

NOMINATION OF PATRICIA HARRIS

HEARINGS
BEFORE THE
COMMITTEE ON FINANCE
UNITED STATES SENATE
NINETY-SIXTH CONGRESS
FIRST SESSION
ON
THE NOMINATION OF
PATRICIA HARRIS, TO BE SECRETARY OF HEALTH, EDUCA-
TION, AND WELFARE

JULY 25 AND 26, 1979

Printed for the use of the Committee on Finance



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1979

49-495 O

HG 96-22

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NOMINATION OF PATRICIA HARRIS TO BE SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

WEDNESDAY, JULY 25, 1979

**U.S. SENATE,
COMMITTEE ON FINANCE,
*Washington, D.C.***

The committee met, pursuant to notice, at 10 a.m., in room 2221, Dirksen Senate Office Building, Hon. Russell B. Long (chairman of the committee) presiding.

Present: Senators Long, Talmadge, Byrd, Matsunaga, Moynihan, Baucus, Boren, Bradley, Dole, Packwood, Danforth, and Durenberger.

[The press release announcing this hearing follows:]

(1)

PRESS RELEASE #47

P R E S S R E L E A S EFOR IMMEDIATE RELEASE
July 20, 1979UNITED STATES SENATE
COMMITTEE ON FINANCE
2227 Dirksen Senate Office Bldg.FINANCE COMMITTEE SCHEDULES HEARING ON NOMINATION OF
THE HONORABLE PATRICIA ROBERTS HARRIS TO BE
SECRETARY OF HEALTH, EDUCATION, AND WELFARE

The Honorable Russell B. Long (D., La.), Chairman of the Committee on Finance, announced today that the Committee has scheduled hearings on the nomination of the Honorable Patricia Roberts Harris to be Secretary of Health, Education, and Welfare on Wednesday, July 25, beginning at 10:00 a.m. The hearing will be held in Room 2221 Dirksen Senate Office Building.

Written Testimony.--Senator Long stated that the Committee would be pleased to receive written testimony from those persons or organizations who wish to submit statements on the nomination for the record. Statements submitted for inclusion in the record should be typewritten, not more than 25 double-spaced pages in length and mailed with five (5) copies by July 27, 1979, to Michael Stern, Staff Director, Committee on Finance, Room 2227 Dirksen Senate Office Building, Washington, D. C. 20510.

P.R. #47

The CHAIRMAN. The hearing will come to order.

Today we will discuss the nomination of Mrs. Patricia Harris to be Secretary of the Department of Health, Education, and Welfare.

Ms. Harris, we are very happy to have you before our committee, and we would invite whatever opening statement you feel disposed to make.

STATEMENT OF PATRICIA HARRIS, NOMINEE FOR SECRETARY OF HEW

Ms. HARRIS. Mr. Chairman, members of the Senate Finance Committee, it is an honor and a privilege to appear before you as the President's nominee for the position of Secretary of the Department of Health, Education, and Welfare.

I hope you will find it possible to advise and consent to my nomination and thereby provide me the opportunity to continue to serve the people of this Nation who most need the help of their government.

No issues of our time are more important than those involving the way in which a rich, democratic society deals with the young, the poor, the handicapped, the infirm, and the aged.

No one in this country should lack the opportunity to realize his or her potential or to live with dignity. That has been my concern during the last 30 months that I have served as the Secretary for Housing and Urban Development. That has been the major concern of my life and if confirmed, that will continue to be my concern as the Secretary of Health, Education and Welfare.

The CHAIRMAN. Mrs. Harris, we go by what we call an early bird rule here. The first Senator in the room will interrogate the witness first.

Senator Dole was our early bird this morning and he is recognized for 5 minutes.

Senator DOLE. First of all, Ms. Harris, there is no doubt in my mind that you will be speedily confirmed and I hope that happens. I guess there are a number of obvious questions that we might ask and I guess we will ask, because there has been some concern that those who have an independent streak are no longer in positions of authority. I have always understood you to be in that category.

Will you continue in that independent role? Maybe you can assure us, as one of the first nominees to appear for confirmation, that you will be speaking for yourself and not some staff person at the White House.

Ms. HARRIS. Senator, I am a nominee of the President of the United States. As the Secretary of Housing and Urban Development, I have spoken for the President and his administration. I expect to continue as I have operated for the last 30 months.

The President of the United States did me the honor of saying that he had watched the operation of this Cabinet member and wanted me to continue—and to continue in a new role.

Independence is, it seems to me, a virtue; but in an administration one works as the representative of the people who have elected the President of the United States, in whatever administration it may be. The people of this country elected Jimmy Carter to be President. I serve in his Cabinet because he asked me to do so.

Now, with respect to my individual performance, I would say it is rather too late for the personality and the operation of this individual to change, in either small ways or large ways. I can only say that the past is always prolog, and as to me, you must make your own judgment about what that past has meant.

Senator DOLE. Do you see any areas now where you might have a different view—whether it is health insurance, or cost containment, or welfare reform, or medicare, or medicaid reform—than those advocated by your predecessor, Secretary Califano?

Ms. HARRIS. Well, let me say that, insofar as there are unformed policy positions that have not been translated into the position of this administration, I suspect that there will be some differences, some large, some small, but I do not know what they may be.

Insofar as the President has announced the policy, until such time as he chooses to change it, that is the policy of this administration.

Senator DOLE. So you would support the President's national health insurance program and his mandatory cost containment program, for example?

Ms. HARRIS. The programs of the President of the United States are the programs of this administration and I certainly would support them and do support them.

Senator DOLE. In the specifics of welfare reform, there are some of us on this committee who have a little different view than that advocated by the administration.

There is a bipartisan group of Senators, not a Republican versus a Democratic position, that has offered a proposal that will decentralize welfare programs and put more emphasis and more responsibility on the States.

I guess it is not even fair to ask you to comment. Again, I would assume that you would support the administration's view, but that you would be willing to listen and compromise in areas where there might be other views, particularly where we had the majority of votes. You are willing to compromise if you do not have the votes.

Ms. HARRIS. You mean an enforced compromise, Senator?

May I say that, so long as I am Secretary I would expect to listen to all points of view, to communicate these to the President of the United States, but so long as the President of the United States has made a policy judgment, that is the policy judgment of this administration.

But listening is something that I hope that I have done—there are those who say that I talk a lot, but I like to think that I listen even more.

The CHAIRMAN. Senator Danforth?

Senator DANFORTH. Mrs. Harris, I understand and appreciate the fact that you intend to pursue and follow the administration's policies and that ultimately the President of the United States is the only elected policymaker in the executive branch of our Government.

The question that I would like to raise with you is, I think, a somewhat different angle than Senator Dole took.

With the so-called purge of Cabinet members, with the shift that took place last week, the question arose whether this is just simply

a change of faces—a change of names on the door—or whether instead it indicated any shift in policy by the administration.

Now there are a number of major initiatives by the administration that are before this committee: Hospital cost containment, health insurance, and welfare reform are three of them. What I would like to know is if your nomination as Secretary of HEW is reflective of a change of faces, or if it reflects a change of administration policy.

Ms. HARRIS. With respect to those matters involving HEW, and the policies of this administration, it is a change of faces—and persons and personalities, I might add, but in the context of your question, it is a change of persons.

Senator DANFORTH. Thank you.

Now, with respect to health insurance and with respect to helping out with the Federal budget, the one suggestion I made in connection with health insurance is that we raise the excise tax on cigarettes by a dime a pack. The increase would raise about \$3 billion.

When I made that suggestion, the Winston-Salem North Carolina newspaper called me a clone of Joe Califano. He wrote me a note saying that he thought that that was a compliment to me.

Now, am I a clone of Mrs. Harris?

Ms. HARRIS. May I say that I think that, for a variety of reasons, one might question either characterization of the cloning process.

Obviously, on an issue of that sort, which I have not looked at, I would have no comment by implication or expressly.

Senator DANFORTH. Secretary Califano engendered a great deal of controversy with respect to his views on cigarette smoking and what, if anything, the Federal Government should do with respect to disincentives to cigarette smoking.

Do you have any views on the question?

Ms. HARRIS. Rather than discuss my views, I would prefer to discuss the programs of the Government, of HEW.

It seems to me that the Federal Government, having identified a major health problem in this country, has a duty to the people of this country to make sure that the people of this country understand the dangers involved.

One figure stands out in my mind. About 4,000 young people, I believe it is, per month, begin smoking.

Now, that, given the health problems, seems to me to require us to inform people of the problems existing.

I find myself in the position of saying that if there were not now a program to inform people of the dangers of smoking, I would feel it necessary, as has been recommended, I understand, by Surgeons General, for many, many years, to begin such a program.

And I have not looked in detail at the existing program, but it seems to me that the Government has a duty to give full information on hazards that it has identified, using the money of the people of the United States.

The CHAIRMAN. Senator Durenberger?

Senator DURENBERGER. Thank you, Mr. Chairman.

Madam Secretary, I would like to start by complimenting you on your response to Senator Dole's question. I think I fully agree with your assessment of your positions.

But could you take it one step further and explain to me your concept of your role in policymaking, or policy recommendation?

Ms. HARRIS. I am the official given the responsibility of advising the President on matters of policy and process involved in those matters commended to the Secretary and the Department of Health, Education, and Welfare.

As a Cabinet officer, it is my responsibility to administer the programs of the Department, manage the Department, but perhaps more significantly, to advise the President of my judgment about existing programs and next steps in meeting the needs that the Department was established to meet.

Senator DURENBERGER. As you can tell from the questions, one of our primary concerns here is in the area of health care.

What experience in your past would qualify you as an individual to make policy recommendations in the area of health care?

Ms. HARRIS. May I say that one of the concerns that any person who has looked at the needs of our society today must deal with is the level of health care services, the kinds of health care services, and the financing of health care services.

I do not have the respect for particular expertise in broad policy-making positions that some people have. I am afraid of tunnel vision.

The expertise that I bring to any position I occupy is what I like to think is a broadbased concern for the society of which I am a part and the lawyer's ability to identify the relevant in the analysis of any problem.

I would say that—well, I hate to say this, being a little concerned about the number of years I have accumulated—but that more than a third of a century in public life, and in public life with a concern for the most disadvantaged of our society, means that not only have I been required to look at health care needs as they relate to the overall needs of the people in our society, but also a variety of other needs, some of which are met by HEW, some of which are met by the Department of Housing and Urban Development, and some of which are met by other departments.

But it is that quality of being able to look at the broad needs of people in this society and identify the responsibility commended to me in the position I occupy that I believe will make it possible for me to perform the task for which the President has asked you to confirm me.

Senator DURENBERGER. We have heard a good deal outside the Congress about the International Year of the Child—and I say outside the Congress, because I have seen very little by way of positive, forward-looking legislative recommendations to implement some of the speeches that we hear on this subject. I wonder if you have any particular policy suggestions or areas that you would recommend to us, if not this year, then next year, to implement the concerns that all of us have for children, and for the role of the family in particular in our society.

Ms. HARRIS. Although we at the Department of Housing and Urban Development have had, believe it or not, some concern about our participation and the concerns about the International Year of the Child, I have not addressed those issues in the context of my new responsibility.

Senator DURENBERGER. Thank you very much.

The CHAIRMAN. Senator Byrd?

Senator BYRD. Thank you, Mr. Chairman.

Ms. Harris, you certainly have a most impressive record, both in the private sector as an attorney, as a professor of law, as dean of a law school, and in the public sector, as Ambassador and, most recently, as a Cabinet officer.

I would think that your most challenging assignment lies ahead. Some of us think that HEW has gotten to the point where it is almost unmanageable.

In looking over the figures, I note that in 1964, which is not too long ago, the total appropriation for HEW—I am leaving out Social Security, now—was \$6 billion and it is now \$60 billion which is tenfold increase. Since 1973, the appropriations have doubled. This is a very short time period.

Do you have any observations about opportunities for economies at HEW through elimination of waste and abuse that has been documented for this department as opposed to funding increases?

Ms. HARRIS. I have canceled my planned vacation, Senator, in order to begin early to look at the budget of HEW. I have not done so yet and I am in no position to comment on the budget requests that may be made of the OMB or of the savings that may be projected in that budget request.

Senator BYRD. Well, that is reasonable.

The Wall Street Journal on Monday, July 16, was sharply critical of Secretary Califano for failing to look closely at HEW expenditures to meet spending reductions mandated by Congress.

This editorial mentioned what some might consider minor grants of \$20,000, \$6,000, and so forth, but it also pointed out, which I think is certainly accurate, that when you get a multitude of these so-called minor items, that all of those can add up to many millions and hundreds of millions of dollars.

I would take it that you would be inclined to formulate a method for better control of HEW spending and achieving economies.

Would that be a fair assumption?

Ms. HARRIS. Senator, I can make no judgment about the effectiveness of the present procedures, but I can only say that at the Department of Housing and Urban Development we were complimented by the Comptroller General for having the best audits management and fraud and abuse system in the Government.

I would expect to continue my concern for appropriate administration of programs.

I would like to say that I feel very strongly that funds that are set aside for the poor must be spent as they are meant to be spent. I think it is worse to waste money that is designed to aid the poor than almost in any other area.

So my concern is to protect those funds for the uses for which they are established, and so my concern will be to maximize the amount that we have available for the uses that we have agreed to for the poor, the sick, the youth of our time.

Senator BYRD. I certainly agree and, as you indicate, with waste occurring in programs in the Department of HEW, that means that there is that much less money available for the purpose for which it is intended, namely to take care of the poor and the sick and the

disabled and those for whom the appropriation presumably was made.

I may just point out in concluding that when the HEW budget was before the Senate just recently, there were 19 votes against it. This is a long way from a majority, of course, but I do not think that any time in the past have as many Senators voted against the HEW budget as they did, or when it was before the Senate.

I shall support your confirmation and I wish you well in your new assignment.

The CHAIRMAN. Senator Moynihan?

Senator MOYNIHAN. Mrs. Harris, as you can tell, the committee is delighted by your nomination and you will be enthusiastically confirmed.

I would like to pursue, however, for just a moment, your response to Senator Dole on the question of policy. He asked, as I recall, whether your nomination represented a change of policy or a change of faces. And, very self-effacingly, you said it was a change in faces.

I do not believe that, but in any event, I would like to pursue one question with you on the subject of welfare. During the 1976 campaign, President, then-Governor, Carter, was explicit, and repeated, in his promise to have the costs of welfare to local government assumed by the Federal Government and make this a nationally financed program as well as a nationally mandated one.

In his presentation to the Democratic Platform Committee on June 16, 1976, he said the welfare burden should be removed from cities, that all welfare costs should be paid by the Federal and State governments.

The Democratic platform, in response, said:

As an interim step, and as a means of providing immediate Federal fiscal relief to state and local governments, local governments should no longer be required to bear the burden of welfare costs. Further, there should be a phased reduction in the state share of welfare costs.

In his address to the U.S. Conference of Mayors on June 29, a few days later, Governor Carter said:

Local governments should not be burdened with the costs of welfare and my goal would also include the phased reductions of state shares as soon as possible.

Then on March 16 of the following year having been elected, in Clinton, Mass., the President said:

On May 1, Joe Califano, a tough, knowledgeable administrator, who is now trying to bring order out of chaos to the Department of HEW, will come forward and propose to the Congress a comprehensive revision of the entire welfare system.

Well now, as I think you know, Mrs. Harris, the bill the President sent us this year is nothing of the sort and, in particular, it provides no assumption of local welfare costs, as repeatedly pledged by the President and the platform upon which he ran.

My question to you would be, in your advice to the President, as you advise him, could we hope that you would advise the President that his present policy does not carry out pledges made when he ran for the Presidency, and that if he has changed his policy, then that is a different thing; he can tell us about it.

But having neither told us he has changed his policy nor kept his pledge, we are of something of a quandary in this committee.

Ms. HARRIS. Senator, I do not discuss with anyone but the President of the United States what my plans for advice might be or what my advice has been, so I do not think it would be appropriate for me to comment on what you have said, beyond saying that this President has probably done more than any other President to meet the full import of his campaign commitments and he has consistently sent to the Congress of the United States proposals for dealing with welfare, welfare systems, and the consequent burdens on cities.

Reasonable people can disagree about those proposals, but it seems to me that he has met his commitment to deal promptly and as fully as possible under all the circumstances with the needs of the system.

Senator MOYNIHAN. Do you think the President's proposal meets the commitment to assume the local costs of welfare?

Ms. HARRIS. Senator, the President has a series of commitments to the American people which he is progressively moving toward and it seems to me that, since the beginning of this administration, the attention of this administration to welfare concerns cannot be doubted.

Senator MOYNIHAN. Thank you.

The CHAIRMAN. Senator Packwood?

Senator PACKWOOD. Ms. Harris, I agree that you represent the President. You should be here to represent him and if you cannot, he ought to fire you. That is his prerogative and he is responsible when he runs for reelection as to whether or not he keeps or fires you.

One of the frustrations, though, from a congressional standpoint, is that if every Cabinet official, sub-Cabinet official, every tenured civil servant, has that position, we get only one voice from the administration, and that is "The Line."

It is hard for us on occasion with the relatively limited—facilities that Congress has vis-a-vis the administration to know what an alternative or correct policy position might be.

Would you be willing in your capacity as Secretary when testifying before us, while defending the administration's position, to give us the benefit of your personal insights if you think a different policy might be a wiser policy?

Ms. HARRIS. Senator, in the terms in which you have asked that question, I am not sure I can give you an answer, because if I have a policy position that differs from that of the President at the time I advise the President and he comes down on another side, it seems to me that at that point I should not be debating policy wisdom with anybody, unless I have decided that it is a matter of principle, on which I would leave the administration.

But on the question of technical assistance, on the question of analysis in terms of specific proposals, I think it is clear that each of us must speak with honesty to the Congress about technical aspects and about the bona fides of alternative proposals with respect to whether they could be administered or not administered.

In the policy area, which is a judgment of which of a series of alternative courses, all of which may be respectable, all of which may be useful, all of which may be acceptable, somebody has to make a decision for this administration and that rests with the

President. So I will not argue whether or not this should be the policy with anybody after the decision is made.

Now, what happens before is another matter.

Senator PACKWOOD. What you will give us, then, if Congress might be thinking of a different policy, is not your personal views, but at least the technical background that HEW might have available.

The second question as you are aware, having served already as a Cabinet Secretary, is that many, many policies are indeed made by the Cabinet Secretaries, presented to the President, and, if forcibly pushed by a Cabinet Secretary to an issue upon which the President does not have a strong position, that the position of the Cabinet Secretary may prevail.

In light of that, I would like to know what your personal views are on medicaid funding of abortions.

Ms. HARRIS. Let me refer to a statement that has been made before this body by someone much more of an expert in this field than I could ever be, a statement which I think indicates the concerns that I have with respect to that issue.

In his hearing before this body on June 24, 1977, the distinguished Assistant Secretary of Health, Education, and Welfare, whose nomination was then before this body—maybe it was not this committee; no, it was the Committee on Human Resources, I am sorry—made the statement which begins at page 17 in response to Senator Kennedy's question as to his attitude on these matters; and he said—and I decided that, if this question came, that I would go to the distinguished Surgeon General's statement, because it is so much more detailed than mine could be.

I would obey the law whatever it might be, as he said, but I have the concerns that he has, in which he says that—I will quote it.

I think that I would also comment that I would certainly implement the provisions of the law. Having said that, I think I would also indicate very personally now that abortions have been legalized, I have seen so much conservation of life as a consequence, I lived professionally through an era in which so-called criminal abortions were common, loss of life was frequent, and I have a feeling that says—and also there is data to support this—that there has been considerable reduction of mortality and morbidity since abortions have been legalized. So I would hope that in the legislation, in so far as this is now a matter of legal right, that there would not be economic discrimination against this segment of the population.

All I can say is that that statement would indicate a concern I have about the problems of economic discrimination, but I will obey the law.

The President of the United States has said that he personally is opposed to abortion, but that he supports the Supreme Court in its decision, that he accepts the Supreme Court's decision.

Senator PACKWOOD. Ms. Harris, I understand that, and I hope, at a minimum, that you and the President would support the law. My question is, what would your personal advice be to the President on whether or not the law should provide for medicaid funding of abortions?

Ms. HARRIS. May I say that I read, for a very good reason, Dr. Richmond's statement and said that that is the statement with which I do concur.

But as I said previously to Senator Moynihan, I would never indicate what my advice to the President would be, or what my advice to the President has been.

Senator PACKWOOD. I have some more questions, but I will come back.

The CHAIRMAN. Ms. Harris, I think the vote on this committee will be unanimous on your confirmation. I know I will be happy to vote to support your nomination, and I hope very much that you will be able to point to a very constructive record of achievement during your tenure.

Now, there is less than 2 years of the term left under this President during his first term in office, and I would hope that you will try to be a catalyst to bring together those in the administration and those on the congressional committees in the House and in the Senate on some things that we can agree about.

There is a great deal of area of potential agreement. There is a great deal of room for compromise between the conflicting points of view on some of these issues. I hope that you will use your very considerable talent to help bring people together. I do not think that we are going to benefit a lot by the kind of turmoil and warfare that occurs in the battle over ideas. I think what we need is to communicate and to help those on the varying sides come together in the spirit of compromise and good will.

There are some things where the administration is committed to positions that I do not favor, but I am willing to let you try some of those things providing that you let us try some of our ideas.

I think a great deal can be accomplished in the spirit of compromise, and I hope that we can work together in measures of that sort.

I have indicated to you what some of my thoughts are about matters, and I want to wish you a great deal of success in your new job.

Senator Baucus?

Senator BAUCUS. Thank you, Mr. Chairman.

Mrs. Harris, calling up the two prior themes, that is Chairman Long's admonition that all of us work together because we have difficult times, along with Senator Packwood's theme that essentially policy is, by and large, at least initiated in Cabinet-level reports sent up to the President. Even though we certainly understand and appreciate that Cabinet Secretaries probably in both cases should not publicly divulge policy arguments in differences, because, after all, there is one administration and that administration at the Presidential level determines policy, still you are not yet confirmed. You are not yet Secretary of HEW.

We in the Senate have a constitutional obligation to either confirm or not confirm nominations that are sent up by the President, so I am wondering if you could, to some degree, in the spirit of compromise, indicate to us what your personal views are on some of the policies that are under the jurisdiction of HEW, just generally?

You must have some personal views. You have been in the administration for a couple of years. You have been a Cabinet Secretary in the administration.

I wonder if you could just tell us so that we, in the Senate, could have some ideas as to whether or not we should confirm you; frankly, what your personal views are in some of the basic areas that confront HEW, whether on the basic three that have been mentioned—national health insurance, cost containment, or welfare reform—or whether there are some other areas.

But if you could give us a little sense of who Pat Harris is, it would be helpful.

Ms. HARRIS. Well, I was a little worried, Senator, because I sent you an extensive biography which indicates a number of past identifications which I had hoped would suggest that.

[The bibliography referred to follows:]

PATRICIA ROBERTS HARRIS1/23/77 to PresentSECRETARY OF THE DEPARTMENT
OF HOUSING AND URBAN DEVELOPMENT

Responsible for the administration of all programs, functions and authorities of the Department; for the regulation of the Federal National Mortgage Association, for the administration of the Government National Mortgage Association; and for advising the President on Federal policy, programs and activities relating to housing and community development.

1970 to 1977FRIED, FRANK, HARRIS, SHRIVER
AND KAMPELMAN, ATTORNEYS

Prior to becoming Secretary at Housing and Urban Development, was a partner and practiced law at this Washington, D.C., law firm.

HOWARD UNIVERSITY1967 to 1969

Professor of Law
Howard University School of Law

1969

Dean of the School of Law
of Howard University

1965 to 1967UNITED STATES AMBASSADOR TO LUXEMBOURG

As Ambassador to Luxembourg, served as the personal representative of the President. Had full responsibility for implementing U.S. foreign policy to include negotiating agreements between the United States and the host country, explaining and disseminating official foreign U.S. policy and maintaining cordial relations with that country's government and people.

HOWARD UNIVERSITY1963 to 1965Assistant and Associate Professor
of Howard University1961 to 1963Associate Dean of Students
and Lecturer in Law1960 to 1961DEPARTMENT OF JUSTICEServed as a trial attorney
in the Appeals and Research
Section, Criminal Division1953 to 1959DELTA SIGMA THETA SORORITYExecutive Director at their
National Headquarters in
Washington, D. C.1949 to 1953AMERICAN COUNCIL ON HUMAN RIGHTSAssistant Director in the
Civil Rights Agency in
Washington, D. C.1946 to 1949YWCA OF CHICAGO, ILLINOISProgram Director for work
with industrial women.PUBLIC SERVICE

Member, Commercial Panel of Arbitrators of the American
Arbitration Association (1976-)
Public Service Advisory Board of the American Federation
of State, County and Municipal Employees (1976-)
Chairperson, District of Columbia Law Revision
Commission (1975-1977)
Committee on Grievances, United States District Court
for the District of Columbia (1975-1977)
Administrative Conference of the United States (1967-1971)
National Advisory Committee on Reform of Federal
Criminal Laws (1967-1970)
National Commission on the Causes and Prevention of
Violence (1968-1969)

PUBLIC SERVICE (continued)

United States Alternate Delegate, 21st and 22nd
 General Assemblies of the United Nations (1966-1967)
 United States Alternate Delegate, 20th Plenary Meeting
 of the Economic Commission for Europe (1967)
 United States-Puerto Rico Commission on the Status of
 Puerto Rico (1964-1966)
 Advisory Committee, Community Relations Service,
 Department of Commerce, Washington, D.C. (1964-1965)
 D.C. Advisory Committee, United States Civil Rights
 Commission (1957-1959)
 Advisory Committee, Mayor's Commission on Human Rights,
 Chicago, Illinois (1946-1949)

COMMISSIONS, BOARDS AND COMMITTEES

American Bar Foundation, Board of Trustees (1974-)
 Council on Foreign Relations (1971-)
 20th Century Fund (Foundation) (1969-)

FORMER MEMBERSHIPS

Advisory Council of the Bicentennial Youth Debates
 of the National Endowment for the Humanities (1975-1977)
 Practicing Law Institute, Board of Trustees (1974-1976)
 Marshall Scholarship Program, Advisory Council (1973-1977)
 American Bar Association, Special Commission on the
 Study of Legal Education (1973-1977)
 Member, The Rockefeller University Council (1972-1977)
 Chase Manhattan Bank, Board of Directors (1971-1977)
 International Business Machines Corporation,
 Board of Directors (1971-1977)
 Scott Paper Company, Board of Directors (1971-1977)
 1971 Dartmouth Conference, Kiev, U.S.S.R.
 United Nations Association; National Policy Panel on
 Multilateral Alternatives to Unilateral Intervention (1970)
 The Twentieth Century Fund, Board of Directors (1969-1977)
 Commission on Foundations and Private Philanthropy (1969-1970)
 Carnegie Commission on the Future of Higher Education (1969-1973)
 National Educational Television, Board of Directors (1969-1971)
 1968 Dartmouth Conference, Rye, New York
 Chairman, National Committee on Household Employment (1968)
 Neighbors, Inc. (1968)
 Atlantic Institute, Board of Governors (1967-1977)
 NAACP Legal Defense Fund, Executive Board (1967-1977)
 United Nations Association of the United States, Board
 of Governors (1967-1971)
 Washington Educational Television, Board of Directors (1967-1973)
 American Civil Liberties Union, Board of Directors (1964-1965)
 National Women's Committee for Civil Rights, Co-Chairman
 (1963-1964)
 National Capital Area Civil Liberties Union,
 Vice-Chairman (1962-1965)
 Family and Child Services of the District of Columbia,
 Board of Trustees (1962-1965)

FORMER MEMBERSHIPS (Continued)

Brookland Civic Association, Vice President (1962-1965)
 U.S. Commission on Civil Rights, District of Columbia
 Advisory Committee (1961-1963)
 YWCA National Board (1958-1959)
 NAACP of the District of Columbia, Executive Board (1958-1960)
 YWCA of the District of Columbia, Board of Directors (1956-1959)
 Washington Urban League, Chairman, Housing Committee (1956-1960)
 Adams-Morgan Community Council (1954-1955)
 Washington Urban League, Chairman, Welfare Committee (1953-1955)
 National Consumers League, Board of Directors (1953-1957)
 American Council on Human Rights, Board of Directors (1953-1955)
 American Veterans Committee Clubhouse, Board of Directors,
 Washington, D.C. (1950-1951)

POLITICAL AFFILIATIONS AND ACTIVITIES

At-Large delegate to the D.C. Democratic State Committee (1978)
 Democratic National Committeewoman for the District of
 Columbia (1976-1977)
 Democratic National Committeewoman At-Large (1973-1976)
 Chairperson, Credentials Committee, 1972 Democratic National
 Committee
 Co-Chairperson, Committee on Democracy and Government,
 Democratic National Committee Policy Council (1968-1970)
 Member, Humphrey for President Committee (1968)
 Delegate to 1964 Democratic National Convention (Seconded
 Nomination of President Lyndon Johnson)
 Director, Voter Education, Minorities Division, Democratic
 National Committee (1956)

AWARDS AND CITATIONS

Distinguished Service Award, Washington Alumnae Chapter
 Delta Sigma Theta (1963)
 Alumni Achievement Award, George Washington University (1965)
 Distinguished Alumni Award, Howard University (1966)
 Order of the Oaken Crown, Luxembourg (1967)
 Emma V. Kelly Award - Daughter Elks, Improved,
 Benevolent and Protective Order of Elks of the
 World (1968)
 Distinguished Achievement Award, Women's Committee
 of Yeshiva University (1968)
 Woman of the Year, Women's Auxiliary Jewish War Veterans (1969)
 Centennial Citation, Wilson College (1969)
 Aquinas Award, Aquinas College (1972)
 One Nation Award, Philadelphia Action Branch, NAACP (1972)
 Woman of the Year in Business and the Professions,
 Ladies Home Journal Award (1974)
 Achievement Award in the Professions, Black Enterprise (1976)
 Award in Honor of Women Directors of Corporations,
 Catalyst (1976)
 Yale Women's Forum, Medal of Achievement (1976)
 Outstanding Achievement Award, Washington Alumnae Chapter
 Delta Sigma Theta (1977)
 Distinguished Public Service Award, University of Maryland
 Branch, NAACP (1977)
 PUSH Award for Excellence (1978)
 Athena Award, Intercollegiate Assn. of Women Students (1978)

HONORARY DEGREES

Lindenwood College, St. Charles, Missouri (LL.D.) (1967)
 Morgan State College, Baltimore, Maryland (LL.D.) (1967)
 Miami University, Oxford, Ohio (D.H.L.) (1967)
 Beaver College, Glenside, Pennsylvania (D.C.L.) (1968)
 Russell Sage College, Troy, New York (LL.D.) (1970)
 Tufts University, Medford, Massachusetts (LL.D.) (1970)
 Dartmouth College, Hanover, New Hampshire (LL.D.) (1970)
 The Johns Hopkins University, Baltimore, Maryland (LL.D.) (1971)
 MacMurray College, Jacksonville, Illinois (LL.D.) (1971)
 University of Maryland, Baltimore, Maryland (LL.D.) (1971)
 Williams College, Williamstown, Massachusetts (LL.D.) (1971)
 Ripon College, Ripon, Wisconsin (LL.D.) (1972)
 Newton College of the Sacred Heart, Newton, Mass. (D.H.L.) (1972)
 Brown University, Providence, Rhode Island (LL.D.) (1972)
 Wilberforce University, Wilberforce, Ohio (LL.D.) (1973)
 Aquinas College, Grand Rapids, Michigan (LL.D.) (1973)
 Colby College, Waterville, Maine (LL.D.) (1973)
 Brandeis University, Waltham, Massachusetts (LL.D.) (1973)
 Northern Michigan University, Marquette, Michigan (LL.D.) (1973)
 University of Michigan, Ann Arbor, Michigan (LL.D.) (1973)
 Rollins College, Winter Park, Florida (P.Sc.D.) (1974)
 Smith College, Northampton, Massachusetts (LL.D.) (1974)
 Wittenberg University, Springfield, Ohio (LL.D.) (1974)
 University of Massachusetts, Amherst, Mass. (LL.D.) (1975)
 University of Portland, Portland, Oregon (LL.D.) (1975)
 Chestnut Hill College, Philadelphia, Pennsylvania (LL.D.) (1975)
 College of New Rochelle, New York (LL.D.) (1975)
 Atlanta University, Atlanta, Georgia (LL.D.) (1976)
 Adelphi University, Garden City, Long Island,
 New York (LL.D.) (1976)
 Kent State University, Kent, Ohio (LL.D.) (1976)
 Spelman College, Atlanta, Georgia (LL.D.) (1977)
 Knox College, Galesburg, Ohio (LL.D.) (1977)
 American University, Washington, D.C. (LL.D.) (1978)
 University of Pennsylvania, Philadelphia, Pa. (LL.D.) (1978)
 Georgetown University, Washington, D.C. (L.H.D.) (1978)
 Elmira College, Elmira, N.Y. (LL.D.) (1978)

PUBLICATIONS

"Law and Moral Issues." Journal of Religious Thought,
 Howard University Press, 1964. pp. 65-71

"Developmental Problems in the Concept of Citizenship with
 Particular Attention to United States-Puerto Rico
 Citizenship." 15 Howard Law Journal 47-1968

Book Review. 39 Connecticut Bar Journal 319 (1964),
 "Civil Rights Act of 1964. Operations Manual, etc."

PUBLICATIONS (Continued)

"To Fill the Gap." Many Shades of Black, ed. by Wormely and Fenderson, William Morrow and Co., 1969

"The Negro College and Its Community." Daedalus, Summer 1971, p. 20

Comment. Is Law Dead? Ed. Eugene Rostow, Simon and Shuster, 1971. p. 103

"Introduction of Chief Justice Warren." Equal Opportunity in the United States, Symposium on Civil Rights, LBJ School of Public Affairs, 1972. p.8

"Socially Responsible Corporations and the Political Process." Managing the Socially Responsible Corporation, ed. by Melvin Anchen, MacMillan Publishing Company, 1974. p. 182

"Problems and Solutions in Achieving Equality for Women." Women in Higher Education, Ed. by Furness and Graham, American Council of Education, 1974. p.11

PROFESSIONAL AND FRATERNAL ASSOCIATIONS

Federal Bar Association
 District of Columbia Bar Association
 Kappa Beta Pi Legal Sorority
 Delta Sigma Theta Sorority
 Bar Association of the District of Columbia
 Women's Bar Association of the District of Columbia

HONORARY SOCIETIES

Phi Beta Kappa
 Order of the Coif
 American Academy of Arts and Sciences

CLUBS

Cosmopolitan Club, New York, New York

EDUCATION

George Washington University Law Center (J.D., with honors) (1960)
 (Awarded John Bell Lerner Award as 1960 First Scholar)
 Howard University (A.B., summa cum laude) (1945)
 (Majoried in Political Science and Economics)
 Attended Graduate School of the University of Chicago (1945-1947)
 (Studied in the fields of Industrial Relations
 and Government)
 Postgraduate work at American University (1949-1950)
 Elementary and secondary education in the public schools
 of Mattoon and Chicago, Illinois

Admitted to practice before the Courts of the District of
 Columbia and the United States Supreme Court (1960)

Born in Mattoon, Illinois May 31, 1924

Married to William Beasley Harris, Administrative Law Judge,
 Federal Maritime Commission

Ms. HARRIS. Let me say that in my opening statement—

Senator BAUCUS. The main point here is I do believe that most policy is initiated on the Cabinet level, so that is why I am trying to determine the degree to which—what your views are in some of these areas.

Ms. HARRIS. Well, let me say, Senator, that the need to provide a rational and acceptable system of support for people who are unlucky in our society—what other people call the welfare system—is a concept that I support. How we deal with particular needs is the major policy issue of our time.

What do we do about people who are unable to find jobs? People who do not have the skills to work? Who are ill?

What kinds of systems do we put into place?

I no longer debate, if I ever did, the question of whether government has a duty to people who are unlucky and cannot provide for themselves decently from their own resources. I believe that the Government has a major responsibility to meet needs that people cannot meet for themselves—not to meet them in terms of degradation; not to provide indignity for people who are unlucky.

Therefore, I support a rational welfare system. I support a fair welfare system. I support a system in which there is not waste for reasons I indicated earlier, that every dollar wasted that is devoted to the poor is a dollar that somebody who is poor and needy does not have.

With respect to health, it seems to me that I could spend the balance of this day discussing the health needs of our society that range from the needs of individuals who are ill, the need for preventive systems, the need for health care delivery systems, and that assumes my belief that when the private sector cannot, for a variety of reasons, meet these needs, the Government there has the responsibility, the Government as the collective representative of the people, to come forward and meet those needs.

In education, there is no doubt that, in this society, education and quality education has been a determinant of status, a determinant of opportunity, or a determinant of lack of opportunity and underclass status in this society.

I there, again, believe that the Government has the responsibility to put into place, to maintain at a level of high efficiency an education system.

Now, it is my belief that with respect to education, the President's Department of Education bill should be speedily enacted and we should have a "Department of Health and Welfare."

Nonetheless, I come before you as the Secretary of Health, Education, and Welfare and, in terms of your question, I feel that I should give a broad sense of my commitment to the Government's role as the provider of those services that would not otherwise be available, and a provider of services that does not subject people to a sense that receiving these services somehow makes them second-class citizens or deprives them of the dignity that is guaranteed in the basic documents of this society.

Senator BAUCUS. Thank you very much, Ms. Harris. I also hope that, in that commitment, you also recognize some of the special needs of rural areas as well.

I come from a rural State, and hope that you have the same commitment as well.

Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Bradley?

Senator BRADLEY. Thank you, Mr. Chairman.

Mrs. Harris, I would like to welcome you and assure you what everyone has already assured you, that you will be confirmed without much question. As the potential new Secretary of the Department of Health and Welfare, I can only say that from a constituents' viewpoint—and I am speaking of my constituents—there is a lot of confusion out there, and one wonders if health knows what welfare is doing, or if welfare knows what health is doing.

Specifically, I refer to the differing eligibility requirements for implementing programs—for example, 65 percent of poverty level for one program versus 55 percent of poverty level for another. I wonder if you have given any thought how you will, as the Secretary, better coordinate health and welfare so that the delivery of services might, indeed, meet the needs that we both agree exist.

Ms. HARRIS. There are probably, Senator, behind me, some staff members who are smiling at this moment, because that is one of the—at least questions that I am concerned about, but I must say that by no means in 1 week—I think it has probably been 1 full week and one-half hour since I was informed I might be asked to assume this responsibility, I have not been able to give any attention of a significant nature to those questions.

I once had a law professor who said: "If you are truly informed, you know what my next question is, as well as knowing what the next answer is." I feel comfortable that at least as to one question I have one that you and I share.

Senator BRADLEY. You mentioned in your comments earlier that an underclass is being created in this country in our urban areas—an underclass that is largely black, Hispanic and young—which has no stake in the future. We have had in place for almost 15 years programs that were supposed to be addressed to that problem.

My question to you is, in your view, why have we not made more progress?

Ms. HARRIS. Senator, we have made enormous progress. The fact that we now see so clearly those who are left behind rather than being a demonstration of failure, is a demonstration of success.

We have peeled back the onion and we have discovered that there is onion under the onion, and we now know that what we have done was just the beginning.

Fifteen years is not very long in eliminating the consequences of what, in this society, are centuries of deprivation with respect to black citizens, continuing failure to deal equitably with those who still are seen as bearing the badge of inferiority that was slavery.

I would say that the fact that we know so clearly what still remains to be done shows how successful we have been with those who were quickly aided by our programs, and I would say that being where we are at this moment with so many people raised out of poverty indicates what we can do if we continue the directions in which we are going, if we do not lose heart, if we improve the programs that we find not to be adequate, but do not abandon those who are good.

So 15 years for me is not very long. As a matter of fact, almost the year I first came before this body to be confirmed for a Presidential office. That seems like yesterday.

So if we can continue steady, firm, eliminating those things that do not work, rebuilding the things that need to be rebuilt, I think we have an opportunity to eliminate the conditions of poverty that we now see are race-linked—which ought to say something to us about what the source of our problem really is.

The CHAIRMAN. Senator Talmadge?

Senator TALMADGE. Thank you very much, Mr. Chairman.

Madam Secretary, you did me the honor of coming by for a visit, a courtesy call, and I appreciate it very much. I really do not know whether to congratulate you or sympathize with you over your appointment, because I think you are going to head the most ungovernable agency in the United States. I do not know that it is really capable of government, the way it is organized.

I think you are well-qualified by training, and experience, to be Secretary of Health, Education, and Welfare, and I shall vote for your confirmation.

I have no questions, but I do want to say this. The Committee on Finance has been working for many years in the area of health care delivery, medicaid, medicare and so on. We have found that your organization in the Department of HEW is an organizational nightmare.

We took that up with Secretary Califano. He reorganized it to some degree, but gave us full credit for what he did.

I want to disclaim credit for what he did, because I do not think he went far enough. I think it leaves much to be desired.

As soon as you go over there, I would appreciate it if you would look into that organization, for health care and delivery at HEW and at an appropriate time, we will make suggestions as to how we think it could be improved. We would appreciate your consideration at that time.

Thank you very much.

The CHAIRMAN. Senator Boren?

Senator BOREN. Thank you, Mr. Chairman.

Ms. Harris, in the earlier periods in this century, much of the experimentation and vitality in terms of social policy occurred at the State level. We can think back to Governors like La Follete and others who experimented at the State level. During times of national crisis, the Nation drew upon the results of successful experiments at the State and local level.

The President spoke eloquently in the past few days about Washington being out of touch with the country in some respects. I think there are many who feel that HEW as a part of the executive branch might be the most out of touch of all.

Is there hope that under your leadership at the Department the channels of communication with those who work at the State and local level in administering the programs will be improved? They see from day to day whether or not these programs are having the desired effect.

I have heard many people say that since the days of the Kennedy and Johnson administrations, slowly but surely there are fewer and fewer people at HEW who have had experience themselves in administering the programs at the State and local level. I wonder if we could see from you an emphasis on trying to reestablish better communication with the people at the State level and perhaps encouraging through demonstration projects, or other monitored kinds of experiments, some new initiatives and new ideas at the State and local level, that we might gain from that diversity of experience.

Ms. HARRIS. Senator, it seems to me that the test of any program is how well it works where it is supposed to work, and I cannot conceive of dealing with any program of which I am a part without looking first there.

I can only allude to the last 30 months at the Department of Housing and Urban Development where that has been the watchword and the approach to our analysis of programs and whatever I think the mayors, and in some instances, the Governors would say about the policies that we pursued there, I think they would agree that we at least look at how the programs actually worked, consulted them about the programs and tried, where we were in agreement on the merits, to meet the concerns that they had.

No program, no matter how beautifully conceived, how deeply committed its proponents may be, has any validity if it does not work where it is supposed to work. And that, for me, is the beginning point, not the end.

Senator BOREN. I appreciate that answer very much. I think there is a wealth of experience at the local level. State directors in the welfare program and those who are down in the local level have ideas which they would like to try, perhaps in a cooperative and monitored relationship with the Secretary's office. I would hope that we could go forward on that.

Let me also ask this question.

The States took particular offense, recently—when the Department—in trying to deal with the amendment which Congress attached to the appropriations bill which said that appropriations would be reduced by the amount of fraud that supposedly existed

within the Department applied the cut of \$800 million totally against State-administered programs. I know that some States have high error rates—and coming from a State that has a very low error rate, I do not sympathize very much with those who do not do their own job of local administration.

But, on the other hand, the medicare program and the SSI program and others which are administered more directly by the Federal Government itself have similar error rates as high, if not higher.

I would hope that you might consider taking the approach that wherever we are going to slash funds we will not take it all from the States and exact from them standards on error rates which we do not exact from federally administered programs themselves.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Matsunaga.

Senator MATSUNAGA. Thank you, Mr. Chairman.

Congratulations on your nomination, Mrs. Harris. You know, it has been said that behind every great man there is a good woman. Well, whether it is any measure of greatness or not, I am comforted by the fact that you have behind you a good man.

Ms. HARRIS. A great man, thank you.

Senator MATSUNAGA. Frequently, with the change of the head of any department, we find also a change in ongoing programs, sometimes good programs, but not only changes. What is more disconcerting is the fact that programs often come to a complete halt.

Do you intend to bring to a complete halt any programs which have been initiated by your predecessor?

Ms. HARRIS. Let me say there is no good program anyplace that I might be that has anything to worry about. My desire is to make good programs even better and to improve programs that may not be functioning adequately.

I have no hit list of programs or people, Senator.

Senator MATSUNAGA. You may not have a hit list, but do you intend to bring any programs to a complete halt until you have studied the entire gamut of programs within your Department?

Ms. HARRIS. I doubt seriously I would bring to a complete halt any functioning program that meets a need in the terms that the program was intended to meet the need. Now, that does not mean that I would not begin immediately at the Department of Health, Education, and Welfare doing what I have done from the very beginning at the Department of Housing and Urban Development—analyzing every program for which we are responsible as fast as it can be done, and obviously one cannot get to everything, to determine the validity of the program.

But not on the basis of theories, Senator, but on the basis of whether that program meets the need that it is intended to meet and whether it is being met in the best way.

Senator MATSUNAGA. Well, I am glad to hear that, because regardless of the consequences and what happened to Secretary Califano, he started some good programs and I would like to see them continued.

I must congratulate you on your appointment and your policies at the Department of Housing and Urban Development which lead to the appointment of, as I understand it, 50-percent women and

21-percent blacks and 7-percent Hispanics. But what happened to the representation of Asian Americans within that Department under your administration?

Ms. HARRIS. We find our figures appallingly low with respect to Asian Americans. I have a White House fellow who has come in to me and pointed out that we really must not be so sanguine about the ability of Asian Americans to compete and their willingness to compete for our jobs, but that we must improve our outreach and this was a conversation I had many months ago and I want you to know that we are aware of our failures in that area and have begun to remedy them, and I am confident, knowing the commitment of the people who remain at the Department of Housing and Urban Development, that that outreach will indeed be effectuated.

Senator MATSUNAGA. I am glad to hear that, and I want you to know that the question was based purely on merits of the individuals and not by the fact that I look as I look.

One of the programs which Senator Inouye and I have made every effort to push forward as rapidly and as expeditiously as possible is Federal assistance to States such as New York, Hawaii, and California which are receiving a higher percentage of immigrants than the rest of the country who arrive with health and cultural problems which require extensive expenditures on the part of the States involved.

I do hope you will look into this area for assistance to the respective States.

Thank you very much.

The CHAIRMAN. Senator Heinz?

Senator HEINZ. Thank you.

Madam Secretary, welcome. It is good to see you again. I think we all know that it will be a pleasure to accept your nomination.

I have a number of questions that are somewhat programmatic, and if you are not in a position to answer them at this time, I quite understand, but I would like to try and get the general feeling, if I cannot get your specific programmatic feeling on some of these questions.

In the President's budget message, President Carter indicated his willingness to expand medical coverage of mental health benefits for the aging. I would like to know, if possible, if you support such expansion and whether or not believe that provider status for community mental health centers will have a substantial impact on the opportunity for independent living for the aging population?

Ms. HARRIS. Senator, I have been spending a good deal of time over the past week looking generally at the Department of Health, Education, and Welfare from the perspective of one who is expected to administer it. I must say to you that I have not gotten into program detail. You and I have encountered each other on another committee and, as you know, I very much like to look at detail before I comment on programs in terms of policy or operation.

Senator HEINZ. Well, I think that is understandable. I certainly do not fault you for taking that attitude. I think that is a constructive attitude to take.

Perhaps you might be able to hazard an opinion on the next question, which is that I think a number of us have always felt that the promotion of a comprehensive social service program for

the elderly is the business, and ought to be the business of the Department of Health, Education, and Welfare's Administration on Aging.

I would like to know whether you generally agree with that concept and, if so, what you will do to bring AOA into the social services decisionmaking process in the Department which, in my opinion in the past, the Department has treated the Administration on Aging like a very poor and distant stepchild.

Ms. HARRIS. Senator, I have not looked at the elements of the Department as they relate to each other or as they relate to the policy process. I expect to be doing that over the next several weeks.

Senator HEINZ. I had hoped that you would.

It was a great disappointment both to the Finance Committee and to the special Committee on Aging here in the Senate, I happen to serve on both, that HEW did not provide any recommendations when it published as it did a few months ago, a home health report.

The Committee on Aging rejected the report because it did not contain recommendations as was required by law. It was referred back to the Department. And let me just say, I hope that when you are confirmed, as I expect you to be confirmed, that you will be able to be in the position to resubmit that report with the recommendations in it that were asked for and required by law so that we will get the very best thinking that the Department has on this instead of, as we got previously, no thinking.

And I know, above all, that you are capable of very, very good thinking on your feet and every other way.

Ms. HARRIS. Well, again, this is the first time I have even heard about the report. And I cannot comment. I thank you for your comments, but I cannot comment on that.

Senator HEINZ. Well, I did not want to let this opportunity slip, particularly since all the other exciting questions were asked before I got my turn. Thank you, Madam Secretary.

The CHAIRMAN. Do you have any questions, Senator Dole?

Senator DOLE. I only have a few, and you may have responded to some. There is another nomination down the hall, Mr. Civiletti, and I am going to be on that committee. Have you made a decision yet on whether you would support a rollback of social security taxes?

Ms. HARRIS. No. The whole question, however, of the trust funds is a very serious one. And on the consequences of any measures with respect is one that I suspect I will be into very soon. But no, I have not made any decision on that.

Senator DOLE. I think I have read recently that President Carter has touched on that possibility. Again, I would assume if he suggests that he would support it, you do not have any independent view on rolling back social security tax?

Ms. HARRIS. I may have an independent view, but it is one that I would want to test with analysis of the trust funds, the consequences of any proposed action, and then discuss it with the President with respect to the administration's policy.

Senator DOLE. What about certain reforms of social security? Since the President advocates elimination of the lump sum death

benefit and reduction of certain student benefits, do you support these efforts to reduce benefits?

Ms. HARRIS. It is my understanding that these proposals are here as administration proposals, are they not? And until such time as there is review or change, obviously I support those.

Senator DOLE. I think they are here, but I do not think they are going anywhere else. They are resting very comfortably.

In the area of welfare reform, I think I touched on it earlier and I think Senator Byrd may have asked about fraud and abuse. A number of us on this committee support the block grant approach, whereby we would give States more authority and more control. We are not talking about reduction of benefits. We are talking about reversing the current trend from a more federalization to a decentralized system and trying to move away from the so-called guaranteed annual income.

Have you yet had a chance to focus on the concept or where you might come down on so-called welfare reform? Every administration advocates it. And nearly every administration fails.

Ms. HARRIS. This administration has a proposal before this committee which is the administration's proposal that I support.

Senator DOLE. I do have one specific question that I will submit. It affects a problem that has been called to my attention concerning the handicapped. It is a matter that I have discussed with Secretary Califano and his staff. There are provisions that would set aside some of the contracts of the handicapped that I have an interest in. So I will just submit that to you on the way out.

[The following was subsequently supplied for the record:]

THE SECRETARY OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., August 17, 1979.

HON. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: During the confirmation hearings for my nomination as Secretary of Health, Education and Welfare, you asked two questions about labor-surplus set-asides: whether I subscribed to the philosophy that the number of jobs produced is more important than the dollar value of the contract when determining which contracts should go to labor-surplus areas; and whether I was prepared to review particularly those RFP's coming from the Bureau for the Education of the Handicapped to see that the set-aside is applied according to the intent of Congress.

As you know, the purpose of the labor-surplus set-aside program is to aid communities which are experiencing high unemployment and its attendant economic dislocations. In determining which contracts are to be set aside, consideration should be given factors such as (1) Whether there are contractors in the labor-surplus area who are available and qualified to perform the required work without compromising quality standards; (2) what is the overall economic impact of the contract on the areas; and (3) how many jobs would be created.

I agree that the number of jobs produced by a contract is a very important factor in determining whether it should be included in the set-aside program. We are actively reviewing the question of whether the number of jobs produced by a contract would always be a more important factor than the dollar amount in determining which contracts should be set aside.

I am always anxious to insure that the laws are executed so as to carry out Congressional intent. I would be glad to review RFP's from the Bureau for the Education of the Handicapped to determine whether we are carrying out Congressional intent.

I have asked the Assistant Secretary for Management and Budget to explore these issues fully. He will make recommendations to me as to now best to satisfy the intent of Congress expressed by both the Small Business Act and the set-aside provision in the 1980 Labor-HEW appropriations bill.

Sincerely yours,

PATRICIA ROBERTS HARRIS.

Senator DOLE. And finally, I would hope that we could move on your nomination very quickly. I have had one request from a fellow down in North Carolina to testify in this confirmation hearing. It is the only request that I know of.

Mr. Stith may be here to testify.

The CHAIRMAN. Is Mr. Stith here?

Senator DOLE. Well I think he may have been waiting to hear from the committee. I assume if he makes further contact he will be entitled to file a statement. I do not know what he has in mind.

The CHAIRMAN. I regard it as a situation where the fellow is in love with a girl and she goes down the aisle and marries somebody else. When that preacher said, "If anybody knows of any reason why these two should not be joined, let him speak now." If he loves that girl, he better speak up, otherwise it is all going to be over with in a hurry. And if Mr. Stith wants to oppose a nomination, he ought to be here.

Senator DOLE. I just asked that Senator Helm's letter be made a part of the record following all of the questions.

The CHAIRMAN. If Mr. Stith can get his communication in here, we will vote on this tomorrow morning.

I would suggest that this gentleman be contacted and told he ought to get his objection in here because we plan to vote tomorrow morning.

Senator Packwood?

Senator PACKWOOD. Ms. Harris, from time to time the issue of federally mandated uniform day care staffing ratios is kicked back and forth. HEW has the power to recommend and to put into place mandatory ratios. Do you have any view as to whether or not we should have federally mandated uniform day care staffing ratios, and if so, what they should be?

Ms. HARRIS. No; I have not examined that question.

Senator PACKWOOD. Tom Morris, the Inspector General of HEW is the one that offered the report of the \$6.4 to \$7.3 billion a year lost in fraud, waste, and abuse. Do you have any ideas as to where that fraud, waste, and abuse is and how it should be cut out?

Ms. HARRIS. I have not looked at that report. I can only say that my experience of the last 30 months of using the Inspector General's authority and investigations, not as a punitive tool but as a management tool, has worked very well. And it is my hope to examine that report to come to some determination of how we can avoid fraud, waste, and abuse at the front end so that we do not have any to punish at the completion of the program.

Senator PACKWOOD. One of the programs administered by HEW is the teen pregnancy program, which takes care of teenagers already pregnant. Do you think they should be informed of the option of abortion?

Ms. HARRIS. Let me say that free access to available health care or other personal options is a responsibility that a society has and that, I think, the Government has. And I would have no problem, in fact quite the contrary. To say I would have no problem is an excess of caution.

It seems to me that so long that this is a protected right, that information is almost a duty.

Senator **PACKWOOD**. Thank you.

Senator **DOLE**. Do you plan a number of changes in the staff of HEW?

Ms. **HARRIS**. Well when you say, plan a number of changes, I expect to be bringing some personal staff for the secretary's office such as executive assistants and special assistants to serve me. But I believe that is standard for people entering upon policy making responsibilities.

Senator **DOLE**. So, there are no major changes planned?

Ms. **HARRIS**. I am not yet at the planning stage, Senator, but I will say as I said in some levity, but I will say this in all seriousness. There is no hit list for the Department of Health, Education, and Welfare at any level of that Department.

Senator **DOLE**. Have all the report cards from HEW been analyzed?

Ms. **HARRIS**. Yes.

Senator **DOLE**. Secretary Califano did not fill out any. I do not think you did either at HUD.

Ms. **HARRIS**. Senator, there is a correcting editorial in the Washington Post this morning that takes my grade down slightly, but still gives me a respectable grade. I did return the forms. They were much easier to do than narrative reports that I customarily make on the same subject. And it seems to me that there is nothing objectionable about evaluations of people.

I do it all the time. In fact, that is the only way, it seems to me, that one can manage with the best possible personnel. Those forms were, unfortunately, all-purpose forms. There are questions on the form that I did not consider appropriate to assistant secretaries which obviously was not necessary to answer.

Senator **DOLE**. There was not anybody to grade at HEW, nobody graded.

Ms. **HARRIS**. Well the term "grade" is one, it seems to me, that we cannot use—and "degrade" either. It seems to me that those were forms which made some judgments on a ranking, we could have had 1 to 100, some were 1 to 5, 1 to 6. They were rough judgments that I assure you were time consuming, but were one to do that in that time frame on a narrative basis, none of us would have done anything for 3 weeks.

And the form has engendered a great deal of levity, but it is not as bad as the levity would suggest. All evaluations are based on a construct of what the person who is seeking the evaluation wants to know. And while politically savvy may be something that other people want to joke about, I assure you that somebody who is not politically savvy enough to know that matters involving issues before this committee ought to at least be looked at in terms of the chance to persuade the committee to their validity would be graded very low on political savvy by me.

It may not be the best term, but I said had I written the form, "Understanding of the process by which legislation is passed and administrators react to the other elements of government in the political process." Well, political savvy is the shorthand way of dealing with that.

I do not think that is an improper question. I think it may be the difference between success and failure of administrators in our system.

Senator DOLE. You are using the word "political" in the broad sense?

Ms. HARRIS. The word "political" for me, first of all, Senator, is not a dirty word. Second, it means policy determination. It means the process by which policy at any level is determined by people who represent the people. So, it is my problem that political has never been a dirty word for me.

I said some 30 years ago when I wrote a little pamphlet for organizing community groups, that politics is as dirty as the people in it. If you are a dirty person, then politics is dirty. I do not, and I think none of us who has made a life of public service in connection with politics has ever thought that the term was one of anything but honor in the sense of the great philisopher.

Senator DOLE. I agree with that. Your point was that you are looking at political in the broad sense, not partisan or the narrow sense. Because many of the responsibilities in HEW have wide-spread support on this committee in the Congress. Whether we are Republicans or Democrats barely enters into the discussion.

Ms. HARRIS. Maybe an element to be noted but is not determinative.

Senator DOLE. Pardon.

Ms. HARRIS. Maybe an element to be noted but is not determinative.

Senator DOLE. Right. I think that President Carter discovered Republicans just yesterday. We were all down there working on the energy program. We have been there for several years, but he discovered us yesterday.

The CHAIRMAN. Are there any further questions?

That concludes the hearing. I thank you for your appearance. Ms. Harris, I think you have answered all the questions forthrightly and fully. Some members may want to submit some questions for answers in writing. If so, we will get them to you promptly.

We will vote on this nomination tomorrow. Unless there is objection, it will be the first order of business at our meeting tomorrow morning. Thank you very much.

Ms. HARRIS. Thank you very much, Mr. Chairman.

The CHAIRMAN. That concludes the hearing.

[Thereupon, at 11:25 the hearing was adjourned.]

NOMINATION OF PATRICIA ROBERTS HARRIS TO BE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

THURSDAY, JULY 26, 1979

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C.

The committee met, pursuant to notice, at 10:10 a.m., in room 2221, Dirksen Senate Office Building, Hon. Russell B. Long (chairman of the committee) presiding.

Present: Senators Long, Talmadge, Moynihan, Baucus, Dole, and Packwood.

The CHAIRMAN. This meeting was called with the first order of business to consider the nomination of Patricia Harris, and we called this an executive meeting. However, we have had a request from Mr. David Stith, and he is here to testify, so I think we ought to hear Mr. Stith for 10 minutes.

Mr. Stith, the committee will hear your statement about Mrs. Harris. You may proceed.

STATEMENT OF DAVID STITH

Mr. STITH. Thank you, Mr. Chairman.

My name is David Stith. I am from Durham, N.C. I have been, for the past 10 years, an employee in management of the Department of Housing and Urban Development both in Washington and North Carolina.

I was born about 49½ years ago in North Carolina.

The CHAIRMAN. We do not need to know about that, Mr. Stith. All we need to know about is what is your problem with the nomination.

Mr. STITH. I am a whistle blower now, Senator. I want you to understand how I got that name and how my problem arose with Secretary Harris.

The CHAIRMAN. That being the case, it does not matter if you are 39 or 49.

Mr. STITH. I wondered if I was going to make 50. That is what's bothering me.

In any event, I was appointed to the job as director of housing and management in the Greensboro, N.C., office in 1975. After about 90 days of observing the office operation in my division, I found that there had been massive violations of HUD regulations, civil service regulations, which involved public housing, subsidized housing, and how to acquire properties.

After several investigations by HUD, investigations by civil service investigators and by a team appointed by Secretary Harris at HUD, which I came into Washington on several occasions to work with, to help train, this team came to North Carolina at the Secretary's insistence and confirmed massive corruption in HUD programs in the State of North Carolina, some of which, since then, we have equated to other parts of the country.

As a result, this report was turned over to Secretary Harris. The records that I have from various investigators show that she did in fact receive them, that her special assistant, who is now her executive assistant, Randolph Kendall, and other people at HUD briefed her on these violations and the corruption in HUD-funded programs.

The action taken by the Secretary was to transfer me to Denver, Colo. Those individuals who were involved in the corruption or the fraud were either given early retirements and subsequently their wives were given jobs with HUD, or they were retired early and given Government contracts and received the salary that they were earning as Government employees.

Now, again, a rough estimate of a 12- to 15-month period shows something in the neighborhood of \$18 million in Government money was misappropriated, or ripped off, if you please, in North Carolina alone. One project involved \$6 million in which developers were allowed to pick up \$971 out-of-pocket money.

Another project with the State building inspector and all HUD employees and officials involved recommended that the project not be built because it was on soil that would not hold the septic tanks. This project was built anyway.

A year ago, HUD had to come up with an additional \$2 million in grant money to take care of this project, which is a section 8 or a section 23 lease project; it does not even belong to the housing authority.

Just about 1½ months ago, in North Carolina, a housing director was convicted of corruption and given 15 years. The district attorney in that city said if he had the resources that he could trace the corruption from Atlanta, to Greensboro, to Washington.

What I am saying, Mr. Chairman, that many of the people that I complained about, that the investigations—the last one was by the FBI, which is going on now, and they have substantiated my allegations—some of these people are in the Washington office here. They have provided cover and protection for the corrupt officials that I have alluded to, not only in North Carolina, but in some other States, because, in the last 2 years, I have gotten calls all over the country who have had my problems with HUD and the allegations.

My problem with the Secretary is that she knew this was going on. She had the firsthand reports.

In one particular case, Congressman Charles Rollins from North Carolina and Congressman Parren Mitchell from the State of Maryland went in on a private conference with Secretary Harris and, according to the statements I received, said I was simply a troublemaker.

My point is, the lady is insensitive to the problem. She is not sensitive. She is more concerned about the loyalty, I think, that she

raves about than she is about Government money or the people that we are supposed to be serving.

The records will show, sir, that most of, or a great number of, the public housing projects that are built are substandard when they are built, primarily because I showed that the developers' own architects were doing the HUD inspections, that rent increases on projects were elevated by 25 to 32 percent on telephone calls for huge developers in North Carolina.

This is the kind of corruption that Secretary Harris knew about, that had been reported to her, and she chose to cover it up, if you please, and to punish the individuals who brought it to her attention.

I have tried to deal with the Merit Protection Board and the President's Civil Service Reform Act and the counsels who say that they will protect. What has happened, not only myself, but half of the employees approximately in the Greensboro, N.C., office cooperated with Secretary Harris' handpicked investigative team who came to North Carolina.

Those people, some were fired, some were transferred. They are living in mortal fear now for their jobs because the information that they transmitted to Washington through her investigators has since been transmitted through Atlanta to Greensboro.

You cannot get one Federal employee in that area to blow the whistle now, if you please, because they were afraid. Some have been harrassed, denied promotions, and other such things have happened to them.

What the net effect is now, it seems Secretary Harris is going to the largest Government agency in the Government and I see in the morning paper she has taken her special assistant with whom I had so much difficulty, Randy Kendall, with her. I can only expect the same thing to happen again, and I think it should be known and reported out that this is the type of administration that has been run at HUD. This is what has happened to those individuals, not only myself, but many others.

Jack Anderson wrote a story 4 weeks ago where he says rights for whistle blowers. Everyone who has spoken out against corruption in government have verified and most of us did it through the channels that were prescribed, have suffered. I do not know too many cases right now, sir, that those who dared blow the whistle survived.

Therefore, we know that the corruption that is going on has gone on and is still going on.

If I were brave enough now, I could proceed to tell you what has happened in North Carolina today, because my colleagues, former colleagues in that office confer with me almost daily. We build a project out in the boondocks, wherever a developer has a piece of land. There are people who have reported this. This is what my problem is.

The CHAIRMAN. Senator Dole?

Senator DOLE. I do not have any questions, Mr. Stith. I think anything that you have indicated that you could furnish for the record—I do not know if you are at liberty to provide names and specifics of the general allegations that you have made—should be

made a part of the record. I think that they should be investigated if, in fact, there are facts to back up the general statement.

Do you have such information?

Mr. STITH. Senator Dole, I have copies of at least five investigations that were done by HUD investigative teams, and Civil Service. I have a verbal report from the FBI Bureau in North Carolina.

All of this substantiates the allegations and I do have about seven file drawers of material that I have accumulated over the last several years on this subject. Most of this has been communicated to Secretary Harris through channels.

Senator DOLE. I do not know if we need all of that. Any information that you truly believe should be brought to the attention of this committee, if you would give it to us in the form that it could be reviewed based on fact, then I think that information might be helpful.

I do not think it would make any difference on the outcome of Mrs. Harris' nomination, but if, in fact, the information is there, it should be investigated and we would appreciate having it.

Mr. STITH. I would be glad to, sir.

The CHAIRMAN. Are there any further questions, gentlemen?

Senator TALMADGE. Are you still with the Department?

Mr. STITH. I have been on leave without pay status, sir, since 1977. I am on the road. I have been unable to secure a job with the Department, even though I have filed 86 applications for jobs.

The CHAIRMAN. Are there any further questions, gentlemen?

Senator BAUCUS. No questions.

The CHAIRMAN. Thank you very much, then.

I would suggest that this matter be referred to the General Accounting Office. That is the kind of thing they are in business for.

They save us \$8 billion a year and if they find that things are not done that ought to be done they follow up to see that action is taken to correct them. So if Mr. Stith is right about what he is saying, I would think that the General Accounting Office, under the able guidance of Mr. Staats and his associates, has a duty to look into matters of that sort and see that action is taken.

We do not have jurisdiction over HUD programs in this committee. They are not in our jurisdiction.

I do not care to prejudice the matter one way or the other, but I think it is a matter that should well be looked into and I think we should refer the matter, if there is no objection. We will do that, when we receive the information we will send a letter over to the General Accounting Office.

Is there any objection to that?

Without objection, that is what we will do.

Now, as far as I am concerned, I am not in a position to hold up this confirmation waiting for results of that investigation.

Senator DOLE. I move it.

The CHAIRMAN. Mr. Dole asks that the nomination be reported.

All in favor, say aye?

[A chorus of ayes.]

The CHAIRMAN. Opposed, no?

[No reponse.]

The CHAIRMAN. The ayes have it. The nomination is reported.

[Thereupon, at 10:25 a.m. the committee proceeded to other business].

[By direction of the chairman the following communication was made a part of the hearing record:]

Chicana Forum

P.O. Box 57170 Washington, D.C. 20037

July 24, 1979

Nelda Ojeda Wyland
Executive Director

Board Members

Sharon Hamming
Washington DC
Chair

Dolores Barroo
California

María Chavez
Arizona

Elva Donati
California

Betty Baca Pardo
Virginia

Betty Pena O Gwynn
New Mexico

Sybil Garcia
Texas

Sally Martinez
California

Elaine Mondragon
New Mexico

Irene Portillo
California

Margarita Maldonado Ward
Washington DC

Non-Profit Tax
Exempt Foundation

Submitted for the record to the SENATE FINANCE COMMITTEE
re: Confirmation of Hon. Patricia Harris
Secretary of HEW

The National Board of Directors of the Chicana Forum, a feminist Mexican American organization concerned with the socio-economic problems of the southwest border states, wishes to express continuing concern with the Carter Administration and its excessive regionalism.

The past history of administrative focus by Patricia Harris while implementing the Carter Urban Policy initiatives at HUD have resulted in a deep regional bias. The effects are compounded by a "bitterness" against Mexican Americans and other hispanics reflected in a Los Angeles Times interview this last year. This cultural and racial bias impede the delivery of services and options to hispanic families, 3/4 of whom reside in the southwest. So sour was her press statement that the Hispanic Caucus requested a formal explanation.

We want to know why Mrs. Harris has continually refused to meet with hispanic feminists, downgraded the Hispanic Program to a personnel function at HUD, and condoned the continuing Citizen Participation violations by HUD Block Grant Units against the spanish-speaking...even within the District of Columbia...her own backyard.

Further, in protest to Mrs. Harris' lack of administrative capability, we request the committee to direct her to describe in writing her budget plans for the Hispanic Initiatives recently prepared by HEW staff for Califano...and now crushed into files during this musical chairs program we consumers must suddenly endure in Cabinet shifts.

And, finally, we request that Mrs. Harris and the President acknowledge and accept the offer of the Pan American Health Organization (Dr. Hector Acuna, Director) to provide technical assistance to the United States in meeting the dire needs of the Hispanic men, women, and families of this domain.

Again, we ourselves offer to provide a media strategy which will respond to the petition filed against HEW at the Federal Trade Commission on behalf of the hispanic consumer...but this time, you come to us. We want to help people who are willing to learn, like most hispanics are willing to do...given half--just half, a chance. GRACIAS.