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APPROVED
OCT 14 1976

810/14/76

THE WHITE HOUSE
WASHINGTON
October 13, 1976

ACTION
Last Day: October 19

Put in 10/15
To ARCHIVE 10/15

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *[Signature]*
SUBJECT: S. 3441 - Preservation of Congressional Cemetery

Attached for your consideration is S. 3441, sponsored by Senator Scott of Pennsylvania and 25 others.

The enrolled bill authorizes the Architect of the Capitol to restore and maintain Congressional Cemetery in Washington, D.C. For this purpose, the enrolled bill would authorize appropriations of \$175,000 for FY 78 and \$75,000 for FY 79. The bill would further direct a study by the Architect of the Capitol to formulate proposals for renovation and permanent maintenance of the cemetery.

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

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

RECOMMENDATION

That you sign S. 3441 at Tab B.





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

OCT 11 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 3441 - Preservation of Congressional Cemetery
Sponsors - Sen. Scott (R) Pennsylvania and 25 others

Last Day for Action

October 19, 1976 - Tuesday

Purpose

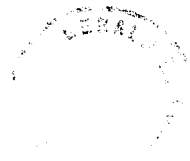
Authorizes the Architect of the Capitol to restore and maintain Congressional Cemetery in Washington, D. C.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Council on Environmental Quality	Approval (Informally)

Discussion

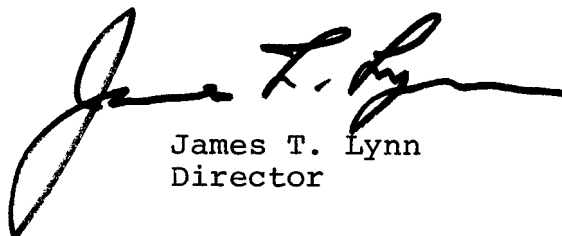
Congressional Cemetery was established by private individuals in 1807 and conveyed without cost to Christ Church, Washington Parish, in 1812. In 1817, the vestry of Christ Church assigned 100 burial sites within the cemetery for the use of the United States. Soon after that time, it



became the customary burial site for members of Congress and Executive officers of the United States who died in Washington, D. C. Prior to the establishment of Arlington National Cemetery following the Civil War, it served as a national cemetery.

The cemetery, which remains under legal control of Christ Church, encompasses a 30-acre site overlooking the Anacostia River. At one time, the remains of three Presidents were buried there--William Henry Harrison, Zachary Taylor, and John Quincy Adams--though they were later removed to home cemeteries. Still interred in the cemetery are the remains of 14 senators and 43 representatives as well as those of John Phillip Sousa, Matthew Brady, and J. Edgar Hoover. Congressional Cemetery is currently listed on the National Register of Historic Places.

The enrolled bill would authorize the Architect of the Capitol to enter into an agreement with the vestry of Christ Church to assume responsibility for maintaining the historical sections of the Congressional Cemetery for a period of two years. For this purpose, the bill would authorize appropriations of \$175,000 for fiscal year 1978 and \$75,000 for fiscal year 1979. The bill would further direct a study by the Architect of the Capitol to formulate proposals for renovation and permanent maintenance of these sections by the Federal Government.

A handwritten signature in black ink, appearing to read "James T. Lynn", is written over the typed name and title.

James T. Lynn
Director

Enclosures



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 7 - 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on S. 3441, an enrolled bill "To authorize the Architect of the Capitol to perform certain work on and maintain the historical sections of the Congressional Cemetery and to study and formulate proposals for renovation and permanent maintenance of such sections by the United States."

We recommend that the President approve the bill.

An enrolled, S. 3441 authorizes the Architect of the Capitol to perform such work as may be necessary to prevent further deterioration of and to maintain sections of historic significance in the Congressional Cemetery. This work is to be undertaken with the consent and approval of persons with legal responsibility for the cemetery.

In addition, the Architect of the Capitol is directed to conduct a study to assess the continuing maintenance and preservation needs for the historical sections of that cemetery and to transmit the study to the Committees on Interior and Insular Affairs of the Senate and the House by September 30, 1978.

The bill, as enrolled, provides for no involvement by this Department, consistent with our recommendations to the Congress. Accordingly, we believe the bill should be signed into law.

Sincerely yours,

Assistant Secretary of the Interior

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



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 1000pm

FOR ACTION:

George Humphreys *for* (for information):
Max Friedersdorf *for*
Bobbie Kilberg *for*

Jack Marsh
EdmSchmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 500pm

SUBJECT:

S.3441-Preservation of Congressional Cemetery

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

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 1000pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

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DUE: Date: October 13

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SUBJECT:

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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

approve Kilberg 10/12/76

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.

James M. Cannon
the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 1000pm

FOR ACTION:

George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information):

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DUE: Date: October 13

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SUBJECT:

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ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

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For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

I received approval

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.

THE WHITE HOUSE
WASHINGTON
October 11, 1964

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 11

Time: 1000pm

FOR ACTION: George Humphreys
Max Friedersdorf
Bobbie Kilberg

cc (for information): Jack Marsh
Ed Schmults
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 13

Time: 500pm

SUBJECT:

S.3441-Preservation of Congressional Cemetery

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

*Recommend
Approval.
[Signature]*

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.

James H. Cannon
of the President

CONGRESSIONAL CEMETERY

August 20, 1976.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 3441]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 3441) to authorize the Architect of the Capitol to perform certain work on and maintain the historical sections of the Congressional Cemetery for a two-year period; and to authorize a study by the Secretary of the Interior to formulate proposals for renovation and permanent maintenance of such sections by the United States, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

S. 3441 would authorize the Architect of the Capitol to restore and maintain Congressional Cemetery in Washington, D.C., and direct the Secretary of the Interior to prepare a report on future management of the area and to transmit the report to the Congress by September 30, 1977.

BACKGROUND AND NEED

Congressional Cemetery was established by private individuals in 1807, and conveyed without cost to Christ Church, Washington Parish, in 1812. In 1817, the vestry of Christ Church assigned 100 burial sites within the cemetery for the use of the United States. Soon after that time it became customary to bury in this cemetery the members of Congress and executive officers of the United States who died in Washington, D.C.

Three Presidents were interred in Congressional Cemetery: William Henry Harrison, Zachary Taylor, and John Quincy Adams. Their remains, along with those of a number of Senators and Representatives, were later moved to home cemeteries.

At the present time, the remains of 14 Senators and 43 Representatives are still interred in Congressional Cemetery, along with those of John Phillip Sousa, Mathew Brady, and J. Edgar Hoover. It is still an active cemetery, and is listed on the National Register of Historic Places, and has been determined to be of significance in the history of this Nation's Capital.

The cemetery encompasses a 30-acre site overlooking the Anacostia River 17 city blocks from the Capitol Building. It served as the national cemetery until Arlington National Cemetery was established after the Civil War.

During the 93d Congress the House of Representatives held a hearing on a bill which would provide for the administration and development of Congressional Cemetery as a part of the National Park System. At that hearing the Department of the Interior was requested to explore alternatives for administration of this important historical property. On August 23, 1974, the Department transmitted to the Chairman of the House Committee on Interior and Insular Affairs a report identifying five alternatives, in lieu of the proposal to administer the cemetery as a part of the Park System of the Nation's Capital. Those alternatives were first to maintain the status quo so that Christ Church would continue responsibility for the cemetery without federal funds; second to provide a special federal grant to the church for administration of the cemetery; third to place the administration of the cemetery under the government of the District of Columbia; fourth, to make the cemetery the responsibility of the Veterans' Administration of the Department of the Army; and fifth for the Architect of the Capitol to undertake responsibility for the cemetery.

The Committee expects that the National Park Service will review their previous study pursuant to this legislation and will specify which agency of the Federal government should undertake the responsibility for the operation and maintenance of the cemetery.

LEGISLATIVE HISTORY

This measure was introduced in the Senate on May 17, 1976. The Subcommittee on Parks and Recreation conducted a hearing on July 27, 1976.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Interior and Insular Affairs, in open business session on August 4, 1976, by unanimous vote of a quorum present recommends that the Senate pass S. 3441 without amendment.

COST AND BUDGETARY CONSIDERATIONS

This measure authorizes \$175,000 for FY '78 and \$75,000 for FY '79.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Department of Interior setting forth Executive agency recommendations relating to S. 3441 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 23, 1976.

HON. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on S. 3441, a bill "To authorize the Architect of the Capitol to perform certain work on and maintain the historical sections of the Congressional Cemetery for a two-year period, and to authorize a study by the Secretary of the Interior to formulate proposals for renovation and permanent maintenance of such sections by the United States."

We recommend against enactment of section 2 of the bill, which pertains to the Department of the Interior. We defer to the Architect of the Capitol as to the impact of the remainder of the bill on their program.

S. 3441 would authorize the Architect of the Capitol to maintain the historical sections of the Congressional Cemetery for a 2-year period, and would authorize a study by the Secretary of the Interior to formulate proposals for renovation and permanent maintenance of such sections by the United States, and to report the results of such study to the Congress by September 30, 1977. The bill would authorize \$50,000 to be appropriated for such study.

On August 23, 1974, the Secretary of the Interior transmitted to the Chairman of the House Committee on Interior and Insular Affairs a supplemental report on H.R. 1891 in the 93rd Congress, a bill which provided for the administration and development of the Congressional Cemetery as part of the park system of the National Capitol. The report was in response to a request from that Committee to explore alternatives for administration of this important historical property, and described a number of alternatives for such administration as identified in a study conducted by the National Park Service. A copy of the 1974 report is enclosed. We believe that the recommendations in the 1974 report remain valid; that is, that the reconstruction of the Congressional Cemetery would not, in our opinion, command a high priority when development needs for the National Park System throughout the Country are considered. We estimate the cost data given in the report has increased by 15% since 1974.

Accordingly, we believe the study called for in S. 3441 has been carried out. We recommend the Congress continue to consider alternatives for administration of Congressional Cemetery by an Agency other than the National Park Service.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,

Assistant Secretary of the Interior.

Enclosure.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 23, 1974.

HON. JAMES A. HALEY,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: You will recall that at the June 22, 1973, hearing before the Subcommittee on National Parks and Recreation on H.R. 1891, a bill which would provide for the administration and development of Congressional Cemetery as part of the park system of the National Capital, this Department's witness was requested to explore alternatives for administration of this important historical property.

We have considered various approaches and, in accordance with the Committee request, identify the following alternatives:

1. *No action at this time.*—Complete responsibility for development, maintenance, and interpretation would continue with Christ Church, the present owner. No Federal funds would be required, and no legislation would be needed. However, unless the church was able to raise the necessary funds privately, the cemetery would continue to deteriorate. We understand that the church has so far been unable to do so.

2. *Special Federal grant.*—Provide full or partial Federal subsidy to Christ Church for development, restoration, maintenance, protection, and interpretation. Funds could be appropriated either directly to the church or to the Architect of the Capitol or the District of Columbia government for disbursement to the church. Congress has appropriated funds from time to time for the cemetery as we noted in our testimony last year, and this alternative would continue the practice.

3. *District of Columbia government.*—While we have not formally contacted the District of Columbia government regarding this proposal, this is a possible alternative since the cemetery is located in the District of Columbia and administration of cemeteries is traditionally a local responsibility.

4. *Veterans Administration or the Department of the Army.*—Under this alternative, acquisition, restoration, maintenance, protection and interpretation would be the responsibility of the Veterans Administration or the Department of the Army. These two agencies are suggested because (1) the Veterans Administration currently administers the National Cemeteries Act of 1973, which established the National Cemetery System consisting principally of veterans cemeteries; and (2) the Department of the Army, until recently, maintained some 800 gravesites at Congressional Cemetery which are now federally owned. However, we would note that the primary mission of these two agencies in this area is concerned with the provision and maintenance of cemeteries for veterans.

We have contacted the Veterans Administration concerning its views on this alternative, and have been informed that this would not in their view, provide a continuing benefit for the veteran. They reason that there are relatively few gravesites available, which would probably be taken within a very short time, leaving the Veterans Administration in the role of a caretaker with respect to Congressional Cemetery. We have not formally requested the views of the Department of the Army regarding this proposal.

5. *Architect of the Capitol.*—Acquisition, restoration, maintenance, protection and interpretation would be undertaken by the Architect of the Capitol. This alternative would appropriately continue the historical link between Congressional Cemetery and the Congress. Under this alternative the Congress itself would be the custodian of a cemetery closely associated with its past members and other national figures who now rest in the cemetery. It could be expected that development and operating funds would be similar to those cited under Alternative No. 1. Because the Architect of the Capitol is an office of the Legislative Branch, we have not formally requested the views of that office on the proposal.

We recommend that the Committee consider alternatives 1 through 5, in lieu of H.R. 1891. The estimated cost to the National Park Service under H.R. 1891 is more than \$3.2 million for restoration, \$376,000 annually for maintenance and protection, and \$81,800 annually for interpretation. We believe that vesting the responsibility for reconstruction, maintenance and protection of this property in another Federal agency or by means of assistance to the present owner, will accomplish the desired result in a timely manner, whereas if this duty were lodged with the National Park Service the necessary work could not begin for several years. As you know, the National Park Service development budget is concentrating on priority objectives such as the Bicentennial, facilities to provide for public health and safety, and pollution control. The reconstruction of Congressional Cemetery would not, in our opinion, command a high priority when development needs for the National Park System throughout the country are considered.

We would point out, additionally, that the Historic Sites Act of 1935 (49 Stat. 666), as amended, authorizes the Secretary of the Interior to cooperate with the owners of nationally significant historical properties in interpreting such properties to the public. Pursuant to this authority, we would, to the extent that available funds and personnel would permit, assist in the interpretation of Congressional Cemetery if requested to do so by the owner or whatever agency the Congress determines ought to have responsibility for its administration. For the foregoing reasons, however, we would not at this time accept the property under the existing authority of the 1935 Historic Sites Act for administration as a unit of the National Park System.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ROG MORTON,
Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of the rule XXIX of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 3441 as reported.



...the Army regarding this proposal...
...Acquisition, restoration, maintenance, protection and interpretation would be undertaken by the Architect of the Capitol. This alternative would appropriately continue the historical link between Congressional Cemetery and the Congress. Under this alternative the Congress itself would be the custodian of a cemetery classified as a national historic landmark. It could be expected that development and operating funds would be similar to those established under Alternative Not to Purchase the Architect of the Capitol as an office of the Legislative Branch we have not formally requested the views of that office on the proposal. It is recommended that the Committee consider alternatives through the National Park Service. The estimated cost to the National Park Service under H.R. 1891 is more than \$2.2 million for restoration, \$2,600,000 annually for maintenance and protection, and \$21,800 annually for interpretation. We believe that vesting the responsibility for restoration, maintenance and protection of this property in another Federal agency or by means of assistance to the present owner will not complete the desired result in a timely manner, whereas if this duty were lodged with the National Park Service the necessary work could not begin for several years. As you know, the National Park Service development budget is concentrated on priority objectives such as the Bicentennial facilities to provide for public health and safety and pollution control. The reconstruction of Congressional Cemetery would not, in our opinion, command a high priority when development needs for the National Park System throughout the country are considered. It is recommended that the Secretary of the Interior be authorized to cooperate with the owners of nationally significant historical properties in interpreting such properties to the public. Pursuant to this authority, we would, to the extent that available funds and personnel would permit, assist in the interpretation of Congressional Cemetery if requested to do so by the owner or whatever agency the Congress determines ought to have responsibility for its administration. For the foregoing reasons, however, we would not at this time accept the property under the existing authority of the 1935 Historic Sites Act for administration as a unit of the National Park System. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program. It is recommended that the Secretary of the Interior be authorized to cooperate with the owners of nationally significant historical properties in interpreting such properties to the public. Pursuant to this authority, we would, to the extent that available funds and personnel would permit, assist in the interpretation of Congressional Cemetery if requested to do so by the owner or whatever agency the Congress determines ought to have responsibility for its administration. For the foregoing reasons, however, we would not at this time accept the property under the existing authority of the 1935 Historic Sites Act for administration as a unit of the National Park System. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program. It is recommended that the Secretary of the Interior be authorized to cooperate with the owners of nationally significant historical properties in interpreting such properties to the public. Pursuant to this authority, we would, to the extent that available funds and personnel would permit, assist in the interpretation of Congressional Cemetery if requested to do so by the owner or whatever agency the Congress determines ought to have responsibility for its administration.

S. 3441

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 authorize the Architect of the Capitol to perform certain work on and maintain the historical sections of the Congressional Cemetery and to study and formulate proposals for renovation and permanent maintenance of such sections by the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (b), the Architect of the Capitol is authorized to perform such work as may be necessary to prevent further deterioration of, and to maintain, those sections of the cemetery located in the District of Columbia known as the Congressional Cemetery which are of historical significance, including those sections in which former Members of the Senate and House of Representatives are buried, and including any such work in the remainder of the cemetery as he determines to be necessary to protect the historical sections.

(b) Before commencing any work under subsection (a), the Architect of the Capitol shall obtain the consent and approval of the person or persons who have legal responsibility for the care and maintenance of the cemetery and shall enter into such agreements with them as may be necessary to carry out the provisions of such subsection. Such agreements shall include provisions protecting the liability of the Architect of the Capitol and the employees of his Office.

(c) To carry out the provisions of subsection (a), there are authorized to be appropriated the sum of \$175,000 for the fiscal year ending September 30, 1978, and the sum of \$75,000 for the fiscal year ending September 30, 1979.

SEC. 2. (a) The Architect of the Capitol shall conduct a study for the purpose of determining the continuing maintenance and preservation needs for those historical sections of the Congressional Cemetery referred to in the first section of this Act, including the costs which he estimates would be associated with various maintenance actions which he may recommend for the cemetery. He shall transmit such study to the Committees on Interior and Insular Affairs of the Senate and House of Representatives not later than September 30, 1978.

S. 3441—2

(b) To carry out the provisions of subsection (a), there is authorized to be appropriated not to exceed \$50,000 for the fiscal year ending September 30, 1978.

Speaker of the House of Representatives.

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