

Union Calendar No. 138

103D CONGRESS
1ST SESSION

H. R. 3019

[Report No. 103-247]

A BILL

To amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, and for other purposes.

SEPTEMBER 21, 1993

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 1993

Ms. NORTON (for herself and Mrs. MORELLA) introduced the following bill;
which was referred to the Committee on Post Office and Civil Service

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A BILL

To amend title 5, United States Code, to provide for a temporary extension and the orderly termination of the performance management and recognition system, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Performance Manage-
3 ment and Recognition System Termination Act”.

4 **SEC. 2. TEMPORARY EXTENSION.**

5 Effective as of September 30, 1993, section 5410 of
6 title 5, United States Code, is amended by striking “Sep-
7 tember 30, 1993” and inserting “October 31, 1993”.

8 **SEC. 3. TERMINATION PROVISIONS.**

9 (a) IN GENERAL.—

10 (1) REPEAL.—Chapter 54 of title 5, United
11 States Code, is repealed.

12 (2) ANALYSIS.—The analysis for part III of
13 title 5, United States Code, is amended by striking
14 the item relating to chapter 54.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) TITLE 5, UNITED STATES CODE.—Title 5,
17 United States Code, is amended—

18 (A) in section 3372(d) by striking “addi-
19 tional step-increases, merit pay, and cash
20 awards, as defined in chapters 53 and 54” and
21 inserting “and additional step-increases, as de-
22 fined in chapter 53”;

23 (B)(i) by striking section 4302a; and

24 (ii) in the analysis for chapter 43 by strik-
25 ing the item relating to section 4302a;

1 (C) by amending subparagraph (A) of sec-
2 tion 4501(2) to read as follows:

3 “(A) an employee as defined by section
4 2105; and”;

5 (D) in section 4502(e) by striking para-
6 graph (1) and by striking “(2)”;

7 (E) in section 5302—

8 (i) in paragraph (8)—

9 (I) in subparagraph (A) by in-
10 sserting “and” after the semicolon; and

11 (II) by striking subparagraph (B)
12 and redesignating subparagraph (C)
13 as subparagraph (B); and

14 (ii) in paragraph (9) by striking “ap-
15 plies (including any position under the per-
16 formance management and recognition sys-
17 tem).” and inserting “applies.”;

18 (F) in section 5332(a)(1) by striking “, ex-
19 cept an employee covered by the performance
20 management and recognition system established
21 under chapter 54,”;

22 (G) in section 5334—

23 (i) in subsection (c)(2) by striking
24 “step,” and all that follows through “any
25 dollar amount,” and inserting “step”; and

1 (ii) by striking subsection (f) and re-
2 designating subsection (g) as subsection
3 (f);

4 (H) in section 5335—

5 (i) in subsection (e) by striking “cov-
6 ered by the performance management and
7 recognition system established under chap-
8 ter 54 of this title, or,”; and

9 (ii) by striking subsection (f) and re-
10 designating subsection (g) as subsection
11 (f);

12 (I) in section 5336(c) by striking “covered
13 by the performance management and recogni-
14 tion system established under chapter 54 of this
15 title, or,”;

16 (J) in section 5361(5) by striking all that
17 follows “of this chapter,” and inserting “or a
18 special occupational pay system under sub-
19 chapter IX;”;

20 (K) in section 5362(c)—

21 (i) in the matter before paragraph (1)
22 by striking “chapters 54 and 55 of this
23 title, retirement and life insurance under
24 chapters 83 and 87” and inserting “chap-

1 ter 55 of this title, retirement and life in-
2 surance under chapters 83, 84, and 87”;

3 (ii) by inserting “or” at the end of
4 paragraph (2); and

5 (iii) by striking paragraph (3) and re-
6 designating paragraph (4) as paragraph
7 (3);

8 (L) in section 5363(c)(2) by striking
9 “chapter 51, 53, or 54” and inserting “chapter
10 51 or 53”;

11 (M) in section 5948(g)(1) by striking sub-
12 paragraph (C) and redesignating subparagraphs
13 (D) through (L) as subparagraphs (C) through
14 (K), respectively; and

15 (N) in section 8473(b)(8) by striking “in-
16 dividuals subject to the Performance Manage-
17 ment and Recognition System under chapter 54
18 of this title;” and inserting “supervisors and
19 management officials (as defined by section
20 7103(a));”.

21 (2) FEPCA.—Section 302(b)(1) of the Federal
22 Employees Pay Comparability Act of 1990 (5 U.S.C.
23 5304 note) is amended by striking “(including an
24 employee covered by the performance management
25 and recognition system)”.

1 (3) TITLE 10, UNITED STATES CODE.—Title 10,
2 United States Code, is amended—

3 (A) in section 1602 by inserting “, as in
4 effect on October 31, 1993” after “section 5401
5 of title 5”;

6 (B) in section 1732(b)(1)(A) by striking
7 “Schedule (including any employee covered by
8 chapter 54 of title 5).” and inserting “Sched-
9 ule.”; and

10 (C) in section 1733(b)(1)(A)(i) by striking
11 “Schedule (including an employee covered by
12 chapter 54 of title 5),” and inserting “Sched-
13 ule,”.

14 (4) TITLE 31, UNITED STATES CODE.—Section
15 731(b) of title 31, United States Code, is amended
16 by inserting “, as in effect on October 31, 1993”
17 after “section 5401 of title 5”.

18 (c) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect as of November 1, 1993.

20 **SEC. 4. TREATMENT OF EMPLOYEES COVERED BY THE SYS-**
21 **TEM AS OF ITS TERMINATION DATE.**

22 (a) DEFINITIONS.—For purposes of this section—

23 (1) the term “employee” means an individual
24 employed by an agency (within the meaning of sec-
25 tion 7103(a)(3) of title 5, United States Code);

1 (2) the term “performance management and
2 recognition system” means the performance manage-
3 ment and recognition system under chapter 54 of
4 title 5, United States Code;

5 (3) the term “basic pay” does not include any
6 amount payable under section 302 or title IV of
7 FEPCA or section 5304 or 5304a of title 5, United
8 States Code;

9 (4) the term “pay rate”, as used in clauses (iii)
10 through (v) of subsection (c)(2)(B), is used in the
11 same way as such term is used under section
12 5335(a) of title 5, United States Code; and

13 (5) the term “FEPCA” means the Federal Em-
14 ployees Pay Comparability Act of 1990 (contained in
15 the Treasury, Postal Service and General Govern-
16 ment Appropriations Act, 1991 (Public Law 101–
17 509; 104 Stat. 1427)).

18 (b) APPLICABILITY.—Notwithstanding section
19 5332(a)(1) of title 5, United States Code (as amended by
20 section 3(b)(1)(F)), or any other provision of law, the rate
21 of basic pay for an employee covered by the performance
22 management and recognition system on October 31, 1993,
23 shall be determined in accordance with this section so long
24 as such employee continues, without a break in service of
25 more than 3 days, to occupy any position—

1 (1) which is in the same grade of the General
2 Schedule, and the same agency, as the position
3 which such employee occupied on October 31, 1993;
4 and

5 (2) to which the provisions of chapter 54 of
6 title 5, United States Code (as in effect on October
7 31, 1993) would apply if such provisions had re-
8 mained in effect.

9 (c) SPECIAL RULES.—

10 (1) IN GENERAL.—The rate of basic pay for an
11 employee who is subject to this section shall be the
12 rate payable to such employee on October 31, 1993,
13 subject to paragraph (2).

14 (2) ADJUSTMENTS.—Adjustments in the rate of
15 basic pay for an employee who is subject to this sec-
16 tion shall be made in accordance with the relevant
17 provisions of title 5, United States Code, or other-
18 wise applicable provisions of law, subject to the
19 following:

20 (A) DEEM RATES AND POSITIONS TO BE
21 UNDER THE GENERAL SCHEDULE.—For pur-
22 poses of applying subchapters I and III of
23 chapter 53 of such title (and the provisions of
24 section 302 and title IV of FEPCA with respect

1 to any payment under any of those provi-
2 sions)—

3 (i) the rate of basic pay determined
4 under this section for an employee shall be
5 treated as a rate of basic pay described in
6 section 5302(8) of such title;

7 (ii) the position then currently occu-
8 pied by an employee who is subject to this
9 section shall be deemed to be a “General
10 Schedule position” within the meaning of
11 section 5302(9) of such title; and

12 (iii) any employee who is subject to
13 this section shall be considered to be a
14 “General Schedule employee” (as referred
15 to in section 302(b) of FEPCA).

16 (B) SPECIAL RULES RELATING TO PROVI-
17 SIONS GOVERNING STEP-INCREASES.—For pur-
18 poses of applying the provisions of sections
19 5335 and 5336 of title 5, United States Code,
20 with respect to any employee who is subject to
21 this section—

22 (i) any reference in such provisions to
23 a “step-increase” shall be considered to
24 mean an increase equal to one-ninth of the
25 difference between the minimum and maxi-

1 mum rates of pay for the applicable grade
2 of the General Schedule;

3 (ii) any reference in such provisions to
4 the “next higher rate within the grade”
5 shall be considered to mean the rate of
6 basic pay which exceeds such employee’s
7 then current rate of basic pay by the
8 amount of a step-increase;

9 (iii) if the employee’s rate of basic pay
10 is less than the rate for pay rate 4 of the
11 applicable grade, such employee’s rate of
12 basic pay shall be governed by paragraph
13 (1) of section 5335(a) of such title;

14 (iv) if the employee’s rate of basic pay
15 is equal to or greater than the rate for pay
16 rate 4 but less than the rate for pay rate
17 7 of the applicable grade, such employee’s
18 rate of basic pay shall be governed by
19 paragraph (2) of section 5335(a) of such
20 title; and

21 (v) if the employee’s rate of basic pay
22 is equal to or greater than the rate for pay
23 rate 7 but less than the maximum rate of
24 the applicable grade, such employee’s rate

1 of basic pay shall be governed by para-
2 graph (3) of section 5335(a) of such title.

3 No rate of basic pay for an employee may be
4 increased, as a result of this subparagraph (or
5 any provision of law to which any clause of this
6 subparagraph relates), if or to the extent that
7 the resulting rate would exceed the maximum
8 rate for the grade of the position occupied by
9 such employee.

10 (d) REGULATIONS.—The Office of Personnel Man-
11 agement shall prescribe any regulations which may be nec-
12 essary for the administration of this section.

13 **SEC. 5. MISCELLANEOUS PROVISIONS.**

14 (a) COORDINATION RULE.—Notwithstanding the
15 amendment made by section 3(b)(1)(H)(ii), an increase in
16 pay granted under section 5404 of title 5, United States
17 Code, before November 1, 1993, shall be deemed to be
18 an equivalent increase in pay within the meaning of sec-
19 tion 5335(a) of such title.

20 (b) PERFORMANCE AWARDS.—Notwithstanding sec-
21 tion 2, for purposes of applying section 5406 of title 5,
22 United States Code, the amount under subsection
23 (c)(1)(A)(ii) of such section 5406 with respect to awards
24 for work performed during fiscal year 1994 shall, for each
25 agency subject to such section 5406, be deemed to be zero.