

Johnson — Substitute (as modified)

HEN18718

S.L.C.


AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 1896

To amend section 8331 of title 5, United States Code, and the Fair Labor Standards Act of 1938 to clarify the treatment of availability pay for Federal air marshals and criminal investigators of the Transportation Security Administration, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. JOHNSON

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “TSA LEAP Pay Re-
5 form Act of 2018”.

6 **SEC. 2. RETIREMENT-CREDITABLE BASIC PAY.**

7 (a) DEFINITION OF BASIC PAY.—Clause (ii) of sec-
8 tion 8331(3)(E) of title 5, United States Code, is amended
9 to read as follows:

1 “(ii) received after September 11,
2 2001, by a Federal air marshal or criminal
3 investigator (as defined in section
4 5545a(a)(2)) of the Transportation Secu-
5 rity Administration, subject to all restric-
6 tions and earning limitations imposed on
7 criminal investigators receiving such pay
8 under section 5545a, including the pre-
9 mium pay limitations under section
10 5547;”.

11 (b) EFFECTIVE DATE; APPLICABILITY.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 this Act, and the amendments made by this Act,
14 shall take effect on the first day of the first pay pe-
15 riod commencing on or after the date of enactment
16 of this Act.

17 (2) RETROACTIVE APPLICATION.—

18 (A) IN GENERAL.—Any availability pay re-
19 ceived for any pay period commencing before
20 the date of enactment of this Act by a Federal
21 air marshal or criminal investigator employed
22 by the Transportation Security Administration
23 shall be deemed basic pay under section
24 8331(3) of title 5, United States Code, if the
25 Transportation Security Administration treated

1 such pay as retirement-creditable basic pay, but
2 the Office of Personnel Management, based on
3 an interpretation of section 8331(3) of title 5,
4 United States Code, did not accept such pay as
5 retirement-creditable basic pay.

6 (B) IMPLEMENTATION.—Not later than 3
7 months after the date of enactment of this Act,
8 the Director of the Office of Personnel Manage-
9 ment shall commence taking such actions as are
10 necessary to implement the amendments made
11 by this section with respect to availability pay
12 deemed to be basic pay under subparagraph
13 (A).