

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4763

To amend chapter 55 of title 5, United States Code, to exclude availability pay for criminal investigators from the limitation on premium pay; to modify levels of special pay adjustments for Federal law enforcement officers in certain cities, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2002

Mr. ROGERS of Michigan (for himself, Mr. TOWNS, Mr. LINDER, and Mr. TOM DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To amend chapter 55 of title 5, United States Code, to exclude availability pay for criminal investigators from the limitation on premium pay; to modify levels of special pay adjustments for Federal law enforcement officers in certain cities, and for other purposes.

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 Law Enforce-  
5       ment Officers Pay Equity and Reform Act”.

1 **SEC. 2. LIMITATION ON PREMIUM PAY.**

2 (a) IN GENERAL.—Section 5547 of title 5, United  
3 States Code, is amended—

4 (1) in subsection (a), by striking “5545a,”;

5 (2) in subsection (c), by striking “or 5545a”;

6 and

7 (3) in subsection (d), by striking the period and  
8 inserting “or a criminal investigator who is paid  
9 availability pay under section 5545a.”.

10 (b) EFFECTIVE DATE.—The amendments made by  
11 this section shall take effect as if included in the enact-  
12 ment of section 1114 of the National Defense Authoriza-  
13 tion Act for Fiscal Year 2002 (Public Law 107–107; 115  
14 Stat. 1239).

15 **SEC. 3. SPECIAL PAY ADJUSTMENTS FOR FEDERAL LAW**  
16 **ENFORCEMENT OFFICERS IN SELECT CITIES.**

17 (a) IN GENERAL.—Section 404(b)(1) of the Federal  
18 Law Enforcement Pay Reform Act of 1990 (5 U.S.C.  
19 5305 note) is amended by striking the matter after the  
20 semicolon and inserting the following:

“Area	Differential
Boston-Lawrence-Salem, MA-NH Consolidated Metropolitan Statistical Area .....	24.4%
Chicago-Gary-Lake County, IL-IN-WI Consolidated Metropoli- tan Statistical Area .....	24.5%
Los Angeles-Anaheim-Riverside, CA Consolidated Metropolitan Statistical Area .....	27.1%
New York-Northern New Jersey-Long Island, NY-NJ-CT Con- solidated Metropolitan Statistical Area .....	26.1%
Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area .....	20.3%

“Area	Differential
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area .....	32.03%
San Diego, CA Metropolitan Statistical Area .....	21.5%
Washington-Baltimore DC-MD-VA-WV Consolidated Metropolitan Statistical Area .....	19.3%”.

1           (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply with respect to pay periods begin-  
3 ning on or after the date of the enactment of this Act.

4 **SEC. 4. SEPARATE PAY, EVALUATION, AND PROMOTION**  
5                               **SYSTEM FOR FEDERAL LAW ENFORCEMENT**  
6                               **OFFICERS.**

7           (a) STUDY.—Not later than 6 months after the date  
8 of the enactment of this Act, the Office of Personnel Man-  
9 agement shall study and submit to Congress a report  
10 which shall contain its findings and recommendations re-  
11 garding the need for, and the potential benefits to be de-  
12 rived from, the establishment of a separate pay, evalua-  
13 tion, and promotion system for Federal law enforcement  
14 officers. In carrying out this subsection, the Office of Per-  
15 sonnel Management shall take into account the findings  
16 and recommendations contained in the September 1993  
17 report of the Office entitled “A Plan to Establish a New  
18 Pay and Job Evaluation System for Federal Law Enforce-  
19 ment Officers”.

20           (b) DEMONSTRATION PROJECT.—

21                       (1) IN GENERAL.—If, after completing its re-  
22 port under subsection (a), the Office of Personnel

1 Management considers it to be appropriate, the Of-  
2 fice shall implement, within 12 months after the  
3 date of the enactment of this Act, a demonstration  
4 project to determine whether a separate system for  
5 Federal law enforcement officers (as described in  
6 subsection (a)) would result in improved Federal  
7 personnel management.

8 (2) APPLICABLE PROVISIONS.—Any demonstra-  
9 tion project under this subsection shall be conducted  
10 in accordance with the provisions of chapter 47 of  
11 title 5, United States Code, except that a project  
12 under this subsection shall not be taken into account  
13 for purposes of the numerical limitation under sec-  
14 tion 4703(d)(2) of such title.

15 (3) PERMANENT CHANGES.—Not later than 6  
16 months before the demonstration project's scheduled  
17 termination date, the Office of Personnel Manage-  
18 ment shall submit to Congress—

19 (A) its evaluation of the system tested  
20 under the demonstration project; and

21 (B) recommendations as to whether or not  
22 that system (or any aspects of that system)  
23 should be continued or extended to other Fed-  
24 eral law enforcement officers.

1           (c) FEDERAL LAW ENFORCEMENT OFFICER DE-  
2 FINED.—For purposes of this section, the term “Federal  
3 law enforcement officer” means a law enforcement officer  
4 as defined by section 8331 or 8401 of title 5, United  
5 States Code.

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