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killed in the line of duty as the result of a criminal act;

Third, compensation to innocent victims injured by certain criminal acts under some circumstances; and

Fourth, expanded civil remedies for victims of racketeering.

Mr. President, this bill, S. 2994, springs from an appreciation of the fact that policemen, firemen, and correctional guards assume extraordinary personal risks in order to protect the rest of us.

In recent years, civil disorders, riots, and prison rebellions have taken a devastating toll. No group has assumed greater burdens than those men and women who have the responsibility for maintaining order.

Two firemen died in the Detroit riots, one in Watts, another in Newark. During the period from 1967 to 1969, more than 600 firefighters were injured in civil disorders.

Eleven of those held hostage at Attica earlier this year were killed.

In 1970 alone, more than 100 policemen died as a result of violent criminal activity. Since 1961, 633 police officers have given their lives "in the line of duty."

Obviously, there is no way to compensate for or offset the tragic losses suffered by widows and children in such cases. But the Government can do something to provide at least a small measure of financial security for those in the family who survive after a policeman or fireman is killed.

As I have indicated, the bill I have cosponsored recognizes such an obligation by encouraging group life insurance programs in States where present programs are inadequate, and by authorizing a $50,000 death benefit for the survivors of any public safety officer killed in the line of duty.

This legislation would also provide compensation for innocent victims of crime under some circumstances. This is not a new concept. As Senator McCLELLAN has reminded us, the concept was recognized in the Code of Hammurabi more than 4,000 years ago.

Not long ago, former Supreme Court Justice Goldberg observed that the victim of crime has "been denied the protection of the laws in a very real sense, and society should assume some responsibility for making him whole."

Incidentally, this is not the first time I have tried to move Congress to demonstrate a more appropriate concern about the victims of crime. Back in 1966 I introduced a bill to provide certain tax relief for victims of crime.

The bill I am now cosponsoring with Senator McCLELLAN, would authorize compensation payments up to a maximum of $50,000 in situations where innocent victims are injured or killed as the result of violent crimes.

The legislation would establish a Federal Compensation Board to hold hearings and authorize payments in cases where crimes are committed in areas under Federal jurisdiction.

In addition, the bill would encourage and assist States to establish compensation programs and would provide Federal funds to help offset the costs.

At present there are six States which have programs to compensate crime victims. A number of other States, including Michigan, are considering similar programs.

Finally, Mr. President, S. 2994 would also improve the civil procedures and remedies available to those who become the victims of organized crime. The bill would allow recovery in such cases of treble damages; it would authorize private injunctive relief; and it would permit service of process on a nationwide basis. With these reforms the victims of racketeering will be in a much better position to seek and obtain restitution through the civil courts.

Mr. President, the Victims of Crime Act of 1972 is a comprehensive piece of legislation. Its development is the result of lengthy hearings conducted in four separate Congresses. It incorporates contributions and ideas from many sources.

Like Senator McCLELLAN, I make no claim that enactment of this bill will solve all of the crime problems in the Nation. But it will serve to focus long overdue attention upon the plight of crime victims and the policemen and firemen who try to protect us.

Mr. President, I urge the Senate to take prompt and favorable action on this significant legislation.

EQUAL HOUSING OPPORTUNITY—TESTIMONY BY ALBERT A. WALSH, PRESIDENT, NATIONAL ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

Mr. NELSON. Mr. President, at the request of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that a statement by him relative to testimony by Albert A. Walsh, president of the National Association of Housing and Redevelopment Officials, and a statement by Mr. Walsh be printed in the RECORD.

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

STATEMENT BY SENATOR MONDALE

In his recent testimony before the House Judiciary Committee, Albert A. Walsh, President of the National Association of Housing and Redevelopment Officials, named equal housing opportunity as the key to many of this country's problems. He warned that unless equal housing opportunity becomes a reality soon, economic and racial segregation may prove irreversible.

In his testimony, Mr. Walsh specifically endorses legislation introduced earlier in this session by myself and the distinguished Senator from Massachusetts (Mr. BROOKE). This legislation would combine the present federal housing programs into a single subsidy program that would provide much more flexibility in providing low and moderate income housing.

STATEMENT OF ALBERT A. WALSH

(Before Subcommittee No. 4 of the House Judiciary Committee, Nov. 10, 1971)

Mr. Chairman and Members of the Committee. My name is Albert Walsh and I am President of the National Association of Housing and Redevelopment Officials and Administrator of the New York City Housing and Development Administration. I am very pleased to have the opportunity to be here today to testify on "Equal Opportunity in Housing" on behalf of the National Association of Housing and Redevelopment Officials.

"Equal Opportunity in Housing" implies far more than the guarantees which, I think, we have gradually come to associate with the term. At this juncture, both the concept and realization of "equal opportunity in housing" are still in germinal form. Nourishing their development, however, is a growing body of Executive pronouncements, legislative enactments and judicial directives which, taken together, augur well for the achievement of equal opportunity in housing from one important aspect, that is, the elimination of discriminatory housing practices on the basis of race, color, religion or national origin.

National policy to achieve fair housing evolved only recently. President Kennedy's Executive Order 11063 issued in 1962 required enforceable nondiscrimination pledges in agreements for federally assisted housing. Building upon this, Congress in Title VI of the Civil Rights Act of 1964 set forth a broad national policy of nondiscrimination in the case of programs or activities receiving federal financial assistance and, in 1968, Title VIII of the Civil Rights Act set forth as the policy of the United States "to provide, within constitutional limitations, for fair housing throughout the United States." To insure such "fair housing," Title VIII prohibits discriminatory practices in the sale, rental or financing of certain publicly assisted and private housing and in the provision of brokerage services. Rigorous enforcement of Executive Order 11063, Title VI of the Civil Rights Act of 1964 and Title VIII of the Act of 1968 can, I believe, solve a portion of the problem which confronts us. It can and must come to grips with widespread discrimination in the sale, rental and financing of housing covered by these enactments.

Legislative mandates and Executive directives to date, however, have failed to deal with another perhaps more serious impediment to the achievement of equal opportunity in housing throughout the United States—and that is the dearth of low and moderate income housing in all too many communities outside of our central cities, and provisions within our programs which tend to divert them towards urban areas to the exclusion of others.

Unless Congressional action to promote the provision of low and moderate income housing in all communities is forthcoming, and is forthcoming soon, present trends toward economic and, consequently, racial segregation may prove irreversible. Patterns of economic segregation are currently being reinforced by Administration and Congressional reluctance to take strong affirmative action in making housing programs available on a broad scale in all areas of the nation; by the slim likelihood of acceptance by wealthier suburban communities of low and moderate income housing without strong incentives which, at present, simply do not exist, and by our Federal housing law itself which, due to its present structure, inadvertently increases and perpetuates economic ghettoization and community opposition to low income housing.

Examining first our federal housing law, what we find is not a comprehensive national housing policy but rather a fragmented series of laws passed in piecemeal fashion. For example the National Housing Act, which encompasses only the FHA insured programs, actually embraces over 80 separate programs ranging from luxury housing through middle income housing all the way to home improvement loans.

In our subsidized housing programs what is enacted in a given year depends on the political climate that year. For example, in the early 60's Congress enacted the 221 (d) (3) BMIR program to provide, in essence, direct low interest mortgage money to build

rental housing for the moderate income family. However, in 1968, when "budget impact" was the key word, this program was de-emphasized and the interest subsidy approach (Section 236), requiring a much smaller initial drain on federal money, was adopted.

As each program is enacted it is accompanied by its own financing mechanism, requirements, unique restrictions and limitations. To receive the benefits of the Low Rent Public Housing program a family must live in an area served by a Local Public Authority. Yet today, almost thirty-five years after the enactment of the public housing program, less than half of our population is served by such Local Authorities and most of these families reside in larger cities.

Until 1969 an additional requirement for assistance under the public housing and the Sec. 221(d)(3) programs was that a community have a "workable program" for community improvement which, in some cases, provided an easy "out" for communities with little interest in providing expanded housing opportunities for low and moderate income families. A "workable program" is still a prerequisite for assistance under the Rent Supplement program (unless there is local approval of the program), Urban Renewal, Sec. 115 grants and Sec. 312 Loans and FHA Section 220 mortgage insurance among others.

Reliance on community initiative in the Public Housing program and local approval and "workable program" requirements in others severely restrict the geographic areas within which certain Federal housing assistance programs can operate. More subtle pressures operate to confine the areas in which the FHA subsidized Sec. 235 and 236 programs are feasible.

Statutory mortgage limits in the FHA subsidized Sec. 235 and 236 programs, since they set a ceiling on total development costs per unit, inhibit construction of moderate income units in areas where land costs are high. Current statutory limits are far below actual costs in many areas of the country and consequently site selection becomes a process of seeking out the least expensive and often least desirable, from the aspect of sound community growth patterns, land in order to achieve an economically feasible project.

Along with these inherent constraints on where subsidized housing can be built, or not built as the case may be, our Federal housing assistance program present almost as serious problems in equity. Families in exactly the same circumstance, that is, with an identical income and family size are, for example, subject to one set of regulations in the Low Rent Public Housing Program and an entirely different set of regulations, criteria and standards in each of our other subsidized housing programs. In the Public Housing program definitions of income, income eligibility, and rent/income ratios are established by a locality with the approval of HUD and the maximum rent/income ratio has been legislatively set at 25% of net income.

On the other hand, in the Sec. 236 moderate income rental program, income eligibility is usually 135 percent of public housing entry levels, with a $300 deduction for each child and a 5% standard deduction for work related expenses. The 221(d)(3) program has its own income limits established by the federal government, but the 236 program can, in certain circumstances, use 90 percent of these limits as its eligibility limits. Rent/income ratios in the Sec. 236 program has been set at a minimum of 25% of net income and a family must devote whatever portion of its income is required, even if it amounts to 35 or 40% of income, to meet the basic rental payment.

In the Rent Supplement program, the family's income cannot exceed public housing entry limits and in my own City, New York, HUD has administratively set rent supplement income limits below those permitted in the low rent public housing program. Families receiving Rent Supplement assistance must pay 25% of income in rent and in defining net income the only allowable deductions are $300 for each child and exclusion of the earnings of a minor in computing income.

If these program inconsistencies resulted only in confusion and red tape, the need to remedy them would not be so immediate nor compelling. But the fact of the matter is that, given the present structure of our housing laws, fair and equal treatment for families in similar circumstances seeking federal housing assistance is impossible.

To cite only one example, take the hypothetical case of two families: each has an annual gross income of $4,000, a secondary wage earner and two minor children. Assume that one family receives assistance under the Rent Supplement program and the other moves into federally assisted public housing. The sole deduction permitted in the case of the family receiving Rent Supplement Assistance would be $600 ($300 for each of the minors). With the 25% rent/income ratio required in the Rent Supplement Program the family would be obliged to pay $850 a year in rental (computed on the basis of 25% of a net income of $3,400). In the public housing program, however, using the Brooke amendment definition of income, a $300 deduction is permitted for a secondary wage earner and 5% is deducted from gross income in computing net income. Thus, the adjusted gross income of the family residing in public housing would be $2,900 (after a $600 deduction for two minors, $300 for the secondary wage earner and 5% ($200) off the top). With a rent/income ratio of 25% the annual rental payment of the family living in public housing would be $725, or $125 less than the payment required of the similar family receiving Rent Supplement assistance.

In addition to the problems resulting from the inconsistencies in our federal housing assistance programs we are also faced with serious coverage gaps in existing legislation. If any of the more than 50% of our population living in areas not covered by local housing authorities should happen to be in the lowest income group their access to federal housing assistance is non-existent. These very low income families and individuals cannot afford the rentals or homeownership payments under Sections 236 and 235 since these are tied to the high capital cost of the housing involved. Often they cannot muster enough money to pay 30% of the market rental required under the Rent Supplement program and, since they live in an area where there is no Local Public Authority, they do not even have the option of placing their names on the long waiting lists for Public Housing including Section 23 Leased units nor starting on homeownership through this program.

An equally serious gap exists in the case of families who are forced to move from public housing when their income exceeds public housing continued occupancy limits. In many areas these families are ineligible for Sec. 236 housing because their income is above the initial income eligibility limits for 236, and yet they are not in a position to afford standard housing at market rentals. For these families, and for the millions of families whose incomes exceed the federal maximums but who cannot afford the cost of safe and decent housing, we simply have no housing options.

Achievement of equal opportunity in housing will depend in great measure on our ability to provide low and moderate income housing outside our central cities. This can only be accomplished through strong federal incentives to induce understandably reluctant communities to accept the additional costs associated with such housing. At present these incentives are lacking. In fact, as currently constituted the public housing program, by requiring a waiver of local property taxes and merely permitting a payment in lieu of taxes of 10% of shelter rent, fosters local opposition by inevitably weakening a community's tax base.

In the *Valtierra* case the Supreme Court, in upholding the validity of a local referendum requirement in connection with public housing, pointed out that in the case of public low rent housing projects "the local government body must agree to provide all municipal services for the units and to waive all taxes on the property. The local services to be provided include schools, police and fire protection, sewers, streets, drains and lighting." The Court noted further that "some of the cost is defrayed by the local governing body's receipts of 10% of the housing project rentals, but of course the rentals are set artificially low." Moreover, the Court stated that "both appellants and appellees agree that the building of federally-financed low-cost housing entails costs to the community."

Without basic changes in existing Federal housing programs to compensate communities for the additional expenditures resulting from such housing, continuing local opposition outside of our central cities to these programs is to be expected. Very few suburban leaders are willing to make a political decision which calls for an influx of low income families, a reduction in potential taxes from real estate, an increase in the level and volume of public services, and therefore the possibility of a tax increase.

The current pattern of Federal housing assistance with its reliance on local initiative and blindness to the expense to a community in providing low and moderate income housing is contributing to the ghettoization of our lower income families into center cities.

It is a vicious circle. Our cities have become the home for the poor, minorities, the aged, handicapped, sick, underemployed and unemployed. To solve the housing needs of these families, we build low and moderate income housing, which then attracts even more of these families and individuals—causing a greater need for more housing. In the meantime the suburbs become more affluent, white, young, healthy and income producing.

Within the city there are political decisions on where to locate publicly-assisted housing. Too often because of the scarcity of sites elsewhere and other factors these units are clustered in one or more of the existing ghetto areas—and the occupants carry the stigma of living in an easily identified "project."

The real solution to so many of our problems—the dwindling urban tax base, *de facto* segregation, underemployment, diminished job opportunities—depends on the dispersal of our urban poor throughout metropolitan areas. Yet, this will never happen unless low cost housing is built in these suburban areas, which have so far intentionally avoided providing such housing.

The housing programs I have discussed earlier responded to particular needs at a particular time. No one could dare challenge the worth of each and every housing program that was advocated nor the sincerity of its sponsors. But existing housing assistance programs are simply not commensurate to the task of providing low and moderate income housing on a fair and equitable basis in *all* our communities and thereby making real the achievement of equal opportunity in housing.

What is the solution then to the problems which I have outlined? The problems are many and, consequently, our avenues to success must be many.

Congressional initiative to achieve equal opportunity from the aspect of opening up the suburbs to low and moderate income

families has not been lacking. Senator Ribicoff's bill, the Government Facilities Location Act of 1970, would require that no Federal facilities be constructed in communities which refuse to provide low and moderate income housing. Community Development bills introduced this year in both the House and Senate (Title VI of H.R. 9688 and S. 2333) would make eligibility for federal community development assistance contingent on an application detailing efforts which will be undertaken to insure the availability of low and moderate income housing.

The Courts, too, have not been inactive. Lower courts have ruled against exclusionary zoning ordinances on the grounds that they deny racial minorities the "equal protection of the law." Moreover, Federal regulatory agencies have been called upon to take action against corporations planning to move to suburbs with "large lot" zoning.

The comprehensive national strategy which is needed to provide cohesion to these efforts, however, is still lacking. And it does not appear that we can expect strong leadership from the President in this area. While committing himself and this Administration to vigorous enforcement of all laws relating to racial discrimination in housing, the President in his statement on June 11, 1971 on Federal Policies Relative to Equal Housing Opportunity pointed out that:

"In the more complex and difficult area of providing subsidized housing in areas where it is needed, we will encourage communities and local developers to take into account the broad needs of the various groups within the community and of the metropolitan area.

"But we must recognize that the kinds of land use questions involved in housing site selection are essentially local in nature; they represent the kind of basic choices about the future shape of a community, or of a metropolitan area, that should be chiefly for the people of that community or that area to determine. The challenge of how to provide fair, open and adequate housing is one that they must meet; and they must live with their success or failure.

"To local officials are entrusted the initial, and often the final, determinations as to how much low and moderate income housing is to be built, how well it is to be built and where it is to be built."

Upon Congress then, and upon concerned national and local groups, has devolved the responsibility to formulate the national strategy required to deal with the problems which confront us.

The National Association of Housing and Redevelopment Officials, recognizing the national significance and immediacy of the vexing questions which I have enumerated, felt compelled to draw upon local member experience to reevaluate current housing and development policy—where it is today, and in what directions it should move.

In 1970, NAHRO established a Special Policy Development Committee, which I chaired, to formulate policy recommendations. After six months of work, the committee developed a statement recommending a broad restructuring of our present programs to make them comprehensive approaches, more responsive to local needs and national priorities. This statement was predicated on the strong recognition that immediate solutions to the problems associated with current patterns of national growth and decay must be found. The future success of our housing and development programs depend on this—they can no longer be separated from an overall strategy to improve the quality of urban, suburban and rural life.

Senators Brooke and Mondale recently announced their intention to jointly sponsor a bill, *The Housing Reform Amendments Act of 1971*, whose thrust is essentially similar to that recommended by the NAHRO Policy Development Committee. In our view, the Brooke-Mondale proposal, together with the Administration's *Housing Consolidation and Simplification Act of 1971* (H.R. 9331) could provide the comprehensive approach which is now so patently lacking. These Amendments are designed to establish a single, concise national housing policy, through a basic standardization of programs and the elimination of existing inequities and shortcomings.

The key element in this proposal is a single, variable subsidy mechanism for all federally-assisted projects, based, not on the cost of the project, but on the family's need and ability to pay. This subsidy would cover not only debt service, but the entire difference between rental income and total operating costs.

The tenant family would pay what it could afford, and the subsidy would cover the rest. As the family's income increased, its rent payment would grow, and no family would be forced to move because of increased income. It would merely pay the economic rent and no longer receive a subsidy. This provision would remove at one stroke both the gaps between and among government programs and the ghettoization of single projects. Every project could contain a wide range of income groups.

Any family with an income below the median income for the area would be eligible. However, in any new project, 20% of the units would be set aside for the lowest-income group. Rent/income ratios in a local sponsor's program would be required to average at least 20%, and no family would be required to pay more than 25% of its gross income, less the standard public housing deductions.

Construction costs would be based on local prototypes, which—judging from our public housing experience—would lead to realistic and flexible limits based upon local conditions. The Administration's bill extends the prototype concept to total development costs, which we think is unrealistic and unworkable.

Sponsors could include local housing authorities, municipalities, states, regional organizations, nonprofits, cooperatives and limited dividend corporations. Public agencies could issue tax exempt bonds, with the housing assistance contract acting as a guarantee to bond holders; nonprofits, limited dividends, and other private sponsors could use market rate mortgages, insured by the federal government and aided by the Fannie Mae/Ginnie Mae Tandem Plan; and sponsors under state and local financing programs would likewise be eligible to receive housing assistance payments, as it now permitted under the Section 236 program.

One of the most striking aspects of the Brooke-Mondale proposal is the *two incentives* that it proposes to local governments for accepting publicly assisted housing; a *special grant* to cover the cost of increased public services, and the *payment of full real estate taxes* by every assisted project. These taxes would be regarded as part of the cost of operating the project, and would accordingly be part of the cost covered by the variable subsidy.

Finally, by a special provision in the Brooke-Mondale proposal, the federal government would be empowered to act in "Housing Emergency Areas" where a need was apparent and no local sponsor could be found.

This program has enormous advantages over our present housing picture. It is uniform. It will work anywhere: city, suburb, or town. It abolishes ghettoization by making *every* houser able to house *any* eligible tenant. It has realistic cost limits, arrived at by a method which has recently proven itself in the public housing field. It reduces bureaucratic involvement to a minimum. It closes eligibility and income gaps. And it removes the greatest obstacle to publicly assisted housing by offering incentives to communities to accept it.

Mr. Chairman and Members of the Committee. On behalf of myself and the National Association of Housing and Redevelopment Officials, I commend you for your continuing activities to bring about the achievement of truly equal opportunity in housing in the United States. In your recommendations growing out of these hearings, it is our hope that you will turn your attention not only to the enforcement of our "Fair Housing" laws but also to the structure and inadequacies of our present housing subsidy delivery system; and, that you will register your strong endorsement for the *Housing Reform Amendments Act of 1971* which, in our view, is equal to the task of providing a climate in which equal opportunity in housing can be made a reality.

Thank you.

LEAD-BASED PAINT—A CONTINUING TRAGEDY

Mr. SCHWEIKER. Mr. President, today's Washington Post contains yet another story of the continuing tragedy of lead-based paint poisoning. The District of Columbia has found dangerous levels of lead in the blood of one out of three Washington innercity children tested in the last 3 months. Dudley Anderson, chief of the District of Columbia Accident Prevention Division, is quoted as saying:

The inner-city is literally a lead mine.

The tragedy of this is that poisoning resulting from eating flakes of lead-based paint can cause death, and often causes significant brain damage. Innocent children are invariably the victims.

In the 91st Congress, I introduced legislation, S. 3941, to provide civil penalties for the use of lead-based paint in certain dwellings. I was gratified when the prohibition of the use of lead-based paint was adopted as an amendment to the Housing and Urban Development Act of 1970. Although the provision for penalties was not included, Congress did give significant recognition to this critical problem.

Yet, clearly, much more needs to be done. On January 14, 1971 President Nixon signed into law the Lead Paint Poisoning Prevention Act, legislation I strongly supported in the Committee on Labor and Public Welfare and on the Senate floor. Congress authorized $30 million for this 2-year program.

Until this summer, only minimal funds well under $500,000, were appropriated for the program. Only a few people were assigned to work on the problem in the Department of Health, Education, and Welfare. I strongly urged the Congress to appropriate at least $15 million to fund this program, a small amount when compared to the cost of caring for over 400,000 children a year who suffer from lead-based paint poisoning each year, not to mention the varying degrees of incapacitation they must bear for the rest of their lives. Over 200 less fortunate children die each year. We have made a significant beginning now by appropriating $7.5 million for the program.

Mr. President, I again call on the administration to commit more funds and more manpower to fight this terrible tragedy which adds yet another burden to the already long list of disadvantages