

SPACE TO STATE VETERAN AGENCIES IN VA FACILITIES

HEARING BEFORE THE COMMITTEE ON FINANCE UNITED STATES SENATE

EIGHTY-THIRD CONGRESS

SECOND SESSION

ON

H. R. 3685

AN ACT TO AMEND THE SERVICEMEN'S READJUSTMENT
ACT OF 1944, AS AMENDED, SO AS TO AUTHORIZE THE
ADMINISTRATOR OF VETERANS' AFFAIRS TO FURNISH
SPACE AND FACILITIES, IF AVAILABLE, TO STATE
VETERAN AGENCIES

MARCH 2, 1954

Printed for the use of the Committee on Finance



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CONTENTS

	Page
Text of H. R. 3685-----	1
Statement of—	
Barrett, William K. president, National Association of State Directors of Veterans Affairs, director, veterans service department, State of Georgia-----	40
Becker, Hon. Frank J., a Representative in Congress from the State of New York-----	1
Birdsall, Guy H., Assistant Administrator for Legislation, Veterans' Administration-----	2
Birnbaum, Samuel M., counsel, New York State Division of Veterans' Affairs-----	21
Bowie, Col. William S., director, real estate service, Veterans' Administration-----	14
Foster, Charles E., assistant legislative representative, Disabled American Veterans-----	56
Hogan, Cicero F., national director of claims, Disabled American Veterans-----	56
Horton, C. Clarence, past president of National Association of State Directors of Veterans' Affairs, presently director, Alabama Department of Veterans' Affairs-----	50
Hughes, P. S., Assistant Chief of Labor and Welfare Division, Bureau of the Budget-----	19
Additional information:	
Memorandum submitted by—	
Dixon, Melvin T., president, the National Association of State Directors of Veterans' Affairs-----	46
Lanning, Leo V., director, New York State Division of Veterans' Affairs-----	28
Servicemen's Readjustment Act of 1944, Public Law 346, 78th Congress, as amended, submitted by Guy H. Birdsall, Assistant Administrator for Legislation, Veterans' Administration-----	3
Space allotted in regional offices to veterans and other cooperative organizations as reported by TWX, March 1, 1954, table submitted by Guy H. Birdsall, Assistant Administrator for Legislation, Veterans' Administration-----	6
Veterans' Administration Bulletin No. 23-D, July 2, 1953, list of recognized organizations, associations, and other agencies, submitted by Guy H. Birdsall, Assistant Administrator for Legislation, Veterans' Administration-----	12
Veterans' Administration Technical Bulletin TB DC-77, October 24, 1952, submitted by Guy H. Birdsall, Assistant Administrator for Legislation, Veterans' Administration-----	18

66-1

SPACE TO STATE VETERAN AGENCIES IN VA FACILITIES

TUESDAY, MARCH 2, 1954

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
Washington, D. C.

The committee met, pursuant to call, in room 312, Senate Office Building, at 10:15 a. m., Senator Eugene D. Millikin (chairman), presiding.

Present: Senators Millikin, Martin, Malone, Bennett, George, Hoey, Kerr, and, Long.

The CHAIRMAN. We are having testimony today on H. R. 3685, an act to amend the Servicemen's Readjustment Act of 1944, as amended, so as to authorize the Administrator of Veterans' Affairs to furnish space and facilities, if available, to State veteran agencies.

Without objection, H. R. 3685 will appear in the record at this point.

(The document referred to follows:)

[H. R. 3685, 83d Cong., 1st sess.]

AN ACT To amend the Servicemen's Readjustment Act of 1944, as amended, so as to authorize the Administrator of Veterans' Affairs to furnish space and facilities, if available, to State veteran agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 200 of the Servicemen's Readjustment Act of 1944 is amended to read as follows:

"(c) The Administrator is further authorized at his discretion, and under such regulations as he may prescribe, to furnish, if available, necessary space and suitable office facilities for the use of paid full-time representatives of (1) such organizations, and (2) any veteran agency maintained by a State."

Passed the House of Representatives July 27, 1953.

Attest:

LYLE O. SNADER, *Clerk.*

The CHAIRMAN. Mr. Guy H. Birdsall, Assistant Administrator for Legislation, Veterans' Administration, will be our first witness. Come forward Mr. Birdsall.

Mr. BECKER. Senator, could I, at this time, make a very brief statement?

The CHAIRMAN. Proceed.

STATEMENT OF FRANK J. BECKER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. BECKER. Gentlemen of the committee, in submitting this bill last year, it was brought about after 20 or 25 years of space being occupied by State veterans service agencies, in various Federal facilities.

Some time last year, counsel for the Veterans' Administration handed up a ruling to the effect that the Administrator of Veterans' Affairs did not have legal authority for the granting of use of the space to State veteran service agencies. After that ruling came up, the Division of Veterans' Affairs of the State of New York, my own particular State, contacted me, after receiving word from the various other States to this effect, and I immediately went to see Gen. Carl Gray.

In discussing the matter with General Gray, I found that he was not too concerned about it, that he felt that the counsel had made this decision and he would require legal authority. I told him that I was introducing a bill immediately to authorize the granting of the use of this space and he said he would immediately withdraw the order of eviction that had already been issued, and would hold up any further eviction of the State veterans service agencies from space until after Congress had a chance to act.

At the latter part of the session—up to that time, I believe two agencies had been already evicted from space.

The CHAIRMAN. That was last year?

Mr. BECKER. Last year. One in New York, and I believe one in Oregon, if I am not wrong.

He changed the order, then, and stopped any further evictions. I introduced this bill and later in the session, in accordance with the report of the hearing before the Veterans' Affairs Subcommittee, they unanimously reported the bill and the full committee unanimously reported the bill to the House. We were unable, due to the rush of matters, to pass the bill until about a week before the end of the session; I think it was July 27.

I came over here and saw Senator Millikin, hoping we might get it through last year in order to facilitate matters, but I know that the Senate was very well tied up and the matter was put over until this year.

We hope this year, in order to grant the new Administrator the proper legal authority, to have your approval.

In the testimony this morning, we intend to make it as brief as possible. We know how busy you are and how rushed you are. Yet, this is a matter of great importance to the 20 million veterans of this country, to give them proper service. We have voted them certain rights and benefits and privileges that we believe they justly deserve.

Thank you, Mr. Chairman.

The CHAIRMAN. Go ahead, Mr. Birdsall.

STATEMENT OF GUY H. BIRDSALL, ASSISTANT ADMINISTRATOR FOR LEGISLATION, VETERANS' ADMINISTRATION

Mr. BIRDSALL. The bill before the committee, which passed the House, is H. R. 3685, entitled, "An act to amend the Servicemen's Readjustment Act of 1944, as amended, so as to authorize the Administrator of Veterans' Affairs to furnish space and facilities, if available, to State veteran agencies."

Under section 200 (c) of the Servicemen's Readjustment Act of 1944, as amended, the Administrator of Veterans' Affairs is authorized to furnish, if available, necessary space and suitable office facilities at any Veterans Administration installation for the use of paid, full-time representatives of the organizations—and that includes the National Red Cross, the American Legion, the Disabled American Veterans, the Grand Army of the Republic, the United Spanish War Veterans, and Veterans of Foreign Wars, specified in 200 of the act, Public Law 844, 74th Congress, and such other national organizations recognized by the Administrator thereunder, in the presentation of claims under the laws administered by the Veterans' Administration.

The bill would extend this authority of the Administrator so as to authorize the furnishing of space and office facilities for the use of paid, full-time representatives of "any veteran agency maintained by a State," and without the requirement now applicable to national organizations, that such agency be recognized by the Administrator in the presentation of such claims.

I would like to stop at this juncture, if there is no objection, to have the basic provisions of the law, which are not long, inserted in the record.

The CHAIRMAN. It will be put in the record.

Mr. BIRDSALL. That is section 200 (c) of the Servicemen's Readjustment Act, and section 200, of Public Law 844, which has to do with the recognition of organizations.

(The information referred to follows:)

SERVICEMEN'S READJUSTMENT ACT OF 1944—PUBLIC LAW 346, 78TH CONGRESS, AS AMENDED

CHAPTER II—AID BY VETERANS' ORGANIZATIONS

SEC. 200 (a) (38 U. S. C. 693f). That upon certification to the Secretary of War¹ or Secretary of the Navy by the Administrator of Veterans' Affairs of paid full time accredited representatives of the veterans' organizations specified in section 200 of the Act of June 29, 1936 (Public Law Numbered 844, Seventy-fourth Congress), and other national organizations recognized by the Administrator of Veterans' Affairs thereunder in the presentation of claims under laws administered by the Veterans' Administration, the Secretary of War¹ and the Secretary of the Navy are hereby authorized and directed to permit the functioning, in accordance with regulations prescribed pursuant to subsection (b) of this section, of such accredited representatives in military or naval installations on shore from which persons are discharged or released from the active military or naval service: *Provided*, That nothing in this section shall operate to affect measures of military security now in effect or which may hereafter be placed in effect, nor to prejudice the right of the American Red Cross to recognition under existing statutes.

(b) The necessary regulations shall be promulgated by the Secretary of War¹ and the Secretary of the Navy jointly with the Administrator of Veterans' Affairs to accomplish the purpose of this section, and in the preparation of such regulations the national officer of each of such veterans' organizations who is responsible for claims and rehabilitation activities shall be consulted. The commanding officer of each such military or naval installation shall cooperate fully with such authorized representatives in the providing of available space and equipment for such representatives.

(c) The Administrator is further authorized at his discretion and under such regulations as he may prescribe to furnish, if available, necessary space and suitable office facilities for the use of paid full-time representatives of such organizations.

Approved, June 22, 1944.

PUBLIC No. 844, 74TH CONGRESS, AS AMENDED, SECTION 200

TITLE II—AGENTS AND ATTORNEYS

SEC. 200. The Administrator of Veterans' Affairs is hereby authorized to recognize representatives of the American National Red Cross, the American Legion, the Disabled American Veterans of the World War, the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, and such other organizations as he shall approve, in the presentation of claims under statutes administered by the Veterans' Administration. However, no such representative shall be recognized until a certificate has been filed in the Veterans' Administration, under such rules as the Administrator of Veterans' Affairs may prescribe, certifying that no fee or compensation of whatsoever nature shall be charged veterans or the dependents of veterans for service rendered. The rules prescribed by the Administrator of Veterans' Affairs shall contain a provision requiring in each claim the filing of a power of attorney in such manner and form

¹ Now "Secretary of the Army" pursuant to sec. 205 (a), Public Law 253, 80th Cong., July 26, 1947.

as the Administrator of Veterans' Affairs may prescribe. The Administrator of Veterans' Affairs is further authorized in his discretion, under such regulations as he may prescribe, to recognize any person for the purpose of a particular claim under the conditions and limitations of this section. Retired officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard of the United States, while not on active duty, shall not by reason of their status as such be subject to the provisions of sections 109 and 113 of the Criminal Code (18 U. S. C. 198 and 203) and section 190 of the Revised Statutes (5 U. S. C. 99) in the presentation of claims under statutes administered by the Veterans' Administration as accredited representatives of an organization specified in or recognized under this section.

Approved, June 29, 1936.

Mr. BIRDSALL. For some time prior to World War II, it was the policy of the Veterans' Administration, in appropriate cases, to provide service organizations with space and office facilities at Veterans' Administration installations on the theory that they represented auxiliary organizations assisting the Veterans' Administration in its work. Such accommodations were furnished subject to availability of space, and upon a finding that there would be no additional expense to the Government in permitting the use of such space.

However, with the great expansion experienced by the Veterans' Administration and the service organizations during the demobilization period following World War II, the insistent requests for space and facilities increased to such an extent that action was taken to limit the procurement of additional space to that required by the expanding of facilities of the agency itself.

In other words, confining additional space to what we actually needed to administer our laws, and solely for that purpose.

The CHAIRMAN. That is the Federal law?

Mr. BIRDSALL. Yes, sir.

Subsequently, upon the request of the service organizations, the Congress, by the enactment of section 3 of the act of December 28, 1945, Public Law 268, of the 79th Congress, which added subsection (c) to section 200 of the Servicemen's Readjustment Act, as amended, specifically sanctioned the policy of giving space to service organizations but limited it to the use of paid, full-time representatives of the veterans' organizations specified in section 200 of Public Law 844, and such other national organizations recognized by the Administrator of Veterans' Affairs.

I might state that in section 200 of Public Law 844, when they specified the organizations that could be recognized for the prosecution of claims, they added "and such other organizations as may be recognized by the Administrator." The authority to provide space, however, was limited to the ones of national character.

State service organizations are recognized in some instances, pursuant to this authority in 844, and their employees are accredited pursuant to the same statute. At the present time, 45 such organizations of 39 States, as well as of the District of Columbia, Hawaii, and Puerto Rico, are so recognized.

The CHAIRMAN. Now, they are recognized as what?

Mr. BIRDSALL. To present claims before the Veterans' Administration, under our laws.

The CHAIRMAN. Under the Federal law?

Mr. BIRDSALL. Yes, sir.

The CHAIRMAN. All right.

Mr. BIRDSALL. However, since they are not national organizations, there is no authority to furnish them in that capacity with office space and facilities.

If, as occurs in a number of States, the State employees are accredited representatives of one of the national organizations, space may be furnished pursuant to the Servicemen's Readjustment Act.

In other words, while they may be employees of a State Department of Veterans' Affairs, they may be recognized through requests from the American Legion, Veterans of Foreign Wars, AMVETS, and so forth, as their representative. If they are so recognized under section 200 of 844, by the Administrator, then we can furnish space to those individuals in our facilities.

The CHAIRMAN. Do they then advise and help people under Federal legislation?

Mr. BIRDSALL. Yes, sir, under the Federal laws we administer.

Senator GEORGE. That is the case in Georgia, is it not?

Mr. BIRDSALL. Yes, sir.

Senator GEORGE. Barrett is recognized and has space in the facility, but he is also a member of these national organizations.

That is why you are saying?

Mr. BIRDSALL. Yes, they ask for recognition of that particular individual as a representative of the American Legion or the Veterans of Foreign Wars, and when that recognition is given, we are authorized to furnish space.

As of September 30, 1953, there were 192,288 square feet of office space assigned for the use of accredited representatives of service organizations.

The CHAIRMAN. Those are the national organizations?

Mr. BIRDSALL. Those are the ones that we are now authorized to furnish space to.

The CHAIRMAN. Does that include some State organizations?

Mr. BIRDSALL. It would include certain employees of State organizations who have also been accredited to national organizations, as we mentioned.

The CHAIRMAN. Well, they get space, don't they?

Senator GEORGE. Yes.

Mr. BIRDSALL. The 192,288—

The CHAIRMAN. It includes all the national organizations that are operating in Government facilities, plus those State organizations which have been recognized; is that right?

Mr. BIRDSALL. Whose representatives have been accredited as representatives of the national organizations.

The value of such space, together with telephone service and other facilities, is estimated to be approximately \$600,000. I might say in this connection that this was as of September 30, 1953, and anticipating the fact that you might be interested in knowing about the current distribution of that space in the stations, it was thought advisable to seek that information from the stations, particularly the regional offices, which are really the places chiefly affected.

The CHAIRMAN. Is that State by State?

Mr. BIRDSALL. Yes, sir.

The CHAIRMAN. Why don't you put it in the record?

Mr. BIRDSALL. If you have any questions on it, the representative from our real-estate service is here to answer any of those questions.

The CHAIRMAN. We would like to have that for the record, either by yourself or whoever succeeds you.

(The information referred to follows:)

Space allotted in regional offices to veterans and other cooperative organizations, as reported by TWX Mar. 1, 1954

	Grand total		American Red Cross		Veterans of Foreign Wars		American Legion		Disabled American Veterans		AMVETS (American Veterans of World War II)		Jewish War Veterans	
	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons
Grand total.....	187,224	1,476	27,706	150	33,051	274	47,914	419	37,868	310	6,693	49	4,276	29
Central office.....	1,620	18	200	2	200	2	330	5	530	7			360	2
V. B. O. office.....	6,228	46	1,557	11	1,038	11	1,038	8	2,076	14	519	2		
Total, field stations (exclusive of foreign)	179,376	1,412	25,949	137	31,813	261	46,546	406	35,262	289	6,174	47	3,916	27
Alabama: Montgomery.....	1,913	17	350	2	231	3	416	4	392	3				
Alaska: Juneau.....	240	2	240	2										
Arizona: Phoenix.....	1,374	9	330	2	312	2	278	2	454	3				
Arkansas: Little Rock.....	2,197	19	323	2					501	4				
California:														
Los Angeles.....	14,078	95	644	3	3,113	20	7,381	50	2,020	14	460	4	380	3
San Diego.....	1,368	14	152	1	456	3	456	6	152	3	152	1		
San Francisco.....	5,712	58	631	3	1,132	16	2,507	30	824	5	350	2	268	2
Colorado: Denver.....	4,330	31	930	4	1,070	7	1,580	13	800	7				
Connecticut: Hartford.....	2,292	13	503	1	532	2	618	4	511	5			128	1
Delaware: Wilmington.....	946	7	186	1	196	2	380	3	184	1				
District of Columbia: Washington.....	1,633	12	289	2	280	2	160	2	584	4	160	1		
Florida:														
Miami.....	1,620	13	260	2					266	2				
Pass-A-Grille.....	6,509	39	676	2			210	1	810	4				
Georgia: Atlanta.....	3,280	25	810	3	400	3	1,440	12	630	7				
Hawaii: Honolulu.....	3,348	5	67	1	67	1	67	1	147	2				
Idaho: Boise.....	1,253	10	251	2	251	2	501	4	250	2				
Illinois: Chicago.....	4,621	34	324	3	851	5	1,332	12	1,332	9	264	2	168	1
Indiana: Indianapolis.....	2,538	16	360	2	690	5	648	5	840	4				
Iowa: Des Moines.....	3,020	23	502	3	611	5	628	4	712	7	567	4		
Kansas: Wichita.....	1,909	26			622	8	924	13	228	3	135	2		
Kentucky: Louisville.....	3,168	25	484	2	594	4	1,430	14	660	5				
Louisiana:														
New Orleans.....	3,539	21	736	2					520	2				
Shreveport.....	1,976	15	100	1					380	2				
Maine: Togus.....	1,671	10	374	2	392	2	644	2	108	2				
Maryland: Baltimore.....	1,865	14	280	2	280	2	380	3	420	3			85	1
Massachusetts: Boston.....	6,655	59	290	2	749	7	1,232	10	949	13	319	3	493	4
Michigan: Detroit.....	6,389	46	764	4	1,745	14	1,395	10	1,485	15	1,000	5		
Minnesota: St. Paul.....	3,539	35	539	4	720	7	148	1	1,200	8				
Mississippi: Jackson.....	4,887	18	437	2	439	2	873	3	480	4				

Missouri:																				
Kansas City.....	1,807	21	184	2	536	6	366	6	308	3										
St. Louis.....	1,813	17	208	2	420	4	360	3	507	6	228	2								
Montana: Fort Harrison.....	1,264	7	130	1	250	2	307	1	270	2										
Nebraska: Lincoln.....	2,453	16	379	2	614	4	1,219	7	341	3										
Nevada: Reno.....	438	6			144	2			144	2										
New Hampshire: Manchester.....	885	9	232	2	276	2	279	3	98	2										
New Jersey: Newark.....	4,200	32	672	4	671	5	758	7	788	6	247	1	247	1						
New Mexico: Albuquerque.....	978	9	118	1	225	2	225	3	410	3										
New York:																				
Albany.....	2,341	14	427	2	640	4	644	4	472	3								158	1	
Brooklyn.....	2,960	22	476	2	476	4	476	5	476	6								185	2	
Buffalo.....	2,030	50	356	2	356	18	757	25	375	4										
New York.....	9,482	46	1,647	4	1,500	7	2,320	13	1,671	11	442	3	951	5						
Syracuse.....	1,598	11	291	2	292	2	583	4	432	3										
North Carolina: Winston-Salem.....	2,441	24	318	3	252	2	1,247	14	360	3	264	2								
North Dakota: Fargo.....	739	4			370	2			369	2										
Ohio:																				
Cincinnati.....	2,556	24	372	3	510	5	661	6	765	8	248	2								
Cleveland.....	2,250	21	596	4	296	3	476	4	596	7	286	3								
Oklahoma:																				
Muskogee.....	1,505	11					250	2	262	2										
Oklahoma City.....	1,800	16	361	2	305	1	271	2	258	2										
Oregon: Portland.....	2,283	18	364	2	585	5	625	5	609	5										
Pennsylvania:																				
Philadelphia.....	5,991	34	528	2	1,200	6	2,138	15	842	5	308	2	420	2						
Pittsburgh.....	5,064	36	822	3	822	7	1,261	10	1,017	7	263	2	263	2						
Wilkes-Barre.....	2,698	28	249	2	830	6	877	10	556	6										
Puerto Rico: San Juan.....	310	2	310	2																
Rhode Island: Providence.....	1,407	15	244	2	221	3	423	4	269	3	80	1	170	2						
South Carolina: Columbia.....	1,032	9	244	2	252	2	222	2	314	3										
South Dakota: Sioux Falls.....	1,268	15	141	1	211	2	206	2	174	2										
Tennessee: Nashville.....	2,465	18	570	3					570	4										
Texas:																				
Dallas.....	2,835	21	504	4	385	2	744	7	776	4										
Houston.....	1,549	12	377	2	328	2	536	6	308	2										
Lubbock.....	1,478	11	269	2	282	2	282	2	269	2										
San Antonio.....	1,648	14	275	2	350	2	275	2	386	4										
Waco.....	1,438	8			345	2	362	2	550	2										
Utah: Salt Lake City.....	1,029	7	312	2	209	1	255	2	253	2										
Vermont: White River Junction.....	640	6			215	2	215	2	210	2										
Virginia: Roanoke.....	2,710	21	550	2	300	2			360	3										
Washington: Seattle.....	2,164	21	457	2	560	6	433	5	337	4	211	3								
West Virginia: Huntington.....	1,024	14	236	2	242	3			238	3										
Wisconsin: Milwaukee.....	2,828	27	270	2	525	5	990	10	288	3	190	2								
Wyoming: Cheyenne.....	555	6			185	2	185	2	185	2										

¹ Employee emplacement expected.

² Includes desk space for 16 volunteer workers.

³ Includes desk space for 2 employees of Veterans' Affairs.

SPACE TO STATE VETERAN AGENCIES

Space allotted in regional offices to veterans and other cooperative organizations, as reported by TWX Mar. 1, 1954—Continued

	Marine Corps League		Military Order of Purple Heart		Catholic War Veterans		State Department of Veterans' Affairs		Veterans Welfare Commission		Spanish American War Veterans	
	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons
Grand total.....	436	4	282	2	2,214	10	25,782	222	669	5	333	2
Central office.....												
V. B. O. office.....												
Total field stations (exclusive of foreign).....	436	4	282	2	2,214	10	25,782	222	669	5	333	2
Alabama: Montgomery.....							524	5				
Alaska: Juneau.....												
Arizona: Phoenix.....												
Arkansas: Little Rock.....							1,373	13				
California:												
Los Angeles.....					80	1						
San Diego.....												
San Francisco.....												
Colorado: Denver.....												
Connecticut: Hartford.....												
Delaware: Wilmington.....												
District of Columbia: Washington.....							160	1				
Florida:												
Miami.....							1,094	9				
Fass-A-Grille.....							4,813	32				
Georgia: Atlanta.....												
Hawaii: Honolulu.....												
Idaho: Boise.....												
Illinois: Chicago.....			182	1	168	1						
Indiana: Indianapolis.....												
Iowa: Des Moines.....												
Kansas: Wichita.....												
Kentucky: Louisville.....												
Louisiana:												
New Orleans.....							2,283	17				
Shreveport.....							1,496	12				
Maine: Togus.....							153	2				
Maryland: Baltimore.....							420	3				
Massachusetts: Boston.....	270	3					1,353	17				
Michigan: Detroit.....												
Minnesota: St. Paul.....							932	15				
Mississippi: Jackson.....							1,920	7				

SPACE TO STATE VETERAN AGENCIES

Missouri:														
Kansas City														
St. Louis														
Montana: Fort Harrison														
Nebraska: Lincoln														
Nevada: Reno														
New Hampshire: Manchester														
New Jersey: Newark														
New Mexico: Albuquerque														
New York:														
Albany														
Brooklyn														
Buffalo														
New York														
Syracuse														
North Carolina: Winston-Salem														
North Dakota: Fargo														
Ohio:														
Cincinnati														
Cleveland														
Oklahoma:														
Muskogee														
Oklahoma City														
Oregon: Portland														
Pennsylvania:														
Philadelphia														
Pittsburgh														
Wilkes-Barre														
Puerto Rico: San Juan														
Rhode Island: Providence														
South Carolina: Columbia														
South Dakota: Sioux Falls														
Tennessee: Nashville														
Texas:														
Dallas														
Houston														
Lubbock														
San Antonio														
Waco														
Utah: Salt Lake City														
Vermont: White River Junction														
Virginia: Roanoke														
Washington: Seattle														
West Virginia: Huntington														
Wisconsin: Milwaukee														
Wyoming: Cheyenne														

SPACE TO STATE VETERAN AGENCIES

Space allotted in district offices to veterans and other cooperative organizations as reported by TWX—Mar. 1, 1954

Location	Total		American Red Cross		Veterans of Foreign Wars		American Legion		Disabled American Veterans		AMVETS (American Veterans of World War II)		Jewish War Veterans		State Department of Veterans' Affairs	
	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons	Square feet	Number of persons
Total district offices	10,780	84	1,663	12	2,680	19	3,619	31	1,899	15	457	4	-----	-----	462	3
Colorado: Denver	3,300	23	675	4	765	5	900	7	960	7	-----	-----	-----	-----	-----	-----
Georgia: Atlanta	1,773	13	409	2	192	2	605	4	150	2	417	3	-----	-----	-----	-----
Minnesota: St. Paul	1,130	10	-----	-----	530	4	516	5	84	1	-----	-----	-----	-----	-----	-----
Pennsylvania: Philadelphia	3,624	30	579	6	923	6	1,158	11	462	3	40	1	-----	-----	462	3
Texas: Dallas	953	8	-----	-----	270	2	440	4	243	2	-----	-----	-----	-----	-----	-----

Mr. BIRDSALL. The Veterans' Administration has no data on which to base the cost of this bill, if enacted. There is no way to anticipate the additional demands which may be made. However, it may reasonably be anticipated that there will be requests for substantial amounts of space and office facilities, if the bill is enacted.

The Veterans' Administration is of the view that the present Federal subsidy in the form of free quarters and office facilities for service organizations should not be extended to nonnational organizations, particularly those who, as contemplated by the bill, may be engaged in purely State activities.

In connection with a similar bill, H. R. 1438, 83d Congress, the Bureau of the Budget has advised the Veterans' Administration that it recommends against the favorable consideration of such legislation by the committee.

That ends the general statement. I would like, if permitted, to insert the list of recognized organizations, the current list. The first two paragraphs include the organizations specified in Public Law 844, and those national veterans' organizations recognized by the Veterans' Administration under 844. Paragraph 3 includes the State organizations that we now have recognized for the presentation of claims. In many of the instances of these cases, we do have representatives of those departments who are accredited by national recognized organizations.

The CHAIRMAN. Will it take you considerable time to run through that? I am curious as to what States are recognized.

Mr. BIRDSALL. Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Idaho, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

The CHAIRMAN. Those are the States which have State organizations which have members who have been, you might say, accredited to national organizations, is that correct?

Mr. BIRDSALL. The whole organization, or the representative or any employee of that department, is recognized for the presentation of claims, but only those who are also accredited as members of a national veteran organization are furnished space.

The CHAIRMAN. Does the whole organization have space?

Mr. BIRDSALL. No, sir.

The CHAIRMAN. Just space for those who have national recognition?

Mr. BIRDSALL. Yes.

The CHAIRMAN. And that includes the States which you have read?

Mr. BIRDSALL. Yes.

(The document referred to follows:)

BULLETIN No. 23-D
 VETERANS' ADMINISTRATION,
 Washington 25, D. C., July 2, 1953.

LIST OF RECOGNIZED ORGANIZATIONS, ASSOCIATIONS, AND OTHER AGENCIES

By virtue of authority contained in section 200, Public Law 844, 74th Congress, the organizations, associations, and other agencies listed below have been granted recognition in the presentation of claims under the statutes administered by the Veterans' Administration:

1. National service organizations listed in section 200, Public Law 844, 74th Congress, or subsequently chartered by Congress:

Headquarters

American Legion	Indianapolis 6, Ind.
American Red Cross	Washington 13, D. C.
AMVETS—American Veterans of World War II	Washington 1, D. C.
Disabled American Veterans	Cincinnati 6, Ohio.
Marine Corps League	Baton Rouge, La.
United Spanish War Veterans	Washington 13, D. C.
Veterans of Foreign Wars of the United States	Kansas City 2, Mo.

2. Organizations recognized by the Veterans' Administration pursuant to section 200, Public Law 844, 74th Congress:

American Veterans Committee, Inc.	Washington 9, D. C.
Army Mutual Aid Association	Washington, D. C.
Army and Navy Union, U. S. A.	Atlantic City, N. J.
Blinded Veterans' Association	Washington 9, D. C.
Catholic War Veterans of the United States of America	Washington 5, D. C.
Coast Guard League	Washington 25, D. C.
Fleet Reserve Association	Washington 5, D. C.
Jewish War Veterans of the United States	New York 24, N. Y.
Military Order of the World Wars	Washington 6, D. C.
National Jewish Welfare Board	New York 16, N. Y.
National Society-Army of the Philippines	Boston 2, Mass.
National Tribune	Washington 13, D. C.
Navy Mutual Aid Association	Navy Department, Washington 25, D. C.
Regular Veterans' Association	Washington 6, D. C.
The Disabled Emergency Officers of the World Wars	Do.
The Military Order of the Purple Heart, Inc.	Chicago 2, Ill.
United Indian War Veterans, U. S. A.	San Francisco, Calif.

3. State organizations:

Alabama—State Department of Veterans' Affairs	Montgomery 2, Ala.
Arizona—Arizona Veterans' Service Commission	Phoenix, Ariz.
Arkansas—Arkansas Veterans Service Office	Little Rock, Ark.
California—Department of Veterans' Affairs	Sacramento, Calif.
Colorado—Department of Veterans' Affairs	Denver 2, Colo.
Connecticut—Soldiers', Sailors', and Marines' Fund	Hartford, Conn.
District of Columbia—Veterans' Service Center	Washington 4, D. C.
Florida—Department of Veterans' Affairs	Pass-A-Grille Beach, Fla.
Georgia—State Department of Veterans' Service	Atlanta 3, Ga.
Hawaii—Territorial Council on Veterans' Affairs	Honolulu 2, T. H.
Idaho—Veterans' Welfare Commission	Boise, Idaho.
Kansas—Kansas Veterans' Commission	Topeka, Kans.
Kentucky—Kentucky Disabled Ex-Service Men's Board	Louisville, Ky.
Louisiana—Department of Veterans' Affairs	Baton Rouge 4, La.
Maine—Division of Veterans' Affairs	Augusta, Maine.
Maryland—Maryland Veterans' Commission	Baltimore 2, Md.
Massachusetts—Commissioner of Veterans' Services	Boston 33, Mass.
Minnesota—Department of Veterans' Affairs	St. Paul 2, Minn.
Mississippi—State Veterans' Affairs Commission	Jackson, Miss.
Missouri: State Service Officer Veterans	Jefferson City, Mo.
Veterans' Welfare Association, Inc.	St. Louis 2, Mo.
Montana—Veterans' Welfare Commission	Helena, Mont.
Nebraska—Department of Veterans' Affairs	Lincoln 9, Nebr.
Nevada—Veterans' Service Commissioner	Reno, Nev.

Headquarters

New Hampshire—State Veterans' Council.....	Concord, N. H.
New Jersey—Division of Veterans' Services.....	Trenton 7, N. J.
New Mexico—New Mexico Veterans' Service Commission.	Santa Fe, N. Mex.
North Dakota—Department of Veterans' Affairs.....	Fargo, No. Dak.
Ohio:	
Adjutant General's Department.....	Columbus 15, Ohio.
Veterans' Claims Bureau.....	Cleveland 13, Ohio.
Oklahoma—State Veterans' Department.....	Oklahoma City, Okla.
Oregon:	
The Adjutant General, Military Department.....	Salem, Oreg.
Department of Veterans' Affairs.....	Do.
Pennsylvania—The Adjutant General's Office.....	Harrisburg, Pa.
Puerto Rico—Insular Veterans' Office.....	San Juan, P. R.
Rhode Island—Department of Social Welfare.....	Providence, R. I.
South Carolina—State Service Bureau.....	Columbia, S. C.
South Dakota—South Dakota Veterans' Department.....	Pierre, S. Dak.
Tennessee—Department of Veterans' Affairs.....	Nashville 3, Tenn.
Texas—Veterans' Affairs Commission.....	Austin 1, Tex.
Vermont—State Veterans' Board.....	Montpelier, Vt.
Virginia—Division of War Veterans' Claims, Department of Law.	Roanoke 11, Va.
West Virginia—West Virginia Department of Veterans' Affairs.	Charleston 1, W. Va.
Wisconsin—Wisconsin Department of Veterans' Affairs.....	Madison 2, Wis
4. Correspondence relative to the recognition of any organization should be addressed to the Solicitor, Central Office.	
5. Rescission. Bulletin No. 23-C.	

CARL R. GRAY, Jr.,
Administrator of Veterans' Affairs.

Mr. BIRDSALL. Now, the other States who do not have recognized State agencies are Delaware, Illinois, Indiana, Iowa, Michigan, New York, Utah, Washington, and Wyoming. Those States have not asked for recognition.

The CHAIRMAN. Does that list, plus the list that you read, take in all those States?

Mr. BIRDSALL. Yes, sir.

The CHAIRMAN. So the only States that are not recognized at the present time are—read them again, please.

Mr. BIRDSALL. Delaware, Illinois, Indiana, Iowa, Michigan, New York, Utah, Washington, and Wyoming.

The CHAIRMAN. And the reason they are not recognized is what?

Mr. BIRDSALL. They have not requested it.

The CHAIRMAN. Senator Martin—

Senator MARTIN. The question I had was answered.

Senator LONG. Might I just ask this question of the witness? If the Veterans' Administration has additional space, why is not that space made available to other agencies of the Government? In other words, I understand that various agencies of the Government are required to release space from time to time and things of that sort. Are we to understand that the Administrator of Veterans' Affairs has additional space that other agencies of the Government cannot find any use for?

Mr. BIRDSALL. I would like for Colonel Bowie to answer that.

**STATEMENT OF COL. WILLIAM S. BOWIE, DIRECTOR, REAL
ESTATE SERVICE, VETERANS' ADMINISTRATION**

Mr. BOWIE. The General Services Administration generally is responsible for most of our space, the leasing of it and the servicing of it. Whenever we get excess space, space that we don't need, we turn it back to General Services Administration for assignment to other Government agencies.

Senator LONG. It is to be presumed that space would be turned back if this bill was not enacted?

Mr. BOWIE. That is right; yes.

Senator LONG. Now, the amount of space that the Government has to lease depends upon the amount that the Government has available; doesn't it?

The CHAIRMAN. I would like to understand your question. What will be turned back if this bill did not pass?

Mr. BOWIE. The State organizations are now occupying 26,913 square feet.

The CHAIRMAN. Would that be turned back if this bill were not enacted?

Mr. BOWIE. These organizations—isn't that right, Mr. Birdsall, have been recognized?—no, this space would not be turned back. The additional space would be needed and we don't know what that would be.

The CHAIRMAN. I understood from Senator Long's question that something would be turned back.

Those State agencies which have been recognized, having the peculiar circumstances surrounding them which have been described, will continue to stay on, will they not?

Mr. BOWIE. That is right.

The CHAIRMAN. If anyone else qualified, they will receive space, will they not?

Mr. BOWIE. That is correct.

The CHAIRMAN. Pardon me, Senator Long.

Mr. BIRDSALL. In the recent survey, that space you refer to is 26,244 square feet, plus 669, which would be around 27,000 square feet. That is now authorized. We would not be turning that back.

Senator LONG. You would be turning that back?

Mr. BIRDSALL. No, because that space is authorized by virtue of the fact that the representatives of those State departments have also been recognized nationally through, for example, the American Legion or Veterans of Foreign Wars as their representative.

The CHAIRMAN. Nothing can be turned back if they are so recognized; is that correct?

Mr. BIRDSALL. That is correct.

The CHAIRMAN. And any organization that can qualify under the terms stated will receive space; is that correct?

Mr. BIRDSALL. That is right, if available.

Senator GEORGE. But not for the whole State post but merely for the recognized national offices.

Senator BENNETT. May I try to put that in words so that I am sure I understand it?

The CHAIRMAN. Surely.

Senator BENNETT. The only way of qualifying for space is on the basis of national accreditation, but if the individual should ask for that privilege, then he is privileged to handle State business out of space he acquires because he represents a national organization, but you have no State organizations that are privileged to occupy space because they are State organizations?

Mr. BIRDSALL. Well, Senator, if such a State representative were accredited by a recognized national organization, the assumption is it is for our purposes. Now he might handle some State matters.

Senator BENNETT. That is right, but he gets his accreditation because of his national recognition.

Mr. BIRDSALL. Yes, sir.

Senator BENNETT. And not because he handles State business. That is a supplementary proposition.

Mr. BIRDSALL. Yes, sir.

Senator LONG. In the House report I counted some 23 organizations recognized.

Do I understand that you would have the authorization under this bill to turn space over to all those organizations, if they recognize a local representative in each State to handle their affairs?

Mr. BIRDSALL. Senator, the representatives of those organizations are appointed through the national headquarters, here in Washington, by request upon the Administrator of Veterans' Affairs. Those requests are handled by the General Counsel and passed upon, and then if they are approved, they are for a given area, and they go into the necessities very thoroughly, so there is no large, overall demand.

Senator BENNETT. But I don't think you answered the Senator's question.

Senator LONG. I want to know if this bill would authorize you to turn over office space to the 20-odd organizations listed on page 3 of the House report.

I will read these here—it is the same list, yes.

Mr. BIRDSALL. Those are already authorized, Senator. Where the person is recognized as a national representative we have authority to give them space. But as to the State agencies appearing on page 4 of the House report, if employees of those departments are recognized nationally, yes. Otherwise, no.

The CHAIRMAN. In other words, those not recognized at the present time do not do any Federal business; is that right?

Mr. BIRDSALL. That is right, as to the VA.

The CHAIRMAN. And that is the reason they are not recognized, is that correct?

Mr. BIRDSALL. It is because we do not have the authority to provide space to any but the nationally recognized. The assumption is they are doing State business.

The CHAIRMAN. Those State organizations which do strictly State business and do not qualify for this national accreditation, they don't get space because they do not do national business; is that right?

Senator GEORGE. They all do the same business, don't they?

Mr. BIRDSALL. They may do some such business.

Senator GEORGE. They do the same thing but they are just State representatives, Senator, and they happen not to be members of one of these national organizations that are accredited.

Mr. BIRDSALL. They could seek such recognition, of course.

The CHAIRMAN. The State of X has its own State laws. It administers those State laws. Now taking it just that far, there is no ground available under your interpretation of the law for the Federal VA to give them office space; is that right?

Mr. BIRDSALL. Yes, sir.

The CHAIRMAN. If someone in that State organization is nationally accredited through the request of some national organization, is that the way it happens?

Mr. BIRDSALL. Yes.

The CHAIRMAN. Then, they would get space; is that right?

Mr. BIRDSALL. Yes, sir.

The CHAIRMAN. Would they get space to take care of the whole State business or simply space enough to take care of the national business?

Mr. BIRDSALL. Space enough to take care of—to allow him to perform his functions as a VA recognized representative of that organization.

Senator KERR. I would sure love for the chairman to get an answer to that question and I don't believe the witness has answered it.

Mr. BIRDSALL. As a representative of the American Legion, for example, we will say that X is also employed in the State department of veterans' affairs. The American Legion desires that man to be their liaison and their representative and to get accreditation for him. They select him. They communicate with the Veterans' Administration central office through their rehabilitation people. He gets recognized then and is designated as the Legion representative, nationally.

Senator KERR. And he gets space?

Mr. BIRDSALL. We have authority under the law to furnish space, if available, to that individual and we furnish it in our regional office as a rule.

Senator KERR. And he gets office space under that circumstance.

Mr. BIRDSALL. Under the law, yes.

Senator KERR. Now, the only one who can't or doesn't, now, is somebody who is operating solely in connection with the State program, and not a national program?

Mr. BIRDSALL. Senator, this is the way this works: This list that is furnished here is the list of the State departments of veterans' affairs, as such, who have been recognized before the VA.

The CHAIRMAN. Read Senator Kerr's question, please. I would like to have a clear-cut answer on that, because I get clear on this and then it becomes fogged up.

(The question was read.)

The CHAIRMAN. Is that correct?

Mr. BIRDSALL. I would have to qualify that, Senator.

The CHAIRMAN. Give us the qualification.

Mr. BIRDSALL. First of all, we recognize and have recognized the State organization.

Senator KERR. What do you mean the State organization?

Mr. BIRDSALL. The department of veterans' affairs, for instance, of a particular State.

Senator KERR. Do you mean a State agency?

Mr. BIRDSALL. Yes, sir. In the prosecution of claims.

In other words, if they present claims before the VA we recognize them as representing the interests of the veteran.

Senator KERR. And give them space?

Mr. BIRDSALL. No, sir.

Senator KERR. Now, why would a State representative, in a State agency, be prosecuting veterans' claims with the national agency?

Mr. BIRDSALL. Because there is a flow there, of veterans' requests, veterans' claims, that would come through a State department of veterans' affairs. They get recognition for that purpose, they forward those claims, and we recognize those people.

The CHAIRMAN. Does that indicate that a fellow comes in and he doesn't know whether his claim is a Federal claim or whether it is a national claim. He comes in and asks for information and maybe he finds out that it is a Federal claim. Is that right?

Mr. BIRDSALL. That would be true in some cases, I should think.

Senator KERR. Well, doesn't that State agency say, "Here's a list of 10, 15, or 20 veterans' organizations, each of whom has a representative and an agent to represent these claims, each of whom has access to the Veterans' Administration, and each of whom has office space in the Veterans' Administration Building, that can look after your claim?"

Mr. BIRDSALL. Take for example death cases. You would have a combination of claims. Right in one case you may have claims under State law and claims under Federal law.

Senator KERR. Tell me this: What claim that a veteran has, against the Veterans' Administration, is there, that only a State agency can present for him, or what claim is there that the veterans' interests would be best served by his claim being presented by a State agency, rather than one of the veterans' organizations, or a representative of the Veterans' Administration?

Mr. BIRDSALL. I do not think that you would have any claim of either type. This is on the assumption that both categories of competent representatives are available.

Senator KERR. I don't either.

The CHAIRMAN. Let me ask you this: John Doe comes into a State agency office, and, as in the case many times, he doesn't know what the law is. He doesn't know what the law of the State is, he doesn't know what the Federal law is. Now, he lays out the facts of his case and he wants to know whether he has a claim of some kind. Well, if he has a claim I assume that would appear clearly in the State agency—I mean a State claim—that would appear clearly in the State agency and they could advise him what to do. But supposing it appears that he has a Federal claim. Now what happens in that kind of a case?

Mr. BIRDSALL. If that particular department is recognized in the prosecution of claims they could handle it direct with the regional office.

The CHAIRMAN. And even if they were not recognized, couldn't someone in that State agency say, "You should go down to the Veterans' Administration and get in touch with some official there, or some agency of the Legion, or the Veterans of Foreign Wars, or some other Federal organization that has been recognized, there? Is that right?"

Mr. BIRDSALL. Yes, sir.

The CHAIRMAN. Would that be the way that it would happen, do you think?

Mr. BIRDSALL. I think so.

The CHAIRMAN. Go ahead.

Mr. BIRDSALL. I would like to insert in the record, if there is no objection, our Technical Bulletin, DC 77, which gives the detailed instructions with reference to the assignment of space.

The CHAIRMAN. We will put it in the record.

(The document referred to follows:)

TB DC77

VETERANS' ADMINISTRATION TECHNICAL BULLETIN

WASHINGTON 25, D. C., October 24, 1952.

FURNISHING OF SPACE AND SUITABLE OFFICE FACILITIES FOR REPRESENTATIVES OF NATIONAL ORGANIZATIONS AT VETERANS' ADMINISTRATION REGIONAL OFFICES, DISTRICT OFFICES, AND HOSPITALS

Paragraph	Page
1. Purpose.....	1
2. Authority.....	1
3. Application of the statute.....	1
4. Rescissions.....	2

1. *Purpose.*—This technical bulletin restates and clarifies the policy of this agency pertaining to space and suitable office facilities furnished to representatives of national organizations at Veterans' Administration regional offices, district offices, and hospitals.

2. *Authority.*—The Veterans' Administration is authorized by section 200 (c) of Public Law 346, 78th Congress, as amended, to furnish office space and suitable office facilities to paid full-time representatives of those organizations specified in section 200 of Public Law 844, 74th Congress, and of other national organizations recognized by the Administrator pursuant to the provisions of said statute. A paid full-time representative of a national organization is one issued accreditation by the Office of the Solicitor, who devotes full time, as distinguished from voluntary occasional time, to the service of claimants, and whose salary is paid therefor, whether by the national organization or a State or other organization.

3. *Application of the statute.*—The language of the cited laws limits the furnishing of space and office facilities to accredited representatives of the specified organizations and of other recognized national organizations. It does not authorize the furnishing of space and facilities to representatives of State, county, or local organizations as such. There is no other statutory authority to furnish space and office facilities.

(a) The term "suitable office facilities" means such personal property, expendable or nonexpendable, as may be available to furnish and equip the space provided under conditions herein stipulated. Consumable supplies, such as paper, pencils, ink, paper clips, etc., will not be furnished.

(b) Telephones may be installed on desks used by accredited representatives for the convenience of the Veterans' Administration. The cost of local calls on such telephones made for other than VA purposes (VA purposes include claims and other official matters) will be paid for by the organization. Long-distance telephone calls on such telephones will be charged to the organization regardless of the purpose.

(c) The principal need for office space will be in regional and district offices where service organizations are representing claimants in the presentation of claims. In such offices, the space to be provided will be on the basis of not to exceed 20 feet by 20 feet or the equivalent per rating board in regional offices; or on the basis of each three members of dependents pension boards in district offices. Space for accredited representatives of such organizations will be provided in existing Veterans' Administration hospitals, if available, as may be reasonably necessary for accredited representatives or their employees engaged in preparation of claims for hospitalized veterans. The amount of space available for the reasonable needs of the organization should be in accord with the prevailing Veterans' Administration standards regarding space utilization. Such needs will be taken into account in connection with the construction or procurement of buildings for use of the Veterans' Administration.

4. *Rescissions.*—Section I of Circular 13, 1946, and section I of Circular 91, 1946. By direction of the Administrator:

H. V. STIRLING,
Deputy Administrator.

The CHAIRMAN. Are there any questions, gentlemen?

You will be excused, Mr. Birdsall.

The next witness is Mr. P. S. Hughes, Assistant Chief of Labor and Welfare Division, Bureau of the Budget.

Give us the budgetary aspect of H. R. 3685, please.

STATEMENT OF P. S. HUGHES, ASSISTANT CHIEF OF LABOR AND WELFARE DIVISION, BUREAU OF THE BUDGET

Mr. HUGHES. Mr. Chairman, as Mr. Birdsall indicated, the Bureau of the Budget has recommended against the favorable consideration of H. R. 3685.

The CHAIRMAN. Why?

Mr. HUGHES. On two grounds, principally. First, from a budgetary standpoint, the Veterans' Administration has pointed out that the space now used by veterans' organizations has a value of some \$600,000.

Senator BENNETT. That is the value of the annual rental services, \$600,000 per year?

Mr. HUGHES. That is correct.

They have gone on to point out that while they are unaware of the additional claims that would arrive from this legislation, there would undoubtedly be such additional claims and there would be a cost associated with them. Our feeling is that the additional expense that would be involved in meeting the space requirements for the additional agencies and representatives that would be authorized to occupy VA space under this bill would not be justified under current budgetary circumstances.

The CHAIRMAN. Have you analyzed the services that they might perform for the veteran?

Mr. HUGHES. Yes, sir.

The CHAIRMAN. What is your analysis of the services which might be performed for the veteran?

Mr. HUGHES. The State agencies, as we see them, or as we see the situation, could only perform the same type of services which are now being performed by Veterans' Administration employees, and by the representatives of the national organizations which are already accredited and have space in VA installations, and it would be our belief that the extension of the authorization to cover additional agencies would be, in effect, an extension of support to the States, which would be unwarranted.

The CHAIRMAN. Do you consider that the services that might be rendered by a State organization having space in a veterans' facility, from the standpoint of Federal law, would not warrant the space used or the expense involved?

Mr. HUGHES. That is correct, sir.

The CHAIRMAN. You have done that by analysis of what they would be expected to do, and what they would do, or what they are doing where they do have space?

Mr. HUGHES. That is correct.

The CHAIRMAN. Who has made that analysis?

Mr. HUGHES. The Bureau of the Budget has made it, in conjunction with some of the program people within VA. I don't want to charge them with the analysis but we have consulted with them on the types of service which might be rendered and—

The CHAIRMAN. So far as the service is concerned, you have gotten your opinions from the VA; is that correct?

Mr. HUGHES. That is correct.

Senator GEORGE. What you mean to tell us is that it would be an unnecessary duplication of agents, when there are agencies already available?

Mr. HUGHES. Yes, sir. There is the Veterans' Administration which, of course, has the responsibility fixed by Federal law for rendering these services to the veteran. In addition, the nationally accredited service organizations are authorized to render the same type of service.

The CHAIRMAN. Does a man have to be a member of one of these national organizations to get service from them?

Mr. HUGHES. No, sir, that is not my understanding and he certainly doesn't need to be a member of any organization to get service from the VA.

The CHAIRMAN. John Doe who is not a member of any veterans' organization but who has a Federal claim, can he go to a Veterans' Administration facility and invoke, for example, the services of the American Legion or the Veterans of Foreign Wars, or any of the other national organizations?

Mr. HUGHES. I am sure that he can.

The CHAIRMAN. Even if he isn't a member and even if he were denied service from those organizations he could get it from the officials of the VA, couldn't he?

Mr. HUGHES. That is correct, sir. The VA has a contact service which has as its purpose the rendering of service to veterans in obtaining veterans' benefits.

Senator MARTIN. If he is not a member of one of those organizations he is not as likely to get as good service, is he?

Mr. HUGHES. Well, sir, I don't believe I could comment on that; as far as I know, the service organizations do not make distinctions between veterans on the basis of membership or nonmembership.

The CHAIRMAN. Is there any charge that officials of the Veterans' Administration do not give proper service, if their services are requested by a veteran who is not a member of a national organization? Is there any such charge?

Mr. HUGHES. I don't know of any, on a basis of a distinction between membership and nonmembership.

Senator KERR. Let me make a statement there, Mr. Chairman. I have been a State commander of the American Legion and I have been an officer in the Veterans of Foreign Wars. They are organized to represent and help all veterans secure not only the benefits available to them under the law, but additional legislation where needed to recognize such equities as exist in their favor which have not been taken care of by laws, and the very basis of their organization and the program to which they are dedicated is to do just exactly what the chairman has asked about, and that is to represent all veterans, whether members or not, and if for one second one of them were to operate on a basis of denying their services to a man because he wasn't a member, they would wither on the vine so quick that they would cease to exist.

The CHAIRMAN. I suppose it would be quite legitimate, as I see it, that if a man were not a member of a national organization, there

would be a little opportunity to do a little proselyting to make him a member, but I can't see any particular sin in that.

Senator BENNETT. Mr. Chairman, we recognize from the first list, the name of the American Red Cross, which would certainly not require membership for service.

Senator MARTIN. Mr. Chairman, I might ask another question.

The CHAIRMAN. Senator Martin.

Senator MARTIN. Have you made an estimate as to what enactment of this bill would create in the way of additional cost?

Mr. HUGHES. No, sir; we have not, and for this reason, primarily: There is no information available as to the extent of the demands for additional space which would be involved. There is, of course, the provision in the bill that the space is to be provided, if available, but availability of space is a relative matter and in our belief, the Veterans' Administration would find it difficult to discriminate between States on the basis of the availability, for instance, of Government-owned space in one State, and only leased space in another.

We feel there would be additional expense involved but we cannot estimate it.

The CHAIRMAN. Your position, as I understand it, is that the extra service that might be rendered from a national standpoint would not be worth the cost of space, is that correct?

Mr. HUGHES. That is correct, sir.

The CHAIRMAN. Are there any questions?

Thank you very much.

Congressman Becker.

Mr. BECKER. I would like to present at this time Mr. Samuel M. Birnbaum, counsel of New York State Division of Veterans' Affairs.

The CHAIRMAN. Come forward, Mr. Birnbaum.

STATEMENT OF SAMUEL M. BIRNBAUM, COUNSEL, NEW YORK STATE DIVISION OF VETERANS' AFFAIRS

Mr. BIRNBAUM. Gentlemen, a statement was made, I think in response to the chairman's question, that the services that might be rendered by a State can effectively be rendered by a contact representative of the Veterans' Administration.

May I indicate that such is not and cannot be the fact.

Senator KERR. Would you repeat what you said could not be the fact?

Mr. BIRNBAUM. Yes, sir.

The CHAIRMAN. What could not be a fact?

Mr. BIRNBAUM. Could not be the fact.

The CHAIRMAN. What could not be the fact?

Mr. BIRNBAUM. That a contact representative will render the same services that may be rendered by a representative of a State organization.

The CHAIRMAN. What do you mean by a contact representative?

Mr. BIRNBAUM. That is an employee of the Veterans' Administration whom a veteran sees when he comes in and seeks information concerning his rights under the laws that are administered by the Veterans' Administration.

The CHAIRMAN. Now, what about the national organizations who are represented?

Mr. BIRNBAUM. It can be done by them.

Senator KERR. Before you go any further I want to ask you a question: What is there inherent about the character or existence of a State agency that would enable it, who has no responsibility to carry out a national program, to do a job which the employees of the Federal agency created to do the job cannot do?

Mr. BIRNBAUM. That is best answered by the section of the law that I will call your attention to, that was referred to by Mr. Birdsall.

Senator KERR. If you know it, you answer it. I can read the law.

Mr. BIRNBAUM. The Veterans' Administration administers veteran claims, claims for disability compensation, claims for pensions. There are rating boards that determine by adjudication, the propriety of the claims. The extent of the disability, let us say, of the disability compensation, the question of whether or not a non-service-connected disability is that of a man who is totally and permanently disabled, and therefore files a claim seeking the \$63 a month that is extended to a veteran of that type with a limited income.

Now, when a veteran who is applying for that type of benefit comes in and he sees a contact representative, the contact representative may inform him of his legal rights, but the matter must be adjudicated before a rating board, and there is nobody in the Veterans' Administration that represents the veteran before the rating board. Now, that must be done by an accredited representative, and it is either an accredited representative of one of the recognized veteran organizations, or an accredited representative of a State organization.

For instance, there are the veteran organizations that are listed in title 38, section 101, of the United States Code that was referred to by Mr. Birdsall as section 200, of Public Law 844, 74th Congress.

Now, that law was enacted in 1936 for that very purpose, in order to see to it that somebody properly represents a veteran when he gets before a rating board and he seeks to have his claims adjudicated.

So my opening statement that there is nobody in the Veterans' Administration, such as a contact representative, who is the first man that the veteran sees, who can handle the claims that are handled by an accredited representative, is factually and legally correct.

The CHAIRMAN. But there are all of these Federal agencies around the headquarters there, who are prepared to represent the man?

Mr. BIRNBAUM. Not Federal agencies.

The CHAIRMAN. I don't mean Federal agencies, but national organizations.

Mr. BIRNBAUM. Yes, there are.

The CHAIRMAN. Now, we get lots of these claims. Someone makes an appeal and appeals come to the Senators to intervene and frequently we do intervene. My own experience in the thing has been that no veteran has stood alone out in the field. Somebody has helped him. They may not have done it adequately, but veterans don't stand alone out there, under my experience.

Now, maybe my experience just takes that peculiar turn.

Mr. BIRNBAUM. Well, sir, I can answer that by saying that an appearance before a rating board is almost like a trial and somebody, we will say a representative of the veterans organization, who is accredited is a highly trained service officer, who knows what the law may be and what he must prove in order to establish the propriety of the claim he is prosecuting and such a representative must be available.

The law requires a power of attorney to be given by the veteran to the organization that is accredited. The service officer or accredited representative acts more or less in the capacity of a lawyer or a pleader.

Senator KERR. Do you know of a law requiring the veteran to give the United States Senator or a Member of the United States House of Representatives a power of attorney to secure their intercession in his behalf?

Mr. BIRNBAUM. No, sir.

Senator KERR. Do you know anything about either of those jobs which would impair the ability of some fellow who happened to occupy them, to take care of that kind of assignment?

Mr. BIRNBAUM. No, sir; I know of none.

Senator KERR. Is there anything in your experience that has led you to believe that the average of them is lower in intelligence or ability than the people employed by your State agency?

Mr. BIRNBAUM. No, sir, that thought never entered my mind. I only spoke of it from the standpoint of special qualifications.

The CHAIRMAN. How about the qualifications of a State agency to protect a veteran in urging a Federal claim?

Mr. BIRNBAUM. It is no different from the qualification that might be required of a national organization.

Now may I for a moment merely refer, again, to the law, because this whole question revolves itself into two things. One a question of recognition and secondly a question of space.

Now, on recognition, I called your attention to Public Law 844, 74th Congress, and there they enumerated the 5 or 6 organizations that were to be considered accredited as a matter of law, by the Veterans' Administrator and then they use one further sentence: "And such other organizations as he shall approve," meaning the Veterans' Administrator.

It was pursuant to that authority that numerous other organizations were approved, including all the State organizations that were listed by Mr. Birdsall, at your request. They all became approved organizations, accredited organizations, to appear and represent veterans before the rating board and the appeals boards, just like the other national organizations. There was never any question about this at all. They have done it over a period of 20 or 30 years.

The CHAIRMAN. In each of those cases, was a procedure gone through with, which Mr. Birdsall described, where some national organization accredited someone in the State agency to be the representative, or to look after its work?

Mr. BIRNBAUM. No, sir, it was filed as a matter of form by the governor of the State who applied to the Veterans' Administrator and sought to have his State organization accredited.

The CHAIRMAN. Mr. Birdsall, what do you have to say to that?

Mr. BIRDSALL. The recognition that the witness mentions is under, as he said, Public Law 844, for recognizing those people in the presentation of claims before the Veterans' Administration.

Now, when it comes to space, however, the Congress in amending the Servicemen's Readjustment Act, in providing space, limited it to those organizations that are national in scope and did not grant authority to furnish space to those who are recognized in the prosecution of claims, generally.

The CHAIRMAN. So that State agencies are recognized to prosecute claims on Federal law, but without receiving space.

Mr. BIRDSALL. Yes, sir.

The CHAIRMAN. All right. Go ahead.

Mr. BIRNBAUM. As I indicated before, this question can be resolved into one, recognition, and secondly, space. The recognition being the same as a national organization, let's turn to the question of space.

From 1936, up until the enactment of section 200 of Public Law 346, the GI bill, there was no question about occupancy of space by State organizations or veterans organizations by the accredited representative, at regional offices.

Now, when Congress enacted the GI bill, it included the provision—

Senator BENNETT. May I interrupt the witness at this point. He said there was never any question about the occupancy of space. Do you mean that up to that time space was provided freely without question?

Mr. BIRNBAUM. Yes, sir.

Senator BENNETT. Or there was no space provided to anybody.

Mr. BIRNBAUM. Space was provided freely and there was no issue.

Senator BENNETT. Anybody who came representing any State organization, could have what space he wanted?

Mr. BIRNBAUM. If there was space available, just as the nationals are granted space.

Senator BENNETT. In what year was that changed?

Mr. BIRNBAUM. In 1944. Well, there was a question which arose in 1944. It wasn't changed, but in 1944 a law was enacted and it was following the enactment of that law—and in 1947—that a question arose as to whether or not the Veterans' Administrator had the legal right to give State representatives space as he had been giving both State representatives and the accredited representatives of the national organizations.

The CHAIRMAN. Now, sometime before you finish, or before your witnesses finish, I want someone to make a clear statement of the obligation, if any, of the Federal Government, to furnish space to State organizations which do not pursue Federal claims. I would like to have a clear statement on that.

Mr. BIRNBAUM. I will come to that, because it involves my State.

The CHAIRMAN. All right.

Mr. BIRNBAUM. When they adopted the law that I refer to, 346, they enacted 693 (f). Now there, they dealt with a question of the granting of space by the Secretary of the Army and the Secretary of the Navy, at discharge centers, to national organizations. They didn't mention anything about State organizations.

The language that was used is just one line:

And other such "national" organizations recognized by the Administrator of Veterans' Affairs.

Now, up until that time there was no law authorizing the Veterans' Administrator to grant space. It was done as an administrative right or administrative power. In running his organization, the administrator thought that he ought to have representatives of the accredited organizations there for the purposes of appearing before the rating boards, seeing the veterans, pulling the files, and he permitted them there.

The Veterans' Administrator thereafter proposed a law, and it was subdivision (c) of section 693 (f).

That was enacted December 28, 1945 and it is Public Law 268, 79th Congress.

Now, may I just read a few words in that section:

The Administrator is further authorized at his discretion and under such regulations as he may prescribe, to furnish, if available, necessary space and suitable office facilities for the use of paid, full-time representatives of "such organizations"

now that is where the whole question arose.

Senator KERR. Read that last sentence.

Mr. BIRNBAUM (reading):

For the use of paid, full-time representatives of "such" organizations.

The CHAIRMAN. Now, what does that go back to?

Mr. BIRNBAUM. That is the point, sir.

This was adopted in 1945.

Senator KERR. The Chairman asked you a question. Do you know the answer to it?

The CHAIRMAN. What does the word "such" go back to?

Mr. BIRNBAUM. In 1947, the Solicitor said that "such" referred to 693 (f) which says, "And other such national organizations recognized by the Administrator of Veterans' Affairs," which, I explained before, dealt with the right of the Secretary of the Army and the Secretary of the Navy.

It was our contention that "such" referred to 101, which was the presentation of claims under authority in the Veterans' Administrator to accredit not only the organizations mentioned there, but also, "and such other organizations as he shall approve."

Senator KERR. That has to do with accrediting?

Mr. BIRNBAUM. It had to do with accredited organizations up to that time and who had occupied the space over a period of 15 or 20 years.

Now, when the Solicitor rendered an opinion to the Veterans' Administrator to the effect that subdivision (c) which I just read to you, limited his rights to grant space only to the 5 or 6 organizations that are named in section 101, and that it did not apply to the "and such other organizations as he shall approve," which is included in 101, a letter was sent out to 1 of 2 of the State organizations, asking them to vacate space.

The matter was adjusted amicably. They were permitted to remain.

In 1951, the Solicitor, again, rendered an opinion, when the issue was presented to him, and at that time they asked the State organizations that had been accredited, and that had occupied the space, as I said, for 20 or 25 years, to vacate.

The matter was taken up with General Gray and he, of course, said he was bound by the opinion that had been rendered to him by Solicitor Odom to the effect that the section applied to only the five organizations referred to in 693 (f) and not to all the organizations mentioned in 101, plus the "and such other organizations" which the Administrator had recognized as a matter of form over a period of years, including the thirty-some-odd-State organizations that represent the veterans before the rating boards.

Senator BENNETT. Mr. Chairman, just to keep the record clear, we have a list of 7 organizations and not 5. Were 2 of these 7 not recognized at that time?

Mr. BIRNBAUM. I beg your pardon. There are seven.

Senator MARTIN. Some of these organizations must be very small in number, are they not?

Mr. BIRNBAUM. They are listed.

Senator MARTIN. The national society, Army of the Philippines, the Society of the Army of the Philippines, is really what started the Veterans of Foreign Wars and it must now be a very small organization, isn't it?

Mr. BIRNBAUM. I think it is, sir.

In Bulletin 23, which was made part of the record, there is a list of all the organizations that have been recognized by the Veterans' Administrator.

First, the seven that the Senator referred to under section 1, and then section 2.

Senator MARTIN. The seven were set out in the law, itself?

Mr. BIRNBAUM. Yes, sir.

Senator MARTIN. And then these others are ones that have been recognized by the Veterans' Administration since the enactment of this law?

Mr. BIRNBAUM. That is correct, sir; and then subdivision 3 gives the State organizations—

The CHAIRMAN. Mr. Witness, hold up a minute.

Mr. Birdsall, may we get it clear again: Are you recognizing any State organization which does not render service so far as the Federal Government is concerned?

Mr. BIRDSALL. The State organizations that are recognized by the VA, under the accreditation provisions we talk about, have a continued recognition, and those people, if they do have a claim before the Veterans' Administration, may present such a claim, but we are not authorized to furnish space.

The CHAIRMAN. You do not furnish space?

Mr. BIRDSALL. Not to the States as such. However, one of their employees or more, possibly, might be designated as the representative of one of our national organizations.

The CHAIRMAN. Then you furnish that person?

Mr. BIRDSALL. Then we furnish space; yes, sir.

Senator KERR. But you do so because he has been designated and is the representative of one of the national veterans' organizations?

Mr. BIRDSALL. That is correct, sir.

The CHAIRMAN. Are you furnishing space to any State which does not—I have trouble with that word "accreditation"—have an accreditation policy?

Mr. BIRDSALL. No, sir.

Senator KERR. Are you furnishing it to any State as such?

Mr. BIRDSALL. No, sir.

Senator BENNETT. May I ask a question further to clarify this situation: On pages 3 and 4 of the report we have a list of organizations. That list is divided into three parts. The first part of the list contains the names of seven organizations, and it is my understanding that those names were specifically written into the law, and they are fully accredited.

Now, what is the status of the 17 other national organizations listed on page 3? Are they given the same treatment as the State organizations, or are they also accredited so, for instance, if a representative of the Fleet Reserve Association came to a Veterans' Administration facility and asked for space, would they be given space?

Mr. BIRNBAUM. Mr. Birdsall said he wanted to answer that.

Senator BENNETT. I have the report of the House committee and I am referring to page 3.

Mr. BIRDSALL. If I may, Senator, I believe the record should show at this point—first of all, before I answer your question, if I may—section 200, chapter 2, the Servicemen's Readjustment Act, was amended by Public Law 268, the 79th Congress, on December 28, 1945. That amendment to section 200 was a specific amendment to that section, and therefore it is an integrated section.

Now, the first part of that, it is true, allowed these recognized organizations to present these claims before the Secretary of War and the Secretary of Navy in their departments. In doing so they said that—

Upon certification to the Secretary of War, or Secretary of the Navy by the Administrator of Veterans' Affairs, of paid, full-time accredited representatives of the veterans' organizations specified in Section 200—

Those were specific ones mentioned in the first paragraph.

Senator BENNETT. Those are the seven?

Mr. BIRDSALL (continuing):

and other such national—

that is the word used—

national organizations recognized by the Administrator of Veterans' Affairs thereunder, in the presentation of claims under laws administered by the VA, the Secretary of Navy is hereby authorized and directed to permit the functioning in accordance with the regulations prescribed pursuant to subsection (b).

They then added section (c), the subdivision of the subsection.

The CHAIRMAN. Who did?

Mr. BIRDSALL. The Congress placed into that section this language:

(c) The Administrator is further authorized at his discretion to furnish, if available, necessary space and suitable office facilities for the use of paid, full-time representatives of such organizations.

Now, the Solicitor's interpretation follows the rule that it would refer back to those specified in the act itself, plus those national organizations recognized by the Administrator. The two opinions that are alluded to are here and you may have them for the record, if you desire them.

In the second section we recognize them as national organizations.

Senator BENNETT. The word "national" is the key.

Mr. BIRDSALL. Yes, sir.

Senator KERR. And, therefore, representatives of these 17, if full-time paid representatives, are also given space by the Veterans' Administration, just as they afford representatives of the Legion, Red Cross, Veterans of Foreign Wars, and so forth?

Mr. BIRDSALL. Yes, sir.

The CHAIRMAN. Proceed, Mr. Birnbaum.

Mr. BIRNBAUM. Now, the record, I think, will show that, of the number of claims that have been presented and adjudicated before the rating boards, the great majority of them are those where the powers

of attorney were extended to the State organizations, and that for a very practical reason. I happen to be active in the American Legion in my State, but we realize our limitations from the standpoint of expense. There are twenty-some-odd million veterans in this country and I suppose that can be doubled when we consider the additional claimants who may present claims before the Veterans' Administration for adjudication. The State organizations have both the manpower and a sufficient amount of money has been appropriated by the State legislators so that the Departments of Veterans' Affairs of all the State organizations that have been accredited are in a good position to handle this additional number of claims that I refer to, which are greatly in excess of the number that are represented by the seven national organizations that are listed in section 101.

Mr. Birdsall made reference to the fact that in some States, the accredited representatives of the State organizations are also accredited representatives of the national organizations.

The CHAIRMAN. As I understand it, if they are not, they don't get space.

Mr. BIRNBAUM. That is the issue that has been raised. They are still in there now. They have been getting space for these many, many years. The Veterans' Administrator, both General Gray and also Administrator Higley, agreed to permit them to remain there pending a determination by the Congress as to whether or not the bill which you are presently considering should be passed. They are presently in there.

Now, coming down to the question that you raised, Senator, with reference to States that are not recognized occupying space in VA installations, I would like to, for the record, file a memorandum by Mr. Leo C. Lanning, who is the director of the New York State Division of Veterans Affairs, that explains the situation pretty thoroughly. I should like also to file with that a correcting memorandum, because the memorandum of Mr. Lanning was filed originally with the House committee and it included statistics through 1952.

The correcting memorandum includes statistics through December of 1953 and it indicates that in our State, we have our State veteran counselors.

(The statements of Mr. Lanning referred to follow:)

MEMORANDUM SUBMITTED BY LEO V. LANNING, DIRECTOR, NEW YORK STATE DIVISION OF VETERANS' AFFAIRS, IN SUPPORT OF H. R. 3685, 83D CONGRESS

The division of veterans' affairs was established by the State of New York in 1945 to coordinate the activities of the various State agencies in providing benefits and services to veterans. Veterans, servicemen and members of their families may use the facilities of the counseling centers of the division of veterans' affairs and its affiliated county and city veterans' service agencies. State veteran counselors and personnel of the local veterans' service agencies provide information and assistance in securing the various benefits available under Federal, State and local laws. The division also acts as liaison with Federal agencies granting benefits to veterans and their dependents.

At present, there are the following Veterans' Administration hospitals in New York State:

VETERANS' ADMINISTRATION HOSPITALS IN NEW YORK STATE

<i>Location</i>	<i>Type</i>
Albany, 113 Holland Ave., Albany, N. Y.-----	G. M. and S. ¹
Bath-----	Do. ¹
Bronx, 130 West Kingsbridge Rd., Bronx 63, N. Y.-----	Do. ¹
Brooklyn, Cropsy Ave. and 7th Ave., Brooklyn 9, N. Y.---	Do. ¹
Buffalo, 3495 Bailey Ave., Buffalo 15, N. Y.-----	Do. ¹
Canandaigua-----	Neuropsychiatric.
Montrose-----	Do.
Northport-----	Do.
Batavia-----	Tuberculosis.
Castle Point-----	Do.
Sunmount-----	Do.

¹ General medical and surgical.

The Veterans' Administration also maintains the following regional offices in New York State:

VETERANS' ADMINISTRATION REGIONAL OFFICES IN NEW YORK STATE

Albany: Watervliet Arsenal, Albany 1, N. Y.

Jurisdiction over the following counties: Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Sullivan, Ulster, Warren, and Washington.

Brooklyn:

Medical: 35 Ryerson Street, Brooklyn 5, N. Y.

Other: 250 Livingston Street, Brooklyn 2, N. Y.

Jurisdiction over Kings County and part of Queens County, as follows:

That portion included in Brooklyn postal zone 27 (bounded roughly by Metropolitan Avenue, Woodhaven Boulevard, Forest Park, and county line, on north, east, south, and west, respectively). (Activities of the chief attorney in counties of Kings, Queens, Nassau, Suffolk, and Richmond are under the jurisdiction of the Brooklyn regional office. Legal matters pertaining to loan guaranty activities of the Brooklyn regional office are handled by the chief attorney of the New York City regional office.)

Buffalo: 1021 Main Street, Buffalo 3, N. Y.

Jurisdiction over the following counties: Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Stueben, Wyoming, and Yates.

New York City: 252 Seventh Avenue, New York 1, N. Y.

Jurisdiction over the following counties: Bronx, Nassau, New York, Orange, Putnam, Richmond, Rockland, Suffolk, Westchester, and all of Queens County except that part allocated to the Brooklyn regional office described above. (Activities of the chief attorney in counties of New York, Bronx, Westchester, Putnam, Orange, and Rockland are under the jurisdiction of the New York regional office. Legal matters pertaining to loan guaranty activities of the Brooklyn regional office are handled by the chief attorney of the New York City regional office.)

Syracuse: Chimes Building, 500 South Salina Street, Syracuse 2, N. Y.

Jurisdiction over the following counties: Broome, Cayuga, Chemung, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Schuyler, Seneca, Tioga, Tompkins, Wayne.

One of the most important functions of the Division of Veterans' Affairs is its counseling services. This is conducted by its field force which consists of its State veteran counselors who are located at the Division's counseling centers and local veterans' service agencies. These counseling centers and local veterans' service agencies are located to render maximum assistance to the greatest number of veterans within their respective areas to avoid extended travel by veterans, servicemen, and members of their families. Counselors are available on a permanent or itinerant basis at such locations. State veteran counselors have been

and are now located at the Veterans' Administration installations hereinafter set forth. There are also listed statistics showing the total contacts made and services rendered by such State veteran counselors at the said installations.

252 7th Avenue, May 1948 through October 1951:

Personal.....	20, 370
Letter.....	5, 068
Telephone.....	6, 131
Total contacts.....	31, 569
Total services.....	50, 419

Ousted October 1951.

Veterans' Administration Hospital, Bronx, May 1948 through December 1952:

Personal.....	11, 144
Letter.....	257
Telephone.....	559
Total contacts.....	11, 960
Total services.....	16, 113

Still located at this installation.

Regional office, Brooklyn, May 1948 through December 1952:

Personal.....	22, 564
Letter.....	2, 942
Telephone.....	2, 828
Total contacts.....	28, 334
Total services.....	79, 199

Still located at this installation.

Fort Hamilton, Brooklyn, April 1950 through December 1952:

Personal.....	9, 023
Letter.....	189
Telephone.....	772
Total contacts.....	9, 984
Total services.....	9, 823

Still located at this installation.

Veterans' Administration Hospital, Buffalo, February 1950 through December 1952:

Personal.....	8, 911
Letter.....	104
Telephone.....	424
Total contacts.....	9, 439
Total services.....	10, 911

Still located at this installation.

State veteran counselors are no longer located at 252 Seventh Avenue. In October 1951, the Division of Veterans' Affairs was requested to give up the space which its State veteran counselors had been occupying at that regional office. Such State veteran counselors are still located at the other Veterans' Administration installations. They have been permitted to remain by reason of an understanding arrived at with the Administrator that no further action will be taken to oust them pending final action by the Congress on the bills presently before your committee. State veteran counselors have not occupied space at the other Veterans' Administration regional offices and hospitals because of the determination by the Veterans' Administration Solicitor that they may not legally occupy such space.

Primarily, the State veteran counselors render the following veteran services at the New York State Veterans' Administration installations where they are located.

NEW YORK STATE BENEFITS FOR VETERANS

Annuities to blind veterans.

Bonus.

Burial benefits.

Civil service.

Education:

(a) War service scholarships.

(b) Scholarships for children of deceased and disabled veterans.

(c) Medical and dental scholarships.

Housing.

License benefits.

Medals.

Mount McGregor Veterans' Convalescent Camp.

Recording of discharges.

Reemployment rights.

Servicemen's balloting.

Soldiers and Sailors' Civil Relief Act.

Taxes.

Unemployment insurance.

NON-VA-ADMINISTERED FEDERAL BENEFITS FOR VETERANS

Burial benefits.

Civil service.

Combat pay.

Federal Employees' Compensation Act.

Housing.

Mustering-out pay.

Reemployment rights.

Retirement pay (Armed Forces).

Service-record changes.

Social security.

Soldiers and Sailors' Civil Relief Act.

Taxes.

Unemployment compensation.

Such veteran benefits are not administered by the Veterans' Administration personnel. Unless veterans who are in the aforesaid Veterans' Administration installations receive the assistance of the State veteran counselors, they will be compelled to seek such assistance elsewhere. This would work a hardship upon such veterans, particularly those who are confined in the Veterans' Administration hospitals.

Your committee can appreciate how disconcerting it is to veterans, and members of their families, if they are compelled to seek information elsewhere than when they are present at a Veterans' Administration installation. As stated before, it would be more than disconcerting at a Veterans' Administration hospital where the veteran is bedridden. Most veterans who live in areas where the Veterans' Administration regional offices are located go to such offices in order to obtain information on all types of benefits. The record discloses that they have sought the type of assistance which the State veteran counselors have extended and they ought not to be deprived of such assistance. Such deprivation will surely occur in the event the State veteran counselors are ousted from the Veterans' Administration installations where they are now located. The State of New York makes every endeavor to protect the rights of its veterans. Cooperation should be extended to the State in this laudable undertaking, particularly where, as will be explained, it does not entail any additional expense to the Federal Government.

Your committee is presently considering two bills: H. R. 3685, 83d Congress, and H. R. 1438, 83d Congress. H. R. 3685 would give the Administrator authority to furnish space and office facilities for the use of paid full-time representatives of "any veteran agency maintained by a State." H. R. 1438 will authorize the Administrator to extend the furnishing of space and facilities only to paid full-time representatives of State organizations recognized by the Administrator in the presentation of claims.

New York State has never requested the Veterans' Administration to recognize it in the presentation of Veterans' Administration claims. Veterans with such claims are being represented by the various national service organizations and

to date it has not been deemed necessary for the State to seek such recognition. Enactment of H. R. 1438 would be of no assistance to veterans in New York State who are receiving the aid of the State veteran counselors of this division. The enactment of H. R. 1438 would, therefore, have the practical result of ousting all the State veteran counselors who are assisting veterans in the Veterans' Administration regional offices and hospitals as heretofore described.

Enactment of H. R. 3685 would permit the State veteran counselors to continue the services they are now rendering at the Veterans' Administration installations. It would permit all the States engaged in veteran work to be of greater assistance to their veteran population.

Enactment of H. R. 3685 would not entail one additional cent of expense to the Veterans' Administration or any increase in its budget. The New York State veteran counselors are presently occupying space and such occupancy, as well as any future occupancy, under the terms of H. R. 3685, will at all times be subject to the determination by the Administrator as to whether or not the space they are occupying is available or needed. It would seem a pity under these circumstances not to legalize the continuation of a service veterans and their dependents seek and obtain in this State. It is believed that a similar situation prevails in all of the States including those States that, like New York, are not recognized by the Veterans' Administration to process Veterans' Administration claims.

We urge the approval by your committee of H. R. 3685, 83d Congress.
Respectfully submitted.

LEO V. LANNING,
Director, New York State Division of Veterans' Affairs.

Dated Albany, N. Y., May 25, 1953.

The statistics referred to in Mr. Lanning's memorandum of May 25, 1953, pages 5 to 6, inclusive, have been brought up to date as follows:

252 7th Ave., May 1948 through October 1951:

Personal.....	20, 370
Letter.....	5, 068
Telephone.....	6, 131
Total contacts.....	31, 569
Total services.....	50, 419

Ousted October 1951.

Veterans' Administration hospital, Bronx, May 1948 through December 1953:

Personal.....	14, 185
Letter.....	273
Telephone.....	570
Total contacts.....	15, 028
Total services.....	19, 973

Still located at this installation.

Regional office, Brooklyn, May 1948 through December 1953:

Personal.....	36, 469
Letter.....	3, 846
Telephone.....	5, 479
Total contacts.....	45, 794
Total services.....	104, 627

Still located at this installation.

Fort Hamilton, Brooklyn, April 1950 through December 1953:

Personal.....	11, 670
Letter.....	211
Telephone.....	1, 050
Total contacts.....	12, 931
Total services.....	13, 489

Still located at this installation.

Veterans' Administration hospital, Buffalo, February 1950 through December 1953:

Personal.....	13, 352
Letter.....	462
Telephone.....	670
<hr/>	
Total contacts.....	14, 484
Total services.....	16, 391

Still located at this installation.

The CHAIRMAN. You are talking about New York——

Mr. BIRNBAUM. In New York, yes.

They are located at the VA hospitals and they render services to the veterans in those hospitals, covering a multitude of State rights.

I will just casually go through some of them, since you asked the question, Senator.

Senator BENNETT. Would you identify the page?

Mr. BIRNBAUM. It is page 7.

In New York State, for instance, we have annuities of blind veterans, bonus, burial benefits, civil-service rights, and, under education, we have war-service scholarships, scholarships for children of deceased and disabled veterans, medical and dental scholarships, certain privileges under housing, license benefits, medicals. We have a convalescent camp known as Mount McGregor, where many veterans who are discharged from the VA hospitals are taken for the purpose of convalescence.

Senator KERR. May I ask a question there?

Mr. BIRNBAUM. Yes.

Senator KERR. Do you need office space in the Veterans' Administration building to provide any of those services or benefits?

Mr. BIRNBAUM. Well, those services are rendered to the veterans in the hospitals. They are all confined.

Senator KERR. Do you need space in a Veterans' Administration building to enable your employees to render any of those benefits?

Mr. BIRNBAUM. As a convenience to the veterans in the hospital, yes. We have other space. We have in our State other space.

Senator KERR. If a veteran is in a hospital, I wish you would tell me how much better service you could give him with reference to a State benefit, by reason of the fact that your employee had an office in the Federal building, than if he had an office in a State building.

Mr. BIRNBAUM. Well, proximity to the veteran. The veteran is confined in the hospital.

Senator KERR. I thought you said the veteran was in the hospital.

Mr. BIRNBAUM. Yes, sir.

Senator KERR. Well, doesn't the agent or employee of the State who is rendering this service, go to the hospital?

Mr. BIRNBAUM. He does, sir. He has a small office there.

Senator KERR. How much better could he render that service if he had an office in the Federal building, than if he had an office in a State building?

Mr. BIRNBAUM. Well, I will take this as an illustration: The services rendered in the Veterans' Administration hospital in the Bronx.

Senator BENNETT. In other words, Senator, the State agent is actually in the hospital. He doesn't have to go out of doors.

Senator KERR. Well, he doesn't sleep there, does he?

Mr. BIRNBAUM. No, sir; he just has a small office there.

Senator KERR. I say, he doesn't sleep there?

Mr. BIRNBAUM. No, sir; he does not.

He has his typewriters there, he has stenographic help which we furnish, and when the veteran can get out of his bed, he will go up to see the State veteran counselor in his room and discuss with him the State benefits that are available to him.

Senator KERR. Do the authorities of the hospital deny the veteran the privilege of having this man come where he is?

Mr. BIRNBAUM. Well, I think it is a practical question, that the veteran being in the hospital can't go to see the State veteran counselor who may be located in another office.

Senator KERR. Can't the counselor go to see the veteran?

Mr. BIRNBAUM. Yes, he can, but as a practical matter when he has his office there and he is there all day long, you can appreciate that he can see many veterans who apply, in order to obtain the benefits, some of which I referred to before.

The CHAIRMAN. He is advising the veteran on State benefits, is that correct?

Mr. BIRNBAUM. Plus one thing more. If you will turn to page 8, you will find he also advises him as to non-VA-administered Federal benefits. There are benefits, as you know, that the Federal Government extends to veterans that are not administered by the Veterans' Administration, and I enumerated them on page 8.

He also advises with reference to that.

It has been our experience, from the standpoint of the record, that the number of contacts and services that have been rendered veterans who are in the veteran hospitals in New York State, has been quite large.

I have not summarized them.

Senator BENNETT. Mr. Chairman, I would like to turn this coin over for a minute. We assume there is an American Legion office in the same hospital.

Mr. BIRNBAUM. No, sir, there is not.

Senator BENNETT. Do we deny the American Legion offices in veterans hospitals and give that privilege to State offices?

Mr. BIRNBAUM. Well, the American Legion, or we will say the other accredited organizations, are located at the regional offices, where there are rating boards. They are not necessarily in the hospitals. They may from time to time come in there and extend some service.

Senator BENNETT. That question was preliminary to my main question: May the American Legion's accredited representative advise the veteran with respect to his rights under the State law?

Mr. BIRNBAUM. I would say, "Yes."

Senator BENNETT. So we actually have potentially two services that can render the same service to the veteran?

Mr. BIRNBAUM. Well, I think it would be proper as a statement of fact to say that the accredited representatives of the American Legion address themselves more exclusively to question of the prosecution of claims of veterans.

Senator BENNETT. You are saying, then, that American Legion service is more limited than the State service.

Mr. BIRNBAUM. I would say so, yes, when it comes to the State rights, benefits, and privileges.

Senator BENNETT. Is it limited by decision of the Legion, is it limited by reason of their finances, or is it limited by law or regulation?

Mr. BIRNBAUM. It is not limited by law or regulation. I think it is limited by—I will accept the term of finance. I think that that would be more correct. The American Legion has its service offices and accredited representatives at the various regional offices, and that, of course, is quite an expense.

We, in our State, have had a number of our men accredited for the Legion, or for the VFW or for the Veterans of Foreign Wars, and they cooperate with the service organizations in the prosecution of claims before the rating boards, or before the appeal board.

That is why, in our State, as you will find in Mr. Lanning's memorandum, we haven't deemed it necessary to apply for accreditation. We operate through the veteran organizations. But when it comes to the hospitals, where our counselors are located, the issue of accreditation doesn't arise. It is not a matter of the prosecution of the claim, but rather advising him with reference to State benefits, or other Federal benefits that are not administered by the Veterans' Administration.

Senator BENNETT. Then what you are saying to me is that in a practical sense, the services of the Legion are limited—or of these other national accredited organizations, that the veteran can't expect to get advice on burial benefits and combat pay and housing and reemployment rights, and these other things listed on page 8 of this statement, as national privileges, or the State privileges listed on page 7; that he can't expect to get counsel and help from these national organizations on these specific problems and he must depend upon the State agencies?

Mr. BIRNBAUM. Yes, sir, and I would say further, as I mentioned before, that that holds true with reference to the prosecution of claims, as well, throughout the entire country.

If the State departments of veterans affairs did not prosecute claims as accredited representatives of the Veterans' Administration, I dare say there would be a great limitation on the number of claims that would be presented, caused by lack of manpower.

Senator BENNETT. Do you have any information as to the proportion of veterans services that are actually rendered by the State agencies, as contrasted with national agencies?

Mr. BIRNBAUM. I won't say that. I obtained some information, for instance, from the State of New Jersey, and I was advised that in New Jersey, approximately 80 percent of the claims that are prosecuted before the Veterans' Administration are by the accredited representatives of the department of veterans' affairs in that State.

I think that Mr. Barrett and Mr. Horton, both of whom were directors of their respective State departments of veterans affairs, will be better qualified to answer that than I am.

The CHAIRMAN. Have they been accredited in the way described by Mr. Birdsall?

Mr. BIRNBAUM. I think that that may be so in Georgia. I don't know whether or not it is so in Alabama, but I believe this, though, that Mr. Barrett is the president of the National Association of Directors of Veterans' Affairs and is conversant with the facts concerning the great percentage of claims that are prosecuted by the accredited representatives of the States, as against those that are rep-

resented by the seven national organizations that are referred to in section 101.

The CHAIRMAN. Have you any comment on that, Mr. Birdsall?

Mr. BIRDSALL. I do not have that detailed information, but we do know a large number of them have been nationally recognized.

The CHAIRMAN. To the extent they have been nationally recognized, they prosecute claims on behalf of the serviceman. Do they process claims if they have not been recognized?

Mr. BIRDSALL. Those recognized nationally can be furnished space. Those recognized for the prosecution of claims can be recognized for that purpose, but we can't furnish space to them.

Senator BENNETT. Did I understand you to say 80 percent in New Jersey?

Mr. BIRNBAUM. That is what I have been informed.

Senate BENNETT. What is your record in your own State of New York; do you know that?

Mr. BIRNBAUM. We are not recognized in our State, but we have a number of our counselors who are accredited representatives of national organizations and we use that means, so that the question would not arise in New York.

I will call your attention, Senator, to page 8 of the memorandum of the national association, which doesn't give the figures, but makes the statement—may I read it?

Senator BENNETT. Please do.

Mr. BIRNBAUM (reading):

The record will disclose that in many States presentation of claims before the Rating and Appeals Boards by accredited representative State agencies is far greater in number than that of the other recognized veterans organizations.

Senator BENNETT. I can't find that on page 8.

Mr. BIRNBAUM. Well, have you the memorandum submitted by the National Association of State Directors of Veterans' Affairs?

Senator BENNETT. No, I am looking at the Lanning memorandum. That is the only one we have before us, the Lanning study.

The CHAIRMAN. Under what circumstances do you recognize a State agency for prosecution of veterans' claims under Federal law?

Mr. BIRDSALL. Under 844, the 74th Congress, the Administrator is authorized to recognize them for the purposes of presentation of claims. That is, the State departments of veterans' affairs have been recognized in many instances. That is the list I read off of those who had requested recognition.

The CHAIRMAN. Do they get space for that purpose?

Mr. BIRDSALL. No, sir.

Senator KERR. Has any State applied to have its accredited representative be permitted to prosecute claims and been denied?

Mr. BIRDSALL. That, I wouldn't know, Senator, but I assume that the States would be recognized upon request.

Senator KERR. Any State?

Mr. BIRDSALL. Yes.

Senator KERR. For the prosecution of claims?

Mr. BIRDSALL. Yes.

Senator KERR. You know of nothing that would cause the Administrator to discriminate and deny one State representative that right which had been given to 39 others?

Mr. BIRDEALL. No, sir.

Senator KERR. I want to ask Mr. Birnbaum one question: You seek not only office space at the regional locale where claims are prosecuted and representatives—and men would represent the veterans before the boards adjudicating claims, but you seek office space in the hospitals, also?

Mr. BIRNBAUM. Yes, sir. We take this position: We are trying to legalize an issue that arose by reason of the Solicitor's opinion. We are not changing any conditions. The accredited representatives of the State organizations are presently in regional offices.

Senator KERR. They are there only if they are certified by national organizations; aren't they?

Mr. BIRNBAUM. Yes, sir.

Senator KERR. That is the only way?

Mr. BIRNBAUM. Yes, sir.

Senator KERR. Then, they are there as representatives certified by national organizations; aren't they?

Mr. BIRNBAUM. Yes, sir, but may I indicate some further facts?

Senator KERR. If they are facts you don't have to indicate them. You can just come out and state them.

Mr. BIRNBAUM. I shall.

We have, in several of the regional offices, some of our counselors who have been given office space by the managers for the purpose of assisting veterans who come there and who seek information concerning State rights. And we also have our State veteran counselors in the hospitals. Now, in none of the instances to which I have just referred are they accredited.

Senator KERR. Then, they are staying there in spite of the fact that they have been asked to get out; aren't they?

Mr. BIRNBAUM. Yes, sir.

Senator KERR. And what you are saying here is that they are trespassers and that you want us to legalize their occupancy there; is that what you are saying?

Mr. BIRNBAUM. I don't think you can place them in that category.

Senator KERR. Well, you said they were there in spite of the fact that they had been asked to get out.

Mr. BIRNBAUM. No, sir, they are there because of an understanding arrived at with the Veterans' Administrator that he would permit them to remain there until the issue was clarified by the Congress.

Senator KERR. Clarified or determined?

Mr. BIRNBAUM. Determined.

Senator KERR. It seems that it has been clarified and that you are unhappy about it.

Mr. BIRNBAUM. Well, I think that the clarification should also take into consideration the attitude of the Administrator, both General Gray and Administrator Higley.

Senator KERR. They asked them to vacate, didn't they?

Mr. BIRNBAUM. I think that the Solicitor asked, by sending a memorandum to the various managers.

Senator KERR. Now, wait just a minute. You know, you said you were going to state facts.

Mr. BIRNBAUM. I am.

Senator KERR. Now, was this directive that went out a directive of the Solicitor, or of the Administrator?

Mr. BIRNBAUM. My understanding is that it was by the Solicitor. Senator KERR. What about that, Mr. Birdsall?

Mr. BIRDSALL. I have knowledge of two letters. One letter was from General Gray, to the effect that he would permit them to remain, only if the space was not absolutely needed by us at any given time, and then only until the end of the first session of the 83d Congress, and that was only at the Brooklyn Hospital. That is the only station that I have any information on.

Senator KERR. Well, the question that we are confronted with was whether or not the directive or request to vacate came from the Administrator's Office, or the Solicitor's Office.

Mr. BIRDSALL. I do not have that definite information, but it would seem that the letter from General Gray to the station would at least confirm any action that the Solicitor had taken, if he had taken it. Of course TB DC 77 October 24, 1952, which I inserted in the record is a general directive by the Administration on this subject.

Senator KERR. Is there doubt in your mind, Mr. Birnbaum, as to the authority of the person who took the action, to take it?

Mr. BIRNBAUM. No, sir.

Senator KERR. Then it comes from the Veterans' Administration in a manner which you recognize as being lawful?

Mr. BIRNBAUM. Yes, sir.

Senator KERR. Whether from the Office of the Administrator or from the Office of the Solicitor?

Mr. BIRNBAUM. Yes, sir.

Senator KERR. And the effect of it was that these people were asked to vacate?

Mr. BIRNBAUM. Yes, sir.

Senator KERR. And they sought to be permitted to remain, yet a little while, and apparently permission was given for them to remain until the matter was either acted upon or not acted upon by the Congress.

Mr. BIRNBAUM. That is correct, sir.

Senator KERR. Then the pressure must be rather acute, or else we wouldn't be in the posture, here, of being asked for this legislation.

Mr. BIRNBAUM. When you pressure—was that the statement? I didn't quite get that, Senator.

Senator KERR. Then the pressure must be rather acute, either from the Veterans' Administration to have you vacate, or from you, to get authority to remain, or return, or both.

Mr. BIRNBAUM. Well, I can state it for ourselves. The pressure is very acute, as far as the State agencies are concerned, because of their desire to continue a service that they have rendered over a period of 30 years, in some instances, to represent veterans.

The CHAIRMAN. We need not worry about the word "pressure." We have all been bombarded with telegrams on this subject and there is nothing wrong with the word "pressure."

Mr. BIRNBAUM. I just tried to explain it in my own way.

The CHAIRMAN. I hope you will get to the point of why the Federal Government should provide Federal facilities for a State operation. Now, I don't want to hurry you, but get to that point which I regard as the crucial point.

Mr. BIRNBAUM. The veteran—I take it for granted—when he is in the hospital, where he might be considered the ward of the Federal

Government, or when he presents a claim before the Veterans' Administration—is entitled to have his rights properly presented, adjudicated, and taken care of.

The CHAIRMAN. I will agree with you.

Mr. BIRNBAUM. The Congress has passed the laws which give him the rights, benefits, and privileges which he seeks.

In the course of my statement, I referred to the fact that there is great need for the veteran to be represented by somebody other than an employee of the Veterans' Administration. Congress recognized that need by the adoption of section 101 of title 38, when they empowered the Veterans' Administrator to accredit organizations—those listed, and such others as the Veterans' Administrator deemed necessary.

The CHAIRMAN. That is where they perform a Federal function?

Mr. BIRNBAUM. Well, they are performing a veteran function, Senator, if I may say that.

The CHAIRMAN. Or a veteran function. Of course, a man doesn't chop his citizenship into two pieces. He is a citizen of a State, but at the same time he is a citizen of the National Government. However, the State has a list of benefits which they administer themselves and so has the Federal Government.

Now, why should the Federal Government furnish facilities for the administration of State benefits?

Mr. BIRNBAUM. For the same reason that they grant the facilities to the seven national organizations that are recognized, in order to prosecute claims. The State service organizations fall in no different classification or category from the seven national organizations that were listed in section 101. They all do the same job, and I attempted to explain—perhaps I didn't make it as clear as I should have—that there is extreme need for the State organizations that are accredited to continue to do the same work that they have done up until now, because the other seven national organizations haven't either the manpower or the wherewithal with which to do it.

The CHAIRMAN. Is that your point?

Mr. BIRNBAUM. Yes, sir.

The CHAIRMAN. That is your whole point?

Mr. BIRNBAUM. I would say that is the complete point, with this one addition, that in my own State—and I think it may be true in some other States—where there are State benefits involved and where there are no accredited representatives of the State organization, there is also need for assistance in veteran facilities such as hospitals, or in some instances in regional offices where veterans come and seek to obtain advice and information, not only of the VA laws—that is, the laws that are administered by the VA, but also of Federal laws that are not administered by the VA, and State laws.

The CHAIRMAN. So the point is that in the hospitals, the veteran may have two sets of rights. He may have a Federal set of rights and he may have a State set of rights, and you think that as a matter of right, the State agencies should have access to this—convenient access to this veteran, to advise him of his States rights. Is that the point?

Mr. BIRNBAUM. That is the point, subject to the one limitation that we put in the law, and that is that it is still discretionary with the Veterans' Administrator to determine whether or not the space is

available. If the space is not available, then the question is academic. But if the space is available, it ought to be afforded.

The CHAIRMAN. Afforded so that you can counsel with the fellow who is in the hospital, as to his State rights?

Mr. BIRNBAUM. Yes, sir.

The CHAIRMAN. Very well.

Mr. BECKER. I would like to present for a brief statement, William K. Barrett, president, National Association of State Directors of Veterans' Affairs, and also chairman of the State department of veterans' affairs in the State of Georgia.

STATEMENT OF WILLIAM K. BARRETT, PRESIDENT, NATIONAL ASSOCIATION OF STATE DIRECTORS OF VETERANS' AFFAIRS; DIRECTOR, VETERANS' SERVICE DEPARTMENT, STATE OF GEORGIA

Mr. BARRETT. I would like to say there is nothing in this law that requires the Veterans' Administrator to furnish figures, so the question of money involved is simply an academic question. The space has to be available before he can grant it. In other words, there is space in there that he is not using.

The CHAIRMAN. That doesn't completely answer the question. If you are providing heat and other services that hit all parts of a building, it is not quite true to say that if some rooms are vacant, that they might as well be filled.

Mr. BARRETT. There has been a good deal of discussion about the services of the State service department. The fact is that they do exist. The States have recognized it in Georgia and it has been written into the constitution. We have underwritten appropriations of \$790,000 so that the representatives of the people think that the State should have an organization that represents the veteran. Now, the Veterans' Administrator agrees with that. They have accredited us to represent the veteran's claim. With his power of attorney, we have a right to go in and get his files and study them and prepare them. Now, the only question involved is as to whether or not he is going to give us desk space where we can keep those files and take them back upstairs when we get through using them or whether we have to send across town or in some States 25 or 30 miles to the VA installation, there, to study the file, prepare it, out on some table out in the hall, or maybe take it back to the office and give a receipt for it.

The CHAIRMAN. Is that another way of saying you are not asking for big spacious quarters to run your whole State operation, you are merely asking for enough space where a fellow can sit down and possibly have interviews with somebody and limited room for the necessary files, is that right?

Mr. BARRETT. Perhaps I could explain it better if I gave you a brief description of Georgia's operation. We have a simple office in the State capitol and another office across town. In addition, we have 80 field offices throughout the State where the veteran comes in and the evidence is gathered up. Now, we also maintain a trained staff of claims men who represent the veteran before the rating board.

Now, those are the men that we keep in the VA installation. As that claim comes in from the field, it is there that the law is applied

to the facts and, if it isn't developed properly, it is sent back to the field for further development.

The CHAIRMAN. Are those gentlemen accredited in the way that we have been talking about here?

Mr. BARRETT. They are, because they have to be, but they shouldn't have to be, Senator.

The CHAIRMAN. That is your point?

Mr. BARRETT. Yes, sir.

The CHAIRMAN. So that you would get space?

Mr. BARRETT. They provide us space because we are accredited.

The CHAIRMAN. You say you ought to have the space anyhow, even though not accredited?

Mr. BARRETT. As a convenience to the Veterans' Administration and not only to us. We would hamper their operations if we were out in the halls studying these files every day.

Now, as these claims come in, they are sent over to our office in the VA building. The claim number is there, he goes up and gets the veteran's file, comes down and prepares it. Then he takes it back up and it is ready and waiting for him when he gets ready to present it to the rating board.

Now, for 30 years this has been going on. Suddenly, Solicitor Odom came up with an interpretation of the law that only nationally recognized veterans' organizations could be allowed by the Administrator to have space in a VA installation.

The CHAIRMAN. You are talking about Federal claims?

Mr. BARRETT. Yes, sir. I am talking about Federal rights under the law.

The CHAIRMAN. You are exclusively talking about Federal rights?

Mr. BARRETT. Yes, sir.

The CHAIRMAN. In your State, your State agency concerns itself with those Federal rights and helps the veteran prosecute his case.

Mr. BARRETT. We prepare it for him and prosecute it for him and appeal it for him.

The CHAIRMAN. And you are accredited in the way that we have described?

Mr. BARRETT. Yes, sir. In Georgia, in order to get space, we have gotten the accreditation from the American Legion. But in certain States in the Union they haven't gotten accreditation from the American Legion.

The CHAIRMAN. Why don't they get it?

Mr. BARRETT. That is a matter that addresses itself to each State; New York doesn't have it, for instance.

The CHAIRMAN. Why doesn't New York get it?

Mr. BARRETT. Oregon doesn't have it.

The CHAIRMAN. Let me ask some of these gentlemen from New York. Mr. Birnbaum, why don't you get it?

Mr. BIRNBAUM. In New York State we have found the matter works itself out practically by taking some of our State veteran counselors and having them work together with the service organizations, and we didn't feel it necessary, at the present time, to seek accreditation for the division of veterans' affairs, as such.

The CHAIRMAN. Let me still ask you, why don't you get that accreditation, and then the question is done?

Mr. BIRNBAUM. That wouldn't take care of it. You take accreditation in some States where the accreditation is extended—as it is not in New York State—where they are not accredited for a national organization, they are asked to vacate space.

The CHAIRMAN. Well, why don't you get your people accredited for or through a national organization?

Mr. BIRNBAUM. There may be a question as to whether or not some of the national organizations would accredit all the State people.

The CHAIRMAN. Answer the question originally. Have you tried to get accreditation, and was accreditation refused?

Mr. BIRNBAUM. Not in New York, sir; no.

Mr. BARRETT. Senator Millikin, the question is such a very simple one. It is only whether or not the Administrator can be allowed the authority to grant this, if it is available. Now, that is all we are asking. We are not asking you to require them to give us space.

The CHAIRMAN. But there is a basic question of why a Federal facility should be furnished for a State.

Mr. BARRETT. It is simply a matter of convenience for the State and a matter of convenience for the Administration.

The CHAIRMAN. Presumably, the Federal part of it can determine for itself whether it wants that convenience. You are speaking, I assume, for the State.

Mr. BARRETT. They haven't, as yet, in Georgia, certainly, experienced the inconvenience that they would if they run us out.

The CHAIRMAN. After all, if they run you out and suffer great inconvenience, it wouldn't be long until they would be before this committee saying, "For goodness sakes, let us go back to this convenience that was furnished us."

Mr. BARRETT. In Georgia, out of a veteran population of over 300,000, the State veterans' department has over 280,000 files. You can imagine the confusion that will exist if we have a sudden demand to review those cases, and we are over there sitting in the halls in the Veterans' Administration with those files, some of which are 6 inches thick.

The argument has been made here today as to whether or not the State agencies act in a duplicating capacity with the Veterans' Administration. It is about as difficult to win a case before a rating board as it is to win one before a superior court, and it takes trained men who devote their entire time to this work in order to adequately represent a veteran.

The CHAIRMAN. Is it true in your State that the Legion and the other national service organizations do not give adequate service to your veterans?

Mr. BARRETT. No, sir. As a matter of fact, we handle all Legion claims in Georgia. We are the accredited representative of the American Legion.

The CHAIRMAN. Then you have no problem in Georgia.

Mr. BARRETT. No, sir; but I would have a problem if the American Legion decided, for instance, to say, "You can't divorce State agencies from politics," for instance. Suppose the American Legion decided for political or personal reasons they didn't like the way I tied my tie and to take the accreditation away from the Veterans' Administration.

The CHAIRMAN. Has that ever been done?

Mr. BARRETT. No, sir.

The CHAIRMAN. Is there any instance where that has been done?

Mr. BARRETT. No, sir; but I think the States ought to be protected from that possibility or that hamper.

The CHAIRMAN. Of course, there is a possibility of everything in this business. That is why we are here. We have all these problems and all kinds of possibilities, but for goodness sakes, we don't need to imagine things.

Mr. BARRETT. But, Senator, if you defeat this bill, then the service organization can decide whether or not a State can maintain an office in a VA building. Now, that should not be the proper procedure.

The CHAIRMAN. Have you any evidence that they have withheld accreditation once it has been requested?

Mr. BARRETT. No, sir; but let me say this to you: In Georgia, the Disabled American Veterans have an office where they have their own claims desk. The VFW has an office with a claims staff in it. Now, if the American Legion decided to do that, and the AMVETS decided to do it, we would be out of business. We would be out of the VA building.

Senator BENNETT. Would that save \$700,000 for the taxpayers of Georgia?

Mr. BARRETT. No, sir; it wouldn't save a nickel, because we would continue to operate whether they gave us space or not. The people of Georgia have said that this thing should exist.

Senator BENNETT. I didn't follow you. You said if the American Legion decided to operate its own staff and not use your facilities, I assume the demand for your services would be greatly reduced.

Mr. BARRETT. Let me say to the Senator that in Georgia, less than 10 percent of the members are members of any veterans' organization. Certainly, a veteran has a right to come to a State service where there is a service provided for him, rather than to go to an agency of which he is not a member.

Senator BENNETT. If I may revert, we had an earlier discussion about the question of whether these national organizations would give or withhold services to nonmembers, and it seems to me I watched your face during that procedure and I got the impression you had the feeling that they would withhold services.

Mr. BARRETT. I think they would strongly urge membership. Let me put it that way.

The CHAIRMAN. I don't have any doubt that there might be a little promotion connected with it, but there is a certain amount of promotion engaged in all State political activities.

Mr. BARRETT. But the representatives of the people, Senator.

The CHAIRMAN. There is a certain amount of promotion involved in representation of the people.

Mr. BARRETT. Yes, sir. But they had decided the question as to the necessity of a State veterans' service organization. Now, the question arises as to whether or not the Veterans' Administrator is going to recognize that agency, along with the national organizations he has recognized, just for the purpose of giving space. He has already recognized him to try the cases, to appear before the rating board. He has to give them access to the files when we come in with power of attorney.

The CHAIRMAN. Let me ask Mr. Birdsall a question: Were the State agencies recognized to prosecute Federal cases, and assuming it has some volume of business, why should it not have space? Why should it not have space, if it is available?

Mr. BIRDSALL. That was a question which was involved when the matter was up for amendment in the Servicemen's Readjustment Act, and it was restricted to those having national recognition.

Senator KERR. Or being national organizations.

Mr. BIRDSALL. Or being national organizations, inasmuch as it is a Federal operation. There is the probability with the State organization that it would have functions other than just Federal business. However, they are recognized to the extent that they may have business before the VA.

The CHAIRMAN. And you give them space to that extent?

Mr. BIRDSALL. But we would not give them space unless they were nationally organized.

The CHAIRMAN. Or properly accredited?

Mr. BIRDSALL. Yes.

The CHAIRMAN. I am asking again, why don't these States get accreditation?

Mr. BARRETT. Well, frankly, Senator, some of them would rather operate their own agency, rather than have some veterans' organization with the power to remove them from the office and, therefore, able to come in and dictate policy.

The CHAIRMAN. I get your point, but it seems to me to be a little on the imaginary side.

Mr. BARRETT. No, sir, it is not. It is on the practical side.

The CHAIRMAN. It hasn't happened. At least I would be very much interested in having some examples where it may have happened.

Mr. BARRETT. Let me suggest patronage as an example.

The CHAIRMAN. That is a subject that I am not as familiar with as I would like to be.

Mr. BARRETT. When you are representing someone else, you have to do what that organization suggests to you, as a general rule. It is our position that a State agency recognized by the general assembly and written into the constitution of the State has as much right to run its own business and be recognized by the Veterans' Administration, as long as we are doing identically the same work.

The CHAIRMAN. But is there not the possibility that you would be using space in VA facilities for carrying on the general business of your State organization?

Mr. BARRETT. No, sir. As a matter of fact, in some States that might be true. I am not familiar with that.

Space we used in a VA building in Georgia is solely used to prepare and study the claims in reference to Federal laws. The only place where we do both State and Federal work in a VA installation is in the offices in the hospitals.

We take the service directly to the bedside.

Senator BENNETT. Since the witness comes from a wealthy State and has \$700,000, why doesn't he offer to pay rent for the space?

Mr. BARRETT. I don't believe there would be much objection to paying rent. If we were ever called upon to do it, we would do it gladly in Georgia.

Senator BENNETT. That puts another angle on the thing.

Mr. BARRETT. I don't think there is a State in the Union that wouldn't gladly help pay for the rent if the question arose. It is something which simply has never arisen. This thing came up because Solicitor Odom, out of a clear sky, said, "Only nationally recognized organizations can stay here, although the others have been here for 30 years."

The CHAIRMAN. There is that basic question of why should the Federal Government, at its own expense, maintain such facilities. When you mention that, with Federal service, you do have a mixed question.

Mr. BARRETT. Let me say this to the Senator: In the rehabilitation field, the on-the-job training and the on-the-farm training and the school training, the academic training, the Veterans' Administration pays us under contract to do part of their work, so we work hand in glove with the Veterans' Administration. This is simply a question of operation of the office, and only if the space is available. There is no requirement or demand here on the Administrator.

The CHAIRMAN. You are a very practical fellow. Once you make the space available, then there comes a tight situation in the hospital where the room could be used, there would be great embarrassment in moving you out.

Mr. BARRETT. Not the slightest, if a sick veteran wanted that office.

The CHAIRMAN. We know of the embarrassment we have here now just because the Veterans' Administration made only a gesture of moving you out.

Mr. BARRETT. You said based on a sick veteran needing the space for a bed.

Senator KERR. I believe the witness is the one who said that.

Mr. BARRETT. I understood the Senator to say it. I am sorry.

The CHAIRMAN. That is why we are having this hearing, because the States are embarrassed because the Federal Government is asking them to get out.

Mr. BARRETT. We simply would retard our operation. Let me say at one time when I first was appointed to this job there was a backlog of several thousand files, and we would start building up a new backlog to where, if a man came in with a claim—if we were to remove our office space and had to go over there and sit in the halls to prepare these files, it would take a man 7 months, 6 or 7 months; with the backlog we built up in Georgia, alone, before his claim would ever be submitted to a rating board. I think that is true in all the other States.

The CHAIRMAN. There you are preparing these claims for Federal action?

Mr. BARRETT. That is right, sir.

The CHAIRMAN. And they give you room?

Mr. BARRETT. That is right.

The CHAIRMAN. And your people are accredited?

Mr. BARRETT. Yes, sir, we are accredited by the Veterans' Administration, and in order to get the space we have to be accredited by the Legion.

The CHAIRMAN. You come here simon-pure. There is no problem.

Mr. BARRETT. Thank you, Senator.

Mr. BECKER. I would like to interject one extraneous viewpoint if I may. On this question you raised about once they get the available space, et cetera. You will remember last year the Veterans' Administration emptied many beds in the country on the basis that they didn't have the money. That was against the view of the Senate and House conference committee, and yet they made space available, where they had the money, if they hadn't made the 4 percent cut across the board. They made the space. They emptied out the beds.

Would it be less embarrassing to the Veterans' Administration to push these counselors out of these services, here?

The CHAIRMAN. What you mentioned was plenty embarrassing, and it would also be plenty embarrassing if we moved these agencies as we found out here today.

Mr. BARRETT. They have been operating for 25 or 30 years.

The CHAIRMAN. That would make it more deeply embarrassing. If they came in just yesterday, you would say, "Well, you moved in yesterday, you can move out today." But when you put whiskers on it and a hump on its back and make it a very ancient institution, that is something else.

Mr. BARRETT. I would like to file this memorandum for the record. (Mr. Barrett's memorandum follows:)

MEMORANDUM SUBMITTED BY THE NATIONAL ASSOCIATION OF STATE DIRECTORS OF VETERANS' AFFAIRS IN SUPPORT OF H. R. 3685, 83D CONGRESS

This memorandum is being submitted by the National Association of State Directors of Veterans' Affairs, an organization whose membership consists of the directors of the various State departments of veterans' affairs of the States or Territories, the State service officer or one holding a comparable position, or their designees, or, in the absence of such described persons, such other persons as may be designated by the governor of such State or Territory. The purposes of the association are to provide a medium for the exchange of ideas and information; to facilitate reciprocal State services; to foster a better understanding of the national veteran problems; to secure uniformity and equality of service in all the States and Territories; and to maintain an interest in all veteran legislation. The said association has been actively engaged, since June 21, 1947, in the aforementioned purposes.

After approximately 20 years or more of constant occupancy at various Veterans' Administration regional offices located throughout the United States, the accredited representatives of approved and nonapproved State agencies are now being ousted by the Veterans' Administration. During the period of such occupancy, these accredited State representatives have been engaged in processing claims for veterans and members of their families as well as appeals from the determinations with which the veteran or the member of his family felt aggrieved.

The various recognized State agencies have employed full-time representatives who were accredited for such State agencies by the Veterans' Administration. These accredited State representatives represent such claimants before the Rating and Appeals Boards and perform such other duties that are deemed necessary to obtain benefits to which the claimants may be entitled under the laws administered by the Veterans' Administration. Such accredited representatives are highly trained specialists and seek as their objective prompt and efficient processing and adjudication of the claims submitted by veterans or members of their families, dependents, etc.

The State organizations that are being affected by the action of the Veterans' Administration have represented hundreds of thousands of such claimants and the ouster of their accredited representatives by the Veterans' Administrator from the regional offices is seriously impeding and in many instances will result in defeat of claims submitted by veterans and their dependents. The need for such occupancy by accredited State representatives is far greater today than at any time heretofore, due to the budgetary cuts to which the Veterans' Administration itself has been subjected. These cuts have resulted in Veterans' Administration

personnel cutbacks and veterans have been compelled to seek the assistance of State veteran agency personnel instead. It is occurring at a time when the Veterans' Administration officials themselves have testified before congressional committees that their backlog in claims and appeals is increasing.

Representatives of the nonapproved State agencies have been counseling veterans with respect to their State veteran rights and Federal rights and benefits not administered by the Veterans' Administration.

These ousters are being caused by a legal opinion rendered by the Veterans' Administration Solicitor in 1947. Steps were not taken to enforce the legal opinion until April 1952 and the Veterans' Administrator has in several instances agreed to permit State agency representatives to retain their space pending congressional action on the bills presently before your committee. The purpose of the two bills referred to your committee for consideration, H. R. 3685 and H. R. 1438, is to give the Administrator of Veterans' Affairs legal authority to permit personnel of State veteran agencies now stationed in Veterans' Administration installations to continue to remain there. The differences between the two bills are set forth below. Veterans' Administrator Carl R. Gray, Jr., set forth his views in connection with the aforesaid bills in a communication addressed to Hon. Edith Nourse Rogers, chairman of the Committee on Veterans' Affairs, dated April 10, 1953.

We shall address ourselves to the matters set forth in the said communication and state our views in connection therewith as follows:

1. That prior to the enactment of Public Law 268, 79th Congress, which added subsection (c) to section 200 of the Servicemen's Readjustment Act of 1944, it was the policy of the Veterans' Administration to furnish space and facilities to service organizations subject to availability and the incurring of no additional expense.

It is to be noted that prior to the enactment of Public Law 268, 79th Congress, there was no statutory authority to furnish space and facilities. Yet, for many years prior thereto the Administrator of Veterans' Affairs under his broad administrative powers had permitted representatives of State agencies as well as accredited representatives of other service organizations to occupy such space.

2. That due to the expansion of the Veterans' Administration after World War II and the increasing insistent requests for space and facilities, action was taken to limit procurement of additional space to that required by the Veterans' Administration itself.

There is no question but that there was a great expansion of the Veterans Administration after World War II. Space was given to accredited representatives of State agencies in such increased facilities.

3. That upon the request of the service organizations Congress enacted Public Law 268, 79th Congress, sanctioning this policy but limiting the granting of space and office facilities to paid full-time representatives of national service organizations recognized by the Administrator.

We disagree with this statement. The limitation of space to nationally recognized organizations is due to two opinions of the Solicitor of Veterans' Affairs, one dated April 8, 1947, and the other dated December 4, 1951. In interpreting the amendment to the Servicemen's Readjustment Act (Public Law 268, 79th Cong.), the solicitor held that the Administrator of Veterans' Affairs had no authority to furnish space to other than the national organizations specified in section 200 of Public Law 844. Immediately prior to the enactment of section 200, Public Law 346, 78th Congress, there was no law limiting the Veterans' Administrator's right to grant space. As set forth under item 1, the Administrator granted such space to service organizations as a matter of policy. Then section 200 of Public Law 346, 78th Congress, was enacted. It contained a space limitation clause addressed not to the Veterans' Administrator but to the Secretary of War and the Secretary of the Navy to grant space at military or naval discharge centers to representatives of national organizations. Thereafter Congress enacted Public Law 268, 79th Congress, which dealt with the authority of the Veterans' Administrator to grant space. The language employed in the latter law is not similar to Public Law 346. It does not set forth the limitation to grant space to national organizations as appears in Public Law 346. It employs the words "such organizations" obviously referring to the organizations the Administrator is authorized to recognize and accredit under Public Law 844 which includes State service organizations. We contend that if Congress had intended the limitation placed thereon by the solicitor it would not have employed the words "such organizations" but would have repeated the language it employed in Public Law 346, "national organizations." We disagree, therefore, with the

Administrator's statement that Public Law 268, 79th Congress, limited the granting of space and office facilities to the paid full-time representatives of national service organizations recognized by the Administrator. We realize that the Administrator is respecting the advice he received from the solicitor and hence we are seeking to clarify the issue by having the law amended accordingly.

4. That 45 State service organizations of 39 States, as well as the District of Columbia, Hawaii, and Puerto Rico, are Veterans' Administration recognized.

As previously stated, State service organizations have been in existence for approximately 20 years or more and their representatives have been occupying space at various Veterans' Administration regional offices located throughout the United States. Such State organizations have been assisting veterans, their families and other claimants who sorely need representation in filing and presenting their claims before the Veterans' Administration. There are some State agencies that are not recognized under section 200. Such State agencies have personnel stationed at Veterans' Administration installations in order to inform their citizens as to their veteran rights under State law and Federal benefits not administered by the Veterans' Administration. The record will disclose that in many States presentation of claims before the rating and appeals boards by accredited representatives of State agencies is far greater in number than that of the other recognized veteran organizations. The national veteran service organizations have not the means with which to maintain a sufficient number of full-time accredited representatives required in order properly to take care of the claims presented in each State. The States have, therefore, supplemented the work of such veteran organizations through recognition obtained for the State service agencies and accreditation for their personnel. Reduction in Veterans' Administration personnel caused by cuts in the budget has increased the need for the services of the representatives of the State service organizations at Veterans' Administration installations. The States are spending large sums of money to aid veterans to obtain both their State and Federal rights and such State effort will be seriously impeded unless their representatives are permitted to remain at the Veterans' Administration installations.

5. That since the State service organizations are not national organizations there is no authority to furnish them in that capacity with office space and facilities but if, as occurs in a number of States, the State employees are accredited representatives of one of the recognized national organizations, space may be furnished.

Under item 3 above, we have discussed the issue of lack of authority. Concerning the matter of dual accreditation, referred to by the Administrator, the facts are as follows:

The solicitor in his December 4, 1951, opinion held that State representatives may occupy space if they obtain accreditation as representatives of nationally recognized veteran organizations. This attempted solution is impractical and undesirable. Only a small percentage of veterans belong to the nationally recognized veteran organizations. The number of accredited representatives these veteran organizations employ is far less than the number employed by the State agencies. The record will show that the State agencies have represented more veterans before the Veterans' Administration than the recognized national service organizations and such representation should be continued to be available to veterans and their dependents if they seek to have the State agencies represent them. Furthermore, the nationally recognized veteran organizations are not seeking to extend dual accreditation to representatives of the State veteran agencies, and under existing conditions State recognized agencies should not be compelled to occupy space only if the nationally recognized veteran organizations appoint employees of the State agencies as their accredited representatives.

6. That as of January 1, 1953, there are 200,748 square feet of space assigned for use by accredited representatives of 24 national service organizations, with a value of approximately \$602,000 per year for the space with telephone service and other office facilities. That the Veterans' Administration has no data upon which to base an estimate of the cost of H. R. 3685, if enacted, since it cannot anticipate the additional demands but it does anticipate requests for substantial amounts of space and office facilities if the bill is enacted.

Such space and facilities may have the value set for them by the Administrator. However, the Veterans' Administration does not claim that it has any need therefor, or that such space and facilities are being put to poor use or that they are being wasted. Under the present law and under the proposed bill, space is made avail-

able only if the Veterans' Administrator wishes to grant it. The discretion presently vested in the Administrator of Veterans' Affairs to grant space is continued in H. R. 3685. The bill does not seek to grant a new right but only to legalize an administrative action exercised continuously by the Administrator for the past many years, even long before the enactment of the Servicemen's Readjustment Act of 1944. It creates no additional governmental financial obligation. As to telephone facilities, that again is in the Administrator's discretion. Most of the national service organizations and State organizations which occupy space have their own telephone service for outgoing calls and use the Veterans' Administration telephone facilities for incoming calls only. Should additional requests, if any, be made for space and facilities following the enactment of H. R. 3685, as heretofore they will continue to be in the discretion of the Administrator to grant them and, if granted, they need not entail one additional cent of expense to the Veterans' Administration or any increase in its budget. Furthermore, there is nothing in either of the bills which requires the Administrator to grant space or facilities to any organization, so that speaking of cost occasioned by anticipated requests is entirely academic. Finally, if the Administrator granted space to the State organizations and found later that it was needed by the Veterans' Administration, there would be nothing to prevent him from taking it back from any organization to which it was granted.

7. That in connection with a similar bill (H. R. 1438, 83d Cong.) the Bureau of the Budget has advised the Veterans' Administration that it recommends against the favorable consideration of such legislation by the committee.

The similar bill referred to was H. R. 7978, 82d Congress. We are not aware of the content of the Bureau of the Budget's recommendation. However, on June 18, 1952, O. W. Clark for Carl R. Gray, Jr., Administrator of the Veterans' Administration, addressed a communication to the Honorable John E. Rankin, chairman, Committee on Veterans' Affairs, stating the views of the Veterans' Administration in connection with H. R. 7978. In that communication, Mr. Clark stated as follows:

"As of April 1, 1952, there were 206,122 square feet of office space assigned for the use of accredited representatives of service organizations. The value of such space together with telephone service and other office facilities is estimated to be approximately \$618,000 per year.

"The Veterans' Administration has no data upon which to base an estimate of the cost of H. R. 7978, 82d Congress, if enacted. It is not possible to anticipate the additional demands for space and office facilities which will be made on the Veterans' Administration by the State organizations now recognized or which at some future time may qualify for recognition. However, it may reasonably be anticipated that there will be requests for substantial amounts of space and office facilities if the bill is enacted.

"Due to the urgent request of the committee for a report on this measure, there has not been sufficient time in which to ascertain from the Bureau of the Budget the relationship of the proposed legislation to the program of the President."

No doubt the Bureau of the Budget understood the aforesaid representation to mean that the space was costing the Government \$618,000 per year, subject to a substantial increase, if the bill were approved. We have heretofore indicated under item 6 that the enactment of the bill would cost the Government nothing, create no legal obligation, and that it would not cause an increase in the budget. Any representation which is subject to such an interpretation should be completely discounted.

The Administrator's letter refers to the fact that there are two bills before your committee—H. R. 3685 and H. R. 1438. H. R. 3685 would extend authority to furnish space and office facilities for the use of paid full-time representatives of "any veteran agency maintained by a State." H. R. 1438 would extend the furnishing of space and facilities to paid full-time representatives of State organizations recognized by the Administrator in the presentation of such claims. We have heretofore indicated that some of the States are not recognized by the Veterans' Administrator to process claims before the Veterans' Administration. However, their paid full-time representatives are located in Veterans' Administration regional offices and hospitals. These State representatives assist veterans in connection with their State veteran benefits and obtaining Federal benefits which are not administered by the Veterans' Administration.

Veterans in the Veterans' Administration facilities and hospitals would be prevented from obtaining such assistance unless H. R. 3685 is approved. H. R. 1438 is not broad enough in scope to permit the assistance required in those

States where recognition has not been requested of the Veterans' Administration by State veteran agencies. It is, therefore, urged that in granting the Veterans' Administrator authority to allow the use of space it be such as is encompassed in H. R. 3685.

We urge the approval by your committee of H. R. 3685, 83d Congress.
Respectfully submitted.

MELVIN T. DIXON,

President, the National Association of State Directors of Veterans Affairs.

Dated St. Petersburg, Fla., May 25, 1953.

Mr. BARRETT. A very dear friend of mine whom I have worked with for 25 years, Mr. Clarence Horton, past president of the National Association of State Directors of Veterans' Affairs.

STATEMENT OF C. CLARENCE HORTON, PAST PRESIDENT OF NATIONAL ASSOCIATION OF STATE DIRECTORS OF VETERANS' AFFAIRS, PRESENTLY DIRECTOR, ALABAMA DEPARTMENT OF VETERANS' AFFAIRS

Mr. HORTON. I enjoy the distinction, also, along with Senator Kerr, of having served my State as American Legion commander. I also, at this time, am a vice chairman of the National Rehabilitation Commission of the American Legion.

However, I would like to make it clear that I do not speak officially for the Legion, but rather as an individual.

If I might add anything at all, gentlemen, to what has been said here, it would be to try to further define the kind of space that we are talking about. I am not sure that the committee has visualized just what we are thinking of in terms of space in the individual installations.

For example, we are thinking in a regional office such as exists in Montgomery, Ala., or in Atlanta, Ga., of maybe 30 by 40 feet occupied by the claims experts of the Department of Veterans' Affairs. We are thinking of, in the hospitals, for example, maybe just desk space in a corridor, or in a nook or in a corner not otherwise being utilized.

I would like to refresh your memory, too, by pointing out that the Veterans' Administration has, itself, testified that the space in question would not be turned back. Therefore, I think we could fairly refer to it as being surplus space, space not otherwise being utilized, and space which otherwise could not be utilized, except by some similar adjunct organization to the Veterans' Administration.

I would like to point out, too, that the State service agencies as such are as old as most of the veterans' organizations. They have been in existence in my own State since 1927.

The CHAIRMAN. Does your own State have a series of benefits for veterans?

Mr. HORTON. Yes; we do have State benefits and privileges which only the Department of Veterans Affairs may process. The law charges us with that responsibility. However, like Mr. Barrett of Georgia, we enjoy space now in the Veterans' Administration installations by virtue of being accredited by the American Legion and by AmVets, and by the regular veterans associations, so that we, too, are happy to be this morning in a position of coming in—how did you express it, sir—simon pure, and it is a very happy situation for me.

However, we are aware of the fact that other States do have problems and that the identical problem could arise in our own State, at any time.

The CHAIRMAN. I haven't gotten a satisfactory answer, yet. It may be due to my own thickness, but I have not yet had a satisfactory answer on why the States don't get the accreditation that would make space available? Why don't they do that?

Mr. HORTON. Well, my answer would be this, sir—and I hope that I don't give any offense in offering it—I think it would be somewhat beneath the dignity of the State of Alabama to be totally dependent upon any veterans organization for its right to occupy space.

The CHAIRMAN. Does your State law require your agency to pursue Federal claims?

Mr. HORTON. Yes; it does, and we are accredited by the Veterans' Administration. We have just as much legal right—in fact, we have a very definite responsibility for prosecuting claims.

The CHAIRMAN. The answer is, in these other States, if they don't want to suffer the lack of dignity—personally, I don't see that, but I will go along with you on that for the purpose of discussion—

Mr. HORTON. Remember, I was speaking of Alabama, sir.

The CHAIRMAN. I understand that. I have always noticed that Alabamans and Georgians, too, are strong for dignity, and I am, also, so there is no harm there. But if you don't want to do that, why don't you frame your State laws requiring action, not only to protect the veteran as to your own State laws, but requiring action to protect the veterans insofar as Federal claims are concerned?

Mr. HORTON. I am afraid I didn't quite get your question. If I did understand it, our law does require such action.

The CHAIRMAN. Then you have no problem. Why don't the other States either get the accreditation—how do you pronounce that word?

Mr. HORTON. Ac-cre-di-ta-tion would be all right, sir.

The CHAIRMAN. The accreditation we have been talking about, or pass laws making it part of the duty of the State agency to pursue Federal claims for the veteran?

Mr. HORTON. The State laws do impose the responsibility of prosecuting claims for veterans.

The CHAIRMAN. If they do that, and pursue that work actively, can't they get proper accreditation with the veterans?

Mr. HORTON. Dependent upon the will and wish of the veterans organizations, which are national organizations.

Senator KERR. They can be accredited to present and pursue claims, entirely independent of being permitted to have space.

Mr. HORTON. Yes, sir; and are. I think most of them do have accreditation.

The CHAIRMAN. The question on space, as I understand it, is that we should not be furnishing Federal facilities to pursue State business.

Mr. HORTON. Well, it isn't altogether State business; it could be national business, because veterans are certainly a part of the national population.

The CHAIRMAN. Right you are.

Now, let me ask you, Mr. Birdsall, where a State is authorized by law to process Federal claims and does so, what are its rights?

Mr. BIRDSALL. Under existing law, Senator, if recognized they may prosecute claims before the VA, but we could not furnish space.

The CHAIRMAN. Could there be any possible objection to giving them space, assuming they performed a Federal function, and were required to?

Mr. BIRDSALL. I think it is implicit in our report, Senator, that the objection primarily is based on the fact that it is not performing a Federal function.

The CHAIRMAN. Supposing you prepare an amendment that will cover that kind of a situation, and let us have it.

(See proposed amendments at end of hearing, pp. 58, 59.)

Senator KERR. May I see if this statement is correct, Mr. Chairman: These State agencies now have the same status and the same dignity and the same opportunity in the matter of presenting and prosecuting claims that the national organizations have?

Mr. BIRDSALL. Yes, sir.

Senator KERR. If they want one of their personnel to have the space in the hospital, he can do so if he becomes an accredited representative of a national organization?

Mr. BIRDSALL. Yes, sir.

Senator KERR. The only thing involved in this issue, as I see it, is whether or not the Federal Government will, in addition, recognize them and permit them to prosecute claims, provide a State agency with office or other space in a Federal facility, merely by reason of their request to be permitted to occupy such space.

Mr. BIRDSALL. That is explicit in the bill; yes, sir.

The CHAIRMAN. Would there be any objection to furnishing facilities to a State to the extent that it limits activity to Federal claims?

Mr. BIRDSALL. I believe that would meet the basic objection that has been stated in our report.

The CHAIRMAN. Would that require something written in the law?

Mr. BIRDSALL. Yes, sir.

The CHAIRMAN. Will you gentlemen who are interested write something and let us have a suggestion on that?

Mr. BECKER. Senator, I would just like to say this: I think we are perhaps getting just a little bit away from the main issue: If we were to write such an amendment, we would then—well, take the present amendment to the law here. We would make this space available.

(See proposed amendments, pp. 58, 59.)

I want to mention the department in New York and some of these new departments in States that came into being either during or after World War II. Now, in the State of New York we find it quite convenient, and quite easy to work with the American Legion and Veterans of Foreign Wars to process this, for us. We see no reason to come in conflict with the veterans organizations in handling our work as our accredited representatives.

The CHAIRMAN. You have an objection to furnishing Federal facilities for a representative of a State agency who is there to pursue Federal claims.

Mr. BECKER. I have no objection to it.

Mr. BARRETT. Senator Millikin, let me say on behalf of the State agencies that we would be perfectly willing to amend this act and put at the end of it, where it says, "such organizations and to any veteran agency maintained by a State," "for the purpose of prosecuting Federal claims."

That would be perfectly agreeable to our organization.

The CHAIRMAN. Well, let's have some language so we can brood on the language. You gentlemen are quite fluent with telegrams. Now be fluent with an amendment.

(See proposed amendments, pp. 58, 59.)

Mr. BARRETT. We are in thorough accord with your thinking that we shouldn't be granted space in a Veterans' Administration building to carry on purely State work.

The CHAIRMAN. That is the thing that troubles, I am sure, some members of this committee: Why the Federal Government should furnish facilities to a State to carry on its own business.

Now, then, if you draw the distinction between State business and Federal business, it seems to me that some of that objection disappears.

Mr. HORTON. There would be some practical problems involved, in that a counselor of veterans occupying space in a Federal installation could not very well decline to provide information or to give advice on State benefits at the time and place when the veteran was present.

Senator KERR. That would be an impossibility, wouldn't it?

Mr. HORTON. Yes, it would.

The CHAIRMAN. I can see you cannot completely unscramble the act.

Mr. HORTON. No, you cannot.

The CHAIRMAN. But after all there would be a question of judgment in the Veterans' Administration as to whether the principal purpose was to give advice federally, and the State activities might be considered incidental. It seems to me that is a question of just human judgment and human administration.

Mr. HORTON. That is exactly right, sir.

The CHAIRMAN. I repeat, again, give us something in writing that might draw those distinctions. We want to protect—I am quite sure we all want to protect the veteran and his Federal rights. We are also interested in his State rights, but some of us have difficulty in seeing why a State should have free facilities to pursue State business in a Federal facility.

(See proposed amendment, p. 59.)

Mr. BIRNBAUM. May I indicate that could be a matter of discretion to be exercised by the Administrator.

The CHAIRMAN. I should think so.

Mr. HORTON. Yes, it would be.

Mr. BIRNBAUM. I should think perhaps a regulation adopted by the Administrator could cover the objection you refer to.

The CHAIRMAN. You were arguing a little while ago that you were afraid of this discretion that someone might use against you. You didn't want the national servicemen's organizations to have the final say in whether you get accredited or not, you are afraid they might pull it away from you. You'd better get it in the law.

Mr. BARRETT. Senator, could I insert one thing here?

The CHAIRMAN. Surely. The VA might take it away from you after they gave it to you.

Mr. BARRETT. We have a district office that covers five States for insurance and death claims. We are the accredited agency for the American Legion but they themselves maintain an office there. Now, for us to have an office there I had to go out and get accredited by the Spanish American War Veterans. Now, suppose they die out, where am I?

The CHAIRMAN. They won't die for a while. We still have some Mexican veterans on the pension roll and I think there are a few Civil War veterans left.

Mr. BIRNBAUM. Senator, may I indicate that in the proposed bill—

The CHAIRMAN. Besides, don't exhaust all of our business. If we try to finish everything in one bill and have nothing to do in the future, we would all lose our jobs.

Mr. BIRNBAUM. Senator, may I indicate that in the proposed bill there is a reference as follows:

The Administrator is further authorized at his discretion, and under such regulations as he may prescribe to furnish—

and then—

if available—

and we go into the question of space.

The CHAIRMAN. We are talking about a case where a State organization designates some part of its activity, if not all, to Federal business.

Are you in a position under this law as drawn to give them facilities if they can show you that they need them?

Mr. BIRDSALL. Do you mean as suggested or under existing law?

The CHAIRMAN. The gentleman just read from the proposed bill. Am I correct in that?

Mr. HORTON. With the added language you mean?

The CHAIRMAN. Yes.

Mr. BIRNBAUM (reading):

(c) The Administrator is further authorized, at his discretion, and under such regulations as he may prescribe, to furnish, if available, necessary space * * *.

Mr. BIRDSALL. I think the language would have to be studied because if the effect of the language is to take cognizance of any State organization, where the Department is authorized to handle both the State and Federal benefits, it would automatically give recognition to all representatives of the State departments for space purposes.

The CHAIRMAN. I would like to see you draw up an amendment to confine it to Federal business.

Now let's take a look at that and see what it looks like. You would have no objection to that, would you?

Mr. BIRDSALL. If it were fastened down to that; no, sir.

The CHAIRMAN. To the extent that they limited themselves to Federal business.

Mr. BIRDSALL. No, sir.

The CHAIRMAN. And you wouldn't have to throw a brain hemorrhage if, in practical administration, there was some little incident of State business?

Mr. BIRDSALL. Yes, sir.

The CHAIRMAN. Isn't it possible to draw up something to indicate this is for Federal business?

Mr. BIRDSALL. We will do that, sir.

(See proposed amendments, pp. 58, 59.)

Senator BENNETT. From the testimony I have the impression that the State organizations are now occupying the space and all they want is the right to hang on to it. So I have to ask this question here: If this law were amended, or if this law were passed, would it increase the amount of space that would be occupied by State organizations in veterans' facilities, or would it preserve their present space?

Mr. BARRETT. It wouldn't increase it 1 square foot, sir.

Mr. BECKER. There isn't a question, even in the implication of the statement made here by Mr. Birdsall, of any additional space. And, Senator, if you were to go around to the various places and see the type of space they have—a desk in the corridor and a file. That is an example. You wouldn't want to have representatives in the space that they have in some of these facilities. I have been in them. But there is no question of any additional space whatever. It is only what they have presently, and even if that isn't available and the VA needs it, they can tell them to move out under the law as it is. That is the simple part of this whole question.

Senator BENNETT. Is that your understanding of the situation, Mr. Birdsall, that there would be no new additional space ready?

Mr. BIRDSALL. Well, in the first place, as to any State organization representatives who have had to vacate space because of authority, that space would then have to be returned.

Senator BENNETT. Has any been actually vacated?

Mr. BIRDSALL. They have not all vacated.

Senator BENNETT. Have any of them vacated?

Mr. BIRDSALL. Yes, sir.

Senator BENNETT. Then, the answer to the question is, it would return the situation to the condition it was in before the order to vacate was issued?

Mr. BIRDSALL. It is not possible for us to estimate what additional requests we might have.

Senator BENNETT. After these State organizations have been operating for 20 or 30 years, you would think there would be no new situations that would justify their asking for more space.

Mr. BECKER. The main point of consideration is not that they needed the space when they ordered them out. It was merely a question of interpretation of law by the Solicitor of the VA, that the Administrator did not have legal right. All we are asking you to do in this bill here is just grant the Administrator the legal right to continue the use of the space that they have made available to these State agencies.

The CHAIRMAN. There is a feeling in the committee that, it is all right, to the extent that the Federal purpose is served but not to the extent of serving the States.

Mr. BECKER. That wasn't the opinion of the Solicitor.

Senator BENNETT. We are not talking about the Solicitor.

Mr. BECKER. You mean that is the way you would like it?

Senator BENNETT. Yes.

Mr. BIRNBAUM. I think the provision is broad enough for the Administrator to draw a regulation within that purview.

The CHAIRMAN. Do you think so, Mr. Birdsall?

Mr. BIRDSALL. I think it would be better if we had some guideline in it.

The CHAIRMAN. You give us a guideline and if you gentlemen can figure out one, give us a guideline.

(See proposed amendments, pp. 58, 59.)

Mr. HORTON. May I complete my testimony, Senator, by saying that the important point here, to my mind, is not the value of the space being occupied or the possibility of it being utilized for other purposes, but from the practical angle of proximity to the veteran,

being where the veteran is, being where the veteran's records are, and having them easily accessible, which would be utterly impossible for the State agencies, no matter if they were to go out into the city and rent the biggest office building in it at their own expense, they would still not be in that close proximity where they should be, to the veteran and to his records. That is the whole burden of our argument. If we can do an effective job and carry out the functions assigned to us by the several States, it is all right. We can do that by being in that situation.

Unless there are other questions, I think I have said all that I can say which would have any value.

Senator BENNETT (presiding). Do you have any questions, Senator.

Senator GEORGE. I have no questions.

Senator BENNETT. Then, we thank you, Mr. Horton, and we will now hear from Mr. Foster.

Mr. BECKER. May I express my appreciation for the courtesy you have given us in hearing this bill.

Thank you very much.

Senator BENNETT. Will you identify yourself.

Mr. FOSTER. I am the assistant legislative representative for the Disabled American Veterans.

STATEMENT OF CHARLES E. FOSTER, ASSISTANT LEGISLATIVE REPRESENTATIVE DISABLED AMERICAN VETERANS

Mr. FOSTER. We requested an opportunity to appear before your committee this morning in opposition to the bill which you have under consideration. The DAV witness on this subject is Mr. Cicero F. Hogan, our national director of claims, who has had many years of experience in this field, and I would appreciate it if he could be given the opportunity to read into the record a statement which he has prepared.

The CHAIRMAN. You may proceed, Mr. Hogan.

STATEMENT OF CICERO F. HOGAN, NATIONAL DIRECTOR OF CLAIMS, DISABLED AMERICAN VETERANS

Mr. HOGAN. Senator Millikin and members of the Senate Finance Committee, my name is Cicero F. Hogan, and I am the national director of claims of the Disabled American Veterans, a congressionally chartered veterans organization. I want to thank you for the opportunity to appear before your committee this morning in opposition to the bill, H. R. 3685, which passed the House of Representatives last year.

The Disabled American Veterans is one of a number of national organizations authorized space and suitable office facilities in Veterans' Administration regional and district offices, at the discretion of the Administrator of Veterans' Affairs. This space is utilized by our organization in accommodating approximately 200 national service officers. These DAV national service officers are full-time paid employees of the national accredited organization who are trained and experienced in their work as counselors and attorneys in fact in the preparation, presentation, and prosecution of claims before agencies of the Veterans' Administration. The services they perform for

veterans and the dependents of deceased veterans are entirely gratuitous.

We are opposed to H. R. 3685 in that it would authorize the Administrator of Veterans' Affairs, at his discretion, to furnish the same facilities, if available, to any veterans agency maintained by a State.

Our points in opposition to this measure are, first, that space, in most instances in VA facilities, is at a premium. With the tremendous influence of State agencies, we cannot help but feel that a small nonpolitical organization, such as the DAV, would come in second best whenever a manager of a VA facility had to make a choice between the DAV and a State agency.

The CHAIRMAN. Personally, I would doubt that very much because your organization is not without sympathetic friendliness of many people who deal with these subjects.

Mr. HOGAN. Thank you for that statement, Senator Millikin. Our second point is one of economy. By and large, the budgets of the various States are in far better financial shape than the Federal budget and I cannot think of any sound reason for the Federal Government to subsidize the States to this extent. This is particularly true in view of the testimony given before the House Veterans' Affairs Committee when it had this measure under consideration during the first session of this Congress, that a great deal of the work of State representatives is purely in connection with State programs and not the Federal program. If this is true, the Congress would be establishing a precedent for the Federal Government to subsidize State agencies in the performance of duties pertaining solely to the State.

The CHAIRMAN. To the extent that is correct I can see no reason why the Federal Government should support the State agencies, in their strictly State business.

Mr. HOGAN. Mr. Chairman, it took a great deal of courage for us to come before you this morning in opposition to this measure. However, we must live with our consciences and we cannot detour or bypass the inescapable conclusion that this bill, if enacted, would, in the long run, seriously impede the fine service program which the DAV has built up over a long period of years.

I have a long personal acquaintance with all of the gentlemen who have testified this morning, and most of the State directors.

We do not oppose this measure for the purpose of seeking a fight with our many fine friends in the State veterans agencies and I hope they will appreciate and understand that the national organization of the DAV must, in all fairness to its membership and employees not sit idly by and watch the rug be pulled out from under us.

The Disabled American Veterans has already had considerable difficulty in securing adequate office space for its full-time paid national service officers in many of the regional offices of the VA. The reorganization of the VA and the very apparent effort to reduce administrative costs has reduced the space available. Yes, as stated above we are fearful if State officials be granted space in VA regional offices the DAV will be pushed aside and our already limited facilities further reduced or taken away from us.

As we have told this committee before in testifying on various veterans' measures, anything that will effect greater economy within the Veterans' Administration without lessening its service to veterans we will endorse.

The CHAIRMAN. Are there any questions?

Senator BENNETT. In these locations where your 200 service officers are now presently located, are all the other national organizations also located there?

Mr. HOGAN. In most instances. I am sure of that. Our national service officers—excuse me. Our plan of operation and the control of our national service officers differs from the other organizations, in that our national service officers are under the control of the national organization of the DAV. But we work in all of the 68 regional offices and the 5 district offices of the Veterans' Administration as well as the central office here in Washington, on the same floor and the same building with the American Legion, the Veterans of Foreign Wars, the AMVETS, and other recognized organizations and accredited representatives of other veterans' organizations.

Senator BENNETT. So for all practical purposes, all seven of these organizations are represented in all of these offices you have described?

Mr. HOGAN. In a great majority of the cases; yes, sir.

Senator BENNETT. Are many of the agencies listed in the second part of the list also represented where you are?

Mr. HOGAN. I am not familiar with that. I do not feel qualified to testify as to the number.

Senator BENNETT. I am just asking you, if, as a general thing, are these other 17 agencies generally represented?

Mr. HOGAN. To some extent, yes.

Senator BENNETT. But not to any great extent?

Mr. HOGAN. Not to any great extent.

The CHAIRMAN. If there are no questions, thank you, gentlemen. Does that complete the list of witnesses?

Are we finished with our witnesses, Mr. Becker?

Mr. BECKER. I am sorry you were out of the room when I concluded. I express my thanks and appreciation for the hearing.

The CHAIRMAN. We are very glad that you have been here. We stand recessed.

(The following amendments were subsequently submitted:)

AMENDMENTS DRAFTED BY VETERANS' ADMINISTRATION AS DIRECTED
BY CHAIRMAN

[H. R. 3685, 83d Cong, 1st sess.]

A BILL To authorize the Administrator of Veterans' Affairs to furnish space and facilities, if available, to full-time representatives of certain recognized State veterans' agencies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 200 of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 693f), is amended to read as follows:

"(c) The Administrator is authorized, at his discretion and under such regulations as he may prescribe, to furnish, if available, necessary space and suitable office facilities for the use of paid full-time representatives of the veterans' organizations specified in section 200 of the Act of June 29, 1936 (Public No. 844, Seventy-fourth Congress), and of such other national organizations and State veterans' agencies recognized by the Administrator thereunder in the presentation of claims under laws administered by the Veterans' Administration: *Provided*, That the service rendered by the representative of any State agency is determined by the Administrator to be principally concerned with the preparation and presentation of claims under laws administered by the Veterans' Administration."

AMENDMENT PROPOSED BY CONGRESSMAN BECKER IN BEHALF OF
STATE VETERANS' AGENCIES

[H. R. 3685, 83d Cong., 1st sess.]

▲ **BILL** To amend the Servicemen's Readjustment Act of 1944, as amended, so as to authorize the Administrator of Veterans' Affairs to furnish space and facilities, if available, to State veteran agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (c) of section 200 of the Servicemen's Readjustment Act of 1944 is amended to read as follows:

"(c) The Administrator is further authorized at his discretion, and under such regulations as he may prescribe, to furnish, if available, necessary space and suitable office facilities for the use of paid full-time representatives of (1) such organizations, and (2) any veteran agency maintained by a State, *to assist veterans and their families with respect to federal benefits.*"

(Whereupon, at 12:45 p. m., the committee recessed to reconvene at the call of the chairman.)

X