

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 5368  
OFFERED BY MR. TOWNS OF NEW YORK**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States Postal  
3 Service Postal Inspectors and Special Agents Equity Act”.

**4 SEC. 2. ELIGIBILITY FOR AVAILABILITY PAY.**

5 (a) IN GENERAL.—Section 5545a of title 5, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing:

8 “(1)(1) The provisions of subsections (a)–(h) pro-  
9 viding for availability pay shall apply to a covered postal  
10 employee. For the purpose of this section, section 5542(d)  
11 of this title, and section 13(a)(16) and (b)(30) of the Fair  
12 Labor Standards Act of 1938 (29 U.S.C. 213(a)(16) and  
13 (b)(30)), a covered postal employee shall be deemed to be  
14 a criminal investigator as defined in this section.

15 “(2) For purposes of this subsection, the term ‘cov-  
16 ered postal employee’ means—

17 “(A) a Postal Inspector within the meaning of  
18 section 1003(c) of title 39; and

1           “(B) a special agent of the Office of the Inspec-  
2           tor General of the United States Postal Service.

3           “(3) The United States Postal Service, in consulta-  
4           tion with the Office of Personnel Management, may pre-  
5           scribe regulations to carry out this subsection.”.

6           (b) CONFORMING AMENDMENT.—Section 410(b)(1)  
7           of title 39, United States Code, is amended by striking  
8           “and section 5532 (dual pay)” and inserting “and section  
9           5545a (availability pay for criminal investigators)”.

10          (c) EFFECTIVE DATE.—The amendments made by  
11          this section shall be effective as of September 30, 1996,  
12          except that nothing in this Act shall be considered to re-  
13          quire the United States Postal Service to provide any addi-  
14          tional compensation to any covered postal employee (with-  
15          in the meaning of section 5545a(1) of title 5, United States  
16          Code, as amended by this Act) with respect to any service  
17          performed by such employee prior to the date of the enact-  
18          ment of this Act.

Amend the title so as to read: “A bill to amend titles  
5 and 39 of the United States Code to make Postal In-  
spectors and certain special agents of the United States  
Postal Service eligible for availability pay for criminal in-  
vestigators.”.

