

Mr. BURTON. What are the provisions of the Executive order?

Secretary WIRTZ. They only make it in a statement of policy.

Mr. BURTON. What would be improper about us having our non-appropriated fund activities in the Federal establishments generally covered by the provisions of the bill?

Secretary WIRTZ. We would have no objection. It is a little hard to realize how fast this thing has moved. You realize as much as 3 or 4 years ago everybody seemed afraid to touch it. We took the first step, as far as the Federal Government is concerned, by Executive order. It is only a statement policy. We will be glad to put it in here.

Mr. BURTON. Could your language include not only the Federal Government but independent authorities like the TVA and all those Federal activities that may or may not come within the narrow definition of Federal Government or Federal employees? Could you do that so we have that all-encompassing and all-sweeping inclusion in this legislation?

Secretary WIRTZ. I am all for it.

Mr. BURTON. Your office didn't oppose the inclusion of the non-appropriated fund activities in the minimum wage bill. Was that the Defense Department that did that on the outside?

Secretary WIRTZ. Our Department did not.

Mr. DENT. Not only didn't oppose it, they are in court fighting for it.

This is the caretaker of the downtrodden civil service.

Secretary WIRTZ. It is a very important point in my judgment. There are two and a quarter million employees.

Mr. BURTON. It is my only justification for being elected to Congress, I hope you prevail.

Secretary WIRTZ. Oh, yes.

I simply report that has been decided by the district court on a 2-to-1 decision. The legislation has been appealed.

Mr. HAWKINS. I was a little concerned about the bona fide qualification for the occupation phase of this bill and just how that is going to be administered. I will take one or two cases such as airline stewardesses, restaurant employees, and many other areas where it is stipulated or alleged that younger persons are preferred for psychological reasons. Do you think this will offer any great problem in the administration of the act?

Secretary WIRTZ. It is my understanding that it is precisely that problem which the chairman has suggested he would like on behalf of the committee to anticipate our taking up and we will be glad to do that. He has also referred to testimony on the Senate side and I thought on a matter of that kind, if it should be covered, it should be given further consideration.

I am not avoiding your question, but I think if that kind of thing is to be covered, further attention is needed.

Mr. BURTON. Is my colleague from California concerned about the contribution—

Mr. HAWKINS. The topless?

Mr. BURTON. Do you think there should be a limitation? I think there should be a limitation there.

Mr. DENT. Mr. Secretary, I know you have other duties to perform and if the committee has no more questions I would like to thank you