The Legislature is considering a bill that would increase Medicaid's appropriation for the current fiscal year, but indications are that the supplement will not be sufficient.●

CONGRESSIONAL BLACK CAUCUS TESTIMONY IN SUPPORT OF THE FAIR HOUSING ACT AMENDMENTS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1979

● Mrs. COLLINS of Illinois. Mr. Speaker, recently, Congresswoman SHIRLEY CHISHOLM testified before the Civil Rights Subcommittee of the House Judiciary Committee and set forth the Congressional Black Caucus position of strong support for the Fair Housing Amendments Act of 1979, H.R. 2540. As Congresswoman CHISHOLM pointed out, every caucus member has cosponsored the Fair Housing Act, and the caucus legislative agenda for the 1st session of the 96th Congress made the addition of cease-and-desist powers under the Fair Housing Act a major caucus priority.

Congresswoman CHISHOLM's testimony indicates that some 16 Federal agencies presently have cease-and-desist authority, but the Department of Housing and Urban Development has had to enforce the Fair Housing Act for 11 years without this critical enforcement tool. There is no question that providing greater housing opportunities for minority groups which continue to face housing discrimination in suburban as well as urban areas can move us far toward a more equitable and just society. The need for a strong civil rights law for housing is parallel to the need for increasing production of low-income housing through such means as the public housing program.

Congresswoman CHISHOLM's testimony follows:

TESTIMONY OF THE HONORABLE SHIRLEY CHISHOLM

Mr. Chairman and members of this committee, I am pleased to be here today to forward my full support for H.R. 2540, the Fair Housing Amendments Act of 1979. The legislation before you carries with it the potential for the ultimate realization of the nation's objectives. Set down in Title VIII of the Civil Rights Act of 1968, to insure that all Americans have an equal opportunity to get decent housing and reside in the neighborhood they choose.

Although there have been improvements in the area of housing discrimination through the Fair Housing Law, for the past 11 years title VIII has remained a statement of goals. Rather than an active force against discrimination in the housing market. Housing discrimination continues to be an all pervading factor against the evolution of an equal and integrated American society. All Americans suffer from the ills of segregated housing, which deny us the opportunity to break down prevailing racial barriers and the impacts upon the educational and employment opportunities of the victims of discrimination.

I believe it is important to begin to assess in human terms the real impact of the legacy of generations of discriminatory treatment against certain groups in our society as a professional educator, I know only too well that discrimination in our public schools is closely intertwined with the evils of bias in the housing market. Housing discrimination lies at the root of our segregated educational system. When we survey the patterns of segregated housing in this country, it is no wonder that much of the Nation's public school system continues to suffer the ills of racial segregation, 25 years after its unconstitutionality was declared.

I am heartened by the care and dedication which has obviously guided the drafting of H.R. 2540, and I am proud to be a cosponsor, along with all my colleagues in the Congressional Black Caucus and other Members committed to alleviating injustices in the housing market. As the bill is now drafted, the major inadequacies and ambiguities of current law have been addressed and substantially corrected.

In the 11 years since passage of title VIII, the absence of administrative powers to enforce fair housing laws has surfaced as the critical factor obstructing elimination of housing discrimination. The Department of Housing and Urban Development, although charged with responsibility for enforcing title VIII has been limited to the process of conciliation and persuasion as their only available enforcement mechanisms. The extremely small percentage of complaints that have been resolved through the conciliation method is evidence enough that enforcement powers of HUD must be strengthened. Since the Federal Government is entrusted with major responsibility for securing compliance with housing discrimination laws, enforcement should be relegated to Federal agencies that are equipped with adequate administrative tools to carry out this mission.

The most important provisions of H.R. 2450 involve the administrative mechanisms available to HUD to enforce the fair housing law. The Secretary will be granted the authority to investigate and file a charge of housing discrimination on her own initiative, which will greatly aid in the identification of patterns and practices of such discrimination. The bill will empower HUD to issue appropriate orders, including cease and desist orders, through administrative proceedings and authorize the secretary to impose substantial civil penalties as a sanction against continued discriminatory activities. Thus, HUD could order realistic relief in the event of a finding of discrimination and no longer be hindered by the inadequacies of conciliation.

Clearly this legislation has the potential to loosen the grip of discriminatory practices that now engulf the housing market. This new authority for HUD can impact substantially on the incidents of housing discrimination and the remedies available to its victims.

The availability of authority to issue such rapid administrative relief would undoubtedly reduce the incidence of discriminatory practices and provide an important incentive for voluntary conciliation of grievances. Currently, there exists little disincentive for a respondent to agree to a respondent to agree to a remedy, or even enter into the conciliation process. For the most part, these parties can be assured that they run little risk of further proceedings; hence they are encouraged, rather than discouraged, from continuing their discriminatory actions.

The availability of quick and decisive administrative relief would also relieve the burden on our court system which now serves as the most consistent arena in which housing discrimination cases are resolved. The courts have, by and large, been true to the objectives of title VIII, and indeed, much of the clarification of law that this legislation achieves is a result of prior judicial rulings. However, judicial relief has not been readily available to great numbers of Americans who suffer from housing discrimination.

In addition, judicial proceedings can be lengthy due to technical and cumbersome court procedures which create a greater opportunity for delays in proceedings for reasons unrelated to the merits of a case. It is obvious that housing cases, more than in any other area, demand a speedy forum for relief. In many instances, a complainant may eventually receive a favorable judicial ruling, but in the meantime the unit in question may have already changed hands. Thus, the question of "relief" is rendered moot. Cease and desist authority for HUD would streamline the injunctive process and assure that meaningful relief for the prevailing party is secured.

Adequate administrative enforcement powers would ease the burden of cases in the courts, increase the likelihood of speedy remedies, insure greater uniformity and predictability of decisions, and focus relief from housing discrimination on the entity that is responsible for alleviation of the problem—the Department of Housing and Urban Development.

It can be safely assumed that critics of broadening administrative powers for HUD, many of whom are critics because they foresee increased compliance activity, will voice their concerns couched in arguments about the growth of bureaucracy and the taxpayers' burden. I would point out to these critics that American society is presently paying for the costs of housing segregation and its impact on the real estate market through "racial steering" and "block busting." We must ask ourselves why, in view of the fact that some 16 Federal agencies presently have cease and desist authority, that the Secretary of HUD has been without such powers for the 11 years since the passage of title VIII? In effect, we have been indicating during that time that housing discrimination is a matter of secondary national importance.

In addition to increased administrative enforcement authority, I would also like to highlight and applaud several other provisions of this legislation.

The inclusion of "handicap" as another prohibited ground for discrimination in housing is of great importance to the many Americans who find themselves denied their rightful choice of residence. I fully support this provision. This inclusion will carry no financial burden on an owner of property, but will insure that an individual is not discriminated against in housing activities on the basis of a handicap. It will also allow the individual to make reasonable accommodations at his or her own expense.

I am also pleased to see that the legislation will clarify the fair housing law by emphasizing that the practice of redlining by mortgage lending institutions is prohibited. Redlining by the primary and secondary mortgage has had disastrous effects on individuals, and as a result neighborhoods desiring to upgrade their living environments. I hope that this clarification and the similar language prohibiting discrimination in property insurance will put an end to such practices.

Other provisions in this legislation which will further the objectives of the fair housing law and which I fully support include:

The clarification and enhancement of the Attorney General's power to intervene in cases that raise an issue of general public importance;

A liberalization of the current unrealistic statute of limitations, to permit an aggrieved person to commence civil action at anytime up to 3 years after the alleged discriminatory housing practice occurred;

Allowing the prevailing party reasonable attorney fees in either judicial or administrative proceedings; and

Removal of the $1,000 restriction on punitive damages currently under title VIII.

Tomorrow marks the 25th anniversary of the Supreme Court's decision in Brown vs. the Board of Education, which declared that separate is inherently unequal, and that racial segregation is a detriment to all Americans. Yet, a quarter of a century later we are still struggling with rampant segregation and discrimination. There have been too many false promises and symbolic gestures that have done little or nothing to move this country toward racial equality and eradication of segregation. It is my sincere hope that passage of this legislation in the 96th Congress will lead us away from the recalcitrance that we have witnessed in achieving an equal society, and mark a firm new commitment to the goal of equality.●

COST-OF-LIVING ADJUSTMENTS FOR FEDERAL RETIREES AND SOCIAL SECURITY RECIPIENTS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1979

● Mr. WEISS. Mr. Speaker, in many regards the first budget resolution is a disaster for the people of America. Programs vital to the growth of our children and the survival of the aged and the disabled will be debilitated almost beyond recognition.

A particularly poignant example of this trend is the recommendation to decrease the rate of cost-of-living adjustments for Federal retirees from semiannually to annually. Fortunately, this is still only a recommendation. However, while we focus on such destructive suggestions there is constructive work left undone.

There have been attempts to increase the frequency of cost-of-living adjustments for social security recipients from once to twice yearly. It is there that we should focus our energies. In this period of spiraling inflation, the people hurt most are those on a fixed income. We should be working on legislation to make their lives more bearable, not less so. Reducing the frequency of cost-of-living adjustments is economizing at the expense of those who are already bearing the brunt of inflation.

We are entering a period of economic scarcity, in which all segments of our society must show some restraint. However, I fail to understand why that restraint must always be shown by those least able to afford it. It is unconscionable that, with the Consumer Price Index up 10.8 percent since this time last year, we can even discuss reducing the rate of cost-of-living adjustments. In effect, we are telling the aged of this country that we intend to economize by allowing them a little less food, a little less heat, than they had last year. There is no true thrift in depriving a whole segment of our population of the basic necessities of life, and there is no logic in asking the greatest sacrifices from those with the least to give.

It is time for us to reexamine our attitude toward the aged, and to put their health and well-being back into our list of priorities.●

THE OPEC PRECEDENT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 27, 1979

● Mr. VENTO. Mr. Speaker, I am sure as thousands of motorists wait in long gasoline lines they mutter "Why can't something be done" about the shortage, and especially about OPEC's oil blackmail of not only the United States, but the other powerful free world nations. We stew in completely helpless frustration while a bunch of petty tyrants twirl the valves of crude oil supply, pipelines, playing Russian roulette with the world economy.

It may be small consolation, but from a most unlikely quarter, the International Association of Machinists, comes a challenge to OPEC. The IAM has filed an antitrust suit against the Organization of Petroleum Exporting Countries, the only effort so far of opposition against the oil blackmailing marauders.

The Washington Star in an editorial admiringly comments on the audacity of the IAM to take on Goliath while the U.S. Government, in its awesome grandeur, stands petrified. The editorial follows:

[From the Washington Star, June 26, 1979]

THE OPEC PRECEDENT

There's a tendency to take a rather lighthearted view of the latest in David-Goliath collisions—the effort of the International Machinists' union to bring OPEC, the international oil cartel, to book in a U.S. court for violations of the Sherman Antitrust Act. The Machinists filed their complaint last December; a West Coast judge is hearing it this week.

Conspiracy to fix prices in restraint of trade is the charge in a nutshell: a charge which the 13 "defendants" don't bother to deny. At last notice, in fact, the fixers of international oil prices hadn't bothered themselves with the case at all. Maybe they remembered the words of a mogul of our Gilded Age—Commodore Vanderbilt or somebody—who is said to have exclaimed: "The law? What do I care about the law? Haint I got the power?"

OPEC certainly has "the power"; and it may be that even the sternest judgment by a single American court would be as ineffectual as a papal bull against a comet.

But even if the Machinists' case falters—and we gather there are substantial technical questions about the applicability of U.S. antitrust laws to foreign sovereigns—it could at least focus our attention on the supineness that characterizes the world's response to oil cartelization.

"It is astonishing," remarked Sen. Daniel Patrick Moynihan the other day in a New York commencement address, "how the world's democracies have resigned themselves to this savage assault on the world economic order . . . sustained by the mindless greed and effortless manipulation of a handful of petty tyrannies."

Those are strong words; and when Senator Moynihan speaks strong words weak spirits quail. But there is no denying the gravity of OPEC's "assault" on the free-trade rules and consultative mechanisms designed after World War II to insure the world economic order against forms of international piracy that helped bring that conflict on.

According to a study recently prepared by two distinguished New York law firms, and cited by Senator Moynihan, the U.S. silently condones "the most flagrant form of antitrust violations" by OPEC. And, it adds, "in a world of increasing scarcity in raw materials and food stuffs, OPEC is too dangerous a precedent for the keepers of our antitrust laws to ignore."

This being so—at least in the judgment of well-versed antitrust lawyers—the Machinists' suit can hardly be dismissed as idle legalism. Yet the initial response in Washington was a panicky discussion of intervention in OPEC's behalf. After all, it was asked, might some hare-brained judge levy punitive fines against OPEC? What if in contemplation or consequence of this action, there was a huge flight of OPEC money from our financial institutions? Good questions, no doubt, but symptomatic of the bind OPEC has us in.

Senator Moynihan admits that he has no ready remedy for the unchecked rapacity of OPEC, although he suggests several interim measures that might be tried: a speedy agreement on energy imports with Mexico, or assistance to poor nations with petroleum prospects, or the release of Alaskan production on the world market. And why, he asks, do not the U.S. and other prosperous industrial democracies, strained but not ruinously so by OPEC price gouging, "raise the political and moral issue of what OPEC is doing to poor Third World countries"? Outlandish oil prices are, as he says, "the cause of hungry children in Bangladesh or central Africa . . . But the poor countries are too frightened to speak, and will do nothing so long as they see the mighty U.S. equally tongue-tied."

It is Senator Moynihan's wont to think broadly about these questions, and a bit too boldly for timid imagination. Still, his contentions are far from trivial. OPEC holds in its hands the power of world recession—a power never contemplated for 13 maverick nations over the world economic order designed in 1945–46. And little is being done to check this power. "There are not three people in the U.S. government," the senator complains, "who have as their task the designing of strategies and tactics to break the cartel."

Could this be true? If it is true—and we have seen no evidence to the contrary—this question arises: Must the agitation of vital questions touching the livelihood of the whole planet be left to the lawyers of the International Association of Machinists? And it is not a disturbing development that our officials should, however briefly or tentatively, contemplate engaging themselves as cheerleaders on the side of Goliath?●

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 1979

● Mr. MAZZOLI. Mr. Speaker, I was unavoidably absent from the House of Representatives on Tuesday, June 26, 1979. Had I been present, I would have voted: "Aye" on rollcall No. 280, a motion to limit debate on section 3 of H.R. 3930, the Defense Production Act; "no" on rollcall No. 282, an amendment to strike the language of H.R. 3930 authorizing the President to require suppliers to provide the Government