

116TH CONGRESS
1ST SESSION

H. R. 3506

To ensure that the percentage increase in rates of basic pay for prevailing wage employees shall be equal to the percentage increase received by other Federal employees in the same pay locality, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2019

Mr. CARTWRIGHT introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To ensure that the percentage increase in rates of basic pay for prevailing wage employees shall be equal to the percentage increase received by other Federal employees in the same pay locality, 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. ADJUSTMENTS TO RATES OF BASIC PAY OF**
4 **PREVAILING RATE EMPLOYEES.**

5 (a) LIMITATION ON ADJUSTMENTS.—

6 (1) PREVAILING RATE EMPLOYEES OF AGEN-
7 CIES.—Notwithstanding any other provision of law,
8 and except as otherwise provided in this section, a

1 prevailing rate employee described in section
2 5342(a)(2)(A) of title 5, United States Code, may
3 not be paid—

4 (A) during the period beginning on Janu-
5 ary 1, 2019, and ending on the normal effective
6 date of the applicable wage survey adjustment
7 that is to take effect in fiscal year 2019, in an
8 amount that exceeds the rate payable for the
9 applicable grade and step of the applicable wage
10 schedule in accordance with section 5343 of
11 title 5, United States Code; and

12 (B) during the period beginning on the day
13 after the end of the period described in sub-
14 paragraph (A) and ending on September 30,
15 2019, in an amount that exceeds, as a result of
16 a wage survey adjustment, the rate payable
17 under subparagraph (A) by more than the sum
18 of—

19 (i) the percentage adjustment taking
20 effect in fiscal year 2019 under section
21 5303 of title 5, United States Code, in the
22 rates of pay under the General Schedule;
23 and

24 (ii) the difference between the overall
25 average percentage of the locality-based

1 comparability payments taking effect in
2 fiscal year 2019 under section 5304 of
3 such title (whether by adjustment or other-
4 wise), and the overall average percentage
5 of such payments which was effective in
6 the previous fiscal year under such section.

7 (2) OTHER PREVAILING RATE EMPLOYEES.—
8 Notwithstanding any other provision of law, no pre-
9 vailing rate employee described in subparagraph (B)
10 or (C) of section 5342(a)(2) of title 5, United States
11 Code, and no employee covered by section 5348 of
12 such title, may be paid during the periods for which
13 paragraph (1) is in effect at a rate that exceeds the
14 rates that would be payable under paragraph (1)
15 were paragraph (1) applicable to such employee.

16 (3) EMPLOYEES PAID FROM NEW SCHED-
17 ULES.—For the purposes of this subsection, the
18 rates payable to an employee who is covered by this
19 subsection and who is paid from a schedule not in
20 existence on September 30, 2018, shall be deter-
21 mined under regulations prescribed by the Office of
22 Personnel Management.

23 (4) RATES OF PREMIUM PAY.—Notwithstanding
24 any other provision of law, rates of premium pay
25 under subchapter V of chapter 55 of title 5, United

1 States Code, for employees subject to this subsection
2 may not be changed from the rates in effect on Sep-
3 tember 30, 2018, except to the extent determined by
4 the Office of Personnel Management to be consistent
5 with the purpose of this subsection.

6 (5) PERIOD COVERED.—This subsection shall
7 apply with respect to pay for service performed on
8 or after the first day of the first applicable pay pe-
9 riod beginning after December 31, 2018.

10 (6) TREATMENT UNDER OTHER LAWS.—For
11 the purpose of administering any provision of law
12 (including any rule or regulation that provides pre-
13 mium pay, retirement, life insurance, or any other
14 employee benefit) that requires any deduction or
15 contribution, or that imposes any requirement or
16 limitation on the basis of a rate of salary or basic
17 pay, the rate of salary or basic pay payable after the
18 application of this subsection shall be treated as the
19 rate of salary or basic pay.

20 (7) LIMITATIONS.—Nothing in this subsection
21 shall be considered to permit or require the payment
22 to any employee covered by this subsection at a rate
23 in excess of the rate that would be payable were this
24 subsection not in effect.

1 (8) EXCEPTIONS.—The Office of Personnel
2 Management may provide for exceptions to the limi-
3 tations imposed by this subsection if the Office de-
4 termines that such exceptions are necessary to en-
5 sure the recruitment or retention of qualified em-
6 ployees.

7 (b) COMPARABILITY OF ADJUSTMENTS.—

8 (1) IN GENERAL.—Notwithstanding subsection
9 (a), effective as of the first day of the first applica-
10 ble pay period beginning after December 31, 2018,
11 the percentage increase in rates of basic pay for the
12 statutory pay systems under sections 5344 and 5348
13 of title 5, United States Code, that takes place in
14 fiscal year 2019 shall be not less than the percent-
15 age increase received by employees in the same pay
16 locality whose rates of basic pay are adjusted under
17 sections 5303 and 5304 of title 5, United States
18 Code.

19 (2) PAY LOCALITIES.—For the purposes of this
20 subsection, prevailing rate employees in localities
21 where there are no employees whose pay is increased
22 pursuant to sections 5303 and 5304 of title 5,
23 United States Code, and prevailing rate employees
24 described in section 5343(a)(5) of title 5, United
25 States Code, shall be considered to be located in the

- 1 pay locality designated as “Rest of United States”
- 2 under section 5304 of title 5, United States Code.

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