

Union Calendar No. 167

103D CONGRESS
1ST SESSION

H. R. 2722

[Report No. 103-314]

A BILL

To amend the Age Discrimination in Employment Act of 1967 with respect to State and local firefighters, law enforcement officers, and incumbent elected judges; and to amend the Age Discrimination in Employment Amendments of 1986 to prevent the repeal of the exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers.

NOVEMBER 1, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JULY 23, 1993

Mr. OWENS (for himself and Mr. MURPHY) introduced the following bill;
which was referred to the Committee on Education and Labor

NOVEMBER 1, 1993

Additional sponsors: Mr. REYNOLDS, Mr. KILDEE, Mr. McDERMOTT, Mr. GILLMOR, Mr. ENGEL, Mr. CUNNINGHAM, Mr. PALLONE, Mr. TORKILDSEN, Mrs. ROUKEMA, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mr. HOEKSTRA, Mr. ANDREWS of New Jersey, and Mr. RAMSTAD

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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 23, 1993]

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Age Discrimination in*
5 *Employment Amendments of 1993”.*

6 **SEC. 2. AMENDMENTS.**

7 *Section 4(j)(1) of the Age Discrimination in Employ-*
8 *ment Act of 1967 (29 U.S.C. 623(j)(1)) is amended by strik-*
9 *ing “attained the age” and all that follows through “1983,*
10 *and”, and inserting the following:*

11 *“attained—*

12 *“(A) the age of hiring or retirement in effect*
13 *under applicable State or local law on March 3,*
14 *1983; or*

15 *“(B) if the age of retirement was not in ef-*
16 *fect under applicable State or local law on*
17 *March 3, 1983, 55 years of age; and”.*

1 **SEC. 3. REPEALER.**

2 *Section 3(b) of the Age Discrimination in Employ-*
3 *ment Amendments of 1986 (29 U.S.C. 623 note) is repealed.*

4 **SEC. 4. STUDY AND GUIDELINES FOR PERFORMANCE**
5 **TESTS.**

6 *(a) STUDY.—Not later than 3 years after the date of*
7 *enactment of this Act, the Chairman of the Equal Employ-*
8 *ment Opportunity Commission (in this section referred to*
9 *as “the Chairman”) shall conduct, directly or by contract,*
10 *a study that will include—*

11 *(1) a list and description of all tests available*
12 *for the assessment of abilities important for comple-*
13 *tion of public safety tasks performed by law enforce-*
14 *ment officers and firefighters,*

15 *(2) a list of such public safety tasks for which*
16 *adequate tests do not exist,*

17 *(3) a description of the technical characteristics*
18 *that performance tests must meet to be compatible*
19 *with applicable Federal civil rights Acts and policies,*

20 *(4) a description of the alternative methods*
21 *available for determining minimally acceptable per-*
22 *formance standards on the tests described in para-*
23 *graph (1),*

24 *(5) a description of the administrative standards*
25 *that should be met in the administration, scoring,*

1 *and score interpretation of the tests described in*
2 *paragraph (1), and*

3 *(6) an examination of the extent to which the*
4 *tests described in paragraph (1) are cost effective,*
5 *safe, and comply with Federal civil rights Acts and*
6 *regulations.*

7 *(b) ADVISORY GUIDELINES.—Not later than 4 years*
8 *after the date of enactment of this Act, the Chairman shall*
9 *develop and issue, based on the results of the study required*
10 *by subsection (a), advisory guidelines for the administra-*
11 *tion and use of physical and mental fitness tests to measure*
12 *the ability and competency of law enforcement officers and*
13 *firefighters to perform the requirements of their jobs.*

14 *(c) CONSULTATION REQUIREMENT; OPPORTUNITY FOR*
15 *PUBLIC COMMENT.—(1) The Chairman shall, during the*
16 *conduct of the study required by subsection (a), consult*
17 *with—*

18 *(A) the United States Fire Administration,*

19 *(B) the Federal Emergency Management Agency,*

20 *(C) organizations that represent law enforcement*
21 *officers, firefighters, and their employers, and*

22 *(D) organizations that represent older individ-*
23 *uals.*

1 (2) *Before issuing the advisory guidelines required in*
2 *subsection (b), the Chairman shall allow for public comment*
3 *on the proposed guidelines.*

4 (d) *DEVELOPMENT OF STANDARDS FOR WELLNESS*
5 *PROGRAMS.—Not later than 2 years after the date of the*
6 *enactment of this Act, the Chairman shall propose advisory*
7 *standards for wellness programs for law enforcement officers*
8 *and firefighters.*

9 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
10 *authorized to be appropriated to carry out this section*
11 *\$5,000,000.*

Amend the title so as to read: “A bill to amend the Age Discrimination in Employment Act of 1967 with respect to State and local firefighters and law enforcement officers; and to amend the Age Discrimination in Employment Amendments of 1986 to prevent the repeal of the exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers.”.