Would the law of the State where a stewardess was originally hired apply? Or the law of her first base? Her present base? Or the law of the State to which she most recently requested transfer? If required to hire someone in Massachusetts, for example, would assignment or transfer to Pennsylvania permit termination of the employee because of the difference in laws or commission determination between those States?

These issues, it is submitted, strongly emphasize the problems encountered by an airline in seeking to apply uniformly its policies where different State rules applicable to an employee who works in two or perhaps as many as half a dozen States every day of the week. They serve to underscore the impracticality, undesirability, and added burden placed on interstate commerce of divergent State laws.

There is little likelihood of the need for multiple proceedings or of such conflicts and overlaps in the average business enterprise where employees are essentially static and work primarily in one place. However, in the air transport industry, flight crews have no single location of employment and mobility is an inescapable hallmark distinguishing interstate air transportation from most other industries.

The air transport industry hires flight crews from every State, not to work in the State where they are hired, but to work in many States. They may be interviewed in one State, hired in another, trained in a third, initially assigned in a fourth, and reassigned again and again. This may be either on the basis of seniority bidding rights or of the carrier's business needs. In either case, the mobility is pursuant to collective-bargaining agreements which under the law are systemwide both in negotiation and application.

Existing Federal legislation already recognizes the need for uniform systemwide application of regulations to the air transport industry which is inherently highly mobile and multistate. The Federal Aviation Administration and the Civil Aeronautics Board regulations follow this pattern. The Railway Labor Act clearly envisages uniform systemwide employment conditions. Age discrimination regulation should be no different. At least to the limited extent covered by the recommended proviso set forth above, uniform national treatment is the only practical procedure to be followed in applying an age discrimination statute to the air transport industry.

Congress Should Establish the Age Group in Any Federal Age Discrimination Legislation—The Secretary of Labor Should Not Be Given Discretion To Adjust the Age Limits

Section 13 of H.R. 3651, and its counterpart, entitled "Limitation," provides that the coverage of the proposed act shall be limited to "individuals" who are at least 45 years of age, but less than 65 years of age, thus covering the older worker who has been the subject of each report of the Secretary of Labor to the Congress on the question of age discrimination in employment.

If Federal age legislation is to be enacted to protect the employment opportunities of such older workers the proposed age brackets specified in the bills are clearly appropriate.

However, the bills also state:

> *Provided*, That in order to effectuate the purposes of this Act, the Secretary may by rule or regulation issued under Section 10 of this Act, provide for appropriate adjustments, either upward or downward, in the maximum and minimum age limits provided in this Section.