

In summary, John Mitchell as Attorney General has been the most effective gang-buster, crime-coper and menacer to the drug menace who ever held the Attorney General's office.

No one seems to think or talk about that, though.

Additionally, he did manage the successful Nixon campaign, though no one ever seems to give him credit for being one of the more astute minds in the political arena.

Probably no one in such a continuous limelight has been given more blame for things beyond his power and less kudos for accomplishments within his power.

I don't think the man really minds that very much—so long as he can get his next big job done—President Nixon reelected.

#### TURTLE CREEK MAN KILLED IN VIETNAM

### HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Sp4c. Curtis C. Kastler, Jr., of Turtle Creek, Pa., who was killed in Vietnam.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Specialist Kastler for his heroic actions, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

#### TURTLE CREEK MAN KILLED IN VIETNAM

The name of one district man was included in a list of soldiers killed in Southeast Asia just released by the U.S. Defense Department.

The Pentagon announced that Spec. 4 Curtis C. Kastler Jr., husband of Linda J. Kastler of the 900 block in Turtle Creek, died as the result of hostile action. He was the son of Mr. and Mrs. Curtis C. Kastler of Harper Drive.

According to a relative, Spec. Kastler was a graduate of Turtle Creek High School and Slippery Rock State College, and held the

Army's Bronze Star Medal for heroism performed earlier this year in Vietnam.

No details of the soldier's death were released by the Pentagon.

#### PULASKI DAY PARADE

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 30, 1971

Mr. EILBERG. Mr. Speaker, on Saturday, October 3, Philadelphia will hold its annual Pulaski Day parade and ceremonies to commemorate the contributions to our country of Polish-Americans. I am proud to have been invited to be in the reviewing stand at Independence Hall, in Philadelphia.

The history of the United States is rich with the Americans of Polish descent, many of whom brought their love of freedom and independence when their country was conquered by foreign powers.

Some of our earliest settlers were Polish. In 1608, Poles landed in Virginia where they were praised by Capt. John Smith for their hard work and industry. However, in 1619, when they were denied representation in the first Assembly in Jamestown, they went on strike.

Their work stoppage threatened to cause such a disruption of the Colony's commerce and life in general that they were quickly enfranchised. This strike for political equality can be regarded as the earliest fight and victory for freedom in America.

During the Revolution their contributions were enormous. The names of Thaddeus Kosciuszko and Casimir Pulaski are known to every student of that struggle.

In later days there were such men as Lt. Felix A. Wardzinski, who fought with Sam Houston, at the Battle of San Jacinto, during Texas' War for Independence.

Adam Gurowski was a Polish patriot who came to this country after the un-

successful struggle to free his native land. He published many scholarly works and was an ardent foe of slavery in America.

Edward Sobolewski was one of our greatest musicians and composers; Casimir Bielawski was a great engineer and explorer in California where a mountain was named in his honor; Leopold F. Beck was a founder of the first polytechnical institute in the United States and Dr. Marie Zakrezewska was one of the first woman physicians.

There are hundreds more and there are the thousands of Polish-Americans who helped to build our great cities and who give many of their neighborhoods the flavor and zest of the Polish culture.

In my city, Philadelphia, such men as Councilman Joseph L. Zazyczny and John Cardinal Krol are among our community's finest leaders.

Recently the Polish National Alliance, the largest ethnic fraternal organization in the United States met in Pennsylvania. It was started in 1880 in Philadelphia by 189 Polish-Americans who wanted to preserve their heritage.

This heritage and the contributions of Polish-Americans is something of which we can all be proud and thankful.

#### ORDER TO GIVE LIFE?

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 29, 1971

Mr. JACOBS. Mr. Speaker, I was wondering, in view of the events of the past few weeks in Saigon, if any Member of Congress or any member of the executive branch would care to say he or she is willing, from this day forward, to give his or her life, limb, sanity or freedom—POW even for another day—further to prop up the Saigon dictatorship.

Other Americans are being ordered to do so today.

## HOUSE OF REPRESENTATIVES—Friday, October 1, 1971

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Teach us to number our days, that we may apply our hearts unto wisdom.—Psalms 90: 12.*

O spirit of the living God,  
Thou light and life divine:  
Descend upon this House once more  
And make it truly thine!  
Fill it with love and joy and power,  
With righteousness and peace,  
Till Thou shalt dwell in human hearts,  
And sin and sorrow cease.

Teach us to utter living words  
Of truth which all may hear,  
The language all men understand  
When love speaks loud and clear:  
Till every age and race and clime  
Shall blend their creeds in one,

And earth shall form one brotherhood  
By whom Thy will is done.

—HENRY H. TWEEDY.

Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 10538. An act to extend the authority of insuring loans under the Consolidated Farmers Home Administration Act of 1961.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 539. An act for the relief of Grant J. Merritt and Mary Merritt Bergson.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, reserving the right to object, would it be permissible, under my reservation of objection, to propound a parliamentary inquiry to the Speaker on another subject?

The SPEAKER. The Chair will receive the gentleman's inquiry.

Mr. GROSS. Mr. Speaker, I am prepared now or later in the day to offer a highly privileged motion to proceed to the immediate consideration of House Resolution 596, a privileged resolution disapproving the President's alternate comparability pay plan, dated August 31, 1971, for pay adjustments for Federal employees under statutory pay systems.

Mr. Speaker, my parliamentary inquiry is, Would the Speaker now or later in the day recognize me for that purpose?

The SPEAKER. Of course, that is a highly privileged motion. The Chair would be constrained to recommend against that, since the resolution was reported by another Member, but the Chair has no control over the matter.

Mr. GROSS. Well, would the Chair recognize me for that purpose?

The SPEAKER. If the gentleman insists, the Chair has no discretion about recognizing Members on a highly privileged matter, such as the one the gentleman mentions.

Mr. GROSS. I thank the Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADJOURNMENT OVER TO MONDAY, OCTOBER 4, 1971

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 279]

Abbutt	Brinkley	Conyers
Abourezk	Erotzman	Corman
Abzug	Buchanan	Cotter
Adams	Byrne, Pa.	Coughlin
Addabbo	Byron	Crane
Anderson, Ill.	Carey, N.Y.	Daniel, Va.
Anderson, Tenn.	Carney	Daniels, N.J.
Ashbrook	Celler	Delaney
Ashley	Chappell	Denholm
Badillo	Chisholm	Dennis
Barrett	Clancy	Dent
Belcher	Clark	Derwinski
Bell	Clausen,	Devine
Blaggi	Don H.	Diggs
Bingham	Clawson, Del	Dingell
Blackburn	Clay	Dorn
Brasco	Cleveland	Dow
	Collins, Ill.	Dowdy
	Conable	Downing

Edmondson	King	Reid, N.Y.
Edwards, Ala.	Kluczynski	Roe
McKevitt	Koch	Rogers
Edwards, Calif.	Kuykendall	Rooney, Pa.
Edwards, La.	Landrum	Rosenthal
Eilberg	Latta	Rostenkowski
Esch	Long, La.	Roussetot
Eshleman	Lujan	Roy
Evins, Tenn.	McCloskey	Runnels
Flynt	McClure	Ruppe
Foley	McFall	St Germain
Ford,	McKay	Sandman
William D.	McKevitt	Sarbanes
Fraser	McKinney	Saylor
Frelinghuysen	Macdonald,	Scheuer
Frenzel	Mass.	Schmitz
Fulton, Pa.	Mann	Schneebell
Fulton, Tenn.	Mathis, Ga.	Shipley
Gallagher	Mazzoli	Shoup
Gaydos	Metcalfe	Sikes
Gettys	Mikva	Slack
Goldwater	Miller, Calif.	Smith, Calif.
Goodling	Mills, Ark.	Snyder
Grasso	Mills, Md.	Staggers
Gray	Minish	Steele
Griffiths	Mollohan	Steiger, Ariz.
Grover	Moorhead	Steiger, Wis.
Gubser	Morgan	Stephens
Hall	Moss	Stokes
Halpern	Murphy, N.Y.	Stuckey
Hanna	Nedzi	Sullivan
Hansen, Idaho	Nelsen	Teague, Tex.
Hansen, Wash.	Nichols	Terry
Harrington	Nix	Thone
Harsha	Obey	Tiernan
Hays	O'Neill	Ullman
Hébert	Passman	Vander Jagt
Helstoski	Pelly	Ware
Hicks, Mass.	Pickle	Whitehurst
Hollifield	Pirnie	Whitten
Hunt	Podell	Wiggins
Ichord	Poff	Wilson, Bob
Jonas	Price, Ill.	Wilson,
Jones, N.C.	Pryor, Ark.	Charles H.
Jones, Tenn.	Quie	Wylder
Karh	Quillen	Wylie
Kastenmeier	Railsback	Wyman
Keating	Randall	Yatron
Keith	Reid, Ill.	Zion

The SPEAKER. On this rollcall 234 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

APPOINTMENT OF CONFEREES ON S. 2007, ECONOMIC OPPORTUNITY AMENDMENTS OF 1971

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, and consider the same in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. ERLBORN. Mr. Speaker, reserving the right to object, I did not hear the title of the bill which was read. Could the gentleman advise us what this bill is?

Mr. PERKINS. The bill is S. 2007, and I have asked to consider the same in the House.

Mr. ERLBORN. What is the subject matter of the bill?

Mr. PERKINS. The Economic Opportunity Act extension.

Mr. ERLBORN. I see.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection. The Clerk read the Senate bill.

AMENDMENT OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PERKINS: Strike out all after the enacting clause of S. 2007 and insert in lieu thereof the provisions of H.R. 10351, as passed, as follows:

That this Act may be cited as the "Economic Opportunity Amendments of 1971".

Sec. 2. (a) For the purpose of carrying out the Economic Opportunity Act of 1964 (hereinafter referred to as the "Act"), there are hereby authorized to be appropriated \$2,194,066,000 for the fiscal year ending June 30, 1972; and \$2,750,000,000 for the fiscal year ending June 30, 1973.

(b) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year ending June 30, 1972, and for the next fiscal year, the Director shall reserve and make available a sum sufficient to permit the funding of local initiative programs authorized under section 221 of the Act at a level not less than \$350,000,000 each year.

Sec. 3. Sections 171, 245, 321, 408, 615, and 835 of the Act are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "seven succeeding fiscal years". Section 523 of the Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years."

Sec. 4. Section 222(a)(1) of the Act is amended by adding at the end thereof the following: "The Director shall not promulgate any general eligibility requirement which requires payment for participation in projects assisted under this paragraph by members of families whose annual family income does not exceed \$4,500 for a family of four, or comparable amounts in the case of other sized families, but such eligibility requirements may be varied to reflect individual family and geographic situations and special program needs."

Sec. 5. Section 222(a)(4)(A)(ii) of the Act is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof "pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance".

Sec. 6. (a) Section 222(a)(8) of the Act is amended by striking out the last sentence thereof.

(b) Section 222(a)(9) of the Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts and assisting employers in dealing with addiction and drug abuse problems among formerly hard core unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process: *Provided, however,* That there shall be no change in income eligibility criteria for initial admission to treatment and rehabilitation programs under this Act."



(c) Section 222(a) is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for working on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment and the improvement of the quality of life in urban and rural areas.

"(1) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to rural housing development corporations serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses, revolving development funds, nonrevolving land, land development and construction write-downs, rehabilitation or repair of substandard housing, and loans to low-income families. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, except that if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such periods of time as he may establish: Provided, however, That no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of \$3,700 per annum: And provided further, That any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of his adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly. There are hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1972, and \$15,000,000 for the fiscal year ending June 30, 1973, for the purpose of carrying out this program."

Sec. 7. (a) (1) Section 225(a) of the Act is amended by striking out "the Director shall allot" and all that follows down through "He shall also reserve", and insert in lieu thereof the following: "the Director shall reserve".

(2) Section 609(1) of the Act is amended by striking out "; except that when used in Section 225 of this Act the term means only a State or the District of Columbia".

(b) Section 225(c) of the Act is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

Sec. 8. Section 231 of the Act is amended by adding at the end thereof the following:

"(d) If any member of a board to which

section 211(b) applies files an allegation with the Director that an agency receiving assistance under this section is not observing any requirement of this Act, or any regulation, rule, or guideline promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall, forthwith, terminate further assistance under this title, to such agency until he has received assurances satisfactory to him that further violations will not occur."

Sec. 9. Section 244 of the Act is amended by adding at the end thereof the following:

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be distributed on an equitable basis in any community so that all significant segments of the low-income population are being served."

Sec. 10. (a) Section 312(b) (3) of the Act is amended by inserting after the word "Government" the words "employment or".

(b) Title V-B is amended by striking out the center caption for such part B and sections 521, 522, and 523 and substituting in lieu thereof the following:

"Sec. 521. Parts B, C, D, E, F, G, and H of this title may be cited as the 'Comprehensive Child Development Act'."

#### "STATEMENT OF FINDINGS AND PURPOSE

"Sec 522. (a) The Congress finds that (1) millions of American children are suffering unnecessary harm from the present lack of adequate child development services, particularly during their early childhood years; (2) comprehensive child development programs, including a full range of health, education, and social services, are essential to the achievement of the full potential of America's children and should be available to all children regardless of economic, social, and family background; (3) children with special needs must receive full and special consideration in planning any child development programs and, until such time as such programs are expanded to become available to all children, priority must be given to preschool children with the greatest economic and social need; (4) while no mother may be forced to work outside the home as a condition for using child development programs, such programs are essential to allow many parents to undertake or continue full- or part-time employment, training, or education; and (5) it is crucial to the meaningful development of such programs that their planning and operation be undertaken as a partnership of parents, community, State and local governments.

"(b) It is the purpose of this Act to provide every child with a fair and full opportunity to reach his full potential by establishing and expanding comprehensive child development programs and services so as to (1) assure the sound and coordinated development of these programs; (2) recognize and build upon the experience and success gained through the Headstart program and similar efforts; (3) make child development services available to all children who need them, with special emphasis on preschool programs for economically disadvantaged children and for children of working mothers and single parent families; (4) provide that decisions as to the nature and funding of such programs be made at the community level with the full involvement of parents and other individuals and organizations in the community interested in child development; and (5) establish the legislative framework for the future expansion of such programs to provide universally available child development services.

#### "TITLE I—COMPREHENSIVE CHILD DEVELOPMENT PROGRAMS, DIRECTION TO ESTABLISH PROGRAM

"Sec. 523. The Secretary of Health, Education, and Welfare is hereby authorized and directed to establish child development programs and services through the support of activities in accordance with the provisions of this title.

#### "CHILD DEVELOPMENT PROGRAMS

"Sec. 524. Funds appropriated under section 530 may be used (in accordance with approved applications) for the following activities:

"(a) planning and developing child development programs, including the operation of pilot programs to test the effectiveness of new concepts, programs, and delivery systems;

"(b) establishing, maintaining, and operating child development programs, which may include activities such as—

"(1) comprehensive physical and mental health, social, and cognitive development services necessary for children participating in the program to profit fully from their educational opportunities and to attain their maximum potential;

"(2) food and nutritional services (including family consultation);

"(3) rental, remodeling, renovation, alteration, construction, or acquisition of facilities, including mobile facilities, and the acquisition of necessary equipment and supplies;

"(4) programs designed to meet the special needs of minority groups, Indian and migrant children with particular emphasis on the needs of children from bilingual families for the development of skills in English and other language spoken in the home;

"(5) a program of daily activities designed to develop fully each child's potential;

"(6) other specially designed health, social, and educational programs (including afterschool, summer, weekend, vacation, and overnight programs);

"(7) medical, psychological, educational, and other appropriate diagnosis and identification of visual, dental, hearing, speech, nutritional, and other physical, mental, and emotional barriers to full participation in child development programs, with appropriate treatment to overcome such barriers;

"(8) incorporation within child development programs of special activities designed to ameliorate identified handicaps and, where necessary or desirable, because of the severity of such handicaps, establishing, maintaining, and operating separate child development programs designed primarily to meet the needs of handicapped children;

"(9) preservice and inservice education and other training for professional and paraprofessional personnel;

"(10) dissemination of information in the functional language of those to be served to assure that parents are well informed of child development programs available to them and may become directly involved in such programs;

"(11) services, including in-home services, and training in the fundamentals of child development, for parents, older family members functioning in the capacity of parents, youth and prospective parents;

"(12) utilization of child advocates to work on behalf of children and parents to secure them full access to other services, programs, or activities intended for the benefit of children; and

"(13) such other services and activities as the Secretary deems appropriate in furtherance of the purposes of this Act;

"(c) staff and administrative expenses of local policy councils and child development councils.

#### "PRIME SPONSORS

"Sec. 525. (a) The following shall be eligible to be prime sponsors of a comprehensive

child development program in accordance with the provisions of this section:

"(1) any State; or

"(2) any unit of general local government—

"(A) which is a city with a population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary; or

"(B) which is a county or other unit of general local government with a population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary and which the Secretary determines has general governmental powers substantially similar to those of a city; or

"(3) any combination of units of general local government having a total population of ten thousand or more persons on the basis of the most satisfactory current data available to the Secretary; which proposes to operate programs authorized by this Act through contract with public or private nonprofit agencies or organizations including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of Indians, employers of working mothers and local public and private educational agencies and institutions, serving or applying to serve children in a community or neighborhood or other area possessing a commonality of interest;

"(4) an Indian tribal organization; or

"(5) any public or private nonprofit agency or organization, including but not limited to community action agencies, single-purpose Headstart agencies, community corporations, parent cooperatives, organizations of migrant workers, labor unions, organizations of Indians, employers of working mothers, and public and private educational agencies and institutions, serving or applying to serve children in a neighborhood or other area possessing a commonality of interest under the jurisdiction of any unit (or combination of units) of general local government referred to in subsection (a) in the event that (A) such unit (or combination of units) of general local government either has not submitted an application pursuant to this section within one hundred and twenty days of the implementation of this title by the promulgation of regulations by the Secretary, or has not submitted a plan pursuant to section 526 within two hundred and forty days of said implementation during the first fiscal year in which this title is funded or earlier than ninety days before the start of each succeeding fiscal year, or, although serving as a prime sponsor, is found, in accordance with the procedures contained in subsection (8) of this section not to be satisfactory implementing a child development plan which adequately meets the purpose of this title, (B) such sponsorship is for the purpose of providing comprehensive child development programs on a year-round basis to children of migrant workers and their families, or (C) the Secretary determines such sponsorship necessary to meet the needs of economically disadvantaged children, pre-school-age children, or children of working mothers or single parents residing in the area served by a prime sponsor designated pursuant to paragraphs (1) through (4) of this subsection.

"(b) In the event that a State, a city, a unit of general local government, a county or other unit of general local government, any combinations thereof, or an Indian tribal organization have not submitted a plan under section 526 or the Secretary has not approved a plan so submitted, or where the Secretary has withdrawn authority under section 525 or where the needs of migrants, pre-school-age children, or the children of working mothers or single parents, minority groups, or the economically disadvantaged

are not being served, the Secretary may directly fund programs, including those in rural areas without regard to population, that he deems necessary in order to serve the children of the particular area.

"(c) Any State, unit or combination of units of general local government or Indian tribal organization that is eligible to be a prime sponsor under subsection (a) and which desires to be so designated in order to enter into arrangements with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served shall provide for—

"(1) the establishment of a Child Development Council which shall be responsible for planning, conducting, coordinating, and monitoring child development programs in the prime sponsorship area and shall submit to the Secretary a Comprehensive Child Development Plan pursuant to section 526. Each Local Policy Council shall elect at least one representative to the Child Development Council; and one-half of the members of such Council shall be elected representatives of Local Policy Councils. The balance shall be appointed by the chief executive officer of the unit or units of government establishing such Council and shall be broadly representative of the unit or units of government; the public and private economic opportunity, health, education, welfare, employment, training, and child service agencies in the prime sponsorship area; minority groups and organizations; public and private child development organizations; employers of working mothers, and labor unions, and shall include at least one child development specialist. At least one-third of the total membership of the Child Development Council shall be parents who are economically disadvantaged. Each Council shall select its own chairman.

"(2) the establishment of Local Policy Councils for each neighborhood or subarea possessing a commonality of interest or, pursuant to criteria established by the Secretary, a nongeographic grouping of appropriate size. Such Councils shall be composed of parents of children eligible under this title or their representatives who reside in such neighborhood or subareas or, in the case of a nongeographical grouping, who are working or participating in training in the common area, and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary. Such Local Policy Councils shall be responsible, among other things, for determining child development needs and priorities in their neighborhoods or subareas, and shall make recommendations relating thereto and encourage project applications pursuant to section 527 designed to fulfill that plan.

"(3) the delegation by the Child Development Council to an appropriate agency (existing or newly created) of the State, unit or combination of units of general local government, Indian tribal organization, or any local educational agency as defined in section 801(f) of the Elementary and Secondary Education Act of 1965 of the administrative responsibility for developing a Comprehensive Child Development Plan pursuant to section 526 for evaluating applications for such assistance submitted to it by other agencies or organizations, for delivering services, activities, and programs for which financial assistance is provided under this title, and for continuously evaluating and overseeing the implementation of programs assisted under this title; *Provided*, That such delegate agency will be ultimately responsible for its actions to the Child Development Council and will cooperate with the Local Policy Councils.

"(d) Any public or private nonprofit agency or organization that desires to be designated a prime sponsor pursuant to subsection (a) (5) in order to enter into arrangements

with the Secretary under this title shall submit to the Secretary an application for designation as prime sponsor which, in addition to describing the area to be served, shall—

"(1) demonstrate that such agency or organization qualifies as eligible prime sponsor pursuant to subsection (a) (5);

"(2) evidence the capability of such agency or organization for effectively planning, conducting, coordinating, and monitoring child development programs in the area to be served; and

"(3) provide for the establishment of a local policy council which shall be composed of parents of eligible children or their representatives who reside in such area and who are chosen by such parents in accordance with democratic selection procedures established by the Secretary.

"(e) (1) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a city or an Indian tribal organization which is eligible under paragraph (2) or (4) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall approve the application of the city or the Indian tribal organization.

"(2) In the event that a State has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor and a unit of general local government which is a county or combinations of units of local government which is eligible under paragraph (2) (B), or (3), of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the State or unit of general government which he determines will most effectively carry out the purpose of this title.

"(3) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor or is acting as prime sponsor serving a geographic area within the jurisdiction of another such unit (or combination of units) which is eligible under paragraph (2) or (3) of subsection (a) and which has submitted an application for designation as prime sponsor that meets the requirements of subsection (b), the Secretary, in accordance with such regulations as he shall prescribe, shall approve for that geographical area the application of the unit of general local government which he determines will most effectively carry out the purposes of this title.

"(4) When a unit (or combination of units) of general local government has submitted an application for designation as prime sponsor to serve or is acting as a prime sponsor serving a geographical area under the jurisdiction of an Indian reservation that has submitted an application for designation as prime sponsor that meets the requirements of subsection (c), the Secretary shall tentatively approve the latter application, subject to review of the Comprehensive Child Development Plan.

"(5) When a unit (or combination of units) of general local government is maintaining a pattern and practice of exclusion of minorities, the Secretary shall give preference in the approval of applications for prime sponsorship to an alternative unit of government or to a public or non-profit agency or organization in the area representing the interests of the minority and economically disadvantaged people.

"(f) The Governor or appropriate State agency shall be given sixty days to review applications for designation filed by other than the State, offer recommendations to the applicant, and submit comments to the Secretary.



"(g) Except as provided in subsection (c), an application submitted under this section may be disapproved or a prior designation of a prime sponsor may be withdrawn only if the Secretary, in accordance with regulations which he shall prescribe, has provided—

"(1) written notice of intention to disapprove such application including a statement of the reasons therefor;

"(2) sixty days in which to submit corrective amendments to such application or undertake other necessary corrective action, and

"(3) an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

"(h) (1) If any party is dissatisfied with the Secretary's final action under subsection (g) with respect to the disapproval of its application submitted under this section or the withdrawal of its designation, such party may, within sixty days after notice of such action, file with the United States Court of Appeals for the circuit in which such party is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

#### "COMPREHENSIVE CHILD DEVELOPMENT PLANS

"Sec. 526. (a) Financial assistance under this title may be provided by the Secretary for any fiscal year to a prime sponsor designated pursuant to section 525(c) only pursuant to a comprehensive child development plan which is submitted by such prime sponsor and approved by the Secretary in accordance with the provisions of this title. Any such plan shall set forth a comprehensive program for providing child development services in the prime sponsorship area which—

"(1) identifies child development needs and goals within the area and describes the purposes for which the financial assistance will be used;

"(2) meets the needs of children in the prime sponsorship area, to the extent appropriate and feasible, including (A) priority programs for pre-school children 5 years of age and under, of working mothers and single parents, (B) before and after school programs, and (C) infant care programs as well as insuring the availability of child care services for the children of single parents or working mothers who must work or attend school or other employment related training or educational activities on night shifts of night sessions;

"(3) gives priority to providing child development plans and services to economically disadvantaged children by reserving for such children from such funds as are received under section 531 in any fiscal year an amount at least equal to the aggregate amount received by public or private agencies or organizations within the prime sponsorship area for programs during fiscal year 1972 under section 222(a)(1) of the Economic Opportunity Act of 1964; and by

reserving no less than 65 per centum of the remainder of its allotment under section 531 for child development programs and services for those children of families having an annual income below the lower budget for a four person urban family as determined by the Bureau of Labor Statistics of the Department of Labor;

"(4) gives priority thereafter to providing child development programs and services to children of single parents and working mothers;

"(5) provides, insofar as feasible, that such programs under this Act will be approved only if there is participation without regard to family income and in accordance with an appropriate fee schedule as provided in paragraph (6) of this subsection;

"(6) provides that charges for child development services provided for any child under programs assisted under this title shall be made in accordance with a fee schedule prescribed by regulations by the Secretary (which shall be consistent with any fee schedules for similar purposes under the Social Security Act) for part or all of the cost thereof based upon the ability of a family to pay including the extent to which payments from a third party (including a public agency) are available;

"(7) provides that cooperative arrangements will be entered into under which public agencies, at both the State and local levels, responsible for the education or other services to handicapped children, will make such services available, where appropriate, to programs approved under the plan;

"(8) provides that insofar as possible, persons residing in communities served by such projects will receive jobs, including in-home and part-time jobs and opportunities for training in programs authorized under title II of this Act;

"(9) provides that, to the extent feasible, the enrollment of children in each program within the prime sponsorship area will include children from a range of socioeconomic backgrounds;

"(10) provides comprehensive services to meet the special needs of minority groups, Indians and migrant children, with particular emphasis on the needs of children from bilingual families for development of skills in English and in the other language spoken in the home;

"(11) provides equitably for the child development needs of children from each minority group residing within the area served;

"(12) provides that children in the area served will in no case be excluded from the programs operated pursuant to this Act because of their participation in non-public preschool or school programs or because of the intention of their parents to enroll them in nonpublic schools when they attain school age;

"(13) provides, insofar as possible, for coordination of child development programs with other social programs (including but not limited to those relating to employment and manpower) so as to keep family units intact or in close proximity during the day;

"(14) provides for direct parent participation in the conduct, overall direction and evaluation of programs;

"(15) provides to the extent feasible for the employment as both professionals and paraprofessionals of persons resident in the neighborhoods from which children are drawn;

"(16) includes to the extent feasible a career development plan for paraprofessional and professional training, education, and advancement on a career ladder;

"(17) provides that, to the extent appropriate, programs will include participation by volunteers, especially parents and older children, and including senior citizens, students, and persons preparing for employment in child development programs;

"(18) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons in the community are fully informed of the activities of the Child Development Council and its delegate agency;

"(19) provides that no person will be denied employment in any program solely on the ground that he fails to meet State teacher certification standards;

"(20) assures that linkage and coordination mechanisms have been developed by preschool program administrators and administrators of school systems, both public and nonpublic, at a local level, to provide continuity between programs for preschool and elementary schoolchildren, and to coordinate programs conducted under this Act and programs conducted pursuant to section 222(a)(2) of the Economic Opportunity Act of 1964 and the Elementary and Secondary Education Act;

"(21) provides, in the case of a prime sponsor located within or adjacent to a metropolitan area, for coordination with other prime sponsors located within such metropolitan area, and arrangements for cooperative funding where appropriate, and particularly for such coordination when appropriate to meet the needs for child development services of children of parents working or participating in training or otherwise occupied during the day within a prime sponsorship area other than that in which they reside;

"(22) assures coordination of child development programs for which financial assistance is provided under the authority of other laws;

"(23) establishes arrangements in the area served for the coordination of programs conducted under the auspices of or with the support of business, industry, labor, employee and labor-management organizations and other community groups;

"(24) provides assurances satisfactory to the Secretary that the non-Federal share requirements will be met;

"(25) provides for such fiscal control and funding accounting procedures as the Secretary may prescribe to assure proper disbursement of and accounting for Federal funds paid to the prime sponsor;

"(26) sets forth plans for regularly conducting surveys and analyses of needs for child development programs in the prime sponsorship area and for submitting to the Secretary a comprehensive annual report and evaluation in such form and containing such information as the Secretary shall establish by regulation;

"(27) provides that consideration will be given to project applications submitted by public, private, nonprofit, and profitmaking organizations with emphasis given to on-going programs, and that (A) comparative costs of providing services shall be a factor in deciding among applicants, and (B) such organizations must meet the standards for service under authority of this title;

"(28) provides that programs or services under this Act shall be provided only for children whose parents or legal guardians have requested them; and

"(29) provides assurance that in developing plans for any facilities due consideration will be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than one per centum of the cost of the project).

"(c) No comprehensive child development plan or modification or amendment thereof submitted by a prime sponsor under this section shall be approved by the Secretary unless he determines that—

"(1) each community action agency or single-purpose Headstart agency in the area to be served, previously responsible for the administration of programs under this Act or under section 222(a)(1) of the Economic

Opportunity Act, has had an opportunity to submit comments to the prime sponsor and to the Secretary;

"(2) an educational agency or institution in the area to be served responsible for the administration of programs under section 222(a)(2) of the Economic Opportunity Act has had an opportunity to submit comments to the prime sponsor and the Secretary;

"(3) the Governor or appropriate State agency has, in the case of a prime sponsor that is a unit (or combination of units) of general local government or an Indian tribal organization, or public or private nonprofit agency, had an opportunity to submit comments to the prime sponsor and to the Secretary.

"(d) A comprehensive child development plan submitted under this section may be disapproved or a prior approval withdrawn only if the Secretary provides written notice of intention to disapprove such plan, including a statement of the reasons, a reasonable time to submit corrective amendments, and an opportunity for a public hearing upon which basis an appeal to the Secretary may be taken as of right.

#### "PROJECT APPLICATIONS

"Sec. 527. (a) Upon the recommendation of the appropriate Local Policy Council, a prime sponsor designated under section 525(c) may provide financial assistance, by grant, loan, or contract, pursuant to a Comprehensive Child Development Plan, to any qualified public or private agency or organization, including but not limited to a parent cooperative, community action agency, single-purpose Headstart agency, community development corporation, organization of migrant workers, Indian organization, private organization interested in child development, labor union, or employees and labor-management organization, which submits an application meeting the requirements of subsection (b).

"(b) A project application submitted for approval under this section shall—

"(1) provide such comprehensive health, nutritional, education, social, and other services as are necessary for the full cognitive, emotional, and physical development of each participating child;

"(2) provide for the utilization of personnel, including paraprofessional and volunteer personnel, adequate to meet the specialized needs of each participating child;

"(3) provides for the regular and frequent dissemination of information in the functional language of those to be served, to assure that parents and interested persons are fully informed of project activities;

"(4) provide assurance that any person employed on such project, except for volunteers participating under section 526(a)(17), shall be paid no less than the prevailing rate of pay for such employees in the area in which the project is to be carried out: *Provided*, That in no case shall such employee be paid less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938 as amended (29 U.S.C. 206);

"(5) otherwise further the objectives and satisfy the appropriate provisions of the Comprehensive Child Development Plan in force pursuant to section 526.

"(c) The appropriate Local Policy Council may conduct public hearings on applications submitted to the prime sponsor under this section prior to making its recommendation for funding. Further, the Local Policy Council may appeal to the Secretary any action or decision by the Child Development Council which the Local Policy Council feels does not meet the intent of this Act.

"(d) (1) The Secretary may provide financial assistance, by grant, loan, or contract, to a prime sponsor designated under section 525(a)(5), which submits a project application meeting the requirements of subsection (b).

"(2) Such financial assistance may be pro-

vided from the funds allotted under section 531 to the prime sponsorship area in which the section 525(a)(5) prime sponsor will be conducting programs, and in the case of prime sponsors designated pursuant to section 525(a)(5)(B) such financial assistance may be provided from the funds reserved pursuant to section 531(a)(1).

"(3) The Child Development Council shall conduct public hearings on such project application prior to its submission to the Secretary and shall submit the record of such hearings to the Secretary with the project application.

#### "ADDITIONAL CONDITIONS FOR PROGRAMS INCLUDING CONSTRUCTION

"Sec. 528. (a) Applications including construction may be approved only upon a showing that construction of such facilities is essential to the provision of adequate child development services, and that rental, renovation, remodeling, or leasing of adequate facilities is not practicable.

"(b) If within twenty years after completion of any construction for which Federal funds have been paid under this title the facility shall cease to be used for the purposes for which it was constructed, unless the Secretary determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so, the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(c) All laborers and mechanics employed by contractors or subcontractors on all construction, remodeling, renovation, or alteration projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(d) In the case of loans for construction, the Secretary shall prescribe the interest rate and the period within which such loan shall be repaid, but such interest rates shall not be less than 3 per centum per annum and the period within which such loan is repaid shall not be more than twenty-five years.

"(e) The Federal assistance for construction may be in the form of grants or loans, provided that total Federal funds to be paid to other than public or private nonprofit agencies and organizations will not exceed 50 per centum of the construction cost, and will be in the form of loans. Repayment of loans shall, to the extent required by the Secretary, be returned to the prime sponsor from whose financial assistance the loan was made, or used for additional loans or grants under this Act. Not more than 15 per centum of the total financial assistance provided to a prime sponsor pursuant to section 109 shall be used for construction of facilities, with no more than 7½ per centum of such assistance usable for grants for construction.

"(f) In the case of a project for the construction of facilities and in the development of plans for such facilities due consideration shall be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

#### "PAYMENTS

"Sec. 529. (a) (1) Except as provided in subparagraphs (2) and (3), the Secretary shall pay to each prime sponsor an amount not in excess of 80 per centum of the cost to such prime sponsor of providing child development programs. The Secretary may, however, in accordance with regulations establishing objective criteria, approve assistance in excess of such percentage if he determines that such action is required to provide adequately for the child development needs of economically disadvantaged persons.

"(2) The Secretary shall pay to each prime sponsor approved under section 525(a)(5)(B) 100 per centum of the costs of providing child development programs for children of migrant agricultural workers and their families.

"(3) The Secretary shall pay to each prime sponsor approved under section 525(a)(4) 100 per centum of the costs of providing child development programs for children on federally recognized Indian tribal organizations.

"(b) The non-Federal share of the costs of programs assisted under this title may be provided through public or private funds and may be in the form of goods, services, or facilities (or portions thereof that are used for program purposes), reasonably evaluated, or union and employer contributions: *Provided*, That fees collected for services provided pursuant to section 526(a)(6) shall not be used to make up the non-Federal share, but shall be turned over to the appropriate prime sponsor for distribution in the same manner as the prime sponsor's allotment under section 526(a)(3);

"(c) If, in any fiscal year, a prime sponsor provides non-Federal contributions exceeding its requirements, such excess may be applied toward meeting the requirements for such contributions for the subsequent fiscal year under this title.

#### "AUTHORIZATION OF APPROPRIATIONS

"Sec. 530. There is authorized to be appropriated for the fiscal year ending June 30, 1973, and each succeeding fiscal year such sums as may be necessary to carry out the provisions of this title.

#### "ALLOTMENTS AMONG PRIME SPONSORS

"Sec. 531. (a) The Secretary shall first reserve the following from the amount appropriated under this title:

"(1) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children of migrant agricultural workers bears to the total number of economically disadvantaged children in the United States, which shall be made available to prime sponsors under section 525(a)(5)(B);

"(2) not less than that proportion of the total amount available for carrying out this title as is equivalent to that proportion which the total number of children who are members of Indian tribal organizations bears to the total number of economically disadvantaged children in the United States, which shall be apportioned among federally recognized Indian tribal organizations for programs serving such organizations so that the amount apportioned to each such organization bears the same relationship to the total amounts reserved pursuant to this paragraph that the number of children who are members of such organization bears to the total number of children residing who are members of all such organizations;

"(3) a sum, not in excess of 5 per centum thereof, for use by him, for purposes of this title; and

"(4) a sum, not less than 7 per centum thereof, for use by him, to guarantee special services to handicapped children pursuant to the purposes of this Act.

"(b) The Secretary shall allot the remainder of the amount appropriated under this title (after making the reservations required



in subsection (a)) among the States in the following manner:

"(1) 50 per centum thereof so that the amount allotted to each State bears the same ratio to such 50 per centum as the number of economically disadvantaged children through age 14 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) to the number of economically disadvantaged children in all the States, excluding those children in all the States who are eligible for services funded under subsection (a) (1) and (2);

"(2) 25 per centum thereof so that the amount to each State bears the same ratio to such 25 per centum as the number of children through age 5 in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the number of children through age 5 in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2);

"(3) 25 per centum thereof so that the amount allotted to each State bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the State, excluding those children in the State who are eligible for services funded under subsection (a) (1) and (2) bears to the total number of children of working mothers and single parents in all the States, excluding those who are eligible for services funded under subsection (a) (1) and (2).

"(c) The Secretary shall further apportion the amount allotted to each State among the prime sponsors in such State in the following manner:

"(1) 50 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 50 per centum as the number of economically disadvantaged child through age 14 in the area served by the prime sponsor bears to the number of economically disadvantaged children in the State;

"(2) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children through age 5 in the area served by the prime sponsor bears to the number of children through age 5 in the State;

"(3) 25 per centum thereof so that the amount apportioned to each prime sponsor bears the same ratio to such 25 per centum as the number of children of working mothers and single parents in the area served by the prime sponsor bears to the number of children of working mothers and single parents in the State.

"(d) The number of children through age 5, the number of economically disadvantaged children, and the number of children of working mothers and single parents in an area served by a prime sponsor, in the State, and in all the States, shall be determined by the Secretary on the basis of the most recent satisfactory data, available to him.

"(e) The portion of any allotment under subsection (b) or (c) for a fiscal year which the Secretary determines will not be required for the period such allotment is available, for carrying out programs under this title shall be available for reapportionment from time to time, on such dates during such period as the Secretary shall fix, or to other States in the case of allotments under subsection (b), or to other prime sponsors in the case of allotments under subsection (c), in proportion to the original allotments, to such States under subsection (b), or such prime sponsors under subsection (c), for such year, but with such proportionate amount for any of such States, or prime sponsors being reduced to the extent it exceeds the needs of such State, or prime sponsor for carrying out activities approved under this title, and the total of such reductions shall be similarly reallocated among the

States, or prime sponsors whose proportionate amounts are not so reduced. Any amount reallocated to a State or prime sponsor under this subsection during a year shall be deemed part of its allotment under subsection (b) or (c) for such year.

"(f) The Secretary shall pay from the applicable prime sponsor allotment the Federal share of the costs of programs which have been approved as provided in this title. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(g) No State or unit (or combination of units) of general local government shall reduce its expenditures for child development and day care programs by reason of assistance under this title.

"(h) If the allotment to any State under subsection (b) for any fiscal year ending before June 30, 1973, is less than the amount received by it, and by public and private agencies in the State, during the fiscal year 1971 under the Economic Opportunity Act of 1964 (other than section 221 thereof), and title IV of the Social Security Act for purposes for which assistance may be provided under this title (as determined by the Secretary), then there shall be allotted to each such State from sums appropriated to carry out this subsection (and such appropriations are hereby authorized) the amount by which its allotment under subsection (a) from such appropriations is less than such amount so received in such fiscal year.

#### "OFFICE OF CHILD DEVELOPMENT

"SEC. 532. The Secretary shall take all necessary steps to coordinate programs under his jurisdiction and under that of the Federal agencies which provide child development services. To this end, he shall establish in the Department of Health, Education, and Welfare an Office of Child Development which shall be the principal agency of the Department for the administration of this Act and for the coordination of programs and other activities relating to child development. There are authorized to be appropriated such sums as may be necessary to enable the Office of Child Development to carry out its functions. The President shall take appropriate steps to establish, insofar as possible, mechanisms for coordination at the State and local level of programs providing child development services with Federal assistance.

#### "FEDERAL STANDARDS FOR CHILD DEVELOPMENT SERVICES

"SEC. 533. (a) Within six months of the enactment of this Act, the Secretary shall, after consultation with other Federal agencies, and with the approval of a committee established pursuant to subsection (b), promulgate a common set of program standards which shall be applicable to all programs providing child development services with Federal assistance authorized under this title, to be known as the Federal Standards for Child Development Services.

"(b) The Secretary shall, within sixty days after enactment of this Act, appoint a special committee on Federal Standards for Child Development Services, which shall include parents of children enrolled in child development programs, public and private agencies or specialists, and national agencies for organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222 (a) (1) of the Economic Opportunity Act, and title IV of the Social Security Act. Such Committee shall participate in the development of Federal Standards for Child Development Services.

#### "DEVELOPMENT OF UNIFORM CODE FOR FACILITIES

"SEC. 534. (a) The Secretary shall, within sixty days after enactment of this Act, ap-

point a special committee to develop a uniform minimum code for facilities, to be used in licensing child development facilities. Such standards shall deal principally with those matters essential to the health, safety, and physical comfort of the children and the relationship of such matters to the Federal Standards for Child Development Services under section 533.

"(b) The special committee appointed under this section shall include parents of children enrolled in child development programs and representatives of State and local licensing agencies, public health officials, fire prevention officials, the construction industry and unions, public and private agencies or organizations administering child development programs, and national agencies or organizations interested in the development of children. Not less than one-half of the membership of the committee shall consist of parents of children enrolled in programs conducted under this title, section 222(a)(1) of the Economic Opportunity Act, and title IV of the Social Security Act.

"(c) Within six months of its appointment, the special committee shall complete a proposed uniform code and shall hold public hearings on the proposed code prior to submitting its final recommendation to the Secretary for his approval.

"(d) The Secretary must approve the code as a whole or secure the concurrence of the special committee to changes therein, and, upon approval, such standards shall be applicable to all facilities receiving Federal financial assistance authorized under this title or in which programs receiving such assistance are operated; and the Secretary shall also distribute such standards and urge their adoption by States and local governments. The Secretary may from time to time modify the uniform code for facilities in accordance with the procedures described in subsections (a) through (d).

#### "USE OF FEDERAL, STATE, AND LOCAL GOVERNMENTAL FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

"SEC. 535. (a) The Secretary, after consultation with other appropriate officials of the Federal Government, shall within sixteen months of enactment of this Act report to the Congress in respect to the extent to which facilities owned or leased by Federal departments, agencies, and independent authorities could be made available to public and private nonprofit agencies and organizations if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for their usual purposes, together with his recommendations (including recommendations for changes in legislation) or proposed actions for such utilization.

"(b) The Secretary may require then, as a condition to the receipt of assistance under this Act, any prime sponsor that is a State, unit (or combination of units) of local government of a public school system shall agree to conduct a review and provide the Secretary with a report as to the extent to which facilities owned or leased by such prime sponsor could be available, if appropriate services were provided, as facilities for child development programs under this Act during times and periods when not utilized fully for usual purposes, together with the prime sponsor's proposed actions for such utilization.

#### "REPEAL, CONSOLIDATION, AND COORDINATION

"SEC. 536. (a) In order to achieve to the greatest degree feasible, the consolidation and coordination of programs providing child development services, while assuring continuity of existing programs during transition to the programs authorized under this Act, the following statutes are amended, effective July 1, 1973:

"(1) Section 222(a)(1) of the Economic Opportunity Act of 1964 is repealed.

"(2) Part B of title V of the Economic Opportunity Act of 1964 is repealed.

"(3) Section 162(b) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children' and inserting in lieu thereof 'assistance in securing child development services for children, but not operation of child development programs for children.'

"(4) Section 123(a) (6) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children' and inserting in lieu thereof 'assistance in securing child development services for children' and adding after the word 'employment' the phrase 'but not including the direct operation of child development programs for children.'

"(5) Section 312(b) (1) of the Economic Opportunity Act of 1964 is amended by striking out 'day care for children.'

"(b) The Secretary shall promulgate regulations to guarantee that other federally funded child development and related programs, including title I of the Elementary and Secondary Education Act of 1965 and section 222(a) (2) of the Economic Opportunity Act of 1964, will coordinate with the programs designed under this title. Further, the Secretary will insure that joint technical assistance efforts will result in the development of coordinated efforts between the Office of Education and the Office of Child Development.

"(c) (1) Section 203(j) (1) of the Federal Property and Administrative Services Act of 1949 is amended by striking out 'or civil defense' and inserting in lieu thereof 'civil defense, or the operation of child development facilities'.

"(2) Section 203(j) (3) of such Act is amended—

"(A) by striking out, in the first sentence, or public health' and inserting in lieu thereof 'public health, or the operation of child development facilities'.

"(B) by inserting after 'handicapped,' in clause (A) and clause (B) of the first sentence the following: 'child development facilities,' and

"(C) by inserting after 'public health purposes' in the second sentence the following: ', or for the operation of child development facilities.'

"(3) Section 203(j) of such Act is amended by adding at the end thereof the following new paragraph:

"(8) The term "child development facility" has the meaning given in section 201(b) (1) of the Comprehensive Child Development Act."

## TITLE II—FACILITIES FOR CHILD DEVELOPMENT PROGRAMS

### MORTGAGE INSURANCE FOR CHILD DEVELOPMENT FACILITIES

"Sec. 541. (a) It is the purpose of this section to assist and encourage the provision of urgent needed facilities for child care and child development programs.

"(b) For the purpose of this section—

"(1) The term 'child development facility' means a facility of a public or private profit or nonprofit agency or organization, licensed or regulated by the State (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located), for the provision of child development programs.

"(2) The terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare (hereinafter referred to as the 'Secretary') is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage

prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new child development facility, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who shall demonstrate ability successfully to operate one or more child care or child development programs. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed \$100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Child Development Facility Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed \$250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment replacement cost of the property or project, including equipment to be used in the operation of child development facility, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the child development facility to be covered by the mortgage will be in compliance with the Uniform Code for Facilities approved by the Secretary pursuant to section 534 of this Act.

"(5) The Secretary shall not insure any mortgage under this section unless he has also received from the prime sponsor authorized in title I of this Act a certificate that the facility is consistent with and will not hinder the execution of the prime sponsor's plan.

"(6) That in the plans for such child development facility due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Child Development Facility Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and

inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g) (1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Child Development Facility Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h) (1) There is hereby created a Child Development Facility Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Child Development Facility Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Child Development Facility Insurance Fund.

"(3) Moneys in the Child Development Facility Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Child Development Facility Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings on the assets of the fund, shall be credited to the Child Development Facility Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Child Development Facility Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

## TITLE III—TRAINING OF CHILD DEVELOPMENT PERSONNEL

"Sec. 551. Section 532 of the Higher Education Act of 1965 is amended by adding at the end thereof the following sentence. "There is additionally authorized to be appropriated



the sum of \$20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter for programs and projects under this part to train or retrain professional personnel for child development programs, and the sum of \$20,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, for programs and projects under this part to train or retrain nonprofessional personnel for child development programs.

"Sec. 552. Section 205 (b) (3) of the National Defense Education Act is amended as follows, by adding after the word 'nonprofit' the phrase 'child development program,' by striking out 'and (C)' and inserting in lieu thereof the following: '(C) such rate shall be 15 per centum for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher in public or private nonprofit child development programs or in any such programs operating under authority of title I of the Comprehensive Child Development Act, and (D)'.

"Sec. 553. The Secretary of Health, Education, and Welfare is authorized to provide directly or through grant, contract or other arrangement for the training of personnel employed, preparing for employment or volunteering for work in a program funded under the Act.

"Sec. 554. There is authorized to be appropriated for the purposes of section 553 the sum of \$5,000,000 for the fiscal year 1972 and for each succeeding fiscal year.

#### "TITLE IV—FEDERAL GOVERNMENT CHILD DEVELOPMENT PROGRAM

"Sec. 561. (a) The Secretary is authorized to make grants for the purpose of establishing and operating child development programs (including the lease, rental, or construction of necessary facilities and the acquisition of necessary equipment and supplies) for the children of employees of the Federal Government.

"(b) Employees of any Federal agency or group of such agencies employing eighty working parents of young children who desire to participate in the grant program under this title shall—

"(1) designate or create for the purpose an agency commission, the membership of which shall be broadly representative of the working parents employed by the agency or agencies, and

"(2) submit to the Secretary a plan approved by the official in charge of such agency or agencies, which—

"(A) provides that the child development program shall be administered under the direction of the agency commission;

"(B) provides that the program will meet the Federal interagency standards for child development;

"(C) provides a means of determining priority of eligibility among parents wishing to use the services of the program;

"(D) provides for a scale of fees based upon the parents' financial status; and

"(E) provides for competent management, staffing, and facilities for such program.

"(c) The Secretary shall not grant funds under this section unless he has received approval of the plan from the official or officials in charge of the agency or agencies whose employees will be served by the child development program.

"Sec. 562. (a) No more than 80 per centum of the total cost of child development programs under this title during the first two years of such programs' operation, and no more than 40 per centum of the total cost of such programs in succeeding years shall be paid from Federal funds.

"(b) The non-Federal share of the total cost may be provided through public or private funds and may be in the form of cash, goods, services, facilities reasonably evaluated, fees collected from parents, union and employer contributions.

"(c) If, in any fiscal year, a program under this title provides non-Federal contributions exceeding its requirements under this section, such excess may be used to meet the requirements for such contributions of other programs applying for grants under the same title, for the same fiscal year.

"(d) In making grants under this title, the Secretary shall, insofar as is feasible, distribute funds among the States according to the same ratio as the number of Federal employees in that State bears to the total number of Federal employees in the United States.

"Sec. 563. There is authorized to be appropriated for carrying out this title during the fiscal year 1972, and each succeeding fiscal year, the sum of \$5,000,000.

#### "TITLE V—EVALUATION AND TECHNICAL ASSISTANCE

##### "EVALUATION

"Sec. 571. (a) The Secretary shall, through the Office of Child Development, make an evaluation of Federal involvement in child development which shall include—

"(1) enumeration and description of all Federal activities which affect child development;

"(2) analysis of expenditures of Federal funds for such activities;

"(3) determination of effectiveness and results of such expenditures and activities; and

"(4) such recommendations to Congress as the Secretary may deem appropriate.

"(b) The results of this evaluation shall be reported to Congress no later than eighteen months after enactment of this Act.

"(c) The Secretary may enter into contracts with public or private nonprofit or profits agencies, organizations, or individuals to carry out the provisions of this section.

"Sec. 572. The Secretary shall establish such procedures as may be necessary to conduct such an annual evaluation of Federal involvement in child development, and shall report the results of such annual evaluation to Congress.

"Sec. 573. Such information as the Secretary may deem necessary for purposes of the annual evaluation shall be made available to him, upon request, by the agencies of the executive branch.

##### "TECHNICAL ASSISTANCE

"Sec. 574. (a) The Secretary shall, directly or through grant or contract, make technical assistance available to prime sponsors and to project applicants participating or seeking to participate in programs assisted under this Act on a continuing basis to assist them in developing and carrying out Comprehensive Child Development Plans under section 525.

"(b) Upon enactment of this Act, and during the succeeding fiscal year, the Secretary may provide financial assistance to prime sponsors and through prime sponsors to LPC's, for expenses relating to development, submission, and planning for implementation of child development plans and project applications.

"(c) Payments under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

"Sec. 575. There are authorized to be appropriated for the fiscal year ending June 30, 1972, and each succeeding fiscal year, such sums as may be necessary to carry out the provisions of this title.

#### "TITLE VI—NATIONAL CENTER FOR CHILD DEVELOPMENT AND EDUCATION

##### "DECLARATION AND PURPOSE

"Sec. 581. It is the purpose of this title to focus national research efforts to attain a fuller understanding of the processes of child development and the effects of organized

programs upon these processes; to develop effective programs from research into child development and to assure that the result of research and development efforts are reflected in the conduct of programs affecting children.

"NATIONAL CENTER FOR CHILD DEVELOPMENT  
"Sec. 582. (a) There is established in the Office of Child Development an agency to be known as the National Center for Child Development (hereinafter referred to as the 'Center').

"(b) The activities of the Center shall include—

"(1) research to determine the nature of child development processes and the impact of various influences upon them; research to develop techniques to measure and evaluate child development; research to develop standards to evaluate professional, paraprofessional and volunteer personnel; and research to determine how child development programs conducted in either home or institutional settings positively affect child development processes;

"(2) evaluation of research findings and the development of these findings into effective products for application;

"(3) dissemination of research and development effective into general practice of childhood programs, using regional demonstration centers and advisory services where feasible;

"(4) production of informational systems and other resources necessary to support the activities of the Center; and

"(5) integration of national child development research efforts into a focused national research program, including the coordination of research and development conducted by other agencies, organizations, and individuals.

##### "GENERAL AUTHORITY OF THE CENTER

"Sec. 583. The Center shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this title, including but not limited to, the authority—

"(a) to prescribe such rules and regulations as it deems necessary governing the manner of its operations and its organization and personnel;

"(b) to make such expenditures as may be necessary for administering the provisions of this title;

"(c) to enter into contracts or other arrangements or modifications thereof, for the carrying on, by organizations or individuals in the United States, including other Government agencies, of such research, development, dissemination or evaluation efforts as the Center deems necessary to carry out the purposes of this title, and also to make grants for such purposes to individuals, universities, colleges, and other public or private nonprofit organizations or institutions;

"(d) to acquire by purchase, lease, loan, or gift and to hold and dispose of by grants, sale, lease, or loan, real and personal property of all kinds necessary for, or resulting from, the exercise of authority granted by this title;

"(e) to receive and use funds donated by others, if such funds are donated without restriction other than that they be used in furtherance of one or more of the general purposes of the Center as stated in section 571;

"(f) to accept and utilize the services of voluntary and uncompensated personnel and to provide travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

##### "ANNUAL REPORT

"Sec. 584. The Center shall make an annual report to Congress summarizing its activities and accomplishments during the preceding year; reviewing the financial condition of the

Center and the grants, contracts, or other arrangements entered into during the preceding year, and making such recommendations as it may deem appropriate. Supplemental or dissenting views and recommendations, if any, shall be included in this report.

#### "COORDINATION OF RESEARCH

"Sec. 585. (a) Funds available to any department or agency of the Government for the purposes stated in section 571 or the activities stated in section 572 shall be available for transfer, with the approval of the head of the department or agency involved, in whole or in part, to the Center for such use as is consistent with the purposes for which such funds were provided, and the funds so transferred shall be expendable by the Center for the purposes for which the transfer was made.

"(b) The Secretary shall integrate and coordinate all child development research, training, and development efforts, including those conducted by the Office of Child Development and by other agencies, organizations, and individuals.

"(c) A Child Development Research Council consisting of a representative of the Office of Child Development (who shall serve as chairman), and representatives from the agencies administering the Social Security Act, Elementary and Secondary Education Act of 1965, the National Institute of Mental Health, the National Institute of Child Health and Human Development, and the Office of Economic Opportunity, shall meet annually and from time to time as they may deem necessary in order to assure coordination of activities under their jurisdiction and to carry out the provisions of this title in such a manner as to assure—

"(1) maximum utilization of available resources through the prevention of duplication of activities;

"(2) a division of labor, insofar as is compatible with the purposes of each of the agencies or authorities specified in this paragraph, to assure maximum progress toward the purposes of this title;

"(3) a setting of priorities for federally funded research and development activities related to the purposes stated in section 571.

#### "AUTHORIZATION OF APPROPRIATIONS

"Sec. 586. There are authorized to be appropriated such sums each succeeding fiscal year as Congress may deem necessary for the purposes of this title.

#### "TITLE VII—GENERAL PROVISIONS

##### "ADVANCE FUNDING

"Sec. 591. (a) For the purpose of affording adequate notice of funding available under this Act such funding for grants, contracts, or other payments under this Act is authorized to be included in the appropriations Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

##### "PUBLIC INFORMATION

"Sec. 592. Applications for designation as prime sponsors, Comprehensive Child Development Plans, project applications, and all written material pertaining thereto shall be made readily available without charge to the public by the prime sponsor, the applicant, and the Secretary.

##### "FEDERAL CONTROL NOT AUTHORIZED

"Sec. 593. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect

to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

"Sec. 594. No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Secretary shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if on the ground of sex that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any program or activity receiving assistance under this Act.

"Sec. 595. Nothing in this Act shall be construed or applied in such a manner as to infringe upon or usurp the moral and legal rights and responsibilities of parents or guardians with respect to moral, mental, emotional, or physical development of their children. Nor shall any section of this Act be construed or applied in such a manner as to permit any invasion of privacy otherwise protected by law, or to abridge any legal remedies for any such invasion which is otherwise provided by law.

"Sec. 596. The Secretary is directed to establish appropriate procedures to ensure that no child shall be the subject of any research or experimentation under this Act other than routine testing and normal program evaluation unless the parent or guardian of such child is informed of such research or experimentation and is given an opportunity as of right to except such child therefrom.

#### "DEFINITIONS

"Sec. 597. As used in this Act—

"(a) 'child development programs' means those programs which provide the educational, nutritional, social, health, and physical services needed for children to attain their full potential; nothing in this or any other provision of this Act shall be deemed to authorize or require medical or psychological examination, immunization, or treatment for those who object thereto on religious grounds except where such is necessary for the protection of the health or safety of others;

"(b) 'children' means children through age 14.

"(c) 'economically disadvantaged child' means a child of a family whose annual income is at a rate inadequate to permit the purchase of child development services for him, as determined by the Secretary in accordance with criteria prescribed by him in regulations, which take into consideration family size, urban-rural differences in the cost-of-living, and other relevant factors, including factors taken into account in determining fee charges in other Federally-assisted child development programs.

"(d) 'handicapped children' means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services;

"(e) 'program' means any mechanism which provides full- or part-day or night services conducted in child development facilities, in schools, in neighborhood centers, or in homes, or provides child development services for children whose parents are working or receiving education or training, and includes other special arrangements under which child development activities may be provided;

"(f) 'parent' means any person who has

day-to-day responsibility for a child or children;

"(g) 'single parents' means any person who has sole day-to-day parental responsibility for a child or children;

"(h) 'working mother' means any mother who requires child development services under this Act in order to undertake or continue work, training, or education outside the home;

"(i) 'minority group' includes persons who are Negro, Spanish-surnamed American, American Indian, Portuguese, or Oriental; and the term 'Spanish-surnamed American' includes but is not limited to any person of Mexican, Puerto Rican, Cuban, or Spanish origin and ancestry;

"(j) 'bilingual' includes but is not limited to persons who are Spanish surnamed, American Indian, Oriental, or Portuguese and who have learned during childhood to speak the language of the minority group of which they are members; the term bilingual family means a family in which one or both parents is bilingual;

"(k) 'Secretary' means the Secretary of Health, Education, and Welfare; and

"(l) 'State' includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

SEC. 11. Section 616 of the Act is amended to read as follows:

#### "TRANSFER OF FUNDS

"Sec. 616. Notwithstanding any limitation on appropriations for any program or activity under this Act or any Act authorizing appropriations for such program or activity, not to exceed 10 per centum of the amount appropriated or allocated from any appropriation for the purpose of enabling the Director to carry out any such program or activity under the Act may be transferred and used by the Director for the purpose of carrying out any other such program or activity under the Act; but no such transfer shall result in increasing the amounts otherwise available for any program or activity by more than 10 per centum."

SEC. 12. Section 632(3) of the Act is amended by inserting at the end thereof the following: "Such plan shall be presented to the Congress no later than December 31, 1971, and documents updating such plan shall be presented to the Congress no later than December 31 of each succeeding calendar year."

SEC. 13. Part B of title VI of the Act is amended by adding at the end thereof the following new section:

#### "GUIDELINES

"Sec. 639. Copies of all rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be provided to the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor at least thirty days prior to their effective date."

SEC. 14. (a) The Act is amended by adding at the end thereof the following new title:

#### "TITLE IX—EVALUATION

"Sec. 901. (a) The Director shall provide for evaluations that describe and measure the impact of programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure and mechanisms for delivery of services and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. He may, for these purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

"(b) The Director shall develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in de-



ciding whether to renew or supplement financial assistance authorized under any section of this Act.

"(c) The Director may require community action agencies to provide independent evaluations.

"(d) Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he judges appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director with such statistical data, program reports, and other materials as they presently collect and compile on program operations, beneficiaries, and effectiveness.

"(e) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of the programs.

"(f) The Director shall consult, where appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"(g) The Director shall publish the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(h) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(i) The Director shall publish and summarize the results of activities carried out pursuant to this title in the report required by section 608."

(b) The following provisions of the Act are repealed:

- (1) Section 113(a);
- (2) Section 132(b) and (c);
- (3) Section 154;
- (4) Section 233; and
- (5) Section 314(b).

(c) Section 632(2) of the Act is amended by striking out "carry on a continuing evaluation of all activities under this Act, and".

(d) Section 132 and 314 are each amended by striking out "(a)".

Sec. 15. The Act is amended by adding at the end thereof the following new title:

**"TITLE X—NATIONAL LEGAL SERVICES CORPORATION**

**"DECLARATION OF POLICY**

"Sec. 1001. The Congress hereby finds and declares that—

"(1) it is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform;

"(2) many low-income persons are unable to afford the cost of legal services or of access to appropriate institutions;

"(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

"(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

"(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

"(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all

citizens of the United States, free from extraneous interference and control.

**"ESTABLISHMENT OF CORPORATION**

"Sec. 1002. (a) There is established a nonprofit corporation, to be known as the 'National Legal Services Corporation' (hereinafter referred to as the 'Corporation') which will not be an agency or establishment of the United States Government. The Corporation shall be subject to the provisions of this title, and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act. The right to repeal, alter, or amend this title is expressly reserved.

"(b) No part of the net earnings of the Corporation shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

**"PROCESS OF INCORPORATION AND ORGANIZATION**

"Sec. 1003. (a) There shall be a transition period of six months following the date of enactment of the Economic Opportunity Amendments of 1971 for the process of incorporation and initial organization of the Corporation.

"(b) There is established an incorporating trusteeship composed of the following persons or their designee: the president of the American Bar Association, the president of the National Legal Aid and Defender Association, the president of the Association of American Law Schools, the president of the American Trial Lawyers Association, and the president of the National Bar Association. The incorporating trusteeship shall meet within thirty days after the enactment of the Economic Opportunity Amendments of 1971 to carry out the provisions of this section. The incorporating trusteeship shall provide procedures for the provision of a list of nominees by the national professional associations of attorneys in accordance with section 1004(a).

"(c) (1) Not later than sixty days after the enactment of the Economic Opportunity Amendments of 1971, the incorporating trusteeship, after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, and national organizations of persons eligible for assistance under this title, shall establish the initial Advisory Council to be composed of sixteen members selected in accordance with procedures established by the incorporating trusteeship, from among attorneys who are actively engaged in providing legal services under any existing legal services program and from among individuals eligible for assistance under this title. No more than eight members of the Council shall be individuals eligible for assistance under any existing legal services.

"(2) To assist in carrying out the provisions of this subsection, the Director of the Office of Economic Opportunity shall compile a list of all legal services programs publicly funded during the fiscal year ending June 30, 1971, and the subsequent fiscal year and furnish such list to the incorporating trusteeship. In order to carry out the provisions of this subsection, the Director of the Office of Economic Opportunity shall make available to the incorporating trusteeship such administrative services and financial and other resources as it may require.

"(d) Not later than ninety days after the enactment of the Economic Opportunity Amendments of 1971, the client members of the Advisory Council as established in subsection (c), and the project attorney members of the Advisory Council shall each meet and each shall submit recommendations as provided in section 1004(a) to serve on the initial board of directors.

"(e) During the ninety-day period of in-

corporation of the Corporation the incorporating trusteeship shall take whatever actions are necessary to incorporate the Corporation, including the filing of articles of incorporation under the District of Columbia Nonprofit Corporation Act, and to prepare for the first meeting of the board of directors, except the selection of the executive director of the Corporation.

"(f) During the ninety-day period immediately following the period specified in subsection (e) of this section the board shall take whatever action is necessary to prepare to begin to carry out the activities of the Corporation six months after the enactment of the Economic Opportunity Amendments of 1971.

**"DIRECTORS AND OFFICERS**

"Sec. 1004. (a) The Corporation shall have a board of directors consisting of seventeen individuals appointed by the President, by and with the consent of the Senate, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:

"(1) one member shall be appointed from lists of nominees submitted by the Judicial Conference of the United States;

"(2) seven members shall be appointed from among individuals in the general public, no fewer than three of whom shall be members of the bar of the highest court of a jurisdiction;

"(3) two members shall be appointed from among individuals who are eligible for assistance under this title after due consideration is given to the recommendations of the client members of the Advisory Council as established in 1003(c);

"(4) two members shall be appointed from among former legal services project attorneys after due consideration is given to the recommendations of the attorney members of the Advisory Council;

"(5) one member shall be appointed from lists of nominees submitted by the Association of American Law Schools;

"(6) four members shall be appointed from lists of nominees submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association. Members appointed under this clause subsequent to the initial board shall be from lists submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association, in accordance with procedures established by the board of directors.

"(b) (1) The directors appointed under clause (1) of subsection (a) shall be appointed for terms of three years except that—

"(A) the terms of directors first taking office shall be effective on the ninety-first day after the enactment of the Economic Opportunity Amendments of 1971 and shall expire as follows—

"(1) the term of the director appointed under clause (1) of subsection (a) shall expire at the end of one year;

"(2) the terms of the remaining directors appointed under subsection (a) shall expire as designated by the President at the time of appointment, (i) in the case of directors from the general public appointed under clause (2) of subsection (a), two at the end of three years, two at the end of two years, and three at the end of one year, (ii) in the case of appointments under clause (3) of subsection (a), one at the end of two years, and one at the end of three years, (iii) in the case of appointments under clause (4) of subsection (a), one at the end of three years and one at the end of one year, (iv) in the case of the director appointed under clause (5) of subsection (a), at the end of three years, and (v) in the case of appointments under clause (6) of subsection (a), one at

the end of three years, two at the end of two years, and one at the end of one year.

"(b) Any director appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(c) The Corporation shall have an executive director, who shall be an attorney, and such other officers, as may be named and appointed by the board of directors at rates of compensation fixed by the board, who shall serve at the pleasure of the board. No individual shall serve as executive director of the Corporation for a period in excess of six years. The executive director shall serve as a member of the board ex officio and shall serve without a vote.

"(d) No political test or qualification shall be used in selecting, appointing, or promoting any officer, attorney, or employee of the Corporation. No officers or employees of the Corporation shall receive any salary from any source other than the Corporation during the period of employment by the Corporation.

"(e) All meetings of the board, executive committees of the board, and the Advisory Council shall, whenever appropriate, be open to the public, and proper notice of such meetings shall be provided to interested parties and the public a reasonable time prior to such meetings.

"(f) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

"(g) Any board after the initial board shall, in consultation with the Advisory Council, provide for rules with respect to the subsequent meetings of the Advisory Council.

#### "ADVISORY COUNCIL

"SEC. 1005. (a) The board, after consulting with and receiving the recommendations of national organizations of persons eligible for assistance under this title, and after consulting with and receiving the recommendations of associations of attorneys actively engaged in conducting legal services programs, shall provide for the selection of an Advisory Council subsequent to the first such council established under section 1003(c)(1) of this title to be composed of not more than sixteen members selected in accordance with procedures established by the board, including terms of office, qualifications, and method of selection and appointment, from among individuals who are eligible for assistance under this title and lawyers actively engaged in providing legal services in any existing program. Equal representation shall be given to lawyers and clients. Procedures must insure that all areas of the country and significant segments of the client population are represented, and in no event may more than one representative on the council be from any one State. The Advisory Council shall advise the board of directors and the executive director on policy matters relating to legal services and the needs of the client community and may act as liaison between the client community and legal services programs through such activities as it deems appropriate. The Advisory Council shall submit recommendations of persons for appointment as members of the board in accordance with section 1004.

"(b) The board shall provide for sufficient resources for the Advisory Council in order to pay such reasonable travel costs and expenses as the board may determine.

#### "ACTIVITIES AND POWERS OF THE CORPORATION

"SEC. 1006. (a) Effective six months after the enactment of the Economic Opportunity Amendments of 1971, in order to carry out the purposes of this title, the Corporation is authorized to—

"(1) provide financial assistance to quali-

fied programs furnishing legal services to members of the client community;

"(2) provide financial assistance to pay the costs of contracts or other agreements made pursuant to section 1003 of this title;

"(3) carry out research, training, technical assistance, experimental, legal paraprofessional and clinical assistance programs;

"(4) through financial assistance and other means, increase opportunities for legal education among individuals who are members of a minority group or who are economically disadvantaged;

"(5) provide for the collection and dissemination of information designed to coordinate and evaluate the effectiveness of the activities and programs for legal services in various parts of the country;

"(6) offer advice and assistance to all programs providing legal services and legal assistance to the client community conducted or assisted by the Federal Government, including—

"(A) reviewing all grants and contracts for the provision of legal services to the client community made under other provisions of Federal law by any agency of the Federal Government and making recommendations to the appropriate Federal agency;

"(B) reviewing and making recommendations to the President and Congress concerning any proposal, whether by legislation or executive action, to establish a federally assisted program for the provision of legal services to the client community; and

"(C) upon request of the President, providing training, technical assistance, monitoring, and evaluation services to any federally assisted legal services program;

"(7) establish such procedures and take such other measures as may be necessary to assure that attorneys employed by the Corporation and attorneys paid in whole or in part from funds provided by the Corporation carry out the same duties to their clients and enjoy the same protection from interference as if such an attorney was hired directly by the client, and to assure that such attorneys are bound by the same Canons of Professional Responsibility as are applicable to other attorneys practicing in the same jurisdiction;

"(8) establish standards of eligibility consistent with those established by the Office of Economic Opportunity for the provision of legal services to be rendered by any grantee or contractor of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain private legal services;

"(9) establish policies consistent with the best standards of the legal profession to assure the integrity, effectiveness, and professional quality of the attorneys providing legal services under this title; and

"(10) carry on such other activities as would further the purposes of this title.

"(b) In the performance of the functions set forth in subsection (a), the Corporation is authorized to—

"(1) make grants, enter into contracts, leases, cooperative agreements, or other transactions, in accordance with bylaws established by the board of directors appropriate to conduct the activities of the Corporation;

"(2) accept unconditional gifts or donations or services, money, or property, real, personal, or mixed, tangible or intangible, and use, sell, or otherwise dispose of such property for the purpose of carrying out its activities;

"(3) appoint such attorneys and other professional and clerical personnel as may be required and fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule rates;

"(4) promulgate regulations containing criteria specifying the manner of approval of applications for grants based upon the following considerations—

"(A) the most economical, effective, and comprehensive delivery of legal services to the client community in both urban and rural areas;

"(B) peaceful resolution of grievances and resort to orderly means of seeking change; and

"(C) maximum utilization of the expertise and facilities of organizations presently specializing in the delivery of legal services to the client community;

"(5) establish and maintain a law library;

"(6) establish procedures for the conduct of legal service programs assisted by the Corporation containing a requirement that the applicant will give assurances that the program will be supervised by a policymaking board on which the members of the legal profession constitute a majority (except that the Corporation may grant waivers of this requirement in the case of a legal services program which, upon the date on enactment of the Economic Opportunity Amendments of 1971, has a majority of persons who are not lawyers on its policymaking board) and members of the client community constitute at least one-third of the members of such board.

"(c) The Corporation shall insure that attorneys employed full time in programs funded by the Corporation refrain from any outside practice of law unless permitted as pro bono publico activity pursuant to guidelines established by the Corporation.

"(d) The Corporation shall insure (1) that all attorneys who are not representing a client or group of clients refrain, while engaged in activities carried on by legal services programs funded by the Corporation, from undertaking to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies by representations to such bodies, their members, or committees, unless such bodies, their members, or committees request that the attorney make representations to them, and (2) that no funds provided by the Corporation shall be utilized for any activity which is planned and carried out to disrupt the orderly conduct of business by the Congress or State or local legislative bodies, for any demonstration, rally, or picketing aimed at the family or home of a member of a legislative body for the purpose of influencing his actions as a member of that body, and for conducting any campaign of advertising carried on through the commercial media for the purpose of influencing the passage or defeat of legislation.

"(e) "The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation: *Provided, however,* That solicitation, as here employed, shall not include mere announcement or advertisement, without more, of the fact that the National Legal Services Corporation is in existence and that its services are available to the client community."

"(f) The Corporation shall establish guidelines for consideration of possible appeals to be implemented by each grantee or contractor of the Corporation to insure the efficient utilization of resources. Such guidelines shall in no way interfere with the attorney's responsibilities and obligations under the Canons of Professional Ethics and the Code of Professional Responsibility.

"(g) No funds 'or personnel' made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.



"(h) At least thirty days prior to the Corporation's approval of any grant or contract application, the Corporation shall notify the State bar association of the State in which the recipient will offer legal services. Notification shall include a reasonable description of the grant or contract application.

"(i) Where any legal proceeding is brought by attorneys employed by the corporation or by attorneys paid in whole or in part from funds provided by the corporation then the corporation shall be liable to any prevailing defendant or defendants for payment of reasonable legal fees and court costs awarded in connection with such proceedings.

#### "NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION

"SEC. 1007. (a) The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

"(b) No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual except as reasonable compensation for services.

"(c) The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

"(d) Full time employees of the Corporation or of programs funded by the Corporation are subject to provisions of section 7324 of title 5, United States Code. The exemption in section 7326(1) of such title shall not be applicable in the case of such individuals.

#### "ACCESS TO RECORDS AND DOCUMENTS RELATED TO THE CORPORATION

"SEC. 1008. (a) Copies of all records and documents pertinent to each grant and contract made by the Corporation shall be maintained in the principal office of the Corporation in a place readily accessible and open to public inspection during ordinary working hours for a period of at least five years subsequent to the making of such grant or contract.

"(b) Copies of all reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors shall be maintained for a period of at least three years in the principal office of the Corporation subsequent to such evaluation, inspection, or monitoring visit. Upon request, the substance of such reports shall be furnished to the grantee or contractor who is the subject of the evaluation, inspection, or monitoring visit.

"(c) The Corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing regulations and guidelines, and it shall publish in the Federal Register on a timely basis all its by-laws, regulations, and guidelines.

"(d) The Corporation shall be subject to the provisions of the Freedom of Information Act.

#### "FINANCING OF THE CORPORATION

"SEC. 1009. In addition to any funds reserved and made available for payment to the Corporation from appropriations for carrying out the Economic Opportunity Act of 1964 for any fiscal year, there are further authorized to be appropriated for payment to the Corporation such sums as may be necessary for any fiscal year. Funds made available to the Corporation from appropriations for any fiscal year shall remain available until expended.

#### "RECORDS AND AUDIT OF THE CORPORATION AND THE RECIPIENTS OF ASSISTANCE

"SEC. 1010. (a) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by any independent licensed public accountant certified or licensed by a regulatory authority of a State or political subdivision. Each such audit shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to

or in use by the Corporation and necessary to facilitate the audit shall be made available to the person conducting the audit, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession, and full facilities for verifying transactions with the balance, or securities held by depositories, fiscal agents, and custodians shall be afforded to any such person. The report of each such independent audit shall be included in the annual report required under this title. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the assets and liabilities, and surplus or deficit of the Corporation, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the income and expenses of the Corporation during the year, and a statement of the sources and application of funds, together with the opinion of the independent auditor of those statements.

"(b) (1) The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States, consistent with the necessity of maintaining the confidentiality required by the best standards of the legal profession. Any such audit shall be conducted at the place or places where accounts of the Corporation are normally kept. The representative of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or used by the Corporation pertaining to its accounts and operations, including the reports pertinent to the evaluation, inspection, or monitoring of grantees and contractors required to be maintained by section 1008(b) and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

"(2) A report of each such audit shall be made by the Comptroller General to the Congress. The report to Congress shall contain such comments and information as the Comptroller General may deem necessary to inform Congress of the operations and conditions of the Corporation, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other transaction or undertaking observed in the course of the audit, which in the opinion of the Comptroller General, has been carried on or made without authority of law. A copy of each report shall be furnished to the executive director and to each member of the board at the time submitted to the Congress.

"(c) (1) Each grantee or contractor, other than a recipient of a fixed price contract awarded pursuant to competitive bidding procedures, under this title shall keep such records as may be reasonably necessary to fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(2) The Corporation or any of its duly authorized representatives shall have access for the purpose of audit and examination of any books, documents, papers, and records

of the recipient that are pertinent to assistance received under this section. The Comptroller General of the United States or any of his duly authorized representatives shall also have access thereto for such purpose during any fiscal year for which Federal funds are available to the Corporation.

#### "REPORTS TO CONGRESS

"SEC. 1011. The Corporation shall prepare an annual report for transmittal to the President and to Congress on or before the 30th day of January of each year, summarizing the activities of the Corporation and making such recommendations as it may deem appropriate. This report shall include findings and recommendations concerning the preservation of the attorney-client relationships and adherence to the Code of Professional Responsibility of the American Bar Association in the conduct of programs supported by the Corporation. The report shall include a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation, together with the additional views and recommendations, if any, of members of the board.

#### "DEFINITIONS

"SEC. 1012. As used in this title, the term—

"(1) 'State' means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(2) 'Corporation' means the National Legal Services Corporation established pursuant to this title;

"(3) 'client community' means individuals unable to obtain private legal counsel because of inadequate financial means;

"(4) 'member of the client community' includes any person unable to obtain private legal counsel because of inadequate financial means;

"(5) 'representative of the client community' includes any person who is selected by members of the client community whether or not a member of that community;

"(6) 'legal services' includes legal advice, legal representation, legal research, education concerning legal rights and responsibilities, and similar activities;

"(7) 'legal profession' refers to that body composed of all persons admitted to practice before the highest court of at least one State of the United States;

"(8) 'nonprofit' as applied to any foundation, corporation, or association means a foundation, corporation or association no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

#### "FEDERAL CONTROL

"SEC. 1013. Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees, contractors or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

#### "SPECIAL LIMITATIONS

"SEC. 1014. The board shall prescribe procedures to insure that—

"(1) financial assistance shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, unless the grantee or contractor has been given reasonable notice and opportunity to show cause why such action should not be taken;

"(2) financial assistance shall not be terminated, an application for refunding shall not be denied, and an emergency suspension of financial assistance shall not be continued for longer than thirty days, un-

less the grantee or contractor has been afforded reasonable notice and opportunity for a timely, full, and fair hearing.

#### "COORDINATION

"SEC. 1015. The President may direct that particular support functions of the Federal Government, such as the General Services Administration, the Federal telecommunications system, and other facilities, be utilized by the Corporation or its grantees or contractors to the extent not inconsistent with other applicable law.

#### "TRANSFER MATTERS

"SEC. 1016. (a) Notwithstanding any other provision of law, on and after such date as may be prescribed by the Director of the Office of Management and Budget, or six months after the enactment of the Economic Opportunity Amendments of 1971, whichever is the earlier, all rights of the Office of Economic Opportunity to capital equipment in the possession of legal services programs assisted pursuant to sections 222(a) (3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall become the property of the National Legal Services Corporation.

"(b) Effective six months after the date of enactment of the Economic Opportunity Amendments of 1971, all personnel, assets, liabilities, property, and records as determined by the Director of the Office of Management and Budget to be employed, held or used primarily in connection with any function of the Director under section 222(a) (3) of this Act shall be transferred to the Corporation.

"(c) During the fiscal year 1972 the Director of the Office of Economic Opportunity shall take such action as may be necessary, in cooperation with the executive director of the National Legal Services Corporation, to arrange for the orderly continuation by such corporation of financial assistance to legal services programs assisted pursuant to sections 222(a) (3), 230, 232, or any other provision of the Economic Opportunity Act of 1964. Whenever the Director of the Office of Economic Opportunity determines that an obligation to provide financial assistance pursuant to any contract or grant agreement for such legal services will extend beyond six months after the date of enactment of this Act, he shall include in any such contract or agreement provisions to assure that the obligation to provide such financial assistance may be assumed by the National Legal Services Corporation, subject to such modifications of the terms and conditions of that contract or grant agreement as the Corporation determines to be necessary.

"(d) Effective six months after the date of enactment of this Act, section 222(a) (3) of the Economic Opportunity Act of 1964 is repealed.

"(e) Notwithstanding any other provision of law, after the enactment of this Act but prior to the enactment of appropriations to carry out the Economic Opportunity Act of 1964 for the fiscal year ending June 30, 1972, the Director of the Office of Economic Opportunity shall, out of appropriations then available to him, make funds available to assist in meeting the organizational expenses of the Corporation and in carrying out its activities.

"(f) Title VI of the Economic Opportunity Act of 1964 is amended by inserting after section 622 thereof the following new section:

#### "INDEPENDENCE OF NATIONAL LEGAL SERVICES CORPORATION

"SEC. 623. Nothing in this Act, except title X, and no reference to this Act unless such reference refers to title X, shall be construed to affect the powers and activities of the National Legal Services Corporation."

SEC. 16. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is

amended by adding at the end thereof the following new sentence: "The Director of Action may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

The SPEAKER. The question is on the amendment offered by the gentleman from Kentucky (Mr. PERKINS).

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the bill (S. 2007) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs PERKINS, HAWKINS, WILLIAM D. FORD, BURTON, GAYDOS, CLAY, Mrs. CHISHOLM, Mr. BIAGGI, Mrs. GRASSO, Messrs. QUIE, ASHBROOK, BELL, REID of New York, ERLBORN, and DELLENBACK.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. JONES of North Carolina (at the request of Mr. PREYER of North Carolina), for today, on account of official business.

Mr. SAYLOR (at the request of Mr. GERALD R. FORD), for today and Monday, official business.

Mr. McKEVITT (at the request of Mr. GERALD R. FORD), for today and Monday, October 4, 1971, on account of official business.

Mr. SHoup (at the request of Mr. STAGGERS), on account of official subcommittee business.

Mr. PICKLE (at the request of Mr. STAGGERS), on account of official subcommittee business.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 539. An act for the relief of Grant J. Merritt and Mary Merritt Bergson; to the Committee on Interior and Insular Affairs.

#### ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that

committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 10538. An act to extend the authority for insuring loans under the Consolidated Farmers Home Administration Act of 1961.

#### SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2613. An act to extend the Federal Water Pollution Control Act, as amended, for 1 month.

#### ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

#### PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, is a request for tellers in order?

The SPEAKER. The gentleman can always demand tellers on any motion.

Mr. GROSS. Mr. Speaker, I demand tellers.

Tellers were refused.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana.

The motion was agreed to.

Accordingly (at 12 o'clock and 40 minutes p.m.) under its previous order, the House adjourned until Monday, October 4, 1971, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1178. A communication from the President of the United States, transmitting an amendment to the request for appropriations for fiscal year 1972 for foreign assistance (H. Doc. No. 92-166); to the Committee on Appropriations and ordered to be printed.

1179. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination 72-4, concerning the grant of defense articles, pursuant to section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1180. A letter from the Administrator of General Services, transmitting a prospectus amending the authorization for alterations to the Treasury Building and the Treasury Annex, Washington, D.C., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:



[Pursuant to the order of the House on September 30, 1971 the following report was filed on October 1, 1971]

Mr. PATMAN: Committee on Banking and Currency. H.R. 9961. A bill to provide temporary insurance for the member accounts of certain Federal credit unions, and for other purposes; with an amendment (Rept. No. 92-543). Referred to the Committee of the Whole House on the State of Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of Sept. 30, 1971]

By Mr. BLATNIK:

H.J. Res. 908. Joint resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. CULVER:

H.J. Res. 909. Resolution to assure that every needy schoolchild will receive a free or reduced-price lunch as required by section 9 of the National School Lunch Act; to the Committee on Education and Labor.

By Mr. REUSS:

H. Con. Res. 413. Concurrent resolution to authorize the President to strengthen the U.S. economy; to the Committee on Banking and Currency.

By Mr. DELLUMS:

[Submitted Oct. 1, 1971]

H.R. 11051. A bill to reduce the concentration of industrial power in certain markets; to the Committee on the Judiciary.

By Mr. LINK:

H.R. 11052. A bill to authorize the carrying out of certain repairs and rehabilitation work on the Mann Dam on the Heart River, N. Dak.; to the Committee on Interior and Insular Affairs.

By Mr. PREYER of North Carolina:

H.R. 11053. A bill to continue the expansion of international trade and thereby pro-

mote the general welfare of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. PATTEN:

H.J. Res. 910. Joint resolution designating the song, "Keep America Free" the Bicentennial Song for 1976; to the Committee on the Judiciary.

By Mr. WOLFF (for himself and Mr.

ABOUREZK, Mr. ADDABBO, Mr. ANDERSON of Tennessee, Mr. ASPIN, Mr. BADILLO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. BURTON, Mr. CAREY of New York, Mr. DOW, Mr. GIBBONS, Mr. GUDE, Mr. HALPERN, Mr. JACOBS, Mr. KARTH, Mr. LEGGETT, Mr. MIKVA, Mr. PATTEN, Mr. PODELL, Mr. REES, Mr. ROE, Mr. ROSENTHAL, and Mr. WALDIE):

H. Res. 632. Resolution directing the Secretary of State to furnish to the House of Representatives certain information concerning the role of our Government in the events leading to an uncontested presidential election in South Vietnam on October 3, 1971; to the Committee on Foreign Affairs.

## SENATE—Friday, October 1, 1971

The Senate met at 9 a.m. and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

### PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Father God, whose love never ceases and who wearies not at our oft coming to Thee, we bow in this forum of freedom to open our hearts to Thy grace and our minds to Thy wisdom. May Thy servants here concert their best endeavors for the highest welfare of the Nation. Bind them together heart to heart, soul to soul, mind to mind in common endeavor. To their human strength add Thy divine power. Give to each a sharpened intellect, a sensitive conscience, accommodation in the things which do not matter much, staying strength for the right, and unwavering fidelity to all that belong to that kingdom we pray may come on earth as it is in Heaven.

In His name who taught us thus to pray. Amen.

### DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., October 1, 1971.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,  
President pro tempore.

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

### MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4713) to amend section 136 of the Legislative Reorganization Act of 1946 to correct an omission in existing law with respect to the entitlement of the committees of the House of Representatives to the use of certain currencies, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 30, 1971, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### VIETNAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Christian Science Monitor on September 30, 1971, written by Richard L. Strout, entitled "Side Effects of Viet War Pinch U.S.," and an editorial from the same newspaper on the same day entitled "Back to Bombs?"

There being no objection, the article and editorial were ordered to be printed in the RECORD as follows:

### SIDE EFFECTS OF VIET WAR PINCH UNITED STATES

(By Richard L. Strout)

WASHINGTON.—The Vietnam war, longest in U.S. history, keeps on rolling along and intermittently dominates the news.

On Sunday the South Vietnamese hold their one-man "election."

Senate Majority Leader Mike Mansfield of Montana has just reintroduced his end-the-war rider.

President Nixon reassures the wives of American prisoners.

The United States resumes bombing of North Vietnam.

The steady pullout of U.S. combat GIs goes on.

In historical perspective the Vietnam war is one of the most important that America has fought but hardly in the way expected. Its side effects may be more significant at home than abroad. It has cost some 50,000 lives and perhaps \$100 billion.

### ON THE ECONOMIC FRONT

Failure to "pay for the war" in the Johnson administration, most economists agree, precipitated the current inflation and set the stage for all the economic consequences that have followed, right down to the present gathering of delegates at the International Monetary Fund meeting in Washington. Sooner or later the dollar would probably have been cut adrift from gold—Vietnam made it sooner.

### POLITICAL

President Johnson, who might otherwise have been elected in the two-term tradition, took himself out of the 1968 race largely because of Vietnam. In the hairline 1968 election Mr. Nixon got in, but without a clear mandate or a Republican majority in Congress. Certainly the Vietnam war was a factor in the events that changed political history and still deeply affect Mr. Nixon's situation.

### CONGRESS

Erosion of congressional power has gone on for half a century, and Vietnam seemed to accelerate the trend. The conflict was begun without a congressional declaration of war; Congress voted for the Tonkin Gulf Resolution on what appears to have been inadequate information, without a single dissent in the House and only two in the Senate (Wayne Morse and Ernest Gruening, both defeated) and, again, the incursion into Cambodia by President Nixon was taken without advance notice to Congress. Senator