

119TH CONGRESS
2D SESSION

S. _____

To amend title 5, United States Code, to improve recruitment and retention of Federal correctional officers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. SHAHEEN (for herself and Mr. MCCORMICK) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend title 5, United States Code, to improve recruitment and retention of Federal correctional officers, 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 “Federal Correctional
5 Officer Paycheck Protection Act of 2026”.

1 **SEC. 2. SPECIAL BASE RATES OF PAY FOR FEDERAL COR-**
2 **RECTIONAL OFFICERS.**

3 (a) IN GENERAL.—Subchapter III of chapter 53 of
4 title 5, United States Code, is amended by inserting after
5 section 5332a the following:

6 **“§ 5332b. Special base rates of pay for Federal correc-**
7 **tional officers**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘Federal correctional officer’
10 means a correctional officer (without regard to
11 whether the position of the individual is classified in
12 the 0007 series established by the Office of Per-
13 sonnel Management)—

14 “(A) who is employed by the Bureau of
15 Prisons; and

16 “(B)(i) the duties of the position of
17 whom—

18 “(I) primarily relate to the custody,
19 control, or supervision of inmates within
20 the Bureau of Prisons; or

21 “(II) routinely include direct inmate
22 contact in a custodial setting;

23 “(ii) who, in the case of an employee who
24 holds a supervisory or administrative position
25 and is subject to subchapter III of chapter 83
26 or chapter 84, but who does not qualify to be

1 considered a law enforcement officer within the
2 meaning of section 8331(20) or 8401(17), as
3 applicable, holds a position, the duties of which,
4 if they included routine custodial inmate con-
5 tact, would be as described in clause (i); or

6 “(iii) who, in the case of an employee who
7 is not subject to subchapter III of chapter 83
8 or chapter 84, holds a position that the Office
9 of Personnel Management, pursuant to written
10 position classification applicable to the Bureau
11 of Prisons, determines would satisfy clause (i)
12 or (ii) if the employee were subject to sub-
13 chapter III of chapter 83 or chapter 84;

14 “(2) the term ‘General Schedule base rate’
15 means an annual rate of basic pay established under
16 section 5332 before any additions, such as a locality-
17 based comparability payment under section 5304 or
18 5304a or a special rate supplement under section
19 5305; and

20 “(3) the term ‘LEO special base rate’ has the
21 meaning given the term in section 531.602 of title
22 5, Code of Federal Regulations, or any successor
23 regulation.

24 “(b) SPECIAL BASE RATES OF PAY.—

1 “(1) ENTITLEMENT TO SPECIAL RATE.—Not-
2 withstanding section 5332, a Federal correctional of-
3 ficer is entitled to a special base rate of pay, which
4 shall—

5 “(A) replace the otherwise applicable Gen-
6 eral Schedule base rate or LEO special base
7 rate for the Federal correctional officer;

8 “(B) be basic pay for all purposes, includ-
9 ing the purposes of applying—

10 “(i) sections 5304, 5304a, and 5595;

11 “(ii) subchapter V of chapter 55; and

12 “(iii) chapters 83 and chapter 84; and

13 “(C) be computed as provided in para-
14 graph (2) and adjusted at the time of adjust-
15 ments in the General Schedule base rate or
16 LEO special base rate.

17 “(2) COMPUTATION.—The special base rate for
18 a Federal correctional officer shall be calculated by
19 increasing the applicable General Schedule base rate
20 or LEO special base rate for the Federal correc-
21 tional officer by 35 percent and rounding the result
22 to the nearest whole dollar, provided that such spe-
23 cial base rate does not exceed the rate of basic pay
24 payable for level V of the Executive Schedule.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for subchapter III of chapter 53 of title 5, United States
3 Code, is amended by inserting after the item relating to
4 section 5332a the following:

“5332b. Special base rates of pay for Federal correctional officers.”.

5 (c) CERTAIN PREVAILING RATE EMPLOYEES.—Sec-
6 tion 5343 of title 5, United States Code, is amended by
7 adding at the end the following:

8 “(h)(1) In this subsection, the term ‘covered em-
9 ployee’ means an employee—

10 “(A) who is described in section 5342(a)(2)(A)
11 and is employed by the Bureau of Prisons;

12 “(B) the duties of the position of whom—

13 “(i) primarily relate to the custody, con-
14 trol, or supervision of inmates; or

15 “(ii) routinely include direct inmate con-
16 tact in a custodial setting; and

17 “(C) the position of whom is classified as not
18 higher than grade 9 of the Federal Wage System.

19 “(2) The Attorney General shall increase the wage
20 rates of each covered employee by 35 percent.

21 “(3) An increased wage rate under paragraph (2)
22 shall be basic pay for the same purposes as the wage rate
23 otherwise established under this section.

24 “(4) An increase under this subsection may not cause
25 the wage rate of an employee to increase to a rate that

1 would produce an annualized rate in excess of the annual
2 rate for level IV of the Executive Schedule.”.

3 **SEC. 3. APPLICATION.**

4 (a) DEFINITION.—In this section, the term “Federal
5 correctional officer” has the meaning given the term in
6 section 5332b(a) of title 5, United States Code, as added
7 by section 2 of this Act.

8 (b) SUNSET.—Subject to subsection (c), on the date
9 that is 5 years after the date of enactment of this Act,
10 the authority provided under sections 5332b and 5343(h)
11 of title 5, United States Code, as added by section 2 of
12 this Act, shall terminate and those sections are repealed.

13 (c) REVIEW AND DETERMINATION.—

14 (1) REVIEW.—Not later than 180 days before
15 the expiration of the 5-year period described in sub-
16 section (b), the Inspector General of the Department
17 of Justice (referred to in this section as the “Inspec-
18 tor General”) shall conduct a review, and submit a
19 report on that review to Congress, of—

20 (A) the extent to which the Bureau of
21 Prisons has, pursuant to the authority provided
22 under sections 5332b and 5343(h) of title 5,
23 United States Code, as added by section 2 of
24 this Act—

1 (i) reduced or eliminated the use of
2 non-custodial employees to perform the du-
3 ties of Federal correctional officers (com-
4 monly known as, and referred to in this
5 section as, “augmentation”); and

6 (ii) reduced excessive mandatory over-
7 time for Federal correctional officers; and

8 (B) the impact of the special base rates of
9 pay under sections 5332b and 5343(h) of title
10 5, United States Code, as added by section 2 of
11 this Act, on recruitment, retention, and institu-
12 tional safety with respect to Federal correc-
13 tional officers.

14 (2) CONTINUING AUTHORITY.—

15 (A) DETERMINATION.—If, under the re-
16 view conducted under paragraph (1), the In-
17 spector General determines that the Bureau of
18 Prisons has demonstrated measurable progress
19 in eliminating augmentation and reducing ex-
20 cessive mandatory overtime for Federal correc-
21 tional officers, subsection (b) of this section
22 shall have no force or effect and the authority
23 provided under sections 5332b and 5343(h) of
24 title 5, United States Code, as added by section
25 2 of this Act, shall continue to apply.

1 (B) NOTICE.—The Inspector General shall
2 include a determination made under subpara-
3 graph (A) in the report submitted to Congress
4 under paragraph (1).