

The original documents are located in Box 56, folder “9/23/76 HR9811 William S Middleton Memorial Hospital” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED
SEP 23 1976

89/23

THE WHITE HOUSE
WASHINGTON
September 22, 1976

ACTION
Last Day: September 28

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *Jim Cannon*
SUBJECT: H.R. 9811 - William S. Middleton
Memorial Hospital

Attached for your consideration is H.R. 9811, sponsored by Representative Kastenmeier and eight others.

The enrolled bill would:

- Designate the Veterans Administration hospital in Madison, Wisconsin as the William S. Middleton Hospital in memory of Dr. William S. Middleton, Chief Medical Director of the VA from 1955 to 1963;
- Authorize the Veterans Administration to participate in the Administration's National Swine Flu Immunization Program. Under present law, VA is only authorized to treat disabilities and diseases; authority is not generally provided for VA to carry out preventive health measures such as immunizations.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Kilberg) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 9811 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SEP 21 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 9811 - William S. Middleton
Memorial Veterans Hospital
Sponsor - Rep. Kastenmeier (D) Wisconsin and
8 others

Last Day for Action

September 28, 1976 - Tuesday

Purpose

Designates the Veterans Administration (VA) hospital in Madison, Wisconsin as the "William S. Middleton Memorial Veterans' Hospital"; authorizes VA to participate in the swine flu immunization program.

Agency Recommendations

Office of Management and Budget	Approval
Veterans Administration	Approval
Department of Health, Education, and Welfare	No objection (Informal)
Department of Justice	No objection

Discussion

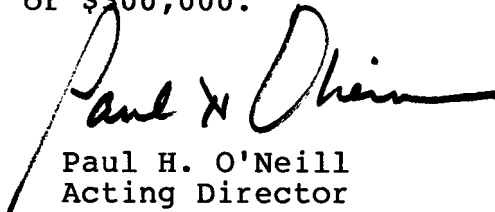
H.R. 9811 would designate the VA hospital in Madison, Wisconsin as the "William S. Middleton Memorial Veterans' Hospital" in memory of the late Dr. William S. Middleton, Chief Medical Director of VA from 1955 to 1963. Dr. Middleton served as Dean of the University of Wisconsin Medical School for 20 years prior to serving as VA Chief Medical Director, and was the only Chief Medical Director to serve two four-year terms. VA notes that the research program of VA hospitals and clinics was developed under Mr. Middleton's guidance and that the agency's highest research award, given annually since 1960, is named in his honor. H.R. 9811 was sponsored by the entire Wisconsin delegation.

VA has long followed a policy of naming its hospitals for the locality where situated, and not for individuals. However, VA has generally deferred to the Congress on legislation which would so honor individuals; to date, 6 VA hospitals have been named for persons by law.

H.R. 9811 also contains a provision, added as a Senate floor amendment, which would authorize VA to participate in the Administration's National Swine Flu Immunization Program. This provision is essentially the same as draft legislation submitted by VA to the Congress on July 19, 1976, to provide the necessary authority for VA participation.

Under present law, VA is only authorized to treat disabilities and diseases; authority is not generally provided for VA to carry out preventive health measures such as immunizations. The amendment in H.R. 9811 would specifically allow VA to administer swine flu vaccine to veterans receiving care in a VA hospital or other health facility who voluntarily request such vaccine. In addition, the bill would explicitly provide personal immunity for VA medical personnel from malpractice or negligence claims in connection with the administration of swine flu vaccine. This immunity provision makes no change in existing law, but was added by the Senate to make clear that the immunity already available to VA medical personnel would apply in VA swine flu vaccination activities, rather than the claims and litigating procedures established in the national swine flu immunization legislation which became law on August 12, 1976 (P.L. 94-380).

H.R. 9811 provides that the flu vaccine shall be provided to VA at no cost by the Secretary of Health, Education, and Welfare (HEW). VA estimates that it will provide immunization to approximately 600,000 VA patients and that the cost of administering the vaccine would be 50¢ per immunization, or \$300,000.



Paul H. O'Neill
Acting Director

Enclosures



VETERANS ADMINISTRATION
OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS
WASHINGTON, D.C. 20420

September 16, 1976



The Honorable
James T. Lynn
Director, Office of
Management and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

This will respond to the request of the Assistant Director for Legislative Reference for the views of the Veterans Administration on the enrolled enactment of H.R. 9811, 94th Congress, a bill "To designate the Veterans Administration Hospital in Madison, Wisconsin, as the 'William S. Middleton Memorial Veterans' Hospital', and for other purposes."

The subject bill would, as indicated by the title, designate the Veterans Administration Hospital in Madison, Wisconsin, as the William S. Middleton Memorial Veterans' Hospital. It would also authorize the Administrator of Veterans Affairs, in order to assist the Secretary of Health, Education, and Welfare in carrying out the National Swine Flu Immunization Program of 1976, to administer vaccine, procured under such Program and provided by the Secretary at no cost to the Veterans Administration, to eligible veterans voluntarily requesting such vaccine, in connection with the provision of care in any VA health care facility. Claims or suits for damages for personal injury or death in connection with the administration of such vaccine would be considered and processed in accordance with the provisions of section 4116 of title 38, United States Code.

Dr. William S. Middleton was Chief Medical Director of the Veterans Administration from 1955 to 1963, the only Chief Medical Director to serve two four-year terms. Under his

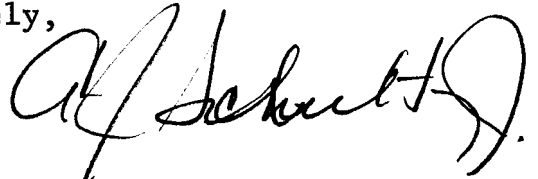
direction and guidance, the research program of VA hospitals and clinics was developed, and the agency's highest research award, given yearly since 1960, is named in his honor. One of 11 VA Distinguished Physicians, Dr. Middleton was active in patient care on the staff of the VA Hospital in Madison, until his death on September 9, 1975. During World War II he served with the United States Army Medical Corps, and was chief consultant in medicine for the European Theater of Operations. We fully appreciate the importance of paying homage in any appropriate manner to distinguished citizens whose public service has left such an imprint as has that of Dr. Middleton.

With reference to the National Swine Flu Immunization Program, the Veterans Administration, because of its concern for the health care of veterans, many of whom are elderly and infirm, is desirous of assisting in the program. Contracting influenza has an adverse effect on all people who are sick, and there is a well-established excess mortality from influenza among those who are 65 years of age or older and those who have certain chronic diseases. Furthermore, the risks of contracting influenza are enhanced in institutional settings such as VA hospitals, nursing homes, and domiciliaries.

We are in agreement with the provision of the bill which would immunize only those veterans who are already being treated by the VA for other conditions in VA facilities. In a letter to the President of the Senate, dated July 19, 1976, we estimated the likely number of patients to receive influenza immunization in VA facilities would be about 600,000. At 50 cents per immunization, the total estimated cost would be \$300,000. We also agree that personnel administering the vaccine should receive the malpractice protection authorized by section 4116 of title 38, United States Code.

H.R. 9811. Accordingly, I recommend that the President approve

Sincerely,

A handwritten signature in black ink, appearing to read "R. Roudebush". The signature is written in a cursive style with a large, sweeping flourish at the end.

**Associate Deputy Administrator - in the absence of
RICHARD L. ROUDEBUSH
Administrator**

Department of Justice
Washington, D.C. 20530

September 17, 1976

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill, H. R. 9811, a bill "To designate the Veterans' Administration hospital in Madison, Wisconsin, as the 'William S. Middleton Memorial Veterans' Hospital', and for other purposes."

Section 3 of the bill, the only section pertinent to the mission of this Department, would authorize the Veterans Administration to engage in a limited program of preventive medicine in coordination with the National Swine Flu Immunization Program of 1976 (see Public Law 94-380, August 12, 1976). Basically, the bill would give the Veterans' Administration the authority to administer "swine flu" inoculations to veterans receiving hospital, domiciliary and medical care at Veterans' Administration facilities under the provisions of Chapter 17, Title 38, United States Code, an authority which it does not presently have and which is necessary for it to participate in the "swine flu" program. The bill would also continue the personal immunity of the Veterans' Administration medical personnel as presently set forth in 38 U.S.C. 4116, a provision which makes no change in existing law.

The Department of Justice favors the enactment of section 3 of the legislation in order that the Veterans' Administration may participate in the National Swine Flu Immunization Program. We express no view as to sections 1 and 2 of the legislation, which pertain to matters not within our cognizance.

The Department of Justice has no objection to Executive approval of this bill.

Sincerely,



MICHAEL M. UHLMANN
Assistant Attorney General

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 21

Time: 700pm

FOR ACTION: David Lissy *DL*
 Max Friedersdorf *MF*
 Bobbie Kilberg
 Spencer Johnson *SP*

cc (for information): Jack Marsh
 Jim Connor
 Ed Schults

FROM THE STAFF SECRETARY

DUE: Date: September 22

Time: 500pm

SUBJECT:

H.R. 9811 - William S. Middleton Memorial
 Veterans Hospital; authorization of VA
 to participate in swine flu immunization program

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
 For the President



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 21

Time: 700pm

FOR ACTION: David Lissy
Max Friedersdorf
Bobbie Kilberg
Spencer Johnson

M. J.

(for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 22

Time: 500pm

SUBJECT:

H.R. 9811 - William S. Middleton Memorial
Veterans Hospital; authorization of VA
to participate in swine flu immunization program

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Recommend Approval

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 21

Time: 700pm

FOR ACTION: David Lissy
Max Friedersdorf
Bobbie Kilberg
Spencer Johnson

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 22

Time: 500pm

SUBJECT:

H.R. 9811 - William S. Middleton Memorial
Veterans Hospital; authorization of VA
to participate in swine flu immunization program

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Concur scy

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 21

Time: 700pm

FOR ACTION: David Lissy
Max Friedersdorf
Bobbie Kilberg
Spencer Johnson

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 22

Time: 500pm

SUBJECT:

H.R. 9811 - William S. Middleton Memorial
Veterans Hospital; authorization of VA
to participate in swine flu immunization program

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

9.22
Recommended
approval
MJ

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: September 21

Time: 700pm

FOR ACTION: David Lissy
Max Friedersdorf
Bobbie Kilberg
Spencer Johnson

cc (for information): Jack Marsh
Jim Connor
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: September 22

Time: 500pm

SUBJECT:

H.R. 9811 - William S. Middleton Memorial
Veterans Hospital; authorization of VA
to participate in swine flu immunization program

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

Approved Kelley 9/22/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon
For the President

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SEP 21 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 9811 - William S. Middleton
Memorial Veterans Hospital
Sponsor - Rep. Kastenmeier (D) Wisconsin and
8 others

Last Day for Action

September 28, 1976 - Tuesday

Purpose


Designates the Veterans Administration (VA) hospital in Madison, Wisconsin as the "William S. Middleton Memorial Veterans' Hospital"; authorizes VA to participate in the swine flu immunization program.

Agency Recommendations

Office of Management and Budget	Approval
Veterans Administration	Approval
Department of Health, Education, and Welfare	No objection (Informal)
Department of Justice	No objection

Discussion

H.R. 9811 would designate the VA hospital in Madison, Wisconsin as the "William S. Middleton Memorial Veterans' Hospital" in memory of the late Dr. William S. Middleton, Chief Medical Director of VA from 1955 to 1963. Dr. Middleton served as Dean of the University of Wisconsin Medical School for 20 years prior to serving as VA Chief Medical Director, and was the only Chief Medical Director to serve two four-year terms. VA notes that the research program of VA hospitals and clinics was developed under Mr. Middleton's guidance and that the agency's highest research award, given annually since 1960, is named in his honor. H.R. 9811 was sponsored by the entire Wisconsin delegation.

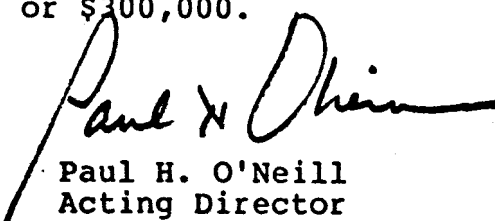
To: Johnson
9-21-76
5:30 PM


VA has long followed a policy of naming its hospitals for the locality where situated, and not for individuals. However, VA has generally deferred to the Congress on legislation which would so honor individuals; to date, 6 VA hospitals have been named for persons by law.

H.R. 9811 also contains a provision, added as a Senate floor amendment, which would authorize VA to participate in the Administration's National Swine Flu Immunization Program. This provision is essentially the same as draft legislation submitted by VA to the Congress on July 19, 1976, to provide the necessary authority for VA participation.

Under present law, VA is only authorized to treat disabilities and diseases; authority is not generally provided for VA to carry out preventive health measures such as immunizations. The amendment in H.R. 9811 would specifically allow VA to administer swine flu vaccine to veterans receiving care in a VA hospital or other health facility who voluntarily request such vaccine. In addition, the bill would explicitly provide personal immunity for VA medical personnel from malpractice or negligence claims in connection with the administration of swine flu vaccine. This immunity provision makes no change in existing law, but was added by the Senate to make clear that the immunity already available to VA medical personnel would apply in VA swine flu vaccination activities, rather than the claims and litigating procedures established in the national swine flu immunization legislation which became law on August 12, 1976 (P.L. 94-380).

H.R. 9811 provides that the flu vaccine shall be provided to VA at no cost by the Secretary of Health, Education, and Welfare (HEW). VA estimates that it will provide immunization to approximately 600,000 VA patients and that the cost of administering the vaccine would be 50¢ per immunization, or \$300,000.



Paul H. O'Neill
Acting Director

Enclosures

NAMING OF VETERANS' ADMINISTRATION HOSPITAL AT MADISON, WIS., FOR WILLIAM S. MIDDLETON

MARCH 25, 1976.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. ROBERTS, from the Committee on Veterans' Affairs,
submitted the following

REPORT

[To accompany H.R. 9811]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 9811) to designate the Veterans' Administration hospital in Madison, Wisconsin, as the "William S. Middleton Memorial Veterans' Hospital", and for other purposes, having considered the same, by unanimous voice vote, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

On the first page, line 8, strike out "it as".

On the first page, line 8, insert an opening quotation mark before "William".

On the first page, line 9, insert a closing quotation mark after "Hospital" and before the period.

EXPLANATION OF THE BILL

The reported bill (H.R. 9811) would designate the Veterans' Administration Hospital in Madison, Wisconsin, as the "William S. Middleton Memorial Veterans' Hospital" and the Administrator of Veterans' Affairs would be authorized to provide such memorial at the above-named hospital as he may deem suitable to preserve the remembrance of the late Dr. William S. Middleton, former Chief Medical Director of the Veterans' Administration.

BIOGRAPHY OF DR. WILLIAM S. MIDDLETON

Dr. William S. Middleton served as Chief Medical Director of the Veterans' Administration for two four-year terms, the only individual to have this distinction.

Dr. Middleton had an outstanding medical career which began when he graduated from the University of Pennsylvania in 1911 and began his active teaching career in 1912 at the University of Wisconsin.

During his 63-year distinguished medical career, Dr. Middleton served as an army captain with the British and American expedition forces in France during World War I. He was a highly decorated colonel and Chief Consultant in medicine in the European Theatre in World War II.

For 20 years he served as Dean of the Medical School at the University of Wisconsin and served as Chief Medical Director of the Veterans' Administration from 1955 to 1963.

Dr. Middleton received honorary degrees from the University of Pennsylvania, Cambridge University, Temple University, Marquette University, the University of Wisconsin and Northwestern University.

At the time of his death at age 85, he was serving as an emeritus Professor of Medicine at the University of Wisconsin and had been designated as Distinguished Physician by the Veterans' Administration.

During his tenure as Chief Medical Director, he played a leading role in the relationship between the VA and the leading medical schools all over the country which were associated with the VA medical system. He organized the program for hospital care of long-term aging patients.

For service during World War I he received the Victory Medal with seven battle clasps. In World War II he was awarded the Distinguished Service Medal, the Legion of Merit with Oak Leaf Cluster, the Order of the British Empire and the French Croix de Guerre with Palm.

He was a regent of the National Library of Medicine. He was Past President of the American College of Physicians, the Central Society for Clinical Research and the American Association of the History of Medicine.

During the time that he was the Chief Medical Director in Washington, D.C., each Saturday morning, when he was in the city, he made rounds at the Mount Alto VA Hospital. When he returned to Madison, Wisconsin, following his retirement from the Veterans' Administration, he taught medicine five days a week, beginning his tour of duty at 7:00 a.m., and he continued this routine until three weeks prior to his death. He was acclaimed, by those who had the good fortune to study under him, as one of the greatest teachers of medicine that this country ever developed. Dr. Middleton died in Madison, Wisconsin, on September 9, 1975.

JUSTIFICATION FOR THE BILL

While it is not the general practice to name Veterans' Administration hospitals for individuals, there are exceptions. The first hospital named (under Public Law 93, 79th Congress) was for Royal C. Johnson, the first Chairman of the Committee on World War Veteran Legislation. That hospital is located at Sioux Falls, South Dakota. By Public Law 79-189, the hospital at Montrose, New York, was designated as the "President Franklin Delano Roosevelt VA Hospital". By Public Law 91-421, the hospital and domiciliary complex at Bonham, Texas, was designated as the "Sam Rayburn Memorial Veterans' Center". In December, 1971, by Public Law 92-183, the new hospital at San Antonio, Texas, was designated as the Audie L. Murphy

Memorial Veterans' Hospital". On January 2, 1975, by Public Law 93-602, the hospital at Columbia, Missouri, was designated as the "Harry S. Truman Memorial Veterans' Hospital". Finally, on October 6, 1975, the United States House of Representatives, by unanimous vote, passed H.R. 4034, designating the Veterans' Administration Hospital in Loma Linda, California, as the "Jerry L. Pettis Memorial Veterans' Hospital". On March 15, 1976, the Senate passed H.R. 4034 and sent it to the President.

COST

There would be no additional expense to the Treasury as a result of the enactment of the first section of the bill. When implemented by the Administrator, Section 2 will perhaps involve some expense, but it is obvious that it would be relatively insignificant.

BUDGET STATEMENT

In accordance with Rule XI of the Rules of the House of Representatives, the Congressional Budget Office has submitted the following report:

CONGRESS OF THE UNITED STATES,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 10, 1976.

HON. RAY ROBERTS,
Chairman, Committee on Veterans Affairs, U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 9811, a bill to designate the Veterans' Administration hospital in Madison, Wisconsin, as the "William S. Middleton Memorial Veterans' Hospital" and for other purposes.

Based on this review, it appears that no additional costs to the government would be incurred as a result of the enactment of this bill.

Sincerely,

ALICE M. RIVLIN,
Director.

INFLATIONARY IMPACT STATEMENT

Pursuant to Rule XI of the Rules of the House of Representatives, the Committee estimates that enactment of H.R. 9811 will have no inflationary impact on the national economy.

OVERSIGHT STATEMENT

In accordance with Rule XI of the Rules of the House of Representatives, no oversight hearings have been held relative to the reported bill. Further, no oversight findings have been submitted to the committee by the Committee on Government Operations.

AGENCY REPORT

There follows the Veterans' Administration's report on H.R. 9811:

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., November 14, 1975.

HON. RAY ROBERTS,
*Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This will respond to your request for a report by the Veterans Administration on H.R. 9811, 94th Congress, a bill "To designate the Veterans' Administration hospital in Madison, Wisconsin, as the 'William S. Middleton Memorial Veterans' Hospital', and for other purposes."

Dr. William S. Middleton was Chief Medical Director of the Veterans Administration from 1955 to 1963, the only Chief Medical Director to serve two four-year terms. Under his direction and guidance, the research program of VA hospitals and clinics was developed, and the Agency's highest research award, given yearly since 1960, is named in his honor. One of eleven VA Distinguished Physicians, Dr. Middleton was active in patient care on the staff of the VA hospital in Madison, until his death on September 9, 1975. During World War II he served with the U.S. Army Medical Corps, and was chief consultant in medicine for the European Theater of Operations. We fully appreciate the importance of paying homage in any appropriate manner to distinguished citizens whose public service has left such an imprint as has that of Dr. Middleton.

The Veterans Administration has, however, long followed a policy of naming its hospitals for the locality where situated, and not for individuals. This long-standing policy has been based upon the realization that a fair basis of selection would be difficult, that controversy might result in some instances, and that persons or organizations whose candidates were not chosen would be disappointed.

Veterans Administration hospitals named by Congress are not subject to this administrative policy, and five have been so named. They are Royal C. Johnson Veterans Memorial Hospital at Sioux Falls, South Dakota (Public Law 93, 79th Congress, June 29, 1945), the Franklin Delano Roosevelt Hospital at Montrose, New York (Public Law 189, 79th Congress, September 26, 1945), the Sam Rayburn Memorial Veterans Center at Bonham, Texas (Public Law 91-421, September 25, 1970), the Audie L. Murphy Memorial Veterans Hospital at San Antonio, Texas (Public Law 92-182, December 15, 1971), and Harry S. Truman Memorial Veterans' Hospital at Columbia, Missouri (Public Law 93-602, January 2, 1975).

In view of Dr. Middleton's distinguished service, it is quite understandable that consideration should be given to honoring him. We feel, however, that determination of whether this legislation should be enacted is peculiarly for the Congress.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

O'DELL W. VAUGHN,
*Deputy Administrator, in the absence of Richard L. Roudebush,
Administrator.*

○

NAMING OF VETERANS' ADMINISTRATION HOSPITAL
AT MADISON, WISCONSIN, FOR
WILLIAM S. MIDDLETON

REPORT

OF THE

COMMITTEE ON VETERANS' AFFAIRS

UNITED STATES SENATE

TO ACCOMPANY

H.R. 9811



August 25, 1976.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

NAMING OF VETERANS' ADMINISTRATION HOSPITAL AT MADISON, WISCONSIN, FOR WILLIAM S. MIDDLETON

August 25, 1976.—Ordered to be printed

Mr. CRANSTON (for Mr. HARTKE), from the Committee on Veterans' Affairs, submitted the following

REPORT

[To accompany H.R. 9811]

The Committee on Veterans' Affairs, to which was referred the bill (H.R. 9811) to designate the Veterans' Administration hospital in Madison, Wisconsin, as the "William S. Middleton Memorial Veterans' Hospital", and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

TEXT OF THE BILL, H.R. 9811

The text of the bill as reported is as follows:

That the Veterans' Administration hospital at Madison, Wisconsin, shall hereafter be known and designated as the "William S. Middleton Memorial Veterans' Hospital". Any reference to such hospital in any law, regulation, document, record, or other paper of the United States shall be deemed a reference to the "William S. Middleton Memorial Veterans' Hospital".

Sec. 2. The Administrator of Veterans' Affairs is authorized to provide such memorial at the above-named hospital as he may deem suitable to preserve the remembrance of the late William S. Middleton.

INTRODUCTION

The reported bill (H.R. 9811) would designate the Veterans' Administration Hospital in Madison, Wisconsin, as the "William S. Middleton Memorial Veterans' Hospital". The Administrator of Veterans' Affairs would be authorized to provide such memorial at the above-named hospital as he may deem suitable to preserve the remembrance of the late Dr. William S. Middleton, former Chief Medical Director of the Veterans' Administration.

The House Committee favorably reported H.R. 9811, with amendments, on March 25, 1976. Subsequently, on April 5, 1976, the measure

(1)

COMMITTEE ON VETERANS' AFFAIRS

VANCE HARTKE, Indiana, *Chairman*

- | | |
|----------------------------------|--------------------------------|
| HERMAN E. TALMADGE, Georgia | CLIFFORD P. HANSEN, Wyoming |
| JENNINGS RANDOLPH, West Virginia | STROM THURMOND, South Carolina |
| ALAN CRANSTON, California | ROBERT T. STAFFORD, Vermont |
| RICHARD (DICK) STONE, Florida | |
| JOHN A. DURKIN, New Hampshire | |

FRANK J. BRIZZI, *Staff Director*

GUY H. MCMICHAEL III, *General Counsel*

(II)

was unanimously passed by the full House of Representatives. Following receipt of the views of the Veterans' Administration, the Senate Committee on Veterans' Affairs met in open executive session on June 16, 1976, and unanimously ordered H.R. 9811 reported favorably to the full Senate.

BACKGROUND AND DISCUSSION

Dr. William S. Middleton had an outstanding 63-year medical career, and is the only person ever to serve as Chief Medical Director of the Veterans' Administration for two 4-year terms. After graduating from the University of Pennsylvania in 1911, he began teaching at the University of Wisconsin in 1912.

Dr. Middleton served with distinction and honor in World War I. An army captain with the British and American expedition forces in France, he was awarded the Victory Medal with seven battle clasps.

After being discharged from service in 1919, he returned to the University of Wisconsin where, in addition to his teaching duties, he served as a consultant to various Federal agencies including the U.S. Public Health Service, the Veterans' Bureau and, in 1930, the Veterans' Administration. In 1935, Dr. Middleton was appointed Dean of the Medical School at the University of Wisconsin, a position he held for 20 years.

Dr. Middleton also served with distinction in World War II. In 1942, he was commissioned a lieutenant colonel and was assigned to the Office of the Chief Surgeon for the European Theater of Operations. Colonel Middleton, as the chief consultant in medicine, taught courses at numerous hospitals and participated actively in the teaching of medical officers at Army and Air Force Field Service schools. For his services during World War II, he was awarded the Distinguished Service Medal, the Legion of Merit with Oak Leaf Cluster, the Order of the British Empire and the French Croix de Guerre with Palm.

After the war, Dr. Middleton returned to the University of Wisconsin. In 1955, taking a leave of absence as dean at Wisconsin, Dr. Middleton was sworn in as Chief Medical Director for the Veterans' Administration.

From the beginning, Dr. Middleton stimulated medical research. He established and appointed an Advisory Committee on Research. By 1957, 2 years after his appointment, 3,644 research projects had been started; when Dr. Middleton retired in 1963 more than 7,500 research projects had been undertaken as a result of his interest and initiative.

Dr. Middleton was committed to an accelerated educational program in the Department of Medicine and Surgery. He encouraged close cooperation between VA medical facilities and medical schools. Before his retirement more than 70 medical schools were conducting training courses at VA facilities.

During the time Dr. Middleton served as Chief Medical Director, every VA hospital that was planned or constructed included, at his insistence, facilities for the treatment of patients suffering from mental illness.

To assure that the limited number of beds would be allocated on the basis of medical need, Dr. Middleton introduced a prebed care program. He directed that tests be given prior to a patient's admittance; these medical tests enabled the medical staff to determine who was most in need of the hospital beds available.

Dr. Middleton instituted a staffing and services plan which resulted in full care facilities seven days a week. Previously, VA hospitals had been operated primarily on a five-day week and, as a result, many veterans had been unable to obtain medical assistance on weekends.

The Chief Medical Director, despite his many duties and responsibilities, still found time to visit with patients at the Mount Alto VA Hospital every Saturday morning he was in Washington.

In 1963, he returned to Madison and the University of Wisconsin where he resumed teaching duties both as dean and professor of medicine emeritus. In addition to his duties at the university, he served as a consultant to the VA Hospital in Madison. Everyday, starting at 7 a.m., he would tour the hospital visiting patients; a routine he continued until three weeks prior to his death.

Dr. Middleton was acclaimed, by those who had had the good fortune to study under him, as one of the greatest teachers of medicine that this country has ever developed. His abilities and contributions were evidenced by his honorary degrees. During his lifetime he was awarded honorary degrees from the University of Pennsylvania, Cambridge University, Temple University, Marquette University, the University of Wisconsin, and Northwestern University.

After 58 years of service to his country, his profession, and his university, Dr. Middleton died in Madison, Wisconsin, on September 9, 1975.

The construction of the Veterans' Administration hospital at Madison, Wisconsin was completed in 1951. It began as a hospital for those inflicted with tuberculosis. When the need for institutions devoted to tuberculosis patients declined, the facility was converted to a general medical and surgical hospital. The hospital currently has 438 beds of which 20 are psychiatric, 250 are medical, and 168 are surgical.

The Madison hospital has long been affiliated with the University of Wisconsin Medical School, the university Dr. Middleton served so long and well as dean and professor. A new wing, currently under design, will physically join the hospital with the University Medical School. It is only proper that the hospital, joined as it will be with the University Medical School, bear the name of this man who contributed so much to both.

It has not been the general practice to name Veterans' Administration hospitals for individuals. However, there have been exceptions. The first hospital named was for Royal C. Johnson, the first Chairman of the Committee on World War Veteran Legislation (Pub. L. 79-93). That hospital is located at Sioux Falls, South Dakota. The hospital at Montrose, New York was designated as the "President Franklin Delano Roosevelt VA Hospital" (Pub. L. 79-189). The hospital and domiciliary complex at Bonham, Texas was designated as the "Sam Rayburn Memorial Veterans' Center" (Pub. L. 91-421). The new hospital at San Antonio, Texas was designated as the Audie L. Murphy Memorial Veterans' Hospital" (Pub. L. 92-183). The hospital at Columbia, Missouri was designated as the "Harry S. Truman Memorial Veterans' Hospital" (Pub. L. 93-602). Finally, the Veterans' Administration Hospital in Loma Linda, California was named the "Jerry L. Pettis Memorial Veterans' Hospital" (Pub. L. 94-246) in March 1976.

COST ESTIMATES

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Pub. L. 91-510, 91st Congress), the Committee, based on information supplied by the Veterans' Administration and the Congressional Budget Office, estimates that there will be no additional cost resulting from the enactment of the first section of the bill. Section 2 which authorizes a memorial will have an insignificant cost impact when implemented by the Administrator.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes cast in person or by proxy of the Members of the Committee on Veterans' Affairs on a motion to report H.R. 9811, without amendment, favorably to the Senate:

Yeas—9

Vance Hartke	Clifford P. Hansen
Herman E. Talmadge	Strom Thurmond
Jennings Randolph	Robert T. Stafford
Alan Cranston	
Richard (Dick) Stone	
John A. Durkin	

Nays—0

AGENCY REPORTS

The Committee requested and received a report from the Veterans' Administration and the Congressional Budget Office on H.R. 9811, as referred to the Committee. Those reports follow:

[No. 110A]

COMMITTEE ON VETERANS' AFFAIRS, U.S. SENATE

VETERANS' ADMINISTRATION,
OFFICE OF THE ADMINISTRATOR OF VETERANS' AFFAIRS,
Washington, D.C., April 29, 1976.

HON. VANCE HARTKE,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This will respond to your request for a report by the Veterans' Administration on H.R. 9811, 94th Congress, an act "To designate the Veterans' Administration hospital in Madison, Wisconsin, as the 'William S. Middleton Memorial Veterans' Hospital', and for other purposes."

Dr. William S. Middleton was Chief Medical Director of the Veterans' Administration from 1955 to 1963, the only Chief Medical Director to serve two four-year terms. Under his direction and guidance, the research program of VA hospitals and clinics was developed, and the Agency's highest research award, given yearly since 1960, is named in his honor. One of 11 VA Distinguished Physicians, Dr. Middleton was active in patient care on the staff of the VA hospital in Madison, until his death on September 9, 1975. During World War II he served with the U.S. Army Medical Corps, and was chief consultant in medicine for the European Theater of Operations. We fully appreciate the importance of paying homage in any appropriate manner to distinguished citizens whose public service has left such an imprint as has that of Dr. Middleton.

The Veterans' Administration has, however, long followed a policy of naming its hospitals for the locality where situated, and not for individuals. This long-standing policy has been based upon the realization that a fair basis of selection would be difficult, that controversy might result in some instances, and that persons or organizations whose candidates were not chosen would be disappointed.

Veterans' Administration hospitals named by Congress are not subject to this administrative policy, and six have been so named. They are the Royal C. Johnson Veterans Memorial Hospital at Sioux Falls, South Dakota (Pub. L. 93-79th Congress, June 29, 1945), the Franklin Delano Roosevelt Hospital at Montrose, New York (Pub. L. 189, 79th Congress, September 26, 1945), the Sam Rayburn Memorial Veterans Center at Bonham, Texas (Pub. L. 91-421, September 25, 1970), the Audie L. Murphy Memorial Veterans' Hospital at San Antonio, Texas (Pub. L. 92-182, December 15, 1971), the Harry S. Truman Memorial Veterans' Hospital at Columbia, Missouri (Pub. L. 93-602, January 2, 1975), and the Jerry L. Pettis Memorial Veterans' Hospital at Loma Linda, California (Pub. L. 94-246, approved March 25, 1976).

In view of Dr. Middleton's distinguished service, it is quite understandable that consideration should be given to honoring him. We feel, however, that determination of whether this legislation should be enacted is peculiarly for the Congress.

We were advised by the Office of Management and Budget in regard to a report on the subject bill to the Chairman, Committee on Veterans' Affairs, House of Representatives, that there was no objection to the presentation of that report from the standpoint of the Administration's program.

Sincerely,

RICHARD L. ROUDEBUSII,
Administrator.

[No. 118]

COMMITTEE ON VETERANS' AFFAIRS, U.S. SENATE

CONGRESS OF THE UNITED STATES,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., June 7, 1976.

HON. VANCE HARTKE,
*Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed H.R. 9811, a bill to designate the Veterans' Administration hospital in Madison, Wisconsin, as the "William S. Middleton Memorial Veterans' Hospital," and for other purposes.

Based on this review, it appears that no additional cost to the Government would be incurred as a result of enactment of this bill.

Sincerely,

ALICE M. RIVLIN,
Director.

Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,
one thousand nine hundred and seventy-six*

An Act

To designate the Veterans' Administration hospital in Madison, Wisconsin, as the "William S. Middleton Memorial Veterans' Hospital", and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital at Madison, Wisconsin, shall hereafter be known and designated as the "William S. Middleton Memorial Veterans' Hospital". Any reference to such hospital in any law, regulation, document, record or other paper of the United States shall be deemed a reference to the "William S. Middleton Memorial Veterans' Hospital".

SEC. 2. The Administrator of Veterans' Affairs is authorized to provide such memorial at the above-named hospital as he may deem suitable to preserve the remembrance of the late William S. Middleton.

SEC. 3. (a) In order to assist the Secretary of Health, Education, and Welfare in carrying out the National Swine Flu Immunization Program of 1976 pursuant to subsection (j) of section 317 of the Public Health Service Act (42 U.S.C. 247b), as added by Public Law 94-380, Ninety-fourth Congress (August 12, 1976), the Administrator of Veterans' Affairs, in accordance with the provisions of such subsection (j), may authorize the administration of vaccine, procured under such program and provided by the Secretary at no cost to the Veterans' Administration, to eligible veterans (voluntarily requesting such vaccine) in connection with the provision of care for a disability under chapter 17 of title 38, United States Code, in any health care facility under the jurisdiction of the Administrator. In carrying out such program, the Secretary may provide the Administrator with such vaccine at no cost to the Veterans' Administration.

(b) Notwithstanding the provisions of subsection (k) of such section 317, any claim or suit for damages for personal injury or death, in connection with the administration of vaccine as authorized by subsection (a) of this section, allegedly arising from the malpractice

H. R. 9811—2

or negligence of personnel granted immunity under section 4116 of such title 38 while in the exercise of their duties in or for the Department of Medicine and Surgery of the Veterans' Administration, shall be considered and processed in accordance with the provisions of such section 4116, and the recovery authority provided the United States under paragraph (7) of such subsection (k) shall not be applicable to such claims or suits.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*