

107TH CONGRESS
1ST SESSION

H. R. 1262

To amend subchapter IV of chapter 53 of title 5, United States Code,
relating to prevailing rate systems for Federal employees.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2001

Mr. RODRIGUEZ introduced the following bill; which was referred to the
Committee on Government Reform

A BILL

To amend subchapter IV of chapter 53 of title 5, United
States Code, relating to prevailing rate systems for Fed-
eral employees.

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 “Federal Wage Worker
5 Pay Fairness Act of 2001”.

6 **SEC. 2. WAGE AREAS TO BE CONFORMED TO PAY LOCAL-**
7 **ITIES.**

8 Paragraph (1) of section 5343(a) of title 5, United
9 States Code, is amended to read as follows:

1 “(1) the Office of Personnel Management shall
2 define the boundaries of local wage areas for pre-
3 vailing rate employees so as to be the same as the
4 boundaries of the respective pay localities under sec-
5 tion 5304(f) (including as from time to time modi-
6 fied), subject to such exceptions as the Office, with
7 the approval of the Federal Salary Council (de-
8 scribed in section 5304(e)), may find to be nec-
9 essary;”.

10 **SEC. 3. AGENCY RESPONSIBLE FOR CONDUCTING WAGE**
11 **RATE SURVEYS.**

12 Paragraph (3) of section 5343(a) of title 5, United
13 States Code, is amended to read as follows:

14 “(3) subject to paragraph (5), and subsections
15 (c)(1)–(3) and (d)—

16 “(A) wage surveys under this section shall
17 be conducted by the same agency as is respon-
18 sible under section 5304(d)(1)(A) for con-
19 ducting surveys of pay localities; and

20 “(B) the lead agency for a local wage area
21 shall, for purposes of the prevailing rate em-
22 ployees in that area, analyze wage survey data,
23 and develop and establish appropriate wage
24 schedules and rates;”.

1 **SEC. 4. ANNUAL MINIMUM ADJUSTMENT.**

2 (a) IN GENERAL.—Subsection (b) of section 5343 of
3 title 5, United States Code, is amended by striking “(b)”
4 and inserting “(b)(1)”, and by adding at the end the fol-
5 lowing:

6 “(2)(A) Effective as of the first day of the first appli-
7 cable pay period beginning on or after January 1 of each
8 year, the rates of pay for the regular and special wage
9 schedules shall be adjusted (by the lead agency or by the
10 Office of Personnel Management, as appropriate) by the
11 percentage equal to the overall average percentage adjust-
12 ment taking effect on that same date, with respect to Gen-
13 eral Schedule positions within the pay locality cor-
14 responding (or, if none corresponds exactly, the pay local-
15 ity most nearly corresponding, as determined by such
16 agency or Office) to the local wage area involved, under
17 sections 5303 and 5304–5304a.

18 “(B) Nothing in this paragraph shall prevent any ad-
19 justment in wage schedules from taking effect in a year,
20 under any other provisions of this section (based on a
21 wage survey or interim survey), to the extent that the ad-
22 justment taking effect under subparagraph (A) in such
23 year does not, with respect to the local wage area involved,
24 fully provide for the adjustment required under those
25 other provisions with respect to such year.

1 “(C) No provision of law enacted after the date of
2 the enactment of the Federal Wage Worker Pay Fairness
3 Act of 2001 may be held to supersede, repeal, or modify
4 this paragraph, except to the extent that it does so ex-
5 pressly.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

7 (1) The first sentence of section 5343(a) of title 5, United
8 States Code, is amended by striking “rates.” and inserting
9 “rates, subject to succeeding provisions of this section.”.

10 (2) Section 5348 of title 5, United States Code, is
11 amended by adding at the end the following:

12 “(c) No provision of law enacted after the date of
13 the enactment of the Federal Wage Worker Pay Fairness
14 Act of 2001 may be held to supersede, repeal, or modify
15 this section, except to the extent that it does so ex-
16 pressly.”.

17 **SEC. 5. RESTORATION OF “MONRONEY AMENDMENT” PRO-**
18 **TECTIONS.**

19 (a) IN GENERAL.—Paragraph (2) of section 5343(d)
20 of title 5, United States Code, is amended to read as fol-
21 lows:

22 “(2) When the agency specified in subsection
23 (a)(3)(A) determines that there is a number of comparable
24 positions in private industry insufficient to establish the
25 wage schedules and rates, such agency shall establish the

1 wage schedules and rates to be applicable to prevailing
2 rate employees on the basis of—

3 “(A) local private industry rates; and

4 “(B) rates paid for comparable positions in pri-
5 vate industry in the nearest wage area that such
6 agency determines is most similar in the nature of
7 its population, employment, manpower, and industry
8 to the local wage area for which the wage survey is
9 being made.”.

10 (b) CONFORMING AMENDMENT.—Section 5343(d)(1)
11 of title 5, United States Code, is amended by striking “A
12 lead agency, in making a wage survey,” and inserting “In
13 making a wage survey, the agency specified in subsection
14 (a)(3)(A)”.

15 **SEC. 6. PAY LOCALITY DEFINED.**

16 Section 5342(a) of title 5, United States Code, is
17 amended by striking “and” at the end of paragraph (2),
18 by striking the period at the end of paragraph (3) and
19 inserting “; and”, and by adding at the end the following:

20 “(4) ‘pay locality’ has the meaning given that
21 term by section 5302.”.

22 **SEC. 7. CONVERSION RULES.**

23 Rates of pay for employees subject to subchapter IV
24 of chapter 53 of title 5, United States Code, shall be ini-
25 tially adjusted, following the enactment of this Act, under

1 conversion rules prescribed by the Office of Personnel
2 Management in consultation with the Federal Salary
3 Council (described in section 5304(e) of title 5, United
4 States Code).

5 **SEC. 8. EFFECTIVE DATE.**

6 (a) IN GENERAL.—Except as provided in subsection
7 (b), this Act and the amendments made by this Act shall
8 take effect on October 1, 2001.

9 (b) REPORTING REQUIREMENTS.—The Federal Pre-
10 vailing Rate Advisory Committee (described in section
11 5347 of title 5, United States Code) shall submit to Con-
12 gress a written report—

13 (1) within 90 days after the date of the enact-
14 ment of this Act, describing any transfer of func-
15 tions or duties, and any administrative actions, that
16 will be required in order to implement this Act; and

17 (2) within 180 days after the date of the enact-
18 ment of this Act, describing—

19 (A) the extent to which the transfers and
20 actions described under paragraph (1) have oc-
21 curred; and

22 (B) to the extent that there remain any
23 transfers or actions (described under paragraph

1 (1)) that have not yet occurred, the anticipated
2 timetable for their completion.

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