

record be filed with the Department of Labor.

Mr. EVERETT. Without objection, it will certainly be filed with the Department of Labor.

Mr. MATTINGLY. Mr. Chairman, I do not wish to testify at this point. Mr. E. H. Golembieski, director of our national rehabilitation commission, has prepared a statement I would like to submit for the record. I would like to add that the American Legion is very seriously concerned with this situation on the basis of the information filtering back to our office and being evaluated. We feel the ruling of the Department of Labor would completely destroy the VA nursing home program, and we hope something can be worked out to settle this problem.

Mr. EVERETT. Has your national convention gone on record as approving the nursing home program?

Mr. MATTINGLY. Yes.

Mr. EVERETT. Without objection, the statement of Mr. E. H. Golembieski, director, national rehabilitation commission, the American Legion, will be filed and made a part of the record.

STATEMENT OF E. H. GOLEMBIESKI, DIRECTOR, NATIONAL REHABILITATION COMMISSION, THE AMERICAN LEGION

Mr. GOLEMBIESKI. Mr. Chairman and members of the subcommittee, the American Legion appreciates the privilege of presenting its comments and recommendations on those bills which would exempt nursing. In discussing the purpose and application of the act, Congress specifically exempted certain contracts. Among these were contracts by the

alertness and competence. There is no basis for the supposition that nursing home patients are inherently apathetic or lacking in motivation. The traditional custodial facility, lacking a realistic philosophy of therapy, and lacking even a semblance of program, contributed to the pessimistic attitude toward institutions as well as the conviction of hopelessness relative to the recuperative powers of older persons. The Nursing Home Care Unit of the VA, existing by design, can have no such conviction. It is not a custodial care program.