

little or no skills, as they approach the age of 45 and begin to realize that if they lose their jobs, it is going to be terribly hard for them to find other jobs.

In our view, this is a situation that urgently calls for correction. It is this aspect of the problems of the older worker that H.R. 4221 and H.R. 3651 are designed to meet.

Of course, the prohibition of discrimination in employment on account of age would mark only a beginning in dealing with the problems of the older worker. Other programs need to be developed to assure continued usefulness and dignity for workers and others as they grow old. Enactment of the legislation this Subcommittee is now considering would, however, be a most significant beginning, and we urge the Congress to undertake this step without delay.

The problems of the older worker have engaged the attention of the delegates to the last two AFL-CIO Constitution Conventions. In 1963, the AFL-CIO Convention resolved unanimously to support legislative and administrative action to aid the aging and called for "vigorous enforcement of laws against discrimination in hiring older workers and an investigation of rigid systems of forced retirement of older workers who retain their full productive capacity."

In 1965, our support for legislation prohibiting discrimination in employment on account of age was reaffirmed and strengthened in a Convention resolution which states: "We urge the enactment of legislation which will effectively curtail discrimination on account of age. While a number of programs have been developed to meet the needs of youth, and to eliminate discrimination based on color, sex, and national origin, little has been done to provide protection to older workers. This is a waste of human resources which should not be tolerated in any society seeking full employment and a rational manpower policy."

Nor are we alone in recognizing that there is a serious employment problem for older workers that urgently requires attention. Twenty-three States and the Commonwealth of Puerto Rico have enacted laws banning discrimination in employment on account of age. These laws, of course, are of varying effectiveness, and nearly all of them suffer through lack of adequate appropriations to enable them to become truly effective in carrying out their purpose. They do, however, constitute widespread acknowledgment of the need to take action in this field and of the appropriateness of legislation to prohibit age discrimination in employment.

The Federal Government, too, has taken some steps to deal with the problem. In March 1963 President Kennedy issued a memorandum to the Executive Branch of the Government reaffirming the policy of hiring and promoting employees on the basis of merit alone and emphasizing the need to make sure that older people are not discriminated against because of their age and receive full and fair consideration for employment and advancement in Federal employment. This was followed by a recommendation by the President's Council on Aging in December 1963 that an Executive Order be issued banning discrimination in employment on the basis of age by Federal contractors and subcontractors.

Executive Order 11141, issued by President Johnson on February 11, 1964, carried out this recommendation by establishing as a policy of the Federal Government that Government contractors and subcontractors should not discriminate in connection with the employment or terms of employment of persons employed by them because of their age. The order also directed that they should not in advertising for employees to work on Government contracts specify maximum age limits for such employment. Exceptions could be made under the order, however, upon the basis of a *bona fide* occupational qualification, retirement plan, or statutory requirement. Unfortunately, the order made no special provision for administration, carried no penalties, and only required the several Federal departments and agencies to "take appropriate action to enunciate this policy". Clearly, to be reasonably effective, it needs to be strengthened and implemented.

In his "Message on Older Americans," which was sent to the Congress on January 23, 1967, President Johnson called for enactment of a Federal law prohibiting "arbitrary and unjust discrimination in employment because of a person's age". On January 23, 1967, too, Secretary Wirtz forwarded to the Congress draft legislation to carry out the President's recommendation. This legislation is contained in H.R. 4221 and H.R. 3651 which you, Mr. Chairman, and Chariman Perkins have introduced.

I cite these expressions of support for enactment of Federal legislation to prohibit age discrimination in employment because they demonstrate that recognition of the need for such legislation is significant and widespread. We