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APPROVED
APR 1 - 1976

8 4/1/76

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: April 5

March 30, 1976

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON

SUBJECT:

H.R. 8507 - Per Diem Allowance for
Members of the American Battle
Monuments Commission

Attached for your consideration is H.R. 8507, sponsored by Representative Teague, which authorizes members of the American Battle Monuments Commission to receive the higher-than-standard per diem rates which the Department of Defense administers for military personnel in "special status" overseas and removes further need for periodic congressional action to adjust the Commission's overseas per diem travel rates.

Additional background information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 8507 at Tab B.



Thygn Smith, Press Office, advised: 4/1/76

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4/2
To archive
4/2*



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAR 29 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8507 - Per diem allowance for
members of the American Battle Monuments Commission
Sponsor - Rep. Teague (D) Texas

Last Day for Action

April 5, 1976 - Monday

Purpose

Authorizes members of the Commission to receive premium per diem rates while traveling overseas on official business, and eliminates need for further revisions in these rates by action of Congress.

Agency Recommendations

Office of Management and Budget	Approval
American Battle Monuments Commission	Approval
Department of the Army	Approval
General Services Administration	No objection

Discussion

The enrolled bill would eliminate the present statutory \$40.00 per diem allowance for the members of the American Battle Monuments Commission while they are traveling overseas, and would authorize the Commissioners to receive the higher-than-standard rates which the Department of Defense (DOD) administers for military personnel in "special status"--i.e., when traveling with VIPs.

The bill would also make a technical correction with the effect of authorizing the Commissioners to continue receiving the standard civilian per diem rates--administered by the General Services Administration (GSA)--for travel within this country.


Tying the rates to existing schedules--which are adjusted periodically by administrative action--would remove further need for periodic congressional action to adjust the Commission's overseas per diem travel rates.

The American Battle Monuments Commission (ABMC) is responsible for the construction and permanent maintenance of military cemeteries and memorials on foreign soil, as well as for certain memorials in this country. The ABMC has offices in Washington, Rome, Paris and Manila.

The ABMC Commissioners--11 prominent citizens appointed by the President and serving without pay--have been granted higher per diem rates than the standard rate for civilians traveling overseas since at least 1956, when their statutory rate was established at \$20.00 compared to the standard rate of \$9.00 at that time. The present statutory rate of \$40.00 was set in 1970, and the ABMC states that it has fallen well below subsistence rates in its overseas locations. To illustrate, the current standard per diem rate (military and civilian) for Rome is \$43.00; the above-standard rate for Rome--which the enrolled bill would allow--is \$63.00.

In commenting on the bill to Congress, the ABMC supported its enactment, but suggested that it be amended to authorize the Commissioners to travel under DOD rates in this country as well, because of the administrative problems of having two different systems applicable to the same individuals. The Congress did not accept this suggestion.

The ABMC and Army (on behalf of DOD) recommend approval and GSA has no objection to enactment. The ABMC estimates that enactment would result in an increase in annual expenditures of \$1,228, based on the amount of overseas travel during the last five years.


Assistant Director for
Legislative Reference

Enclosures

THE AMERICAN BATTLE MONUMENTS COMMISSION

WASHINGTON, D.C. 20314

23 March 1976

Mr. James T. Lynn
Director
Office of Management
and Budget
Washington, DC 20503

ATTN: Ms. Ramsey, Room 7201
New Executive Office Building

Dear Mr. Lynn:

The views and recommendations of this Commission on enrolled bill H.R. 8507 are submitted herewith in accordance with OMB Circular A-19 and Mr. Frey's request of March 22, 1976.

The bill revises the per diem allowance authorized members of the American Battle Monuments Commission for travel outside the continental United States. The present rate of \$40.00 is well below subsistence costs in the areas where our facilities are located.

The members of this Commission are distinguished Americans appointed by the President from the nation at large to oversee its activities and report to him how well they are being performed. They receive no pay for these services.

In 1956, Congress authorized \$20.00 per diem in lieu of subsistence for members of the Commission. At that time, the standard rate was \$9.00. The higher rate was an attempt to ensure that the per diem received would defray all reasonable subsistence costs.

By 1970, the fixed rate of \$20.00 authorized in 1956 was quite inadequate. New legislation was enacted in October 1970 increasing the overseas rate for members of the Commission from \$20.00 to \$40.00. Today, hotel and related subsistence costs overseas again exceed per diem authorized, often by a substantial amount.

Enactment of this legislation would eliminate further need for periodic Congressional action to adjust the per diem rates for Commissioner travel as the Department of Defense Per Diem and


Mr. James T. Lynn

23 March 1976

Transportation Allowance Committee reviews its rates periodically and adjusts them up or down as current costs dictate.

This Commission appreciates this opportunity to express its views on H.R. 8507 and recommends its enactment.

Sincerely,


A. J. ADAMS
Major General, USA
Secretary



DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

26 MAR 1976

Honorable James T. Lynn

Director, Office of Management and Budget

Dear Mr. Lynn.

The Secretary of Defense has delegated responsibility to the Department of the Army for reporting the views of the Department of Defense on enrolled enactment HR 8507, 94th Congress, "To revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status."

The Department of the Army on behalf of the Department of Defense recommends approval of the enrolled enactment.

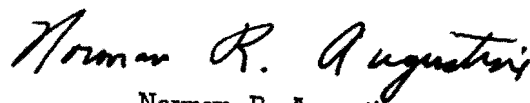
The act provides for actual expenses of members of the Commission in connection with the work of the Commission, a per diem rate in the same amount prescribed for members of the uniformed services when in a travel status outside the continental United States, and when in a travel status within the continental United States, a per diem rate at the same rate authorized to be paid consistent with the Travel Expense Amendment Act of 1975 (Pub. L. 94-22). Presently members of the American Battle Monuments Commission serve without pay or any other remuneration for their services.

The enactment of this measure is considered desirable because it will correct the inequity of the current fixed per diem rate of \$40 available to members of the Commission in relation to the variable rates available to members of the uniformed services traveling outside the continental United States depending upon the country and location visited. Additionally, this act reflects the changes made to the per diem rates authorized for Federal employees when traveling on official business or for individuals serving without pay.

Approval of the enactment will cause no apparent increase in budgetary requirements of the Department of Defense. It has been estimated that the annual increased cost will be less than \$1,500 annually.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

Sincerely,

A handwritten signature in cursive script that reads "Norman R. Augustine".

Norman R. Augustine
Acting Secretary of the Army

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405



March 24, 1976

Honorable James T. Lynn
Director, Office of
Management and Budget
Washington, DC 20503

Dear Mr. Lynn:

By letter of March 22, 1976, your office requested the views of the General Services Administration (GSA) on enrolled bill H. R. 8507, a bill "To revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status."

GSA has reviewed the subject bill and has no objection to its enactment.

Sincerely,

A handwritten signature in cursive script, appearing to read "T.M. Chambers".

T.M. CHAMBERS
Acting Administrator

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAR 29 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8507 - Per diem allowance for
members of the American Battle Monuments Commission
Sponsor - Rep. Teague (D) Texas

Last Day for Action

April 5, 1976 - Monday

Purpose

Authorizes members of the Commission to receive premium per diem rates while traveling overseas on official business, and eliminates need for further revisions in these rates by action of Congress.

Agency Recommendations

Office of Management and Budget	Approval
American Battle Monuments Commission	Approval
Department of the Army	Approval
General Services Administration	No objection

Discussion

The enrolled bill would eliminate the present statutory \$40.00 per diem allowance for the members of the American Battle Monuments Commission while they are traveling overseas, and would authorize the Commissioners to receive the higher-than-standard rates which the Department of Defense (DOD) administers for military personnel in "special status"--i.e., when traveling with VIPs.

The bill would also make a technical correction with the effect of authorizing the Commissioners to continue receiving the standard civilian per diem rates--administered by the General Services Administration (GSA)--for travel within this country.

THE WHITE HOUSE

WASHINGTON

March 30, 1976

MEMORANDUM FOR: JIM CAVANAUGH

FROM: MAX L. FRIEDERSDORF *M.L.*

SUBJECT: H. J. Res. 857 - Further extension of continuing appropriations for FY 76 and the transition quarter.

The Office of Legislative Affairs concurs with the agencies that the subject bill be signed.

Attachments

THE WHITE HOUSE

WASHINGTON

March 30, 1976

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: H.R. 8507 - Per diem allocane for
members of the American Battle Monuments Comm.

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

THE WHITE

ACTION MEMORANDUM

WASHINGTON

Date: March 30

Time: 1

FOR ACTION: Lynn May
Max Friedersdorf
Ken Lazarus

cc (for information):

Jill Cavano
Ed Schmultz

FROM THE STAFF SECRETARY

DUE: Date: March 30

Time: 600pm

SUBJECT:

H.R. 8507 - Per diem allowance for members of
the American Battle Monuments Commission

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

AMERICAN BATTLE MONUMENTS COMMISSION PER DIEM

OCTOBER 30, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ROBERTS, from the Committee on Veterans' Affairs,
submitted the following

REPORT

[To accompany H.R. 8507]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 8507) to revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status, having considered the same, report favorably thereon, unanimously by voice vote, without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The reported bill (H.R. 8507) revises the per diem rates for members of the American Battle Monuments Commission when in a travel status by substituting the rates established in appendix F of the Joint Travel Regulations for the Uniformed Services for the previously established uniform rate of \$40 per day.

BACKGROUND

The American Battle Monuments Commission was established in 1923 and charged by the Congress with the erection of monuments and markers on foreign soil to commemorate the achievements of our Armed Forces overseas. The Commission is also responsible for the operation and maintenance of American military cemeteries located principally in northern Europe but which also may be found in North Africa, Mexico, and the Philippines.

The Commission is composed of 11 distinguished Americans who are appointed by the President and serve without pay. Its first chairman was General John J. Pershing who served from 1923 until his death in 1948 at which time he was succeeded by General George C. Marshall. Following General Marshall's death in 1959 General Jacob L. Devers became chairman. He was succeeded by General Mark W. Clark, the present chairman, in 1969. Membership of the Commission

also includes distinguished Americans from both public and private life as well as the military service. The principal function of the Commission today is the supervision of cemeteries overseas. A per diem rate was established by law in 1956 providing \$20 in lieu of subsistence for each day spent on Commission business overseas. The rate was increased to \$40 in 1970 and today is inadequate to meet actual costs. Inasmuch as the Commission is small, and travel infrequent, the cost of per diem is minimal. Your Committee feels that a debt of gratitude is owed to the dedicated and distinguished individuals who serve on this Commission without pay. It is essential that adequate per diem be provided so that they may continue their outstanding work which honors the memory of American combat casualties abroad.

Inspection trips by members of the Commission are infrequent and costs of per diem are minimal. During the past five years the average cost has been less than \$2,500 per year. By linking the Battle Monuments Commission per diem to the rates established for special per diem allowances established in the Joint Travel Regulations of the Uniformed Services, the necessity for periodically reviewing the rates by legislation will be obviated. It has been estimated that the cost of enacting legislation setting the per diem rate for the Commission exceeds the cost of the per diem itself.

OVERSIGHT FINDINGS

Pursuant to clause 2(1)(3)(A) of Rule XI of the Rules of the House of Representatives, the Committee issues the following oversight findings:

Hearings were held before the Subcommittee on Cemeteries and Burial Benefits on Monday, July 14, 1975, to review the activities of the American Battle Monuments Commission. At that time the Secretary of the Commission, General A. J. Adams, U.S.A., testified. Your Committee was favorably impressed with the outstanding care with which the cemeteries under the jurisdiction of the Commission are maintained. The Committee also heard the Commission's plans for the coming year. Visits to two of the Commission's sites has confirmed the exceptionally high standards maintained by the Commission.

In regard to clause 2(1)(3)(B) of rule XI, no oversight findings have been submitted to the Committee by the Committee on Government Operations.

In regard to clause 2(1)(3)(C) of rule XI, no cost estimate or comparison has been presented by the Congressional Budget Office relative to the provisions of H.R. 8507.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee makes the following statement in regard to the inflationary impact of the reported bill:

H.R. 8507 would authorize the rates of per diem currently in effect for certain members of the Uniformed Services to be paid to members of the American Battle Monuments Commission. Since the rates paid reflect costs incurred and since the total per diem costs involved are negligible, no inflationary impact is anticipated.

COST ESTIMATE

In compliance with clause 7 of rule XIII, Rules of the House of Representatives, the following statement is made relative to the cost in carrying out this bill:

The revision of the per diem schedules which are provided in the reported bill is estimated to cost an additional \$1,900 per annum.

AGENCY REPORT

A report on H.R. 8507 was requested from the American Battle Monuments Commission on August 6, 1975 but has not been received at the time of filing of this report.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, H.R. 8507, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

ACT OF MARCH 4, 1923

AN ACT For the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commission, known as the American Battle Monuments Commission (hereinafter referred to as the Commission), shall consist of not more than eleven members who shall be appointed by the President, who shall also appoint one officer of the Regular Army to serve as its secretary. The members and secretary shall serve at the pleasure of the President who shall fill any vacancies that from time to time occur. Notwithstanding any other provision of law, commissioned officers of the armed forces of the United States may be appointed members of the Commission.

【The members of the Commission shall serve as such without compensation, except that (1) their actual expenses in connection with the work of the Commission, (2) when in a travel status outside the continental United States, a per diem of \$40 in lieu of subsistence, and (3) when in a travel status within the continental United States, a per diem at the same rate authorized to be paid under section 5703(c)(1) of title 5, United States Code, may be paid to them from any funds appropriated for the purposes of this Act, or acquired by other means hereinafter authorized.】

The members of the Commission shall serve as such without compensation, except that (1) their actual expenses in connection with the work of the Commission, (2) when in a travel status outside the continental United States, a per diem at the same rate authorized to be paid under section 405 of title 37, United States Code, as established in appendix "F" of the Joint Travel Regulations for the Uniformed

Services, in lieu of subsistence, and (3) when in a travel status within the continental United States, a per diem at the same rate authorized to be paid under section 5703(c)(1) of title 5, United States Code, in lieu of subsistence, may be paid to them from any funds appropriated for the purposes of this Act, or acquired by other means hereinafter authorized.

* * * * *

○

PER DIEM RATES FOR MEMBERS OF THE
AMERICAN BATTLE MONUMENTS
COMMISSION

REPORT
OF THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 8507



MARCH 11, 1976.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1976

PER DIEM RATES FOR MEMBERS OF THE AMERICAN
BATTLE MONUMENTS COMMISSION

MARCH 11, 1976.—Ordered to be printed

Mr. HARTKE, from the Committee on Veterans' Affairs,
submitted the following

REPORT

[To accompany H.R. 8507]

The Committee on Veterans' Affairs, to which was referred the bill (H.R. 8507) to revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status, having considered the same, reports favorably thereon with an amendment in the nature of a committee substitute, and recommends that the bill, as amended, do pass.

COMMITTEE AMENDMENT

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

That the second paragraph of the first section of the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (42 Stat. 1509; 36 U.S.C. 121), is amended to read as follows:

"The members of the Commission shall serve as such without compensation, except that (1) their actual expenses in connection with the work of the Commission, (2) when in a travel status outside the continental United States, a per diem at the same rate prescribed for members of the uniformed services under section 405 of title 37, United States Code, in lieu of subsistence, and (3) when in a travel status within the continental United States, a per diem at the same rate authorized to be paid under sections 5702 and 5703 of title 5, United States Code, in lieu of subsistence, may be paid to such members from any funds appropriated for the purposes of this Act, or acquired by other means hereinafter authorized."

INTRODUCTION AND SUMMARY OF H.R. 8507, AS REPORTED

The American Battle Monuments Commission was established shortly after World War I (42 Stat. 1509; 36 U.S.C. 121), to prepare

COMMITTEE ON VETERANS' AFFAIRS

VANCE HARTKE, Indiana, *Chairman*

HERMAN E. TALMADGE, Georgia	CLIFFORD P. HANSEN, Wyoming
JENNINGS RANDOLPH, West Virginia	STROM THURMOND, South Carolina
ALAN CRANSTON, California	ROBERT T. STAFFORD, Vermont
RICHARD (DICK) STONE, Florida	
JOHN A. DURKIN, New Hampshire	

FRANK J. BRIZZI, *Staff Director*
GUY H. MCMICHAEL III, *General Counsel*

(II)

plans and cost estimates for the erection of suitable memorials to commemorate the services of the American Armed Forces on foreign soil. Currently, there are some 23 American military cemeteries overseas in such diverse locations as France, Belgium, Luxembourg, The Netherlands, Italy, North Africa, England, the Philippines, Mexico, and Gibraltar. The Commission also erects and maintains memorials both in the United States and out of the United States wherever the American Armed Forces have served since 1917. The Commission erects and maintains works of architecture and art in American cemeteries located outside the United States.

The Commission is administered by a Secretary under the guidance of commissioners who are appointed by the President and who serve without pay.

On October 30, 1975, the House Committee on Veteran's Affairs favorably reported H.R. 8507. Subsequently, H.R. 8507 passed the House unanimously under suspension of the rules on November 4, 1975. In the Senate, the bill was referred to the Committee on the Interior and Insular Affairs where it was discharged from further consideration on March 2, 1976, when it was referred by unanimous consent to the Committee on Veterans' Affairs.

The Committee received a favorable report on the legislation from the American Battle Monuments Commission.

On March 10, 1976, the full Committee met in open executive session. After adopting an amendment in the nature of a substitute, the Committee unanimously ordered H.R. 8507 favorably reported to the full Senate.

The basic provisions of H.R. 8507 as reported would:

(1) authorize members of the Commission, when in travel status outside the continental United States, variable per diem rates identical to those authorized for members of the uniformed services in special status; and

(2) make a technical amendment consistent with the changes made by the Travel Expense Amendment Act of 1975 (Pub. L. 94-22), concerning travel by members of the Commission within the continental United States.

BACKGROUND AND DISCUSSION

Between 1923 and 1956, members of the Commission either received a fixed per diem rate of \$9 or itemized their expenses. However, in 1956, the Congress amended this provision, establishing a fixed per diem of \$20 which reflected the changed economic conditions, and terminated the option of filing itemized expenses. The rate was increased to the current \$40 rate in 1970.

The inequity of the current per diem rate available to members of the Commission in relation to members of the uniformed services results from the \$40 fixed rate payable to members of the Commission. By contrast members of the uniformed services on special status, receive a variable rate depending upon the country and location they are visiting.

Appendix "F" of the Joint Travel Regulations issued pursuant to section 405 of title 37, United States Code, contains these variable rates which are intended to reflect current economic conditions of the par-

ticular area. The rates are payable to members of the uniformed services who travel abroad on official business accompanying secretaries or other Government representatives representing the United States.

The variable rates reflected in appendix F range from a low of \$18 in parts of Vietnam and \$22 in Yemen and parts of Columbia to a maximum of \$99 in Barbados.

Members of the Commission generally travel abroad to inspect battle monuments twice a year; once to the Pacific area and once to the European area. These inspections are usually made by one or two members of the Commission.

The following table lists the cemeteries and memorials presently administered by the Commission:

TABLE 1.—ABMC CEMETERIES, MONUMENTS, AND MEMORIALS

World War I cemeteries	Country	Burials	Memorializations
Aisne-Marne.....	France.....	2,288	1,060
Brookwood.....	England.....	468	563
Flanders Field.....	Belgium.....	368	423
Neuse-Argonne.....	France.....	14,246	954
Oise-Aisne.....	France.....	6,012	241
St. Mihiel.....	France.....	4,152	284
Somme.....	France.....	1,837	333
Suresnes.....	France.....	1,541	974
Total.....		30,912	4,452
WORLD WAR II CEMETERIES			
Ardennes.....	Belgium.....	5,306	462
Brittany.....	France.....	4,410	498
Cambridge.....	England.....	3,811	5,125
Epinal.....	France.....	5,255	424
Florence.....	Italy.....	4,402	1,409
Henri-Chapelle.....	Belgium.....	7,989	450
Lorraine.....	France.....	10,489	444
Luxembourg.....	Luxembourg.....	5,076	370
Manila.....	Republic of the Philippines.....	17,206	36,279
Netherlands.....	Holland.....	8,301	1,722
Normandy.....	France.....	9,386	1,557
North Africa.....	Tunisia.....	2,840	3,724
Rhone.....	France.....	861	293
Sicily-Rome.....	Italy.....	7,862	3,094
Suresnes.....	France.....	24	None
Total.....		93,218	55,851
MEXICAN WAR			
	Mexico.....	750	None
MEMORIALS, WORLD WAR II			
East coast.....			4,596
West coast.....			412
Honolulu (includes Korea).....			26,280
Total.....			31,288
MONUMENTS, WORLD WAR I			
Audenarde.....	Belgium.....		
Bellicourt.....	France.....		
Brest.....	France.....		
Chantigny.....	France.....		
Chateau-Thierry.....	France.....		
Chaumont (tablet).....	France.....		
Gibraltar.....			
Kemmel.....	Belgium.....		
Montfaucon.....	France.....		
Montsec.....	France.....		
Somme-py.....	France.....		
Souilly (tablet).....	France.....		
Tours.....	France.....		
Grand total.....		124,880	91,591

The bill reported would pay the Commission members the variable rates contained in appendix "F". The bill also contains a technical amendment consistent with the changes made by the Travel Expense Amendment Act of 1975 (Pub. L. 94-22) which simplified the provisions of section 5703 of title 5, United States Code. Currently the law pertaining to the American Battle Monument Commission provides that members of the Commission receive per diem allowances for travel within the continental United States in accordance with section 5703(c)(1). However, section 5703(c)(1) was repealed by the Travel Expense Amendment Act of 1975. In that Act, Congress reorganized subchapter I of chapter 57, of title 5, United States Code, and deleted separate provisions for per diem allowances for employees serving as experts, consultants, or those either serving without pay or at \$1 a year. Consequently, H.R. 8507 contains a technical amendment to the American Battle Monuments Commission Act which reflects the changes made by the Travel Expense Amendment Act of 1975. Thus, when members are in a travel status within the continental United States, they are authorized a per diem at the same rate as authorized to be paid under sections 5702 and 5703 of title 5, United States Code. Those sections are as follows:

§ 5702. Per diem; employee traveling on official business

(a) Under regulations prescribed under section 5707 of this title, an employee while traveling on official business away from his designated post of duty, or in the case of an individual described under section 5703 of this title, his home or regular place of business, is entitled to (1) a per diem allowance for travel inside the continental United States at a rate not to exceed \$35, and (2) a per diem allowance for travel outside the continental United States, that may not exceed the rate established by the President, or his designee, for each locality where travel is to be performed. For travel consuming less than a full day, such rate may be allocated proportionately.

(b) Under regulations prescribed under section 5707 of this title, an employee who, while traveling on official business away from his designated post of duty, or in the case of an individual described under section 5703 of this title, his home or regular place of business, becomes incapacitated by illness or injury not due to his own misconduct, is entitled to the per diem allowance and appropriate transportation expenses to his designated post of duty, or home or regular place of business, as the case may be.

(c) Under regulations prescribed under section 5707 of this title, the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the maximum per diem allowance would be less than these expenses, except that such reimbursement shall not exceed \$50 for each day in a travel status within the continental United States when the per diem otherwise allowable is determined to be inadequate (A) due to the unusual

circumstances of the travel assignment, or (B) for travel to high rate geographical areas designated as such in regulations prescribed under section 5707 of this title.

(d) Under regulations prescribed under section 5707 of this title, for travel outside the continental United States, the Administrator of General Services or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the per diem allowance would be less than these expenses, except that such reimbursement shall not exceed \$21 for each day in a travel status outside the continental United States plus the locality per diem rate prescribed for such travel.

§ 5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay

An employee serving intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis, or serving without pay or at \$1 a year, may be allowed travel or transportation expenses, under this subchapter, while away from his home or regular place of business and at the place of employment or service.

The Committee notes that members serve on the American Battle Monuments Commission without pay or any other remuneration for their services. All are leaders in the community. Some are retired soldiers. All have faithfully served their country. The present distinguished chairman of the Commission is General Mark Clark.

The eleven members of the Commission and their biographies are as follows:

THE AMERICAN BATTLE MONUMENTS COMMISSION

BIOGRAPHICAL INFORMATION

General Mark W. Clark, USA (Ret), Chairman, South Carolina

Appointed December 10, 1969.

Served with distinction during World War II successively as Commander, Army Ground Forces, in the European Theater of Operations; Deputy Commander in Chief of the Allied Forces in the North Africa Theater; Commanding General of the Fifth United States Army in Italy; and the Commanding General of the 15th Army Group, consisting of the Fifth (U.S.) and Eighth (British) Armies that comprised all fighting forces in Italy. From 1945 to 1947, he served as Commander in Chief of the U.S. Occupation Forces in Austria and as U.S. High Commissioner for Austria. Upon returning to the United States in 1947, General Clark served successively as Commanding General of the Sixth U.S. Army and Chief, Army Field Forces. General Clark was appointed

Chief, Far East Command on April 30, 1952 and served simultaneously as Commander in Chief, United Nations Command in Korea; on July 27, 1953 General Clark signed a military armistice agreement between the United Nations Command and the military commanders of the North Korean Army and the Chinese Peoples Volunteers at Munsan-ni, Korea. General Clark retired from military service on October 31, 1953 and accepted the presidency of The Citadel, the Military College of South Carolina in Charleston, S.C., on October 23, 1953. Upon his retirement from the presidency of The Citadel on June 30, 1965, he became president emeritus of the college.

Honorable Charles E. Potter, Vice Chairman, Maryland

Appointed July 9, 1953.

Served with the 28th Infantry Division during World War II and was discharged from the U.S. Army in 1946 in the grade of Major because of severe combat wounds sustained at Colmar, France; elected to 80th Congress from Michigan in 1947—reelected to 81st and 82d Congresses; U.S. Senator from 1952 to 1959; presently a real estate and securities broker and President of Potter International, Washington, D.C.

Honorable Gerhard D. Bleicken, Massachusetts

Appointed December 10, 1969.

Served in the United States Navy during World War II in the Pacific Theater of Operations; associated with John Hancock Mutual Life Insurance Company since 1939 and appointed Chairman of the Board and Chief Executive Officer in January 1970; serves as consultant to the Director of Emergency Preparedness, Executive Officer of the President and in 1968 received the Distinguished Service Award for his contribution to the national security of the United States as a member of the Office of Emergency Planning Program Advisory Committee; member of numerous boards and committees concerned with banking, education, economics and health.

Major General William C. Garrison, USA (Ret), Oklahoma

Appointed December 10, 1969.

Served in the European Theater of Operations during World War II as commander of an Artillery battalion and group before assignment as Assistant Corps Artillery Officer with the Third U.S. Army; held many high-level staff assignments which include Military Assistant to the Under Secretary of the Army, Deputy G-3, U.S. Continental Army Command and upon retirement was the Inspector General of the Army.

Honorable Harold A. Horn, Pennsylvania

Appointed December 10, 1969.

Served on active duty in the Pacific Theater of Operations during World War II with the 6th Infantry Division and dur-

ing the Korean conflict; currently is a Colonel, USAR, active in Reserve affairs; director, member and past president of numerous civic and political organizations; elected to the Pennsylvania State Legislature in 1970; general insurance and real estate broker; owner of Harold A. Horn Agency, Lancaster, Pennsylvania.

Honorable Richard J. Vander Plaats, New Jersey

Appointed December 10, 1969.

Served in the European Theater of Operations in World War II and was discharged in 1945, as a Captain; member of the New Jersey Assembly from 1964-1965 and 1968-1971; Mayor of Fair Lawn, N.J. from 1958-1970, appointed Commissioner Bi-State Watergate Commission for New York Harbor on July 1, 1971 and served until June 1974; owner of funeral home; incorporator and president of Fair Lawn State Bank.

Honorable Leslie M. Fry, Nevada

Appointed December 10, 1969.

Served in the Pacific Theater of Operations with the 136th Field Artillery of the 37th Infantry Division, advancing to the grade of Major and also commanded the 140th Field Artillery Battalion on Luzon in the Philippines; active in the Veterans of Foreign Wars since 1947 in which he has held many leadership positions at the local and national levels and is a former Commander in Chief of the VFW; past National President of Future Farmers of America; currently practices law in Reno, Nevada as a member of the firm Fry and Fry.

Honorable Fred C. Bramlage, Kansas

Appointed November 12, 1971.

Served in the U.S. Navy during World War II in both the Pacific and European Theaters of Operation during the period 1941-1946; lifetime member of the Veterans of Foreign Wars, American Legion, Association of U.S. Army, past Department and National Vice Commander of American Legion. Investor and businessman holding directorships in four banks and numerous small companies; director and member of numerous civic and political organizations.

Honorable Alfred P. Chamie, California

Appointed November 12, 1971.

Served in the U.S. Army during World War II in the Infantry and Judge Advocate General Corps from 1942-1946. Former United States Attorney for Southern District of California; presently a member of the President's National Defense Executive Reserve of the Office of Emergency Planning; active in The American Legion at local and national levels and former National Commander of The American Legion; presently Vice President and General Counsel for Association of Motion Pictures and TV Productions, Los Angeles, California.

Honorable Harvey A. Roffman, Nebraska

Appointed October 1, 1973.

Served with the U.S. Army Air Force during 1943-1945 in Italy during World War II; member of U.S. Air Force Association and American Legion; has held various executive positions in advertising and sales; presently Executive Vice-President of PRA, Inc., Omaha, Nebraska.

Honorable William G. Bray, Indiana

Appointed September 15, 1975.

Served on active duty in the Pacific Theater of Operations with tank units during World War II and in Korea with Military Government; was released from active duty in 1946 in grade of colonel; returned to private law practice in Martinsville, Ind.; was elected to the 82d Congress in 1950 and reelected to the 83d through 93d Congresses; currently practices law in Martinsville, Indiana.

Trips by members of the Commission outside the continental United States are infrequent and per diem costs are minimal. During the past 5 years the average annual cost was less than \$2,300. It has been estimated that the annual increased cost resulting from H.R. 8507 will be less than \$1,500 annually.

COST ESTIMATE

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the Committee estimates that H.R. 8507, as reported, will cost less than \$1,500 per year.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes cast in person or by proxy of the Members of the Committee on Veterans' Affairs on a motion to report H.R. 8507, with an amendment in the nature of a substitute, favorably to the Senate:

Yeas—9

Vance Hartke
Herman E. Talmadge
Jennings Randolph
Alan Cranston
Richard (Dick) Stone
John A. Durkin

Clifford P. Hansen
Strom Thurmond
Robert T. Stafford

Nays—0

AGENCY REPORTS

The Committee requested and received a report from the American Battle Monuments Commission on H.R. 8507. That report follows:

[No. 95]

COMMITTEE ON VETERANS' AFFAIRS, U.S. SENATE

THE AMERICAN BATTLE MONUMENTS COMMISSION,

Washington, D.C., March 2, 1976.

HON. VANCE HARTKE,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for the opportunity to report on H.R. 8507, a bill to revise the per diem allowance authorized members of the American Battle Monuments Commission for travel outside the continental United States. The present rate is well below subsistence costs in the areas where our facilities are located.

The members of this Commission are distinguished Americans appointed by the President from the nation at large to oversee its activities and report to him how well they are being performed. The Commissioners receive no pay for these services.

In 1956, Congress authorized \$20.00 per diem in lieu of subsistence for members of the Commission. At that time the standard rate was \$9.00. The higher rate was an attempt to ensure that the per diem received would defray all reasonable subsistence costs.

By 1970, the fixed rate of \$20.00 authorized in 1956 was inadequate. New legislation was enacted in October 1970 increasing the overseas rate for members of the Commission from \$20.00 to \$40.00. Today, hotel and related subsistence costs overseas again exceed per diem authorized, often by a substantial amount.

H.R. 8507 would authorize the members of this Commission when traveling outside the continental United States on Commission business, to receive the per diem allowances established for members of the uniformed services. The Department of Defense has two schedules for such travel, one with standard rates and one with rates slightly higher. The schedule with the higher rates would be used for Commissioner travel overseas as its rates would approximate more closely actual subsistence costs. Enactment of this legislation also would eliminate further need for periodic Congressional action to adjust the per diem rates for Commissioner travel as the Department of Defense Per Diem and Transportation Allowance Committee reviews its rates periodically and adjusts them up or down as current costs dictate.

Because of the changes made by the Travel Expense Amendment Act of 1975 (P.L. 94-22, May 19, 1975), page 2, lines 10 and 11 of the bill should be amended to read: "the same rate authorized to be paid under sections 5702 and 5703 of title 5, United States Code, . . ."

For administrative convenience, however, we would suggest that the bill be amended to authorize the Commission to travel under rates of the Department of Defense whether they are traveling overseas or in this country.

During the last five years the members of this Commission received a total of \$11,340 per diem in lieu of subsistence for travel outside the Continental United States. The average annual expenditure was \$2,268. Enactment of H.R. 8507 would increase this annual expenditure by \$1,228 provided a similar amount of travel was performed.

This Commission respectfully recommends enactment of H.R. 8507. The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

A. J. ADAMS,
Major General, USA, Secretary.

CHANGES IN EXISTING LAW MADE BY H.R. 8507, AS REPORTED

In accordance with subsection 4 of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

ACT OF MARCH 4, 1923

AN ACT For the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commission, known as the American Battle Monuments Commission (hereinafter referred to as the Commission), shall consist of not more than eleven members who shall be appointed by the President, who shall also appoint one officer of the Regular Army to serve as its secretary. The members and secretary shall serve at the pleasure of the President who shall fill any vacancies that from time to time occur. Notwithstanding any other provision of law, commissioned officers of the armed forces of the United States may be appointed members of the Commission.

[The members of the Commission shall serve as such without compensation, except that (1) their actual expenses in connection with the work of the Commission, (2) when in a travel status outside the continental United States, a per diem of \$40 in lieu of subsistence, and (3) when in a travel status within the continental United States, a per diem at the same rate authorized to be paid under section 5703 (c) (1) of title 5, United States Code, may be paid to them from any funds appropriated for the purposes of this Act, or acquired by other means hereinafter authorized.]

The members of the Commission shall serve as such without compensation, except that (1) their actual expenses in connection with the work of the Commission, (2) when in a travel status outside the continental United States, a per diem at the same rate prescribed for members of the uniformed services under section 405 of title 37, United States Code, in lieu of subsistence, and (3) when in a travel status within the continental United States, a per diem at the same rate authorized to be paid under sections 5702 and 5703 of title 5, United States Code, in lieu of subsistence, may be paid to such members from any funds appropriated for the purposes of this Act, or acquired by other means hereinafter authorized.

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H. R. 8507

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To revise the per diem allowance authorized for members of the American Battle Monuments Commission when in a travel status.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph of the first section of the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (42 Stat. 1509; 36 U.S.C. 121), is amended to read as follows:

"The members of the Commission shall serve as such without compensation, except that (1) their actual expenses in connection with the work of the Commission, (2) when in a travel status outside the continental United States, a per diem at the same rate prescribed for members of the uniformed services under section 405 of title 37, United States Code, in lieu of subsistence, and (3) when in a travel status within the continental United States, a per diem at the same rate authorized to be paid under sections 5702 and 5703 of title 5, United States Code, in lieu of subsistence, may be paid to such members from any funds appropriated for the purposes of this Act, or acquired by other means hereinafter authorized."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

APRIL 2, 1976

Office of the White House Press Secretary

NOTICE TO THE PRESS

The President has signed H.R. 8507 - Per diem allowance for members of the American Battle Monuments Commission. This bill authorizes members of the Commission to receive premium per diem rates while traveling overseas on official business, and eliminates need for further revisions in these rates by action of Congress.

The bill will eliminate the present statutory \$40.00 per diem allowance for the members of the American Battle Monuments Commission while they are traveling overseas, and would authorize the Commissioners to receive the higher-than-standard rates which the Department of Defense (DOD) administers for military personnel in "special status" -- i.e., when traveling with VIPs.

The bill will also make a technical correction with the effect of authorizing the Commissioners to continue receiving the standard civilian per diem rates -- administered by the General Services Administration (GSA) -- for travel within this country.

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March 24, 1976

Dear Mr. Director:

The following bill was received at the White House on March 24th:

H.R. 8507

Please let the President have reports and recommendations as to the approval of this bill as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D.C.