

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2722

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 9 (legislative day, NOVEMBER 2), 1993

Received; read twice and referred to the Committee on Labor and Human  
Resources

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## AN ACT

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.

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  
5        in Employment Amendments of 1993”.

1 **SEC. 2. AMENDMENTS.**

2 Section 4(j)(1) of the Age Discrimination in Employ-  
3 ment Act of 1967 (29 U.S.C. 623(j)(1)) is amended by  
4 striking “attained the age” and all that follows through  
5 “1983, and”, and inserting the following:

6 “attained—

7 “(A) the age of hiring or retirement in ef-  
8 fect under applicable State or local law on  
9 March 3, 1983; or

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

13 **SEC. 3. REPEALER.**

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16 repealed.

17 **SEC. 4. STUDY AND GUIDELINES FOR PERFORMANCE**  
18 **TESTS.**

19 (a) STUDY.—Not later than 3 years after the date  
20 of enactment of this Act, the Chairman of the Equal Em-  
21 ployment Opportunity Commission (in this section re-  
22 ferred to as “the Chairman”) shall conduct, directly or  
23 by contract, a study that will include—

24 (1) a list and description of all tests available  
25 for the assessment of abilities important for comple-

1       tion of public safety tasks performed by law enforce-  
2       ment officers and firefighters,

3           (2) a list of such public safety tasks for which  
4       adequate tests do not exist,

5           (3) a description of the technical characteristics  
6       that performance tests must meet to be compatible  
7       with applicable Federal civil rights Acts and policies,

8           (4) a description of the alternative methods  
9       available for determining minimally acceptable per-  
10      formance standards on the tests described in para-  
11      graph (1),

12          (5) a description of the administrative stand-  
13      ards that should be met in the administration, scor-  
14      ing, and score interpretation of the tests described  
15      in paragraph (1), and

16          (6) an examination of the extent to which the  
17      tests described in paragraph (1) are cost effective,  
18      safe, and comply with Federal civil rights Acts and  
19      regulations.

20      (b) ADVISORY GUIDELINES.—Not later than 4 years  
21      after the date of enactment of this Act, the Chairman shall  
22      develop and issue, based on the results of the study re-  
23      quired by subsection (a), advisory guidelines for the ad-  
24      ministration and use of physical and mental fitness tests  
25      to measure the ability and competency of law enforcement

1 officers and firefighters to perform the requirements of  
2 their jobs.

3 (c) CONSULTATION REQUIREMENT; OPPORTUNITY  
4 FOR PUBLIC COMMENT.—(1) The Chairman shall, during  
5 the conduct of the study required by subsection (a), con-  
6 sult with—

7 (A) the United States Fire Administration,

8 (B) the Federal Emergency Management  
9 Agency,

10 (C) organizations that represent law enforce-  
11 ment officers, firefighters, and their employers, and

12 (D) organizations that represent older individ-  
13 uals.

14 (2) Before issuing the advisory guidelines required in  
15 subsection (b), the Chairman shall allow for public com-  
16 ment on the proposed guidelines.

17 (d) DEVELOPMENT OF STANDARDS FOR WELLNESS  
18 PROGRAMS.—Not later than 2 years after the date of the  
19 enactment of this Act, the Chairman shall propose advi-  
20 sory standards for wellness programs for law enforcement  
21 officers and firefighters.

1       (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$5,000,000.

Passed the House of Representatives November 8,  
1993.

Attest:           DONNALD K. ANDERSON,  
*Clerk.*