

PROSPECTIVE LEGISLATION

By J. WILLIE SMITH

HEALTH

Approximately two hundred American children die each year as a result of lead poisoning. Most of these children, usually poor and black or Puerto Rican, get the poison from lead based paints that were used before World War II to paint today's inner city slums.

Half of the children who die are less than two years of age. Between 12,000 and 16,000 other children are treated for the same lead poisoning from the same source and luckily survive, but many of the survivors suffer brain damage and subsequent mental retardation.

Unlike the natural diseases such as polio or cancer, lead poisoning is entirely man made. Scientists know the cause and how to prevent it. But with few notable exceptions have not chosen to do so until now. Philadelphia Congressman, William Barrett; Pennsylvania Senator, Richard Schweiker; New York Congressman, William Ryan; and Massachusetts Senator, Edward Kennedy introduced bills that culminated in the passage of PL 91-695, outlawing the continued use of such lead based paints and providing Federal Funds for the removal of lead based paints now on the walls of a large percentage of inner city dwellings.

HOUSING ACT OF 1970

The Housing Act of 1970, as voted out of the House Subcommittee on Banking and Currency, contains two provisions that will provide *bonding relief for minority contractors*. The bill contains sections that authorize HUD (Department of Housing and Urban Development) to guarantee bonds for minority contractors on all HUD assisted projects as well as a

section that authorizes HUD to provide three million dollars in technical assistance to contractors participating in the guarantee program. These sections were originally introduced by Congressman William Moorhead (D. Pittsburgh) in HR 15470.

These provisions will aid the minority contractor greatly. The bonding guarantee will make available many millions worth of federal contracts to those contractors who are presently unable to bid on HUD contracts because of high bonding requirements. If HUD approves this program, three million dollars will be available to minority contractor organizations to implement their programs of technical assistance.

UNEMPLOYMENT COMPENSATION BILL

The Employment Securities Amendment of 1970, was signed into law by President Nixon on August 10, 1970 and is now Public Law 91-373. The legislation *inter alia* required unemployment insurance coverage for employees of most non-profit organizations. There was an attempt in the Senate to cover farm workers but defeat of this proposal insured passage of the bill. It becomes effective in most states January 1, 1972.

The law requires employees, of non-profit organizations, with four or more employees, working 20 weeks or more in a year be insured. The employing organization has the option of paying premiums at the rate set by the state for profit makers or it may agree to reimburse the state for monies actually paid in unemployment compensation to its former employees.

Non-profit organizations desirous of

preserving their tax exempt status in reality as well as appearance will probably elect the latter.

CONCENTRATION CAMPS

December 22, 1969, the Senate passed Senate Bill-1872 to repeal the Emergency Detention Act of 1950 which is Title II of the McCarran Act of 1950 which gave the President or his agent the power to detain persons "if there is reasonable ground to believe that such a person will engage or probably will with others, engage in acts of espionage or sabotage."

The House Rules Committee on Internal Security has blocked a similar house action. The Nixon Administration is firmly on record as favoring repeal. However, observers feel considerable effort will have to be exerted to get the bill out of the House Rules Committee.

Prospects are high that the bill will be introduced in the 92nd session of Congress.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ACT

It is anticipated that reconsideration of this measure passed previously by the Senate (Senate Bill-245B) would arise early. It would give the Equal Employment Opportunity Commission the power to issue "Cease and Desist" orders to more effectively deal with job discrimination. The bill expands the coverage of the Commission's authority to include employees and labor organizations with eight or more employees in place of the current minimum of 25 and further extends protection to state and local employees including teachers.

SCHOOL LUNCH PROGRAM

On May 14, 1970, President Nixon signed Public Law 91-248, which presumably guarantees that after January 1, 1971 any child from a family with an income at or below the poverty level shall be served a school lunch either free or at cost not to exceed twenty cents. The program is mandatory and the states are required to contribute.

The enactment of federal legislation may in many places prove meaningless unless local groups take positive steps to assure implementation by responsible state and local authorities. Though there is no option left to the state, covert omissions unreported may deprive some children of the only available wholesome meal.

MANPOWER TRAINING

The proposed comprehensive Manpower Act (HR 19519) is going to be re-introduced in the new congressional session. Previously vetoed by President Nixon, the bill would have provided for repeal of the Manpower and Development and Training Act and encouraged a rationalization of training programs but continued the Job Corps and such activities as the Neighborhood Youth Corps, Operation Mainstream, Green Thumb, New Careers, OIC (Opportunities Industrialization Centers), and J.O.B.S. (Job Opportunities in the Business Sector).

The Bill will provide for decentralization of administration of Manpower programs to state and local communities as governors and mayors demonstrate interest and effective performance.

It would permit a community action agency to submit a prime sponsorship plan if an approvable plan for the area had not been proposed by a local government unit.

It would encourage training programs by non-profit as well as public and private employers. Approval would also be granted non-profit sponsors for public service jobs.

WELFARE: FAMILY ASSISTANCE PLAN

National Welfare Rights Organizations have adopted the slogan "Zap Fap" referring to the Nixon Administration's proposed Family Assistance Plan.

Opposition to the bill arises from allegations that the Plan hurts welfare recipients by:

1—Providing higher benefits than the present system in only six states.

2—Working mothers of AFDC (Aid to families with dependent children) would be cut back or cut off in 22 states. 370,000 welfare families with a working mother would be hurt. There would be no adjusted differential between the minimal welfare subsistence level and gross income; which quite often is the lower of the two.

3—There is no cost of living provision in the bill.

4—People who get Social Security benefits, Veteran benefits or support payments would lose benefits dollar for dollar if they went on Family Assistance.

5—Recipients could lose special diets, carfare to visit clinics, utility subsidies and money for emergency needs.

6—F.A.P. does not mention rights; i.e. the right to apply for benefits. The present law does.

7—Recipients would be forced to register and accept whatever job was offered, no matter how bad the job or how little the pay.

8—The right of a mother to remarry without forcing her new husband to support her children is denied under F.A.P. A step-father would have to support his wife's children. He does not have to support them under general state laws. This would be a discrimination against the poor and means they would be discouraged from remarrying.

9—The right to a fair hearing would be undermined. If a recipient loses a fair hearing under F.A.P. she would have to pay back any money retroactive to the date of the original decision to cut or reduce benefits. This would discourage recipients from requesting a fair hearing. The decision of the caseworker would be accepted.

* Note, see Dr. George Wiley, *Nixon Welfare Plan: Reform or Repression*, this volume at page 70.

... the day may come in this dark world when poverty shall be abolished, privilege be based on individual desert, and the color of a man's skin be no bar to the outlook of his soul. W.E.B. DuBois

UCLA LAW REVIEW

For the inquiring attorney who desires a comprehensive analysis of the leading cases and current topics in California and national law.

Published six times a year: November, December,
February, March, May and June.

\$3.50 per issue

\$10.50 per volume

UCLA Law Review
School of Law
University of California
Los Angeles, California 90024