

grounds of the United States Coast Guard Academy in New London, CT, the "John J. McGuirk Department of Veterans Affairs Outpatient Clinic."

John J. McGuirk was a devoted patriot, a dedicated sailor and a great American. Working his way across the South Pacific as an enlisted salvage diver in the United States Navy during World War II, John McGuirk began his life long commitment to his nation and fellow veterans.

Following his honorable discharge from the Navy, he served veterans across Connecticut. Whether it was finding a pair of crutches, gaining access for disabled veterans to vote or working with the VA Healthcare system to expand availability—John gave it his all.

John saw first hand the extensive hardships placed on veterans as they traveled from all over the state to West Haven, CT to see VA physicians. John felt that veterans should not travel such distances to get proper treatment and worked tirelessly to open a VA clinic in Southeastern Connecticut. The VA opened a Veterans Outreach Clinic in New London with the willing help of the Coast Guard Academy, enabling veterans access to healthcare services.

On behalf of the Members of the Connecticut delegation, Disabled Veterans of America, Paralyzed Veterans of America, American Legion, Veterans of Foreign Wars, AMVETS and the United States Coast Guard Academy, I ask that all Members of Congress support this bill and honor the memory of John J. McGuirk.

Mr. EVANS. Mr. Speaker, H.R. 3645, the Veterans Health Care and Procurement Improvement Act of 2002, as reported, deserves the support of every Member of this House. When enacted, H.R. 3645 will improve the delivery of important benefits to veterans, expedite the process associated with enhanced use of VA assets and improve the cost-effectiveness of VA procurement of medical and surgical items resulting in wiser and more effective use of taxpayer dollars to provide medical care to our Nation's veterans. Other key provisions of this bill add or strengthen benefits for certain Filipino veterans or for U.S. former prisoners of war.

As the author of H.R. 3645, I appreciate and recognize the cooperation and assistance provided by the Chairman of our Committee, CHRIS SMITH, in guiding H.R. 3645 through Committee consideration. I am also grateful to the Chairman and Ranking Member of our Health Subcommittee, JERRY MORAN and BOB FILNER, for their conscientious efforts to improve H.R. 3645. Their contributions are both welcome and appreciated. I also appreciate the work and contributions of other Members and staff from both sides of the aisle.

Last year, VA reportedly spent approximately \$1.5 billion on medical supplies and prosthetics. The Department of Veterans Affairs (VA) Office of Inspector General has repeatedly documented inefficient and wasteful procurement of medical supplies and prosthetics by VA. Sporadic and uncoordinated purchasing practices do not allow VA to leverage its significant purchasing power to obtain the best prices for the government. The result is chronic over spending for items VA could buy at lower costs; diminished accountability for items purchased locally; and limited availability of cost effective health-care items.

The procurement reforms in H.R. 3645 will unquestionably result in procurement cost sav-

ings for VA when fully implemented. The Congressional Budget Office agrees this provision will save scarce VA and taxpayer dollars.

Last May, VA's Office of the Inspector General (VA IG) published an evaluation of VA purchasing practices that found a pressing need for reform. That evaluation identified numerous deficiencies in current purchasing practices and linked the cause of deficiencies to an earlier decision not to require health-care item purchases from the cost-effective Federal Supply Schedule (FSS). By eliminating the mandate for FSS procurements, VA decentralized the contracting and procurement process. This provided a financial incentive for many vendors of health-care items to remove their products from the FSS and to seek product sales in generally more profitable local markets.

The VA IG found that local-market purchases had proliferated, often under contracts without the advantage of audit requirements or most-favored customer pricing for the government. Some much ballyhooed success in local purchases of health-care items were overshadowed by many other, less efficient, local contracts.

In June 2001, Secretary Principi created an internal task force to evaluate the procurement system and recommend improvements. Earlier this year, in May 2002, VA issued the Procurement Reform Task Force Report. The report recognized the need for a hierarchical approach to purchasing by using supply schedules or blanket purchase agreements to procure most of its medical supplies. The approach would share some of the characteristics from the oft-praised approach VA takes to purchasing pharmaceuticals. The approach used for the National Drug Formulary ensures that VA closely assesses all the medications within a drug class and makes educated purchases for its facilities based on both the price and the quality of each pharmaceutical in that class. The savings from the National Drug Formulary approach is now estimated at over \$200 million annually.

While VA supports the goal of procurement reform, it wants to use its own unidentified means to ensure that it makes better use of its purchasing power. My concern is that VA will slow walk its own effort through by allowing the vital savings that would accrue to its financially ailing health care system to slip through its fingers. Mr. Speaker, I believe the time for enacting needed VA procurement reform legislation is now.

As I noted before, H.R. 3645 contains numerous provisions. One of these provisions authorizes health care benefits to Filipino veterans. While this provision has long-standing bipartisan support, it has been championed by one Member, BOB FILNER. At BOB'S request, as then Chairman of the Oversight and Investigations Subcommittee, I conducted a hearing near San Diego on the importance of providing Filipino veterans health care services. I commend the dogged determination of the Ranking Member of the Health Subcommittee, BOB'S FILNER, for his work in attempting to win health and benefits parity for certain Filipino veterans. I have long supported his efforts and am pleased the health benefits are included in the legislation.

Mr. Speaker, again, I thank Chairman SMITH and the Chairman and Ranking Member of the Health Subcommittee for a true collaboration on the measure before us today. This meas-

ure reflects the best of the bipartisan tradition of the House Committee on Veteran Affairs. I urge all Members to support H.R. 3645, as amended.

Mr. MORAN of Kansas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MORAN) that the House suspend the rules and pass the bill, H.R. 3645, 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.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Mr. MORAN of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4940) to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arlington National Cemetery Burial Eligibility Act".

SEC. 2. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2412. Arlington National Cemetery: persons eligible for burial

"(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) Any member of the Armed Forces who dies while on active duty.

"(2)(A) Any retired member of the Armed Forces.

"(B) Any member or former member of a reserve component of the Armed Forces—

"(i) who served on active duty;

"(ii) who was honorably discharged from such active duty service;

"(iii) who, at the time of death, was under 60 years of age; and

"(iv) who, but for age, would have been eligible at the time of death for retired pay under chapter 1223 of title 10.

"(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

"(A) served on active duty; and

"(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.

"(4) Any former member of the Armed Forces whose last active duty military service terminated honorably and who has been awarded one of the following decorations:

"(A) Medal of Honor.

"(B) Distinguished Service Cross, Air Force Cross, or Navy Cross.

"(C) Distinguished Service Medal.

"(D) Silver Star.

"(E) Purple Heart.

"(5) Any former prisoner of war who dies on or after November 30, 1993.

“(6) Any member of a reserve component of the Armed Forces who dies in the performance of duty while on active duty for training or inactive duty training.

“(7) The President or any former President.

“(b) ELIGIBILITY OF FAMILY MEMBERS.—The remains of the following individuals may be buried in Arlington National Cemetery:

“(1) The spouse, surviving spouse (which for purposes of this paragraph includes any remarried surviving spouse, section 2402(5) of this title notwithstanding), minor child, and, at the discretion of the Superintendent, unmarried adult child of a person listed in subsection (a), but only if buried in the same gravesite as that person.

“(2)(A) The spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces on active duty if such spouse, minor child, or unmarried adult child dies while such member is on active duty.

“(B) The individual whose spouse, minor child, and unmarried adult child is eligible under subparagraph (A), but only if buried in the same gravesite as the spouse, minor child, or unmarried adult child.

“(3) The parents of a minor child or unmarried adult child whose remains, based on the eligibility of a parent, are already buried in Arlington National Cemetery, but only if buried in the same gravesite as that minor child or unmarried adult child.

“(4)(A) Subject to subparagraph (B), the surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces who was lost, buried at sea, or officially determined to be permanently absent in a status of missing or missing in action.

“(B) A person is not eligible under subparagraph (A) if a memorial to honor the memory of the member is placed in a cemetery in the national cemetery system, unless the memorial is removed. A memorial removed under this subparagraph may be placed, at the discretion of the Superintendent, in Arlington National Cemetery.

“(5) The surviving spouse, minor child, and, at the discretion of the Superintendent, unmarried adult child of a member of the Armed Forces buried in a cemetery under the jurisdiction of the American Battle Monuments Commission.

“(c) DISABLED ADULT UNMARRIED CHILD.—In the case of an unmarried adult child who is incapable of self-support up to the time of death because of a physical or mental condition, the child may be buried under subsection (b) without requirement for approval by the Superintendent under that subsection if the burial is in the same gravesite as the gravesite in which the parent, who is eligible for burial under subsection (a), has been or will be buried.

“(d) FAMILY MEMBERS OF PERSONS BURIED IN A GROUP GRAVESITE.—In the case of a person eligible for burial under subsection (a) who is buried in Arlington National Cemetery as part of a group burial, the surviving spouse, minor child, or unmarried adult child of the member may not be buried in the group gravesite.

“(e) EXCLUSIVE AUTHORITY FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.—(1) Eligibility for burial of remains in Arlington National Cemetery prescribed under this section is the exclusive eligibility for such burial.

“(2)(A) In the case of an individual not otherwise eligible for burial under subsection (a) whose acts, service, or contributions to the Armed Forces are so extraordinary as to justify burial in Arlington National Cemetery, the President may deem such individual eligible for burial under subsection (a).

“(B) If the President deems an individual eligible for burial in Arlington National

Cemetery under subparagraph (A), the Secretary of the Army shall immediately notify the chairmen and the ranking members of the Committee on Veterans' Affairs of the Senate and House of Representatives.

“(C)(i) Except as provided in clause (ii), the authority under subparagraph (A) may not be delegated.

“(ii) The President may only delegate the authority under subparagraph (A) to the Secretary of the Army.

“(f) APPLICATION FOR BURIAL.—(1) A request for burial of remains of an individual in Arlington National Cemetery shall be made to the Secretary of the Army or to any other Federal official that the Secretary of the Army may specify.

“(2) The Secretary, or other Federal official, may not consider a request referred to in paragraph (1) that is made before the death of the individual for whom burial in Arlington National Cemetery is requested.

“(3) The President, or the Secretary, as the case may be, may not consider a request to deem an individual eligible for burial in Arlington National Cemetery under subsection (e)(2) that is made before the death of the individual for whom burial in Arlington National Cemetery is requested.

“(g) REGISTER OF BURIED INDIVIDUALS.—(1) The Secretary of the Army shall maintain a register of each individual buried in Arlington National Cemetery and shall make such register available to the public.

“(2) With respect to each such individual buried on or after January 1, 2002, the register shall include a brief description of the basis of eligibility of the individual for burial in Arlington National Cemetery.

“(h) DEFINITIONS.—For purposes of this section:

“(1) The term ‘retired member of the Armed Forces’ means—

“(A) any member of the Armed Forces on a retired list who served on active duty and who is entitled to retired pay;

“(B) any member of the Fleet Reserve or Fleet Marine Corps Reserve who served on active duty and who is entitled to retainer pay; and

“(C) any member of a reserve component of the Armed Forces who has served on active duty and who has received notice from the Secretary concerned under section 12731(d) of title 10, of eligibility for retired pay under chapter 1223 of title 10, United States Code.

“(2) The term ‘former member of the Armed Forces’ includes a person whose service is considered active duty service pursuant to a determination of the Secretary of Defense under section 401 of Public Law 95-202 (38 U.S.C. 106 note).

“(3) The term ‘Superintendent’ means the Superintendent of Arlington National Cemetery.”

“(b) PUBLICATION OF UPDATED PAMPHLET.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall publish an updated pamphlet describing eligibility for burial in Arlington National Cemetery. The pamphlet shall reflect the provisions of section 2412 of title 38, United States Code, as added by subsection (a).

“(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding at the end the following new item:

“2412. Arlington National Cemetery: persons eligible for burial.”

“(d) TECHNICAL AMENDMENT.—Section 2402(5) of title 38, United States Code, is amended by inserting “, except section 2412(b)(1) of this title,” after “which for purposes of this chapter”.

“(e) CONFORMING REPEAL.—Section 1176 of the National Defense Authorization Act for

Fiscal Year 1994 (Public Law 103-160; 38 U.S.C. 2402 note) is repealed.

“(f) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

“(2) In the case of an individual buried in Arlington National Cemetery before the date of the enactment of this Act, the surviving spouse of such individual is deemed to be eligible for burial in Arlington National Cemetery under subsection (b) of such section, but only in the same gravesite as such individual.

SEC. 3. PERSONS ELIGIBLE FOR PLACEMENT IN THE COLUMBARIUM IN ARLINGTON NATIONAL CEMETERY.

“(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(a) of this Act, the following new section:

“§ 2413. Arlington National Cemetery: persons eligible for placement in columbarium

“The cremated remains of the following individuals may be placed in the columbarium in Arlington National Cemetery:

“(1) A person eligible for burial in Arlington National Cemetery under section 2412 of this title.

“(2)(A) A veteran whose last period of active duty service (other than active duty for training) ended honorably.

“(B) The spouse, surviving spouse, minor child, and, at the discretion of the Superintendent of Arlington National Cemetery, unmarried adult child of such a veteran.”

“(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2412, as added by section 2(c) of this Act, the following new item:

“2413. Arlington National Cemetery: persons eligible for placement in columbarium.”

“(c) CONFORMING AMENDMENT.—Section 11201(a)(1) of title 46, United States Code, is amended by inserting after subparagraph (B), the following new subparagraph:

“(C) Section 2413 (relating to placement in the columbarium in Arlington National Cemetery).”

“(d) EFFECTIVE DATE.—Section 2413 of title 38, United States Code, as added by subsection (a), and section 11201(a)(1)(C), as added by subsection (c), shall apply with respect to individuals dying on or after the date of the enactment of this Act.

SEC. 4. MONUMENTS IN ARLINGTON NATIONAL CEMETERY.

“(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(a) of this Act, the following new section:

“§ 2414. Arlington National Cemetery: authorized headstones, markers, and monuments

“(a) GRAVESITE MARKERS PROVIDED BY THE SECRETARY.—A gravesite in Arlington National Cemetery shall be appropriately marked in accordance with section 2404 of this title.

“(b) GRAVESITE MARKERS PROVIDED AT PRIVATE EXPENSE.—(1) The Secretary of the Army shall prescribe regulations for the provision of headstones or markers to mark a gravesite at private expense in lieu of headstones and markers provided by the Secretary of Veterans Affairs in Arlington National Cemetery.

“(2) Such regulations shall ensure that—

“(A) such headstones or markers are of simple design, dignified, and appropriate to a military cemetery;

“(B) the person providing such headstone or marker provides for the future maintenance of the headstone or marker in the event repairs are necessary;

“(C) the Secretary of the Army shall not be liable for maintenance of or damage to the headstone or marker;

“(D) such headstones or markers are aesthetically compatible with Arlington National Cemetery; and

“(E) such headstones or markers are permitted only in sections of Arlington National Cemetery authorized for such headstones or markers as of January 1, 1947.

“(c) MONUMENTS.—(1) No monument (or similar structure as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

“(2) A monument may be placed in Arlington National Cemetery if the monument commemorates—

“(A) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

“(B) a particular military event.

“(3) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

“(A) in the case of commemoration of service under paragraph (1)(A), on the last day of the period of service so commemorated; and

“(B) in the case of commemoration of a particular military event under paragraph (1)(B), on the last day of the period of the event.

“(4) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 38, United States Code, is amended by adding after section 2413, as added by section 3(b) of this Act, the following new item:

“2414. Arlington National Cemetery: authorized headstones, markers, and monuments.”.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to headstones, markers, or monuments placed in Arlington National Cemetery on or after the date of the enactment of this Act.

SEC. 5. PUBLICATION OF REGULATIONS.

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall publish in the Federal Register any regulation proposed by the Secretary to carry out sections 2 through 4.

SEC. 6. APPLICATION OF DEPARTMENT OF VETERANS AFFAIRS BENEFIT FOR GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES TO VETERANS DYING ON OR AFTER SEPTEMBER 11, 2001.

(a) IN GENERAL.—Subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-103; 115 Stat. 994; 38 U.S.C. 2306 note) is amended by striking “the date of the enactment of this Act” and inserting “September 11, 2001”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of such section 502.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MORAN) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the American people, Arlington National Cemetery is a special place honoring our military he-

roes. This national shrine has a fascinating history that began even before land began to be used as a national cemetery near the end of the Civil War. Arlington mansion was originally the home of Martha Washington's grandson, George Washington Parke Curtis. His son-in-law, Robert E. Lee, lived there prior to the Civil War, and when the Civil War began, the Federal Government confiscated the estate for use as a fortification to protect Washington, D.C.

As the decades passed, famous military leaders were buried in Arlington. President Taft was buried there, and the cemetery's prestige continued to grow. With the Arlington burial of President Kennedy in 1963, the cemetery became the one of the most visited places in the Washington area, and the pressure increased for interments in its limited space. Arlington's interment rate rose so quickly that if burial eligibility had not been restricted, the cemetery would have been full by 1968. Arlington today has a capacity of 243,373 gravesites, with only about 32,000 gravesites remaining as available.

All national cemeteries except Arlington are under the jurisdiction of the Department of Veterans Affairs. As a result of its unique history, Arlington is under the jurisdiction of the U.S. Army.

Mr. Speaker, unlike all other national cemeteries, Arlington's eligibility is governed by Army regulations, not by statute. Our country is again in a war we did not seek. Our troops are in distant lands answering the September 11 attack by terrorists who threaten our freedom and our way of life. And I believe the time is right for Congress to codify the eligibility for burial in our preeminent military cemetery. Mr. Speaker, our bill to codify eligibility should not be taken as an implicit dissatisfaction with the Army's stewardship of Arlington. We think the Army is doing a very good job and we have every confidence in the Army's ability to run and manage Arlington in the future.

Mr. Speaker, H.R. 4940 is similar to measures that have already passed the House in the previous two Congresses. However, there are a couple of important differences between the Arlington National Cemetery Burial Eligibility Act and those two previous measures. Our friend and the former chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), included a provision authorizing the President to waive the strict criteria set out in the bill to allow burial at Arlington National Cemetery of persons whose acts, service, or contributions to the Armed Forces are so extraordinary as to justify burial at this hallowed ground.

In addition, H.R. 4940 contains provisions that the House approved last year in separate legislation that our full committee chairman, the gentleman from New Jersey (Mr. SMITH), offered following the tragedies of September

the 11th. Those provisions contained in H.R. 3423 and included again now in H.R. 4940 would change the burial eligibility in two respects for members of our reserve forces. First, it would extend burial eligibility to reservists and Guardsmen who, but for their age, would have qualified for retirement pay and therefore have been eligible for Arlington. Such was the case with Captain Charles Burlingame, the pilot on the American Airlines flight 77 that crashed into the Pentagon. Fortunately, he was granted a waiver and was given the honors he had earned, but should other families be in such a position, this change would ensure that they would not have to seek waivers in their time of grief.

The second provision would authorize burial for reservists and Guardsmen who die in the performance of training duties. This provision recognizes that much of our Nation's defense is dependent upon reserve forces who must continually update their skills. Members of the Armed Forces who die in service to our Nation, regardless of the technicalities of their duty status, deserve the same burial honors. The balance of this bill is very similar to previous measures sponsored by the gentleman from Arizona (Mr. STUMP) codifying eligibility of veterans and family members in a manner consistent with the existing Army burial regulations.

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

Mr. Speaker, I reserve the balance of my time.

Mr. SHOWS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I want to thank the chairman, the gentleman from New Jersey (Mr. SMITH), and the ranking member, the gentleman from Illinois (Mr. EVANS), as well as the chairman of the Subcommittee on Benefits, the gentleman from Idaho (Mr. SIMPSON) for moving forward with consideration of H.R. 4940.

This legislation was introduced by the former chairman of the House Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP). He has worked tirelessly to codify eligibility for burial at Arlington National Cemetery. This bill is similar to other measures which have passed the House in prior sessions of Congress. To address the increasing demand for burial space at Arlington National Cemetery, the Arlington National Cemetery Burial Eligibility Act would clarify and codify the requirements for burial in what is considered by many to be our most revered national cemetery.

A manager's amendment to the bill will change the effective date for providing a suitable marker to honor the graves of those who are buried in marked as opposed to unmarked graves. Under Public Law 107-103, veterans who die after December 27, 2001, may receive an appropriate Government marker to recognize their service to our Nation. Under the manager's amendment, markers may be provided

to veterans who died on or after September 11, 2001. It is only fitting that this honor be provided to those brave American veterans who lost their lives in the terrorist attack on the United States. I support this bill and I urge my colleagues to vote in favor of the bill as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. JEFF MILLER).

Mr. JEFF MILLER of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from New Jersey (Chairman SMITH) and the ranking member, the gentleman from Illinois (Mr. EVANS) for bringing this bill to the floor today, in addition to their steadfast commitment to our military veterans.

I would also like to recognize and thank the gentleman from Arizona (Chairman STUMP) for his continued commitment to preserving the original intent of Arlington National Cemetery as a national military cemetery, as well as unwavering support for our men and women in uniform.

Mr. Speaker, H.R. 4940, the Arlington National Cemetery Burial Eligibility Act, would codify eligibility criteria for burial at Arlington in order to ensure it remains the premier resting place for those who dedicated their lives to our Armed Forces.

The bill incorporates the provisions of previous Arlington bills which have passed this House in both the 105th and 106th Congress. The bill also incorporates language included in H.R. 3423, introduced by Chairman SMITH, which passed the House last December.

H.R. 4940 contains a significant change to the Arlington bills approved in the House in the past two Congresses. Today's bill includes language extending to the President the authority to grant a burial waiver to an individual who does not otherwise meet the military service criteria for burial, but has made extraordinary contributions to our Armed Forces.

The final section of the bill would make retroactive to September 11, 2001, VA's authority to provide a bronze marker to those families who request a government headstone or marker for the already-marked grave of a veteran interred at a private cemetery. Previous language authorizing this bronze marker was considered by the House last year, and is now incorporated in Public Law 106-103. That particular provision went into effect in December 27, 2001, and I would like to recognize the gentleman from Illinois (Mr. SHIMKUS) for his work on this issue.

Mr. Speaker, I urge my colleagues to support H.R. 4940 and look forward to working with the other body to ensure that this bill becomes law this year.

Mr. SHOWS. Mr. Speaker, I yield 6 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I thank the gentleman from Mississippi for his

work on this issue, and the gentleman from Kansas also.

Mr. Speaker, I rise in opposition to this bill, but let me say from the very beginning that I have no expectation of this bill being defeated today. It will pass overwhelmingly, as it has twice before in the last two sessions. But I continue to believe there are problems with this bill that jeopardize it being taken up by the Senate, as has happened with the last two versions.

What problem are we trying to solve here? What problem led to this bill being brought up in the first place? It is not September 11 and the events of September 11.

The first version of this passed in 1999 on the House floor. As you all may recall, in a very ugly incident, we had an ambassador who passed away who had qualified as a veteran under the Army regulations that govern Arlington. His family requested that he be buried at Arlington, and he was. It turned out that his record as a Merchant Marine that qualified him as a veteran status could not be verified.

I think the conclusion of most people who have looked at these facts, without question, is that for years this man had been telling, unfortunately, stories that were not true about his past record with the Merchant Marine. He was subsequently exhumed from Arlington at the family's request and no longer resides at Arlington. That is the incident that led to these discussions and these bills.

In my opinion, as the gentleman from Kansas indicated, the Army has ably handled the management of this very special resting place very ably by regulation. But, in my opinion, in attempting to solve this problem, the underlying bill creates new problems and changes the nature of Arlington National Cemetery as the final resting place of the honored dead of a nation of citizen soldiers, people who not only served their Nation as soldiers in the military, but later in other ways served their Nation honorably and well.

What are the problems with the bill? There are three. First of all, both the bill and current regulation provide for the President to be listed in the bill. The President can be buried and former Presidents buried at Arlington.

Other positions under current law are also eligible. So if there is a person who is a veteran who has been subsequently vice president, or who is a veteran and subsequently a member of the Supreme Court, or is a veteran and a member of the House or Senate who served their country, they also can be buried in Arlington.

Under this bill, even if the Vice President or the Chief Justice of the Supreme Court or the Speaker of the House are veterans, they are not eligible for burial at Arlington, even if they are veterans.

Then you say but there is a waiver provision in this bill. Let us discuss the waiver provision, which I think is the second problem with this bill.

Under current regulations, if a person does not qualify under the regulations for burial at Arlington, the family can request a waiver from the current regulations. It specifically talks about providing information about military service and/or service to the Nation. Those exact words, "service to the Nation."

Under the language of this bill, H.R. 4940, the President can only issue a waiver if the person has provided acts, service and contributions to the armed services, to the Armed Forces, not to the Nation, not to the United States, not in defense of the United States, but only to the Armed Forces. Even the President would not have the authority under this bill to grant a waiver in extraordinary circumstances in which somebody may have died in service to their Nation, but not in service to the Armed Forces. I think that is a tremendous oversight.

The third problem. On page 13 of the bill there is a limitation placed in the bill on monuments. It specifically states that there can only be monuments placed in Arlington to a military event or to specific military groups and individuals.

That sounds all right. What is wrong with that? Well, if you go out to Arlington, you can find monuments out there that under this bill that we are considering today would not be allowed. What are they? One is to the Challenger disaster, in which we lost an entire space shuttle crew in a very dramatic and heroic moment for this country. Those people are heroes. Under the language of this bill, that monument should not have been there.

□ 1615

Another one, there is a monument at Arlington to the dead of the Pan Am flight that was bombed over Lockerbee, Scotland. The monument is 272 stones, I believe it was provided by the people of Lockerbee, is my recollection, one stone for each of the dead in that plane. One of those stones is for a young 18-year-old from my town of Little Rock, Arkansas.

Now, by putting this kind of restriction that says only for military events, in my view, it is too limiting.

The one issue in this bill that I agree with is the portion that deals with the Reserve component. However, my understanding is that the Army deals with these on a case-by-case basis, and has issued waivers in the past, and I am told that they would certainly be willing to relook at their regulations and do this by regulatory change rather than by statute. The problem with setting these things into statute is that once we run into these problems, once events or people or extraordinary people come along and pass away that we would like to put into Arlington, but they do not qualify because of statutory change, even the President would not have the authority to waive it.

So I commend the people who sponsored this bill for their patriotism, for

their support of the Arlington National Cemetery. I speak today knowing that this bill will pass overwhelmingly again, but it did not get consideration by the Senate in the past because of problems. While it has been changed and the language has been improved, in my view, there are still serious problems with this bill that I hope the folks who participate, both on the House side and on the Senate side, will look at and either seek to improve or discard the statutory change and consider working with the Army on regulatory changes.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 4940, the Arlington National Cemetery Burial Eligibility Act. I urge my colleagues to lend their support to this measure.

This legislation H.R. 4940 will codify existing regulatory eligibility criteria for in-ground burial at Arlington National Cemetery.

It also provides the President with the authority to grant a waiver for burial at Arlington in the case of an individual not otherwise eligible for burial under the military service criteria outlined above but whose acts, service, or contributions to the Armed Forces are so extraordinary as to justify burial at Arlington. Additionally, the measure allows the President to delegate the waiver authority only to the Secretary of the Army.

H.R. 4940 also codifies existing regulatory eligibility for interment of cremated remains in the Columbarium at Arlington. Generally, this includes all veterans with honorable service and their dependents. Finally the measure clarifies that only memorials honoring military service may be placed at Arlington and sets a 25-year waiting period.

Mr. Speaker, in recent years there has risen a valid concern that the remaining available space at Arlington National Cemetery has been filling up too fast. This bill is the latest in a natural progression of legislation that Congress has taken to address this problem. It seeks to balance the demand for burial with the limited space available in a manner which preserves the memory and accomplishments of those interred there in the past.

Accordingly, I urge my colleagues to support this measure.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 4940, the Arlington Cemetery Burial Eligibility Act. I would like to thank Chairman CHRIS SMITH and Ranking Member LANE EVANS, as well as MIKE SIMPSON, the Chairman of our Subcommittee, for moving forward with consideration of H.R. 4940. While I am aware of concerns that the bill may exclude certain high government officials from burial at Arlington, I support this measure to codify the requirements for burial in order to conserve the limited space available at this hallowed ground.

I also support the manager's amendment to permit veterans who were buried in marked graves at private cemeteries to qualify for a government marker if they died after September 11, 2001.

This amendment would make a provision of Public Law 107-103, applicable to veterans who die between September 11, 2001 and December 26, 2001. The marker will recognize the veteran's service to our Nation. It is only fitting that this honor be extended those brave American veterans who lost their lives in the terrorist attack on the United States.

I support this bill and urge my colleagues to vote in favor of the bill as amended.

Mr. SHIMKUS. Mr. Speaker, this bill makes several important changes that will honor our veterans. It rightfully expands eligibility requirements for burial at Arlington Cemetery. It also includes provisions from my bill, the "Captain Jack Panches Memorial Act" which honors our veterans who died during the September 11th attacks by allowing them to have both a private grave marker—and a VA furnished marker to honor their service. This is a benefit already afforded to veterans who died on or after December 27, 2001.

I introduced this legislation in honor of Captain Jack Panches, a retired Navy pilot who worked in military intelligence and was at his desk when terrorists crashed a hijacked jet into the building.

Punches grew up in Tower Hill, Illinois—and his mother (Ruth Godwin) still resides in Ramsey. Captain Panches was buried in a private cemetery, and his family wanted to have a private marker as well as a VA marker to commemorate his long service to our country. Due to a quirk in the law, Panches did not qualify for a newly enacted benefit that would entitle him to both headstones.

This legislation will allow veterans, who like Captain Panches gave their lives during September 11th to be properly honored for their service.

I would like to thank Chairman SMITH and Chairman SIMPSON for all of their help with this legislation. I hope that the Senate will act quickly so that this bill will be signed into law by September 11, 2002.

Mr. SHOWS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MORAN of Kansas. Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Kansas (Mr. MORAN) that the House suspend the rules and pass the bill, H.R. 4940, 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.

ARLINGTON NATIONAL CEMETERY MEMORIAL HONORING WORLD WAR II VETERANS WHO FOUGHT IN BATTLE OF THE BULGE

Mr. MORAN of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5055) to authorize the placement in Arlington National Cemetery of a memorial honoring the World War II veterans who fought in the Battle of the Bulge.

The Clerk read as follows:

H. 5055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF PLACEMENT OF MEMORIAL IN ARLINGTON NATIONAL CEMETERY HONORING WORLD WAR II VETERANS WHO FOUGHT IN THE BATTLE OF THE BULGE.

(a) IN GENERAL.—The Secretary of the Army is authorized to place in Arlington National Cemetery a memorial marker honoring veterans who fought in the battle in the European theater of operations during World War II known as the Battle of the Bulge.

(b) APPROVAL OF DESIGN AND SITE.—The Secretary of the Army shall have exclusive authority to approve an appropriate design and site within Arlington National Cemetery for the memorial authorized under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MORAN) and the gentleman from Mississippi (Mr. SHOWS) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MORAN of Kansas asked and was given permission to revise and extend his remarks.)

Mr. MORAN of Kansas. Mr. Speaker, several years ago, the House adopted a resolution honoring those valiant Americans who survived the last desperate battle in the European theater during World War II, the Battle of the Bulge. Many of the members of our committee and Members of Congress have relatives who fought in this epic struggle. A group of survivors of this most heroic battle have asked Congress to enact legislation to enable them to replace the modest plaque at Arlington National Cemetery commemorating this battle with a more appropriate memorial. The cost of the memorial will be borne by that organization.

Mr. Speaker, over 600,000 American troops participated in this action and more than 81,000 were wounded or killed. In scope and number of participants, no American engagement in our storied history was more costly or massive.

The historic significance of the Battle of the Bulge cannot be overstated. If the American and Allied lines had broken, if our frost-bitten GIs fighting and dying in the cold December and January of 1944 and 1945 failed to rally from the ferocity of the initial German assault, or if the weather had not improved enough for our air superiority to turn the tide of battle, World War II could have been prolonged for months or even years. The shape of Europe could have been dramatically different and countless additional Jews, Catholics, Slavs, Gypsies and other political prisoners would surely have died in Nazi death camps.

To put the sheer number of troops involved in the Battle of the Bulge into perspective, remember that there were three armies and six corps, the equivalent of 31 divisions, on the U.S. side alone. Compare these World War II figures to the fact that today, the entire U.S. Army is comprised of 12 active duty divisions and 20 reserve divisions.