

Yes, I would like to. As of today there is no national application of these procedures. The plan was first put into effect in California as a pilot, then moved to Ohio, and then to Pennsylvania.

Now, those are the only three States that have had any experience whatsoever under these new procedures.

In our opinion the procedures that have been used in these pilot projects are absolutely impossible of compliance, on the part of industry and the State highway departments. It was published in the Federal Register the 15th, I believe, the Federal Register of February 15, on page 3000, a proposed regulation detailing this entire problem.

The industry and others interested were given until March 15 to submit briefs regarding this proposed regulation. So until the regulation is issued and becomes nationwide in effect, it is difficult to give you an accurate portrayal of the impact of this regulation.

I have, Mr. Chairman, a brief statement on this subject. I would like to include for the record, together with a resolution passed by the American Road Builders Association, at the convention last week, dealing with this subject; and I would like to submit these for the record. I do not want to prolong this discussion, but I would, Mr. Chairman, like to make the record clear.

Mr. KLUCZYNSKI. Hearing no objection, it will be made a part of the record.

(The statement, resolution, and letters follow:)

STATEMENT OF AMERICAN ROAD BUILDERS ASSOCIATION

We wish to express our grave concern over a proposed regulation of the Office of Federal Contract Compliance of the United States Department of Labor relating to equal employment opportunity.

This regulation is based upon Executive Order 11246 which requires that a so-called pre-award conference be held on every Federal and Federal-aid highway construction contract of one million dollars or more.

The apparent low bidder would be required to take some unspecified action relating to equal employment opportunity prior to the award of the contract.

We believe the requirement of a pre-award conference would destroy the competitive bid system in the United States.

We believe it would be an illegal usurpation of the rights of the sovereign states to award contracts to the lowest responsible bidder.

We believe it would be impossible for the contractors and state highway departments to comply with the proposed order, regardless of how much they are in accord with the objectives of equal employment opportunity.

We hope to have an opportunity at an early date to present to this Committee alternative means by which the objectives of Executive Order 11246 can best be implemented.

RESOLUTION RELATING TO THE FEDERAL EQUAL EMPLOYMENT OPPORTUNITY PROGRAM ADOPTED BY THE AMERICAN ROAD BUILDERS ASSOCIATION AT THE 60TH ANNUAL CONVENTION AT LAS VEGAS, NEV., FEBRUARY 14, 1968

Whereas the construction industry and the State, county and city highway departments employ large numbers of workers who are members of minority groups; and

Whereas there is an increasing shortage of skilled labor in most of the trades involved in the construction of highways and, therefore, an increasing need for adequate apprenticeship programs and other training programs; and

Whereas certain administrative procedures and requirements, both current and proposed, purported to interpret the Federal Equal Employment Opportunity Program are impractical, unworkable and disruptive with respect to sound contractual procedures and functions and are, in fact, contrary to the intent of the law;