

I don't recall that we did enact the additional legislation sought by the Commission.

Mr. HAWKINS. The cease-and-desist order?

Mr. PUCINSKI. Yes.

Mr. HAWKINS. No, we did not.

Mr. PUCINSKI. It was before this committee.

Mr. HAWKINS. I don't know whether counsel will agree but this would be a much stronger bill than the existing title 7.

Mr. PUCINSKI. I think the gentleman from California is entirely correct.

Mr. Rowan, are you satisfied with the language in this bill, which does give the Secretary a right to get a court of appeals order to enforce some of the Secretary's decisions? Would you believe, Mr. Rowan, that this is sufficiently strong language at least to move forward on the subject?

Mr. ROWAN. I think it is. It could be strengthened by having the same provision the Federal Trade Commission Act has, that once a cease-and-desist order is issued, if the respondent fails to petition the court of appeals for review within 60 days, the order becomes final, the same as the final judgment of a court of law and becomes enforceable and violations will bring about grounds for a penalty suit.

There is another factor. A case went up to the Massachusetts Supreme Court under this law where the worker sued for a large sum as damages, claiming he was wrongfully discharged and asking he be reimbursed for the money he had lost because of his discharge, which was based on his age.

The Massachusetts Supreme Court upheld the validity of the law, the Constitutionality, but said the law merely provided a fine of \$100 but did not provide a remedy under which the wronged individual might sue in a court of law and recover what he lost.

Mr. PUCINSKI. It is obvious, as you study the enforcement procedures in this act and study the enforcement procedures in the Civil Rights Act, Title 7, the fact is these are hard cases to prove. These are tedious cases and we need this law, no question about it.

We need this law because of the problem that you and other witnesses have brought before this committee. I feel very strongly if we can get the ways and means committee to adopt legislation to permit a tax credit on these additional costs many of these problems would be resolved between the employer and employee without the need of interference from any other third party, including the procedures spelled out here.

So while I intend to support this legislation, vote for it and do everything I can to get it enacted, I also intend to do everything I can to get my own bill on the tax credit enacted.

I feel that in the final analysis the voluntary agreement between the employer and employee is still the best and fastest way of solving the problem.

For those employers who won't do it, you need the machinery spelled out in this act and for that reason I will support this act.

I will add I think you gentlemen ought to give some consideration to contacting the Ways and Means Committee, perhaps you should have a meeting with Chairman Mills and spell out the extent of the problem as you so well know it.