

108TH CONGRESS  
1ST SESSION

# S. 985

To amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 1, 2003

Mr. DODD (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. CORZINE, Ms. CANTWELL, Mr. DURBIN, Mr. GRASSLEY, Mr. LEAHY, Ms. SNOWE, Mr. REED, Mr. BIDEN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. LIEBERMAN, Mr. WARNER, Mr. JOHNSON, Mrs. MURRAY, Mr. CARPER, Mr. KERRY, Mr. BAUCUS, Mr. REID, Mr. SARBANES, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, 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. ADJUSTED DIFFERENTIALS.**

4 (a) IN GENERAL.—Paragraph (1) of section 404(b)  
5 of the Federal Law Enforcement Pay Reform Act of 1990

- 1 (5 U.S.C. 5305 note) is amended by striking the matter  
 2 after “follows:” and inserting the following:

“Area	Differential
Atlanta Consolidated Metropolitan Statistical Area .....	16.82%
Boston-Worcester-Lawrence, MA–NH–ME–CT–RI Consoli- dated Metropolitan Statistical Area .....	24.42%
Chicago-Gary-Kenosha, IL–IN–WI Consolidated Metropolitan Statistical Area .....	25.68%
Cincinnati-Hamilton, OH–KY–IN Consolidated Metropolitan Statistical Area .....	21.47%
Cleveland Consolidated Metropolitan Statistical Area .....	17.83%
Columbus Consolidated Metropolitan Statistical Area .....	16.90%
Dallas Consolidated Metropolitan Statistical Area .....	18.51%
Dayton Consolidated Metropolitan Statistical Area .....	15.97%
Denver-Boulder-Greeley, CO Consolidated Metropolitan Statis- tical Area .....	22.78%
Detroit-Ann Arbor-Flint, MI Consolidated Metropolitan Statis- tical Area .....	25.61%
Hartford, CT Consolidated Metropolitan Statistical Area .....	24.47%
Houston-Galveston-Brazoria, TX Consolidated Metropolitan Statistical Area .....	30.39%
Huntsville Consolidated Metropolitan Statistical Area .....	13.29%
Indianapolis Consolidated Metropolitan Statistical Area .....	13.38%
Kansas City Consolidated Metropolitan Statistical Area .....	14.11%
Los Angeles-Riverside-Orange County, CA Consolidated Metro- politan Statistical Area .....	27.25%
Miami-Fort Lauderdale, FL Consolidated Metropolitan Statis- tical Area .....	21.75%
Milwaukee Consolidated Metropolitan Statistical Area .....	17.45%
Minneapolis-St. Paul, MN–WI Consolidated Metropolitan Statis- tical Area .....	20.27%
New York-Northern New Jersey-Long Island, NY–NJ–CT–PA Consolidated Metropolitan Statistical Area .....	27.11%
Orlando, FL Consolidated Metropolitan Statistical Area .....	14.22%
Philadelphia-Wilmington-Atlantic City, PA–NJ–DE–MD Con- solidated Metropolitan Statistical Area .....	21.03%
Pittsburgh Consolidated Metropolitan Statistical Area .....	14.89%
Portland-Salem, OR–WA Consolidated Metropolitan Statistical Area .....	20.96%
Richmond Consolidated Metropolitan Statistical Area .....	16.46%
Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area .....	20.77%
San Diego, CA Consolidated Metropolitan Statistical Area .....	22.13%
San Francisco-Oakland-San Jose, CA Consolidated Metropol- itan Statistical Area .....	32.98%
Seattle-Tacoma-Bremerton, WA Consolidated Metropolitan Statis- tical Area .....	21.18%
St. Louis Consolidated Metropolitan Statistical Area .....	14.69%
Washington-Baltimore, DC–MD–VA–WV Consolidated Metro- politan Statistical Area .....	19.48%
Rest of United States Consolidated Metropolitan Statistical Area .....	14.19%” .

1 (b) SPECIAL RULES.—For purposes of the provision  
2 of law amended by subsection (a)—

3 (1) the counties of Providence, Kent, Wash-  
4 ington, Bristol, and Newport, RI, the counties of  
5 York and Cumberland, ME, and the city of Concord,  
6 NH, shall be treated as if located in the Boston-  
7 Worcester-Lawrence, MA–NH–ME–CT–RI Consoli-  
8 dated Metropolitan Statistical Area; and

9 (2) members of the Capitol Police shall be con-  
10 sidered to be law enforcement officers within the  
11 meaning of section 402 of the Federal Law Enforce-  
12 ment Pay Reform Act of 1990.

13 (c) EFFECTIVE DATE.—The amendment made by  
14 subsection (a)—

15 (1) shall take effect as if included in the Fed-  
16 eral Law Enforcement Pay Reform Act of 1990 on  
17 the date of the enactment of such Act; and

18 (2) shall be effective only with respect to pay  
19 for service performed in pay periods beginning on or  
20 after the date of the enactment of this Act.

21 Subsection (b) shall be applied in a manner consistent  
22 with the preceding sentence.

1 **SEC. 2. SEPARATE PAY, EVALUATION, AND PROMOTION**  
2 **SYSTEM FOR FEDERAL LAW ENFORCEMENT**  
3 **OFFICERS.**

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

17 (b) DEMONSTRATION PROJECT.—

18 (1) IN GENERAL.—If, after completing its re-  
19 port under subsection (a), the Office of Personnel  
20 Management considers it to be appropriate, the Of-  
21 fice shall implement, within 12 months after the  
22 date of the enactment of this Act, a demonstration  
23 project to determine whether a separate system for  
24 Federal law enforcement officers (as described in  
25 subsection (a)) would result in improved Federal  
26 personnel management.

1           (2) APPLICABLE PROVISIONS.—Any demonstra-  
2           tion project under this subsection shall be conducted  
3           in accordance with the provisions of chapter 47 of  
4           title 5, United States Code, except that a project  
5           under this subsection shall not be taken into account  
6           for purposes of the numerical limitation under sec-  
7           tion 4703(d)(2) of such title.

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

12                 (A) its evaluation of the system tested  
13                 under the demonstration project; and

14                 (B) recommendations as to whether or not  
15                 that system (or any aspects of that system)  
16                 should be continued or extended to other Fed-  
17                 eral law enforcement officers.

18          (c) FEDERAL LAW ENFORCEMENT OFFICER DE-  
19          FINED.—In this section, the term “Federal law enforce-  
20          ment officer” means a law enforcement officer as defined  
21          under section 8331(20) or 8401(17) of title 5, United  
22          States Code.

23          **SEC. 3. LIMITATION ON PREMIUM PAY.**

24                 (a) IN GENERAL.—Section 5547 of title 5, United  
25          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).

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