

Mr. O'CONNELL. There is a representative of the Air Transport Association sitting in the back of the room and I know they knew we were going to testify this morning, I am sure, if they had a case they could defend, they would be here testifying.

Mr. DENT. I did understand in the beginning they were going to present testimony but as of today we have not received any testimony whatsoever. I am sure they know the record will be open for 10 days, and if there is any testimony to be presented, it can be presented by any interested party.

The Secretary of Labor, in his testimony before the Senate committee, specifically intimated that insofar as his problem is concerned he would desire that the question be clarified by congressional action. Is that your understanding of his testimony?

Mr. O'CONNELL. Yes, it is. If it were the intent of Congress to do something about this problem it should direct its attention to it specifically.

Mr. DENT. That, in line with our thinking as we have expressed it before on the question, puts us in a very crowded corner because if the question never came up it would have no bearing on what subsequent action may be obtained by the union or the employer. But since it has been brought before the Congress by testimony publicly given, it becomes imperative that some expression be made, in my humble opinion, one way or the other by Congress, otherwise we may find ourselves in the position of having done a disservice to either the employer or employee by remaining silent on the question at this point.

Mr. O'CONNELL. When the legislation was first introduced we were under the impression that the proviso contained in section 13 which gave the Secretary of Labor the authority to raise or lower the age limits in cases where he found probable cause of discrimination, we thought this gave to the Secretary of Labor the right to take up and intervene in our particular case but the Secretary of Labor in testimony before the Senate committee was not loud and clear on this; in fact he was just the opposite, he didn't think he could reach down to 32.

He suggested to the Congress that if Congress intended to do something in this area that it should direct itself specifically to our problem.

Mr. DENT. It was his testimony on this point that caused the situation to become a public matter before the committee. The proposal gives him discretionary authority to adjust the age limitations upward or downward, but he threw the ball right back, if you will, to Congress by stating if we were going to have any action in this particular area we should provide for it in the legislation. Therefore, we find ourselves hoping to get testimony from both sides because I have always believed there are two sides to every question.

Where we have only one side we have to act accordingly. If we have no opposition to it then the only thing we can do is act on the testimony presented to us. Therefore, it is a matter of serious consideration since the Senate has not seen fit to follow the advice or suggestion of the Secretary of Labor, the full burden for making the determination appears to fall on the shoulders of the House committee.

Mr. O'CONNELL. The full committee has not met on that bill over