

In the bill reported out by the subcommittee in the Senate there is a change in the language which refers to this point which you raised earlier, the relationship of this to established pension plans. We count that change as not going to the substance and involving matters going to clarification which would present no problem. With respect to administration and enforcement, touching another point you raised, the Senate subcommittee reported the bill out with enforcement proceedings based entirely on the Fair Labor Standards Act. With respect to the criminal penalties provided in the bill here, there are no criminal penalties provided in the bill reported out of the Senate subcommittee except in cases where there is a resisting or impeding of the operation of the law.

There is similar language covering the relationship between the State and Federal Government. That subcommittee took up, as you suggested you will be taking up, the matter of the age limits. They noted it as a point they would expect to see considered in the full committee.

Mr. BURTON. Thank you.

Mr. DENT. Thank you, and I will try to make available to you some of the hearings on that particular part of the detailed hearings in the Senate.

I want to thank the Secretary for coming. I might say, before closing, that it would be interesting if your staff could compile for us a list of the States and the agencies which administer the State acts, whether or not they are administered by an FEPC or some other agency.

That will be a point we will have to discuss rather thoroughly in the committee. I personally believe this is a problem that ought not to be mixed up or confused in the area of the discriminations that we have been dealing with in recent years regarding sex, national origin, race, or color.

In many cases a man is qualified in every respect, having done a particular job for the employer before. Just because he may have been off for a period of time is no reason for his not being reemployed. I rather hope the Secretary will stay with the proposal that it be handled as a separate and distinct discrimination because in most cases these people get unemployment compensation by way of relief during their unemployment. They are probably the largest single draw on unemployment in the country.

Secretary WIRTZ. That will continue to be our position and I can clear up very quickly the State practice. Out of the 23 States, in 11 the law is enforced by the State department of labor. In New Jersey by the department of law and public safety; by the department of employment in California. These are separate agencies. There are only six where it is enforced by the State commission against the discrimination and there are five others where there is no specification as to who is to do it. Some of these are pretty pointless.

Mr. DENT. That reminds me of when we passed an age discrimination bill for women and then forgot to put the money in.

Secretary WIRTZ. Thirteen State laws are handled by separate agencies and in six by the commission of discrimination.

Mr. BURTON. Why have we left out the U.S. Government?

Secretary WIRTZ. It is already covered by an Executive order.