

115TH CONGRESS
1ST SESSION

H. R. 4611

To provide an increase in premium pay for certain employees of the Federal Emergency Management Agency during fiscal years 2017 and 2018, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 2017

Mrs. DEMINGS (for herself and Ms. PLASKETT) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To provide an increase in premium pay for certain employees of the Federal Emergency Management Agency during fiscal years 2017 and 2018, 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 “Disaster Response
5 Workforce Flexibility Act of 2017”.

6 **SEC. 2. PREMIUM PAY EXCEPTION FOR FEMA EMPLOYEES.**

7 (a) DEFINITION OF COVERED EMPLOYEE.—In this
8 section, the term “covered employee” means any employee
9 of the Federal Emergency Management Agency who, dur-

1 ing any of fiscal years 2017 or 2018, performs duties di-
2 rectly related to, or in support of, disaster preparation,
3 response, and recovery efforts.

4 (b) EXCEPTION FOR LIMITATION ON PREMIUM
5 PAY.—Notwithstanding any other provision of law, during
6 fiscal years 2017 and 2018, section 5547(a) of title 5,
7 United States Code, shall not apply to any covered em-
8 ployee to the extent that its application would prevent the
9 covered employee from receiving premium pay, except that
10 such premium pay shall not be payable to a covered em-
11 ployee to the extent that the aggregate of the covered em-
12 ployee’s basic and premium pay for the year would exceed
13 the rate of basic pay payable for a position at level II of
14 the Executive Schedule under section 5313 of such title.

15 (c) TREATMENT OF ADDITIONAL PAY.—If subsection
16 (b) results in the payment of additional premium pay to
17 a covered employee of a type that is normally creditable
18 as basic pay for retirement or any other purpose, that ad-
19 ditional pay shall not—

20 (1) be considered to be basic pay of the covered
21 employee for any purpose; or

22 (2) be used in computing a lump-sum payment
23 to the covered employee for accumulated and ac-
24 crued annual leave under section 5551 or section
25 5552 of title 5, United States Code.

1 (d) AGGREGATE LIMIT.—With respect to the applica-
2 tion of section 5307 of title 5, United States Code, the
3 payment of any additional premium pay to a covered em-
4 ployee as a result of subsection (b) shall not be counted
5 as part of the aggregate compensation of the covered em-
6 ployee.

7 (e) EFFECTIVE DATE.—This section shall take effect
8 as if enacted on October 1, 2016.

○