of facts that make clear that the older worker in the small plant or business has just as much, and maybe more, need of protection as the older worker in the large plant or business.

We are long past the day, it seems to us, if, indeed, there ever was such a day, when it could justifiably be argued that it may be all right to require a large employer to observe fair employment practices or labor standards, but all wrong to require his small competitor to do so.

We likewise do not see any reason why the legislation should, as is provided in section 4(f)(2) of the bills, permit involuntary retirement of employees under 65. We do not believe that the safeguard which this provision purports to contain restricting this possibility to cases where it is done "under a retirement policy or system where such policy or system is not merely a subterfuge to evade the purposes of this act," is adequate to prevent serious abuse.

In this connection, it should be observed that there is no age cutoff in this provision. Involuntary retirement could be forced, regardless of the age of the employee, subject only to the limitation that the retirement policy or system in effect may not be merely a subterfuge to evade the act.

On the other hand, section 4(f) might well be strengthened in another respect. There is nothing in this section now which protects the operation of bona fide nondiscriminatory seniority systems. We urge that this section be amended to protect such systems.

The enforcement provisions contained in section 7 of the bills are a mixture, based in various parts on the Civil Rights Act of 1964, the National Labor Relations Act and the Fair Labor Standards Act. We believe that it would be preferable to utilize the enforcement machinery of one of these acts rather than to establish still another enforcement system.

The staff and experience of the agency administering that act would be of benefit to those charged with the responsibility of enforcing the prohibitions against age discrimination in employment.

When Congress passed the Equal Pay Act in 1963, it decided to utilize the staff and expertise of the Wage and Hour Division in the U.S. Department of Labor to administer and enforce that act. As far as we have been able to determine, this approach to the problem of nforcing the act's prohibition against discrimination in wage payents based on sex has worked well.

We suggest that the subcommittee should give serious consideration o simply utilizing the enforcement machinery and procedures of the Vage and Hour Division to enforce the proscriptions against disriminatory employment practices based on age which are contained n the bill.

Finally, the bills provide in section 13 that their application is imited to individuals who are between the ages of 45 and 65. There is proviso added to this section which gives the Secretary of Labor uthority by rule or regulation to "provide for appropriate adjustents, either upward or downward, in the maximum and minimum ge limits provided in this section."

This subcommittee is aware, I feel sure, of the practice of some irline companies which refuse to permit stewardesses to work as such eyond the ages of 35 in some cases and 32 in others. You will be hearng after me testimony from spokesmen for the Transport Workers nion of America, AFL–CIO, on this subject.