

Y 4 . P 96/11: 87/9 1025 87/9 89/11 87/14

PUBLIC BUILDINGS BILLS—1961

GOVERNMENT

Storage

(No. 87-9)

HEARING

BEFORE THE

SUBCOMMITTEE ON

PUBLIC BUILDINGS AND GROUNDS

OF THE

COMMITTEE ON PUBLIC WORKS

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

FIRST SESSION

ON

H.R. 3019

A BILL TO PROVIDE FOR THE CONSTRUCTION OF A FIREPROOF ANNEX
BUILDING FOR THE USE OF THE GOVERNMENT PRINTING OFFICE, AND FOR
OTHER PURPOSES

S. 541

AN ACT TO AMEND THE ACT OF JUNE 1, 1948 (62 STAT. 281), TO
EMPOWER THE ADMINISTRATOR OF GENERAL SERVICES TO APPOINT
NONUNIFORMED SPECIAL POLICEMEN

H.R. 7477

A BILL TO REPEAL SECTION 409 OF THE PUBLIC BUILDINGS ACT OF
1949, REQUIRING THE SUBMISSION OF A REPORT TO THE CONGRESS
CONCERNING ELIGIBLE PUBLIC BUILDING PROJECTS

S. 931

AN ACT TO REPEAL THAT PART OF THE ACT OF MARCH 2, 1889, AS
AMENDED, WHICH REQUIRES THAT GRANTORS FURNISH, FREE OF ALL
EXPENSES TO THE GOVERNMENT, ALL REQUISITE ABSTRACTS, OFFI-
CIAL CERTIFICATIONS AND EVIDENCES OF TITLE

H.R. 8303 and H.R. 8357

BILLS TO AMEND THE ACT ENTITLED "AN ACT FOR THE ORGANIZA-
TION, IMPROVEMENT, AND MAINTENANCE OF THE NATIONAL ZOOLOG-
ICAL PARK"

H.R. 8355

A BILL TO AUTHORIZE EXECUTIVE AGENCIES TO GRANT EASEMENTS
IN, OVER, OR UPON REAL PROPERTY OF THE UNITED STATES UNDER
THE CONTROL OF SUCH AGENCIES, AND FOR OTHER PURPOSES

H.R. 8356

A BILL TO AUTHORIZE REIMBURSEMENT TO OWNERS AND TENANTS
OF CERTAIN LANDS OR INTERESTS THEREIN ACQUIRED BY THE
UNITED STATES FOR CERTAIN MOVING EXPENSES AND LOSSES AND
DAMAGES, AND FOR OTHER PURPOSES

H.J. Res. 500

JOINT RESOLUTION TO AUTHORIZE THE ARCHITECT OF THE CAPITOL
TO CONSTRUCT A MEMORIAL TO JAMES MADISON, AND FOR OTHER
PURPOSES

AUGUST 10, 1961

Printed for the use of the Committee on Public Works

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1961

74728

9/78 :11/00 9. AY

COMMITTEE ON PUBLIC WORKS

CHARLES A. BUCKLEY, New York, *Chairman*

GEORGE H. FALLON, Maryland
CLIFFORD DAVIS, Tennessee
JOHN A. BLATNIK, Minnesota
ROBERT E. JONES, Alabama
FRANK E. SMITH, Mississippi
JOHN C. KLUCZYNSKI, Illinois
T. A. THOMPSON, Louisiana
IRIS FAIRCLOTH BLITCH, Georgia
JIM WRIGHT, Texas
W. R. HULL, Jr., Missouri
KENNETH J. GRAY, Illinois
FRANK M. CLARK, Pennsylvania
ED EDMONDSON, Oklahoma
JOHN J. McFALL, California
GRACIE PFOST, Idaho
JOHN YOUNG, Texas
FRANK W. BURKE, Kentucky
HAROLD T. JOHNSON, California
ROBERT E. COOK, Ohio

JAMES C. AUCHINCLOSS, New Jersey
GORDON H. SCHERER, Ohio
WILLIAM C. CRAMER, Florida
JOHN F. BALDWIN, Jr., California
FRED SCHWENGEL, Iowa
EDWIN B. DOOLEY, New York
HOWARD W. ROBISON, New York
PERKINS BASS, New Hampshire
WALTER L. McVEY, Kansas
CARLETON J. KING, New York
WILLIAM H. HARSHA, Jr., Ohio
JAMES HARVEY, Michigan
JOHN C. KUNKEL, Pennsylvania
LOUISE G. REECE, Tennessee

MARGARET R. BEITER, *Chief Clerk*

RICHARD J. SULLIVAN, *Chief Counsel*

JOSEPH R. BRENNAN, *Engineer-Consultant*

CLIFTON W. ENFIELD, *Minority Counsel*

PUBLIC BUILDINGS AND GROUNDS

ROBERT E. JONES, Alabama, *Chairman*

JOHN C. KLUCZYNSKI, Illinois
GEORGE H. FALLON, Maryland
JOHN A. BLATNIK, Minnesota
JIM WRIGHT, Texas
ED EDMONDSON, Oklahoma
JOHN J. McFALL, California
GRACIE PFOST, Idaho
JOHN YOUNG, Texas
FRANK W. BURKE, Kentucky
ROBERT E. COOK, Ohio

EDWIN B. DOOLEY, New York
JAMES C. AUCHINCLOSS, New Jersey
PERKINS BASS, New Hampshire
CARLETON J. KING, New York
JAMES HARVEY, Michigan
JOHN C. KUNKEL, Pennsylvania
LOUISE G. REECE, Tennessee

CONTENTS

	Page
H.R. 3019-----	1
H.R. 7477-----	6
H.R. 8303 and H.R. 8357-----	7
H.R. 8355-----	12
H.R. 8356-----	15
H.J. Res. 500, et al-----	21
S. 541-----	5
S. 931-----	10
Testimony of—	
Boutin, Bernard L., Deputy Administrator, GSA; accompanied by Lawson B. Knott, Deputy Commissioner, Public Buildings Service; J. H. Macomber, Jr., General Counsel; Herbert E. Angel, Director of Administration; Robert T. Davis, Director of Legislation, GSA-----	4
Cannon, Hon. Clarence, a Representative in Congress from the State of Missouri-----	7
Carmichael, Dr. Leonard, Secretary, Smithsonian Institution-----	8
Dodds, Harold W., Chairman, James Madison Memorial Commis- sion-----	22
Harrison, James L., Public Printer, Government Printing Office-----	2
Rogers, Rutherford D., Acting Librarian of Congress-----	34
Smith, Hon. Howard W., a Representative in Congress from the State of Virginia-----	35
Stewart, J. George, Architect of the Capitol; accompanied by Mario E. Campioli, Assistant Architect of the Capitol-----	27
Additional information—	
Breakdown of cost of James Madison Memorial, including under- ground vault and tunnels-----	30
Stewart, J. George, Architect of the Capitol, letter, September 14, 1961-----	33

CONTENTS

Page

1	.....	11
2	.....	12
3	.....	13
4	.....	14
5	.....	15
6	.....	16
7	.....	17
8	.....	18
9	.....	19
10	.....	20
11	.....	21
12	.....	22
13	.....	23
14	.....	24
15	.....	25
16	.....	26
17	.....	27
18	.....	28
19	.....	29
20	.....	30
21	.....	31
22	.....	32
23	.....	33
24	.....	34
25	.....	35
26	.....	36
27	.....	37
28	.....	38
29	.....	39
30	.....	40
31	.....	41
32	.....	42
33	.....	43
34	.....	44
35	.....	45
36	.....	46
37	.....	47
38	.....	48
39	.....	49
40	.....	50
41	.....	51
42	.....	52
43	.....	53
44	.....	54
45	.....	55
46	.....	56
47	.....	57
48	.....	58
49	.....	59
50	.....	60
51	.....	61
52	.....	62
53	.....	63
54	.....	64
55	.....	65
56	.....	66
57	.....	67
58	.....	68
59	.....	69
60	.....	70
61	.....	71
62	.....	72
63	.....	73
64	.....	74
65	.....	75
66	.....	76
67	.....	77
68	.....	78
69	.....	79
70	.....	80
71	.....	81
72	.....	82
73	.....	83
74	.....	84
75	.....	85
76	.....	86
77	.....	87
78	.....	88
79	.....	89
80	.....	90
81	.....	91
82	.....	92
83	.....	93
84	.....	94
85	.....	95
86	.....	96
87	.....	97
88	.....	98
89	.....	99
90	.....	100

PUBLIC BUILDINGS BILLS—1961

THURSDAY, AUGUST 10, 1961

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
Washington, D.C.

The subcommittee met, pursuant to call, at 9:30 a.m., in room 1302, New House Office Building, Hon. Robert E. Jones (chairman of the subcommittee) presiding.

Mr. JONES. The subcommittee will come to order. We have a host of resolutions pending before the committee. I hope that we can take testimony on all of them. Some of them are not controversial legislation and I hope that we can dispose of all that we have on the agenda for today.

The first bill is H.R. 3019, introduced by Mr. Burleson, Chairman of the House Administration Committee, to authorize the Public Printer to construct a building in the vicinity of a building they already own and occupy. We will come back now to this bill.

(H.R. 3019 follows:)

[H.R. 3019, 87th Cong., 1st sess.]

A BILL To provide for the construction of a fireproof annex building for use of the Government Printing Office, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be constructed in accordance with plans to be prepared by the Administrator of General Services and approved by the Public Printer, a fireproof annex building for use of the Government Printing Office, including the mechanical equipment for the building, connections with the present Government Printing Office buildings and utilities, interconnections with the Capitol Power Plant in accordance with plans to be approved by the Architect of the Capitol, access facilities over or under public streets, other necessary appurtenances or facilities, and such mechanical and other changes in the present Government Printing Office buildings as may be necessitated thereby.

SEC. 2. (a) To carry out the purposes of section 1 of this Act, the Administrator of General Services is authorized to acquire on behalf of the United States, by purchase, condemnation, donation, transfer without reimbursement, or otherwise, such publicly or privately owned real property in the District of Columbia (including streets and alleys or parts thereof) as may be located in the area extending west of the property line at the rear of the Government Printing Office Building Numbered 3, along H Street west of North Capitol Street to the alley connecting G and H Streets and south to Jackson Alley, including that portion of Jackson Alley adjacent to the proposed site bordered on the south by present Government Printing Office property and to the north by lots numbered 823, 824, 47, 48, 49, 68, 67, and including the "T" shaped public alley bounded by lots 64, 65, and 66 on the north, lot 67 on the east, Jackson Alley on the south and lot 68 on the west, in square numbered 624 in the District of Columbia.

(b) Any proceeding for condemnation ordered under subsection (a) shall be conducted in accordance with the pertinent provisions of the Act entitled "An Act to provide for the acquisition of land in the District of Columbia for use in the United States", approved March 1, 1929 (16 D.C. Code, secs. 619-644).

(c) The Administrator of General Services is authorized to provide for the demolition and removal as expeditiously as possible of any buildings or other structures on, or constituting a part of, such real property as may be acquired under, or made available for the purpose of this Act.

(d) The Administrator of General Services is authorized to cause the building herein provided for to be constructed pursuant to the applicable provisions of the Public Buildings Act of 1959 (73 Stat. 479), but without regard to the requirements of sections 7 and 8 (a) thereof.

SEC. 3. There is hereby authorized to be appropriated to the Government Printing Office such sums as may be necessary to carry out the purposes of this Act, and such sums may be available for transfer to the Administrator of General Services to remain available until expended.

Mr. JONES. We reported a bill out of the committee on that last year, I believe. There was objection raised by the Appropriations Committee, making it necessary for a redrafting of the bill, but we did not have time to reconsider the proposition in proper form to save it from objection or points of order that would have been raised by the Appropriations Committee. The bill is now drafted in regular order.

We now have Mr. James L. Harrison, Public Printer, Government Printing Office, and Mr. Bernard L. Boutin, Deputy Administrator of the General Services Administration.

Mr. Harrison, would you like to come forward and make a justification? Would you have a seat, please?

We are glad to have you, Mr. Harrison. I know this has been a hard row for you to hoe. You have been uphill and downhill several times on it.

STATEMENT OF JAMES L. HARRISON, PUBLIC PRINTER, GOVERNMENT PRINTING OFFICE

Mr. HARRISON. Yes, sir; that is true, but I wish to express my appreciation for the opportunity to appear before you again and make a further statement concerning H.R. 3019, which, as you said, was introduced in the House by Congressman Burleson.

The bill, if enacted into law, would facilitate the printing and binding operations our Office performs for the U.S. Government, and result in a more economical and efficient operation.

On July 23, 1956, the Joint Committee on Printing wrote to the Public Printer and stated that it was the consensus of opinion of the members of the committee that there is an urgent need to find ways and means to provide facilities that will be more readily available and economical than those now being used for the storage of paper by the Government Printing Office, and asked him to make a study of expanding our present warehouse facilities sufficiently to take care of all of our storage needs. In order to meet our storage requirements, the Joint Committee had previously authorized us to rent 173,000 square feet of space in the Parr-Franconia warehouse at Franconia, Va., which is approximately 15 miles south of Washington on Shirley Highway.

A committee of Government Printing Office officials was appointed to study our storage needs and to develop the most economical and efficient means of providing all of the warehouse space needed by the Office. An extensive study was made at that time by the committee and recommendations for the annex were submitted as now provided in H.R. 3019. The matter was also referred to the Comptroller General for study and a favorable report was received, indicating that the project was in accord with the needs of the Government and would lead to both monetary savings and intangible benefits in improved service. The Commissioner of Public Buildings likewise reviewed these general recommendations and developed a preliminary report, sketches, and estimates.

Our need for the addition of a fireproof annex building is further emphasized by the roof collapse of the warehouse space we are renting at Franconia on February 15, 1961, which ruined about \$55,000 worth of paper and caused disruption to production and delivery schedules.

I have reviewed the study made by our officials and the General Accounting Office and firmly believe that the acquisition of a fireproof annex to the Government Printing Office will further increase our ability to serve the Government. I hope that your committee will find it possible to report favorably on H.R. 3019 in order that the way might be cleared for the construction of this new annex building.

I want to thank you for your interest in this matter and the courtesy which you have extended to us.

Mr. JONES. Mr. Harrison, what estimates have you made as to the annual savings that will accrue?

Mr. HARRISON. The annual savings, Mr. Jones, as I have noted in a supplemental report I sent up to the committee, are \$274,654. That is the actual dollars and cents we can put our finger on. There are many other savings which will be brought about, but which we are unable to place a dollar value on.

Mr. JONES. What is the distance from the Franconia warehouse to the building where the printing is done, Mr. Harrison?

Mr. HARRISON. It is about 15 miles. There are many intangible considerations. If you would like, I have a little listing here of some of them.

Under normal conditions, it takes approximately 2 hours to make a round trip from the central office to the Parr-Franconia warehouse. During the morning and evening rush hours, it is not unreasonable to assume that up to 4 hours would be required in the event of traffic tieups. This lost time would not be the case if the warehouse were adjacent to the central office. Our vehicles spend a considerable period of time moving back and forth to Franconia. As a result, they are constantly exposed to accidents, traffic jams, the hazards of night driving, and breakdowns. This means added mental and physical strain to the drivers, and extra wear, tear, and maintenance to the vehicles.

All of the above factors could create delays in effecting mechanical repairs to operating equipment, which can mean idle employees; delays in effecting deliveries to pressrooms, which means idle machinery and press crews; and delays in testing and formal release of stock, which involves a calculated risk if issued under emergency conditions.

The exposure of stock to radical temperature and humidity conditions, while it is in transit, could result in pressroom slowdowns or additional conditioning time.

We have experienced delivery and pickup delays during adverse weather conditions, causing additional hardships to our delivery and warehousing personnel.

Any of the above, or a combination thereof, can cause delays in the public printing and binding, and overtime in the planning and production processes.

The new warehouse facility would eliminate the double handling of stock and the inherent risks of accidents, damage to stock, timing, recordkeeping, and scheduling involved; and free delivery and warehousing personnel for other assignments.

We pay now a rental on the warehouse of \$149,828. Our labor costs for staffing the warehouse are \$60,487, or a total cost now of operating the Parr-Franconia warehousing operation of \$316,454. With this addition to our own building it would be reduced to about \$41,800.

Mr. JONES. Are there any questions?

In the prospectus there is an estimate of \$5,250,000. Have you made an examination of those figures?

STATEMENT OF BERNARD L. BOUTIN, DEPUTY ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION; ACCOMPANIED BY LAWSON B. KNOTT, DEPUTY COMMISSIONER, PUBLIC BUILDINGS SERVICE; J. H. MACOMBER, JR., GENERAL COUNSEL; HERBERT E. ANGEL, DIRECTOR OF ADMINISTRATION; ROBERT T. DAVIS, DIRECTOR OF LEGISLATION, GENERAL SERVICES ADMINISTRATION

Mr. BOUTIN. Yes, we have, Mr. Chairman.

Mr. JONES. Is the General Services Administration satisfied that they can construct the building for the amount carried in this prospectus?

Mr. BOUTIN. Yes, sir. Might I say also——

Mr. JONES. Are there any objections to placing the estimated cost in the bill, Mr. Boutin? There is no figure setting forth the estimated cost in this bill which would authorize the construction. Is there any objection to putting that amount in the bill?

Mr. BOUTIN. We would have no objection at all.

Mr. JONES. You have no objection.

Mr. BOUTIN. No.

Mr. JONES. Are there any further questions?

Mr. WRIGHT. No questions, Mr. Chairman.

Mr. JONES. Would you consider the amount of the estimated cost of the building carried in the report to be binding on the General Services Administration to stay within the dollar limitations?

Mr. BOUTIN. I don't think that there is any question, Mr. Chairman, but what we can definitely stay within the amount specified.

Mr. JONES. I say, if we put the dollar amounts in the bill that are in the report, would it be the General Services Administration's opinion that they had to stay within the confines of that dollar limit?

Mr. BOUTIN. Yes, sir.

Mr. JONES. Are there any further questions?

[No response.]

Mr. JONES. We will proceed to S. 541, the Senate bill of Senator McClellan, to empower the Administrator of the General Services Administration to appoint nonuniformed special policemen.

(S. 541 follows:)

[S. 541, 87th Cong., 1st sess.]

A BILL To amend the Act of June 1, 1948 (62 Stat. 281), to empower the Administrator of General Services to appoint nonuniformed special policemen

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 1, 1948 (62 Stat. 281), is amended by adding at the end thereof the following new section:

"SEC. 5. Officials or employees of the General Services Administration who have been duly authorized to perform investigative functions may be empowered by the Administrator of General Services, or officials of General Services Administration duly authorized by him, to act as nonuniformed special policemen in order to protect property under the charge and control of the General Services Administration and to carry firearms, whether on Federal property or in travel status. Such officials or employees who are empowered to act as nonuniformed special policemen shall have, while on real property under the charge and control of the General Services Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations made and published for such purposes by the Administrator or duly authorized officials of the General Services Administration. Any such special policeman may make arrests without warrant for any offense committed upon such property if he has reasonable ground to believe (1) the offense constitutes a felony under the laws of the United States, and (2) that the person to be arrested is guilty of that offense."

Passed the Senate May 26, 1961.

Attest:

FELTON M. JOHNSTON, *Secretary*.

Mr. JONES. Mr. Boutin, would you give a statement on the need for such legislation?

Mr. BOUTIN. Mr. Chairman and members of the committee we feel that there is a definite need, in order for the General Services Administration properly to carry out its functions, for the enactment of this bill.

I could cite just one example, which I think illustrates the need. That was the gambling activities on the part of, unfortunately, some General Services Administration employees over in the Pentagon where, if we had had nonuniformed police, this could have been stopped before it was. With only uniformed men it is difficult to work out. If we had had nonuniformed men I am sure we would have been able to stop this long before.

We have with us our Director of Administration, under whose jurisdiction this falls. If I may, Mr. Chairman, I would like to call on Mr. Herb Angel to offer justification for this legislation.

Mr. JONES. Mr. Angel.

Mr. ANGEL. Thank you, Mr. Chairman.

The General Services Administration has authority for its uniformed guards and for its nonuniformed compliance agents to serve as special policemen within the District of Columbia. It has such authority for its uniformed guards outside of the District of Columbia, but not for our agents who are not in uniform. This makes it difficult for us to protect Government property adequately and to enforce Federal laws adequately in areas where the General Services Administration has police authority outside of the District of

Columbia, particularly close-by places; for example, in places like the Pentagon, or over at Suitland, Md., or other nearby installations. This bill would make it possible for our men to keep suspects under surveillance, and, if they detected them in a crime, to arrest them while they had the evidence in their possession. As it is now, our men have to run the risk of making a citizen's arrest, which, as you know, is somewhat hazardous; or not making an arrest at all.

Mr. JONES. What is the legal restriction in existing law prohibiting you from making the appointment of special nonuniformed police?

Mr. BOUTIN. Our authorization, Mr. Chairman, is limited to uniformed police outside the District. Inside the District we have no problem at all.

Mr. JONES. That is contained under the General Services Administration Act. Is this an amendment to that act?

Mr. ANGEL. It is an amendment, sir, to the act of June 1, 1948 (62 Stat. 281).

Mr. JONES. Are there any questions?

Mr. KING. If a bill of this character were to be passed, I notice it gives the authority to "carry firearms, whether on Federal property or in travel status." Does that mean outside of the District?

Mr. ANGEL. Yes, sir.

Mr. BOUTIN. That would be outside the District.

Mr. KING. How about running into State laws that prohibit the carrying of firearms without a permit?

Mr. ANGEL. We have not encountered that difficulty in connection with our uniformed guards.

Mr. KING. If they were nonuniformed guards—what about that?

Mr. BOUTIN. Mr. Macomber.

Mr. MACOMBER. That is the purpose of that special provision—to obviate difficulties with State laws which would prohibit the carrying of firearms. If they are authorized under Federal law to do so in the performance of their duties they will not be subject to the prohibition of State law.

Mr. KING. Otherwise they would be?

Mr. MACOMBER. Yes, sir.

Mr. KING. All right. I see. Thank you.

Mr. JONES. Are there any further questions?

(No response.)

Mr. JONES. Thank you, gentlemen.

The next bill is H.R. 7477, by Mr. Buckley, at the request of the General Services Administration, to repeal section 409 of the Public Buildings Act of 1949, requiring the submission of a report to the Congress concerning eligible public building projects.

(H.R. 7477 follows:)

[H.R. 7477, 87th Cong., 1st sess.]

A BILL To repeal section 409 of the Public Buildings Act of 1949, requiring the submission of a report to the Congress concerning eligible public building projects

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 409 of the Public Buildings Act of 1949 (40 U.S.C. 355) is hereby repealed.

Mr. BOUTIN. Mr. Chairman, may I call on Lawson Knott to offer the justification for this?

Mr. JONES. Mr. Knott.

Mr. KNOTT. Thank you, Mr. Chairman.

The purpose of this bill is specifically to repeal a provision of the 1949 Public Buildings Act which required the submission of reports by the General Services Administrator and the Postmaster General to the Congress each year on eligible public buildings projects. With the passage of the 1959 Public Buildings Act, a procedural charter has been established whereby the requirements for these agencies as well as other Federal agencies for their public buildings needs are submitted by prospectus to the committees and acted upon by the committees. We think that this takes the place of that report.

Furthermore, the Public Buildings Act of 1949 requires that a report be made annually on the progress of projects which have been approved. So within the framework of the 1959 act the need for buildings is reported to the committee and the progress of construction of buildings is also reported. Therefore we do not think this 1940 reporting requirement needs to be continued.

Mr. JONES. Are there any questions?

(No response.)

Mr. JONES. We have two resolutions before us now, H.R. 8357, by our distinguished colleague, Mr. Cannon, and H.R. 8303, by Representative Bow, which are identical. Both of these colleagues are members of the Board of Regents of the Smithsonian Institution. Mr. Chairman, we are delighted to have you with us today. We have always been aware of your great interest in the Smithsonian and its progress, welfare, and development, and we are all indebted to you for your industry and the great care you have given it.

(H.R. 8357 follows:)

[H.R. 8357, 87th Cong., 1st sess.]

A BILL To amend the Act entitled "An Act for the organization, improvement, and maintenance of the National Zoological Park"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of April 30, 1890, entitled "An Act for the organization, improvement, and maintenance of the National Zoological Park" (20 U.S.C. 81), is amended by inserting immediately after "administer" the following: "and improve."

STATEMENT OF HON. CLARENCE CANNON, A MEMBER OF CONGRESS FROM THE STATE OF MISSOURI

Mr. CANNON. Mr. Chairman, I deeply appreciate that tribute.

The bill H.R. 8357 is a bill to amend the act entitled "An act for the organization, improvement, and maintenance of the National Zoological Park."

Mr. Chairman, if I might be permitted to digress a minute. Among the many changes which you and I have seen here in Washington, and one of the most important changes, is the great influx of schoolchildren, as well as other visitors, to our downtown area and the Capitol. The number of visitors to our National Capital is increasing at a tremendous rate. When I first came here a number of years ago we hardly ever saw anybody from back in the interior. Hardly anybody from home ever came here. Now they are coming

in increasing numbers, to the point where when I had to go to the Senate just this last week I could hardly get through the rotunda. There were such great crowds of schoolchildren over there.

I might say that, speaking of Champ Clark, when he was here he facetiously remarked one time that he proposed to introduce a bill under which the Government would pay the cost of one trip to Washington, the National Capital, for every single citizen. He said he thought their coming here and seeing the Capitol would make better citizens of them. Unquestionably I think that these visits to Washington, especially by the schoolchildren all over the country, has a very salutary influence. The statistics show that when these visitors come to Washington, all visitors including the children, the greatest number come to visit the Capitol. They go through the Capitol. The next largest number visits the Smithsonian Institution. Down the line somewhere is the Library of Congress.

When I first came to Washington, the Library of Congress was the fourth library in the world. It has increased in volume and service until it is today the first library in the world.

By way of digression, our visitors, especially our schoolchildren, should be encouraged to go to this great library—this great American institution—the greatest of its kind on the globe. But the statistics show that the next greatest number after those who visited the Capitol are those who visited the Smithsonian Institution, and among others the Zoological Park, which has been for many years under the Smithsonian Institution, and which the Institution has been in a position to render great service to under its function of distribution of knowledge among men.

It has become evident, I think, to the most casual observer who has visited the Zoological Park recently—which is such an attraction not only to our national visitors but to the entire area—the Greater Washington area—that it is certainly in need of capital expenditures. So I merely wish to appear before this great committee today with the urgent suggestion that this obvious need be given careful consideration.

Thank you very much, Mr. Chairman.

MR. JONES. Thank you very much, Mr. Cannon. We are always pleased to see the wonderful and delightful Dr. Carmichael. I think Dr. Carmichael has a special charm over this committee, because every time he appears he gets exactly what he wants.

Dr. Carmichael, won't you come around, please, sir? We won't keep you long, but just briefly can you explain to us the change of one word, I believe it is? Isn't that all the bill does?

STATEMENT OF DR. LEONARD CARMICHAEL, SECRETARY, SMITHSONIAN INSTITUTION

DR. CARMICHAEL. That is correct, sir.

Mr. Chairman and members of the committee, I am happy to say that I can read to you with the approval of the Bureau of the Budget a brief page that I think will explain this completely.

Thank you for your request for the views and recommendations of the Smithsonian Institution on H.R. 8303 and H.R. 8357, bills to amend the act entitled "An act for the organization, improvement, and maintenance of the National Zoological Park."

The Board of Regents of the Smithsonian Institution on May 19, 1961, directed the Secretary to undertake a capital improvement program at the zoo, in annual stages over an appropriate period of time, to be financed as a part of the regular Federal budgetary program of the Institution.

This action recognized the need to improve present conditions at the zoo. These conditions are described briefly in the following paragraphs.

The police headquarters building (1956) is the only structure erected in the past 20 years. Its condition is satisfactory.

The office building (1805), lion house (1891), antelope house (1898), bear pits (1902-10), and monkey house (1906) should be replaced. The buildings are old, in poor condition, and obsolete as exhibition facilities.

The outdoor cages and other exhibit facilities are in fair physical condition but similarly are obsolete by any modern standard of good zoo practice, considering exhibition techniques, safety of the public, and well-being of the animals.

The bird house (1928-36), reptile house (1931), elephant house (1937), small mammal house (1937), and public restaurant (1941) are obsolescent, averaging 25 years of age, but can be rehabilitated. Generally, ventilation is poor, heating is not well controlled, lighting is inadequate, cages are small and deteriorating.

The electrical wiring and distribution system, the steam distribution system, and the boilers need replacement because of age and obsolescence. Sanitary and storm sewers similarly require rehabilitation and extension.

Parking facilities are grossly inadequate to handle the load on weekends during the most popular visiting season from April through October.

The existing east-west road from Connecticut Avenue to Harvard Street and the north-south road from Potomac Parkway to Rock Creek Park both carry heavy traffic through the zoo. This present traffic and road system creates a hazard to pedestrians, a police problem, and a major disruption of the natural habitat setting of the park.

The needs of the National Zoological Park include outdoor exhibit facilities and indoor exhibit and shelter facilities for the animals; roadways and parking facilities for visitor automobiles and buses; separation of automobile and pedestrian traffic; associated public service facilities; operational buildings; visitor transit system; and the related sewerage, heating, water, and electrical distribution systems. While it is true that the Congress since 1890 has from time to time appropriated funds for improvements at the National Zoological Park, no specific authorization for capital improvements has been enacted. We are advised that under current practices of the House of Representatives such an authorization is necessary to assure that appropriations for this purpose would not be subject to a point of order when under consideration by the House.

A perfecting amendment to section 2 of the act of April 30, 1890, is therefore recommended. This is the act placing the National Zoological Park under the direction of the Regents of the Smithsonian

Institution and authorizing the Regents to administer the zoo. The pertinent part of the act, section 2, would then read as follows:

Sec. 2. That the National Zoological Park is hereby placed under the direction of the Regents of Smithsonian Institution, who are authorized to transfer to it any living specimens, whether of animals or plants, now or hereafter in their charge, to accept gifts for the park at their discretion, in the name of the United States, to make exchanges of specimens, and to administer—

the new words are inserted hereafter—

and improve the said Zoological Park for the advancement of science and the instruction and recreation of the people. [Amendment is italicized.]

The program of improvements is proposed to be accomplished over a period of years in order that the National Zoological Park may be continued in daily operation without general disruption and also in recognition of national budgetary limitations. It is estimated that \$950,000 will be needed in 1963 and that varying annual amounts in the next 10-year period will be required for construction. This would accomplish a very significant improvement in the National Zoological Park in keeping with its statutory purpose since 1890, "for the advancement of science and the instruction and recreation of the people."

It is therefore urgently recommended that H.R. 8303 or the similar bill, H.R. 8357, be enacted by the Congress. H.R. 8357 is the bill to which Mr. Cannon referred in the testimony he just gave.

The Bureau of the Budget advises that there is no objection from the standpoint of the administration's program to the presentation of this report to the Congress.

Thank you very much, Mr. Chairman.

Mr. JONES. Thank you, Dr. Carmichael. It is always a pleasure to have you.

Dr. CARMICHAEL. It is a very great privilege to be here, sir.

Mr. JONES. Our next bill is S. 931, to repeal that part of the act of March 2, 1889, as amended, which requires that grantors furnish, free of all expenses to the Government, all requisite abstracts, official certifications, and evidences of title.

(S. 931 follows:)

[S. 931, 87th Cong., 1st sess.]

A BILL To repeal that part of the Act of March 2, 1889, as amended, which requires that grantors furnish, free of all expenses to the Government, all requisite abstracts, official certifications and evidences of title

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso in the third full paragraph on page 941 of volume 25 of the Statutes at Large, in the Act of March 2, 1889, as amended (40 U.S.C. 256), is hereby repealed.

STATEMENT OF BERNARD L. BOUTIN—Resumed

Mr. BOUTIN. Again, Mr. Chairman, if I may defer to Mr. Knott and ask him to offer testimony on it.

Mr. JONES. Mr. Knott.

Mr. KNOTT. Mr. Chairman and members of the committee, the purpose of the bill is to repeal a proviso of the act of March 2, 1889, which provides that all legal services connected with the procurement of titles for sites for public buildings other than light stations and pier-head lights shall be rendered by U.S. attorneys, with the further proviso that in the procurement of such sites it shall be the duty of the Attorney General to request of the grantors in each case to furnish

free of all expense to the Government all requisite abstracts, official certifications, and evidences of title that the Attorney General may deem necessary.

If we point up the fact that this relates to public buildings only—this proviso which requires the Attorney General to require the grantor to furnish title evidence—then we can immediately see the purpose of this proposed legislation. We have a situation in which other Federal agencies of the Government acquire lands for various other purposes, such as military installations, and flood control reservoirs, and which involve substantial areas of land where they are empowered—and do, from year to year—ask for and receive appropriations to buy title evidence to proceed with the acquisition of land to meet their needs. In the single exception of public buildings—acquisition of sites for public buildings, the grantors are required to furnish the title evidence.

Mr. HARVEY. What do you mean by title evidence?

Mr. KNOTT. Abstracts of title or certificates of title. This has in many ways affected our ability to proceed expeditiously with the acquisition of title through voluntary agreements.

Mr. JONES. Just in the case of voluntary agreements?

Mr. KNOTT. Yes. And actually because this is a requirement in such cases it frequently results in the necessity to resort to condemnation proceedings, in which event the Attorney General may proceed without regard to this statute and procure the title evidence. So that in effect it constitutes a—

Mr. JONES. That is true in cases where the grantor is not able to show that the conveyances would be free of encumbrances.

Mr. KNOTT. That is right, sir. In all cases of acquisition of property by the Federal Government the Attorney General must render an opinion in favor of the validity of the title, so that he must have title evidence in all cases. That being the case, the Government either procures it or, in this single case, the grantor in a voluntary conveyance, provides the title evidence.

Mr. JONES. Do I understand you to say that the only exception to the general practice of the Federal Government doing this is in the acquisition of buildings sites?

Mr. KNOTT. That is right. That arose by a proviso in an appropriation act in 1889, in which there was some evidence in a particular case that there was a charge to the Government of some \$4,000 for title evidence, which was admittedly an exorbitant fee, and called for this proviso to be inserted at that time.

We do not think this would increase our acquisition costs substantially. It would enable us in a number of instances that we have encountered to accept donations of property without imposing a penalty on the grantor. We have actually had cases where a grantor was prepared to make a donation of an easement but in addition to receiving no compensation for his property he was required under this provision of the statute to spend \$400 or \$500 in order to make the donation to the Government.

Actually, we think in the total cost picture that this cost now being incurred by the grantor is in one way or another passed on to the Government through the price which he is asking. So if we are in a position to schedule our own timing in acquiring the title

evidence, we are in a position to control our program much better, and we think with no substantial increase in the cost to the Government.

Mr. JONES. Are there any questions?

Mr. HARVEY. I have only one question. That is, under normal procedure in the transfer of title, does not the grantor usually have the abstract and other evidence of title in his possession?

Mr. KNOTT. We will, as we have always done and will continue to do, always ask him for title evidence he may have, and we will take that title evidence and provide for any continuation certificates we need. It is often true that he has the title evidence.

Mr. HARVEY. At least in my experience it is always true that the grantor has it. My point is, it is silly for the U.S. Government to go out and purchase a new abstract when he already has it.

Mr. KNOTT. We would not have to do that. In my own experience in working with agencies of the Government where we could provide it, it was mandatory experience that we inquire of him if he has the title evidence, and we were quite often able to get it.

Mr. HARVEY. I have no further questions.

Mr. JONES. The next bill is H.R. 8355, by Mr. Buckley, which is a bill to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes.

(H.R. 8355 follows:)

[H.R. 8355, 87th Cong., 1st sess.]

A BILL To authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever a State or political subdivision or agency thereof or any person makes application for the grant of an easement in, over, or upon real property of the United States for a right-of-way or other purpose, the executive agency having control of such real property may grant to the applicant, on behalf of the United States, such easement as the head of such agency determines will not be adverse to the interests of the United States, subject to such reservations, exceptions, limitations, benefits, burdens, terms, or conditions, including those provided in section 2 hereof, as the head of the agency deems necessary to protect the interests of the United States. Such grant may be made without consideration, or with monetary or other consideration, including any interest in real property. In connection with the grant of such an easement, the executive agency concerned may relinquish to the State in which the affected real property is located such legislative jurisdiction as the executive agency deems necessary or desirable. Relinquishment of legislative jurisdiction under the authority of this Act may be accomplished by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof or by proceeding in such manner as the laws applicable to such State may provide.

SEC. 2. The instrument granting any such easement may provide for termination of the easement in whole or in part if there has been—

- (a) a failure to comply with any term or condition of the grant, or
- (b) a nonuse of the easement for a consecutive two-year period for the purpose for which granted, or
- (c) an abandonment of the easement.

If such a provision is included, it shall require that written notice of such termination shall be given to the grantee, or its successors or assigns. The termination shall be effective as of the date of such notice.

SEC. 3. The authority conferred by this Act shall be in addition to, and shall not affect or be subject to, any other law under which an executive agency may grant easements.

SEC. 4. As used in this Act—

(a) The term "State" means the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(b) The term "executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(c) The term "person" includes any corporation, partnership, firm, association, trust, estate, or other entity.

STATEMENT OF BERNARD L. BOUTIN—Resumed

MR. BOUTIN. Mr. Chairman, may I ask Mr. Knott to do that, once again?

MR. JONES. Mr. Knott.

MR. KNOTT. Mr. Chairman and gentlemen. The purpose of this legislation is to place all Government agencies having control over property in the position of administering that property in the public interest by granting easements where it is necessary to do so, and where such action will not adversely affect the Government.

MR. JONES. Will this bill cure the problem we had down in Macon, Ga., where we had a bill introduced by Mr. Vinson requiring us to grant an easement right for a highway or road on Federal property?

MR. KNOTT. Yes, sir. There is statutory authority now but the difficulty with many of the statutes that exist now is that they are keyed to certain specific purposes. Those are specifically enumerated so that when the purpose of the grant is outside the scope of those specific purposes, or where new purposes are to be served, the existing statutes do not adequately cover them.

MR. JONES. Let me ask you a further question. Suppose the executive agency was the Veterans' Administration and they wanted to grant an easement to Jefferson County. Could the Veterans' Administration under this authority grant to Jefferson County an easement over that property?

MR. KNOTT. For highway and road purposes?

MR. JONES. Yes.

MR. KNOTT. Actually in the case you perhaps by chance selected, Mr. Chairman, the Veterans' Administration already has that authority specifically vested in the Administrator of the Veterans' Administration. So this statute would not replace any of those existing statutes. This would be in addition to any of the existing authority.

MR. JONES. Give me an example of an agency that does not have that authority.

MR. KNOTT. The General Services Administration does not have that authority, and it was for that reason we sponsored this legislation.

MR. JONES. In other words, if you gave that authority you would have to have a special bill?

MR. KNOTT. That's right.

MR. JONES. As we had in the Georgia case?

MR. KNOTT. There actually is authority through a device under the Federal Property Act. We could grant an easement, but we have to go through a procedural device within the framework of that statute in determining that that interest in the property we would grant is excess and then surplus to the Government's needs. This we think is straining the statute unnecessarily.

Mr. JONES. Why is the bill drafted to authorize executive agencies rather than to authorize the General Services Administration, if that is what it is to do?

Mr. KNOTT. Right, sir. I was about to point out that in the review process the Bureau of the Budget thought that while the General Services Administration has a need for this statute, it should be sufficiently broad to enable any other agency, such as the NASA, or any other agency having property under their control, to grant similar rights-of-way.

Mr. JONES. In other words, the Smithsonian Institution under this authority could grant easements and rights-of-way that they could not do if it were limited to the General Services Administration?

Mr. KNOTT. That would depend, I suppose, on the language used in here relating to an executive agency. I am not certain at this moment whether they qualify as an executive agency.

Mr. MACOMBER. I don't think that the Smithsonian is considered an executive agency, Mr. Jones. I would not be sure about that.

Mr. JONES. I see.

Mr. BOUTIN. This would actually give uniform authority, Mr. Chairman, which is now limited to a few agencies. It would make it uniform to all agencies.

Mr. KNOTT. Even the Department of Defense, which has a rather broad statute, would find occasions where this statute would take care of situations not covered by existing statutes. So would the Veterans' Administration. The Department of Justice has authority to grant rights-of-way for roadways across public properties.

Mr. JONES. But those are by special acts?

Mr. KNOTT. Those are by special acts.

Mr. JONES. Any questions?

Mr. BASS. What is the present law now with respect to agencies that do not have authority? Who can grant the easements now?

Mr. KNOTT. If they do not have the present authority, in many instances they are not able to do so. Again you could visualize a situation in which the agency might say to the General Services Administration, "This easement is excess to our needs," and if we found no other requirement for it we might dispose of it as an interest in surplus property.

Mr. BOUTIN. We would have to come before the Congress for specific authority.

Mr. KNOTT. Otherwise, if we did not use that device, we would have to come to Congress.

Mr. JONES. We had a bill, as I pointed out, that Mr. Vinson introduced, and which was considered by this committee, to give a 4-foot easement for the construction of a road on Federal property. This would make such legislation unnecessary, because the General Services Administration could then make those easements and rights-of-way where they cannot, or are unauthorized at the present time.

Mr. KNOTT. This is often a barrier to the development in the community in which the Government finds itself the holder of property, where otherwise progress of private enterprise in the community is impeded.

Mr. BASS. I see.

Mr. JONES. Are there any further questions?

Mr. BASS. No.

Mr. JONES. Next is H.R. 8356, by Mr. Buckley, to authorize reimbursement to owners and tenants of certain lands or interests therein acquired by the United States for certain moving expenses and losses and damages, and for other purposes.

(H.R. 8356 follows:)

[H.R. 8356, 87th Cong., 1st sess.]

A BILL To authorize reimbursement to owners and tenants of certain lands or interests therein acquired by the United States for certain moving expenses and losses and damages, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any land or an interest in land in the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico or the possessions of the United States is hereafter acquired for Federal use by the United States by purchase, condemnation, or otherwise, the head of the executive agency for which the said land or interest in land is acquired is authorized to reimburse the owners and tenants of such land or interest in land for expenses and losses and damages incurred by such owners and tenants as a direct result of moving themselves, their families, and their possessions because of said acquisition to the extent the head of such executive agency determines such reimbursement to be fair and reasonable, such reimbursement to be in addition to, but not in duplication of, any payments that may otherwise be authorized by law to be made to such owners and tenants: *Provided*, That the total of such reimbursement to the owners and tenants shall in no event exceed 25 per centum of the fair value of any parcel of land or interest in land, as determined by the head of the executive agency making the payments. No payment under this Act shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damaged incurred, is submitted to the head of the executive agency within one year from (a) the date upon which the parcel of land or interest in land is to be vacated under agreement with the Government by the owner or tenant or pursuant to law, including but not limited to, an order of court, or (b) the date upon which the parcel of land or interest in land involved is vacated, whichever first occurs.

SEC. 2. The Administrator of General Services shall make such uniform rules and regulations as he finds necessary and proper for the purpose of carrying out the provisions of this Act. The head of each executive agency shall perform any and all acts and issue such orders and directives as he deems necessary to carry out the uniform rules and regulations issued by the Administrator of General Services and may delegate the authority conferred by this Act, including the making of determinations and decisions, to any other officers or officials of the agency. All functions performed under this Act shall be exempt from the operation of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001-1011), except as to the requirements of section 3 of said Act.

SEC. 3. Funds appropriated or otherwise available to an executive agency for the acquisition of real property or interests therein shall also be available for carrying out the provisions of this Act.

SEC. 4. The provisions of this Act shall not apply to any acquisition of lands or interests therein by the Tennessee Valley Authority or to any executive agency or situation provided for in (a) section 401(b) of the Act of July 14, 1952 (66 Stat. 624-625), as amended, or (b) the Act of May 29, 1958 (72 Stat. 152).

SEC. 5. The term "executive agency," as used in this Act, means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

STATEMENT OF BERNARD L. BOUTIN—Resumed

Mr. BOUTIN. Mr. Chairman, I would like to call on Mr. Macomber, the General Counsel of the General Services Administration.

Mr. JONES. Mr. Macomber.

Mr. MACOMBER. Mr. Chairman and members of the committee, this legislation is proposed by General Services Administration again to make uniform a law, and to give to all agencies authority that at the

present time only certain agencies have. The Department of Defense presently has authority stemming back to 1951 to pay moving expenses of occupants of land which it takes by purchase or condemnation. The Interior Department has that authority, but the General Services Administration does not.

We have run into difficulties at times in connection with the acquisition of property, arising from the fact that we are not able to treat the persons whose property we are taking as fairly or as generously as are the other two agencies.

Here again it was recommended, upon review of this legislation at the Bureau of the Budget, that the authority be made general rather than be given to the General Services Administration only. This legislation is patterned after the existing legislation of the Department of Defense and the Interior Department. It permits the payment of moving expenses, including actual moving, insurance, losses, and damages, and similar expenses incurred in connection with the vacation of the property. It is provided in the bill that the—

Mr. JONES. How in the world do you compute, let us say, the damages he might suffer as a result of the loss of property?

Mr. MACOMBER. If I understand your question, sir, under the bill the occupant would be required to furnish a statement of his claim for the type of expenses covered by this legislation within a year after the date of his vacating the property, or the date when he agrees or is ordered in condemnation proceedings to vacate, whichever is the earlier of the two, and the Government would then review the statement so submitted and satisfy itself that the amounts claimed were expenses actually incurred and within the scope of the statute.

Mr. JONES. I just don't see how you can take a proper measurement of damages or losses, by a lessee.

Mr. MACOMBER. The damages or losses referred to there are the damages or losses to his household goods, for example, in the course of moving, where he did not carry insurance.

Mr. JONES. Suppose he is going to lose his business as a tenant with a 10-year lease arrangement. Would he be entitled under this bill to be reimbursed?

Mr. BOUTIN. Lawson.

Mr. KNOTT. Mr. Chairman, if I may, I interrupt because I have had some experience with the operation of this statute in the Department of Defense after its enactment. The distinction lies between those expenses which arise directly as a result of moving, as distinguished from those losses that arise out of the acquisition of property by the Government. In the case you recite where he loses his business, this would not be compensable, but if he loses furniture in the course of moving, or if it is damaged, or if he has a receipted bill which shows the cost of his moving, or if he is delayed in getting—

Mr. JONES. Suppose the lessee lives in Washington and loses his business and decides the best thing for him to do is to go to California.

Mr. KNOTT. We actually had such a case arise in some of the moving of cattle from Texas to California.

Mr. JONES. I knew everything else was going to California, but I didn't know that cattle was.

Mr. KNOTT. That's right. This actually happened and they allowed the cost of shipping his cattle. But they would not allow

the cost of any loss to him, for example, in the price for his cattle in California, as distinguished from if he had sold them locally.

Mr. HARVEY. Do you mean that cost of shipping the cattle from Texas to California we pay?

Mr. KNOTT. That's right.

Mr. JONES. That was under authority of the Department of Defense statute.

Mr. KNOTT. That is right. And this statute as Mr. Macomber points out, was patterned after that. Actually, while it sounds like it might be quite expensive, there is a limitation of 25 percent placed on the statute. The reimbursement could not exceed 25 percent of the acquisition price of the property. Actually, the first 4 or 5 years of experience—and I assume it has not varied materially since then—showed about 5 or 6 percent as the actual outlay.

Mr. BASS. The answer to the chairman's question then is you would pay?

Mr. KNOTT. That is right. You would pay.

Mr. BASS. Is that what you do now under the present law?

Mr. KNOTT. This is what the Defense Department does now under this act, and it is undoubtedly what we would do under the act, if passed, because it follows the same pattern.

Mr. BASS. The only limitation is 25 percent?

Mr. KNOTT. The only limitation is 25 percent. We would not pay for his loss of business. This arises out of the acquisition, but not out of moving, you see. This is merely to cover the impact of moving. That is all.

Mr. McVEX. I would like to address a question perhaps jointly to Mr. Knott and Mr. Macomber. It is my understanding this bill would not apply to Federal-aid highways, to forest highways, and public land highways, and defense access highways maintained by the State.

Mr. KNOTT. No, sir. This is designed for properties acquired for Federal use such as military installations, flood control reservoirs, and reclamation projects, under other statutes, and, public buildings, projects under this bill.

Mr. BURKE. Mr. Chairman, as you know, for some time I have been very much interested in the problem of the compensation of persons who have lands taken by various Federal agencies. In the last Congress we had a bill to study the problem generally. We have one pending now.

I have before me a report from the Bureau of the Budget which was sent to Senator McClellan as chairman of the Committee on Government Operations in the other body on an identical bill to mine, I think, which was sponsored by the distinguished Senator Hill. The Bureau of the Budget recommends favorably on that bill, which is identical to mine, saying in part I think what you have been saying here. It is a four-page report and I won't read it all, but it says in part:

The administration believes there is a real need for a comprehensive and impartial study of the acquisition of property for Federal or federally sponsored purposes. While we do not believe it should be assumed that property owners generally are not adequately reimbursed, it is true that the Government does not pay landowners for some kinds of expenses which may indirectly be related to the sale of their property. But it is also known that amounts awarded by courts generally are substantially more than current market values as determined by independent local appraisers. These and other pertinent facts should be care-

fully and objectively balanced in fairness both to the property owner and the general taxpayer. There have been many complaints that amounts being paid are inadequate and bills have been introduced to provide more liberal payments for property acquired for specific Federal programs or from specific property owners. Generally we have not favored such proposals because they would provide a piecemeal solution and would result in varying amounts being paid to property owners, depending upon which Federal agency happened to take their property.

The Bureau of the Budget then goes on to recommend a slightly different kind of commission than the pending legislation proposes.

My question is, In view of this attitude on the part of the administration, is it wise to recommend the passage once again of, call it, a piecemeal piece of legislation?

Mr. MACOMBER. Mr. Burke, I think I can only say in answer to that that the Bureau of the Budget advises us there is no objection on the part of the administration to the submission of this legislation. That I would indicate a feeling that the need here is sufficiently great to provide for it, even though it is recognized that there is a need for a further and more complete study of the whole problem.

Mr. BURKE. I am inclined to agree. For example, it would put the General Services Administration in the same position as the Department of the Interior.

Mr. KNOTT. That is right.

Mr. BURKE. But a little different from the Corps of Engineers.

Mr. KNOTT. No.

Mr. MACOMBER. No, because while this bill provides that nothing in it will affect any authority under any other law, the agencies that have a limited authority under other laws can also exercise the authority under this bill.

Mr. BURKE. Then this would really in effect give to the Corps of Engineers—and the chairman is an expert in this field—it would give the Corps of Engineers the authority to pay severance costs, if you please, in certain navigation projects that they do not have now?

Mr. JONES. No. Not in severance. They can compute the cost of the severance damage in the bill.

Mr. BURKE. It would extend the Corps of Engineers' authority to pay compensation.

Mr. JONES. They have that general compensation now.

Mr. MACOMBER. I think I should correct my statement. The bill would not give the Corps of Engineers, or the Department of Defense generally, any additional authority, since it parallels the authority they have under the 1952 statute.

Mr. BURKE. Wouldn't it?

Mr. MACOMBER. This follows the pattern of the other. The authority in the other acts remains unaffected.

Mr. BURKE. I don't think that this bill is in conflict with this long opinion that the Bureau of the Budget expressed concerning the formation of a commission, but I thought we might note that it is apparently not the opinion of the Bureau of the Budget that bills like this are the final solution.

Mr. KNOTT. I think this is true. The difficulty has been that the courts have held rather firmly to the view that in the acquisition of property certain items of valuation may be taken into account, but other damages are consequential. This comes under the heading of

consequential damages, which nevertheless have an impact on the owner of property greater than he can bear in some instances, and certainly makes it necessary for us to resort to condemnation proceedings more frequently than we would otherwise have to do with this authority. It has not been mentioned that a similar, but not parallel statute, was passed in the Housing Act of 1949, amended in 1956, to provide the authority there. In those cases it is a specified amount, regardless of the amount of the loss if any.

Actually, in many cases under this bill there would be no provable expense incurred by the owner, and in such cases he would receive nothing.

With bare land, for example, if he had nothing to move, and no tenants, and no moving expenses, there would not be any allowance.

Mr. JONES. Did you have a question, Mr. King?

Mr. KING. No.

Mr. HARVEY. Mr. Chairman.

Mr. JONES. Mr. Harvey.

Mr. HARVEY. It seems to me this language is very broad and I am not as familiar with the subject as I might be, but I would think our object would be the same as the object in a court of law, which is reasonably to make this person whole again for the damage we have done to him. But I cannot conceive of any circumstances where a court of law would permit recovery for damages, for example, for moving from Texas to California. To me it is beyond comprehension, and when we state in the act that this person, either an owner or a tenant, is to be reimbursed to such extent as the head of such executive agency determines such reimbursement to be fair and reasonable, that is an extremely broad grant of authority.

If it is going to be construed as paying damages for moving from Texas to California, I am not in favor of it. I can't conceive of going that far with the knowledge I have of this subject now.

Mr. MACOMBER. I would suspect, Mr. Harvey—I am not familiar with the case Mr. Knott referred to—but there must have been some very special circumstances.

Mr. KNOTT. I think that is true and it is a universal case, but in all fairness we must admit it is susceptible to that interpretation, and I would agree that this is possible.

Mr. HARVEY. Certainly you would agree with me that no court of law under any modern concept of damages would permit a recovery of that nature. If we permit a department head to far exceed the recovery a person would receive in a court of law—

Mr. KNOTT. Mr. Harvey, I think that is just the situation in which we find ourselves. This being recognized as the case, the Congress at least in 1951 felt that they should provide this authority, and again as late as 1959. So that in at least three agencies of the Government now which have far more extensive acquisition problems than does the General Services Administration, for example, this authority resides now.

I think one reason why in 1952 the act of 1951 was amended was to correct a situation that Mr. Wright will recall at Fort Hood, Tex., and the adjoining flood control reservoir, where the Government acquired half of a man's property for a military installation and could compensate him for moving costs, while the rest of the property, which

was being acquired for the reservoir project, the Army could not compensate him. There may never arise a situation where we must acquire land for public buildings and adjoining property must be acquired for a military purpose. Nevertheless we are confronted with the situation in which other agencies of Government engaged more extensively in the acquisition of property may do this now.

Mr. HARVEY. What this would do would be to make that practice standard. Is that correct?

Mr. KNOTT. That's right.

Mr. HARVEY. So that all agencies could compensate in that same vague, broad manner.

Mr. KNOTT. That is correct. This statute says that the General Services Administrator will provide regulations which would govern the payments by all agencies. This provision was inserted at the suggestion of the House Committee on Government Operations which considered a similar bill last year and thought this should be done. This bill was passed by the Senate last year and was held in the House Committee on Government Operations, but was not reported because the Congress adjourned.

Mr. MACOMBER. Mr. Chairman, there are two minor items on which I should like to have a very few moments to comment in connection with this bill.

Mr. JONES. Yes.

Mr. MACOMBER. The first one, I think, is partially covered by Mr. McVey's question of a few moments ago, but the point was raised by the Bureau of Public Roads with us just yesterday that while they have no objection at all to this bill being made applicable to their acquisitions of land for Federal use, they wanted us to make it clear to the committee in our statement that we did not consider that the bill would be applicable in those cases that arise occasionally where land that is being acquired for the Interstate System, and which is ordinarily acquired by the State under a 90-percent grant, is as a matter of convenience in cases of urgency acquired by the Federal Government and turned over to the State.

Mr. JONES. I think that the committee time and time again rejected that proposition and has taken the position that the Bureau of Public Roads points out.

Mr. MACOMBER. Yes. And one other point I should like to mention is this: The corresponding bill to this in the Senate is S. 2159. One of the Members of the Senate communicated with Senator McClellan, the chairman of the Senate Committee on Government Operations, which is handling the bill on the Senate side, raising the question as to whether it would not be desirable to make this authority applicable to takings by establishments in the legislative branch. Senator McClellan addressed a letter to us inquiring whether we saw any objection to the bill being extended to that point, and asking us if we did not, as a drafting service to draft language accomplishing that purpose.

Mr. JONES. I think, Mr. Macomber, that matter has been before the House Building Commission, and I understand you all have rejected that proposition unanimously, Mr. Auchincloss.

Mr. AUCHINCLOSS. I think so. I think so. I defer to the Speaker, who makes the rule.

Mr. JONES. It is only hearsay to me, but I understand you have.

Mr. AUCHINCLOSS. It is hearsay with me. We have not had a meeting on it.

Mr. MACOMBER. We merely want to invite to your attention on this committee the fact that such a proposal was at least under consideration in the other body. We are not advocating that and did not consider it appropriate for us to take any position, of course.

Mr. McFALL. I would like to say I would be for anything like that, because I don't think that these people that the Congress takes property from should be treated any differently than any other Government agency. These shopowners out here are faced with the same problem that any other shopowners are faced with when the Government takes their land. The Urban Renewal Act has been amended now so we can get the exact actual cost of your moving expenses, and you are going to go through changing this law to actual moving expenses, and the Congress ought to apply the same rule to its own purchases.

Mr. JONES. Prior to your coming into the committee room, Mr. Knott pointed out that the Department of Defense had the same authority with the exception of the Corps of Engineers, and had utilized it in making reimbursement for damages and losses claimed by the people they receive the property from.

Mr. McFALL. I think it is perfectly equitable.

Mr. JONES. Are there any further questions?

(No response.)

Mr. JONES. Thank you, gentlemen.

I will repeat what I said earlier. We will go into executive session after we hear the next witness.

That concludes the pending bills that were scheduled for hearing this morning.

We will now take up a resolution introduced by Mr. Smith of Virginia, House Joint Resolution 500.

(H.J. Res. 500 follows:)

[H.J. Res. 500, 87th Cong., 1st sess.]

JOINT RESOLUTION To authorize the Architect of the Capitol to construct a memorial to James Madison, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Architect of the Capitol, under the direction of the House Office Building Commission, is authorized and directed to construct in square 732 in the District of Columbia—

(1) in accordance with plans to be prepared by the Architect of the Capitol, under the direction jointly of the House Office Building Commission and the James Madison Memorial Commission established by the joint resolution entitled "Joint resolution to establish a commission to formulate plans for a memorial to James Madison", approved April 8, 1960 (74 Stat. 37), a permanent memorial to James Madison; the design of which shall include a superstructure with basement and be in keeping with the prevailing architecture of the buildings on Capitol Hill; and

(2) in accordance with plans to be prepared by the Architect of the Capitol and submitted to, and approved by, the House Office Building Commission, an underground structure for housing the papers of the Presidents of the United States in the collections of the Library of Congress and other valued documents of the Library of Congress, including such necessary equipment, such necessary connections with the Capitol Power Plant and other utilities, such tunnels under public streets connecting such underground structure with the main and annex Library of Congress buildings, and such other appurtenant or necessary facilities, such changes in the main Library of Congress building, and such landscaping, as may be approved by the House Office Building Commission.

SEC. 2. The Architect of the Capitol, under the direction of the House Office Building Commission, is authorized to enter into contracts and to make such other expenditures including expenditures for personal and other services, not to exceed \$39,000,000, as may be necessary to carry out the purposes of this joint resolution.

SEC. 3. The Librarian of Congress shall have jurisdiction over, and responsibility for the care, operation, and supervision of, the memorial and underground structure, when completed; except that the structural and mechanical care of such memorial and underground structure and the care of the surrounding grounds shall be under the Architect of the Capitol.

SEC. 4. The words "and formulating" in the first sentence of the first section, the last sentence of the first section, and sections 2 and 3 of the joint resolution entitled "Joint resolution to establish a commission to formulate plans for a memorial to James Madison", approved April 8, 1960 (73 Stat. 37), are hereby repealed.

SEC. 5. There are hereby authorized to be appropriated such sums, not to exceed \$39,000,000, as may be necessary to carry out the purposes of this joint resolution.

MR. JONES. This is a resolution asking that the House Office Building Commission be authorized and directed to construct the James Madison Memorial in the immediate vicinity of the Capitol. This is a bill which would call for the authorization of \$39 million. It is going to take some time to hear this bill. Dr. Dodds, who is a member of the Commission and a former president of Princeton University, had plans to leave on Saturday for a trip to Europe, so today we will take him out of order, since we will not go into this bill at length today. We will therefore take the testimony of Dr. Dodds and accommodate him, so that he will not have his trip delayed.

Is Dr. Dodds present?

(Whereupon a recess was had.)

MR. JONES. I will repeat what I said earlier, at the beginning of the hearing. House Joint Resolution 500 was introduced by Mr. Smith of Virginia. This was to authorize the construction of the James Madison Memorial, authorizing \$39 million for it. Since the bill would require a whole morning to hear testimony on, or perhaps longer, it was my intention to schedule it for some time next week.

We have with us Dr. Harold W. Dodds, the former president of Princeton University. We are taking Dr. Dodds out of order since I have been informed by Mr. Hester, the executive chairman of the executive committee, that you wanted to make your departure for Europe in the latter part of this week. So I have agreed that we would hear you out this morning. The testimony you will present to the committee, Dr. Dodds, will be incorporated in the proper place in the report of our general hearings.

Doctor, we are delighted to have you and to have your great interest in the project, which means so much to our Nation's Capital. We will not detain you further and will let you proceed.

STATEMENT OF HAROLD W. DODDS, CHAIRMAN, JAMES MADISON MEMORIAL COMMISSION

DR. DODDS. Mr. Chairman and members of the committee, first I want to express to you my personal appreciation for hearing me out of order. I am going abroad at the end of the week to fulfill some earlier contracts, and this act of courtesy is very gratefully received. On behalf of the members of the Commission as well as myself I

express for them, as for me, appreciation for affording me this opportunity.

Mr. JONES. We appreciate your coming because we did not want to lose the valuable contribution you could make to this matter for the committee.

Dr. DODDS. Thank you, sir.

From the beginning our Commission desired a living memorial which would represent and keep alive the principles of representative government and freedom that Madison did so much to inculcate in our constitutional system. He was, as you know, termed by his contemporaries, and has been classed by historians, as the architect of the Constitution.

Since his contributions were so largely in the field of ideas, we felt that the best way to establish such a memorial was to make it a center of education and scholarship. The proposal, therefore, incorporated in the resolution, divides into two parts. One is the above-ground memorial, which would be the Madison Memorial Library. It will be a dignified building containing an impressive memorial room and affording adequate space for displaying valuable exhibits of selected documents of Madison and his period. We believe that Madison's services can be dramatized further in a series of three-dimensional dioramas depicting his chief contributions. The National Park Service, which is in charge of many of our national monuments, has an outstanding reputation for success in such matters. The mezzanine and second-floor plans provide for offices, catalog room, and reading room for use of teachers, writers, and scholars.

We believe that the memorial and exhibition space will be effective with the thousands who will visit it annually, not the least of whom will be public school students for whom the exhibits will help drive home basic American principles. As a former teacher of American government, I cannot imagine anything that would be more impressive for high school students studying this period of our constitutional development and the principles involved than to see some of the documents and some of the Madison memorabilia and these graphic exhibits.

The other larger part of the project will be an underground annex to the Library of Congress. We believe that the effectiveness of the memorial will be enhanced by associating with it the rich and irreplaceable collection of the Library of Congress, consisting of the papers of 23 Presidents and a wealth of other historic papers and documents which it possesses.

Accordingly, in cooperation with the Library of Congress we propose an underground space for the custody of these valuable items with facilities for their use by writers and scholars interested in various phases of our history. The Library urgently needs more and better room for the preservation and use of this material which is of such commanding historic value.

When completed, the whole memorial will be administered by the Library, which will insure proper maintenance and supervision of the use of its rare books and documents, except that the structural and mechanical care of the whole memorial and the maintenance of the surrounding grounds will be under the Architect of the Capitol.

The site selected, which has the approval of the House Office Building Commission, is on the land to be cleared to the south of the main

building of the Library of Congress across Independence Avenue. This site not only gives the memorial the significance it deserves, but makes possible its efficient and convenient administration by the Library of Congress.

House Joint Resolution 500 provides that the plans shall be prepared by the Architect of the Capitol under the direction jointly of the House Office Building Commission and the James Madison Memorial Commission. It will be designed to harmonize with its neighbors on the Capitol Grounds. Incidentally, it is contemplated that the style will be one of which Madison would undoubtedly approve himself if he were alive. Construction will be in the hands of the Architect of the Capitol under the direction of the House Office Building Commission.

It is the hope of the Madison Commission that House Joint Resolution 500 will receive your favorable consideration.

Thank you very much, Mr. Chairman.

Mr. JONES. Thank you very much, Dr. Dodds. Are there any questions?

Mr. Auchincloss.

Mr. AUCHINCLOSS. Dr. Dodds, I would like to ask a question off the record.

(Discussion off the record.)

Mr. AUCHINCLOSS. Mr. Chairman, I want to say as a member of the House Building Commission I am familiar with this proposal. It was passed unanimously by the House Office Building Commission. The bill before us was drafted with the approval of the commission and the approval of the Parliamentarian, and I think I can speak for the Speaker that he is enthusiastic for this project.

I have seen the plans and I endorse everything that Dr. Dodds has said in support of this bill. I think it would be a great addition to the Hill here, and to the historic interest of Washington.

Mr. JONES. Thank you very much, Mr. Auchincloss.

Are there any questions?

Mr. BASS. Dr. Dodds, is this memorial to cost \$39 million? I noticed that in section 5 of the bill.

Dr. DODDS. That is provided in the resolution. Of course, the major part of that pertains to the Library of Congress and the custody of its rare documents. It is my understanding that this will come before you next week, or soon, when the Architect of the Capitol will be here. Since these estimates are in his hands I do not feel that I am competent to discuss them.

Mr. BASS. You cannot give us an estimate of the cost then?

Dr. DODDS. Well, we have accepted this estimate from him. We have not challenged that estimate, but he would be the one to explain it.

Mr. BASS. So we can assume the overall cost would be about \$39 million?

Dr. DODDS. Yes. I think that is right.

Mr. AUCHINCLOSS. If the gentleman will yield, that is the best estimate that the Architect of the Capitol can give us at this time, and I think it is well within reason.

Mr. EDMONDSON. Mr. Chairman, personally I would like to be associated with the expressions in support of this joint resolution. I

have had the feeling for a long time that James Madison occupied a place in the history of our country, and the contribution he made, by virtue of his connection with the Constitution of the United States, was of a stature that we had been generally tardy in giving proper recognition to, here in the Nation's Capital. I think the endorsement and support of a great Virginian, who has made a national reputation for his careful approach and his caution in terms of expenditures of money—and I am speaking of the gentleman from Virginia, Mr. Smith—I think an endorsement from that kind of authority puts this in a category where I personally feel confident that the expenditures will be at a level which can be completely justified. I certainly hope that we can advance this resolution.

Mr. JONES. You are winning friends fast. You had better talk a little more, Doctor.

Dr. DODDS. James Madison is. I don't think I need to talk.

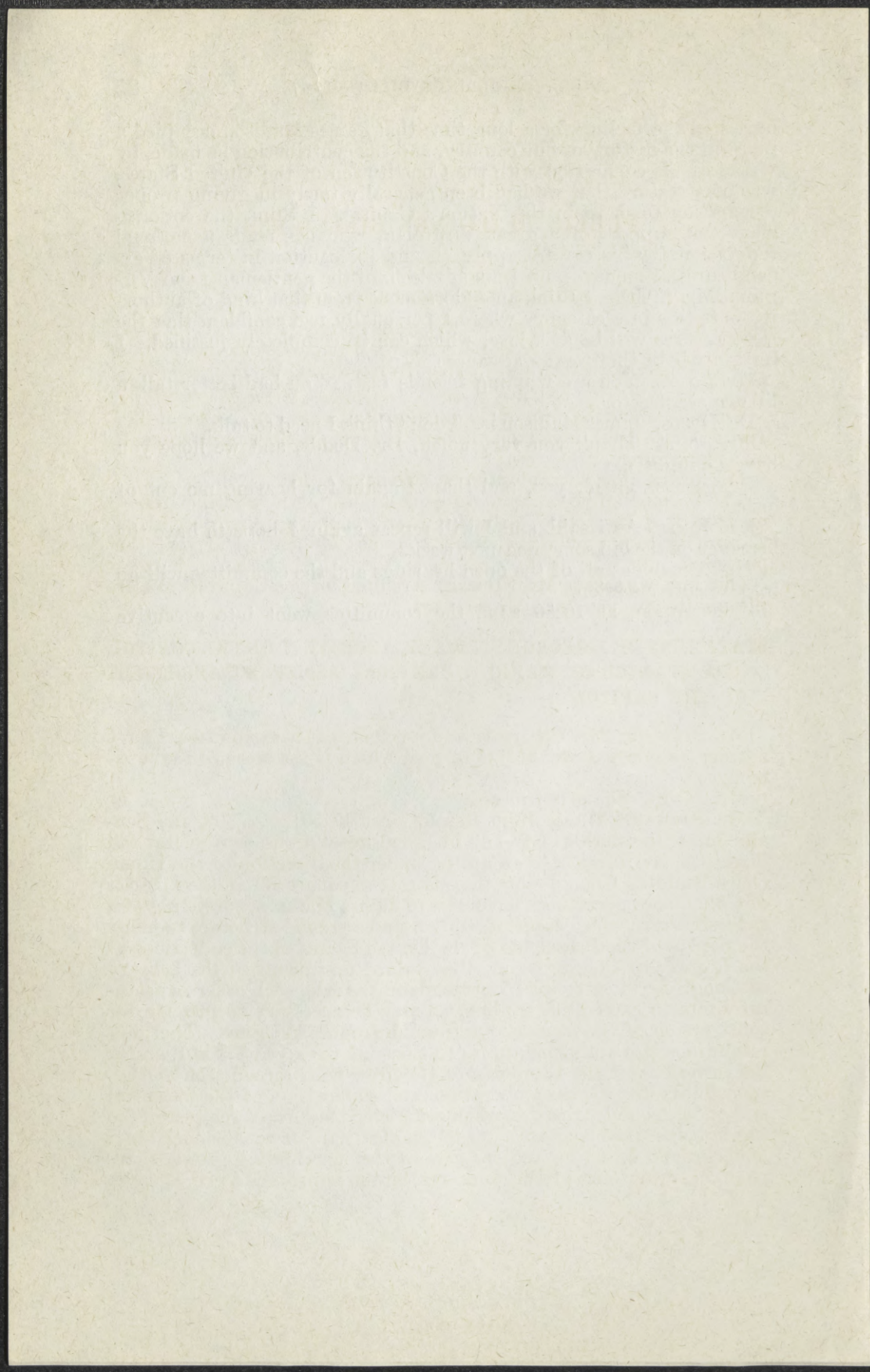
Mr. JONES. Thank you very much, Dr. Dodds, and we hope you have a delightful trip.

Dr. DODDS. Thank you, and thanks again for hearing me out of order.

Mr. JONES. As I said, and I will repeat again, I hope to have the hearings on the bill sometime next week.

That concludes all of the open hearings and the committee will go into executive session.

(Whereupon, at 10:50 a.m., the committee went into executive session.)



PUBLIC BUILDINGS BILLS—1961

FRIDAY, SEPTEMBER 15, 1961

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 1304, House Office Building, Hon. Robert E. Jones (subcommittee chairman) presiding.

Mr. JONES. The subcommittee will come to order.

The business of the subcommittee this morning is to hear witnesses on behalf of the joint resolution to authorize the Architect of the Capitol to construct a memorial to James Madison, and for other purposes.

Our first witness is Mr. Stewart, Architect of the Capitol. We are pleased to have you here, Mr. Stewart.

STATEMENT OF J. GEORGE STEWART, ARCHITECT OF THE CAPITOL, ACCOMPANIED BY MARIO E. CAMPIOLI, ASSISTANT ARCHITECT OF THE CAPITOL

Mr. STEWART. Mr. Chairman and members of the committee, I have a short statement I would like to read which is the basis of the testimony.

Mr. JONES. You may proceed.

Mr. STEWART. House Joint Resolutions 500, 501, 502, 503, and Senate Joint Resolution 119—all identical resolutions—authorize and direct the Architect of the Capitol, under the direction of the House Office Building Commission, to construct in square 732 in the District of Columbia a permanent memorial to James Madison, consisting of a superstructure with basement, and an underground structure to house the papers of the Presidents of the United States in the collections of the Library of Congress and other valued documents of the Library of Congress; to enter into contracts and to make such other expenditures, not to exceed \$39 million, as may be necessary to provide for construction of the memorial and underground structure. The joint resolutions also authorize appropriations not to exceed \$39 million for the project; vest the Librarian of Congress with jurisdiction and responsibility for the care, operation, and supervision of the memorial and underground structure, when completed; vest the Architect of the Capitol with the structural and mechanical care of the memorial and underground structure and the care of the surrounding grounds; repeal the provisions of the joint resolution approved April 8, 1960,

heretofore defining the duties and authority of the James Madison Memorial Commission.

Under the terms of the joint resolutions, the plans for the James Madison Memorial are to be prepared by the Architect of the Capitol under the joint direction of the House Office Building Commission and the James Madison Memorial Commission. Under the terms of the joint resolutions, the plans for the underground structure are to be prepared by the Architect of the Capitol under the direction of the House Office Building Commission.

The House Office Building Commission is composed of the following membership: Speaker Sam Rayburn, chairman; Representative Carl Vinson, of Georgia, and Representative James C. Auchincloss, of New Jersey, members.

The James Madison Memorial Commission is composed of the following membership: Dr. Harold W. Dodds, Chairman, Dr. Colgate W. Darden, Jr., Clinton M. Hester, and Dr. William T. Hutchinson, appointed by the President; Representative Howard W. Smith of Virginia, Representative Richard C. Poff, of Virginia, Representative Arch A. Moore, Jr., of West Virginia, Representative John M. Slack, Jr., of West Virginia; Senator Spessard L. Holland, of Florida, Senator A. Willis Robertson, of Virginia, Senator Wallace F. Bennett, of Utah, Senator Frank Carlson, of Kansas.

Square 732, in which it is proposed to construct the memorial and underground structure, lies immediately east of the Old House Office Building, and is bounded on the north by Independence Avenue SE., on the east by Second Street SE., on the south by C Street SE., on the west by First Street SE. Square 732 actually consists of two city blocks, being bisected by Carroll Street from east to west. Square 732 was acquired by the Architect of the Capitol in December 1960 as an addition to the U.S. Capitol Grounds, under authority of the Additional Housing Office Building Act of 1955, and is now under the control of the House Office Building Commission.

The James Madison Memorial Commission, after consultation with the House Office Building Commission, agrees that square 732 is the location most desirable as a site for the James Madison Memorial. In this location, the memorial would be adjacent to the Library of Congress and the House Office Buildings and would be a notable addition to the surrounding structures adjoining Capitol Hill and would add interest to the vistas from the east plaza of the Capitol. It would be, in addition, an attraction for the many visitors to the Hill.

It is also agreed that it would be highly desirable to locate in square 732 three levels of underground vaults in which to house the papers of Presidents in the collections of the Library of Congress and other valuable historic documents in the Library collections.

This latter consideration is of the utmost importance in planning a third building for the Library of Congress, for which the preparation of preliminary plans and estimates of cost was authorized by Public Law 86-469, approved May 14, 1960. In preparing the preliminary plans for the third Library building, it was found that instead of having to acquire four squares on which to construct a building of adequate accommodations for the Library, a building of adequate accommodations can be provided on two squares, provided an underground vault is constructed in square 732 and part of the Library collections, including the papers of the Presidents, is transferred from

the two existing buildings of the Library of Congress to the proposed vault, thereby affording space for expansion in those two buildings.

In this connection, it is to be noted that the main Library building was built in 1897 and was enlarged in 1910, 1927, 1930, and 1934, and that the annex Library building was built in 1939. In June 1902, the Library contained 1,114,411 books and pamphlets in the main collection and in the Law Library and 345,511 pieces of music. At present, the collections comprise over 12 million books and pamphlets; 167,000 bound newspaper volumes; 16,500,000 manuscripts; 2,563,000 maps and views; 2,050,000 items of music; 3,024,000 photographic negatives, prints, and slides; 584,000 fine prints; 126,000 motion picture reels; 109,000 phonorecordings; and 190,000 reels of microfilm.

The proposed memorial building will be designed in a dignified conservative manner to harmonize with the existing classic buildings on Capitol Hill. It is proposed that there be a portico facing north with lesser porticos facing east and west and a portico reflecting the north entrance on the south. The exterior of the memorial is proposed to be of marble with granite base and the surrounding grounds will be landscaped in an appropriate manner in order to form a proper entourage for the memorial.

The general dimensions of the building, as proposed, are 112 feet north and south, and 192 feet east and west. The building would contain a gross area of approximately 104,000 square feet.

It is proposed that the ground floor contain in the center an impressive memorial room two stories in height in which it is contemplated to place a statue of Madison and certain historical exhibits pertaining to his life. Surrounding this room on the north it is proposed that there be a public entrance lobby, on the west space for the staff and vertical conveyors for the books from the vaults, and on the east and south, exhibit areas, including dioramas illustrative of incidents in his life. It is proposed that the mezzanine floor around the upper part of the memorial room have offices for the staff, and that the second floor have a large reading room with catalog area and control desk adjacent and private study rooms for scholars. In the reading room, the Madison papers and other material are proposed to be made available to scholars and other qualified persons. This reading room would be connected by vertical and horizontal book conveyors to the underground vault and to the main and annex buildings of the Library of Congress, so that any book in the Library collection would be available in this reading room in a short period of time.

The estimated cost of this memorial, including conveyors, built-in book stacks, furniture and furnishings, memorial statue of Madison, other appropriate decorative sculpture and murals, dioramas, landscaping, architectural and engineering fees, and administrative expenses, is \$15 million.

The underground structure, or vault, as proposed, would consist of three levels below grade and would be connected to the main Library building by a tunnel, containing conveyors and book-handling equipment and would have underground access by truck. The superstructure of the James Madison Memorial is proposed to be located above the central portion of the vault and, as previously stated, would contain the Madison papers, a memorial room, exhibition and reading rooms, and provisions for research, all of which would be under the jurisdiction of the Librarian of Congress.

The general overall dimensions of the vault, as proposed, are 355 feet north and south, and 517 feet east and west. The vault would contain approximately a gross area of 554,500 square feet.

The three underground levels, as proposed, would contain the most precious possessions of the Library. The items included in the precious category are the papers of the Presidents, original manuscripts and compositions, and items of great historical importance and significance. In addition, the vault would contain the blind collection, map collection, rare book collection, music collection, prints and photographic collections, general storage for collections, and mechanical equipment. The vault would be connected to the Library buildings by tunnel and book conveyors. It is contemplated that the Presidential papers and other rare items will be housed in the vault and will be made available for study in the reading and study rooms of the proposed Madison Memorial.

The estimated cost of the vault, including conveyors, book stacks, map cases, architectural and engineering fees and administrative expenses, and furniture and furnishings, but excluding any cost in connection with the James Madison Memorial superstructure, is, exclusive of cost of tunnels, \$23,486,000.

The cost of the pedestrian tunnels connecting the underground vault with the main and annex Library buildings, including architectural and engineering fees and administrative expenses, is estimated at \$514,000.

A breakdown of the estimated cost of \$39 million for the project is attached to this statement.

Mr. JONES. Thank you very much, Mr. Stewart. Page 7 of your statement, which contains a breakdown of the estimated cost, will be made a part of the record at this point.

(The breakdown referred to follows:)

James Madison Memorial, including underground vault and tunnels, square 732

SUPERSTRUCTURE, INCLUDING BASEMENT

Construction cost-----	\$12, 000, 000	
Landscaping-----	540, 000	
Furniture and furnishings-----	1, 100, 000	
Architectural and engineering fees and administrative costs-----	1, 360, 000	
		\$15, 000, 000

UNDERGROUND VAULT

Construction cost:		
(a) Structure (554,430 square feet at \$31.60 per square foot) (8,611,450 cubic feet at \$2.04 per cubic foot)-----	\$17, 527, 000	
(b) Conveyor-----	724, 000	
		18, 251, 000
Furniture and furnishings:		
(a) Map cases and movable book stacks-----	2, 169, 000	
(b) Other furniture and furnishing-----	931, 000	
		3, 100, 000
Architectural and engineering fees and administrative costs-----	2, 135, 000	
		23, 486, 000

PEDESTRIAN TUNNELS FROM VAULT TO MAIN BUILDING AND ANNEX

Construction cost (440 linear feet at \$1,062 per linear foot)-----	\$467, 000	
Architectural and engineering fees and administrative costs-----	47, 000	
		\$514, 000
Total estimated cost of project-----		39, 000, 000

NOTE.—The foregoing does not include the necessary alterations or expansion of the Capitol Power Plant to accommodate this project.

Mr. JONES. Any questions?

Mr. DOOLEY. Mr. Stewart, what was the cost of the Taft Memorial? I realize there is a different concept involved but I just wondered what the cost was? Do you know?

Mr. STEWART. I have no figures on the cost but I have comparative sizes of the three buildings, the Jefferson, Lincoln, and Madison Memorials.

We made this up [indicating] as a comparison of the three. It shows the Jefferson, Lincoln, and Madison Memorials.

Mr. JONES. Is that the scale?

Mr. STEWART. Yes. The costs are not quite comparable because of increased costs in more recent years.

Mr. DOOLEY. This breaks down to about \$380 a square foot for the \$39 million?

Mr. STEWART. Not the memorial. The memorial is only \$15 million.

Mr. JONES. \$23 million is the amount that would be required to house the activities of the Library of Congress?

Mr. STEWART. Yes.

Mr. JONES. And the additional cost would be for the memorial itself?

Mr. STEWART. Yes.

Mr. JONES. So there would have to be an expenditure of \$23 million to take care of the needs of the Library of Congress even if the memorial were not included?

Mr. STEWART. Yes. That has already been authorized and I have the plans of this underground vault and the other facilities.

Mr. DOOLEY. Where is this square 732?

Mr. STEWART. That is what Mr. Rooney calls "Ptomaine Row" over here right to the south of the old Library Building.

Mr. DOOLEY. I see.

Mr. STEWART. Mr. Campioli, my assistant, is here and if there is anything in the way of details you wish, he can go into them.

Mr. JONES. Do you wish to testify, Mr. Campioli?

Mr. CAMPIOLI. If you wish.

Mr. JONES. Yes, we will be pleased to hear from you.

Mr. CAMPIOLI. I thought you might be interested in seeing the location of the building with relation to other buildings. We have made this plan which shows the main Library of Congress, the annex, the Old House Office Building, and the proposed location of the James Madison Memorial.

The actual area between the street curbs comprising the two buildings is actually slightly greater than in the case of either the Lincoln or Jefferson Memorials when measured between the curbs.

We have also studied the exterior, and this conforms to the report of Mr. Stewart. This shows the view as seen from the Capitol Grounds looking toward the building.

Mr. DOOLEY. It is beautiful.

Mr. CAMPIOLI. The Old House Office Building would be in this location, and this would be all marble around the base [indicating].

This is an aerial view which shows the proposed memorial. This is the Capitol.

Mr. AUCHINCLOSS. May I ask this question: Why is not this in the center of the plot?

Mr. CAMPIOLI. We were asked not to push this building too far back as it would be desirable to see it from the Capitol Grounds. In one of the former studies we had the building back farther and the corner of this Old House Office Building would shield it. This is so that there is a better view of it from the Capitol Grounds.

Mr. AUCHINCLOSS. I am glad to have that explanation. That does not mean I necessarily agree with it.

Mr. JONES. This is the proposed new Library?

Mr. CAMPIOLI. Yes.

Mr. JONES. And this is the annex?

Mr. CAMPIOLI. Yes.

Mr. JONES. And this is the Folger?

Mr. CAMPIOLI. This is the Folger and this is the main building. The fact we were able to put the underground vault in this location permitted us to keep this building in a two-block location.

Mr. JONES. Is this portion of the photograph in the taking area?

Mr. CAMPIOLI. Yes.

Mr. JONES. How much of that land will be allocated to parking spaces?

Mr. CAMPIOLI. I do not think any decision has been made on that.

Mr. STEWART. No parking space is contemplated. If any parking is provided it would be for the Library as needed.

Mr. JONES. Do you not think the addition of this memorial will almost require that you have places for people to park?

Mr. STEWART. It is contemplated this new area where the new building is will be taken for underground parking [indicating].

Mr. JONES. But where will the visitors, the tourists, put their cars? Off the record.

(Discussion off the record.)

Mr. JONES. I think there will be a problem if you do not have parking spaces. You are taking this, too [indicating], are you not?

Mr. STEWART. Just this one block.

Mr. DOOLEY. One square block?

Mr. STEWART. Yes. This area in here was not of sufficient size in the projection.

Mr. DOOLEY. Will you have an underground passage?

Mr. STEWART. Yes. There is a tunnel that connects all these buildings together with the Old House Office Building.

Mr. CAMPIOLI. This is the plan. You see the spaces for the dioramas; and this is the mezzanine. The second floor will have study rooms. There will be one basement story that will sit on top of the underground vault. This shows the center large memorial room with the reading room above it.

Mr. JONES. Thank you, sir.

Mr. COOK. When do you contemplate the new library building will be constructed?

Mr. STEWART. That will be referred to the Joint Committee on the Library. After everything is authorized it will take fully 3 years for the building to be constructed.

Mr. COOK. You are speaking about the memorial?

Mr. STEWART. No, I am speaking about the other library.

Mr. COOK. The space underneath the new Library building will not be sufficient to house these documents?

Mr. CAMPIOLI. Not unless we take in two more blocks.

Mr. COOK. Why is that?

Mr. CAMPIOLI. We have now occupied to the limit the area of these two buildings without going to the curb. We try to keep the same setbacks as we have on the present building.

Mr. COOK. How many levels will you have underneath the new Library building?

Mr. CAMPIOLI. We go down five levels, 50 feet.

Mr. COOK. That will be used for what?

Mr. CAMPIOLI. Parking, storage, and collections that do not have to be gotten to as often.

Mr. COOK. If this area were not used for parking, would there be sufficient space to house the Library documents?

Mr. CAMPIOLI. No, because this parking area only amounts to sufficient space for 300 cars.

Mr. COOK. This would be parking area for employees?

Mr. CAMPIOLI. Yes, employees in this building.

Mr. STEWART. Mr. Chairman, this is a copy of a letter sent to you requesting an amendment covering furniture and furnishings.

Mr. JONES. Without objection, the letter from the Architect of the Capitol dated September 14, 1961, addressed to me, will be made a part of the record at this point.

(The letter referred to follows:)

ARCHITECT OF THE CAPITOL,
Washington, D.C., September 14, 1961.

HON. ROBERT E. JONES,
Chairman, Committee on Public Works,
House of Representatives.

MY DEAR MR. CHAIRMAN: Through inadvertence, when House Joint Resolutions 500, 501, 502, and 503, identical resolutions authorizing the Architect of the Capitol to construct a memorial to James Madison and for other purposes, were drafted, language was not including providing for furniture and furnishings for the memorial and underground vault.

Accordingly, it is requested that on page 2, line 25, of these resolutions, after the word "services", there be added the language "and for furniture and furnishings". This amendment is necessary, as an authorization for construction does not include furniture and furnishings unless specifically provided.

Yours very truly,

J. GEORGE STEWART,
Architect of the Capitol.

Mr. JONES. Is there anything further, Mr. Stewart?

Mr. STEWART. No, sir. We will be glad to give you any other details or information you may wish.

Mr. JONES. I would appreciate your furnishing any other information members of the committee have asked for.

Our next witness is Mr. Rutherford D. Rogers, Acting Librarian of Congress. Mr. Rogers, please proceed.

STATEMENT OF RUTHERFORD D. ROGERS, ACTING LIBRARIAN OF CONGRESS

Mr. ROGERS. Thank you, sir.

Thank you for affording me the opportunity to comment on House Joint Resolutions 500 through 503 to authorize the Architect of the Capitol to construct a memorial to James Madison, and for other purposes.

The Library of Congress is interested in these joint resolutions in three principal respects:

(1) An underground structure, connected with the present Library buildings would provide space for certain collections of the Library including the papers of 23 of the Presidents of the United States.

(2) The superstructure would contain special facilities for scholars engaged in research in the materials mentioned in (1) immediately above.

(3) The Librarian of Congress would have "jurisdiction over, and responsibility for, the care, operation, and supervision of, the memorial and underground structure * * *"

As you know, the Library is in critical need of additional space. We have studied this matter very carefully in collaboration with the Architect of the Capitol and with other experts including associate architects appointed under authority of Public Law 86-469 to prepare preliminary plans for a third Library of Congress building. Projecting our needs for a period of approximately 25 years from the time an additional structure could be completed, we have determined that we shall require 1,993,260 net square feet of additional space. Inasmuch as the amount of space proposed for the underground structure of the Madison Memorial would be only 473,600 square feet, or about 24 percent of the total requirement, I would like to emphasize that although such space will be welcome it does not eliminate our requirement for a third Library building. Furthermore, even though the memorial space might become available at a fairly early date, there is a high priority need for another building for the collections and activities of the Library of Congress.

There is presently a severe shortage of research facilities such as those projected for the superstructure of the Madison Memorial, and this is a very commendable feature of the memorial.

Although we have not sought responsibility for the administration of the Madison Memorial, we favor the building of a memorial that is so suitably utilitarian, and because of the research facilities to be provided in the superstructure, it seems appropriate that the Library of Congress should be assigned jurisdiction over it.

May I call attention to the wording "other valued documents of the Library," page 2, line 11 (of H.J. Res. 500). Because of the close construction that might placed on the word "document" and because we cannot foresee all the types of library material that it might be advisable at some time to house in the underground structure, I suggest that this subparagraph be amended to read "and other materials of the Library * * *"

Mr. DOOLEY. Will you repeat the last words, please?

Mr. ROGERS. Just the last words?

Mr. DOOLEY. Yes.

Mr. ROGERS. "And other materials of the Library * * *"

Mr. DOOLEY. Thank you.

Mr. ROGERS. In summary, the provision of additional space for the expansion of the Library in the area below the memorial grounds would be most welcome although—and I cannot emphasize this too strongly—it does not solve our space problem nor delay the urgent need for proceeding forthwith with plans for a third Library building. The idea of making the memorial superstructure serve a useful purpose is most commendable, and the assignment of jurisdiction to the Librarian of Congress extending his responsibilities in nature as well as scope is entirely agreeable to the Librarian of Congress. With the minor change in wording proposed, the Library looks with favor on this legislation.

Mr. DOOLEY. Is there any documentation in the Library of Congress of the Truman papers and the Roosevelt papers? As I understand, the papers are in Missouri and in Hyde Park and so on. Are there any duplicate copies of these papers in the Library of Congress?

Mr. ROGERS. Sir, we are creating at this time a bibliographical tool called the National Union Catalog of Manuscript Collections and this will contain descriptions, at least in general terms, of materials in these other repositories.

Mr. KUNKEL. Mr. Chairman, I have another committee and would like to be excused.

Mr. COOK. Thank you very much, Mr. Rogers.

Any further questions?

The next witness is Congressman Smith of Virginia. Congressman Smith, we will be glad to hear from you at this time.

STATEMENT OF HON. HOWARD W. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. SMITH. Mr. Chairman and gentlemen of the committee, on behalf of the James Madison Memorial Commission, I want to express our appreciation of your taking the time, at this very busy time, to give this matter such prompt consideration as you have. We are deeply grateful for it.

Mr. Chairman, my statement will be very brief. I am a member of the Commission and this memorial to James Madison is one that has been contemplated for many years, of course. James Madison was particularly famous as the student in the Constitutional Convention and is known to history as the Father of the Constitution. The idea is to have a memorial to him that will be significant of his work in the Constitutional Convention as well as his other great attributes.

It happens that at the first meeting of this Commission I suggested that it would be wise to have a memorial, if we are going to have one, that would have some useful purpose rather than being merely an ornamental memorial. The Commission was very much in favor of such an idea. And we thought it ought to be on Capitol Hill if an appropriate site could be had.

There has been a public misapprehension in some quarters about the cost of this memorial which I think should be made very clear. For some time it has been very obvious that the Library of Congress just

has to have additional quarters. So the conception of this matter is that it shall be not only ornamental so far as the Madison part is concerned, but that the whole enterprise should be a useful and necessary structure. So, through the kind cooperation of the House Office Buildings and Capitol Grounds Commission, it was arranged that the contemplated additional space for the Library of Congress, which is vitally necessary, should be built in connection with the Madison Memorial so that the underground space—and it is very fortunate that we have the location close to the present Library where we can have this underground space for extension of the Library, and, in the present situation, being underground is a great advantage for the ultimate preservation of important Presidential papers—but the Library part of this is some \$25 million, whereas this memorial, useful as it is, is only \$15 million out of the proposed estimated expenditure of \$40 million. So to say we are building a \$40 million monument to James Madison is a long way from the truth. The monument part is only \$15 million out of the \$40 million. I think that should be emphasized because there has been some public misapprehension about it.

If this is done—and I hope it will be done—you will have the necessary extension of the Library of Congress as well as a useful monument and memorial to James Madison, the Father of the Constitution, which will house his papers and be attractive not only to students but to the hordes of tourists who come here to visit and learn the operations of our Government.

I think that is all I have to say, and I appreciate very much the opportunity to be here this morning and hope we can get this thing moving along.

Mr. COOK. Congressman Smith, what are your views on Congressman Jones' statements with reference to the need for parking space for the public in this area because of this added attraction on Capitol Hill?

Mr. SMITH. I do not know what the parking arrangements are but I would hate to see this block defaced by a parking lot, or any part of it.

Mr. DOOLEY. Will the gentleman yield?

Mr. COOK. Yes.

Mr. DOOLEY. Did the Commission contemplate any public subscription for the Madison Memorial or is it all to be governmental?

Mr. SMITH. The resolution calls for it to be governmental, as all the other memorials have been. But, as I said before, I think this is the only monument erected to any of our great men of the past that is conceived in the idea that it shall be a useful one.

Mr. DOOLEY. I appreciate that.

Mr. COOK. Any further questions?

Mr. AUCHINCLOSS. Mr. Smith, can you tell us whether the James Madison Memorial Commission is unanimous on this?

Mr. SMITH. Yes.

Mr. AUCHINCLOSS. It is?

Mr. SMITH. I think they are enthusiastically unanimous as far as I know.

Mr. COOK. Any further questions?

Mr. HARVEY. Mr. Smith, I am one Member of Congress who has held your views in high regard, and it may be presumptuous for me

to ask you this question, but let me say I have told my constituents that I think it is time that we cut back on all nonessential expenditures, making, of course, all expenditures necessary for defense, and I am wondering, sir, if you think I can justify voting for this memorial in view of these feelings I have already transmitted to my constituents? I have considerable doubt, in looking at this, that it is an essential expenditure. I have heard you on the floor so many times and have held your views so highly that let me say if I vote for this resolution it will be because I hold your views in such high regard; but let me say I still have my doubts.

Mr. SMITH. Let me say I think we have doubts and mental arguments in our minds about many expenditures. Perhaps I am a little prejudiced, but I think we could well spend some money in trying to bring to the attention of the American people the fundamental principles upon which this Government is founded and of which Madison was one of the outstanding exponents. I believe if our schools and public institutions would give just half as much attention to bringing up a generation to carry on the future of this country in line with and acquainted with the fundamental principles upon which our Constitution was founded and upon which this Government was founded, it might bring us back to those fundamental principles of what our government is about, and particularly what our Federal Government is about. Our Federal Government was never conceived by Madison and Washington and those others on the basis of the welfare state. There is a clear conception of the purposes and limitations of the Federal Government outlined in the life and writings of Madison. If we could educate our people on that so they would take hold of those principles again, it would be the greatest thing we could do in many respects and also would have its effects on Federal expenditures.

Mr. HARVEY. If we could accomplish that, there would be no doubt in my mind.

Mr. SMITH. I think it would be money well expended.

Mr. HARVEY. What is bothering me is the deficit which Mr. Dillon says we will have with us.

Mr. SMITH. Mr. Harvey, the deficit has been bothering me a long time.

Mr. HARVEY. I know it has. That is why I bring it up here.

Mr. SMITH. I think you have a good point, but I have said what I think about it.

Mr. HARVEY. Thank you very much, sir.

Mr. EDMONDSON. Mr. Chairman, I regret I have another committee and must leave at this time. I would like to leave my proxy for the Smith resolution.

Mr. COOK. Any other questions?

Thank you very much for appearing, Congressman Smith.

The Chair understands there are no further witnesses to be heard and the committee will stand adjourned.

(Thereupon, at 10:45 a.m., the hearing on the above-entitled resolution was adjourned.)

