

the Immigration and Naturalization Service (INS), and law enforcement and intelligence agencies. For example, consular officers who issue visas will now be required to transmit electronic versions of visa files to the INS, so that this critical information is available to immigration inspectors at U.S. ports of entry. By enhancing our ability to screen visitors to the U.S. before their arrival, we will help to keep terrorist cells from entering our country.

This bill also improves the monitoring of foreign students and exchange visitors. H.R. 3525 expands the current foreign student monitoring program in our colleges and universities to include flight schools, language training programs, and vocational schools. It also enhances the reporting requirements placed on the INS, the State Department and educational institutions. In addition, it requires the INS, in consultation with the Department of Education, to periodically review institutions enrolling foreign students and receiving exchange visitors, to ensure that they adhere to the mandated reporting and record-keeping requirements.

Madam Speaker, in spite of the many merits of this bill, I am however very disappointed that it does not include an extension of Section 245(i) of the Immigration and Nationality Act.

Section 245(i) allows eligible immigrants to stay in this country by paying a substantial fee of \$1,000 to adjust their status to permanent residency based on a close family member or employer sponsor. Under Section 245(i), the only eligible immigrants are those who have been physically present in the United States since before December 1998 and have an established familiar relationship or employment based petition filed with the INS. Immigrants who qualify would be screened for criminal offenses, fraud, and would need to meet all other conditions of admissibility—just like any other immigrant who applies for a green card. An extension of 245(i) does not provide a loophole to our border security—anyone found to be linked to any criminal activity would continue to face deportation or detention.

A permanent extension of Section 245(i) is an issue of great importance to the Hispanic Caucus and the entire Latino community. President Bush publicly supported an extension, as have the AFL-CIO and the U.S. Chamber of Commerce. In fact, the House was scheduled to vote on an extension of this important provision, but due to the unconscionable attacks of September 11th this legislation was pulled from consideration and never rescheduled.

Since then, I along with other members of the Congressional Hispanic Caucus have been urging the leadership of the House to bring up and pass an extension to Section 245(i) before the end of the year. We felt confident that adding an extension of Section 245(i) to H.R. 3525 would create the right balance between the need to keep our borders safe from terrorist threats, and keep the avenues for legal permanent residency open to hard working immigrants.

Without an extension of Section 245(i), we are not helping to secure our borders; we are instead promoting the separation of families and the increase of individuals on our unemployment roles. It is therefore unfortunate that

Section 245(i) has fallen victim to those who equate immigration with terrorism.

There is no doubt that our country needs long-term solutions to security problems at our borders, and H.R. 3525 is a positive step in that direction. In our effort to secure our nation however, we must not close the door to our ability to legalize employees of American companies or spouses and children of U.S. citizens. An extension of Section 245(i) is pro-family, pro-business, and good for America. I hope the Bush Administration will keep its promise and work with the bipartisan congressional supporters of Section 245(i) to gain passage of an extension before the end of the 107th Congress.

Mr. SENSENBRENNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3525, 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.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE EN-GROSSMENT OF H.R. 3525, ENHANCED BORDER SECURITY ACT AND VISA ENTRY REFORM ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that in engrossment of the bill, H.R. 3525, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

ELIGIBILITY OF CERTAIN PERSONS FOR BURIAL IN ARLINGTON NATIONAL CEMETERY

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3423) to amend title 38, United States Code, to enact into law eligibility of certain veterans and their dependents for burial in Arlington National Cemetery, as amended.

The Clerk read as follows:

H.R. 3423

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

SECTION 1. ELIGIBILITY OF CERTAIN PERSONS FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—(1) Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 2412. Arlington National Cemetery: eligibility of certain persons for burial

“(a)(1) The remains of a member or former member of a reserve component of the

Armed Forces who at the time of death was under 60 years of age and who, but for age, would have been eligible at the time of death for retired pay under chapter 1223 of title 10 may be buried in Arlington National Cemetery on the same basis as the remains of members of the Armed Forces entitled to retired pay under that chapter.

“(2) The remains of the dependents of a member whose remains are permitted under paragraph (1) to be buried in Arlington National Cemetery may be buried in that cemetery on the same basis as dependents of members of the Armed Forces entitled to retired pay under such chapter 1223.

“(b)(1) The remains of a member of a reserve component of the Armed Forces who dies in the line of duty while on active duty for training or inactive duty training may be buried in Arlington National Cemetery on the same basis as the remains of a member of the Armed Forces who dies while on active duty.

“(2) The remains of the dependents of a member whose remains are permitted under paragraph (1) to be buried in Arlington National Cemetery may be buried in that cemetery on the same basis as dependents of members on active duty.”

(2) 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: eligibility of certain persons for burial.”

(b) EFFECTIVE DATE.—Section 2412 of title 38, United States Code, as added by subsection (a), shall apply with respect to interments occurring on or after the date of the enactment of this Act.

SEC. 2. PLACEMENT OF MEMORIAL IN ARLINGTON NATIONAL CEMETERY HONORING THE VICTIMS OF THE ACTS OF TERRORISM PERPETRATED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001.

(a) AUTHORIZATION TO PLACE MEMORIAL.—The Secretary of the Army is authorized to construct and place in Arlington National Cemetery a memorial marker honoring the victims of the acts of terrorism perpetrated against the United States on September 11, 2001.

(b) CONSULTATION WITH FAMILIES OF VICTIMS BEFORE USE OF AUTHORITY.—The Secretary of the Army shall consult with the families of victims of such acts of terrorism prior to the exercise of the authority provided for under subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am pleased that the House is considering H.R. 3423, as amended, so promptly. This bill would change in-ground burial eligibility at Arlington National Cemetery by eliminating the requirement that retired reservists be in receipt of their retirement pay.

Reservists must be 60 years old to receive pay, and existing Army rules do not allow these gray zone retirees to be

buried at Arlington. The bill would also make eligible for in-ground burial reservists who die in the line of duty during active or inactive training.

Madam Speaker, Arlington is the Nation's most famous veterans cemetery with a storied history of American heroes who are buried there. However, there is limited space for in-ground burial at the cemetery. In 1967, the Army adopted rules restricting eligibility as to which veterans can be buried there. It should be noted that Arlington will provide space for cremated remains in its columbaria for honorably discharged veterans eligible for burial at any of the other national cemeteries.

In general, Army rules restrict in-ground burial at Arlington to veterans who were wounded in combat, died on active duty, received one of the military service's highest awards for gallantry or were held prisoner of war or retired from military service.

The bill before us, Madam Speaker, would amend those Army rules to ensure access for retired reservists such as Captain Charles Burlingame, III, the pilot of flight 77 which tragically crashed into the Pentagon on September 11. Indeed, Captain Burlingame, a former Navy F-4 Phantom fighter pilot, was one of the first casualties in the war on terrorism.

The existing Army rules, however, prevented Captain Burlingame, who was 51, from receiving full burial rights at Arlington National Cemetery solely because of his age at death.

In every other aspect, Captain Burlingame was fully qualified having served 20 years of service with distinction. Fortunately, Captain Burlingame was eventually approved for his own burial in his own grave site through a waiver approved by the Secretary of the Army. Captain Burlingame deserved the Nation's highest honor of burial at that hallowed ground of Arlington, not only because he gave his life trying to save his passengers, but because he did his duty to our Nation as a member of the Naval Reserve as a combat pilot.

Burial space is very limited, Madam Speaker, at Arlington; and I appreciate the interest in maintaining its strict eligibility rules. Those rules have remained essentially unchanged over the last 34 years. But the role of our reserve forces has changed markedly over the last number of years, the last 34 or so years.

In the Congress, we have recognized this by authorizing many benefits for reservists that previously were only provided to former active duty personnel. Reservists play a major role in the modern total force concept that protect our freedoms. Today we are unable to go to war without mobilizing reservists right from the start. It is inequitable, I would suggest, that a reservist who serves our Nation for a

minimum of 20 years shall have been eligible for in-ground burial at Arlington simply because he or she had the misfortune to die prior to the age of 60. In addition to such distinguished retirees as Captain Burlingame, this legislation would make eligible members of the reserve components who die in the line of duty while performing weekend or two-week reserve duty.

Frankly, I see no reason why a reservist's eligibility for Arlington should be based on whether that person was or was not in training status when he or she died in the line of duty. In today's military, there is usually no practical difference.

Madam Speaker, the danger of serving in our Armed Forces is emphasized by the thousands of active duty deaths which occur each and every year. Almost all of these deaths occur not as a result of hostile action, but as the predictable toll of employing young men and women in sometimes dangerous and daunting tasks while operating complex weapons systems that put them at risk. Many of them are also the result of automobile accidents.

Under current law, we honor each of these service members by offering their families honors and benefits because their death occurred in the line of duty. One of those honors is to be buried at Arlington National Cemetery.

At our hearing on this last week, Madam Speaker, we received very compelling testimony from several witnesses that a military plane crash may end the lives of all on board, but that the status of those who died may range from active duty to inactive duty training. To afford burial at Arlington to one whose status was active duty while denying it to yet another who was inactive is illogical, and it is profoundly unfair. This bill would make the rules more equitable.

During the committee consideration of this measure, we agreed to adopt an amendment offered by the gentleman from Illinois (Mr. EVANS), my good friend and colleague, the ranking member of the Committee on Veterans' Affairs. The amendment authorizes but does not require the construction of a memorial at Arlington Cemetery to all of those that were killed on September 11. Under existing regulations, it is necessary for Congress to authorize a memorial such as the one contemplated in this bill.

I have met, Madam Speaker, with a number of the families of persons who were killed on September 11, and there would undoubtedly be constructed a national memorial to their loved ones. This legislation respects the desires of the families by requiring the Secretary of the Army to consult with them prior to determining whether the memorial should be built at Arlington and, if so, how it should be designed in a manner that is compatible with the existing cemetery.

Madam Speaker, this is a good bill. It is urgent that it be passed immediately.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H.R. 3423 as amended. Again, I want to thank the chairman of this committee for his leadership on this issue, as well as so many others during the course of this year. I also want to extend my thanks to the gentleman from Indiana (Mr. SIMPSON), chairman of the Subcommittee on Benefits, and the gentleman from Texas (Mr. REYES), the ranking member, for their outstanding efforts during what has been a demanding legislative year.

Recent events have highlighted for us that America's veterans continue to exemplify bravery, courage and conviction. Quite simply put, our veterans remain our heroes. I am pleased that this measure would revise the Department of Army's current eligibility requirements for burial at the Arlington Cemetery to better reflect today's military force structure.

This bill would eliminate the 60-year-age requirement for grade zone retired reservists. The need for these changes was highlighted by the death of Charles F. Burlingame, III, the pilot of American Airlines flight 77 that crashed into the Pentagon on September 11, 2001. He was a navy reservist for 17 years and was ineligible to be buried at Arlington. After much debate, I was pleased that the Army finally agreed to provide a hero's burial for Mr. Burlingame, but the need to eliminate this arbitrary rule still remains.

This bill would also provide Arlington burial for reservists who die in the line of duty when performing active or inactive duty training. I feel strongly that a member of America's military who was killed in the line of service deserves a hero's burial at Arlington. The military and veterans organizations that appeared before the committee at our hearing unanimously supported the bill.

Finally, this bill also provides discretionary authority to the Secretary of the Army for constructing and placing a memorial in the Arlington National Cemetery to all the innocent victims who lost their lives in the terrorist attacks against the United States on September 11, 2001. As a general rule, Arlington's memorials are largely restricted to honoring military history. However, past Congresses have provided for exceptions in order to memorialize the victims of extraordinary tragic events in America's history. For example, Congress has provided for memorials at Arlington honoring the Space Shuttle Challenger crew and the victims of the Pan Am Flight 103.

Madam Speaker, this is a good bill for America's veterans. I salute the

chairman for bringing it quickly to the floor before the end of this year.

Madam Speaker, I rise today in support of H.R. 3423, as amended. I want to commend and thank the Chairman of the Committee, CHRIS SMITH, for his leadership on this issue and his successful efforts to work with Members on both sides of the aisle to so quickly bring this measure to the House floor today. I also extend my thanks to the Chairman of the Benefits Subcommittee, MIKE SIMPSON, and the Ranking Democratic Member, SILVESTRE REYES, of their outstanding efforts during what has been a demanding legislative year.

As a Marine and as a member of the Veterans' Affairs Committee since 1983, I know very well that Arlington National Cemetery is a cherished parcel of this Nation's most hallowed ground. In bringing this measure before the House for a vote today, every member of the Veterans' Affairs Committee has been unequivocal in their personal commitment to honor and revere Arlington National Cemetery on behalf of the brave men and women of America's military and our veterans.

Recent events have highlighted for us that America's veterans continue to exemplify the bravery, courage and conviction that are pillars beneath America's freedom and success throughout history. Quite simply, our veterans remain our heroes. I am pleased that H.R. 3423 would revise the Department of the Army's current eligibility requirements for burial at Arlington National Cemetery to better reflect this fact.

As reported unanimously by the Veterans' Affairs Committee, H.R. 3423 would revise the current burial rules that govern Arlington National Cemetery. Specifically, the bill would eliminate the requirement for reservists who are eligible for retirement pay and otherwise eligible for in-ground burial to be 60 years of age. H.R. 3423 would also provide for in-ground burial eligibility for members of the reserve components who die in the line of duty while serving their country performing active duty or inactive duty training.

Madam Speaker, when we consider Arlington's in-ground burial restrictions, we are immediately faced with conflicting needs. On the one hand, we must do our best to preserve Arlington Cemetery's limited space for those men and women whose level of commitment and heroism to the Nation has been truly extraordinary. On the other hand, we want to make a hero's burial available, to the fullest and most uniformly fair extent possible, to all our heroes who are so deserving of this honor.

Whether the rule should remain intact as it is now or whether we should reform the rule in some way is a question that required the careful thought and consideration of the Committee. After deliberating over H.R. 3423, the Committee found it quite difficult to find justification to distinguish between sacrifices and contributions to the Nation of a career reservist and those of an active duty servicemember. There are increasingly dynamic and pressing demands on today's modern military. As such, I believe strongly that our active duty and reserve forces should share equally when it comes to America's grateful show of final respects.

Similarly, I feel strongly that no reasonable grounds for distinction exist between the

deaths of our active duty servicemembers and the deaths of our reservists who are engaged in active duty or inactive duty training. There is no question in my mind that a member of America's military who is killed in the line of duty deserves a hero's burial at Arlington National Cemetery. Moreover, the various military and veterans' organizations that appeared before the Committee at our hearing on H.R. 3423 were unanimously in favor of this provision of the bill.

Madam Speaker, on the morning of September 11, 2001, America experienced several tragic terrorist attacks in which thousands of civilians and military servicemembers perished. The terrorist attacks of September 11th were attacks against the United States and its citizens. They were acts of war that defined a day of violence, of horror and of profound sadness that can never be forgotten. It was also the greatest single loss of human life on American soil that we have ever had to endure in our history.

The victims of the terrorist attacks are heroes in every sense of the word. As ordinary people on an ordinary day, each would go on to display great courage in the face of disparity and unthinkable violence. Through our memories of them and their ultimate sacrifices, they live on to lead our current war against a faceless enemy.

H.R. 3423 is dedicated to honoring some of America's heroes. Whether at Arlington National Cemetery, or at one of our many other national, state or private cemeteries that span the globe, this Nation has chosen through time to honor its heroes with proper resting grounds and grateful recognition of their contributions and sacrifice.

In light of America's recent tragedies, I offered an amendment to H.R. 3423 during the Committee's markup of the bill that was subsequently passed and made part of the bill. As it has now been amended, H.R. 3423 provides discretionary authority to the Secretary of the Army for constructing and placing a memorial within the Arlington National Cemetery to honor all innocent victims who lost their lives in the terrorist attacks against the United States on September 11, 2001.

As the Ranking Democratic Member of the Veterans Affairs Committee and a member of the Armed Services Committee, I consider Arlington National Cemetery to be especially appropriate for this purpose as hundreds of the thousands who were killed on that day were active duty servicemembers and veterans. Under current law, memorials at Arlington are largely restricted to honoring military history. Congress has provided for a number of exceptions to this restriction, however, in order to memorialize the victims of extraordinarily tragic events in America's history. For example, Congress provided for the placement of memorials at Arlington in honor of the crew of the space Shuttle *Challenger*, as well as the victims of Pan Am Flight 103 who were lost to terrorism over Lockerbie, Scotland.

In remembering the tragedies of September 11, the Nation will undoubtedly choose to memorialize its victims in countless and different ways. President Bush acknowledged on Tuesday of last week that permanent memorials would surely be constructed in their honor. I agree with the President, and I believe we

should act today to move forward toward achieving this goal. Arlington National Cemetery is an entirely fitting option for the placement of one such memorial for the victims of the tragedies of September 11.

I strongly urge my colleagues to support H.R. 3423, as amended.

DECEMBER 18, 2001.

To: House Veterans' Affairs Committee Attention: Deborah Smith

From: Lawrence Kapp Analyst in National Defense Foreign Affairs, Defense, and Trade Division

Subject: Definitions of Inactive Duty For Training and Active Duty For Training

This memorandum is written in response to your request for a definition of "Inactive Duty Training" (IDT) and "Active Duty for Training" (ADT) as the terms are used in reference to the training status of military reservists. In accordance with your request, the definitions provided are general ones suitable for the non-specialist. I have also attached an extract from DoD Directive 1215.6, Uniform Reserve, Training, and Retirement Categories, which provides more comprehensive definitions.

Inactive Duty Training is training conducted by members of the Selected Reserve¹ when they are not on active duty. This type of training is often referred to as "drill," and is usually conducted one weekend per month. Typical duties include individual task training, collective task training, and completion of administrative requirements. Less frequently, IDT is used to support the operational missions of the active component.

Active Duty for Training (ADT) is one of several different types of active duty. ADT is typically used to fulfill individual or unit training requirements for reservists. For example, a reservist who is sent to a military school to become qualified in a specific military occupational speciality would normally attend the school in an ADT status. An important type of ADT for members of the Selected Reserve is Annual Training (AT), sometimes referred to colloquially as "summer camp." Members of the Selected Reserve are usually required to participate in AT for two weeks each year.

If you have further questions about training categories for reservists, please do not hesitate to call me at 202-707-7609.

EL ENCLOSURE 1 DEFINITIONS

E1.1.1. Active Duty (AD). Full-time duty in the active military service of the United States. It includes full-time training duty, annual training duty, and attendance, while in active military service, at a school designated as a service school by law and the Secretary of the Military Department concerned. It does not include full-time National Guard duty. For the RC, AD is comprised of the categories ADT and ADOT.

E1.1.2. Active Duty for Special Work (ADSW). A tour of AD for Reserve personnel authorized from military or Reserve personnel appropriations for work on AC or RC programs (ADSW-AC funded or ADSW-RC funded). The purposes of ADSW is to provide the necessary skills manpower assets to support existing or emerging requirements. By policy, ADSW tours are normally limited to 139 days, or less, in one fiscal year. Tours exceeding 180 days are accountable against AC or AGR end strength IAW 10 U.S.C. 115 (reference (d)), unless specifically provided for in public law. Training may occur in the conduct of ADSW.

E1.1.3. Active Duty for Training (ADT). A category of AD used to provide structured

individual and/or unit training, or educational courses to RC members. Included in the ADT category are AT, IADT, and OTD. The primary purpose of ADT is to provide individual and/or unit readiness training, but ADT may support AC missions and requirements; i.e., operational support, thereby adding substance to the Total Force.

E1.1.4. Active Duty Other than for Training (ADOT). A category of AD used to provide RC support to either AC or RC missions. It includes the categories of ADSW, AGR duty, and involuntary AD IAW Sections 12301, 12302, and 12304 of reference (d) and 14 U.S.C. 712 (reference (f)). Training may occur in the conduct of ADOT.

E1.1.5. Active Guard and Reserve (AGR) Duty. AD performed by a member of an RC of the Army, Navy, Air Force, or Marine Corps, Coast Guard, or FTNGD performed by a member of the National Guard under an order to AD or FTNGD for a period of 180 consecutive days or more for organizing, administering, recruiting, instructing, or training the Reserve components. Personnel performing such duty are included in the Full Time Support numbers for each RC under the collective title of AGR. This includes Navy Training and Administration of Reserves, Marine Corps Active Reserves, Reserves, and Coast Guard Reserve Program Administrators.

E1.1.6. Annual Training (AT). It is the minimum period of training that Reserve members must perform each year to satisfy the training requirements associated with their RC's assignment. The primary purpose of AT is to provide individual and/or unit readiness training, but AT may support AC missions and requirements; i.e., operational support, thereby adding substance to the Total Force.

E1.1.7. Contributory Support. Support to military operations or missions, other than war or contingency operations, provided by members or units of the RCs.

E1.1.8. Full-Time National Guard Duty (FTNGD). Training or other duty, other than inactive duty, performed by a member of the ARNGUS or the ANGUS in a member's status as a member of the National Guard of a State territory, the Commonwealth or Puerto Rico, or the District of Columbia as described in 10 U.S.C. 101(d)(5) of reference (d). FTNGD is active service IAW Section 101(d)(3) of reference (d).

E1.1.9. Inactive Duty Training (IDT). Authorized training performed by members of an RC not on AD, and performed in connection with the prescribed activities of the RC, of which they are a member. It consists of regularly scheduled unit training periods, ATPs, and equivalent training as defined in DoD Instruction 1215.19 (reference (e)). The primary purpose of IDT is to provide individual and/or unit readiness training, but IDT may support AC missions and requirements, i.e., operational support, thereby adding substance to the Total Force. IDT also encompasses muster duty, in the performance of the annual screening program.

E1.1.10 Initial Active Duty Training (IADT). Training that provides basic military training and technical skill training required for all enlisted accessions. Provisions regarding IADT for non-prior Service persons, enlisted members receiving stipends under the Armed Forces Health Professions Stipend Program for Reserve Service, and all other enlistees and/or inductees are provided in reference (e).

E1.1.11. Involuntary Active Duty. Duty used in support of military operations when it is determined by the President or the Congress that RC forces are required to augment the AC. It is provided for within the provi-

sions of Sections 12301 and 12302 of reference (d) for full and partial mobilization, respectively, Section 12304 of reference (d) for Presidential Selected Reserve Call-Up authority, and 14 U.S.C. 712 (reference (f)) for Secretary of Transportation Coast Guard Reserve call-ups for domestic emergencies. For other purposes, Secretaries concerned may order members involuntarily to AD IAW provisions of Section 12301(b) or 12303 of reference (d).

E1.1.12. Muster Duty (MD). A special category of IDT. Meets the continuous screening requirement established by Section 10149 of reference (d). A member of the Ready Reserve may be ordered without his consent to MD one time a year by an authority designated by the Secretary concerned IAW Section 12319 of reference (d).

E1.1.13. Other Training Duty (OTD). Training, other than IADT or AT, that provides all other structured training, to include on the job training, for individuals or units to enhance proficiency. OTD is authorized to provide for full-time attendance at organized and planned specialized skill training, refresher and proficiency training, and professional development education programs. It provides RC members with necessary skills and disciplines supporting RC missions. It should provide a primary training content to the recipient. The primary purpose of OTD is to provide individual and/or unit readiness training, but OTD may support AC missions and requirements; i.e., operational support, thereby adding substance to the Total Force.

E1.1.14. Reserve Component Categories (RCC). Categories identifying an individual's status in an RC. The three RCCs are Ready Reserve, Standby Reserve, and Retired Reserve. Each RC member is identified by a specific RCC designation.

E1.1.15. Training and Retired Categories (TRC). Categories identifying (by specific TRC designator) an RC member's training or retirement status in an RCC and an RC.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. GILMAN), the dean of the New York delegation.

Mr. GILMAN. Madam Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for yielding me the time.

Madam Speaker, I rise in strong support of H.R. 3423, amending current eligibility requirements for certain veterans to be buried at Arlington National Cemetery, and I want to commend the gentleman from New Jersey (Mr. SMITH), our distinguished chairman of our Committee on Veterans' Affairs, who does so much for our veterans, and the gentleman from Illinois (Mr. EVANS), ranking minority member, for bringing this legislation before us this evening.

This legislation will make eligible for burial at Arlington Cemetery a member or former member of a reserve component of the Armed Forces who, at the time of death, was below the age of 60, who but for his or her age would have been eligible for military retired pay under U.S. Code Title X.

Moreover, the measure also extends eligibility to the member's dependents. This bill also makes eligible for burial at Arlington National Cemetery a

member of a reserve component of the Armed Forces who dies in the line of duty while on active duty for training or inactive duty training.

H.R. 3423 further authorizes the Secretary of the Army to construct a memorial at Arlington National Cemetery honoring the victims of the terrorist attacks against the United States on September 11, and in this time when our courageous, dedicated, brave men and women are fighting for our Nation's freedom overseas, it is extremely important that we ensure those who have made the ultimate sacrifice are properly honored.

Accordingly, I urge my colleagues to support this vital veterans legislation.

Mr. EVANS. Madam Speaker, I yield as much time as she may consume to the gentlewoman from Indiana (Ms. CARSON) for any remarks she may make.

Ms. CARSON of Indiana. Madam Speaker, I thank the gentleman from New Jersey (Mr. SMITH), the honorable chairman, and certainly the gentleman from Illinois (Mr. EVANS), the ranking member, for doing a yeoman's job in behalf of those who are certainly deserving of congressional attention and support today bringing forth H.R. 3423, the Arlington National Cemetery bill.

□ 1830

Captain Burlingame, a former Navy pilot and reservist, served his time well on behalf of these United States. This legislation, like the Constitution when it was written, was amended on several occasions, once we realized as a Nation that something was awry and needed to be addressed. Such is the same case with the Arlington National Cemetery, which received its designation on June 15, 1864, as a military cemetery to hold the Civil War dead. Subsequent to that, Madam Speaker, there have been others who were not a part of the Civil War who have been allowed to be buried in Arlington National Cemetery.

This particular legislation, I would trust, as we give homage to Mr. Burlingame, and certainly embrace the family that he so tragically and suddenly left behind, to his widow and to his children, a special commendation would be in order here on behalf of Captain Burlingame. That is why we believe that it is imperative that we modify the age requirement for those whose remains rest at Arlington Cemetery. And I would encourage those of us who are still blessed to have an opportunity to speak here today would be enthusiastically supportive of this measure and to reiterate our strong prayers and sympathy for the family that Captain Burlingame left behind.

While we cannot remove the pain and the horror that emitted from September 11, this is one act that we can at least do as Members of Congress to ensure the rightful placement of Captain Burlingame's remains in the Arlington National Cemetery.

Madam Speaker, I encourage unanimous support of this measure and also commend the ranking member for his successful amendment in terms of a monument at Arlington National Cemetery in recognition of all of those who prematurely lost their lives on September 11.

Mr. SMITH of New Jersey. Madam Speaker, I reserve the balance of my time.

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

Mr. SMITH of New Jersey. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3423, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Madam 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

LIVING AMERICAN HERO APPRECIATION ACT

Mr. SMITH of New Jersey. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2561) to increase the rate of special pension for recipients of the Medal of Honor, to authorize those recipients to be furnished an additional medal for display purposes, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2561

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 "Living American Hero Appreciation Act".

SEC. 2. INCREASE IN RATE OF SPECIAL PENSION FOR MEDAL OF HONOR RECIPIENTS AND RETROACTIVITY OF PAYMENTS TO DATE OF ACTION.

(a) INCREASE IN SPECIAL PENSION.—Section 1562(a) of title 38, United States Code, is amended by striking "a special pension at the rate of" and all that follows through the period at the end and inserting "a special pension, beginning as of the first day of the first month that begins after the date of the act for which that person was awarded the Medal of Honor. The special pension shall be at the rate of \$1000, as increased from time to time under section 5312(a) of this title."

(b) COST OF LIVING ADJUSTMENT.—Section 5312(a) of such title is amended by inserting

after "children," the following: "the rate of special pension paid under section 1562 of this title,".

(c) LUMP SUM PAYMENT FOR EXISTING MEDAL OF HONOR RECIPIENTS.—The Secretary of Veterans Affairs shall, within 60 days after the date of the enactment of this Act, make a lump sum payment to each person who is, immediately before the date of the enactment of this Act, in receipt of the pension payable under section 1562 of title 38, United States Code (as amended by subsection (a)). Such payment shall be in the amount equal to the total amount of special pension that the person would have received had the person received special pension during the period beginning as of the first day of the first month that began after the date of the act for which that person was awarded the Medal of Honor and ending with the last day of the month preceding the month that such person's special pension in fact commenced. For each month of such period, the amount of special pension shall be determined using the rate of special pension that was in effect for that month.

SEC. 3. CRIMINAL PENALTY FOR UNAUTHORIZED PURCHASE OR POSSESSION OF MEDAL OF HONOR OR FOR FALSE PERSONATION AS A RECIPIENT OF MEDAL OF HONOR.

(a) UNAUTHORIZED PURCHASE OR POSSESSION.—Section 704 of title 18, United States Code, is amended—

(1) in subsection (a) by striking "IN GENERAL.—Whoever" and inserting "IN GENERAL.—Except as provided in subsection (b), whoever"; and

(2) by amending subsection (b) to read as follows:

"(b) MEDAL OF HONOR.—

"(1) IN GENERAL.—Whoever knowingly wears, possesses, manufactures, purchases, or sells a Medal of Honor, or the ribbon, button, or rosette of a Medal of Honor, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITIONS.—As used in this subsection:

"(A) The term 'Medal of Honor' means—

"(i) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or under section 491 of title 14;

"(ii) a duplicate medal of honor issued under section 3754, 6256, or 8753 of title 10 or under section 504 of title 14; or

"(iii) a replacement of a medal of honor provided under section 3747, 6253, or 8751 of title 10 or under section 501 of title 14.

"(B) The term 'sells' includes trades, barter, or exchanges for anything of value."

(b) FALSE PERSONATION.—(1) Chapter 43 of such title is amended by adding at the end the following new section:

"§ 918. Medal of honor recipient

"(a) Whoever falsely or fraudulently holds himself out as having been, or represents or pretends himself to have been, awarded a medal of honor shall be fined under this title or imprisoned not more than one year, or both.

"(b) As used in this section, the term 'medal of honor' means a medal awarded under section 3741, 6241, or 8741 of title 10 or under section 491 of title 14."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"918. Medal of honor recipient."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise this afternoon in strong support of H.R. 2561, which increases to \$1,000 per month the special pension payable to those veterans who have been awarded the Congressional Medal of Honor.

To date, 3,455 Medals of Honor have been awarded for 3,450 separate acts of heroism. There are today 149 living recipients of this highest of awards. Fifty-five percent of the living recipients earned their medals more than 50 years ago while serving in World War II or in Korea.

In April of 1916, Madam Speaker, monetary benefits were first established for Medal of Honor recipients in the amount of \$10 per month. In 1961, the rate was increased to \$100, and not increased again until 1978. Public Law 95-469 increased this pension to \$200. The Medal of Honor pension remained at \$200 until 1993, when it was increased to \$400 in Public Law 103-161. Congress again increased the pension to \$600 in 1998.

Madam Speaker, the Medal of Honor is the highest award for military valor that can be bestowed upon an individual serving in our Armed Forces. It is only fitting that living recipients, who are real heroes, be accorded this special recognition for the most supreme acts of bravery and sacrifice for our country.

Madam Speaker, I want to commend the gentleman from Pennsylvania (Mr. WELDON), the prime sponsor of this bill, for introducing it, for having the sensitivity to our great war heroes, and the great need that they have for this kind of recognition. It is a good bill.

Madam Speaker, I reserve the balance of my time.

Mr. EVANS. Madam Speaker, I yield myself such time as I may consume; and I am pleased to support H.R. 2561, the Living American Hero Appreciation Act. The bill was crafted to demonstrate our unequivocal support for Medal of Honor recipients, and I urge my colleagues to join me in doing this today.

In the name of the Congress, the President presents the Medal of Honor. It is the highest honor that can be bestowed on any American citizen. Only 3,455 Americans have been awarded Medals of Honor, and today only 149 of them are still living.

As the ranking Democrat on the Committee on Veterans' Affairs, as a senior member of the Committee on Armed Services, and as a United States Marine, I feel strongly that these heroes represent a rare breed. Their vigilant contributions must be honored and supported by all Americans.