

113TH CONGRESS
1ST SESSION

H. R. 3573

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

NOVEMBER 21, 2013

Mr. CARTWRIGHT (for himself, Mr. COLE, Mr. BISHOP of Utah, Mr. LOEBSACK, Mr. CUMMINGS, Mr. WOLF, Mr. WITTMAN, Mr. LYNCH, Mrs. BUSTOS, Mr. AUSTIN SCOTT of Georgia, Mr. RUNYAN, Mr. CONNOLLY, Mr. FITZPATRICK, and Mr. PERLMUTTER) introduced the following bill; which was referred to the Committee on Oversight and Government 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.—

1 (1) PREVAILING RATE EMPLOYEES OF AGEN-
2 CIES.—Notwithstanding any other provision of law,
3 and except as otherwise provided in this section, a
4 prevailing rate employee described in section
5 5342(a)(2)(A) of title 5, United States Code, may
6 not be paid—

7 (A) during the period beginning on Janu-
8 ary 1, 2014, and ending on the normal effective
9 date of the applicable wage survey adjustment
10 that is to take effect in fiscal year 2014, in an
11 amount that exceeds the rate payable for the
12 applicable grade and step of the applicable wage
13 schedule in accordance with such section; and

14 (B) during the period beginning on the day
15 after the end of the period described in sub-
16 paragraph (A) and ending on September 30,
17 2014, in an amount that exceeds, as a result of
18 a wage survey adjustment, the rate payable
19 under subparagraph (A) by more than the sum
20 of—

21 (i) the percentage adjustment taking
22 effect in fiscal year 2014 under section
23 5303 of title 5, United States Code, in the
24 rates of pay under the General Schedule;
25 and

(ii) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2014 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(2) OTHER PREVAILING RATE EMPLOYEES.—

Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which paragraph (1) is in effect at a rate that exceeds the rates that would be payable under paragraph (1) were paragraph (1) applicable to such employee.

(3) EMPLOYEES PAID FROM NEW SCHEDULES.—

For the purposes of this subsection, the rates payable to an employee who is covered by this subsection and who is paid from a schedule not in existence on September 30, 2013, shall be determined under regulations prescribed by the Office of Personnel Management.

1 (4) RATES OF PREMIUM PAY.—Notwithstanding
2 any other provision of law, rates of premium pay for
3 employees subject to this subsection may not be
4 changed from the rates in effect on September 30,
5 2013, except to the extent determined by the Office
6 of Personnel Management to be consistent with the
7 purpose of this subsection.

8 (5) PERIOD COVERED.—This subsection shall
9 apply with respect to pay for service performed on
10 or after the first day of the first applicable pay pe-
11 riod beginning after December 31, 2013.

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

22 (7) LIMITATIONS.—Nothing in this subsection
23 shall be considered to permit or require the payment
24 to any employee covered by this subsection at a rate

1 in excess of the rate that would be payable were this
2 subsection not in effect.

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

9 (b) COMPARABILITY OF ADJUSTMENTS.—

10 (1) IN GENERAL.—Notwithstanding subsection
11 (a), effective as of the first day of the first applica-
12 ble pay period beginning after December 31, 2013,
13 the percentage increase in rates of basic pay for the
14 statutory pay systems under sections 5344 and 5348
15 of title 5, United States Code, that takes place in
16 fiscal year 2014 shall be not less than the percent-
17 age increase received by employees in the same pay
18 locality whose rates of basic pay are adjusted under
19 sections 5303 and 5304 of title 5, United States
20 Code.

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

1 described in section 5343(a)(5) of title 5, United
2 States Code, shall be considered to be located in the
3 pay locality designated as “Rest of United States”
4 under section 5304 of title 5, United States Code.

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