

Act in the Department of Labor and go over the whole situation and see whether or not there is leeway in the very loosely drawn standards of qualifications, in my humble opinion, because if it can be done by executive administrative interpretation, I believe the industry has a reasonable cause for action in this area.

If it can be done by administrative interpretation of the act, it would certainly be more appropriate at this time than trying to force action on a bill that would open the act at this time.

Mr. DANIELS. You have heard the testimony of the witnesses here this morning. Does the Department desire to testify in opposition to this testimony?

Mr. LUNDQUIST. Subject to the views of the Solicitor of Labor of the Department of Labor who is also here, I have no desire to testify.

Mr. DANIELS. Is there anything that has been said here that you desire to refute? Would you call the presentation made by the witnesses a fair one with respect to the trade about which they are testifying?

Mr. LUNDQUIST. I believe so. I think there may be some confusion as to what they perceive as retail and service. We have indicated in our letter to the chairman, we made it clear we are contesting certain things in an action now which would attack the concept that a marina, or certain boat-selling activities are retailing services and subject to the retail service exemption.

Mr. DENT. I took that into consideration. The other legislation only calls for determination under 13(b)(10), leaving aside 13(a)(2). I think we should confine ourselves to the given restriction in the bill now for like employment in the same type of industry in our act as we now have it.

The question, in my opinion, is the one dealing only with mechanics, salesmen and partsmen, not whether we are going to make a determination of whether they are a service industry.

I think we have to deal more in the specific exemption they are asking for. I think that can be done in consultation with the Department as to what length we may go to, whether there is a specific exemption by the law or leeway in the act itself for consideration to be given in this area of activity.

Mrs. MINK. This particular bill that we have before the committee addresses itself only to the overtime provisions.

Mr. DENT. That's right; it has nothing to do with the wage.

Mr. LIFTON. We are not seeking any amendment or relief as far as section 6 of the minimum wage bill.

Mrs. MINK. There is no problem there.

Mr. LIFTON. It may be a burden on an individual retail dealer, but we are not asking a change in this area.

Mrs. MINK. With reference to the outside salesmen, are there provisions which affect their industry with respect to overtime, the definition of your outside salesman?

Mr. LUNDQUIST. Yes, but the point I was making is that they probably have outside salesmen now in their industry already exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act.

Mrs. MINK. What percentage of your salesmen are now considered outside salesmen and not covered by overtime provisions already?

Mr. LIFTON. We have no precise figures.