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Folder Title: 08/20/2001 [H. R. 93]



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

'01 AUG 14 PM 5:15

August 14, 2001

BILL IS HERE

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 93 - Federal Firefighters Retirement Age Fairness Act
Sponsors - Rep. Gallegly (R) CA and 66 cosponsors

Last Day for Action

August 22, 2001 - Wednesday

Purpose

Raises the mandatory retirement age for Federal firefighters from 55 to 57, consistent with the retirement age for Federal law enforcement officers.

Agency Recommendations

Office of Management and Budget	Approval
Office of Personnel Management (OPM)	Approval
Department of Agriculture	Approval
Department of the Interior	Approval
Equal Employment Opportunity Commission	Approval
Department of Defense	Approval (Informally)
Department of Veterans Affairs	No objection (Informally)
Department of Health and Human Services	Defers to OPM (Informally)
Department of Commerce	No comment (Informally)
Department of Energy	No comment (Informally)
Department of Housing and Urban Development	No comment (Informally)
Department of Justice	No comment (Informally)
Department of Labor	No comment (Informally)
Department of Transportation	No comment (Informally)
Department of the Treasury	No comment (Informally)
Environmental Protection Agency	No comment (Informally)
Federal Emergency Management Agency	No comment (Informally)
Federal Retirement Thrift Investment Board	No comment (Informally)
General Services Administration	No comment (Informally)
Social Security Administration	No comment (Informally)

Discussion

Under current law, Federal firefighters are required to retire at age 55 if they have completed 20 years of service, or after completing 20 years of service if over that age. Federal law enforcement officers are required to retire at age 57 if they have completed 20 years of service, or after completing 20 years of service if over that age. An agency may grant exemptions under certain circumstances that allow the Federal firefighters and law enforcement officers to serve until age 60.

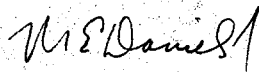
H.R. 93 would raise the mandatory retirement age to 57 for Federal firefighters, in order to be consistent with the mandatory retirement age for Federal law enforcement officers. The legislation would not affect the ability of agencies to make exemptions, nor would it change the minimum age to retire with full benefits. If an individual wishes to retire at 55, he or she may do so without penalty.

Conclusion and Recommendations

OPM recommends approval of H.R. 93. OPM notes that "[b]ecause exemptions are widely used, Federal firefighters rarely retire at age 55." According to OPM, this legislation "will likely encourage heads of agencies . . . to increase the maximum age limit for an original appointment to a position as firefighter. This would increase the available pool of candidates for Federal firefighter positions."

Interior recommends approval of H.R. 93 because it "represents a chance for us to harness the capabilities of some of the Federal workforce's most talented employees at a time of critical need." The Department notes that Federal agencies currently "have a relatively small pool of experienced fire managers" and they "are forced to retire when their skills, knowledge, and experience are at their apex."

We join OPM, Interior, and other interested agencies in recommending approval of H.R. 93, which passed the House by a vote of 401-0 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures



UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
WASHINGTON, DC 20415-0001

OFFICE OF THE DIRECTOR

AUG - 8 2001

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Daniels,

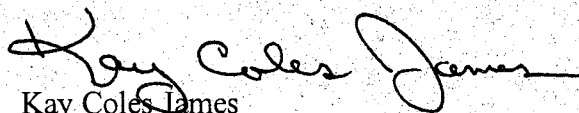
This is in response to your request for the views of the Office of Personnel Management (OPM) on enrolled bill H.R. 93, a bill "To amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers."

Under existing law, a Federal firefighter who is otherwise eligible for immediate retirement must be separated from the service on the last day of the month in which the firefighter becomes 55 years of age or completes 20 years of service if then over that age. The head of an agency may grant exemptions up to age 60. Enrolled bill H.R. 93 would change the mandatory separation age from 55 to 57. Exemptions would still be available up to age 60.

Because exemptions are widely used, Federal firefighters rarely retire at age 55. Thus, increasing the mandatory separation age from 55 to 57 will not result in any direct costs or savings. The increase in mandatory separation age, however, will likely encourage the heads of agencies, pursuant to 5 U.S.C. 3307, to increase the maximum age limit for an original appointment to a position as a firefighter. This would increase the available pool of candidates for Federal firefighter positions. If enacted, the bill would not require any additional funds or personnel to implement.

Accordingly, we recommend that the President sign enrolled bill H.R. 93.

Sincerely,


Kay Coles James
Director



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

AUG 9 2001

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Daniels:

The Department of Agriculture recommends the President sign the enrolled bill, H.R. 93, "Federal Firefighters Retirement Age Fairness Act."

This bill would amend sections 8335(b) and 8425(b) of title 5 of the United States Code to raise the mandatory retirement age for firefighters with at least 20 years of service from 55 to 57 years of age.

Enactment of H.R. 93 would provide additional flexibility for the Department to retain certain highly experienced firefighters for an additional two years while still providing employees retirement options.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Veneman".

Ann M. Veneman
Secretary



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

AUG - 9 2001

Honorable Mitchell E. Daniels, Jr.
Director, Office of Management and Budget
Attention: Assistant Director for Legislative Reference
Washington, DC 20503

Dear Mr. Daniels:

This letter responds to your request for the views of the Department of the Interior with respect to H.R. 93, the Federal Firefighters Retirement Age Fairness Act.

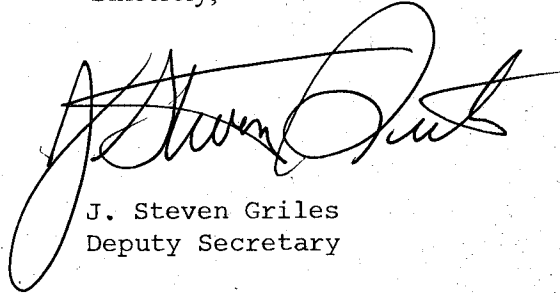
We recommend that the President approve the enrolled bill.

The pool of experienced, trained and qualified fire managers is shrinking. Since 1995, the Department of the Interior fire management agencies have collectively lost 43 percent of their Type I incident commanders and 50 percent of their Type II incident commanders. (Fire occurrences are determined to be Type I or Type II incidents based various factors, including the number of incident command positions needed, whether qualified division or group supervisors are required, and whether the incident is large, complex and has the potential for growth or to cause serious damage.) Similar decreases are being experienced in other key incident management positions, such as division and group supervisors, operations section chiefs, and logistics section chiefs.

Each position in the incident command system must meet stringent requirements for training, knowledge and experience. For example, in order to qualify as a Type I incident commander, one must possess approximately 25 years of firefighting experience. Similarly, those who qualify as Type II incident commanders generally possess about 20 years of firefighting experience. When an incident commander or a Type I logistics chief retires at age 55, a vast amount of experience and expertise is lost that cannot easily be replaced. For much of the 1980s and 1990s, the number of new Federal firefighters declined. As a result, Federal agencies now have a relatively small pool of experienced fire managers. The need for our most skilled fire managers has never been greater. Under current law, these highly valued employees are forced to retire when their skills, knowledge and experience are at their apex, often at precisely the time when we are most in need of them. Raising the mandatory retirement age from 55 to 57 would extend the period during which more experienced fire managers can train those who are less experienced in order to meet Type I and II incident command staffing needs, which will help address the need for experienced personnel in these critical positions.

Federal agencies cannot compromise the quality of training and the depth of experience in their fire fighting and fire management personnel. The lives of firefighters and members of the public, as well as irreplaceable natural and cultural resources, may depend on their professional judgment. H.R. 93 represents a chance for us to harness the capabilities of some of the Federal workforce's most talented employees at a time of critical need. Accordingly, the Department of the Interior supports H.R. 93 and recommends its approval to the President.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Steven Griles", with a large, stylized flourish extending from the end of the signature.

J. Steven Griles
Deputy Secretary



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Washington, D.C. 20507

August 9, 2001

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503-0001

Dear Director Daniels:

The Equal Employment Opportunity Commission has reviewed the enrolled bill, H.R. 93, the Federal Firefighters Retirement Age Fairness Act. The bill would provide that the mandatory separation age for federal firefighters be raised from 55 to 57.

As you know, Congress enacted the ADEA "to promote employment of older persons based on their ability rather than age; to prohibit arbitrary age discrimination in employment; [and] to help employers and workers find ways of meeting problems arising from the impact of age on employment." 29 U.S.C. § 621(b). Thus, the Act prohibits virtually all employers from discriminating on the basis of age against employees or applicants for employment who are ages 40 and over, specifically including by requiring them to retire involuntarily. § 623(a). The Act contains a general exception to this prohibition: when age is shown to be "a bona fide occupational qualification" (BFOQ) reasonably necessary to the normal operation of the particular business.

The BFOQ defense can be established with proof that:

- (1) the age limit is reasonably necessary to the essence of the business, and either
- (2) all or substantially all individuals in the age group excluded from the job involved are in fact unable to perform the job, or
- (3) some of the excluded individuals are unable to perform the job and it is highly impractical for the employer to individually test employees to determine whether they are able.

See, e.g. Western Airlines, Inc. v. Criswell, 472 U.S. 400 (1985) (BFOQ exception does not permit mandatory retirement of flight engineers), and *Johnson v. Mayor & City County of Baltimore*, 472 U.S. 353, 356 (1985) (city must prove that age is a BFOQ for local firefighters), adopting BFOQ test from *Usery v. Tamiami Trail Tours, Inc.*, 531 F.2d 224, 227-28 (5th Cir. 1976) (age as BFOQ for bus drivers).

The EEOC has long opposed mandatory retirement ages that are used as a proxy for ability. Several courts have found that age is not a BFOQ for public safety jobs. *See, e.g.,*

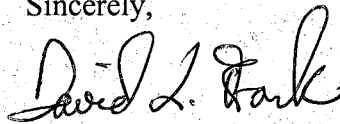
The Honorable Mitchell E. Daniels, Jr.
Page Two

Western Airlines, Inc. v. Criswell; *Gately v. Massachusetts*, 2 F.3d 1221 (1st Cir. 1993); *Tullis v. Lear School*, 874 F.2d 1489 (11th Cir. 1989).

However, Congress also created a separate exemption permitting states to adopt maximum hiring and mandatory retirement ages for firefighters and law enforcement officers. 29 U.S.C. § 623(j). That exemption was originally enacted in 1986 and expired in 1993, but was reenacted in 1996.

H.R. 93 is consistent with the exemption in § 623(j), recognizing the merits of an exception to the general rule against mandatory retirement for firefighters and police officers. H.R. 93 is also consistent with the general public policy underlying the ADEA by raising the age limit. Accordingly, the Commission recommends that the President sign H.R. 93.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. Frank". The signature is fluid and cursive, with the first name "David" and last name "Frank" clearly distinguishable.

David L. Frank
Legal Counsel

One Hundred Seventh Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Firefighters Retirement Age Fairness Act".

SEC. 2. MANDATORY SEPARATION AGE FOR FIREFIGHTERS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—The second sentence of section 8335(b) of title 5, United States Code, is amended—

(A) by inserting ", firefighter," after "law enforcement officer"; and

(B) by inserting ", firefighter," after "that officer".

(2) CONFORMING AMENDMENT.—Section 8335(b) of title 5, United States Code, is amended by striking the first sentence.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—The second sentence of section 8425(b) of title 5, United States Code, is amended—

(A) by inserting ", firefighter," after "law enforcement officer" each place it appears; and

(B) by striking "courier" the second place it appears and inserting "courier, as the case may be,".

(2) CONFORMING AMENDMENT.—Section 8425(b) of title 5, United States Code, is amended by striking the first sentence.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

'01 AUG 14 PM5:15

August 14, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 93 - Federal Firefighters Retirement Age Fairness Act
Sponsors - Rep. Gallegly (R) CA and 66 cosponsors

Last Day for Action

August 22, 2001 - Wednesday

Purpose

Raises the mandatory retirement age for Federal firefighters from 55 to 57, consistent with the retirement age for Federal law enforcement officers.

Agency Recommendations

Office of Management and Budget	Approval
Office of Personnel Management (OPM)	Approval
Department of Agriculture	Approval
Department of the Interior	Approval
Equal Employment Opportunity Commission	Approval
Department of Defense	Approval (Informally)
Department of Veterans Affairs	No objection (Informally)
Department of Health and Human Services	Defers to OPM (Informally)
Department of Commerce	No comment (Informally)
Department of Energy	No comment (Informally)
Department of Housing and Urban Development	No comment (Informally)
Department of Justice	No comment (Informally)
Department of Labor	No comment (Informally)
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Department of the Treasury	No comment (Informally)
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Federal Emergency Management Agency	No comment (Informally)
Federal Retirement Thrift Investment Board	No comment (Informally)
General Services Administration	No comment (Informally)
Social Security Administration	No comment (Informally)

Discussion

Under current law, Federal firefighters are required to retire at age 55 if they have completed 20 years of service, or after completing 20 years of service if over that age. Federal law enforcement officers are required to retire at age 57 if they have completed 20 years of service, or after completing 20 years of service if over that age. An agency may grant exemptions under certain circumstances that allow the Federal firefighters and law enforcement officers to serve until age 60.

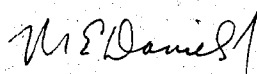
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Conclusion and Recommendations

OPM recommends approval of H.R. 93. OPM notes that "[b]ecause exemptions are widely used, Federal firefighters rarely retire at age 55." According to OPM, this legislation "will likely encourage heads of agencies . . . to increase the maximum age limit for an original appointment to a position as firefighter. This would increase the available pool of candidates for Federal firefighter positions."

Interior recommends approval of H.R. 93 because it "represents a chance for us to harness the capabilities of some of the Federal workforce's most talented employees at a time of critical need." The Department notes that Federal agencies currently "have a relatively small pool of experienced fire managers" and they "are forced to retire when their skills, knowledge, and experience are at their apex."

We join OPM, Interior, and other interested agencies in recommending approval of H.R. 93, which passed the House by a vote of 401-0 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
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Enclosures



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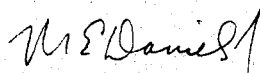
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Mitchell E. Daniels, Jr.
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Enclosures



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

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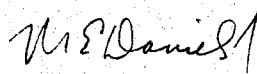
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-14-01

ACTION / CONCURRENCE / COMMENT DUE BY: 8-15-01, COB

01 AUG 15 PM 12:21

Subject: H.R. 93, FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LA MONTAGNE	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
HAGIN	☐	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☐	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DI IULIO	☐	☐
FLEISCHER	☐	☒	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send comments to Staff Secretary, ext. 62702, no later than 8-15-01, COB. Thank you.

NC

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-14-01 ACTION / CONCURRENCE / COMMENT DUE BY: 8-15-01, COB

Subject: H.R. 93, FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LA MONTAGNE	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
HAGIN	☐	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☐	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☐	☒	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send comments to Staff Secretary, ext. 62702, no later than 8-15-01, COB. Thank you.

No comment

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-14-01 ACTION / CONCURRENCE / COMMENT DUE BY: 8-15-01, COB. 01:11:15 PM '01

Subject: H.R. 93, FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LA MONTAGNE	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
HAGIN	☐	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☐	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DI IULIO	☐	☐
FLEISCHER	☐	☒	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send comments to Staff Secretary, ext. 62702, no later than 8-15-01, COB. Thank you.

RESPONSE:

OK/M

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 14, 2001

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Social Security Administration	No comment (Informally)

Discussion

Under current law, Federal firefighters are required to retire at age 55 if they have completed 20 years of service, or after completing 20 years of service if over that age. Federal law enforcement officers are required to retire at age 57 if they have completed 20 years of service, or after completing 20 years of service if over that age. An agency may grant exemptions under certain circumstances that allow the Federal firefighters and law enforcement officers to serve until age 60.

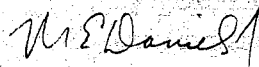
H.R. 93 would raise the mandatory retirement age to 57 for Federal firefighters, in order to be consistent with the mandatory retirement age for Federal law enforcement officers. The legislation would not affect the ability of agencies to make exemptions, nor would it change the minimum age to retire with full benefits. If an individual wishes to retire at 55, he or she may do so without penalty.

Conclusion and Recommendations

OPM recommends approval of H.R. 93. OPM notes that "[b]ecause exemptions are widely used, Federal firefighters rarely retire at age 55." According to OPM, this legislation "will likely encourage heads of agencies to increase the maximum age limit for an original appointment to a position as firefighter. This would increase the available pool of candidates for Federal firefighter positions."

Interior recommends approval of H.R. 93 because it "represents a chance for us to harness the capabilities of some of the Federal workforce's most talented employees at a time of critical need." The Department notes that Federal agencies currently "have a relatively small pool of experienced fire managers" and they "are forced to retire when their skills, knowledge, and experience are at their apex."

We join OPM, Interior, and other interested agencies in recommending approval of H.R. 93, which passed the House by a vote of 401-0 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

01 AUG 15 1991

Date: 8-14-01 ACTION / CONCURRENCE / COMMENT DUE BY: 8-15-01, COB

Subject: H.R. 93, FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LA MONTAGNE	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
HAGIN	☐	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☐	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO →	☒	☐	DIIULIO	☐	☐
FLEISCHER	☐	☒	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send comments to Staff Secretary, ext. 62702, no later than 8-15-01, COB. Thank you.

RESPONSE:

ok - legislative Affairs (Hawkins)

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 14, 2001

'01 AUG 14 PM5:15

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 93 - Federal Firefighters Retirement Age Fairness Act
Sponsors - Rep. Gallegly (R) CA and 66 cosponsors

Last Day for Action

August 22, 2001 - Wednesday

Purpose

Raises the mandatory retirement age for Federal firefighters from 55 to 57, consistent with the retirement age for Federal law enforcement officers.

Agency Recommendations

Office of Management and Budget	Approval
Office of Personnel Management (OPM)	Approval
Department of Agriculture	Approval
Department of the Interior	Approval
Equal Employment Opportunity Commission	Approval
Department of Defense	Approval (Informally)
Department of Veterans Affairs	No objection (Informally)
Department of Health and Human Services	Defers to OPM (Informally)
Department of Commerce	No comment (Informally)
Department of Energy	No comment (Informally)
Department of Housing and Urban Development	No comment (Informally)
Department of Justice	No comment (Informally)
Department of Labor	No comment (Informally)
Department of Transportation	No comment (Informally)
Department of the Treasury	No comment (Informally)
Environmental Protection Agency	No comment (Informally)
Federal Emergency Management Agency	No comment (Informally)
Federal Retirement Thrift Investment Board	No comment (Informally)
General Services Administration	No comment (Informally)
Social Security Administration	No comment (Informally)

Discussion

Under current law, Federal firefighters are required to retire at age 55 if they have completed 20 years of service, or after completing 20 years of service if over that age. Federal law enforcement officers are required to retire at age 57 if they have completed 20 years of service, or after completing 20 years of service if over that age. An agency may grant exemptions under certain circumstances that allow the Federal firefighters and law enforcement officers to serve until age 60.

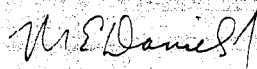
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Interior recommends approval of H.R. 93 because it "represents a chance for us to harness the capabilities of some of the Federal workforce's most talented employees at a time of critical need." The Department notes that Federal agencies currently "have a relatively small pool of experienced fire managers" and they "are forced to retire when their skills, knowledge, and experience are at their apex."

We join OPM, Interior, and other interested agencies in recommending approval of H.R. 93, which passed the House by a vote of 401-0 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-14-01

ACTION / CONCURRENCE / COMMENT DUE BY: 8-15-01, COB 15 PM 5:04

Subject: H.R. 93, FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LA MONTAGNE	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
HAGIN	☐	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☐	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☐	☒	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send comments to Staff Secretary, ext. 62702, no later than 8-15-01, COB. Thank you.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 14, 2001

01 AUG 14 PM 5:15

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 93 - Federal Firefighters Retirement Age Fairness Act
Sponsors - Rep. Gallegly (R) CA and 66 cosponsors

Last Day for Action

August 22, 2001 - Wednesday

Purpose

Raises the mandatory retirement age for Federal firefighters from 55 to 57, consistent with the retirement age for Federal law enforcement officers.

Agency Recommendations

Office of Management and Budget	Approval
Office of Personnel Management (OPM)	Approval
Department of Agriculture	Approval
Department of the Interior	Approval
Equal Employment Opportunity Commission	Approval
Department of Defense	Approval (Informally)
Department of Veterans Affairs	No objection (Informally)
Department of Health and Human Services	Defers to OPM (Informally)
Department of Commerce	No comment (Informally)
Department of Energy	No comment (Informally)
Department of Housing and Urban Development	No comment (Informally)
Department of Justice	No comment (Informally)
Department of Labor	No comment (Informally)
Department of Transportation	No comment (Informally)
Department of the Treasury	No comment (Informally)
Environmental Protection Agency	No comment (Informally)
Federal Emergency Management Agency	No comment (Informally)
Federal Retirement Thrift Investment Board	No comment (Informally)
General Services Administration	No comment (Informally)
Social Security Administration	No comment (Informally)

Discussion

Under current law, Federal firefighters are required to retire at age 55 if they have completed 20 years of service, or after completing 20 years of service if over that age. Federal law enforcement officers are required to retire at age 57 if they have completed 20 years of service, or after completing 20 years of service if over that age. An agency may grant exemptions under certain circumstances that allow the Federal firefighters and law enforcement officers to serve until age 60.

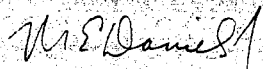
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We join OPM, Interior, and other interested agencies in recommending approval of H.R. 93, which passed the House by a vote of 401-0 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-14-01 ACTION / CONCURRENCE / COMMENT DUE BY: 8-15-01, COB

01 AUG 15 PM 5:46

Subject: H.R. 93, FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LA MONTAGNE	☒	☐
BOLTEN →	☒	☐	LINDSEY	☒	☐
HAGIN	☐	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☐	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DI IULIO	☐	☐
FLEISCHER	☐	☒	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send comments to Staff Secretary, ext. 62702, no later than 8-15-01, COB. Thank you.

RESPONSE:

no
comments

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 14, 2001

'01 AUG 14 PM5:15

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 93 - Federal Firefighters Retirement Age Fairness Act
Sponsors - Rep. Gallegly (R) CA and 66 cosponsors

Last Day for Action

August 22, 2001 - Wednesday

Purpose

Raises the mandatory retirement age for Federal firefighters from 55 to 57, consistent with the retirement age for Federal law enforcement officers.

Agency Recommendations

Office of Management and Budget	Approval
Office of Personnel Management (OPM)	Approval
Department of Agriculture	Approval
Department of the Interior	Approval
Equal Employment Opportunity Commission	Approval
Department of Defense	Approval (Informally)
Department of Veterans Affairs	No objection (Informally)
Department of Health and Human Services	Defers to OPM (Informally)
Department of Commerce	No comment (Informally)
Department of Energy	No comment (Informally)
Department of Housing and Urban Development	No comment (Informally)
Department of Justice	No comment (Informally)
Department of Labor	No comment (Informally)
Department of Transportation	No comment (Informally)
Department of the Treasury	No comment (Informally)
Environmental Protection Agency	No comment (Informally)
Federal Emergency Management Agency	No comment (Informally)
Federal Retirement Thrift Investment Board	No comment (Informally)
General Services Administration	No comment (Informally)
Social Security Administration	No comment (Informally)

Discussion

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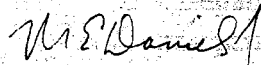
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-14-01 ACTION / CONCURRENCE / COMMENT DUE BY: 8-15-01, COB

Subject: H.R. 93, FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LA MONTAGNE	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
HAGIN	☐	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☐	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DI IULIO	☐	☐
FLEISCHER	☐	☒	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send comments to Staff Secretary, ext. 62702, no later than 8-15-01, COB. Thank you.

RESPONSE:

OK

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

August 14, 2001

'01 AUG 14 PM5:15

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 93 - Federal Firefighters Retirement Age Fairness Act
Sponsors - Rep. Gallegly (R) CA and 66 cosponsors

Last Day for Action

August 22, 2001 - Wednesday

Purpose

Raises the mandatory retirement age for Federal firefighters from 55 to 57, consistent with the retirement age for Federal law enforcement officers.

Agency Recommendations

Office of Management and Budget	Approval
Office of Personnel Management (OPM)	Approval
Department of Agriculture	Approval
Department of the Interior	Approval
Equal Employment Opportunity Commission	Approval
Department of Defense	Approval (Informally)
Department of Veterans Affairs	No objection (Informally)
Department of Health and Human Services	Defers to OPM (Informally)
Department of Commerce	No comment (Informally)
Department of Energy	No comment (Informally)
Department of Housing and Urban Development	No comment (Informally)
Department of Justice	No comment (Informally)
Department of Labor	No comment (Informally)
Department of Transportation	No comment (Informally)
Department of the Treasury	No comment (Informally)
Environmental Protection Agency	No comment (Informally)
Federal Emergency Management Agency	No comment (Informally)
Federal Retirement Thrift Investment Board	No comment (Informally)
General Services Administration	No comment (Informally)
Social Security Administration	No comment (Informally)

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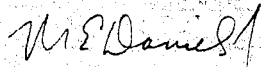
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Mitchell E. Daniels, Jr.
Director

Enclosures



OFFICE OF THE VICE PRESIDENT
WASHINGTON

August 15, 2001

MEMORANDUM FOR HARRIET MIERS

STAFF SECRETARY

FROM:

NEIL PATEL

STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT:

OVP REVIEW AND CONCURRENCE

The Office of the Vice President has reviewed and has no comments on the following documents staffed today:

H.R. 427 – Bull Run Watershed Management;

H.R. 271 – Carson City, Nevada, Land Conveyance; and

H.R. 93 – Federal Firefighters Retirement Age Fairness Act.

SB

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-14-01 ACTION / CONCURRENCE / COMMENT DUE BY: 8-15-01, COB

Subject: H.R. 93, FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LA MONTAGNE	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
HAGIN	☐	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☐	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DI IULIO	☐	☐
FLEISCHER	☐	☒	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send comments to Staff Secretary, ext. 62702, no later than 8-15-01, COB. Thank you.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 14, 2001

01 AUG 14 PM 5:15

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 93 - Federal Firefighters Retirement Age Fairness Act
Sponsors - Rep. Gallegly (R) CA and 66 cosponsors

Last Day for Action

August 22, 2001 - Wednesday

Purpose

Raises the mandatory retirement age for Federal firefighters from 55 to 57, consistent with the retirement age for Federal law enforcement officers.

Agency Recommendations

Office of Management and Budget

Approval

Office of Personnel Management (OPM)

Approval

Department of Agriculture

Approval

Department of the Interior

Approval

Equal Employment Opportunity Commission

Approval

Department of Defense

Approval (Informally)

Department of Veterans Affairs

No objection (Informally)

Department of Health and Human Services

Defers to OPM (Informally)

Department of Commerce

No comment (Informally)

Department of Energy

No comment (Informally)

Department of Housing and Urban Development

No comment (Informally)

Department of Justice

No comment (Informally)

Department of Labor

No comment (Informally)

Department of Transportation

No comment (Informally)

Department of the Treasury

No comment (Informally)

Environmental Protection Agency

No comment (Informally)

Federal Emergency Management Agency

No comment (Informally)

Federal Retirement Thrift Investment Board

No comment (Informally)

General Services Administration

No comment (Informally)

Social Security Administration

No comment (Informally)

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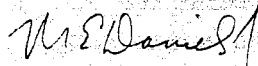
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Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-14-01 ACTION / CONCURRENCE / COMMENT DUE BY: 8-15-01, COB

Subject: H.R. 93, FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

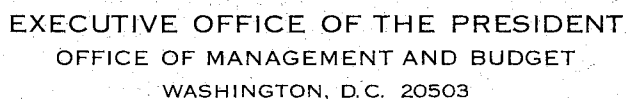
	ACTION	FYI		ACTION	FYI
VICE PRESIDENT N/C	☒	☐	HUBBARD N/C	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
HUGHES <i>OK</i>	☒	☐	JOHNSON N/C	☒	☐
ROVE	☒	☐	LA MONTAGNE <i>OK</i>	☒	☐
BOLTEN N/C	☒	☐	LINDSEY <i>OK</i>	☒	☐
HAGIN	☐	☐	MIERS SB-N/C	☐	☒
DANIELS	☒	☐	RICE	☐	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO <i>OK</i>	☒	☐	DIIULIO	☐	☐
FLEISCHER	☐	☒	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send comments to Staff Secretary, ext. 62702, no later than 8-15-01, COB. Thank you.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



01 JUL 19 05:15

MEMORANDUM FOR THE PRESIDENT

Last Day for Action

August 22, 2001 - Wednesday

Purpose

Raises the mandatory retirement age for Federal firefighters from 55 to 57, consistent with the retirement age for Federal law enforcement officers.

Agency Recommendations

Office of Management and Budget

Approval

- Office of Personnel Management (OPM)
- Department of Agriculture
- Department of the Interior
- Equal Employment Opportunity Commission
- Department of Defense
- Department of Veterans Affairs
- Department of Health and Human Services
- Department of Commerce
- Department of Energy
- Department of Housing and Urban Development
- Department of Justice
- Department of Labor
- Department of Transportation
- Department of the Treasury
- Environmental Protection Agency
- Federal Emergency Management Agency
- Federal Retirement Thrift Investment Board
- General Services Administration
- Social Security Administration

[illegible]

Discussion

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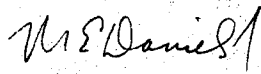
H.R. 93 would raise the mandatory retirement age to 57 for Federal firefighters, in order to be consistent with the mandatory retirement age for Federal law enforcement officers. The legislation would not affect the ability of agencies to make exemptions, nor would it change the minimum age to retire with full benefits. If an individual wishes to retire at 55, he or she may do so without penalty.

Conclusion and Recommendations

OPM recommends approval of H.R. 93. OPM notes that "[b]ecause exemptions are widely used, Federal firefighters rarely retire at age 55." According to OPM, this legislation "will likely encourage heads of agencies . . . to increase the maximum age limit for an original appointment to a position as firefighter. This would increase the available pool of candidates for Federal firefighter positions."

Interior recommends approval of H.R. 93 because it "represents a chance for us to harness the capabilities of some of the Federal workforce's most talented employees at a time of critical need." The Department notes that Federal agencies currently "have a relatively small pool of experienced fire managers" and they "are forced to retire when their skills, knowledge, and experience are at their apex."

We join OPM, Interior, and other interested agencies in recommending approval of H.R. 93, which passed the House by a vote of 401-0 and the Senate by unanimous consent.



Mitchell E. Daniels, Jr.
Director

Enclosures

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-14-01 ACTION / CONCURRENCE / COMMENT DUE BY: 8-15-01, COB

Subject: H.R. 93, FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LA MONTAGNE	☒	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
HAGIN	☐	☐	MIERS	☐	☒
DANIELS	☒	☐	RICE	☐	☐
BLAKEMAN	☐	☐	CONNAUGHTON	☐	☐
CALIO	☒	☐	DIIULIO	☐	☐
FLEISCHER	☐	☒	GERSON	☐	☐
GONZALES	☒	☐	CLERK	☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send comments to Staff Secretary, ext. 62702, no later than 8-15-01, COB. Thank you.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

August 14, 2001

01 AUG 14 PM 5:15

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 93 - Federal Firefighters Retirement Age Fairness Act
Sponsors - Rep. Gallegly (R) CA and 66 cosponsors

Last Day for Action

August 22, 2001 - Wednesday

Purpose

Raises the mandatory retirement age for Federal firefighters from 55 to 57, consistent with the retirement age for Federal law enforcement officers.

Agency Recommendations

Office of Management and Budget

Approval

Office of Personnel Management (OPM)

Approval

Department of Agriculture

Approval

Department of the Interior

Approval

Equal Employment Opportunity Commission

Approval

Department of Defense

Approval (Informally)

Department of Veterans Affairs

No objection (Informally)

Department of Health and Human Services

Defers to OPM (Informally)

Department of Commerce

No comment (Informally)

Department of Energy

No comment (Informally)

Department of Housing and Urban Development

No comment (Informally)

Department of Justice

No comment (Informally)

Department of Labor

No comment (Informally)

Department of Transportation

No comment (Informally)

Department of the Treasury

No comment (Informally)

Environmental Protection Agency

No comment (Informally)

Federal Emergency Management Agency

No comment (Informally)

Federal Retirement Thrift Investment Board

No comment (Informally)

General Services Administration

No comment (Informally)

Social Security Administration

No comment (Informally)

Discussion

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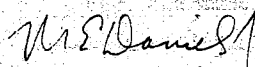
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Mitchell E. Daniels, Jr.
Director

Enclosures

One Hundred Seventh Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, two thousand and one*

An Act

To amend title 5, United States Code, to provide that the mandatory separation age for Federal firefighters be made the same as the age that applies with respect to Federal law enforcement officers.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Firefighters Retirement Age Fairness Act".

SEC. 2. MANDATORY SEPARATION AGE FOR FIREFIGHTERS.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) IN GENERAL.—The second sentence of section 8335(b) of title 5, United States Code, is amended—

(A) by inserting ", firefighter," after "law enforcement officer"; and

(B) by inserting ", firefighter," after "that officer".

(2) CONFORMING AMENDMENT.—Section 8335(b) of title 5, United States Code, is amended by striking the first sentence.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—The second sentence of section 8425(b) of title 5, United States Code, is amended—

(A) by inserting ", firefighter," after "law enforcement officer" each place it appears; and

(B) by striking "courier" the second place it appears and inserting "courier, as the case may be,".

(2) CONFORMING AMENDMENT.—Section 8425(b) of title 5, United States Code, is amended by striking the first sentence.

APPROVED
AUG 20 2001

Speaker of the House of Representatives pro tempore.

*Vice President of the United States and
President of the Senate pro tempore.*

Helgi

Document No. 493965

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-14-01 ACTION / CONCURRENCE / COMMENT DUE BY: 8-15-01, COB

Subject: H.R. 93, FEDERAL FIREFIGHTERS RETIREMENT AGE FAIRNESS ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
HUGHES	☒	☐	JOHNSON	☒	☐
ROVE	☒	☐	LA MONTAGNE	☒	☐
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FLEISCHER	☐	☒	GERSON	☐	☐
GONZALES →	☒	☐	CLERK	☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

Please send comments to Staff Secretary, ext. 62702, no later than 8-15-01, COB. Thank you.

and/or
 No comment/objections.

RESPONSE:

Helgi Walker
 6-7361
 Counsel's office

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
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Department of Energy	No comment (Informally)
Department of Housing and Urban Development	No comment (Informally)
Department of Justice	No comment (Informally)
Department of Labor	No comment (Informally)
Department of Transportation	No comment (Informally)
Department of the Treasury	No comment (Informally)
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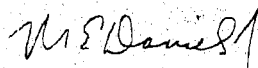
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