

Mr. Chairman, it would seem that industry is no longer utilizing the criteria of ability in hiring employees. It is instead imposing arbitrary age limitations. Today, a person of the highest ability may not be able to find employment in his chosen occupation only because he or she chronologically exceeds a given age. That such person is capable of better performing the required tasks than a younger person becomes immaterial.

These conditions have created still another social problem in the United States. Enforced idleness and the attendant loss of purpose among these people is growing by leaps and bounds. How much longer must we stand by and watch a man who yesterday held a position of responsibility be forced to accept a position as a file clerk or an office boy because he has just turned 55 or 60 years of age? How much longer must we wait to help skilled people gain reemployment after losing their jobs due to no fault of their own? Mr. Chairman, the opportunity to remedy this situation is before us—the time is now.

This committee in H.R. 3651 has the opportunity of taking the first steps to eliminate the discriminatory practices which I have discussed. My bill, H.R. 8535, which would accomplish the same purposes, indicates my support for this legislation which would prohibit age discrimination in employment.

The operation of the proposed law is simple. The bill, which applies to persons between 45 and 65 years of age, simply makes it unlawful for an employer to "fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment, because of such individual's age." The bill also prohibits age classification of employees which deprive employees of employment opportunities. Employment agencies and labor unions would also be prohibited from engaging in such discrimination.

The bill does not prohibit age classifications if age is a bona fide occupational requirement, reasonably necessary to the performance of a particular job.

Administration and enforcement of the provisions of the bill are vested in the Secretary of Labor who is authorized to hold hearings concerning alleged violations and to institute proceedings in the U.S. district court to enforce his findings. Violations would be punishable by a fine of not more than \$500 or by imprisonment for not more than 1 year or both.

Mr. Chairman, the employment problem of older people is nationwide and requires a nationwide solution.

During my service in the Congress, I have fought for and witnessed the enactment of legislation which removed the discriminatory practices with respect to color and sex. Of course, I refer to the Equal Pay Act of 1963 (Public Law 88-38) which prohibited discrimination by sex; and the Civil Rights Act of 1964 (Public Law 88-352) which prohibited discrimination by employers because of race, religion, or national origin. It is time that we took still another step toward removing all discriminatory employment practices.

Mr. Chairman, this bill seeks no special privileges, because age should not be a factor in employment. Therefore, I urge early action on this legislation.

Mr. DENT. Thank you, Mrs. Kelly, for appearing before this subcommittee.