospitals, cemeteries, and other VA facilities.

Eighth. If a veteran dies of a service-connected disability, a new burial benefit not to exceed \$800 is authorized in lieu of any other burial benefit.

Ninth. Authorizes the flying of the flag of the United States over cemeteries within the National Cemetery System 24 hours each day.

I strongly favor this legislation because I feel that it moves us toward implementation of the Federal Government's obligations to provide national cemeteries for our veterans who wish to be buried in them. Hopefully, it will also hasten the day when there will be adequate national cemeteries in the State of Florida.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of H.R. 2828, the National Cemeteries Act of 1973. This measure is virtually identical to the bill passed unanimously by both the House and the Senate last year, only to be pocket vetoed by the President. The Senate has already passed similar legislation on March 6th and we must certainly act now.

Our present Federal cemetery system is managed by four different Federal agencies. The Department of the Army operates the National Cemetery system. The American Battle Monuments Commission operates the overseas cemeteries. The Department of the Interior, through the National Park Service, operates cemeteries in conjunction with military and battlefield parks, and the Veterans' Administration operates various cemeteries.

The legislation which I now urge you to support is the result of a lengthy study of veterans' burial benefits and a feasible national cemetery system. The National Cemeteries Act of 1973 establishes within the Veterans' Administration a National Cemetery System which would consist of national cemeteries transferred to the VA from the Department of the Army and cemeteries presently under the jurisdiction of the VA, with the exception of Arlington National Cemetery and those cemeteries located at service academies. It also directs the VA to conduct a comprehensive study

and submit recommendations on or before July 1, 1973, as to what our national cemetery system and national burial policy for veterans should be.

The problem of our national cemeteries, their location and adequacy, as well as the burial benefits for our veterans has been the subject of great concern to Congress. The supply of regular gravesites has been completely exhausted in many of our national cemeteries. At present, our veteran population is more than 28 million. We must add to that figure the number of dependents who are entitled by statute to be buried in national cemeteries. The current burial space available in national cemeteries across the Nation would provide for less than 1 million of these potential candidates. In my own State, Illinois, there are only 34,346 available gravesites in national cemeteries, yet the projected deaths of Illinois veterans is estimated to be over 842,000 by the year 2000.

We must establish enough national cemeteries located throughout the country to insure that every veterans who so desires will have the opportunity to benefit from the national cemetery system. This is an important bill to all veterans.

Unless we act now, our national cemeteries will soon be filled and there will be no fitting place to bury our veterans in accordance with the special obligation we owe to them. In fact, when the Senate held hearings on the National Cemeteries Act of 1972, the following information was furnished by the Department of Defense:

A study of several of the most active cemeteries indicates that approximately 50% of the veterans within 50 miles of a national cemetery choose burial in the national cemetery. Should every veteran within 50 miles of a national cemetery be buried therein, grave space would be utilized at twice the rate. Based on this accelerated rate, the space in all cemeteries would be utilized prior to the year 2000.

If we do not do something now, the national cemetery system will gradually, but inevitably close down.

This bill also provides a special burial plot allowance of \$150, in addition to the present VA allowance for burial and funeral allowances of \$250, in any case where a veteran is not buried in a national or other Federal cemetery. In many instances, the next of kin prefers burial of his or her spouse in a local cemetery rather than be faced with traveling considerable distances to visit the grave.

This burial plot allowance is not a new concept. The U.S. Veterans' Advisory Commission formally recommended a burial plot allowance over 5 years ago. The need was apparent then—and is critical now.

Among the other provisions of this bill is a section authorizing the interment of an unknown soldier from the Vietnam conflict at Arlington National Cemetery. No memorial could be more fitting for this costly conflict.

President Johnson placed strong emphasis upon our commitments to our veterans. He said:

Our government and our people have no greater obligation than to assure that those who have served their country and the cause

of freedom will never be forgotten or neglected.

Since the Civil War period, the Government has provided burial space for its veteran population. It is our obligation to continue this practice, and to honor our veterans for the service they have rendered to this Nation.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge and hope that the House will speedily and overwhelmingly approve the measure currently before us, H.R. 2828, the National Cemeteries Act of 1973.

In simple summary, this measure transfers administrative responsibility of practically all national cemeteries from the Department of the Army to the Veterans' Administration; provides a plot allowance of \$150, in addition to the present allowance for burial and funeral expenses of \$250, payable in any case in which the veteran is not buried in a national or other Federal cemetery; provides, upon request, authority to the Veterans' Administration to furnish a headstone or marker for unmarked veterans' graves; authorizes a new burial benefit, in lieu of any other benefit, not to exceed \$800, for veterans dying of service-connected disabilities and provides for the burial of an unknown soldier of the war in Vietnam in Arlington National Cemetery. In addition, the bill directs the Veterans' Administration to conduct a study and submit recommendations to the Congress, not later than July 3, 1973, concerning the development and operation of the national cemetery system, including the concept of regional cemeteries, the relationship of the new cemetery system to other burial benefits available to servicemen and veterans, the steps necessary to assure conformity of the present system to the new system and the marketing and sales practices of non-Federal cemeteries and interment facilities which are directly aimed at veterans and their dependents.

Mr. Speaker, the wholesome recommendations contained in this bill, especially the increased assistance to families to meet the burial expenses of a veteran and the new death benefit for veterans dying of a service-connected disability and the projection of the concept for the establishment of regional cemeteries, particularly in view of the urgent requirement in our Massachusetts Commonwealth and New England region for the establishment of a national cemetery, represent timely responses to meritorious national needs. Unquestionably, Mr. Speaker, these projected improvements in our national cemetery system are long overdue and they are clearly in the national interest. I therefore earnestly believe that they merit the resounding approval of this House.

Mr. BOLAND. Mr. Speaker, I support the National Cemeteries Act of 1973. For many years the problem of national cemeteries, their locations and adequacy, as well as burial benefits generally for veterans, has been of great concern to the Congress.

This urgently needed legislation transfers responsibility for administration of all national cemeteries from the Army to the Veterans' Administration, except

Arlington National Cemetery where eligibility is now limited; cemeteries in national parks operated by the Interior Department, the military academy cemeteries, and cemeteries at the Soldiers' and Airmen's Home in Washington, D.C. and the Naval Home in Philadelphia.

The bill also provides a \$150 plot allowance, in addition to the present \$250 burial and funeral expenses allowance, payable in any case in which the veteran is not buried in a national or other federal cemetery; authorizes a new \$800 burial benefit for veterans dying of service connected disabilities, and provides for the burial of an unknown soldier of the Vietnam war in Arlington National Cemetery.

Another important provision directs the Veterans' Administration, in conjunction with the Secretary of Defense, to conduct a study concerning the future of Arlington National Cemetery, the present eligibility requirements for burial in Arlington, and the need for another national cemetery in or near the District of Columbia. Also, I am pleased that the Veterans' Administration is directed to conduct a study and submit recommendations to Congress concerning criteria to govern development and operation of the national cemetery system, including the concept of Regional cemeteries.

Mr. ROBINSON of Virginia. Mr. Speaker, I support the concept of the bill before us, because I believe it important that we move forward on determination of a sound, continued policy with respect to the historic privilege of the veteran of burial in a national cemetery.

I am aware of the practical difficulties involved in any major expansion of the national cemetery system, but I do not believe they are insurmountable.

Many veterans—particularly career men—are distressed that the final recognition of their honorable service—interment in a national cemetery—is to be denied them because of space limitations.

The suggestion of provision of additional cemeterial areas in our national battlefield memorial parks deserves serious consideration, and other Federal lands across the Nation may well be found suitable for new national cemeteries.

In the study authorized by the legislation before us, Mr. Speaker, I hope that the Administrator of Veterans' Affairs may give particular attention to the practicability of acquiring additional lands adjacent to existing national cemeteries.

In Culpeper, Va., such adjacent lands still are available for a modest expansion of Culpeper National Cemetery.

For a number of years, veterans organizations and other community groups have sought to maintain the availability of this adjacent property, and landowners have been cooperative. In the 93d Congress, I offered a bill to authorize purchase of such land, but it did not receive action, in view of the concentration on broader legislation. I have deferred, in the 93d Congress, to such legislation as now is under consideration, but I want to go on record now as remaining com-

mitted to the worthiness of adding to existing national cemeteries wherever suitable adjacent land is available at acceptable cost.

I am glad to note, Mr. Speaker, that the bill we are considering, H.R. 2828, incorporates the essentials of H.R. 4250, which I was happy to co-sponsor with my distinguished colleague, the gentleman from Maryland (Mr. LONG), to provide for the burial in Arlington National Cemetery of an unknown casualty of the Vietnam war.

Mr. CLEVELAND. Mr. Speaker, I rise in support of H.R. 2828, the National Cemeteries Act of 1973, as consistent with objectives I have long supported.

Of particular interest to me and my constituents is the provision directing the Veterans' Administration to promptly draft standards to govern development and operation of the National Cemetery System, including the concept of regional cemeteries. I am confident that such a study, if conscientiously pursued, would support my contention that a national cemetery is needed in New England as well as elsewhere.

In the past, I have sponsored legislation to establish such a regional cemetery in New England to serve six States. Arlington, Va., has been the closest cemetery with space available in the past, which has imposed a hardship on friends and relatives of deceased veterans wishing to visit their gravesites to pay their respects.

The provision of plot allowances for veterans not buried in national cemeteries also partly serves the same objective of conferring some benefit on deceased veterans and removing travel hardships otherwise imposed on survivors.

Such benefits, however, are no substitute for a national cemetery for those who have served their country. I therefore urge enactment of this bill and look forward to a recognition by the Veterans' Administration of the need for a regional cemetery in New England, for which a New Hampshire site hopefully would merit consideration as a central location. I have suggested Rindge, N.H., the home of the world-renowned Cathedral of the Pines, a memorial to all war dead, as an excellent location.

The SPEAKER. The question is on the motion offered by the gentleman from South Carolina (Mr. DORN) that the House suspend the rules and pass the bill H.R. 2828, as amended.

The question was taken.

Mr. HILLIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 340, nays 1, not voting 92, as follows:

	[Roll No. 126]
	YEAS—340
Abdnor	Ashley
Abzug	Bafalis
Addabbo	Andrews, N.C.
Alexander	Andrews,
Anderson,	N. Dak.
Calif.	Annunzio
	Arends
	Ashbrook
	Baker
	Barrett
	Beard

Bell	Goodling	Natcher
Bennett	Grasso	Nedzi
Bergland	Green, Pa.	Nelsen
Blester	Griffiths	Nichols
Bingham	Gross	Nix
Boggs	Grover	O'Brien
Boland	Gubser	O'Neill
Bolling	Gude	Owens
Bowen	Gunter	Parris
Brasco	Haley	Passman
Bray	Hamilton	Patten
Breaux	Hammer-	Pepper
Breckinridge	schmidt	Perkins
Brinkley	Hanley	Pettis
Brooks	Hanrahan	Peyser
Broomfield	Hansen, Idaho	Pickle
Brotzman	Hansen, Wash.	Pike
Brown, Mich.	Harrington	Poage
Brown, Ohio	Harsha	Podell
Broyhill, N.C.	Harvey	Powell, Ohio
Broyhill, Va.	Hastings	Freyer
Burgener	Hays	Price, III.
Burke, Calif.	Hebert	Pritchard
Burke, Fla.	Hechler, W. Va.	Quie
Burke, Mass.	Heckler, Mass.	Quillen
Burleson, Tex.	Heinzl	Railsback
Burlison, Mo.	Henderson	Rangel
Burton	Hicks	Rarick
Butler	Hillis	Rees
Byron	Hinshaw	Regula
Camp	Hogan	Riegle
Carey, N.Y.	Hollifield	Rinaldo
Carney, Ohio	Holt	Roberts
Casey, Tex.	Holtzman	Robinson, Va.
Cederberg	Horton	Robison, N.Y.
Chamberlain	Hosmer	Rodino
Chappell	Howard	Roe
Clark	Huber	Roncalio, Wyo.
Clausen,	Hudnut	Rooney, Pa.
Don H.	Hungate	Rose
Clawson, Del	Hunt	Roush
Clay	Hutchinson	Rousselot
Cleveland	Ichord	Royal
Cochran	Jarman	Runnels
Cohen	Johnson, Colo.	Ruppe
Collins	Jones, N.C.	Ruth
Conable	Jones, Okla.	Ryan
Conte	Jordan	St Germain
Conyers	Kastenmeier	Sandman
Corman	Kazen	Sarasin
Cotter	Keating	Sarbanes
Coughlin	Kemp	Saylor
Crane	Ketchum	Scherle
Cronin	Koch	Schneebeli
Daniel, Dan	Kyros	Schroeder
Daniel, Robert W., Jr.	Landgrebe	Sebelius
Daniels,	Landrum	Seiberling
Dominick V.	Latta	Shipley
Danielson	Lehman	Shoup
Davis, S.C.	Lent	Shuster
Davis, Wis.	Lifton	Sikes
Delaney	Long, La.	Sisk
Dellenback	Lott	Skubitz
Dellums	Lujan	Slack
Denholm	McClory	Smith, Iowa
Dennis	McCloskey	Smith, N.Y.
Dent	McCollister	Snyder
Derwinski	McDade	Spence
Devine	McEwen	Stanton
Dickinson	McFall	J. William
Donohue	Macdonald	Stanton
Dorn	Madden	James V.
Downing	Madigan	Steele
Drinan	Mahon	Steelman
Dulski	Mailliard	Steiger, Ariz.
Duncan	Mallary	Stokes
du Pont	Martin, Nebr.	Stratton
Eckhardt	Martin, N.C.	Stubblefield
Edwards, Ala.	Mathias, Calif.	Stuckey
Edwards, Calif.	Matsunaga	Studds
Ellberg	Mazzoli	Sullivan
Esch	Meeds	Synms
Eshleman	Metcalfe	Talcott
Evans, Colo.	Mezvinsky	Taylor, N.C.
Fascell	Michel	Teague, Calif.
Findley	Miller	Thomson, Wis.
Fish	Mills, Ark.	Thone
Fisher	Mills, Md.	Tierman
Flood	Minish	Towell, Nev.
Flowers	Mink	Treen
Flynt	Minshall, Ohio	Udall
Foley	Ullman	Ullman
Ford,	Mitchell, Md.	Van Deerlin
William D.	Mitchell, N.Y.	Vank
Frey	Mizell	Veysey
Froehlich	Moakley	Vigorito
Fulton	Mollohan	Waggoner
Fuqua	Montgomery	Walsh
Gaydos	Moorhead,	Wampler
Gettys	Calif.	Ware
Gialmo	Moorhead, Pa.	Whalen
Gilman	Morgan	White
Ginn	Mosher	Whitehurst
Gonzalez	Moss	Whitten
	Myers	Williams

Wilson, Bob	Wyatt	Young, III.
Wilson, Nedzi	Wydler	Young, S.C.
Charles H., Nix	Charles H., Calif.	Young, Tex.
Charles, Tex.	Wyman	Zablocki
Winn	Yates	Zion
	Young, Alaska	Zwach
	Young, Fla.	

NAYS—1

Wiggins

NOT VOTING—92

Adams	Goldwater	Price, Tex.
Anderson, Ill.	Gray	Randall
Archer	Green, Oreg.	Reid
Aspin	Guyer	Reuss
Badillo	Hanna	Rhodes
Bevill	Hawkins	Rogers
Blackburn	Helstoski	Roncalio, N.Y.
Blatnik	Johnson, Calif.	Rooney, N.Y.
Brademas	Johnson, Pa.	Rosenthal
Brown, Calif.	Jones, Ala.	Rostenkowski
Buchanan	Jones, Tenn.	Roy
Carter	Karth	Satterfield
Chisholm	King	Shriver
Clancy	Kluczynski	Staggers
Collier	Kuykendall	Stark
Conlan	Leggett	Steed
Culver	Long, Md.	Steiger, Wis.
Davis, Ga.	McCormack	Stephens
de la Garza	McKinney	Symington
Diggs	McSpadden	Taylor, Mo.
Dingell	Maraziti	Teague, Tex.
Erlenborn	Mathis, Ga.	Thompson, N.J.
Evins, Tenn.	Mayne	Thornton
Ford, Gerald R.	Melcher	Vander Jagt
Forsythe	Milford	Walde
Fountain	Murphy, Ill.	Widnall
Fraser	Murphy, N.Y.	Wolf
Frelinghuysen	Obey	Wright
Frenzel	O'Hara	Yatron
Gibbons	Patman	Young, Ga.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Forsythe.
Mr. Rooney of New York with Mr. King.
Mr. Brademas with Mr. Aspin.
Mr. Teague of Texas with Mr. Gerald R. Ford.
Mr. Rostenkowski with Mr. Anderson of Illinois.
Mr. Chisholm with Mr. de la Garza.
Mr. Blatnik with Mr. Rhodes.
Mr. Kluczynski with Mr. Collier.
Mr. Johnson of California with Mr. Badillo.
Mr. Randall with Mr. Archer.
Mr. Obey with Mr. Biaggi.
Mr. Murphy of Illinois with Mr. Roncalio of New York.
Mr. Green of Oregon with Mr. Guyer.
Mr. Jones of Alabama with Mr. Carter.
Mr. Roy with Mr. Erlenborn.
Mr. Rosenthal with Mr. Diggs.
Mr. Reid with Mr. Maraziti.
Mr. Culver with Mr. Shriver.
Mr. Hawkins with Mr. McKay.
Mr. Stark with Mr. Fraser.
Mr. Wolf with Mr. McKinney.
Mr. Steed with Mr. Mayne.
Mr. Helstoski with Mr. Frelinghuysen.
Mr. Dingell with Mr. Clancy.
Mr. Hanna with Mr. Jones of Tennessee.
Mr. McCormack with Mr. Taylor of Missouri.
Mr. Young of Georgia with Mr. McSpadden.
Mr. Wright with Mr. Price of Texas.
Mr. Yatron with Mr. Johnson of Pennsylvania.
Mr. Long of Maryland with Mr. Leggett.
Mr. Fountain with Mr. Buchanan.
Mr. Gibbons with Mr. Vander Jagt.
Mr. Karth with Mr. Frenzel.
Mr. Satterfield with Mr. Melcher.
Mr. Stephens with Mr. Blackburn.
Mr. Walde with Mr. Goldwater.
Mr. Bevill with Mr. Adams.
Mr. Davis of Georgia with Mr. Brown of California.

Mr. Mathis of Georgia with Mr. Milford.

Mr. Evans of Tennessee with Mr. O'Hara.

Mr. Reuss with Mr. Steiger of Wisconsin.

Mr. Symington with Mr. Conlan.

Mr. Gray with Mr. Murphy of New York.

Mr. Rogers with Mr. Staggers.

Mr. Thornton with Mr. Patman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. DORN. Mr. Speaker, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of a similar Senate bill (S. 49) to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes, and ask for immediate consideration of the Senate bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read the Senate bill as follows:

S. 49

An act to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Cemeteries Act of 1973".*

SEC. 2. (a) Part II of title 38, United States Code, is amended by adding at the end thereof the following new chapter:

**Chapter 24—NATIONAL CEMETERIES AND MEMORIALS**

"Sec. 1000. Establishment of National Cemetery System; composition of such system; appointment of director.

"1001. Advisory committee on cemeteries and memorials.

"1002. Persons eligible for interment in national cemeteries.

"1003. Memorial areas.

"1004. Administration.

"1005. Disposition of inactive cemeteries.

"1006. Acquisition of lands.

"1007. Authority to accept and maintain suitable memorials.

"§ 1000. Establishment of National Cemetery System; composition of such system; appointment of director

"(a) There shall be within the Veterans' Administration a National Cemetery System for the interment of deceased servicemen and veterans. To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

"(b) The National Cemetery System shall consist of—

"(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1973;

"(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

"(3) any other cemetery, memorial, or monument transferred to the Veterans' Administration by the National Cemeteries Act of 1973, or later acquired or developed by the Administrator.

## "§ 1001. Advisory Committee on Cemeteries and Memorials

"There shall be appointed by the Administrator an Advisory Committee on Cemeteries and Memorials. The Administrator shall advise and consult with the Committee from time to time with respect to the administration of the cemeteries for which he is responsible, and with respect to the selection of cemetery sites, the erection of appropriate memorials, and the adequacy of Federal burial benefits. The Committee shall make periodic reports and recommendations to the Administrator and to Congress.

## "§ 1002. Persons eligible for interment in national cemeteries

"Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery in the National Cemetery System:

"(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service):

"(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

"(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

"(A) attending an authorized training camp or on an authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

"(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child of any of the persons listed in paragraphs (1) through (4).

"(6) Such other persons or classes of persons as may be designated by the Administrator.

## "§ 1003. Memorial areas

"(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces missing in action, or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea or have been determined to be nonrecoverable.

"(b) Under regulations prescribed by the Administrator, appropriate memorials or markers shall be erected to honor the memory of those individuals, or group of individuals, referred to in subsection (a) of this section.

## "§ 1004. Administration

"(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

"(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator shall provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbaria.

"(c) Each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator shall by regulation prescribe.

"(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried, and such other information as the Administrator by regulation may prescribe.

"(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe.

"(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

"(g) Notwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, such portion of legislative jurisdiction over the lands involved as is necessary to establish concurrent jurisdiction between the Federal Government and the State concerned. Such partial relinquishment of jurisdiction under the authority of this section may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

## "§ 1005. Disposition of inactive cemeteries

"(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. Any cemetery transferred to the Department of the Interior as a part of the National Park System, and funds appropriated to the Secretary for such system shall be available for the management and operation of such cemetery.

"(b) The Administrator may also transfer and convey all right, title, and interest of the United States in or to any inactive cemetery or burial plot, or portion thereof, to any State, county, municipality, or proper agency thereof, in which or in the vicinity of which such cemetery or burial plot is located, but in the event the grantee shall cease or fail to care for and maintain the cemetery or burial plot or the graves and monuments contained therein in a manner satisfactory to the Administrator, all such right, title, and interest transferred or conveyed by the United States, shall revert to the United States.

"(c) If a cemetery not within the National Cemetery System has been or is to be dis-

continued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

## "§ 1006. Acquisition of lands

"As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States.

## "§ 1007. Authority to accept and maintain suitable memorials

"Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary."

(b) The table of chapters of part II and the table of parts and chapters of title 38, United States Code, are each amended by inserting immediately below

"23. Burial benefits 901" the following:

"24. National cemeteries and memorials 1000".

(c) Section 5316 of title 5, United States Code, is amended by striking out:

"(131) General Council of the Equal Employment Opportunity Commission."

and inserting in lieu thereof the following:

"(132) General Counsel of the Equal Employment Opportunity Commission.

"(133) Director, National Cemetery System, Veterans' Administration."

Sec. 3. (a) The Administrator shall conduct a comprehensive study and submit his recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) criteria which govern the development and operation of the National Cemetery System, including the concept of regional cemeteries;

(2) the relationship of the National Cemetery System to other burial benefits provided by Federal and State governments to servicemen and veterans;

(3) steps to be taken to conform the existing System to the recommended criteria;

(4) the private burial and funeral costs in the United States;

(5) current headstone and marker programs; and

(6) the marketing and sales practices of non-Federal cemeteries and interment facilities, or any person either acting on their behalf or selling or attempting to sell any rights, interest, or service therein, which is directed specifically toward veterans and their dependents.

(b) The Administrator shall also, in conjunction with the Secretary of Defense, conduct a comprehensive study of and submit their joint recommendations to Congress within six months after the convening of the first session of the Ninety-third Congress concerning:

(1) whether it would be advisable in carrying out the purposes of this Act to include the Arlington National Cemetery within the National Cemetery System established by this Act;

(2) the appropriateness of maintaining the present eligibility requirements for burial at Arlington National Cemetery; and

(3) the advisability of establishing another national cemetery in or near the District of Columbia.

SEC. 4. (a) Subchapter II of chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new section:

“§ 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans’ Administration reservations

“(a) For the purpose of maintaining law and order and of protecting persons and property on lands (including cemeteries) and in buildings under the jurisdiction of the Veterans’ Administration (and not under the control of the Administrator of General Services), the Administrator or any officer or employee of the Veterans’ Administration duly authorized by him may—

“(1) make all needful rules and regulations for the governing of the property under his charge and control, and annex to such rules and regulations such reasonable penalties within the limits prescribed in subsection (b) of this section as will insure their enforcement. Such rules and regulations shall be posted in a conspicuous place on such property;

“(2) designate officers and employees of the Veterans’ Administration to act as special policemen on such property and, if the Administrator deems it economical and in the public interest, with the concurrence of the head of the agency concerned, utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, utilize the facilities and services of such State or local law-enforcement agencies; and

“(3) empower officers or employees of the Veterans’ Administration who have been duly authorized to perform investigative functions to act as special investigators and to carry firearms, whether on Federal property or in travel status. Such special investigators shall have, while on real property under the charge and control of the Veterans’ Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations issued under subsection (a)(1) of this section. Any such special investigator may make an arrest without a warrant for any offense committed upon such property if he has reasonable ground to believe (A) the offense constitutes a felony under the laws of the United States, and (B) that the person to be arrested is guilty of that offense.

“(b) Whoever shall violate any rule or regulation issued pursuant to subsection (a)(1) of this section shall be fined not more than \$50 or imprisoned not more than thirty days, or both.”

(b) Section 625 of title 38, United States Code, is hereby repealed.

(c) (1) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by inserting immediately after—

“217. Studies of rehabilitation of disabled persons.”

the following:

“218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans’ Administration reservations.”

(2) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by striking out—

“625. Arrests for crimes in hospital and domiciliary reservations.”

SEC. 5. (a) Chapter 23 of title 38, United States Code, is amended by—

(1) amending section 903 to read as follows:

“§ 903. Death in Veterans’ Administration facility; plot allowance

“(a) Where death occurs in a Veterans’ Administration facility to which the deceased was properly admitted for hospital or domiciliary care under section 610 or 611 of this title, the Administrator—

“(1) shall pay the actual cost (not to exceed \$250) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans’ Administration; and

“(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

“(b) In addition to the foregoing, if such a veteran, or a veteran eligible for a burial allowance under section 902 of this title, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard for the circumstances in each case, may pay a sum not exceeding \$150, as a plot or interment allowance to such person as he prescribes. In any case where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities.”; and

(2) adding at the end of such chapter the following new sections:

“§ 906. Headstones and markers

“(a) The Administrator shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

“(1) Any individual buried in a national cemetery or in a post cemetery.

“(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1002(a) (4), (5), and (6) of this title.

“(3) Soldiers of the Union and Confederate Armies of the Civil War.

“(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1003 of this title, or in any private or local cemetery.

“§ 907. Death from service-connected disability

“In any case in which a veteran dies as a result of a service-connected disability or disabilities, the Administrator, upon the request of the survivors of such veteran, shall pay the burial and funeral expenses incurred in connection with the death of the veteran in an amount not exceeding the amount authorized to be paid under section 8134(a) of title 5 in the case of a Federal employee whose death occurs as the result of an injury sustained in the performance of duty. Funeral and burial benefits provided under this section shall be in lieu of any benefits authorized under sections 902 and 903(a)(1) and (b) of this title.”

(b) The table of sections at the beginning of chapter 23 of title 38, United States Code, is amended—

(1) by striking out

“903 Death in Veterans’ Administration facility.”

and inserting in lieu thereof

“903. Death in Veterans’ Administration facility; plot allowance.”;

and

(2) by adding at the end thereof the following items:

“906. Headstones and markers.

“907. Death from service-connected disability.”

SEC. 6. (a) (1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans’ Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers’ and Airmen’s Home and Arlington National Cemetery), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section (except the cemetery located at the United States Military Academy at West Point) which the President determines would be appropriate in carrying out the purposes of this Act.

(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans’ Affairs all jurisdiction over, and responsibility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section (except those cemeteries located at the United States Naval Academy at Annapolis, the United States Naval Home Cemetery at Philadelphia, and the United States Air Force Academy at Colorado Springs) which the President determines would be appropriate in carrying out the purposes of this Act.

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans’ Affairs.

(c) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

(d) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to the cemeteries, memorials, and monuments transferred to the Veterans’ Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans’ Affairs, by any court of competent jurisdiction, or by operation of law.

(e) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, or the Department of the Air Force with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such department with respect to functions transferred under such subsection (a) or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans’ Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect, any such department, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred,

such suit shall be continued by the Administrator of Veterans' Affairs.

Sec. 7. (a) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) Sections 4870, 4871, 4872, 4873, 4875, 4877, 4881, and 4882 of the Revised Statutes (24 U.S.C. 271, 272, 273, 274, 276, 279, 286, and 287).

(2) The Act entitled "An Act to provide for a national cemetery in every State", approved June 29, 1938 (24 U.S.C. 271a).

(3) The Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in line of duty for active field service", approved March 24, 1948, as amended (24 U.S.C. 275).

(4) The proviso to the second paragraph preceding the center heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July 24, 1876, as amended (24 U.S.C. 278).

(5) The Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service on or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948, as amended (24 U.S.C. 279a-279c).

(6) The Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948, as amended (24 U.S.C. 281).

(7) The Act entitled "An Act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action", approved August 27, 1954, as amended (24 U.S.C. 279d).

(8) The Act entitled "An Act to provide for the utilization of surplus War Department owned military real property as national cemeteries, when feasible", approved August 4, 1947 (24 U.S.C. 281a-281c).

(9) The Act entitled "An Act to preserve historic graveyards in abandoned military posts", approved July 1, 1947 (24 U.S.C. 296).

(10) The Act entitled "An Act to provide for the utilization as a national cemetery of surplus Army Department owned military real property at Fort Logan, Colorado", approved March 10, 1950 (24 U.S.C. 281d-f).

(11) The Act entitled "An Act to provide for the expansion and disposition of certain national cemeteries", approved August 10, 1950 (24 U.S.C. 281g).

(12) The ninth paragraph following the side heading "National Cemeteries" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912 (24 U.S.C. 282).

(13) The fourth paragraph after the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (24 U.S.C. 288).

(14) The second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (24 U.S.C. 289).

(15) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEME-

TERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926 (44 Stat. 287).

(16) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1923, and for other purposes", approved February 23, 1927 (44 Stat. 1138).

(17) The first proviso of the fourth paragraph and all of the fifth paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes", approved March 23, 1928 (45 Stat. 354).

(18) The first proviso of the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes", approved February 28, 1929 (45 Stat. 1375).

(19) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal years ending June 30, 1931, and for other purposes", approved May 28, 1930 (46 Stat. 458).

(20) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1302).

(21) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1933, and for other purposes", approved July 14, 1932 (47 Stat. 689).

(22) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1934, and for other purposes", approved March 4, 1933 (47 Stat. 1595).

(23) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes", approved April 26, 1934 (48 Stat. 639).

(24) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes", approved April 9, 1935 (49 Stat. 145).

(25) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes", approved May 15, 1936 (49 Stat. 1305).

(26) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1938, and for other purposes", approved July 19, 1937 (50 Stat. 515).

(27) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department, and for other purposes", approved June 11, 1938 (52 Stat. 668).

(28) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes", approved June 28, 1939 (53 Stat. 857).

(29) The first proviso to the first paragraph and all of the second paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes", approved June 24, 1940 (54 Stat. 505).

(30) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 28, 1941 (55 Stat. 191).

(31) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes", approved April 28, 1942 (56 Stat. 220).

(32) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved June 2, 1943 (57 Stat. 94).

(33) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes", approved June 26, 1944 (58 Stat. 327-328).

(34) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1946, for civil functions administered by the War Department, and for other purposes", approved March 31, 1945 (59 Stat. 39).

(35) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions administered by the War Department, and for other purposes", approved May 2, 1946 (60 Stat. 161).

(36) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948, and for other purposes", approved July 31, 1947 (61 Stat. 687).

(37) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil

functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes", approved June 25, 1948 (62 Stat. 1019).

(38) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes", approved October 13, 1949 (63 Stat. 846).

(39) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in chapter IX of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 725).

(40) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1952, and for other purposes", approved October 24, 1951 (65 Stat. 617).

(41) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1953, and for other purposes", approved July 11, 1952 (66 Stat. 579).

(42) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes", approved July 27, 1953 (24 U.S.C. 290).

(43) The first proviso to the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (43 Stat. 926).

(44) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1955, and for other purposes", approved June 30, 1954 (68 Stat. 331).

(45) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Atomic Energy Commission, the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1956, and for other purposes", approved July 15, 1955 (69 Stat. 360).

(46) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1957, and for other purpose", approved July 2, 1956 (70 Stat. 474).

(47) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes", approved August 26, 1957 (71 Stat. 416).

(48) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes", approved September 2, 1958 (72 Stat. 1572).

(49) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1960, and for other purposes", approved September 10, 1959 (73 Stat. 492).

(50) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1963, and for other purposes", approved October 24, 1962 (76 Stat. 1216).

(51) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes", approved December 31, 1963 (77 Stat. 844).

(52) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes", approved August 30, 1964 (78 Stat. 682).

(53) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, and the Intercoceanic Canal Commission, for the fiscal year ending June 30, 1966, and for other purposes", approved October 28, 1965 (79 Stat. 1096).

(54) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Intercoceanic Canal Study Commission, the Delaware River Basin Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes", approved October 15, 1966 (80 Stat. 1002).

(55) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Atlantic-Pacific Intercoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1968, and for other purposes", approved November 20, 1967 (81 Stat. 471).

(56) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atlantic-Pacific Intercoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 3, 1969, and for other purposes", approved August 12, 1968 (82 Stat. 705).

(57) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Pollution Control Administration, the Bureau of Reclamation power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes", approved December 11, 1969 (83 Stat. 327).

(58) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies in the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes", approved October 7, 1970 (84 Stat. 893).

(59) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes", approved October 5, 1971 (85 Stat. 368).

(60) The Act entitled "An Act to revise eligibility requirements for burial in national cemeteries, and for other purposes", approved September 14, 1959 (73 Stat. 547).

(61) The Act entitled "An Act to amend the Act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national cemeteries", approved August 30, 1961 (75 Stat. 411).

(b) Nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of—

(1) the Secretary of the Interior with re-

spect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section, or

(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 6(a) of this Act do not apply.

SEC. 8. The first sentence of section 3505 (a) of title 38, United States Code, is amended by inserting immediately after the words "gratuitous benefits" where first appearing therein, the following: "(including the right to burial in national cemetery)".

SEC. 9. (a) The Secretary of Defense is authorized and directed to cause to be brought to the United States the remains of an American, who was a member of the Armed Forces of the United States, who served in Southeast Asia, who lost his life during the Vietnam era, and whose identity has not been established, for burial in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia.

(b) The implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia, as determined by the President or the Congress of the United States.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 10. (a) The first section and sections 2, 3, 4, and 8 of this Act shall take effect on the date of enactment of this Act.

(b) Clause (1) of section 5(a) shall take effect on the first day of the second calendar month following the date of enactment of this Act.

(c) Clause (2) of section 5(a) and sections 6 and 7 of this Act shall take effect July 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register.

AMENDMENT OFFERED BY MR. DORN

Mr. DORN. Mr. Speaker, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. DORN: strike out all after the enacting clause of S. 49 and insert in lieu thereof the provisions of H.R. 2828, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 2828) was laid on the table.

POSTAL SERVICE PAYMENTS TO RETIREMENT FUND

Mr. BRASCO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 29) to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the fund due to increases in benefits for Postal employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 29

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8348(f) of title 5, United States Code, is amended by striking out "fiscal year" and inserting in lieu thereof "first fiscal year after the fiscal year".*

Sec. 2. Section 8348 of title 5, United States Code, is further amended by adding at the end thereof the following new subsection:

"(h) (1) Notwithstanding any other provision of law, the United States Postal Service shall be liable for that portion of any

estimated increase in the unfunded liability of the Fund which is attributable to any benefits payable from the Fund to active and retired Postal Service officers and employees, and to their survivors, when such increase results from an employee-management agreement under title 39, or any administrative action by the Postal Service taken pursuant to law, which authorizes—

"(A) new or liberalized benefits payable from the Fund, including annuity increases other than increases under section 8340 of this title;

"(B) extension of the coverage of subchapter III of this chapter; or

"(C) increases in pay on which benefits are computed.

"(2) The estimated increase in the unfunded liability, referred to in paragraph (1) of this subsection, shall be determined by the Civil Service Commission. The United States Postal Service shall pay the amount so determined to the Commission in thirty equal annual installments with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System, with the first payment thereof due at the end of the first fiscal year after the fiscal year in which an increase in pay or a new or liberalized benefit becomes effective."

SEC. 3. (a) The last sentence of section 1005(d) of title 39, United States Code, as in effect immediately before the date of enactment of this Act, is repealed.

(b) Section 1005(d) of title 39, United States Code, is amended by adding at the end thereof the following new sentence: "The Postal Service shall pay into the Civil Service Retirement and Disability Fund the amounts determined by the Civil Service Commission under section 8348(h)(2) of title 5."

The SPEAKER pro tempore (Mr. O'NEILL). Is a second demanded?

Mr. GROSS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. BRASCO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I take this time, as the ranking majority member of the Subcommittee on Retirement and Employee Benefits, to briefly explain the purpose of the legislation under consideration, and to urge its unanimous adoption and early enactment.

H.R. 29 is based, in part, upon an administration recommendation and is similar to a proposal approved by the House in the 92d Congress, but which failed of favorable consideration by the Senate. By letter dated March 28, 1973, addressed to the Speaker, the Chairman of the United States Civil Service Commission submitted for the consideration of the Congress, and recommended favorable and expeditious action on similar legislation.

This bill will reaffirm and strengthen the policy laid down by the 91st Congress with respect to the financial stability of the Civil Service Retirement and Disability Fund.

By enacting Public Law 91-93, the Daniels Act of 1969, the Congress prescribed the policy, among others, that the costs of future unfunded liabilities in the fund which result from increases in salaries upon which annuity benefits are computed shall be fully financed. Thus, when enacting pay increase legislation, Congress recognizes and identifies the resultant costs which accrue to the

retirement system and, by amortization, assumes the responsibility of paying for them in equal annual appropriation installments over 30-year periods.

Adherence to that policy, where the Congress controls the pay-fixing machinery—which is the case with respect to nonpostal Federal employees—precludes further increases in deficiencies which existed prior to the enactment of the retirement financing provisions of Public Law 91-93.

It may be well to note that the Appropriations Committees have adhered to such policy, except with respect to actions taken by the Postal Service in the past several years. By enactment of the Postal Reorganization Act the pay-fixing authority for postal employees was transferred to the new Postal Service, with the Congress no longer having any control over or responsibility for costs resulting from the negotiated agreements or administrative actions of that independent Agency.

Although the Postal Reorganization Act provided for the continued participation of postal employees in the civil service retirement system, its enabling provisions were somewhat deficient in failing to specifically require the Postal Service to be liable for funding of the retirement costs associated with its independent pay-fixing authority.

The Postal Reform Act was premised upon the Postal Service becoming a self-sufficient entity, with Congress divesting itself of a role in fixing the pay of postal employees. Concurrently, the Congress divested itself, at least by implication, of any responsibility for financing the retirement costs which have already resulted, and which will ultimately result, from those negotiated wage agreements and administrative salary increases.

Over the past 2 years several salary increases have been granted by the Postal Service to its employees which have created an unfunded liability in the retirement fund of approximately \$1.7 billion. While this legislation will not require the Postal Service to assume the responsibility for amortizing that already-created deficiency, it is the Commission's hope that congressional appropriations will be approved to cover those items.

The bill will, however, require the Postal Service to pay into the retirement fund, in a manner similar to that by which the Congress fulfills its obligations, moneys to amortize any unfunded liabilities which are attributable to future postal salary adjustments. Accordingly, the Postal Service would be liable only for newly created unfunded liabilities which result from pay increases it grants after the effective date of this legislation.

Mr. Speaker, H.R. 29 is designed to remedy deficiencies in both the civil service retirement law and the Postal Reform Act, and reaffirms the policy, as subscribed to under Public Law 91-93, that retirement costs resulting from salary increases be recognized and paid for by the party responsible for their creation. The future costs so incurred will, and properly so, be borne by the U.S. Postal Service.

The bill was overwhelmingly approved by the Committee on Post Office and Civil Service, Mr. Speaker, and I urge its unanimous adoption by the House.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I favor the enactment of H.R. 29 for it quite properly protects the integrity of the Civil Service Retirement Fund and places with the U.S. Postal Service the responsibility for financing liabilities to this fund which it causes through administrative action.

I think it is important also to call attention to some of the implications of this bill so that we understand its impact and so that we can act consistently when other postal legislation is brought to the floor in the future.

What we are doing with this legislation is assigning certain financial responsibilities to the Postal Service and eliminating what is accurately described as backdoor subsidy to postal operations. As the General Counsel of the Postal Service, Mr. Louis Cox, states in his letter to the chairman of the Committee on Post Office and Civil Service:

Enactment of this proposed legislation will involve enormous costs that will have to be passed on in the future to postal ratepayers. . . . This legislation has been proposed on the ground that the Postal Service should operate on a financially self-sufficient basis, meeting its operating costs out of its revenues and not out of hidden subsidies. After careful consideration—and in full awareness of the financial burdens enactment of this bill will impose—the Postal Service has concluded that it is proper, as a matter of principle, for these costs to be imposed on postal ratepayers rather than the taxpayers.

I fully agree with Mr. Cox in his assessment of this legislation. I hope that when we deal later in this Congress with postal legislation, and I particularly have in mind certain proposed subsidies for special interest mailers, we will keep in mind the strict principle of self-sufficiency on the part of the Postal Service which we lay down in this legislation.

I hope also that we understand the principle of Postal Service independence which this legislation fortifies and that we will continue to observe that principle when legislation is proposed to reimpose congressional interference with postal operations.

As one who worked for the type of postal reform which would create a financially and politically independent Postal Service, I can support this legislation. I commend the managers of the Postal Service for properly facing up to and accepting the financial responsibility this bill imposes. However, I urge my colleagues to bear in mind the ramifications of this bill so that they will not be tempted later in this Congress to reinject a new type of congressional management of postal affairs or to reinstall subsidies under a different guise.

Mr. BRASCO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York, the chairman of the Post Office and Civil Service Committee (Mr. DULSKI).

Mr. DULSKI. Mr. Speaker, I rise in support of H.R. 29.

The primary purpose of this legislation is to require the Postal Service to finance any increase in the unfunded liability of the civil service retirement fund which is attributable to a Postal Service employee-management agreement or an administrative action which authorizes pay increases or new retirement benefits for postal employees.

I cosponsored this legislation on the basis that it is consistent with the congressional policy established under the Postal Reorganization Act of 1970. That policy is that all costs of postal operations are to be an obligation of the Postal Service to be covered by postal rates and fees or appropriations made specifically to the Postal Service.

While the Postal Reorganization Act provides for the continued participation of postal employees in the civil service retirement system, the act contains no provision requiring the Postal Service to be responsible for financing any increases in the unfunded liability of the retirement fund which arise from liberalized benefits, such as pay increases granted by the Postal Service to postal employees.

This legislation will correct that omission in the Postal Reorganization Act.

I wish to emphasize that under the provisions of H.R. 29 the Postal Service will be responsible only for financing the retirement costs that result from an employee-management agreement or other administrative action. The Postal Service will not be required to finance retirement costs which result from new or liberalized retirement benefits provided directly by statute and applicable generally to all persons covered by the civil service retirement system.

Also it is important to note that the provisions of H.R. 29 would operate prospectively only and, therefore, would not require the Postal Service to finance increases in the unfunded liability of the retirement fund which were caused by pay increases granted to postal employees prior to the date of enactment of this legislation.

In connection with the latter point, the Postal Service has advised our committee that on the basis that the legislation will not have retroactive effect, they have no objection to the enactment of H.R. 29. A copy of the letter from Mr. Louis A. Cox, General Counsel of the Postal Service, is attached to my statement.

Also, by letter dated March 28, 1973, the Chairman of the Civil Service Commission submitted an official recommendation for legislation containing provisions substantially similar to the provisions of H.R. 29. A copy of that letter also is attached to my statement.

Mr. Speaker, I urge the passage of this legislation.

U.S. POSTAL SERVICE,  
Washington, D.C., March 27, 1973.  
Hon. THADDEUS J. DULSKI,  
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for a report on H.R. 29, "To provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the Fund due to increases in benefits for Postal Service employees and for other purposes."

Enactment of this proposed legislation will involve enormous costs that will have to be passed on in the future to postal ratepayers. According to the current estimates provided by the Civil Service Commission, each one percent of a pay increase causes an unfunded liability in the Civil Service Retirement and Disability Fund of approximately \$8 million each year for 30 years. Thus, for example, if postal employees receive a 5% pay increase the bill would require the Postal Service to pay \$40 million each year for the next 30 years. In addition, a similar liability would accrue with each subsequent pay increase leading to a cumulative annual liability of a tremendous magnitude. At time when certain mailers are calling for greatly increased postal subsidies, and when others are advocating that the Postal Service expand certain services notwithstanding costs, the enactment of H.R. 29 will create financial pressures making it more difficult for the Postal Service to improve service without large rate increases.

This legislation has been proposed on the ground that the Postal Service should operate on a financially self-sufficient basis meeting its operating costs out of its revenues and not out of hidden subsidies. After careful consideration—and in full awareness of the financial burdens enactment of the bill will impose—the Postal Service has concluded that it is proper, as a matter of principle, for these costs to be imposed on postal ratepayers rather than the taxpayers.

Properly understood, the principle of postal self-sufficiency calls for those who use postal services to bear the costs of those services. The principle does not, however, call for present postal customers to bear the burden of costs that are not reasonably related to the performance of present services. Payments for increases in unfunded liability resulting from the pay increases of past years are properly attributed to past postal operations. Thus the principle of postal self-sufficiency would not justify imposing on present or future postal customers the financial burden of unfunded retirement liabilities attributable to pay increases granted during Fiscal Years 1972 and 1973.

It is clear that requiring the Postal Service to reimburse the Civil Service Retirement and Disability Fund for increases in unfunded liability constitutes a change in the existing law governing responsibility for such increases. The Comptroller General held, in a letter to Congressman Steed dated June 20, 1972, that unfunded liabilities resulting from postal pay increases are properly financed from the general fund of the Treasury as authorized by 5 U.S.C. § 8348(f). If a change in law is to be made, it would be inequitable for it to impose burdens on postal ratepayers retrospectively.

In our view, H.R. 29 as introduced would not have retrospective effect. As we understand it, the bill speaks only prospectively, directing that the Postal Service

. . . shall be liable for that portion of any estimated increase in the unfunded liability . . . which is attributable to any benefits . . . to active and retired Postal Service officers and employees, and to their survivors, when such increase results from an employee-management agreement under title 39, or any administrative action by the Postal Service taken pursuant to law, which authorizes . . . increases in pay on which benefits are computed. (H.R. 29, § 1).

This reading of H.R. 29 is in keeping with the principle of statutory construction that—

. . . in the absence of a constitutional or a general statutory provision, or a provision in the statute itself relating to the effective date, the statute will take effect from the day of its passage or enactment; that is, from the date the last act necessary to complete the legislative process is performed. (Craw-

ford, *The Construction of Statutes*, § 106, p. 152).

Only on the basis of such an understanding can we say we would have no objection to the enactment of this bill.

In his letter of January 26, 1973, to the Postmaster General explaining decisions made with regard to the postal budget, the Director of the Office of Management and Budget stated that his recommendation that the Postal Service pay the unfunded liability in the Civil Service Retirement Fund would "facilitate further the transition of the Postal Service to independent status." While enactment of H.R. 29 would be consistent with the statutory independence of the Postal Service under the Postal Reorganization Act, the very substantial additional financial responsibilities it would create underscore the need for effective and vigilant postal management. We therefore believe it would be appropriate for Congress, in enacting this bill, to correct the two principal defects in the Postal Reorganization Act that stand in the way of effective use of the Service's independent operating power—namely, the provisions in section 1003(a) of title 39 limiting postal salaries to Level I of the Executive Pay Schedule and in section 409(d) of title 39 preventing the Postal Service from conducting its own litigation in court without the consent of the Attorney General. We therefore recommend that amendments eliminating these restrictions be added to H.R. 29.

Finally, in order to make the wording of the bill technically correct, it is recommended that section 1 of H.R. 29 be amended to delete subparagraphs (A) and (B) of proposed section 8348(h)(1). The Postal Reorganization Act does not authorize the Postal Service, either through collective bargaining or by administrative action, to grant new or liberalized benefits payable from the Civil Service Retirement and Disability Fund, or to extend the coverage of the Civil Service retirement laws. Accordingly, subparagraphs (A) and (B) imply a non-existent power and should be deleted. Upon deletion of these subparagraphs the dash following the word "authorizes" in line 5, page 2, should be deleted, as well as the "(C)" in subparagraph (C).

Sincerely,

Louis A. Cox,  
General Counsel.

U.S. CIVIL SERVICE COMMISSION,  
Washington, D.C., March 28, 1973.

Hon. CARL ALBERT,  
Speaker of the House of Representatives,  
Washington, D.C.

DEAR MR. SPEAKER: The Commission submits for the consideration of the Congress, and recommends prompt favorable action on, the attached legislative proposal which will provide for payments by the United States Postal Service to the Civil Service Retirement and Disability Fund for increases in the unfunded liability of the Fund due to increases in benefits for Postal Service employees.

Public Law 91-93, approved October 20, 1969, was landmark legislation in that it established sound financing of the Civil Service Retirement System. It did so by amending 5 U.S.C. 8334(a) and 8348 to provide for:

(1) increased employee deductions and agency contributions at rates which approximately covered "normal cost";

(2) appropriations from the Treasury of the United States to the Civil Service Retirement and Disability Fund to amortize in 30 equal annual installments increases in the Fund's unfunded liability caused by any new laws which authorize;

(a) new or liberalized retirement benefits, including annuity increases other than cost-of-living increases under 5 U.S.C. 8340;

(b) extension of retirement coverage to new groups of employees, or

(c) increases in pay on which retirement benefits are computed; and

(3) transfer at the end of each fiscal year to the Civil Service Retirement and Disability Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, amounts equivalent to:

(a) Interests on unfunded liability attributable to prior laws, and

(b) benefits based on military service.

In order to soften the budgetary impact of the transfer of funds described in item three (3) above, the following percentages of such amounts were required to be transferred each fiscal year: 10 percent for 1971; 20 percent for 1972; 30 percent for 1973; 40 percent for 1974; and continuing to increase by 10 percent each year until 100 percent of such amounts must be transferred for fiscal year 1980 and for each fiscal year thereafter.

Public Law 91-375, approved August 12, 1970, known as the Postal Reorganization Act, revised and reenacted title 39 of the United States Code to provide for the establishment of the independent United States Postal Service. A basic concept of the Postal Reorganization Act was that the United States Postal Service was to eventually become self-supporting. However, following its enactment, a question was raised as to whether the Postal Service or the Treasury of the United States was to bear the cost of increases in the unfunded liability of the Civil Service Retirement and Disability Fund created as a result of negotiated agreements between the Postal Service and the Postal Unions for increased pay and retirement benefits. The purpose of the attached legislative proposal is to resolve this question in a manner which is consistent with both the self-supporting concept on which the United States Postal Service was established and the sound financing concept on which the Civil Service Retirement System is currently based.

This proposed draft legislation would require the independent United States Postal Service to make payments for that portion of a future increase in the unfunded liability of the Civil Service Retirement and Disability Fund attributable to it which results from an employee-management agreement under title 39, United States Code, or any administrative action taken pursuant to law, which authorizes: (1) new or liberalized benefits payable from the retirement fund (other than cost-of-living annuity increases), (2) extension of the coverage of the retirement law, or (3) increases in pay on which benefits are computed. These payments, in amounts determined by the Civil Service Commission, would be made in 30 equal annual installments, with the first payment due at the end of the fiscal year after the one in which an increase in retirement or pay benefits is effective. In short, amortization of the increase in the unfunded liability of the Civil Service Retirement and Disability Fund would continue as now, except that the portion attributable to an increase in retirement or pay benefits in the United States Postal Service would be paid by the Postal Service, rather than through direct appropriations.

Until the future benefits described in the draft bill are set by employee-management agreement or by administrative action taken pursuant to law, their cost, of course, cannot be determined. However, certain pay increases have already been agreed to by the United States Postal Service and its employees. As a result of these pay increases, the unfunded liability of the Civil Service Retirement and Disability Fund was increased by \$1.017 million as of June 30, 1972, and will be increased by an additional \$677.8 million as of June 30, 1973. The liability of \$1.017 million would normally be financed under present law in 30 equal annual appropriations of \$62.991 million, with the first installment

being due June 30, 1972; the liability of \$677.8 million would normally be financed in 30 equal annual appropriations of \$41.994 million, with the first installment being due June 30, 1973. The 92nd Congress, however, deleted these appropriations from the Commission's appropriations for fiscal years 1972 and 1973, pending action on a bill identical to the current proposal in the 92nd Congress—H.R. 10484, which failed of enactment. The 1974 Budget proposes that the appropriation to the Civil Service Retirement and Disability Fund for FY 1974 include these FY 1972 and FY 1973 installment payments to be made available to the Fund from the Postal Service Fund. The aggregate amount for this FY 1974 payment from the Postal Service, including interest for delayed payment, is \$284,667,000. The Commission strongly supports this appropriation request as wholly consistent with the purposes of the proposed clarifying draft legislation.

If this proposal is enacted in fiscal year 1973, but made effective on May 1, 1971, the United States Postal Service would be required to finance the \$1,017 million liability in 30 equal annual payments of \$66,141 million each, with the first installment being due June 30, 1973; the \$677.8 million liability would be financed in 30 equal annual payments of \$44,092 million each, with the first installment being due June 30, 1974. The annual installments required to amortize the increase in unfunded liability under the proposed legislation are slightly larger than under present law because the first installment is due not at the end of the fiscal year in which the increase in unfunded liability occurred, but at the end of the first fiscal year after the fiscal year in which the increase occurred.

The Office of Management and Budget advises that there would be no objection from the standpoint of the Administration's program to the submission of this proposal, as enactment of the proposed bill would be in accord with the program of the President.

By direction of the Commission:

Sincerely yours,

ROBERT HAMPTON,  
Chairman.

Mr. GROSS. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, I rise in support of H.R. 29, a bill to require the U.S. Postal Service to make payments to the civil service retirement fund for increases in the unfunded liability of the fund due to increases in benefits for Postal Service employees.

This legislation is necessary to conform to the objectives of the Congress in enacting in 1969 Public Law 91-93, a bill to put the civil service retirement system on a sound financial basis, and Public Law 91-375, the Postal Reorganization Act.

In 1969, the Post Office and Civil Service Committee determined that, unless legislative action was taken to improve the financing of the civil service retirement system, it would eventually become totally unfunded. As a result, legislation was enacted as Public Law 91-93. This law provided, in part, that the cost of future incremental unfunded liabilities resulting from benefit liberalizations and general salary increases, extension of coverage to new groups of employees, and newly authorized annuity increases, are to be fully financed by the Government through direct appropriations to the fund, in equal annual installments, over 30-year periods. The Government assumed full responsibility for additional

deficiencies thus created and, by amortization, precludes further increases in the existing unfunded liability.

At the time this law was passed, postal employees were employees of the Post Office Department, a department of the executive branch. Now, with the passage of Public Law 91-375, the Postal Reorganization Act, certain changes were effected. The Post Office Department was abolished as a Cabinet-level department and in its stead was established as the U.S. Postal Service, an independent executive agency. This new Agency was given the authority and responsibility to conduct the affairs of the postal establishment on a businesslike basis. This included the authority to hire, fire, and compensate employees. Postal employees remained under the civil service retirement system. The Congress thereby removed itself from the operation of the postal establishment and entrusted it to the managers of the new U.S. Postal Service. In doing so, the Congress, I believe, not only extended authority to the managers of the Postal Service to manage, but to accept all accompanying responsibilities.

One of these responsibilities is to require the Postal Service to make payments for that portion of increases in the unfunded liability of the civil service retirement fund which arises under employee-management agreements or administrative action of the Postal Service.

The Postal Reorganization Act does not provide for the Postal Service to make payment to the civil service retirement fund when increased benefits for postal employees granted by the Postal Service result in an increase in the unfunded liability of the retirement fund. I believe this was not intended by the committee or the Congress, but was rather an oversight.

Mr. Speaker, the Committee on Post Office and Civil Service, the U.S. Postal Service, and the Office of Management and Budget all agree in principle that the responsibility for any increase in the unfunded liability created by the Postal Service lies with the Postal Service, not with the Federal Government. The Office of Management and Budget prefers the effective date be retroactive to July 20, 1971, while H.R. 29 makes it effective upon the date of enactment. In any case, the bill is necessary if we are to uphold the integrity of the civil service retirement fund and insist that the new U.S. Postal Service perform as an independent executive agency.

Mr. GROSS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, the bill before the House, H.R. 29, is a sound proposal to correct an obvious oversight in the Postal Reorganization Act of 1970.

The oversight I refer to is that in enacting the Postal Reorganization Act no provision was made for the Postal Service to make payments to the retirement fund when increased benefits for postal employees were granted by the Postal Service and resulted in increases in the unfunded liability of the retirement fund. Public Law 91-375, approved October 20, 1969, established this policy.

In the course of the past 2 years, the Postal Service through administrative action or labor management agreements increased the unfunded liability of the retirement fund by granting increases in pay and retirement benefits to Postal Service employees.

The Office of Management and Budget in its letter of January 26, 1973, to Postmaster General Klassen stated:

In view of the requirement that the Postal Service is to govern its activities in such a manner that its full cost of operations will be financed with a minimum of subsidy, the costs of employees benefits should not be funded by general revenues but instead by the rate payers.

I am in agreement with this viewpoint. And, I might add, the U.S. Postal Service agrees in principle with this viewpoint also. However, the U.S. Postal Service argues that the effective date should not be retroactive to July 20, 1971, as suggested by the Office of Management and Budget, but rather on the date of enactment. The committee did not make the bill retroactive.

Mr. Speaker, this legislation does correct an oversight in the Postal Reorganization Act and in doing so rightfully places responsibility for any increases in the unfunded liability of the retirement fund where it belongs—the U.S. Postal Service.

Mr. BRASCO. Mr. Speaker, I apologize to my distinguished colleague, the gentleman from New Jersey, for not remembering that he did want to speak.

Mr. Speaker, I yield to the gentleman from New Jersey such time as he may consume.

Mr. DOMINICK V. DANIELS. Mr. Speaker, having had the honor of chairing the Retirement Subcommittee in the 91st Congress and, thus, having played an active role in the development and enactment of the financing provisions of the civil service retirement law, I rise in wholehearted support of the legislation now under consideration.

Perhaps a brief review of the legislative history underlying the issue to which we are addressing ourselves today may be of assistance in evaluating the merits of H.R. 29.

The 91st Congress addressed itself to a longstanding problem—the financial condition of the civil service retirement system. Its enactment of Public Law 91-93, approved October 20, 1969, established a positive program designed to provide in full for the permanent financing of the system, so as to assure that the necessary funds are available when needed to pay retirement benefits in full and on time.

One of the major provisions of that legislation dealt with the recognition of currently accruing retirement costs, such as the costs of future incremental unfunded liabilities which will result from general salary increases for the active work force. In essence, the Congress takes cognizance of the fact, when enacting salary increase legislation, that each dollar of increased pay has an eventual retirement cost of approximately \$2. By recognizing such related costs, the Congress assumes full responsibility for the additional deficiencies it thus creates in the retirement fund. It fulfills that

responsibility by authorizing direct appropriations to the fund, amortizing those additional costs in equal annual installments over 30-year periods. The effect of this particular funding practice precludes further deficiencies that would otherwise result, as distinct from growth of the existing unfunded liability attributable to legislation enacted in the past and for which adequate financing was not provided.

Since the enactment of Public Law 91-93 the Congress through its appropriations process, has been living up to its commitments to amortize the retirement costs it incurs by granting salary increases. In other words, we are exercising fiscal responsibility with respect to our own actions—actions over which the Congress is able to exercise a control. However, subsequent passage of the Postal Reorganization Act divested the Congress of its control over the salary-fixing authority for postal employees, and vested that authority in the new Postal Service.

Since implementation of the Postal Reorganization Act, five pay increases have been granted most postal workers as a result of labor-management agreements or the administrative action of the U.S. Postal Service. As indicated by the gentleman from New York (Mr. BRASCO), such pay adjustments have created an additional unfunded liability in the retirement system approximately \$1.7 billion. Had such unfunded liability been financed in accordance with the principle laid down in Public Law 91-93, an accumulative amount of \$285 million would have been credited to the retirement fund through fiscal year 1974, with additional amounts of about \$105 million being credited in each of the next 28 years.

While the bill under consideration will not require those amounts to be contributed to the fund by the Postal Service, it should be recognized that each 5-percent increase in postal salaries will create a further unfunded liability of \$650 million. Its enactment will, however, require the Postal Service to finance such an unfunded liability by 30 annual payments of \$40 million.

Mr. Speaker, let me emphasize the fact, therefore, that the bill is prospective in application to the Postal Service; that the Postal Service will not be held liable for the unfunded liability its actions have already created over the past 2 years, but that it will be clearly responsible for financing the retirement costs attributable to any pay increases it grants after the date of enactment of this bill.

I urge the unanimous adoption of H.R. 29.

Mr. GROSS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Speaker, H.R. 29, a bill to require the U.S. Postal Service to pay to the civil service retirement fund for any portion of unfunded liability resulting from raises in pay and retirement benefits, is a constructive proposal.

This legislation, in effect, does what I believe our Committee on Post Office and Civil Service and the Congress intended in passing the Postal Reorganization Act

in 1970. That is, in granting independent status to the newly created U.S. Postal Service we also granted responsibility for any and all actions it might take.

This included, but was not limited to, any newly created unfunded liability in the civil service retirement fund resulting from increased pay and retirement benefits to postal employees. Unfortunately, the law does not specifically provide for such coverage. Therefore, the reason for this legislation.

Mr. Speaker, there is little dispute, as far as I can determine, as to what party is responsible for paying for an increase in the unfunded liability when it is created by the U.S. Postal Service.

H.R. 29 provides that effective upon the date of enactment any newly created increase in the unfunded liability of the retirement fund caused by the U.S. Postal Service will be funded by the U.S. Postal Service.

I believe H.R. 29 is a good bill and should be approved.

Mr. GROSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am a cosponsor of this bill. It is urgently needed in order to protect the financial integrity of the civil service retirement fund. I hope that it can be enacted into law quickly in this session.

Since the bill has been adequately explained in the discussion this afternoon, I would like to make only a few observations.

This bill originated almost 2 years ago to this day—on May 6, 1971—when I offered an amendment almost identical to H.R. 29 to a related retirement bill then under consideration in the Post Office and Civil Service Committee. The amendment was adopted by the committee and passed the House unanimously on May 17, 1971. Unfortunately, the Senate took no further action on the bill to which the amendment was attached, and it died with the 92d Congress.

Because of the Senate's refusal to take action at that time, the passage of 2 years has cost the civil service retirement fund \$284,667,000 which it would have received if my amendment had been signed into law in 1971. This not only raises havoc with the financial condition of the fund but it definitely is a serious breach of faith with the millions of persons who depend upon the solvency of that fund for their retirement incomes.

I would also like to point out that the intent of this bill, H.R. 29, is strictly consistent with the general intent of the Postal Reorganization Act that the Postal Service be financially self-sustaining. The bill simply requires the Postal Service to pay for any unfunded liabilities it creates in the retirement fund by reason of any action it may take unilaterally. Congress will continue to provide payments to the fund for any deficits it may create through passage of general legislation affecting all Federal employees.

While the Postal Service opposed my amendment 2 years ago, it now supports H.R. 29. Perhaps, in time, even mail service will improve.

Mr. Speaker, a former top postal of-

ficial, one of the architects of the Postal Reorganization Act, once stated the financial position of this new independent agency as follows:

To flee to the sheltering arms of the Treasury would be to crawl back into our nests. We don't have any intention of doing that. Now that we are an eagle, we'll fly, not crawl.

I suggest, Mr. Speaker, that we help launch this new bird properly and pass H.R. 29.

Mr. MILLS of Maryland. Mr. Speaker, this legislation, H.R. 29, is supported by the U.S. Postal Service, Office of Management and Budget, and was reported unanimously by the Committee on Post Office and Civil Service. The only reservation comes from the Office of Management and Budget which supports the bill, but suggest an effective date retroactive to July 20, 1969, rather than an effective date upon enactment.

The reason this legislation is before us today is because in enacting the Postal Reorganization Act of 1970 we omitted language requiring the U.S. Postal Service to make payments when increased benefits for postal employees granted by the Postal Service results in an increase in the unfunded liability of the retirement fund.

We are back here today to amend the Postal Reorganization Act and thereby correct an egregious error.

Mr. Speaker, the U.S. Postal Service accepts this responsibility to make future payments to the retirement fund, and in keeping with that spirit I believe we should quickly approve this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. BRASCO) that the House suspend the rules and pass the bill H.R. 29, as amended.

The question was taken.

Mr. DERWINSKI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 344, nays 0, not voting 89, as follows:

[Roll No. 127]

YEAS—344

Abdnor	Bowen	Chamberlain
Abzug	Brasco	Chappell
Addabbo	Bray	Clark
Alexander	Breaux	Clausen,
Anderson,	Brinkley	Don H.
Calif.	Brooks	Clawson, Del
Andrews, N.C.	Broomfield	Clay
Andrews,	Brotzman	Cleveland
N. Dak.	Brown, Mich.	Cochran
Annunzio	Brown, Ohio	Cohen
Arends	Broyhill, N.C.	Collins
Armstrong	Broyhill, Va.	Conable
Ashbrook	Burgener	Conian
Ashley	Burke, Calif.	Conte
Bafalis	Burke, Fla.	Conyers
Baker	Burke, Mass.	Cotter
Barrett	Burleson, Tex.	Coughlin
Beard	Burlison, Mo.	Crane
Bell	Burton	Cronin
Bennett	Butler	Daniel, Dan
Bergland	Byron	Daniel, Robert
Blester	Camp	W., Jr.
Bingham	Carey, N.Y.	Daniels,
Boggs	Carney, Ohio	Dominick V.
Boland	Casey, Tex.	Danielson
Boiling	Cederberg	Davis, S.C.

Davis, Wis.	Kastenmeier	Rodino
Delaney	Kazen	Roe
Dellenback	Keating	Rogers
Dellums	Kemp	Roncalio, Wyo.
Denholm	Ketchum	Rousselot
Dennis	Koch	Rose
Dent	Kuykendall	Roush
Derwinski	Kyros	Royal
Devine	Landgrebe	Runnels
Dickinson	Landrum	Ruppe
Donohue	Latta	Ruth
Dorn	Lehman	Ryan
Downing	Lent	St Germain
Drinan	Litton	Sandman
Dulski	Long, La.	Sarasin
Duncan	Lott	Sarbanes
du Pont	Lujan	Saylor
Eckhardt	McClory	Scherle
Edwards, Ala.	McCloskey	Schneebell
Edwards, Calif.	McCollister	Schroeder
Elberg	McDade	Seiberling
Esch	McEwen	Shipley
Eshleman	McFall	Shoup
Evans, Colo.	Macdonald	Snyder
Evins, Tenn.	Madden	Spence
Fascell	Madigan	Staggers
Findley	Mahon	Stanton
Fish	Mailliard	Stratton
Fisher	Mallary	Stokes
Flood	Mann	Taylor, Iowa
Flowers	Martin, Nebr.	Taylor, N.Y.
Flynt	Martin, N.C.	Snyder
Foley	Mathias, Calif.	Spence
Ford,	Matsunaga	Staggers
William D.	Mazzoli	Stanton,
Frey	Meeds	J. William
Froehlich	Metcalfe	Stanton,
Fulton	Mezvinsky	James V.
Fuqua	Michel	Steele
Gaydos	Miller	Steelman
Gettys	Mills, Ark.	Steiger, Ariz.
Gialmo	Mills, Md.	Stokes
Gilman	Minish	Stratton
Gonzalez	Mink	Stubblefield
Goodling	Minshall, Ohio	Stuckey
Grasso	Mitchell, Md.	Studds
Gray	Mitchell, N.Y.	Sullivan
Green, Pa.	Mizell	Symms
Griffiths	Moakley	Talcott
Gross	Mollohan	Taylor, N.C.
Grover	Montgomery	Teague, Calif.
Gubser	Moorhead,	Thomson, Wis.
Gude	Calif.	Thone
Gunter	Moorhead, Pa.	Tierman
Haley	Morgan	Towell, Nev.
Hamilton	Mosher	Treen
Hammer-	Moss	Udall
schmidt	Murphy, N.Y.	Ullman
Hanley	Myers	Van Deerlin
Hanrahan	Natcher	Vanik
Hansen, Idaho	Nedzi	Veysey
Hansen, Wash.	Nichols	Vigorito
Harrington	Nix	Waggoner
Harsha	O'Brien	Walsh
Harvey	O'Neill	Wampler
Hastings	Owens	Ware
Hays	Parris	Whalen
Hebert	Passman	White
Hechler, W. Va.	Patten	Whitehurst
Heckler, Mass.	Pepper	Whitten
Heinz	Perkins	Wiggins
Henderson	Pettis	Williams
Hicks	Peyser	Wilson, Bob
Hillis	Pickle	Wilson, Calif.
Hinshaw	Pike	Wilson, Charles H.,
Hogan	Poage	Calif.
Holifield	Podell	Wilson, Charles, Tex.
Holt	Powell, Ohio	Winn
Holtzman	Preyer	Wyatt
Horton	Price, Ill.	Wyder
Hosmer	Pritchard	Wyile
Howard	Quile	Wyman
Huber	Quillen	Yates
Hudnut	Railsback	Young, Alaska
Hungate	Rangel	Young, Fla.
Hunt	Rarick	Young, Ill.
Hutchinson	Rees	Young, S.C.
Ichord	Regula	Young, Tex.
Jarman	Riegle	Zablocki
Johnson, Colo.	Rinaldo	Zion
Jones, N.C.	Roberts	Zwach
Jones, Okla.	Robinson, Va.	
Jordan	Robison, N.Y.	

NAYS—0

NOT VOTING—89

Adams	Blatnik	Collier
Anderson, Ill.	Brademas	Corman
Archer	Breckinridge	Culver
Aspin	Brown, Calif.	Davis, Ga.
Badillo	Buchanan	de la Garza
Bevill	Carter	Diggs
Biaggi	Chisholm	Dingell
Blackburn	Clancy	Erlenborn

Ford, Gerald R.	Long, Md.	Rosenthal
Forsythe	McCormack	Rostenkowski
Fountain	McKay	Roy
Fraser	McKinney	Satterfield
Frelinghuysen	McSpadden	Sebelius
Frenzel	Maraziti	Shriver
Gibbons	Mathis, Ga.	Stark
Ginn	Mayne	Steed
Goldwater	Melcher	Steiger, Wis.
Green, Oreg.	Milford	Stephens
Guyer	Murphy, Ill.	Symington
Hanna	Nelsen	Taylor, Mo.
Hawkins	Obey	Teague, Tex.
Helstoski	O'Hara	Thompson, N.J.
Johnson, Calif.	Patman	Vander Jagt
Johnson, Pa.	Price, Tex.	Waldie
Jones, Ala.	Randall	Widnall
Jones, Tenn.	Reid	Wolf
Karth	Reuss	Wright
King	Rhodes	Yatron
Kluczynski	Roncallo, N.Y.	Young, Ga.
Leggett	Rooney, N.Y.	

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Forsythe.

Mr. Rooney of New York with Mr. King.

Mr. Brademas with Mr. Aspin.

Mr. Teague of Texas with Mr. Gerald R. Ford.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. Chisholm with Mr. de la Garza.

Mr. Blatnik with Mr. Rhodes.

Mr. Kluczynski with Mr. Collier.

Mr. Johnson of California with Mr. Badillo.

Mr. Randall with Mr. Archer.

Mr. Obey with Mr. Biaggi.

Mr. Murphy of Illinois with Mr. Roncallo of New York.

Mr. Green of Oregon with Mr. Guyer.

Mr. Jones of Alabama with Mr. Carter.

Mr. Roy with Mr. Erlenborn.

Mr. Rosenthal with Mr. Diggs.

Mr. Reid with Mr. Maraziti.

Mr. Culver with Mr. Shriver.

Mr. Hawkins with Mr. McKay.

Mr. Stark with Mr. Fraser.

Mr. Wolff with Mr. McKinney.

Mr. Steed with Mr. Mayne.

Mr. Helstoski with Mr. Frelinghuysen.

Mr. Dingell with Mr. Clancy.

Mr. Hanna with Mr. Jones of Tennessee.

Mr. McCormack with Mr. Taylor of Missouri.

Mr. Young of Georgia with Mr. McSpadden.

Mr. Wright with Mr. Price of Texas.

Mr. Yatron with Mr. Johnson of Pennsylvania.

Mr. Long of Maryland with Mr. Leggett.

Mr. Fountain with Mr. Buchanan.

Mr. Gibbons with Mr. Vander Jagt.

Mr. Karth with Mr. Frenzel.

Mr. Satterfield with Mr. Melcher.

Mr. Stephens with Mr. Blackburn.

Mr. Waldie with Mr. Goldwater.

Mr. Bevill with Mr. Adams.

Mr. Davis of Georgia with Mr. Brown of California.

Mr. Mathis of Georgia with Mr. Milford.

Mr. Nelsen with Mr. O'Hara.

Mr. Reuss with Mr. Steiger of Wisconsin.

Mr. Symington with Mr. Widnall.

Mr. Breckinridge with Mr. Sebelius.

Mr. Corman with Mr. Ginn.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BRASCO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill (H.R. 29) just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### PERSONAL EXPLANATION

Mr. RODINO. Mr. Speaker, when the vote was taken today on H.R. 6574, the servicemen's group life insurance for Reserves legislation, I was in a meeting in my office on urgent Judiciary Committee business. Though I concluded this as soon as possible and rushed to the floor, I missed the vote on H.R. 6574 by a few seconds. I strongly support this bill, and want the RECORD to show that had I been able to reach the floor in time I would have cast my vote for this essential measure. I am glad to note that it passed by the almost unanimous vote of 342 to 1.

#### FLOODS, FOOD, AND FIBER

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, a recent editorial in the New York Times of May 3, 1973, explains that the adverse weather conditions in the Mississippi Valley have flooded the fields of the breadbasket of the world. The Times accurately observes that delays in agricultural production will yield a short supply which will likely increase the cost of food and fiber to New York consumers.

I recommend to my urban colleagues the consideration of this editorial. An adequate supply of farm products is important to every American.

The editorial follows:

#### FLOODS, FOOD, AND FIBER

Torrential new rains are heightening the damage caused in the Midwest by the rampaging Mississippi and its tributaries. In a normal March and April, the Mississippi Valley gets eight to nine inches of rain; this year much of the area got fifteen to twenty inches while in the north early melting snows were making their own substantial contribution to the floods that threaten to drown mid-America.

The direct toll in deaths and devastation thus far has been relatively moderate, a tribute to the efficacy of the vast levee system built by the Corps of Engineers. But precisely because the basic system has worked so well, this year's huge floods have backed up into the tributaries, causing those swollen rivers to inundate their own flood plains.

The Mississippi River Valley is the agricultural heartland of the United States, the source of much of the food and fiber consumed in this country and exported abroad. In terms of both the price and availability of food for their tables, urbanites along the Atlantic and Pacific coasts may find themselves exposed to a costly spillover of the trial by flood now besetting middle-Americans. These floods have already interfered seriously with crops—drowning cattle, washing out grains planted last fall and making vast stretches of ground too wet to permit farmers to prepare and seed the land on a normal spring schedule.

If the rains finally do let up and the land dries out in time, the damage to 1973 harvests may yet be contained. But if May and June are as wet as were March and April, this country could suffer an agricultural catastrophe without recent precedent.

#### A SPECIAL COMMISSION OF INQUIRY

(Mr. DENHOLM asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. DENHOLM. Mr. Speaker, at the close of business on Thursday last I introduced legislation to establish a Special Commission of Inquiry to investigate alleged criminal, irregular or wrongful conduct in the Presidential election campaign of 1972, and to publish recommendations and reports to safeguard the election process and procedures relating thereto.

The Commission shall consist of nine members as follows—

First. Two Members of the Senate selected by a majority vote of the membership of the Senate;

Second. Two Members of the House of Representatives selected by a majority vote of the membership of the House;

Third. Two members of the judiciary to be appointed by the Chief Justice of the Supreme Court;

Fourth. Two members of the executive branch of Government appointed by the President; and

Fifth. A Chairman of the Commission to be selected by a majority vote of the aforesaid members appointed and selected who is a citizen of the United States but not an officer or employee of the Government.

Not more than one member appointed or selected as provided shall be of the same political party.

Mr. Speaker, liberty includes the freedom of the people to govern at all times with vigilance. We are the servants of the people—this is the House of the people. This is a time for vigilance. The people of this country ask of this Congress—will you lead or be led. The response to that question must be an affirmative decision to lead if the representative system of our democracy is to prevail. That is the only objective worthy of our best effort.

And so, I ask that a Special Commission of Inquiry be established forthwith to rid our system of suspicion by conducting a complete, honest, fair, impartial, and objective investigation of the Presidential election of 1972, and that recommendations and a detailed report of the findings of that Commission be rendered in the public interest without delay. The people ask of us no more—certainly we can do no less.

#### FARM SUBSIDIES

(Mr. CONTE asked and was given permission to address the House for 1 minute, to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, last year the Department of Agriculture paid huge, so-called farm subsidies to a bowling alley, a municipal airport, a radio station, a State mental hospital, a major railroad, and even the Queen of England.

A bowling alley in Dallas chalked up a strike with a farm subsidy last year. I do not know whether it grows ten pins or bowling balls, but this bowling alley

was able to knock down a farm subsidy of \$22,000.

Last year, a Mississippi company controlled by the Queen of England was the recipient of a Federal farm subsidy of \$68,000. I am glad to see that the Agriculture Department's programs are fit for a queen, but it is the American taxpayer who is getting crowned—in his pocketbook.

Dozens of other farms owned by large national corporations, oil and coal companies, land development companies, politicians, insurance companies, and State governments, universities, and prison farms also harvested a bumper crop of big subsidy payments in 1972.

I have just reviewed the current crop of farms that received Federal payments over \$20,000 last year. I was shocked by the number of recipients who really have no business collecting farm subsidies.

This is the first of four speeches I plan to give on the House floor about how the farm subsidy program is being abused. Today, I will mention some of the worst abuses found in the South. In future speeches, I will talk about the West and the Midwest, and my last speech will focus on payments to State governments and their agencies. I do not plan a speech on farm subsidies in the East because there is nothing to talk about.

I am sure that by the time I have finished, my colleagues will agree with me that our wasteful farm subsidy programs must be ended.

Our farm subsidy programs are not reaching the small, struggling farmers. Instead they are welfare for the rich.

The subsidy payments are not getting to the farmers who really need them. They are lavished wastefully on the rich corporate farms. The end result is higher food prices for the consumer.

Large national corporations received their share of these Federal giveaways.

The John Hancock Life Insurance Co. of Dallas got \$53,000 for a farm in Texas.

Two industrial giants, Reynolds Metal Co. and Alcoa, received \$42,000 and \$22,000 respectively for farms in Kentucky.

Oil barons, who receive a record number of tax breaks from the Federal Government, also have learned to tap the Federal faucet for farm payments.

In Louisiana, two oil companies drew payments of \$40,000 and \$29,000 each for their farms. In Texas, a drilling company dug up a subsidy of \$37,000.

Numerous land development companies collected huge subsidies in the South last year. One New Orleans land company collected \$195,000. Two other Louisiana land developers got over \$50,000 apiece.

In Florida, a land developer collected \$73,000 and in Mississippi another developer received just a little less than \$60,000.

Three years ago Congress put a \$55,000 ceiling on subsidy payments for cotton, wheat, and feed grain crops. Many large farms have avoided this payment limitation by the simple device of subdividing the land and incorporating under various names.

My choice for the biggest subsidy sub-

terfuge comes from Brownfield, Tex. In that town there are 15 subsidies listed in 15 different names but all at the same address. Twelve owners received identical payments of \$54,390 apiece, and the other three each got \$54,265. Together, the owners shared a total of \$815,000.

In South Carolina, four members of one family plus two family corporations divided up payments of \$310,000 six ways. Four coowners of a Texas farm split up a total of \$295,000. In Alabama, three members of a family and a family corporation collected almost \$160,000.

The next time you are pushing a grocery basket, trying to balance the family budget with the outrageous price of food, think about why food prices are so high.

One reason is the wasteful farm subsidy program. It pays farmers not to grow some crops, and for other crops it underwrites an expensive system of price supports and supplements.

I got a laugh out of some of the names of farms that received large payments. The "Hard Scramble Plantation" and "Shoestring, Inc." are two that stand out. They collected payments of \$52,000 and \$27,000 last year.

With subsidies like these when food prices are so high, it is not the farmer who is scrambling on a shoestring—it is the consumer.

#### CONGRESS MUST INVESTIGATE THE CIA

(Mr. KOCH asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, when I first came to the Congress in January 1969, I received invitations from many Government agencies to visit their offices and see how they worked. Eagerly I accepted many of them and one with particular interest, the CIA. Along with 18 other freshmen Congressmen, I went to the CIA headquarters in McLean, Va., for breakfast. There the then Director Richard Helms gave us background material on the CIA and its operation. At the conclusion of his address he said we now had our first—and probably last—opportunity to ask the CIA any question we wanted to.

I raised my hand and asked:

How many employees do you have and what is the size of your annual budget?

His response was:

There are only 2 questions which I cannot answer and those are the two.

I said:

Are you telling me that as a Member of Congress I do not have access to the records which would show me your annual payroll since I vote on that?

His response was:

The CIA's appropriation does not appear in the annual budget passed by the Congress and is buried in some other department.

I responded:

Are you telling me that your appropriation might be included under Social Security?

He said:

We haven't used that one yet but it's a good idea.

I recall that story now because of recent events involving the CIA.

I called the attention of this House last February 6 to the fact that the CIA in violation of the 1947 act which created it, was giving special training to local law enforcement officers, including 14 officers from the police department of the city of New York. It was revealed that at least 12 local law enforcement agencies throughout the country had received CIA training in the last 2 years. I asked our colleague, Chairman CNET HOLIFIELD, to investigate the matter. He took it up with the CIA and advised the House on March 5 that as a result of his discussions with the new Director, James R. Schlesinger, he had received assurances that such activities would be undertaken in the future only in the most compelling circumstances and with the Director's personal approval.

Within the last week we have been alerted through the diligence of newspaper reporters, and not, I am sorry to say through the efforts of Members of Congress, that the CIA was linked to the burglary of the office of Dr. Daniel Ellsberg's former psychiatrist. It is reported in today's New York Times that:

Gen. Robert E. Cushman, Jr., the Marine Corps commandant who in 1971 was Deputy Director of Central Intelligence, authorized the use of Central Intelligence Agency material and research in the burglary of that office.

The National Security Act of 1947 provides that the CIA shall have no police, subpoena, law enforcement powers, and internal security functions. The CIA has violated that law in at least these two cases. I suspect these two are the tiniest tip of the iceberg. I have asked Chairman HOLIFIELD today by letter to undertake an extensive review of the CIA activities; and not simply rely on the assurances of the Director of the CIA that this particular kind of violation will not be repeated. We must ascertain how many activities of this kind about which we have no knowledge at all, have taken place since 1947.

I recognize the need to maintain the legitimate confidentiality of CIA operations. But there is a balance to be maintained and the Congress has a responsibility to be sure that an agency does not violate the law which created it. If Congress is duped once by an agency, then the Congress can say it made a mistake. But if Congress is duped twice and does nothing, then it is no longer duped; it becomes a conspirator in the violation of the law. These violations of law are always couched in the pretext that national security interests are being protected. I trust this response will no longer satisfy anyone today.

#### SEX DISCRIMINATION BY THE AIR FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BELL) is recognized for 10 minutes.

Mr. BELL. Mr. Speaker, blatant sex discrimination persists in the U.S. Air Force, despite recent attempts at reform to bring the armed services into line with the Constitution.

That such repugnant unequal treatment of our men and women in uniform still exists was forcibly brought to my attention recently by the case of 1st Lt. Regina Fleissner, a constituent of mine.

I am today introducing legislation to correct part of the problem, but since it is the discriminatory application of existing law which has afflicted Lieutenant Fleissner, I ask the help of all my colleagues in persuading the Air Force to abandon its archaic and regressive implementation of the law of the United States.

Lieutenant Fleissner is currently being denied BAQ, and may be subject to reimbursement claims for the costs of transportation, housing, and medical care, otherwise freely given, because of the mistaken application by the Air Force of the law which defines the dependency status of her adopted daughter. It is important to remember in the following recitation of Lieutenant Fleissner's case that none of her present problems would have occurred if she were male.

In 1971, while stationed at Grand Forks, N. Dak., Lieutenant Fleissner, as a single parent, adopted an 18-month-old child of Sioux Indian descent. Shortly after the adoption procedure was completed, except for the final decree, Lieutenant Fleissner married a sergeant who is also in the Air Force and who shortly after their marriage began a tour of duty at CCK Air Force Base, Taiwan. In the meantime, Lieutenant Fleissner applied for and was granted a "Joint Spouse Tour" and application was made for authorization for travel allowance for herself and her dependent and shipment of household goods. Lieutenant Fleissner and her daughter joined Sergeant Fleissner on December 6, 1972, in Taiwan where they presently reside.

During the latter part of December, the Fleissners were advised that a question had arisen regarding the eligibility of their child as a dependent of Lieutenant Fleissner for purposes of BAQ and other entitlements. The question centers on the fact that Lieutenant Fleissner is a female. The Air Force Accounting and Finance Center has determined that Lieutenant Fleissner's daughter, Heather, is eligible for dependent pay and allowances purposes, but only as a dependent of Sergeant Fleissner and not Lieutenant Fleissner. The determination was made in accordance with the official interpretation of section 401, title 37 of the United States Code, which defines the term "dependent" to include a member's "unmarried legitimate child who is under 21 years of age," and further reads—

However, a child is not considered to be the dependent of a female member unless the child is in fact dependent upon her for over one-half of his support.

The blatant discrimination of this provision is overwhelming. Ironically, however, in this particular case, Lieutenant Fleissner does pay more than one-half of her daughter's support. Even by the letter of this discriminatory law, therefore, she is entitled to have her daughter considered her dependent. Yet the Air force persists in denying the lieutenant the status which both the law and com-

monsense command—simply because she is a woman.

At no time prior to the latter part of December was Lieutenant Fleissner ever given any indication that she could not claim Heather as her dependent even though the Air Force had been given every opportunity to make such a determination. Heather received medical care at Grand Forks as Lieutenant Fleissner's dependent; Lieutenant Fleissner and Heather were provided base housing while they were at Grand Forks; and transportation costs and shipment of household goods were granted Lieutenant Fleissner for her and Heather to travel to Taiwan.

Lieutenant Fleissner, of course, has requested a reversal of the AFAC's determination and is presently awaiting a final response from them.

Lieutenant Fleissner has been exceedingly fortunate in obtaining excellent legal counsel through the Women's Rights Project of the American Civil Liberties Union. She will therefore be able to take her case to the courts if she is unable to convince the Air Force of the merits—and the statutory and constitutional requirement—of giving male and female members of the Air Force equal justice under law.

Yet there may be numerous women in Lieutenant Fleissner's position who have not sought or have been unable to procure competent legal advice, for whom the arbitrary actions of the Air Force must be an irremediable nightmare. That Lieutenant Fleissner has been unable to prevail in having the Air Force decide that her daughter is her daughter, despite the aid of legal counsel and congressional inquiries, casts suspicion on the Air Force's sincerity in rooting out sex discrimination.

I ask you to join me in guaranteeing that the Air Force treat Lieutenant Fleissner—and all its female members—fairly. The legislation I am introducing today is designed to remove all references to sex in the application of dependency criteria and further provides for freedom of choice by married members of the uniformed service in exercising their right to claim dependents when both spouses of the family are members of a uniformed service.

This legislation is sorely needed not only to bring the laws governing our Armed Forces in line with the constitutionally required national policy against discrimination, but to prevent the future recurrence of cases such as Lieutenant Fleissner's.

#### POSTAGE-FREE TAX RETURNS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Florida. Mr. Speaker, today, I am introducing a bill that will end one of the petty annoyances that American taxpayers are subjected to. In addition to the heavy burden of taxation placed on them by the Federal Government the American taxpayer must endure the irritation of having to affix an 8-cent stamp to the envelope when he files his income tax return.

What can be more psychologically devastating to the taxpayer, who has finally filled out all the forms, attached all the necessary documents, signed everything in the proper place, and often has enclosed a check for the unpaid balance, than to find that there is yet another duty he must perform—purchasing and affixing a stamp to the envelope. This added 8 cents needed to send the Government the hard-earned money that he pays in taxes adds insult to injury. Not only must he give the Government his money, but he must pay to send it to them.

While I realize that the taxpayer ultimately pays for postage whether it is prepaid by the Government, or whether the individual buys it himself. Nonetheless, postage-free tax returns would be small consideration that the Federal Government could provide to the people who pay the Government's bills. If my bill could be enacted into law the harried taxpayer would not have to worry about going to the post office for stamps, or fighting with some poorly functioning stamp machines to legally send his taxes returns to the Internal Revenue Service. In fact it could prevent him from filing a late return and paying a penalty because he had no stamp.

#### HEARINGS ON ALIEN LABOR CERTIFICATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, I wish to announce that Subcommittee No. 1 will continue its hearings on H.R. 981, a bill to establish a preference system for Western Hemisphere immigration. One day of public hearings will be held on May 10, 1973, in room 2237 Rayburn House Office Building, 10 a.m., to consider several aspects of the labor certification requirement, which is a prerequisite for admission for many intending immigrants.

There has been much criticism during the past several years regarding the administration of this program by the Department of Labor and numerous court decisions have recently attacked the lack of procedural due process in the operation of this program.

The labor certification requirement, section 212(a)(14) of the Immigration and Nationality Act, must be met by certain categories of individuals from the Eastern Hemisphere—third, sixth, and nonpreference—and it is the sole criterion for admission for all natives of the Western Hemisphere.

During this hearing we intend to examine the current operation of the labor certification requirement, and to discuss the need for establishing reasonable and practical procedures to implement this requirement.

We are hopeful that these hearings will develop detailed information, which will assist the subcommittee in its consideration of general immigration reform legislation.

Testimony will be received from Mem-

bers of Congress who may wish to appear and from representatives of the Department of Labor.

#### THE 25TH ANNIVERSARY OF THE INDEPENDENCE OF ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, 1973 is the year in which the people of Israel are celebrating the silver jubilee of the founding of their country. On the 6th of Iyar 5708, May 15, 1948, Israel threw off the chains of colonialism and established itself as an independent nation.

The birth and remarkable growth of the State of Israel is perhaps the outstanding event in the postwar Middle East. Since its creation, Israel has absorbed 1.5 million immigrants from all over the world. In the last 5 years, Israel's industrial output has more than doubled, and its currency reserves have hit an all-time high of \$1.2 billion. As the world's leading exporter of cut and polished diamonds, the country expects diamond sales abroad to bring in \$500 million this year. An Israeli company owns 20 percent of the world's refrigerated cargo vessels and Israeli production is booming in the fields of plastics, textiles, and fresh foods.

Many centuries ago, there was the independent Kingdom of Judea in which the Jews lived happily in their chosen patriarchal ways, developed their own way of life, built their own political, religious, and social institutions, and created their distinct civilization, one of the oldest in all history. Then almost 2,000 years ago the Kingdom of Judea was overrun, occupied by conquerors, and it came to an end. Thereby the Jewish people lost not only their national political independence, but were literally evicted from their ancestral homeland and dispersed to all parts of the world.

Since those days nearly all Jews have lived in dispersion. During that long enforced exile, the Jews suffered much: they endured proscriptions, discriminations, persecutions, and lived under a multitude of inequities in many lands. But they faced their unhappy lot with exemplary fortitude.

During their dispersion, their spiritual and cultural heritage sustained their spirit of freedom and independence. Through the centuries their rich heritage was kept alive. Finally, after long centuries of waiting and suspense, many Jews were given the opportunity of returning to their homeland. And in May of 1948, with the proclamation of Israel's independence, they gave birth to the independent existence of the State of Israel.

That historical event took place only 25 years ago, but in terms of solid accomplishments and spiritual enthusiasm, the Israeli people did something that might otherwise have taken centuries. To be sure, the creation and the miraculous growth of the new State was not achieved with effortless ease. It took superhuman

efforts on the part of the people, spearheaded by their energetic, dauntless, and wise leaders. It is because of such stupendous efforts put forth and immense sacrifices made that today's State of Israel has become a living, growing, and powerful entity in the Middle East.

The State of Israel, on its 25th independence day, can look back with pride and joy. It is a model democratic state in a region much of which is ruled by iron-fisted dictators whose people live in abject misery. The Israeli people are very appreciative of their freedom, of the free institutions which they have created through their own ingenuity and industry, and they are extraordinarily vigilant in guarding their freedom. Besides building a strong and powerful political state, they have done their utmost in turning the desert of the Negev into a fertile land, and the hills of Galilee into blossoming orchards. By the skillful use of science and the technical abilities of the people, Israeli leaders have transformed arid and inhospitable hills and desert plains into industrial centers and productive farmlands.

The State of Israel has already matured, and has become of age, standing firmly and steadfastly as a new and encouraging factor in Middle Eastern affairs. Its days of uncertainty and suspense are gone, and its leaders look forward with optimism and courage. They are keenly aware that before all else the State of Israel has to be defended at any cost. In recent years Israelis have had serious troubles with their Arab neighbors, and the endless fighting still goes on, the Israelis finding themselves often involved with more than one Arab country; but in nearly all of these incidents, they prove their superb quality as fighters and strategists. Though surrounded by unfriendly Arab States, and somewhat isolated from the free West, the Israelis seem justifiably confident in holding their own, and safeguarding their independence against any eventuality.

After a quarter century of uneasy and very busy existence, the State of Israel has already earned the right to be recognized as an outstanding and honorable member of the family of nations. Under most hazardous circumstances and trying conditions, the State of Israel has progressed steadily at a remarkable pace. Despite the multiplicity of difficulties and dilemmas, economic and financial hardships, fiscal problems and political uncertainties, the people of Israel face their future with increasing confidence and undiminished hope. They carry on the work of making Israel an ideally viable state, and under their highly educated, dedicated and intelligent leaders, these brave people carry it on with vigorous zeal and boundless zest.

To the citizens of Israel and their friends in this and every other nation, I join my colleagues in the Congress in a tribute on this special day. May the State of Israel continue to be a source of encouragement and inspiration for all peoples of the world.

#### HOUSE SUBCOMMITTEE ON BANK SUPERVISION AND INSURANCE HEARINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

Mr. ST GERMAIN. Mr. Speaker, for the benefit of the House and interested parties, I insert at this point in the RECORD a subcommittee press release announcing hearings on H.R. 2419 dealing with conversions, recently the subject of Federal Home Loan Bank Board hearings:

##### NEWS RELEASE

WASHINGTON, D.C., May 3, 1973.—Congressman Fernand J. St Germain (D-R.I.), Chairman of the Subcommittee on Bank Supervision and Insurance of the House Banking and Currency Committee, today announced that the Subcommittee will hold hearings on May 15, 17, and 21 at 10:00 a.m. in Room 2128 on H.R. 2419, providing for, in effect, a moratorium on conversions of Federal savings and loan associations or State-chartered mutual savings and loan associations to State-chartered stock savings and loan associations.

"A two-year moratorium in effect would be instituted on proposed conversions at this time by the requirement in the bill that the Federal Savings and Loan Insurance Corporation immediately terminate insurance of members' savings in any association that converts during the moratorium period", stated the Rhode Island lawmaker.

"The conversion question is too important to the general public with its needs, both present and future, for an ample supply of home mortgage funds at reasonable interest rates and to the welfare of savings members who have invested more than \$200 billion in these institutions to allow a decision on this subject to be left up to non-elected officials, regardless of their competency and dedication", asserted St Germain.

The recently concluded hearings by the Federal Home Loan Bank Board on proposed regulations published on January 9 points up a number of public policy questions yet to be resolved by the Congress. The upcoming hearings will contribute to an understanding by the public of the important issues involved and will assist the Subcommittee in reaching a judgment as to the need for a moratorium at this time.

Chairman St Germain concluded by stating "Every effort will be made to receive testimony from all segments of the industry, the regulatory agencies affected, and the general public".

#### MR. ANTHONY LEWIS ON THE WATERGATE INVESTIGATION

Ms. ABZUG. Mr. Speaker, Anthony Lewis possesses one of the finest legal minds in the field of American journalism. He was for many years the New York Times correspondent covering the U.S. Supreme Court and wrote the book, "Gideon's Trumpet," about the case which guaranteed to criminal defendants the right to counsel.

Now Mr. Lewis is a Times correspondent in London. This morning's Times carried a column by him discussing some English views of the Watergate scandal and presenting some of his own views on the continuing investigation, the appointment of Elliot Richardson,

and the possible appointment of a special prosecutor in the case.

The excellent article follows:

THE CONSTITUTIONAL CRISIS

(By Anthony Lewis)

LONDON, May 6—After the terrible battering their faith has suffered in the last ten years, Americans want desperately to believe in their country's institutions. And so it is natural to hear now, in the United States, how the eventual cracking of Watergate shows that the system does work.

Distance lends a clarifying disenchantment to that idea. British commentators ordinarily friendly to President Nixon express deep skepticism about him and the whole prospect. An example is Peregrine Worsthorne of The Sunday Telegraph, who writes that the nightmarish and still undispelled suspicions surrounding Nixon "are on a scale that would bring any other free government crashing into ruin."

The truth is that the constitutional system of the United States did not work in this case, and may not work now. We held an election last year with a choice influenced by fraud and with our knowledge clouded by official suppression of criminal evidence. And even after all that has come out, there is no assurance that we shall learn the whole truth or be able to cleanse our institutions sufficiently.

The attitudes that got the Nixon Government into trouble, apart from direct criminality, were hunger for centralized power, insistence on personal loyalty above independent ideas or vision and an arrogant contempt for the press, Congress and the courts. Is there any real evidence of change in those attitudes?

In the Watergate wreckage of his Administration, Nixon has so far made two principal appointments: of Elliot Richardson as Attorney General and Gen. Alexander Haig as acting chief of his White House staff. They have other honorable qualities, but it is notable that both come from inside and have demonstrated overriding loyalty to Richard Nixon. General Haig continues the tradition of the White House men without independent ideas or political experience, staff agents in a centralized system.

Nixon has made a pass at improving relations with the press. But he and his fallen aides still project the "stupefying belief," as The Economist of London put it, that in the Watergate affair: "The only serious trouble lay in people's inquisitiveness." The symbol of the Nixon approach to the press is still there: Ronald Ziegler, a man whose reputation for competence and honorable dealing would have given him trouble trying to be a riverboat gambler on the Mississippi.

The old brazen attitude is evident in the President's attempt to keep present and former aides from testifying about his own knowledge of the Watergate crimes, and in his resistance to an independent prosecutor. There could hardly be a more direct challenge to the co-equal constitutional authority of Congress and the courts than the expanded claim of Executive privilege. One must conclude, as did "The London Sunday Telegraph," that it was "the gamble of a guilty and desperate man."

What is broadly at issue now is restoration of respect for law—of our American faith that we have a Government of laws and not of men. That puts an extraordinary weight on the shoulders of a single Cabinet officer: Richardson, the Attorney General designate. There has been nothing like the responsibility he bears, or the potential influence, for as long as we can remember.

Elliot Richardson has the highest credentials of intellect, background and experience: Harvard College and Law School, clerkships for Learned Hand and Felix Frankfurter,

years in Washington and in elective office in Massachusetts, a public-spirited family and a wife who is one of the nicest, most genuine people in Washington. But the ultimate question about Elliot Richardson has still to be answered—the question of character.

He came to the Administration in the beginning as no Nixon man: He had been a Rockefeller supporter. Despite that, or perhaps because of it, Richardson has seemed to make loyalty to Nixon his bench-mark. Some of his old friends felt especially strongly that he put personal loyalty above faithfulness to law recently in making arguments for the constitutionality of the American war in Cambodia that he must have known were really frivolous.

Richardson is an ambitious man: He would like to be President of the United States. That is a fair enough ambition, but it must almost certainly be tested in this case by a choice of loyalties—to Richard Nixon or to the law.

The historic motto of the American Attorney General, honored in the breach these last years, has it that his duty is more than to win cases. It is to see that justice is done. In the very largest sense that will be Elliot Richardson's standard of performance.

It will not be easy. Almost at once he may have to tell Congress whether he agrees with the shameless attempt to expand the Executive privilege doctrine to cover judicial proceedings and shield past Presidential employees. He will have general charge of an inquiry that, if it is honest, will inevitably threaten this President's continuance in office. It will not be easy, but in Elliot Richardson's duty lies our hope of saying that the system really can return the United States to decency.

MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. GRASSO) is recognized for 10 minutes.

Mrs. GRASSO. Mr. Speaker, since word of the administration's decision to alter the medicare program drastically became public, my office has received numerous letters opposing these proposed changes which would increase medicare costs for the vast majority of America's elderly.

The concerned citizens who have written to me are shocked and dismayed at the apparent lack of concern demonstrated by these proposals for the well-being of those people who, having given their time and energy to the building of this Nation, deserve to spend their remaining years free from unnecessary worry about health care costs.

Medicare now allows those elderly citizens who need medical care the opportunity to receive it without fear of major burdens on their limited budgets. Adoption of the changes could significantly affect the health of many elderly citizens. Faced with inflation on all levels, some elderly citizens would even be forced to decide between buying food and clothing or incurring expenses for needed medical services. As one constituent wrote me:

It's getting now you can't afford to be sick.

Other reactions to the proposed changes in medicare benefits include the comments of a resident of my district who stated:

The majority of individuals 65 and over have no means of increasing their income and

yet under the Administration's proposal we are asked "to share the cost" of inflated medical fees. . . . Please make every effort to defeat the administration's proposed medicare increases.

Still another constituent wrote:

As benefits now stand, it is difficult enough for people on social security to pay the present charges, and if they are increased, medicare will be of little value to the elderly.

These remarks were echoed by a Sixth District resident who wrote:

I have read Mr. Nixon's proposal to increase the cost of Medicare and I think it should be rejected. With the cost of all other essentials soaring it would create a greater hardship on people already hard pressed, and possibly eliminate a service they really need.

On April 10, I introduced House Concurrent Resolution 181, a sense of the Congress resolution to show our elderly constituents that the Congress also disapproves legislation which would significantly increase the cost of medicare. Today I am pleased to announce that 45 of my colleagues have joined me in co-sponsoring this resolution.

Mr. Speaker, the proposed cuts in benefits under the medicare program have generated widespread opposition throughout the Nation as well as in Congress. "Senior power" and public opinion in general have shown that any sacrifice of the health of our older citizens is unacceptable.

Medicare has been a godsend to America's elderly, especially to those who must survive on only their meager social security retirement checks. They must retain full medical care benefits under the medicare program. If the administration's plan were adopted, the elderly in many cases would be forced to choose between needed medical care and doing without such care because of financial concerns.

Passage of the House concurrent resolution I am introducing today with more than 40 cosponsors would put the Congress on record in opposition to cuts in the medicare program and in support of our older citizens who require and deserve medical care at reasonable cost.

ISRAEL'S 25TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, on May 7, 1973, the State of Israel will celebrate its 25th anniversary. For the people of Israel and for Jews throughout the world, the anniversary is more than just an excuse to take a day off work or to watch a parade, but an important milestone in an historical saga that reaches back in time to the beginnings of the Jewish people. We are all familiar with the Biblical stories of Abraham, Moses, and David, and of the trials suffered by the Jewish people in their quest to claim the homeland promised them by God. The Exodus from Egypt, the Babylonian captivity, the destruction of the temple by the Romans, and the holocaust of World War II, are events that stain the history of mankind. But through the in-

quisitions, the pogroms, and the persecutions, the Jews maintained their faith and nourished their desire to be once again in Jerusalem.

We have witnessed one of the miracles of the modern age, the rebirth of the Jewish nation in their promised land. When, just 25 years ago, David Ben Gurion read the Proclamation of Statehood for the State of Israel, he was echoing the words of the Prophets and fulfilling a cherished dream of all Jews, that there should be a nation for the Jews, where they could be free, secure, and in command of their own destinies.

The struggles of Israel did not end with independence. The Israelis were beset by problems and confronted by a hostile force determined to drive them into the sea. Immigrants flooded into the new State from the refugee camps of Europe, where they had been collected from the concentration camps of Nazi Germany. Other Jews came from the ghettos of Egypt, Yemen, Iraq, and Syria, where they had been denied human dignity. The land of Israel was barren and arid. There were no jobs, no factories, no farms.

But Israel and the Israeli people have persevered against these formidable obstacles. The land now thrives with farms and orchards, and the cities are alive with the activities of a modern society. Israeli artists, musicians, and authors are recognized throughout the world. Israeli scientists and engineers are creating for tomorrow.

But the torture of Israel has not ended. Israel's enemies maintain their hostile postures, threatening the Jewish state with destruction and collecting armaments for the day when they will again launch their attacks. Jews, who long for an opportunity to return to the land of their fathers, are being denied permission to emigrate to Israel by their Soviet and Arab oppressors. And the country still faces difficult economic problems, most of which are caused by the burden of defense.

On this important occasion of the 25th anniversary of the founding of the modern State of Israel, the American people extend their congratulations for the past accomplishments of the Israeli people. We pledge our continued support for the Israeli nation in its search for a just and lasting peace. And we offer our most heartfelt best wishes for a future filled with prosperity.

A personal note if I may, Mr. Speaker.

Back in 1945 during my first term in Congress and when I was a member of the House Foreign Affairs Committee, I introduced a resolution, later known as the Flood resolution, declaring that it be the intent of the Congress that a sovereign and free State of Israel be established for the Jews where they could be secure and in control of their own destinies. I am most gratified, Mr. Speaker, that the hope then has reached fruition as the 25 years of Israel's history fully attests.

#### THEY HAVE SERVED THE COUNTRY: LET US SERVE THEM

(Mr. KOCH asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, Congressman LES ASPIN and I are today introducing a package of bills to aid Vietnam veterans. Senator GEORGE McGOVERN is today also introducing the same five measures on the Senate side.

We are proposing to establish a Vietnam Era Veterans Assistance and Opportunity Task Force. This task force will operate within the Veterans' Administration to coordinate those Federal programs available to veterans, and will expand outreach efforts within the VA to encourage participation in these programs.

A second bill in this package would establish regional military discharge review boards to facilitate the processing of applications for a change of discharge submitted by any veteran discharged under less than honorable conditions. At the present time, each service has only one review board and is not equipped to deal with the volume of appeals that will now probably be received as more veterans return home. This bill would give the Secretary of Defense the authority to determine the number of review boards and the location of the boards in accordance with the number of discharge and dismissal appeals pending.

We are also introducing a bill that would ban the use of separation program numbers—SPN's—and reenlistment code numbers on discharge documents. This information would be treated as confidential and not be made available to employers, who use this information in an adverse way, undoubtedly preventing veterans from obtaining jobs when they were either equally or better qualified than the nonveteran applicant.

Another bill introduced—the education assistance for eligible Vietnam veterans—would reimburse any eligible Vietnam veteran enrolled in school for costs incurred by the veteran for tuition, laboratory and other fees, not to exceed \$1,000 for any school year.

A companion bill would give veterans receiving education subsistence pay the option of receiving the full 36-month entitlement in larger monthly sums over a shorter period of time. The shortened period would not be less than 18 months, and would provide \$440 per month on the rating schedule now in effect.

Mr. Speaker, so many people in this country have the impression that we are doing all we can for the Vietnam veterans; when in truth, we are doing less for them than we did for the veterans of World War II and the Korean conflict. After World War II, veterans received tuition of up to \$500 per year; most often that covered the full tuition cost, and they also received a subsistence allowance of \$75 a month, which at that time was adequate. The GI bill helped pay for the education of 21 U.S. Senators and 65 Congressmen, including myself, who otherwise might not have had such an opportunity to further their education and enter public service. Now, the Veterans' Administration gives only a total of \$220 a month to a full-time student veteran; hardly enough to cover tuition and the cost of living. Our bill would provide an additional \$1,000 for

tuition and the subsistence allowance of \$220 a month for a maximum of 36 months could be accelerated to \$440 a month for 18 months.

A recent Harris survey revealed that less than 35 percent of the Vietnam veterans eligible for education assistance are taking advantage of the subsistence allowance. This figure was 60 percent after World War II and 42 percent after the Korean conflict. Only 14 percent of those with a high school education or less are participating. It is apparent that one of the reasons is that the veterans cannot afford to attend school, even if he wanted to, simply because the costs are too high and the VA assistance too meager.

The administration is not helping the veteran. President Nixon has impounded a \$50 million fund that was intended to provide part-time jobs for student veterans and he has asked Congress to rescind the authorization of \$25 million to be used to encourage universities to admit and train veterans.

Unemployment among veterans is inordinately high. The figures for February 1973 show that unemployment among veterans 20 to 24 years of age was 10.4 percent compared to 6.6 percent for non-veterans of the same age.

We can help stop this unemployment by providing broader education benefits for veterans so that it will be possible for those taking advantage of the benefits to obtain skills so as to be able to compete in the difficult job market.

We have treated our Vietnam veterans shabbily. The legislation which Senator McGOVERN and Congressman ASPIN and I are introducing is intended to deal with some of the problems they are facing. Much more remains to be done.

Mr. Speaker, I urge our colleagues and the leadership of the House to do all we can, as soon as we can, to help the veterans who are in need of our help. These men have served our country. It is about time the country served them.

#### THE PEOPLE OF ISRAEL LIVE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today the State of Israel marks its 25 years of existence in the modern world. As an American, as a Congressman, and as a Jew I take pride in its accomplishments. In the Jewish calendar this is the year 5733. And through those millennia, Jews throughout the world have experienced awesome tragedy and often miraculous success. The covenant made with God that the children of Israel and their descendants would live in the land of Israel has been kept. What sustained this ancient people through centuries of oppression and exile was the promise that the covenant would be fulfilled—a return to the Promised Land.

In the last 25 years the Israelis have withstood three savage assaults upon them by the surrounding Arab nations, and like David they slew their Goliath.

As an American I am proud of the friendship that the United States has with the State of Israel. It is in our national interest and just that we maintain

the closest of relationships. As a Congressman I am grateful to have had the opportunity to speak in support of the United States and Israel's mutual interests. As a Jew I have a special feeling for the people and the land of Israel.

I join with the millions of people throughout the world who recognize Israel's 25th anniversary and say to the people and the State of Israel, "Am Yisrael Chai—the People of Israel Live."

#### THE 25TH ANNIVERSARY OF THE STATE OF ISRAEL

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, today marks the 25th anniversary of the founding of the State of Israel, an occasion most worthy of note and celebration.

Yesterday, we in Philadelphia gave special recognition to the occasion with a communitywide parade followed by a special ceremony at Independence Square. The chairman of the Philadelphia Committee for Israel's 25th Anniversary was Mr. Sylvan M. Cohen, one of Philadelphia's outstanding civic leaders. Honorary chairman for the parade was the Honorable Emanuel Shimon, Consul General of Israel. One of the highlights of the celebration, and there were many, was the appearance of Israel's new Ambassador to the United States, His Excellency Simcha Dinitz, at the Independence Square ceremony.

A great many citizens of the City of Brotherly Love participated in and attended this stellar celebration, affirming our solidarity with the freedom-loving people of the State of Israel. While it was an occasion of much joy and pride, its significance and relation to freedom for the oppressed and persecuted was deeply felt.

The State of Israel was created 25 years ago by United Nations resolution on the partition of Palestine after much acrimony, rancor, and debate. It was created to provide a haven and homeland for those Jews who had survived the Hitler holocaust of the 1930's and 1940's. Over the years this little nation has survived, grown, and prospered under the direst of conditions, ever alert to the continuing threats to her existence.

Israel, from its beginning, has been, and I am certain will continue to be, a staunch friend and ally of the United States. It is a lonely citadel of democracy and freedom in an area of the world which is devoid of these basic concepts of humanity and government.

Today, the people of Israel and their Government stand ready to receive the thousands of Jews wishing to emigrate from the Soviet Union. We know too well of their plight and persecution. Today, on this 25th anniversary, it would be most fitting to again voice our concern to the Soviet Union regarding their emigration policies and most strongly urge, in the sense of decency and human dignity, that those desiring to emigrate be allowed to do so without any impediment or condition whatsoever.

#### PILGRIMAGE TO THE TOMB OF THE UNKNOWN SOLDIER

(Mr. FLYNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLYNT. Mr. Speaker, for many years, the Independent Order of Odd Fellows has sponsored a pilgrimage to the Tomb of the Unknown Soldier in Arlington National Cemetery. The pilgrimage this year was held on May 5 at which time the principal address was delivered by the Honorable J. Edward Stallings, Sovereign Grand Master of the Order and a resident of the Sixth District of Georgia. It is an honor for me to insert in the RECORD at this point the text of Mr. Stallings moving address to fellow participants in the 1973 Arlington pilgrimage:

Brother Chairman, Officers, both past and present, of The Sovereign Grand Lodge and all affiliated bodies, my Sisters, Brothers, and friends.

Standing in this magnificent presence, looking into the earnest faces of some of the most dedicated soldiers of fraternity, I find it very hard to find the words befitting such an occasion. To all of us, this is a very meaningful Pilgrimage. From almost every section of our land we come, from almost every corner of our "Wonderful World of Odd Fellowship," not only as Odd Fellows and Rebekahs, but as citizens of this great country. We are sharers of the blessings of a free Nation and a legacy made safe and secure by those who are willing to sacrifice their own. We are not here only because respect commands it but because friendship and love sponsor it. As we stand here upon this hallowed soil, it would be fitting and proper to renew our allegiance to the land they served so well and the citizenship they so well exemplified.

The Independent Order of Odd Fellows, dedicated to the world of humanity, can appropriately devote a passing moment to a memorial service for those who have fallen at their post of duty and not rest in the kindly arms of lasting sleep. The sun smiles and the moon and stars are sheen above their resting place, while circling round their beds are prayers from many hearts for an increase of his spirit among us that a little longer tread the earth. As we stand here and lift our eyes to an almost endless line and rows of white markers, we quickly realize that life has no impregnable fortress, no steel-clad to protect us from the withering hand of death. Each of those who sleep here was an example of that faith that does not shrink from contest. Each was a representative of that high type of manhood ripened by love and cherished by faith. Each was a true defender of peace because he was willing to engage in war with the enemies of peace.

The men who sleep here were men like you and I, with basically the same problems of rearing up children, of paying bills, of trying to live their lives peacefully and well. What was it, then, that moved them so and brought forth every resource of courage and strength known to man? The word Liberty? Yes! And the meaning behind the word. Liberty meant the right to control one's own destiny and, above all, the God given right of each individual man to pursue his life as he saw fit, without interference or control except as he was responsible to his neighbors and community. This, above all, was the essence of the word and the dream—the rights of the individual above any right which may be seized from him by the government, whether it be from a foreign shore or from within his own country.

Breathes there the man with soul so dead,  
Who never to himself hath said,  
"This is my own my native land!"  
Whose heart hath ne'er within him burn'd  
As home his footsteps he hath turned  
From wandering on a foreign strand.

God has blessed this country. It became a promised land to peoples from every section of the earth. From every nation and every area they came, the immigrants, the new Americans, giving their talents and the sweat of their brows to build a great country. From the famine stricken farms of Ireland, from the peasant villages of Italy, from the snow-swept hill of Sweden, from the coal mines of Wales, from the ghettos of Russia they came. They too, eventually, found freedom and added their strength to America.

What time could be more fitting than this glorious time of the year when field, flower, and bloom speak so eloquently of nature's resurrection. We can hardly believe that just a short time ago, this field was encased in a frozen garb. Those who so peacefully sleep here have answered their country's call. They went out for a dream, perhaps, but they went out for country first. They stood behind their flag because it meant home to them and because home was threatened and assailed. They went forth for the high ideals for which the flag stood, for what this land was and is, and what it could be in days to come. We cannot separate the Flag from the men who march beneath it. Love of country was no shallow, meaningless thing to them but an avenging sword when justice required it.

What is this thing so deeply imbedded within the life's core of man that fosters the culmination of the dreams of the founding fathers and the centuries-old aspirations of men throughout the world for peace and liberty? What is this mysterious guiding force for which men pledged to each other their lives, their fortunes, and their sacred honor; for which farmers and merchants and artisans and ironworkers and cobblers and writers and preachers—all of them together—ready to answer the call of duty? What caused men to leave their shops and their farms prepared to give their lives fighting against what must have seemed tremendous odds. The spark set by these men ignited a fire which swept the world and still in these days of cynical hypocrisy, has the power to inflame men to action. Freedom and the pursuit of happiness are words that seem almost archaic in these days—sort of old fashioned and fondly remembered but belonging to an old frontier, somewhere back in the "Good old Days."

War is a terrible thing and an inglorious task to the one who participates in it. It is, seemingly, an endless grind of often revolting things but when fought in freedom's name it is sanctified because of what comes from it and from the life and peace that come from the sacrifice of war. However bitter the conflict may be, peace is as hard a master. War is a transient period of life. Peace is the normal condition and the servant of peace has a constant struggle to maintain that peace.

Those who sleep here helped make this a land of opportunity. Each helped to make it such a land where any man who wants to make a man of himself can do it, helped to make it a land where each individual soul is recognized and where he can work out his own salvation. The ones who sleep here realized that this great country with all its wide acres, with all its history, with all its traditions, and all its life, must be protected for those who would serve it, those who would love it, all who would keep it, and all who would keep its creed unsullied no matter from what source it may come.

I cannot forget the words of one of the greatest fraternal giants of our time who said:

"And if we persevere in our ideals, if we be faithful exponents of the things we profess—in other words, if we conduct ourselves from day to day in whatever country we may be, as true Odd Fellows, then it may well be that we shall see the realization of that time which is the dream fruit-tree of Odd Fellowship—the day when one law shall bind all nations and tongues and kindreds of the earth, and that law will be the law of universal brotherhood. And it may well be that the Sentry of passing days, pacing his rounds upon the watchtowers of civilization and hearing rung out the challenge—Watchman, what of the night? will then answer in tones clear and crisp, reverberating down through the ages, that man redeemed and disenthralled from the slavish life of his passions has at long last asserted his high birthright and owns the tie which binds him in universal consanguinity with his fellow man—God's in his heaven, all's well with the world."

#### TWENTY-FIFTH ANNIVERSARY OF STATE OF ISRAEL

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on May 14, 1948, David Ben Gurion proclaimed the State of Israel, thereby officially fulfilling the aim of the 1897 World Zionist Congress: "to create for Jewish people a home in Palestine." The question remained as to whether this little oasis in the desert would prevail against the hostile surroundings.

A quarter of a century of bitter struggle has since elapsed. Israel has survived. The determination of the Israelis to maintain their 4,000-year-old claim to a homeland amidst seemingly insurmountable odds is a testimony to their courage and cause for celebration.

Today, May 7, Israel is celebrating its 25th birthday. I extend my best wishes to the people of Israel and Jews all over the world and hope that their celebration will signify not only the successful completion of the first 25 years of sovereignty, but also the beginning of a new period in which a true and lasting peace will be found in the Middle East.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. GREEN of Oregon (at the request of Mr. ULLMAN), on account of delegate to International Health Conference.

Mr. JOHNSON of California (at the request of Mr. McFALL), for today, on account of illness.

Mr. JONES of Tennessee (at the request of Mr. McFALL), for today and the balance of this week, on account of illness.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), on account of convalescence.

Mr. SATTERFIELD (at the request of Mr. McFALL), for today through May 9, on account of illness.

Mr. STEIGER of Wisconsin (at the request of Mr. ARENDS), for today, on account of illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HANRAHAN) to revise and extend their remarks and include extraneous matter:)

Mr. BELL, for 10 minutes, today.  
Mr. RINALDO, for 15 minutes, today.  
Mr. VEYSEY, for 30 minutes, May 15.  
Mr. KEMP, for 20 minutes, today.  
Mr. BURKE of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. GUNTER) and to revise and extend their remarks and include extraneous matter:)

Mr. EILBERG, for 5 minutes, today.  
Mr. ANNUNZIO, for 5 minutes, today.  
Mr. GONZALEZ, for 5 minutes, today.  
Mr. ST GERMAIN, for 5 minutes, today.  
Ms. ABZUG, for 10 minutes, today.  
Mrs. GRASSO, for 10 minutes, today.  
Mr. BURTON, for 5 minutes, today.  
Mr. VANIK, for 10 minutes, today.  
Mr. OWENS, for 15 minutes, today.  
Mr. WILLIAM D. FORD, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MOSS and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost \$1,445.

(The following Members (at the request of Mr. HANRAHAN) and to include extraneous matter:)

Mr. YOUNG of Alaska in three instances.

Mr. RINALDO.  
Mr. CONTE.  
Mr. HANRAHAN.  
Mr. FREY.  
Mr. QUIE.  
Mr. WYMAN in two instances.  
Mr. SPENCE.

Mr. FINDLEY.  
Mr. HOSMER in three instances.  
Mr. KEMP in two instances.  
Mr. SEBELIUS.

Mr. MARTIN of North Carolina.  
Mr. ZWACH.  
Mr. RAILSBACK.  
Mr. HUNT.

Mr. MILLS of Maryland.

(The following Members (at the request of Mr. GUNTER) and to include extraneous matter:)

Mr. PICKLE in 10 instances.  
Mr. PATTEN.

Mr. ASPIN in 10 instances.  
Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. SISK.  
Mr. RODINO in 10 instances.

Mr. O'HARA.  
Mr. DOMINICK V. DANIELS.

Mr. MOSS.  
Mr. EVINS of Tennessee in four instances.

Mr. ANDERSON of California in four instances.

Mr. HARRINGTON in three instances.

Mr. WALDIE in two instances.

Mr. JONES of Oklahoma in five instances.

Mr. EDWARDS of California in two instances.

Mr. DINGELL.

Mr. KOCH in two instances.

Mr. RIEGLE.

Mr. HUNGATE.

Mr. ADDABBO.

Mr. DULSKI in six instances.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 518. An act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget.

#### BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

On May 3, 1973:

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente.

On May 4, 1973:

H.J. Res. 393. Joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report.

#### ADJOURNMENT

Mr. GUNTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 8, 1973, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

870. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 32, United States Code, to authorize additional medical and dental care and other related benefits for Reservists and members of the National Guard, under certain circumstances, and for other purposes; to the Committee on Armed Services.

871. A letter from the Acting Assistant Secretary of the Army (Research and Development), transmitting a report on Department of the Army research and development contracts of \$50,000 or more which were awarded during the 6 months ended December 31, 1972, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

872. A letter from the Assistant Secretary

of the Air Force (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend section 8371 of title 10, United States Code, to authorize officers of the Air National Guard of the United States to be considered for promotion to the reserve grade of colonel by the Air Force Reserve overall vacancy board; to the Committee on Armed Services.

873. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1972—February 1973, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

874. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Public Assistance Act of 1962; to the Committee on the District of Columbia.

875. A letter from the Chairman, National Commission on the Financing of Postsecondary Education, transmitting a report on the activities and progress of the Commission, to the Committee on Education and Labor.

876. A letter from the Acting Assistant Secretary of State for Congressional Relations; transmitting the text of International Labor Organization Convention No. 132, concerning Annual Holidays with Pay (H. Doc. 93-97); to the Committee on Foreign Affairs and ordered to be printed.

877. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 321, *Tuscarora Indian Nation, Plaintiff, v. The United States of America, Defendant*, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

878. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to further amend the International Travel Act of 1961, as amended; to the Committee on Interstate and Foreign Commerce.

879. A letter from the Deputy Attorney General, transmitting a draft of proposed legislation to provide for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

880. A letter from the Deputy Attorney General, transmitting a draft of proposed legislation to implement the Convention on the Prevention and Punishment of the Crime of Genocide; to the Committee on the Judiciary.

881. A letter from the Deputy Attorney General, transmitting a draft of proposed legislation to amend title XII of the Organized Crime Control Act of 1970, and for other purposes; to the Committee on the Judiciary.

882. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act [8 U.S.C. 1255b(c)]; to the Committee on the Judiciary.

883. A letter from the Deputy Assistant Secretary of the Interior, transmitting the annual report on the National Visitor Center, pursuant to Public Law 90-264; to the Committee on Public Works.

884. A letter from the Chairman, U.S. Atomic Energy Commission; transmitting an amendment to the previously submitted draft of proposed legislation to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

#### RECEIVED FROM THE COMPTROLLER GENERAL

885. A letter from the Comptroller General of the United States, transmitting a report on the advantages and limitations of computer simulation in decisionmaking in the Department of Defense; to the Committee on Government Operations.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO (for himself, Mr. ADAMS, Mr. ANNUNZIO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURKE of Massachusetts, Mr. CARNEY of Ohio, Mr. CLARK, Mr. COTTER, Mr. DOMINICK V. DANIELS, Mr. DELANEY, Mr. EDWARDS of Alabama, Mr. EILBERG, Mr. FASCCELLI, Mr. FULTON, Mr. GIAIMO, Mrs. GRASSO, Mr. GREEN of Pennsylvania, Mr. HANLEY, Mrs. HANSEN of Washington, Mr. HELSTOKSI, Mr. HICKS, Mr. LEHMAN, and Mr. MEEDS):

H.R. 7536. A bill to require that a percentage of U.S. oil imports be carried on U.S. flag vessels; to the Committee on Merchant Marine Fisheries.

By Mr. BELL:

H.R. 7537. A bill to amend titles 10 and 37, United States Code, to provide for equality of treatment for military personnel in the application of dependency criteria; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 7538. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 7539. A bill to amend title 39, United States Code, to authorize the transmission, without cost to the sender, of letter mail containing any Federal tax return, statement, or other information required of the sender under the provisions of chapter 61 of the Internal Revenue Code of 1954; to the Committee on Post Office and Civil Service.

By Mr. BURLISON of Missouri:

H.R. 7540. A bill to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

By Mr. CAREY of New York (for himself, Mr. ST GERMAIN, Mr. CHARLES H. WILSON of California, Mr. WILLIAM D. FORD, Mr. PIKE, Mr. LEHMAN, Mr. KARTH, Mr. PEPPER, Mrs. HANSEN of Washington, Mr. GIAIMO, Mr. ADAMS, Mr. MEEDS, Mr. CLAY, Mr. HICKS, Mr. SHIPLEY, Mr. JAMES V. STANTON, and Mr. CARNEY of Ohio):

H.R. 7541. A bill to require that a percentage of U.S. oil imports be carried on U.S. flag vessels; to the Committee on Merchant Marine Fisheries.

By Mr. CONTE:

H.R. 7542. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CONYERS:

H.R. 7543. A bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation; to authorize insurance program and death and disability benefits for public safety officers, police, firemen, and members of an ambulance team or rescue squad; to provide civil remedies for victims of racketeering activities; and for other purposes; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 7544. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 7545. A bill to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California; to the Committee on Agriculture.

By Mr. DIGGS (by request):

H.R. 7546. A bill to amend the District of Columbia Income and Franchise Tax Act of 1947 to provide a property tax credit to certain senior citizens, and for other purposes; to the Committee on the District of Columbia.

By Mr. DOWNING:

H.R. 7547. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Development Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H.R. 7548. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. EILBERG:

H.R. 7549. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 7550. A bill to amend title II of the Social Security Act so as to gradually increase and ultimately remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. FINDLEY:

H.R. 7551. A bill to amend title II of the Social Security Act to increase to \$3,300 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 7552. A bill to amend section 402 of title 23, United States Code, and section 103 of the National Traffic and Motor Vehicle Safety Act of 1966, relating to schoolbus safety; to the Committee on Interstate and Foreign Commerce.

By Mr. HANLEY:

H.R. 7553. A bill to amend title 5, United States Code, to include service as an enrollee-trained in the U.S. Maritime Service as military service for purposes of the civil service retirement system; to the Committee on Post Office and Civil Service.

By Mr. HANLEY (for himself, Mr. CHARLES H. WILSON of California, Mr. WILLIAM D. FORD, and Mr. BRASCO):

H.R. 7554. A bill to amend title 39, United States Code, with respect to the financing of the cost of mailing certain matter free of postage or at reduced rates of postage, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KOCH:

H.R. 7555. A bill to grant an alien child adopted by an unmarried U.S. citizen the same immigrant status as an alien child adopted by a U.S. citizen and his spouse; to the Committee on the Judiciary.

By Mr. KOCH (for himself and Mr. ASPIN):

H.R. 7556. A bill to amend title 10 of the United States Code to establish independent boards to review the discharges and dismissals of servicemen who served during the Vietnam era and for other purposes; to the Committee on Armed Services.

H.R. 7557. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

H.R. 7558. A bill to establish a task force within the Veterans' Administration to advise and assist in connection with, to consult on, and to coordinate all programs pertaining to veterans of the Vietnam era; to the Committee on Veterans' Affairs.

H.R. 7559. A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of education to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally; to the Committee on Veterans' Affairs.

H.R. 7560. A bill to amend chapter 34 of title 38, United States Code, to provide additional benefits to Vietnam era veterans; to the Committee on Veterans' Affairs.

By Mr. LANDRUM (for himself, Mr. FLYNT, Mr. STEPHENS, Mr. DAVIS of Georgia, Mr. BRINKLEY, Mr. STUCKEY, Mr. BLACKBURN, Mr. MATHIS of Georgia, Mr. GINN, Mr. YOUNG of Georgia, Mr. UDALL, Mr. BURTON, and Mr. SEIBERLING):

H.R. 7561. A bill to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MACDONALD:

H.R. 7562. A bill to amend the Communications Act of 1934 to require that an opportunity to reply to certain partisan broadcasts by the President be given to the other major political party; to the Committee on Interstate and Foreign Commerce.

H.R. 7563. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. McFALL (for himself and Mr. MATHIAS of California):

H.R. 7564. A bill to amend the Poultry Products Inspection Act, to include chickens, turkeys, ducks, geese, guineas, pheasants, pigeons, and squabs within the definition of poultry; to the Committee on Agriculture.

By Mr. McFALL:

H.R. 7565. A bill to amend the Immigration and Nationality Act to classify as "special immigrants" alien veterans who served honorably in the U.S. Armed Forces, together with their spouses and children, for purposes of lawful admission into the United States; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. BROWN of California, Mr. GILMAN, Mr. HOWARD, and Mr. ROYBAL):

H.R. 7566. A bill for the relief of certain orphans in Vietnam; to the Committee on the Judiciary.

By Mr. PERKINS:

H.R. 7567. A bill to authorize the Secretary of Agriculture to develop and carry out a forestry incentives program to encourage a higher level of forest resource protection, development, and management by small non-industrial private and non-Federal public forest landowners, and for other purposes; to the Committee on Agriculture.

H.R. 7568. A bill to amend title 5, United States Code, to provide for hazardous duty retirement benefits for Federal employees engaged in the inspection of coal mines; to the Committee on Post Office and Civil Service.

By Mr. RODINO:

H.R. 7569. A bill to incorporate the Italian American War Veterans of the United States, Inc.; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 7570. A bill to transfer and reorganize all existing law enforcement functions of the Federal Government related to trafficking in narcotics and dangerous drugs in a Division of Narcotics and Dangerous Drugs established in the Federal Bureau of Investigation; to the Committee on Government Operations.

By Mr. SANDMAN:

H.R. 7571. A bill to repeal the Federal alcohol and tobacco excise taxes in order to make additional sources of revenue available to State and local governments; to the Committee on Ways and Means.

By Mr. SCHERLIE:

H.R. 7572. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. STEELE:

H.R. 7573. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 7574. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on the Judiciary.

By Mrs. SULLIVAN (for herself, Mr. BLACKBURN, Mr. DANIELSON, Mr. DE LUGO, Mr. FINDLEY, Mr. FISHER, Mr. GUDGE, Mr. HALEY, Mr. LONG of Louisiana, Mr. METCALFE, Mr. MEZVINSKY, Mr. MURPHY of New York, and Mr. NIX):

H.R. 7575. A bill to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws; to the Committee on Merchant Marine and Fisheries.

By Mrs. SULLIVAN (for herself, Mr. PREYER, Mr. BUCHANAN, Mr. FRITCHARD, Mr. RAILSBACK, Mr. ROE, Mr. SLACK, Mr. STARK, Mr. STUBBLEFIELD, Mr. STUDDS, Mr. GONZALEZ, Mr. TREEN, Mr. VANDER JAGT, Mr. WON PAT, and Mr. ZION):

H.R. 7576. A bill to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws; to the Committee on Merchant Marine and Fisheries.

By Mr. WAGGONNER:

H.R. 7577. A bill to amend the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. WHITEHURST (for himself and Mr. COUGHLIN):

H.R. 7578. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

By Mr. WHITEHURST (for himself, Mr. BROWN of California, Mr. BUCHANAN, Mr. ROBERT W. DANIEL, JR., Mr. DE LUGO, Mr. MANN, Mr. MOAKLEY, and Mr. ROSENTHAL):

H.R. 7579. A bill to direct the Secretary of Labor to study the feasibility of and need for a Cost of Existence Index; to the Committee on Education and Labor.

By Mr. WIGGINS:

H.R. 7580. A bill to revise title 28 of the United States Code; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 7581. A bill to prohibit any State (or political subdivision thereof) from levying income taxes on nonresidents of the State (or political subdivision thereof); to the Committee on the Judiciary.

By Mr. WON PAT (for himself and Mr. DE LUGO):

H.R. 7582. A bill to amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies; to the Committee on Armed Services.

By Mr. MACDONALD:

H.J. Res. 543. Joint resolution providing for the orderly review of fee-paid oil import licenses; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself and Mr. McCOLLISTER):

H.J. Res. 544. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mrs. GRASSO (for herself, Mr. ALEXANDER, Mr. BADILLO, Mr. BOLAND, Mrs. BURKE of California, Mr. BURKE of Massachusetts, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. COHEN, Mr. CULVER, Mr. DE LUGO, Mr. EILBERG, Mr. ESCH, Mr. FISH, Mr. WILLIAM D. FORD, Mr. FORSYTHE, Mr. FRASER, Mr. GAYDOS, Mr. GONZALEZ, Mr. GREEN of Pennsylvania, Mr. HANLEY, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, and Mr. HELSTOSKI):

H. Con. Res. 213. Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mrs. GRASSO (for herself, Ms. JORDAN, Mr. KYROS, Mr. McDADE, Mr. MEEDS, Mr. METCALFE, Mr. MINISH, Mr. MOAKLEY, Mr. PRICE of Illinois, Mr. RANGEL, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, Mr. ST GERMAIN, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. WALDIE, Mr. WON PAT, and Mr. YATRON):

H. Con. Res. 214. Concurrent resolution expressing the opposition of the Congress to certain measures for the curtailment of benefits under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. ANDERSON of Illinois (for himself, Mr. GIBBONS, Mr. CLEELAND, Mr. FRASER, Mr. TALCOTT, and Mr. RHODES):

H. Res. 383. Resolution to amend clause 32(c) of rule XI of the House of Representatives to provide the minority party, upon request, with up to one-third of a committee's investigative staff funds; to the Committee on Rules.

By Mr. ERLENBORN:

H. Res. 384. Resolution requesting the Attorney General designate to nominate a special prosecutor in connection with the Presidential election of 1972; to the Committee on the Judiciary.

By Mr. LEHMAN:

H. Res. 385. Resolution requesting the President of the United States to appoint a special prosecutor in connection with the Presidential election of 1972; to the Committee on the Judiciary.

By Mr. WALSH:

H. Res. 386. Resolution requesting the President to seek the joint recommendation by such Justices of the Supreme Court (other than the Chief Justice) as the Court shall select, of a suitable special prosecutor of

crimes connected with the Watergate matter; to the Committee on the Judiciary.

By Mr. WYMAN:

H. Res. 387. Resolution expressing the sense of the House of Representatives that a bipartisan study group be established to consider the institution of a Federal college for ombudsman training; to the Committee on Education and Labor.

#### MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

190. By the SPEAKER: A memorial of the House of Delegates of the State of Maryland, relative to funding of certain higher education programs; to the Committee on Appropriations.

191. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to peacetime utilization of appropriations, installations and persons released from defense-related employment; to the Committee on Education and Labor.

192. Also, memorial of the Legislature of the State of Utah, relative to child labor laws; to the Committee on Education and Labor.

193. Also, memorial of the House of Representatives of the State of Arkansas, relative to the development of the Big Clifty public use area on Beaver Lake, Ark.; to the Committee on Interior and Insular Affairs.

194. Also, memorial of the Legislature of the Territory of Guam, relative to the appointment of a representative to negotiate the use of Sella Bay for an ammunition

wharf; to the Committee on Interior and Insular Affairs.

195. Also, memorial of the Legislature of the Territory of the Virgin Islands, relative to transfer of the ownership and control of Water Island to the Virgin Islands; to the Committee on Interior and Insular Affairs.

196. Also, memorial of the Legislature of the State of Indiana, relative to "no-fault" insurance; to the Committee on Interstate and Foreign Commerce.

197. Also, memorial of the Senate of the State of Maryland, relative to amending the Constitution of the United States to restore prayer in public schools; to the Committee on the Judiciary.

198. Also, memorial of the Legislature of the State of Oklahoma, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States concerning the assignment of students to public schools on the basis of race, religion, color, or national origin; to the Committee on the Judiciary.

199. Also, memorial of the Legislature of the State of Utah, relative to abortion; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. MINK:

H.R. 7583. A bill for the relief of Juanito Segismundo; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 7584. A bill to extend the term of design patent No. 21,053, dated September 22, 1891, for a badge, granted to George Brown Goode, and assigned to the National Society, Daughters of the American Revolution; to the Committee on the Judiciary.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

205. By the SPEAKER: Petition of the Palau District Legislature, Western Caroline Islands, Trust Territory of the Pacific Islands, relative to the settlement of Micronesian war claims; to the Committee on Foreign Affairs.

206. Also, petition of John Sitek, Hamtramck, Mich., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

207. Also, petition of Norman L. Birl, Jr., Rosharon, Tex., relative to redress of grievances; to the Committee on the Judiciary.

208. Also, petition of the common council, Appleton, Wis., relative to environmental protection legislation; to the Committee on Merchant Marine and Fisheries.

209. Also, petition of the city council, Elizabeth, N.J., relative to tax credits for tuition paid for elementary or secondary education of dependents; to the Committee on Ways and Means.

## SENATE—Monday, May 7, 1973

The Senate met at 12 o'clock noon and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

#### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, eternal and unchangeable, we pray for this Nation, its people, and its institutions in this time of anguish. If we have forsaken Thee, do not forsake us. If we have sinned, forgive us. If we have been mistaken, correct us. Spare us from judgments which only Thou canst make. May we forgive one another before we claim Thy forgiveness. May Thy grace be sufficient for all our needs.

We beseech Thee, O Lord, to lift the efforts of this body into the higher reaches of Thy kingdom, guiding and strengthening each one in the discharge of his daily duties.

We pray in the Redeemer's name. Amen.

#### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE  
Washington, D.C. May 7, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C.

BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,  
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED JOINT RESOLUTIONS SIGNED

Under authority of the order of the Senate of May 3, 1973, the Secretary of the Senate, on May 3, 1973, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled joint resolutions:

H.J. Res. 393. Joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report; and

S.J. Res. 51. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week."

The enrolled joint resolutions were subsequently signed on May 3, 1973, by the President pro tempore.

#### MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated

to the Senate by Mr. Marks, one of his secretaries, and he announced that the President had approved and signed the following act and joint resolution:

On May 3, 1973:

S. 50. An act to strengthen and improve the Older Americans Act of 1965, and for other purposes.

On May 5, 1973:

S.J. Res. 51. Joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week."

#### EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ROBERT C. BYRD) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 982) to amend the Immigration and Nationality Act, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the