

118TH CONGRESS  
2D SESSION

# S. 3771

To amend title 5, United States Code, to provide increased locality pay rates to certain Bureau of Prisons employees whose duty stations are located in the pay locality designated as “Rest of U.S.”, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 8 (legislative day, FEBRUARY 7), 2024

Mr. CASSIDY (for himself, Mr. BLUMENTHAL, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend title 5, United States Code, to provide increased locality pay rates to certain Bureau of Prisons employees whose duty stations are located in the pay locality designated as “Rest of U.S.”, 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 “Pay Our Correctional  
5 Officers Fairly Act”.

1 **SEC. 2. PROVIDING NEAREST OTHER LOCALITY PAY RATE**  
2 **FOR CERTAIN BUREAU OF PRISONS EMPLOY-**  
3 **EES RECEIVING REST OF U.S. LOCALITY**  
4 **RATE.**

5 Section 5304 of title 5, United States Code, is  
6 amended by redesignating subsection (i) as subsection (j)  
7 and by inserting after subsection (h) the following:

8 “(i)(1) Notwithstanding any other provision of this  
9 chapter, and consistent with paragraph (2), the official  
10 worksite of an employee of the Bureau of Prisons that is  
11 otherwise located in the pay locality designated as ‘Rest  
12 of U.S.’ shall be considered to be located in the nearest  
13 other pay locality established pursuant to this section.

14 “(2) For purposes of carrying out paragraph (1)—

15 “(A) if more than one pay locality is within 200  
16 miles of the official worksite of such an employee,  
17 such worksite shall be considered to be located in the  
18 pay locality with the highest comparability payment;  
19 and

20 “(B) an employee of the Bureau of Prisons  
21 shall not be subject to paragraph (1) if the official  
22 worksite of such employee is not within 200 miles of  
23 the nearest boundary of any pay locality other than  
24 ‘Rest of U.S.’.”

1 **SEC. 3. PROVIDING HIGHER WAGE AREA PAY FOR CERTAIN**  
2 **BUREAU OF PRISONS EMPLOYEES.**

3 Section 5343 of title 5, United States Code, is  
4 amended by adding at the end the following:

5 “(g)(1) In this subsection—

6 “(A) the term ‘covered pay locality’—

7 “(i) means a pay locality established under  
8 section 5304 that includes the boundaries of 2  
9 or more wage areas established under this sec-  
10 tion; and

11 “(ii) does not include the pay locality des-  
12 ignated as ‘Rest of the U.S.’;

13 “(B) the term ‘covered wage area’ means a  
14 wage area established under this section, the bound-  
15 ary of which is located within the boundaries of a  
16 covered pay locality;

17 “(C) the term ‘nearest other wage area’ means  
18 a wage area, a boundary of which is located within  
19 the boundaries of a nearest other pay locality estab-  
20 lished under section 5304(i); and

21 “(D) the term ‘Rest of U.S. wage area’ means  
22 a wage area located in the pay locality designated as  
23 ‘Rest of the U.S.’.

24 “(2)(A) A prevailing rate employee of the Bureau of  
25 Prisons employed in a Rest of U.S. wage area shall be  
26 paid at the higher wage schedule and rate of the nearest

1 other wage area established under this paragraph and the  
2 wage area of the employee.

3 “(B) For purposes of carrying out subparagraph (A),  
4 if the nearest other pay locality established under section  
5 5304(i) contains the boundaries of 2 or more wage areas  
6 established under this section—

7 “(i) the employee shall be paid at the wage  
8 schedule and rate for employees at the nearest other  
9 Bureau of Prisons facility within 200 miles of the  
10 nearest boundary of the nearest other pay locality  
11 established under section 5304(i); and

12 “(ii) if there is no Bureau of Prisons facility in  
13 the nearest other pay locality established under sec-  
14 tion 5304(i), the employee shall be paid at the wage  
15 schedule and rate for the nearest other wage area  
16 that the Bureau of Prisons determines is most simi-  
17 lar in population, employment, manpower, and in-  
18 dustry to the wage area of the employee, as in effect  
19 on the day before the date of enactment of this sub-  
20 section.

21 “(3) A prevailing rate employee of the Bureau of  
22 Prisons employed in a covered wage area shall be paid at  
23 the highest applicable wage schedule and rate for any  
24 wage area located in the covered pay locality.”

1 **SEC. 4. APPLICABILITY.**

2       The amendments made by this Act shall apply to any  
3 pay period beginning on or after the date that is 180 days  
4 after the date of enactment of this Act.

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