

UNITED STATES



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS
FIRST SESSION

VOLUME 115—PART 13

JUNE 20, 1969, TO JULY 1, 1969
(PAGES 16711 TO 18184)

The amendment was agreed to.

Mr. HOLLAND. I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 27, at the beginning of line 16, strike out "\$37,500,000" and insert "\$37,250,000".

The amendment was agreed to.

Mr. HOLLAND. I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 29, line 2, after "5 U.S.C. 3109", strike out "\$13,389,000" and insert "\$13,925,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 29, line 9, after "5 U.S.C. 3109", strike out "\$3,200,000" and insert "\$3,509,300".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 29, line 14, after the word "service", strike out "\$5,000,000" and insert "\$5,459,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 30, line 18, after the word "Library", strike out "\$3,200,000" and insert "\$3,226,750".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 31, line 6, after the word "Agriculture", strike out "\$3,000,000" and insert "\$3,050,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 32, at the beginning of line 16, strike out "\$320,000,000" and insert "\$340,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 33, line 9, after the word "loans", strike out "\$83,000,000" and insert "\$69,600,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 4, after "(7 U.S.C. 1926)", strike out "\$40,000,000" and insert "\$46,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 10, after "(42 U.S.C. 1486)", strike out "\$1,250,000" and insert "\$3,700,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 14, after "(42 U.S.C. 1490c)", strike out "\$1,250,000" and insert "\$2,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 34, line 19, after the word "advances", strike out "\$600,000" and insert "\$1,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 35, line 7, after "(40 U.S.C. 461)", strike out "\$65,000,000" and insert "\$67,500,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 37, line 1, after "1968", strike out "\$2,698,217,859" and insert "\$2,948,217,859"; and, at the beginning of line 2, strike out "\$4,965,934,000" and insert "\$5,215,934,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 37, line 14, after the word "exceed", strike out "\$31,500,000" and insert "\$32,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 38, line 17, after the word "Act", strike out "\$400,000,000" and insert "\$420,000,000"; and, in line 20, after the word "Act", strike out "\$500,000,000" and insert "\$515,000,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 39, line 1, after "(7 U.S.C. 1856)", strike out "\$750,000" and insert "\$1,250,000".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The next amendment was, on page 39, line 14, after the word "and", strike out "thirty (530)" and insert "sixty-six (566)".

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HRUSKA. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLAND. Mr. President, I believe that completes action on the committee amendments, except those we passed over. I thank the Presiding Officer for his patience, and I thank the distinguished Senator from Nebraska for his cooperation.

Mr. MONDALE. Mr. President, on May 7, 1969, I wrote to the Secretary of Agriculture, Clifford M. Hardin, and asked him a series of questions concerning discrimination in the Department of Agriculture and in the administration of its programs. These same questions were also submitted to the Department with a number of other questions by the Select Committee on Nutrition and Human Needs on May 27, 1969; the committee asked the Department to reply by June 18, 1969.

It is now July 1, and neither the committee nor I have received any response from Secretary Hardin or the Department of Agriculture.

Since we are now considering Agricultural appropriations for fiscal 1970, I think it important to raise this matter. Before approving billions of dollars of appropriations, the Senate should address itself to the Department of Agriculture's civil rights record—a rec-

ord which raises serious questions as to whether the Department has complied with title VI of the Civil Rights Act of 1964 and Executive orders aimed at preventing discrimination by Federal agencies and by Government contractors.

The following findings by one official indicate that the Department's performance in enforcing title VI may well be worse than that of any other agency of the Federal Government. After expressing "concern as to the adequacy and effectiveness of the past efforts of the Department of Agriculture to achieve equal opportunity in its programs," this official stated:

Patterns of violations of Title VI and of the Department of Agriculture's implementing regulations persist. For example, audits of six state cooperative extension services conducted by the Office of the Inspector General of your Department revealed substantial and widespread noncompliance with civil rights requirements in each of these states. . . . An earlier publication of the Civil Rights Commission, *Cycle to Nowhere* (1968), states (p. 22) that in Alabama and elsewhere in the South the practice of assigning extension workers on the basis of race is widespread. Since there are proportionally fewer Negro extension agents, that practice means that Negro farmers do not receive a fair and adequate share of the services provided. Thus, even apart from being a flagrant violation of law, this practice denies Negroes the opportunity to improve their farming methods and economic status. The evidence available to this Department suggests that the conditions found by your investigations are widespread and continuing.

Despite the evidence of these widespread violations of law disclosed by your Department's investigations, I am not aware of any meaningful action which has been taken to correct the situation. The failure of state extension services to achieve their full potential with respect to serving members of minority groups could aggravate such problems as migration from rural to urban areas and the inability of families to provide adequate diets. Conversely, meaningful enforcement of Title VI in regard to the cooperative extension services and other programs of your Department could contribute to your effort to alleviate hunger and rural poverty.

This is not a partisan matter. These complaints are contained in a letter from Attorney General John Mitchell to Secretary Hardin, dated April 16, 1969. The Attorney General's letter stems from his responsibilities to coordinate the title VI enforcement programs of all Federal agencies under Executive Order 11247; his criticisms were based on a U.S. Civil Rights Commission study of USDA's implementation of title VI.

The Attorney General also recommended to Secretary Hardin specific proposals in four general areas to improve the civil rights compliance program of the Department of Agriculture. They related to organization of title VI enforcement, functioning of the Equal Opportunity Office, program impact, and racial data collection.

For example, the Attorney General recommended that USDA create a centralized office for civil rights enforcement; that it "adopt methods for making certain that equal opportunity requirements are effectively translated into increased delivery of services to eligible minority group beneficiaries who presently may not be receiving their fair and intended share of Department of Agri-

culture assistance"; and that it establish a comprehensive racial data collection system that would provide the facts upon which a meaningful compliance review could be based.

I have no idea whether or not Secretary Hardin intends to carry out any of the Attorney General's recommendations. If he has responded to the Attorney General's April 16 letter, this response should be made public.

Regardless of whether he has answered the Attorney General, I again ask Secretary Hardin to inform me and those of you who share my concern for the full and effective enforcement of title VI of his program for remedying the deficiencies which have existed in the past and continue to exist. Does he intend to adopt the recommendations of the Attorney General or does he have a different plan of action? I think that we are entitled to an answer.

In a letter to Representative EDWARDS of California on May 21, 1969, Secretary Hardin expressed his personal determination to eliminate discrimination and stated that the Department was requesting an additional \$250,000 for civil rights enforcement in fiscal 1970. But his letter failed to specify the steps he intended to take to eliminate these discriminatory practices and made no reference to the Attorney General's recommendations.

I am pleased to note that the committee has approved the additional \$250,000 for civil rights activities in fiscal 1970. And while I am ready to vote for whatever additional funds the Department needs for such activities, the Secretary has yet to define how he intends to improve the Department's civil rights program. It is clear that present enforcement efforts have been completely inadequate. Unless the Secretary significantly reforms this enforcement program, his good intentions are irrelevant.

This is a very serious matter. At a time when we are faced with grave domestic problems and when too many Americans no longer have faith in the ability of Government to remedy their grievances, it is absolutely essential that the Federal Government eliminate all vestiges of discrimination—whether in the implementation of its programs or in its dealings with private contractors.

I therefore urge Secretary Hardin to tell us specifically what steps he intends to take to improve the dismal civil rights record of his Department. He should do so before we act to appropriate funds for USDA programs. We should be confident that the Department is implementing procedures to insure that these funds will not be used in a discriminatory manner and in violation of the law.

Mr. President, I ask unanimous consent that a letter written by Attorney General Mitchell to Secretary Hardin and the questions which I submitted to Secretary Hardin on May 7, 1969, be inserted in the record at this point;

For those interested in examining the report of the Civil Rights Commission on USDA's enforcement of title VI, it is reprinted in the *Record* of May 22, 1969, beginning on page 13456.

There being no objection, the material

was ordered to be printed in the *RECORD*, as follows:

APRIL 16, 1969.

The Honorable CLIFFORD M. HARDIN,
Secretary of Agriculture,
Washington, D.C. 20250

DEAR SECRETARY HARDIN: By letter of October 8, 1968, the United States Commission on Civil Rights forwarded to your Department its report on a study of the Department of Agriculture's implementation of Title VI of the Civil Rights Act of 1964 which prohibits discrimination in Federally assisted programs. In connection with our responsibilities under Executive Order 11247 (1965), assigned the Attorney General the function of coordinating the Title VI enforcement programs, of all Federal agencies, we received and have reviewed the report of the Commission based on that study.

Before commenting upon the specific recommendations made by the Commission, however, I want to express our concern as to the adequacy and effectiveness of the past efforts of the Department of Agriculture to achieve equal opportunity in its programs.

The underlying objective of Title VI is to assure that all persons are given a fair and equal opportunity to participate in, and receive the benefits from Federally aided programs. Viewed in terms of the programs receiving assistance from the Department of Agriculture, this objective coincides with the priorities which we understand you have established for your Department that are directed at alleviating hunger and malnutrition among the rural poor and other deprived members of our society.

Title VI took effect on July 2, 1964. Since that time, as pointed out in your predecessor's letter of January 17, 1969, to Mr. Glickstein, the Department of Agriculture had made some progress in eliminating discrimination in programs receiving financial assistance from the Department. Yet patterns of violations of title VI and of the Department of Agriculture's implementing regulations persist. For example, audits of six state cooperative extension services conducted by the Office of the Inspector General of your Department revealed substantial and widespread noncompliance with civil rights requirements in each of these states (see Report p. 37). An earlier publication of the Commission, *Cycle to Nowhere* (1968), states (p. 22) that in Alabama and elsewhere in the South the practice of assigning extension workers on the basis of race is widespread. Since there are proportionally fewer Negro extension agents, that practice means that Negro farmers do not receive a fair and adequate share of the services provided. Thus, even apart from being a flagrant violation of law, this practice denies Negroes the opportunity to improve their farming methods and economic status. The evidence available to this Department suggests that the conditions found by your investigations are widespread and continuing.

Despite the evidence of these widespread violations of law disclosed by your Department's investigations, I am not aware of any meaningful action which has been taken to correct the situation. The failure of state extension services to achieve their full potential with respect to serving members of minority groups could aggravate such problems as migration from rural to urban areas and the inability of families to provide adequate diets. Conversely, meaningful enforcement of Title VI with regard to the cooperative extension services and other programs of your Department could contribute to your effort to alleviate hunger and rural poverty.

In my view it is imperative that your Department develop and implement an effective program to assure compliance with the requirements of law that Federally assisted programs be conducted on a basis which provides for equal opportunity to all; and that it commit its time and adequate resources to accomplish that end.

The recommendations for substantial change which I set forth below reflect our concern over the lack of adequate progress to date.

1. *Organization of Title VI Enforcement.* Our experience with the Title VI compliance operations of other Federal agencies tends to support the view of the Civil Rights Commission that the present office for Civil Rights in the Department of Agriculture be replaced by a centralized Equal Opportunity Office, directly responsible to the Secretary, with authority like that of the Office of Civil Rights at HEW (see 32 Fed. Reg. 15190) and the Assistant Secretary for Equal Opportunity at HUD. The new organization would have responsibility for implementation and enforcement of Title VI, including the authority to initiate all compliance reviews and complaint investigations, and to secure compliance where the reviews indicate lack of compliance. It would also be given authority to conduct negotiations; make settlements; initiate compliance proceedings; refer cases to the Department of Justice for suit where necessary; and work with constituent program agencies at Agriculture in translating equal opportunity requirements into program delivery terms. The director of this Office would need direct and continuing contact with and support from the Secretary, as well as authority commensurate with these responsibilities vis a vis the program administrators. In addition to a substantial staff which should be assigned directly to the new Office, it may be desirable to assign one or more full-time equal opportunity personnel to each of the major Agriculture programs affected by Title VI (FES; C and MS; FHA; and ASCS).

We would also agree with the desirability of combining in this Office all equal opportunity responsibilities, including those derived from Departmental regulations, from Executive Order 11246 with respect to contract compliance, and those concerning the programs directly administered by your Department.

2. *Functioning of the Equal Opportunity Office.* The Commission's report highlights several specific areas where improvement in the effectiveness of the equal opportunity office's functioning might be sought. Of particular interest to us among these findings were those related to (a) clearing up longstanding situations of refusals to file adequate assurances, including the refusals of the State of Louisiana to submit an acceptable plan for its extension service (see page 16 of the Report); (b) increasing the use made by the equal opportunity office of complaint investigations and compliance reviews conducted by the Office of Inspection General, particularly their three-phased audit of the overall civil rights enforcement operation, and their special audit of the activities of six of the State Cooperation Extension Services (see pages 19 and 34-37); and (c) providing a more uniform and comprehensive compliance review procedure for all program areas, supervised by the equal opportunity office (see pages 26-33.)

3. *Program Impact.* The strengthening of the equal opportunity office would be the necessary first step towards improving the Title VI compliance capability of the Department of Agriculture. In addition, we think it important that your Department adopt methods for making certain that equal opportunity requirements are effectively translated into increased delivery of services to eligible minority group beneficiaries who presently may not be receiving their fair and intended share of Department of Agriculture assistance. Assigning full-time equal opportunity personnel so that continuing day to day liaison with program personnel can be maintained, and organizing a training program specifically designed to relate to the types of assistance provided by your Department, are two methods mentioned in the Commission's Report for moving towards this objective which we support.

4. *Racial Data Collection.* We agree with the Commission that there is a need for establishing a comprehensive racial data collection system that would provide a meaningful factual foundation upon which follow-up efforts aimed at improving minority group participation can be based. We believe this to be an essential part of any effort aimed at making the equal opportunity requirements of Title VI meaningful in program terms.

Although a Committee of Program Review and evaluation has been created in your Department, I understand that this Committee has not considered its mandate broad enough to implement a uniform agency-wide policy for data collection and evaluation in terms of minority group participation. The providing of such authority, either as part of the function of a reconstructed equal opportunity office, or as a responsibility to be shared between that office and the regular program, planning and budgeting staff, would be one available method for initiating the data collection and evaluation function at your Department.

I hope that these comments, in conjunction with the more detailed findings and recommendations of the Commission's Report will be of some assistance to you.

If you feel that it would be useful, the Attorney General's Special Assistant for Title VI would be available at your convenience to discuss the Commission's Report and our comments with your representative, and perhaps also a representative from the Civil Rights Commission.

I will be looking forward to your response. Sincerely,

JOHN MITCHELL,
Attorney General.

QUESTIONS SUBMITTED TO SECRETARY HARDIN
ON MAY 7, 1969

1. As Attorney General Mitchell observed in a letter to you on April 16, 1969, which he based on a July, 1968 report from the U.S. Civil Rights Commission titled *The Mechanism for Implementing and Enforcing Title VI of the Civil Rights Act of 1964*, "meaningful enforcement of Title VI (by USDA) in regard to the Cooperative Extension Service and other programs of your department could contribute to your effort to alleviate hunger and rural poverty."

The Attorney General also expressed to you his concern as to the adequacy and effectiveness of the Department's civil rights enforcement program.

What are your plans for assuring non-discrimination under Title VI in the Department's Extension Services, where the Department itself has documented such discriminatory practices as assigning extension workers on the basis of race? (Since there are far fewer Negro extension agents, this practice means that Negro farmers do not receive a fair and adequate share of the services provided.)

What action will be taken to upgrade the civil service ratings of Negro Extension Agents who, with more education than some of their white counterparts, presently hold lower GS ratings than some white extension agents?

2. Who in the Department has direct charge of negotiating civil rights compliance plans for the State Extension Services?

3. It is my understanding that under consideration in the Department is the transfer of Title VI enforcement in the Extension Service to HEW. Is such a plan under consideration, and if so, would you submit a copy of the plan to the Committee?

4. Attorney General Mitchell's letter of April 16 endorses the Civil Rights Commission recommendation that USDA's present office of civil rights compliance, now headed by an assistant to the Secretary, be replaced by a centralized equal opportunity office, directly responsible to the Secretary, similar to that in operation at HEW. Do you plan to

implement this recommendation by the Civil Rights Commission?

5. It is my understanding that new members to State ASCS Committees have been named in several States. Please submit a list of those named since January 20, and their race.

6. On page 4 of the July U.S. Civil Rights Commission Report are listed various audits by the USDA Inspector General bearing directly on civil rights compliance by the agencies directly responsible for nutrition and nutrition education, the Consumer and Marketing Service and the Federal Extension and State Extension Services, and other USDA agencies. I ask you to make these reports available to the Committee. They are:

USDA-OIG Audit of Civil Rights Activities in the Federal Extension Service, 6041-6-H; Forest Service, 6041-7-H; Agricultural Stabilization and Conservation Service, 6041-4-H; Consumer and Marketing Service, 60415-H; and six Cooperative State Extension Services (6065-17T; 6065-17-A; 6065-1-T; 6065-1-A; 6065-26-T; and 6065-20-W).

7. From the inception of its loan program for rural outdoor recreational facilities, through May 1968, the Farmers Home Administration, USDA, made loans to racially segregated golf and country clubs. In May 1968, the Attorney General ruled that such loans were subject to Title VI of the Civil Rights Act. Will this rule be applied retroactively to FHA loans made to segregated clubs before the May 1968 ruling?

SUBSIDY PAYMENTS

Mr. FANNIN. Mr. President, the American system of government created by our Constitution embodies many significant departures from the habits and customs of Europe and the Old World.

In the first 150 years of the life of the Republic the contrast between our system and the old system was particularly noticeable in the area of the relationship established between the economic community and the governmental institutions. We avoided Government-approved or Government-sponsored business cartels. With few exceptions the business community operated and prospered without assistance or subsidy from the Government.

During that period in the 19th century when the Nation was expanding westward the Government did make available certain land areas to the railroad builders and free public land to the homesteaders. And some observers of our history have severely criticized both of these intrusions by Government into the private economic sector, as examples of unwarranted favoritism.

We all remember that in the initial phase of the development of an air transport system the airlines were subsidized through contracts to carry the Government mail. The major air carriers have now outgrown the need for this help. We know that the shipbuilding industry is continuing to receive governmental assistance, that industries expanding to meet national defense needs are given an advantage over those plants and factories devoted entirely to producing for the civilian markets.

Commencing in the early 1930's the Federal Government embarked on a policy of subsidies purportedly designed to preserve the economic position and the independence of the American farmer.

Billions of dollars of public money have been employed in this century in an effort by Government to support particular sections of the economy. These pro-