

108TH CONGRESS  
2D SESSION

# H. R. 4564

To amend title 5, United States Code, to provide for reform relating to employment at the Federal Bureau of Investigation.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2004

Mr. WOLF (for himself 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 title 5, United States Code, to provide for reform relating to employment at the Federal Bureau of Investigation.

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. MANDATORY SEPARATION AGE.**

4       (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section  
5       8335(b) of title 5, United States Code, is amended—

6               (1) by striking “(b)” and inserting “(b)(1)”;  
7       and

8               (2) by adding at the end the following:

9       “(2) In the case of employees of the Federal Bureau  
10      of Investigation, the second sentence of paragraph (1)

1 shall be applied by substituting ‘65 years of age’ for ‘60  
 2 years of age’. The authority to grant exemptions in ac-  
 3 cordance with the preceding sentence shall cease to be  
 4 available after December 31, 2009.”.

5 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—  
 6 Section 8425(b) of title 5, United States Code, is amend-  
 7 ed—

8 (1) by striking “(b)” and inserting “(b)(1)”;  
 9 and

10 (2) by adding at the end the following:

11 “(2) In the case of employees of the Federal Bureau  
 12 of Investigation, the second sentence of paragraph (1)  
 13 shall be applied by substituting ‘65 years of age’ for ‘60  
 14 years of age’. The authority to grant exemptions in ac-  
 15 cordance with the preceding sentence shall cease to be  
 16 available after December 31, 2009.”.

17 **SEC. 2. RETENTION AND RELOCATION BONUSES.**

18 (a) IN GENERAL.—Subchapter IV of chapter 57 of  
 19 title 5, United States Code is amended by adding at the  
 20 end the following:

21 **“§ 5759. Retention and relocation bonuses for the**  
 22 **Federal Bureau of Investigation**

23 “(a) AUTHORITY.—The Director of the Federal Bu-  
 24 reau of Investigation, after consultation with the Director  
 25 of the Office of Personnel Management, may pay, on a

1 case-by-case basis, a bonus under this section to an em-  
2 ployee of the Bureau if—

3 “(1)(A) the unusually high or unique qualifica-  
4 tions of the employee or a special need of the Bu-  
5 reau for the employee’s services makes it essential to  
6 retain the employee; and

7 “(B) the Director of the Federal Bureau of In-  
8 vestigation determines that, in the absence of such  
9 a bonus, the employee would be likely to leave—

10 “(i) the Federal service; or

11 “(ii) for a different position in the Federal  
12 service; or

13 “(2) the individual is transferred to a different  
14 geographic area with a higher cost of living (as de-  
15 termined by the Director of the Federal Bureau of  
16 Investigation).

17 “(b) SERVICE AGREEMENT.—Payment of a bonus  
18 under this section is contingent upon the employee enter-  
19 ing into a written service agreement with the Bureau to  
20 complete a period of service with the Bureau. Such agree-  
21 ment shall include—

22 “(1) the period of service the individual shall be  
23 required to complete in return for the bonus; and

24 “(2) the conditions under which the agreement  
25 may be terminated before the agreed-upon service

1       period has been completed, and the effect of the ter-  
 2       mination.

3       “(c) LIMITATION ON AUTHORITY.—A bonus paid  
 4       under this section may not exceed 50 percent of the em-  
 5       ployee’s basic pay.

6       “(d) IMPACT ON BASIC PAY.—A retention bonus is  
 7       not part of the basic pay of an employee for any purpose.

8       “(e) TERMINATION OF AUTHORITY.—The authority  
 9       to grant bonuses under this section shall cease to be avail-  
 10      able after December 31, 2009.”.

11      (b) CLERICAL AMENDMENT.—The analysis for chap-  
 12      ter 57 of title 5, United States Code, is amended by add-  
 13      ing at the end the following:

“5759. Retention and relocation bonuses for the Federal Bureau of Investiga-  
 tion.”.

14      **SEC. 3. FEDERAL BUREAU OF INVESTIGATION RESERVE**  
 15                                   **SERVICE.**

16      (a) IN GENERAL.—Chapter 35 of title 5, United  
 17      States Code, is amended by adding at the end the fol-  
 18      lowing:

1 “SUBCHAPTER VII—RETENTION OF RETIRED  
2 SPECIALIZED EMPLOYEES AT THE FED-  
3 ERAL BUREAU OF INVESTIGATION

4 “§ 3598. **Federal Bureau of Investigation Reserve**  
5 **Service**

6 “(a) ESTABLISHMENT.—The Director of the Federal  
7 Bureau of Investigation may provide for the establishment  
8 and training of a Federal Bureau of Investigation Reserve  
9 Service (hereinafter in this section referred to as the ‘FBI  
10 Reserve Service’) for temporary reemployment of employ-  
11 ees in the Bureau during periods of emergency, as deter-  
12 mined by the Director.

13 “(b) MEMBERSHIP.—Membership in the FBI Re-  
14 serve Service shall be limited to individuals who previously  
15 served as full-time employees of the Bureau.

16 “(c) ANNUITANTS.—If an annuitant receiving an an-  
17 nuity from the Civil Service Retirement and Disability  
18 Fund becomes temporarily reemployed pursuant to this  
19 section, such annuity shall not be discontinued thereby.  
20 An annuitant so reemployed shall not be considered an  
21 employee for the purposes of chapter 83 or 84.

22 “(d) NO IMPACT ON BUREAU PERSONNEL CEIL-  
23 ING.—FBI Reserve Service members reemployed on a  
24 temporary basis pursuant to this section shall not count  
25 against any personnel ceiling applicable to the Bureau.

1       “(e) EXPENSES.—The Director may provide mem-  
 2       bers of the FBI Reserve Service transportation and per  
 3       diem in lieu of subsistence, in accordance with applicable  
 4       provisions of this title, for the purpose of participating in  
 5       any training that relates to service as a member of the  
 6       FBI Reserve Service.

7       “(f) LIMITATION ON MEMBERSHIP.—Membership of  
 8       the FBI Reserve Service is not to exceed 500 members  
 9       at any given time.”.

10       (b) CLERICAL AMENDMENT.—The analysis for chap-  
 11       ter 35 of title 5, United States Code, is amended by add-  
 12       ing at the end the following:

“SUBCHAPTER VII—RETENTION OF RETIRED SPECIALIZED EMPLOYEES AT  
 THE FEDERAL BUREAU OF INVESTIGATION

“3598. Federal Bureau of Investigation reserve service.”.

13       **SEC. 4. CRITICAL POSITIONS IN THE FEDERAL BUREAU OF**  
 14                               **INVESTIGATION     INTELLIGENCE     DIREC-**  
 15                               **TORATE.**

16       Section 5377(a)(2) of title 5, United States Code, is  
 17       amended—

18               (1) by striking “and” at the end of subpara-  
 19       graph (E);

20               (2) by striking the period at the end of sub-  
 21       paragraph (F) and inserting “; and”; and

22               (3) by inserting after subparagraph (F) the fol-  
 23       lowing:

1                   “(G) a position at the Federal Bureau of  
2                   Investigation, the primary duties and respon-  
3                   sibilities of which relate to intelligence functions  
4                   (as determined by the Director of the Federal  
5                   Bureau of Investigation).”.

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