

town and complete work and work together for the betterment of the American people, the way we are doing with these three resolutions.

With that, I yield back the balance of my time.

Ms. ROS-LEHTINEN. I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey, Mr. Speaker, I am pleased to support H. Res. 526, which calls for the establishment of a democratic and prosperous Republic of Georgia and a peaceful and just resolution of Georgia's conflict with its breakaway regions, Abkhazia and South Ossetia.

Our country has always backed Georgia's territorial integrity. After Russia's 2008 invasion of Georgia, Moscow essentially truncated Georgia by recognizing the independence of Abkhazia and South Ossetia. Tellingly, no other OSCE state—not even former Soviet republics economically dependent on Russia—has followed Moscow's example, understanding well the danger of the precedent. Secretary Clinton has designated Russia's policy in Abkhazia and South Ossetia as "occupation." Indeed, Moscow has pursued the ongoing militarization of these regions, which are clearly Georgian territory.

In a remarkable admission, Russian President Vladimir Putin said on August 8 that Russia had a contingency plan as early as 2006–2007 for war with Georgia and that Moscow had even trained militiamen in South Ossetia. As Georgia's Foreign Ministry notes, Putin's acknowledgement contradicts "Russia's earlier assertions that its 2008 military attack was in response to a surprise attack from Georgia and that its invasion was meant to prevent genocide and protect Russian citizens. It also underscores the premeditated nature of the invasion and highlights Moscow's utter disregard for international law."

The United States will continue to back Georgia's territorial integrity. I stand with Georgia's Government in calling on Russia to remove its occupying forces and pledge not to use force against Georgia. I also note with concern the troubling military exercises Russia has scheduled to coincide with Georgia's parliamentary elections in October in a blatant attempt at intimidation.

The upcoming election will be a critical moment in Georgia's democratic development. I hope the OSCE will be able to assess the election as free and fair. The United States stands ready to help Georgia progress towards democracy, as H. Res. 526 demonstrates.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 526, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

#### CONFIRMING FULL OWNERSHIP RIGHTS TO ARTIFACTS FROM ASTRONAUTS' SPACE MISSIONS

Mr. HALL. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 4158) to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4158

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

#### SECTION 1. DEFINITION OF ARTIFACT.

For purposes of this Act, the term "artifact" means, with respect to an astronaut described in section 2(a), any expendable item utilized in missions for the Mercury, Gemini, or Apollo programs through the completion of the Apollo-Soyuz Test Project not expressly required to be returned to the National Aeronautics and Space Administration at the completion of the mission and other expendable, disposable, or personal-use items utilized by such astronaut during participation in any such program. The term includes personal logs, checklists, flight manuals, prototype and proof test articles used in training, and disposable flight hardware salvaged from jettisoned lunar modules. The term does not include lunar rocks and other lunar material.

#### SEC. 2. FULL OWNERSHIP OF ARTIFACTS.

(a) IN GENERAL.—A United States astronaut who participated in any of the Mercury, Gemini, or Apollo programs through the completion of the Apollo-Soyuz Test Project, who received an artifact during his participation in any such program, shall have full ownership of and clear title to such artifact.

(b) NO FEDERAL GOVERNMENT CLAIM.—The Federal Government shall have no claim or right to ownership, control, or use of any artifact in possession of an astronaut as described in subsection (a) or any such artifact that was subsequently transferred, sold, or assigned to a third party by an astronaut described in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HALL) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. HALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 4158, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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

I want to begin by thanking members of the Science, Space, and Technology Committee, Republicans and Democrats, for their bipartisan support of this legislation. I especially want to commend my good friends LAMAR SMITH and EDDIE BERNICE JOHNSON for their help and for their early support.

H.R. 4158 would confirm full ownership rights to our Nation's first generation of astronauts who flew during the Mercury, Gemini, and Apollo era and who received or were allowed to retain artifacts, mementos, and other personal equipment from their missions. H.R. 4158 covers all flights beginning in

1961 through the Apollo-Soyuz Test Project, which flew in July of 1975.

From the first days of our manned spaceflight program through the Apollo-Soyuz Test Project, at the conclusion of a mission NASA managers routinely allowed astronauts to keep mementos of their flights. In some instances, astronauts were also given certain pieces of expendable equipment. The range of items included space suit emblems, expendable space suits, checklists, flight manuals, and disposable flight hardware salvaged from the jettisoned lunar landers.

A majority of these items have been in the personal possession of the astronauts for 40 years or more. Over the last decade, NASA has begun to challenge the astronauts' ownership of these mementos. This issue was first brought to my attention late last year. I was surprised to learn that NASA had, on an irregular basis, intervened several times to claim ownership.

Early this year, NASA Administrator Bolden met with a small group of astronauts to discuss the agency's artifacts policy. Following the meeting, through NASA's press office, Administrator Bolden issued a statement saying:

These are American heroes, fellow astronauts, and personal friends who have acted in good faith, and we have committed to work together to find the right policy.

He went on to say:

I believe there have been fundamental misunderstandings and unclear policies regarding items from the Mercury, Gemini, Apollo, and Skylab programs, and NASA appreciates the position of the astronauts, museums, learning institutions, and others who have these historic artifacts in personal and private collections.

This bill seeks to eliminate in any further ambiguity about Apollo-era artifacts that were received by the astronauts. It simply says that astronauts who flew through the end of the Apollo program will be granted full right of ownership of any artifacts received from their missions. If we don't pass this bill, the artifacts and the astronauts face huge financial risks arising from donations, gifts, and sales already completed.

These men are heroes. They're great heroes. Sadly, we had to say good-bye to one of these heroes just last week. They took extraordinary risks to establish American preeminence in space and, by doing so, helped our country become a world leader. I think it's a miscarriage of justice that today NASA should seek return of these very same mementos and keepsakes.

I reserve the balance of my time.

[From NASA News, Jan. 9, 2012]

NASA ADMINISTRATOR MEETS WITH APOLLO ASTRONAUTS; AGENCY WILL WORK COOPERATIVELY TO RESOLVE ARTIFACT OWNERSHIP ISSUES

(By David Weaver and Bob Jacobs)

WASHINGTON, DC.—The following is a statement from NASA Administrator Charles Bolden regarding the ownership of early space exploration mementos and artifacts:

"Earlier today, I had a good meeting with former Apollo astronauts Jim Lovell, Gene

Cernan, Charlie Duke, Rusty Schweickart and other representatives of former astronauts and agency personnel, where we discussed how to resolve the misunderstandings and ownership questions regarding flight mementos and other artifacts.

"These are American heroes, fellow astronauts, and personal friends who have acted in good faith, and we have committed to work together to find the right policy and legal paths forward to address outstanding ownership questions.

"I believe there have been fundamental misunderstandings and unclear policies regarding items from the Mercury, Gemini, Apollo and Skylab programs, and NASA appreciates the position of the astronauts, museums, learning institutions and others who have these historic artifacts in personal and private collections.

"We also appreciate their patience and will explore all policy, legislative and other legal means to resolve these questions expeditiously and clarify ownership of these mementos, and ensure that appropriate artifacts are preserved and available for display to the American people."

AUGUST 16, 2012.

Hon. RALPH M. HALL,  
*Chairman, Committee on Science, Space, and  
Technology, House of Representatives,  
Washington, DC.*

DEAR CONGRESSMAN HALL: The recent discourse by NASA and the Congress regarding the disposition of artifacts carried on U.S. space flights in the possession of U.S. astronauts has come to my attention and resulted in a discussion between myself and Ms. Shana Dale of your office. She requested that I write a brief summary of the policy we utilized to deal with the issue of personal items to be carried by the flight crews that would later be disseminated or given as gifts to their family, friends and or associates. This policy also dealt with personal articles and other equipment used by the astronauts during the flight.

It should be noted that this policy was in effect during all of the Mercury, Gemini, Apollo and Skylab programs. However, after the questionable behavior of the astronauts regarding other carried articles to be sold or distributed for financial gain on the flight of Apollo 15, the policy was revised and more stringently administered by the NASA management.

Donald K. Slayton, Assistant Director for Flight Crew Operations was the principal NASA manager for implementing this policy with the approval of the Director of the Manned Spacecraft Center (later the Johnson Space Center) and after Apollo 15 the concurrence of the NASA Administrator.

The enclosure summarizes the policy discussed above.

Respectfully,

CHRISTOPHER C. KRAFT, JR.,  
*Retired Director,  
NASA Johnson Space Center.*

AUGUST 16, 2012.

A summary of the NASA policy regarding the astronauts permission to carry personal mementos on the space vehicles they flew and the disposition of equipment on board these vehicles deemed by NASA to be expendable.

Starting with Project Mercury, NASA astronauts were granted permission to carry specific mementos on the spacecraft they flew. These items were required to be listed and approved by the Director of Flight Crew Operations. The items had to be within a given weight limit and submitted for proper wrapping and storage by the pad support technicians. The astronauts were allowed to disseminate these mementos as they so desired.

As the space program advanced from Mercury through Apollo the requirements for carrying mementos was altered to assure the weight and the safety met the specific requirements of each program. Further, the Apollo 1 accident demanded a more stringent review of the items and their containment because of the sensitivity of the materials involved relative to combustibility and outgassing.

When the flights increased in orbital time and certain personal items became expendable the astronauts were granted permission to retain certain personal items such as shaving equipment, underwear, thermal cooling under garments, notebooks and even heavily used and expendable space suits.

As the complexity of the spacecraft increased, certain items on board the vehicles had particular relevance and meaning to the astronauts and they requested and received permission to keep these pieces of equipment on a case by case basis. In many cases this required a review by agencies such as the Smithsonian Institute since they had the over all responsibility for the U.S. of retaining the equipment that had historical significance. Such items as hand controllers, hand held cameras and computers were in this category.

It should be noted that in all of the space flights made, items such as flags, plaques and so forth were carried for use by NASA and the U.S. government. These items received a wide distribution and in some cases were given to the astronauts who flew the flight by request for many purposes including gifts to NASA personnel.

Ms. EDDIE BERNICE JOHNSON of Texas. I yield myself such time as I may consume.

I rise in support of H.R. 4158, to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions, and I thank the leadership of Mr. HALL and all of the cosponsors.

This is a necessary bill which will protect our iconic early astronauts from needless harassment. This bill will ensure that any U.S. astronaut who participated in the historic Mercury, Gemini, or the Apollo programs will be able to keep the space artifacts which are still in their possession from those missions.

At the time of these missions, it was accepted practice that astronauts could keep expendable equipment like checklists and hygiene kits as mementos of their missions. However, this was an informal policy, and those astronauts lacked paperwork establishing ownership over these items.

This bill will protect those astronauts from any claims made by the Federal Government regarding any of these artifacts. Further, the bill protects our national interest by ensuring that any lunar rocks or other lunar material remain property of the United States.

While I do support this bill and its passage today, I would be remiss if I didn't express my concern about a possible omission. This bill does not cover any of the shuttle-era astronauts. The first American woman in space and the first African American in space were both exclusively shuttle-era astronauts, and there were many other notable astronauts during this era.

□ 1530

I think these astronauts are no less national heroes than the Apollo-era astronauts and also no less deserving of that protection.

Now, I understand this is a more difficult issue since NASA has not been able to identify when its own internal policies changed regarding astronaut artifacts. But I do think we need to figure that out and then address those astronauts' situation as soon as possible.

I do want to thank Mr. HALL for his leadership and for working with all of us on this bill, and I reserve the balance of my time.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PALAZZO), the chairman of the Space and Aeronautics Subcommittee.

Mr. PALAZZO. Mr. Speaker, I rise in strong support of H.R. 4158. This legislation will resolve a conflict that has emerged within NASA over the last decade regarding the ownership of artifacts from the Mercury, Gemini, and Apollo programs. Left unresolved, as Chairman HALL pointed out, astronauts, their families, and those to whom they transferred, donated, or sold artifacts may not have clear title to them. If NASA persists in its efforts to reacquire these items that were initially received by the astronauts 40 years or more ago, significant financial consequences could befall them.

In the 1960s, as NASA began the Mercury program, agency managers allowed astronauts to carry a small number of mementos in their spacecraft. As the spacecraft became larger and larger and mission duration increased, the agency's policy evolved to allow astronauts to retain expendable personal gear such as shaving equipment, undergarments, notebooks, and expendable space suits.

During the lunar landing phase of the Apollo program, the policy further changed to allow astronauts to retrieve from the lunar lander certain pieces of hardware that would have been destroyed had it remained in the lander.

With full knowledge and consent of program managers, the astronauts were allowed to fly personal mementos as well as retain certain pieces of equipment. It is incredible to me that NASA now wants to penalize those who acted in good faith by attempting to retrieve these items.

H.R. 4158 is a necessary bill to bring closure to the debate and uncertainty regarding ownership of a small class of space artifacts. I urge all Members to support this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. SMITH of Texas. Mr. Speaker, I want to thank my good friend and Texas colleague, Science, Space and Technology Committee Chairman RALPH HALL, for taking the lead on

this bill and bringing it to the floor today. My hope is that after the House passes this bill the Senate will act quickly and send it to the President for his signature.

The problem this bill addresses is to confirm the ownership of mementoes the Apollo astronauts received from their journeys. I was first contacted one year ago about this problem by my constituent, Apollo 16 moonwalker Charlie Duke, who now lives in New Braunfels, Texas and also chairs the Astronaut Scholarship Foundation.

The Scholarship Foundation is one of the beneficiaries from the sale of such artifacts, and they have provided over \$3 million in scholarships to college students studying science and engineering so they too can aspire to be astronauts.

At the end of the Apollo program, these mementoes were deemed to be of little value, and NASA was simply going to throw many of these items in the trash heap of history—checklists with scribbled equations and calculations in the margins, a camera and other personal effects the Apollo astronauts were offered to keep for themselves.

However, in the intervening 40 years, these mementoes took on a greater historical context, just like mementoes from past wars or famous people take on greater significance. Unfortunately, over-zealous NASA and the Justice Department lawyers recently started filing law suits against Apollo astronauts—our American heroes—and started questioning their integrity.

This is wrong. And this bill clarifies the ownership of these artifacts in the possession of our astronauts.

Chairman HALL, thank you for doing the right thing—once again—for our astronauts.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HALL) that the House suspend the rules and pass the bill, H.R. 4158.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## VETERANS FIDUCIARY REFORM AND HONORING NOBLE SERVICE ACT

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5948) to amend title 38, United States Code, to improve the supervision of fiduciaries of veterans under the laws administered by the Secretary of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5948

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

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans Fiduciary Reform and Honoring Noble Service Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Improvement of fiduciaries for veterans.

Sec. 3. Establishment of Place of Remembrance at Arlington National Cemetery.

Sec. 4. Furnishing caskets and urns for deceased veterans with no known next of kin.

Sec. 5. Improved communication between Department of Veterans Affairs and medical examiners and funeral directors.

Sec. 6. Report on compliance of Department of Veterans Affairs with industry standards for caskets and urns.

Sec. 7. Exclusion of persons convicted of committing certain sex offenses from interment or memorialization in national cemeteries, Arlington National Cemetery, and certain State veterans’ cemeteries and from receiving certain funeral honors.

Sec. 8. Veterans freedom of conscience protection.

Sec. 9. Provision of access to case-tracking information.

Sec. 10. Notification by the Secretary of Veterans Affairs of individuals whose sensitive personal information is involved in a data breach.

Sec. 11. Limitation on bonuses for Department of Veterans Affairs employees who violate Federal civil laws or regulations.

Sec. 12. Limitation on awards and bonuses to employees of the Department of Veterans Affairs.

### SEC. 2. IMPROVEMENT OF FIDUCIARIES FOR VETERANS.

(a) APPOINTMENT AND SUPERVISION.—

(1) Section 5502 of title 38, United States Code, is amended to read as follows:

#### “§ 5502. Appointment of fiduciaries

“(a) APPOINTMENT.—(1) Where it appears to the Secretary that the interest of the beneficiary would be served thereby, payment of benefits under any law administered by the Secretary may be made directly to the beneficiary or to a relative or some other fiduciary for the use and benefit of the beneficiary, regardless of any legal disability on the part of the beneficiary.

“(2) When in the opinion of the Secretary, a temporary fiduciary is needed in order to protect the benefits provided to the beneficiary under any law administered by the Secretary while a determination of incompetency is being made or appealed or a fiduciary is appealing a determination of misuse, the Secretary may appoint one or more temporary fiduciaries for a period not to exceed 120 days. If a final decision has not been made within 120 days, the Secretary may not continue the appointment of the fiduciary without obtaining a court order for appointment of a guardian, conservator, or other fiduciary under the authority provided in section 5502(b) of this title.

“(b) APPEALS.—(1) If the Secretary determines a beneficiary to be mentally incompetent for purposes of appointing a fiduciary under this chapter, the Secretary shall provide such beneficiary with a written statement detailing the reasons for such determination.

“(2) A beneficiary whom the Secretary has determined to be mentally incompetent for purposes of appointing a fiduciary under this chapter may appeal such determination.

“(c) MODIFICATION.—(1) A beneficiary for whom the Secretary appoints a fiduciary

under this chapter may, at any time, request the Secretary to—

“(A) remove the fiduciary so appointed; and

“(B) have a new fiduciary appointed.

“(2) The Secretary shall comply with a request under paragraph (1) unless the Secretary determines that the request is not made in good faith.

“(3) The Secretary shall ensure that any removal or new appointment of a fiduciary under paragraph (1) does not delay or interrupt the beneficiary’s receipt of benefits administered by the Secretary.

“(d) INDEPENDENCE.—A fiduciary appointed by the Secretary shall operate independently of the Department to determine the actions that are in the interest of the beneficiary.

“(e) PREDESIGNATION.—A veteran may pre-designate a fiduciary by—

“(1) submitting written notice to the Secretary of the predesignated fiduciary; or

“(2) submitting a form provided by the Secretary for such purpose.

“(f) APPOINTMENT OF NON-PREDESIGNATED FIDUCIARY.—If a beneficiary designates an individual to serve as a fiduciary under subsection (e) and the Secretary appoints an individual not so designated as the fiduciary for such beneficiary, the Secretary shall notify such beneficiary of—

“(1) the reason why such designated individual was not appointed; and

“(2) the ability of the beneficiary to modify the appointed fiduciary under subsection (c).

“(g) PRIORITY OF APPOINTMENT.—In appointing a fiduciary under this chapter, if a beneficiary does not designate a fiduciary pursuant to subsection (e), to the extent possible the Secretary shall appoint a person who is—

“(1) a relative of the beneficiary;

“(2) appointed as guardian of the beneficiary by a court of competent jurisdiction; or

“(3) authorized to act on behalf of the beneficiary under a durable power of attorney.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of title 38, United States Code, is amended by striking the item relating to section 5502 and inserting the following:

“5502. Appointment of fiduciaries.”.

(b) SUPERVISION.—

(1) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by inserting after section 5502, as amended by subsection (a)(1), the following new section:

#### “§ 5502A. Supervision of fiduciaries

“(a) COMMISSION.—(1)(A) In a case in which the Secretary determines that a commission is necessary in order to obtain the services of a fiduciary in the best interests of a beneficiary, the Secretary may authorize a fiduciary appointed by the Secretary to obtain from the monthly benefits provided to the beneficiary a reasonable commission for fiduciary services rendered, but the commission for any month may not exceed the lesser of the following amounts:

“(i) The amount that equals three percent of the monthly monetary benefits under laws administered by the Secretary paid on behalf of the beneficiary to the fiduciary.

“(ii) \$35.

“(B) A commission paid under this paragraph may not be derived from any award to a beneficiary regarding back pay or retroactive benefits payments.

“(C) A commission may not be authorized for a fiduciary who receives any other form of remuneration or payment in connection with rendering fiduciary services for benefits under this title on behalf of the beneficiary.

“(D) In accordance with section 6106 of this title, a commission may not be paid to a fiduciary if the Secretary determines that the