

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

# S. 2765

To amend chapter 55 of title 5, United States Code, to exclude availability pay for certain Federal law enforcement officers from the limitation on premium pay, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 2002

Mr. VOINOVICH introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To amend chapter 55 of title 5, United States Code, to exclude availability pay for certain Federal law enforcement officers from the limitation on premium pay, 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 of 2002”.

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

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

1 (1) in subsection (a), by striking “5545a,”;  
2 (2) in subsection (c), by striking “or 5545a”;  
3 and  
4 (3) in subsection (d), by striking the period and  
5 inserting “or a criminal investigator who is paid  
6 availability pay under section 5545a.”.

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

12 **SEC. 3. SEPARATE PAY, EVALUATION, AND PROMOTION**  
13 **SYSTEM FOR FEDERAL LAW ENFORCEMENT**  
14 **OFFICERS.**

15 (a) STUDY.—Not later than 6 months after the date  
16 of the enactment of this Act, the Office of Personnel Man-  
17 agement shall study and submit to Congress a report  
18 which shall contain its findings and recommendations re-  
19 garding the need for, and the potential benefits to be de-  
20 rived from, the establishment of a separate pay, evalua-  
21 tion, and promotion system for Federal law enforcement  
22 officers. In carrying out this subsection, the Office of Per-  
23 sonnel Management shall take into account the findings  
24 and recommendations contained in the September 1993  
25 report of the Office entitled “A Plan to Establish a New

1 Pay and Job Evaluation System for Federal Law Enforce-  
2 ment Officers”.

3 (b) DEMONSTRATION PROJECT.—

4 (1) IN GENERAL.—If, after completing its re-  
5 port under subsection (a), the Office of Personnel  
6 Management considers it to be appropriate, the Of-  
7 fice shall implement, within 12 months after the  
8 date of the enactment of this Act, a demonstration  
9 project to determine whether a separate system for  
10 Federal law enforcement officers (as described in  
11 subsection (a)) would result in improved Federal  
12 personnel management.

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

20 (3) PERMANENT CHANGES.—Not later than 6  
21 months before the demonstration project’s scheduled  
22 termination date, the Office of Personnel Manage-  
23 ment shall submit to Congress—

24 (A) its evaluation of the system tested  
25 under the demonstration project; and

1 (B) recommendations as to whether or not  
2 that system (or any aspects of that system)  
3 should be continued or extended to other Fed-  
4 eral law enforcement officers.

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

10 **SEC. 4. REPORT ON FEDERAL LAW ENFORCEMENT OFFI-**  
11 **CERS.**

12 (a) IN GENERAL.—Not later than 6 months after the  
13 date of enactment of this Act, the Office of Personnel  
14 Management shall submit a report to Congress on the def-  
15 inition of a Federal law enforcement officer for purposes  
16 of pay and benefits under the provisions of title 5, United  
17 States Code.

18 (b) RECOMMENDATIONS.—The report under sub-  
19 section (a) shall include recommendations of applying pay  
20 and benefit provisions (including retirement under chap-  
21 ters 83 and 84 of title 5, United States Code, and pre-  
22 mium pay under subchapter V of chapter 55 of that title)  
23 to Federal employees who are not defined as law enforce-  
24 ment officers under those provisions.

1 **SEC. 5. EMPLOYEE EXCHANGE PROGRAM BETWEEN DE-**  
2 **PARTMENT EMPLOYEES AND EMPLOYEES OF**  
3 **STATE AND LOCAL GOVERNMENTS.**

4 (a) DEFINITIONS.—In this section:

5 (1) EMPLOYING AGENCY.—The term “employ-  
6 ing agency” means the Federal, State, or local gov-  
7 ernment agency with which the participating em-  
8 ployee was employed before an assignment under the  
9 Program.

10 (2) PARTICIPATING EMPLOYEE.—The term  
11 “participating employee” means an employee who is  
12 participating in the Program.

13 (3) PROGRAM.—The term “Program” means  
14 the employee exchange program established under  
15 subsection (b).

16 (b) ESTABLISHMENT.—The President shall establish  
17 an employee exchange program between Federal agencies  
18 that perform law enforcement functions and agencies of  
19 State and local governments that perform law enforcement  
20 functions.

21 (c) CONDUCT OF PROGRAM.—The Program shall be  
22 conducted in accordance with subchapter VI of chapter 33  
23 of title 5, United States Code.

24 (d) QUALIFICATIONS.—An employee of an employing  
25 agency who performs law enforcement functions may be  
26 selected to participate in the Program if the employee—

1           (1) has been employed by that employing agen-  
2           cy for a period of more than 3 years;

3           (2) has had appropriate training or experience  
4           to perform the work required by the assignment;

5           (3) has had an overall rating of satisfactory or  
6           higher on performance appraisals from the employ-  
7           ing agency during the 3-year period before being as-  
8           signed to another agency under this section; and

9           (4) agrees to return to the employing agency  
10          after completing the assignment for a period not less  
11          than the length of the assignment.

12          (d) WRITTEN AGREEMENT.—An employee shall enter  
13          into a written agreement regarding the terms and condi-  
14          tions of the assignment before beginning the assignment  
15          with another agency.

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