be involved in a fair housing case is if an individual files suit at his own cost and if the respondent agrees to appear before a magistrate. This is the current procedure under the Magistrates Act and cannot be changed by the amendment. Thus, this remains the magistrate procedure under H.R. 5200 as well. Any individual can go to court today and request a hearing before a magistrate. Therefore, the language added by my distinguished colleagues is superfluous.

It is precisely the prolonged, expensive remedy of court action proposed by the Sensenbrenner amendment that has proven ineffective. The magistrate system does not replace the administrative enforcement system either in terms of numbers or effectiveness. First, the amendment has no mandatory requirement to appear before a magistrate. Such a requirement may in fact be of doubtful constitutionality. Second, the cost to the complainant to appear before a magistrate is the individual's own expense. To appear before an administrative law judge, HUD would pay the court costs. Thus, the individual's cost is much greater when appearing before a magistrate. Third, it is clear that the administrative enforcement mechanism of the Sensenbrenner-Volkmer amendment is performed by one individual—the Secretary of HUD.

The administrative process of H.R. 5200 squarely meets the problems of delay, cost, and ineffective relief—the Sensenbrenner-Volkmer amendment merely perpetuates a difficult and time-consuming procedure of 20 months delay in court, with no adequate alternative.

I believe that careful scrutiny of the Sensenbrenner-Volkmer amendment reveals that the same problems of ineffective enforcement of the fair housing laws will continue if the amendment is adopted. There will be delays while the Secretary of HUD travels around the country to conciliation hearings or the complainant and respondent come to Washington to appear before the Secretary. The relief that can be granted by the Secretary or the arbitration process is completely inadequate to truly compensate the victim of discrimination and to deter future acts of discrimination.

I urge defeat of the Sensenbrenner-Volkmer amendment and support of the administrative and judicial enforcement system under H.R. 5200 as amended by Mr. SYNAR, as it affords the fastest, fairest, most efficient and complete relief to the victim of discrimination.

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Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to commend the gentleman for his role both in committee and on the floor here on this momentous legislation.

Mr. Chairman, I wish to record my support for the Synar amendment. I support the amendment because it restores and strengthens a key provision of H.R. 5200, which would be eliminated by the Sensenbrenner amendment. This is the provision for administrative remedies through administrative law judges.

We should recognize the Sensenbrenner-Volkmer amendment for what it is—an attempt to reject the bill by deleting its single most important provision. The effect of the amendment would be to continue the present ineffective system of nonenforcement.

Proponents of the amendment argue that "a day in court" (as opposed to an administrative hearing) is necessary to protect the rights of all parties, including those discriminated against. To argue that we must deny administrative remedies to victims of discrimination in order to protect their rights is equivalent to the ultimate absurdity of the Vietnam war; namely the statement of a field commander who explained: "We found it necessary to destroy the village in order to save it." It is reminiscent of court decisions in the early part of this century which struck down child labor laws on the grounds that children had a right to work more than 12 hours a day. Additionally, the fact is "a day in court" is guaranteed under the bill to either party who is not satisfied with the decision of the ALJ.

Private suits under present law are, effectively, not available to the poor, who are the most frequent victims of discrimination. Administrative relief is necessary. Likewise, suits by the Attorney General, as authorized currently, do not provide adequate relief for individual victims. These suits are presently authorized only if a "pattern of practice" of discrimination exists. It is not available in individual cases.

The ALJ hearing procedure provides the best features of both the court remedy and administrative remedies in that:

First. It is relatively inexpensive, practical, and quickly available;

Second. ALJ's are guaranteed independence from HUD control or direction, just as courts are independent. The Synar amendment makes this independence even stronger;

Third. Before ALJ hearings are permitted, equivalent State or local enforcement machinery must be found to be unavailable. If it is available, the case must be referred to the State or local agency;

Fourth. HUD must first attempt to conciliate the case before the administrative hearing can be ordered; and

Fifth. An appeal is provided to the Federal district courts from decisions of ALJ's.

Twelve years of experience under title VIII have demonstrated the need for an effective mechanism whereby persons victimized by housing discrimination may seek an immediate, locally available, fair and expeditious review of, and, if appropriate, relief from the discrimination. The Synar amendment provides this, and I urge its adoption.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word, and rise in opposition to the Synar amendment.

Mr. Chairman, I know the time is drawing late and people wish to vote on this, and I think there has been considerable discussion. But there is one area I think we should elaborate on a little bit more, and that is what does the Synar amendment actually do.

One thing for sure it does and that is, if my colleagues want to do it that is fine, but one thing is does is it sure gets rid of the Sensenbrenner-Volkmer or Volkmer-Sensenbrenner. It kills it. It is dead. My colleagues will never have it that way if they vote for the Synar amendment. If they want to do that, that is fine, but let us recognize that that is really the main purpose of it, because what else does it do other than that? Not very much. Not as far as the bill is concerned. We still have the ALJ process.

There is one thing it does do that I agree with, and it amazes me that those espousing the bill are so much in favor of it, where before we could not even get them to first base on it, and that is it does take it out of HUD as far as the appointing process is concerned and puts it over in the Attorney General. But that is a small bit when we look at the total picture of what we are doing here.

We are not just passing a law for Federal enforcement of fair housing. This law also applies to State and local governments if they wish to have their enforcement mechanisms. Let us remember that. They have to be comparable.

Now, what are we going to compare them with? We are going to compare them with what is here. That is what we are going to compare it with. If that is what my colleagues want to do and that is what they want to be required, that is fine, but how many presently have within their States a system for administrative tribunals, administrative law judges, to hear these cases as against how many presently have local court systems which can be utilized under the Volkmer-Sensenbrenner on the Federal level?

What else does it do? It does not take care of the damages. The bill nor the Synar amendment takes care of damages for a person who has been discriminated against, not for compensatory damages. We do, they do not. That is all there is to it. It is a question of whether we want to do that or not. I feel very strongly that they should be compensated if they have been wronged. I believe they should receive damages for being wronged.

What happens in the zoning? In the Synar amendment we do not really take care of that. It does not really go away to the courts like my colleague may have been led to believe. It really does not do that. It is still there. It is still there and it will remain there. Under the Volkmer-Sensenbrenner it is gone. My colleagues will not have to worry about it. They will not have to worry about administrative hearings in regard to their local zoning in regard to housing.

I think it very important that especially those who have States that are comparable and have been certified that they realize actually what they are doing in regard to the comparability process for their States to remain certified and for those who wish to be certified in the future. They will have to have comparability to this.

One other thing I think is very important as to whether or not we want to go along and we believe everything that HUD will do in regard to everything