

If we are discussing the matter of discrimination on age, how can we justify limiting protection to a prospective employee who is going to work for an employer with 25 or more employees? Are we passing legislation dealing with the employee or employer status? I think your remarks in that regard are well taken.

I also want to commend you for your discussion of the section dealing with the upper and lower age limits. We may have a difference of opinion on the question of the upper levels, because I believe in early retirements, but not at 32. If so, I have missed a couple of years.

In the lower restriction as established here at 45 years of age, I see no difference in discrimination at age 23, 24, age 35 or 37 than to age 45. I believe the committee will have to consider very seriously the question of whether or not there ought to be any lower limit other than that prescribed by statutory law on the books dealing with child labor, or safety, occupational hazards, and so forth.

It seems to me that particular part of your testimony ought to be given very serious consideration by the House at least; we know the Senate ignored it.

We also believe the position taken by your AFL-CIO testimony this morning relating to the involuntary retirement of employees and so-called pre-hiring contracts where age is the only factor and the factor is not directly related to the job potential merits further discussion. The committee, I am sure, will take that into consideration.

I want to personally thank you for coming here and helping us with your very wise testimony this morning.

Mr. Hawkins.

Mr. HAWKINS. I want to commend you for an excellent statement; however, I am not clearly convinced on your recommendation that enforcement provisions should be through the Wage and Hour Division. I wonder whether or not this is a strong recommendation or if you are suggesting that instead of combining the enforcement provisions of several acts, it would be better to use one already accepted, or whether the Equal Opportunities Commission has been rejected. Have you given consideration to that and to whether other factors have been considered due to the fact we have had a long struggle to get all the problems of aging in one single division, not only enforcement but data collection, and so forth? Have you given consideration to these factors as well?

Mr. MEIKLEJOHN. Our main concern here, Congressman Hawkins, is to utilize a procedure, the procedure set forth in the Fair Labor Standards Act rather than saying the responsibility for administering that procedure should be located in any particular department of the Bureau. The bill places responsibility for enforcement and administration with the Secretary of Labor and permits him to delegate that responsibility as seems to him best within the framework of the Department.

The bill in its present form contains provisions which in part are derived from various other statutes. It provides for cease-and-desist orders and adjudications by the Secretary of Labor, which we think are somewhat inappropriate for combining with administration by a single individual. There is some question, it seems to us, whether such quasi-judicial powers should be vested in an individual with administrative powers as well. What we are primarily concerned with here is