

We would provide in this bill for a flexible blacklist so that those assume there were not.

Senator McNAMARA. Were these people in any manner temporary employees or were they what you would consider permanent employees?

Mr. DONAHUE. Well, from the categories of workers, in Atlanta, for example, wage rates for laundry and cleaning services; and in Baltimore, they give wage rates for elevator operators; I assume that that is as permanent as any other similar type of employment is. At those wage rates I would regard any employment as probably temporary in character, because each person is trying to move on as fast as he can to something that pays him a little more.

Senator McNAMARA. Senator Prouty, you apparently had some questions.

Senator PROUTY. Senator Javits is here.

Senator McNAMARA. Senator Javits?

Senator JAVITS. I just walked in, but what I have in mind may be troubling Senator Prouty, too. We are troubled, and I am briefed by the minority labor counsel, by two questions: One, why do you need a bill at all; why do you not just have a very brief amendment to the Davis-Bacon Act? And two, what is the legal and conceptual difference between the catechism proposed by this bill, to wit: "pre-

Mr. DONAHUE. That is a good question, Senator, and I think I can explain it best this way.

In the first place, the word "locality" is not a new word, it is used in the Walsh-Healey Act and it has been accorded a very wide degree of flexibility by use of the statute in court decisions in a number of cases.

Now, the second answer is the Davis-Bacon provision: "City, town, village or other political subdivision of the State in which the contract work is to be performed," is language which cannot be literally applied. If it is, it is much too rigid to suit the needs of that statute and I think that that was recognized at the time the statute was first enacted by some of the colloquies which occurred, particularly in the House of Representatives, as I remember it.