

# Federal Prevailing Rate Advisory Committee

## 647th FPRAC

Janice R. Lachance, Chair, Presiding

Thursday, July 20, 2023

Virtual Meeting via Microsoft Teams

Office of Personnel Management

Washington, D.C. 20415

### Attendance:

#### Members/Alternates:

##### Management Members:

Mark Allen, OPM

Mandy Laughlin, Army

Christopher Lynch, DoD

Sheila Willis, VA

##### Labor Members:

Jacqueline Simon, AFGE

Richard Loeb, AFGE

Jeffery Osborn, ACT

#### Staff Specialists and Visitors:

Brenda Roberts, Designated Federal Officer, OPM

Ana Paunoiu, OPM

Samantha Bono, OPM

Karl Fendt, DoD

Christine Wlezien, DoD

Erica Abiera, DoD

Jerry Dollente, DoD

Brandon Anderson, Navy

Kimberly Eidson, Air Force

Cynthia Bell, VA

Ralphele Reels, VA

Jeremy Tisdale, Federal Correctional Complex, Butner

#### Recording Secretary:

Mike Eicher, OPM

[Transcript prepared from digital audio produced by FPRAC.]

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## I. Opening Announcements and Introductions

Chair Lachance: Good morning, everyone! This is the 647th meeting of the Federal Prevailing Rate Advisory Committee. It's July 20th, 2023, and the time is now, I think, 10:05, 6, We apologize for the delay and hope we can catch up as we work through the agenda.

The meeting is being held virtually today, as it has been for quite a while now, and we will be recording it as usual. Our verbatim transcript will be provided to every member for your review at the next meeting.

I'm Janice Lachance. I chair this committee, and I want to start with introductions so that we have the meeting attendance on record. We are going to start with the Management members. Can we start with OPM?

Mr. Allen: This is Mark Allen for the OPM staff.

Chair Lachance: DoD?

Mr. Lynch: Good morning. This is Christopher Lynch sitting in for Ms. Nancy Speight.

Chair Lachance: Thank you, Chris. Army?

Ms. Laughlin: This is Mandy Laughlin. Good morning.

Chair Lachance: Thank you. Navy?

Mr. Anderson: This is Brandon Anderson for Department of Navy.

Chair Lachance: VA?

Ms. Willis: Hi. Good morning. This is Sheila Willis.

Chair Lachance: Thank you. Let's go now to our colleagues in the Labor movement. Metal Trades.

[No audible response.]

Chair Lachance: AFGE? I know you have Jacque Simon here.

Ms. Simon: Jacque Simon is here.

Mr. Loeb: This is Richard Loeb.

Chair Lachance: And NAGE?

[No audible response.]

Chair Lachance: And I see Brenda Roberts is here as the Designated Federal Official under the Federal Advisory Committee Act. Thank you very much for joining us, Brenda. We appreciate it.

For the staff who are attending, could you introduce yourself? Does DoD have anyone here?

Mr. Fendt: So this is Karl Fendt with Wage and Salary, and there are a handful of people from the Wage and Salary Division online, and we sent that information to Ana earlier.

Chair Lachance: Great. Thank you so much. OPM staff?

Ms. Paunoiu: Ana Paunoiu. Good morning.

Ms. Bono: Samantha Bono.

Mr. Eicher: Mike Eicher, OPM.

Chair Lachance: Any other staff members from other departments?

Mr. Tisdale: Jeremy Tisdale, Department of Justice, Federal Bureau of Prisons.

Ms. Eidson: Hi. Kimberly Eidson from the Department of Air Force.

Ms. Bell: Cynthia Bell, VA.

Mr. Reels: Ralphele Reels, VA.

Chair Lachance: Good. And then I know we have some guests. I see somebody distinguished here wearing an Army uniform. Is there anyone who wants to introduce themselves as a guest? We're happy to have you.

Mr. Osborn: Jeff Osborn, ACT.

Chair Lachance: Great. Anyone else?

[No audible response.]

Chair Lachance: Thank you all very much.

I do want to note for the record that FPRAC held another working group meeting on June 15th to consider potential recommendations for reforms to the Federal Wage System.

An update about the working group will be presented later in this meeting, so we'll all be able to be caught up. There are other announcements, before I turn it over to Mark, who has a number of things he wants to let the group know that have occurred since we last met. Anyone else with an announcement?

[No audible response.]

Chair Lachance: If not, I'll call on Mark for the announcements from OPM.

Mr. Allen: All my announcements are good things. I like sharing good news every now and then. A lot of you may know that OPM issued proposed regulations last month for the General Schedule Locality Pay System which would take effect the first pay period in January. That has an indirect impact on some Federal Wage System employees because of the floor increase provision. There are a number of counties that are being added to existing GS Locality Pay areas, and that's where there would be an impact on some Federal Wage System positions. These would not be movements from

one wage area to another, as we're talking about in the working group. These would be changes that would take place within the same wage area, but some employees would move from one wage schedule to another wage schedule. In some cases, there are wage areas where there are two or three different wage schedules that apply, because the wage schedules follow the GS Locality Pay area boundaries.

One example would be—FCI Schuylkill which would move from the Harrisburg–rest-of-U.S. Wage Schedule to the Harrisburg–Philadelphia wage schedule. I hope that makes sense. It's kind of confusing, but there would be a slight increase in pay, even apart from the annual increase that would take place next year. So that's one announcement.

I see Jacque has her hand up.

Chair Lachance: Jacque?

Ms. Simon: Yeah. Could you explain that a little more, Mark, exactly how and why that happens?

Mr. Allen: The wage schedules within each wage area need to follow the GS Locality Pay area boundaries. If we consider the Tobyhanna Army Depot, as one example, it's not affected by this change, but the Scranton wage area has two separate wage schedules within the same wage area. One covers Scranton, the Scranton wage area that coincides with the rest of the U.S. Locality Pay area, and one covers the Scranton wage area that coincides with the New York Locality Pay area.—

Ms. Simon: Okay. I got it.

Mr. Allen: You got it?

Ms. Simon: I understand now.

Mr. Allen: Okay.

Ms. Simon: I got it. Got it.

Mr. Allen: I'm not expecting a whole lot of employees to be affected by this, but these are only positive impacts for the employees who would be affected.

Chair Lachance: Are there any other questions about that?

[No audible response.]

Chair Lachance: Mark, any other good news?

Mr. Allen: OPM recently approved special rates based on a Department of Navy request for the Portsmouth Naval Shipyard in Maine. So those, I believe, have—if they haven't gone into effect already, they're pretty close to being put into effect. And another one which is somewhat related in terms of increasing pay, but it's a separate way of getting to the same place, the Norfolk Naval Shipyard—and Jacque had asked me about this. I think it was yesterday or the day before. The wage schedule for the Norfolk, Virginia, wage area is going to be set on unrestricted rates through the Special Rate Authority, and that's as a result of the \$15-an-hour minimum rate that was put into effect last year and the fact that caused an inversion in the wage schedule which is being corrected with the most recently issued wage schedule.

And I believe Jacque has a question about that one.

Ms. Simon: Yeah. Thank you. There was so much—I don't think I thanked you for sending me the explanation yesterday. So I was so crazy busy, but thank you. But was it—is the way it's—did you address these—the inversions through special rates, or were the special rates a separate phenomenon?

Mr. Allen: They're really one in the same. In order to get to the \$15-an-hour

minimum, OPM approved a DoD request for special rates in any wage area where any of the rates were below \$15 an hour, and DoD is using kind of a blanket authority to further adjust those special rates as needed. Throughout this year, I think by the end of this fiscal year, we're probably going to have maybe a third of the wage schedules unrestricted.

Ms. Simon: Well, I understand that the special rate authority is such that you do it by occupation, not by any other criterion. And you obviously did it by occupation to cover the jobs that were affected by the floor and the so-called "inversion." I would definitely say—I mean, I don't know if there's a way—your shop is not the same shop as the shop that does special rates, or is it? I don't know. But is there some way that the members of FPRAC can be informed of something like this as it's about to occur? There was mass confusion. I had so many inquiries like, "What's going on? What's going on? What's going on?" And I looked at the numbers, and the only thing I could come up with was there must have been special rates. But it just—it firestorm of confusion in the last week.

Mr. Allen: I believe the way things do work is that this is actually under the purview of the DoD Wage Committee for issuing wage schedules.

Ms. Simon: Oh, okay.

Mr. Allen: They don't actually come to FPRAC. I can let the members know when there's something significant that comes up like this.

Ms. Simon: Okay.

Mr. Allen: But usually, it's going to be something that the DoD Wage Committee members are going to know about.

Ms. Simon: But OPM's office that approves special rates was involved, right?

Mr. Allen: Yeah. That's me.

Ms. Simon: Okay. Oh, I didn't realize it is you.

Mr. Allen: Yeah.

Ms. Simon: Okay. In that case, will you let us know like as soon as it happens?

Mr. Allen: We can let the FPRAC members know on significant things like this.

Ms. Simon: Okay. Thanks. Because I was kind of left flat-footed, and I was like, "I don't know. I don't remember this happening in FPRAC." You know, I don't—I didn't remember that something occurred, and I went through all my notes and emails and I couldn't find anything. And so I was like just guessing there for 24 hours.

Mr. Allen: Ordinarily, I wouldn't say anything, but I think these two shipyards are really important DoD facilities.

Ms. Simon: Yeah.

Mr. Allen: So just want to let everybody know what's going on there.

Ms. Simon: There's also several unions there, several different unions.

Mr. Allen: Yep. Yep.

Ms. Simon: Yeah. Okay. Thanks.

Mr. Fendt: Hey, Mark and Jacque, just a couple of points of note. The Norfolk area with the special rate, \$15 schedule, came out and is effective on the 16th, so about for four days now, and that is on our website. The Portsmouth special rate will be effective July 30th.

And then the final note, Jacque, to your point, because it is a good point, we do have a wage newsletter which is simply just an email as soon as our schedules hit the

web. It shoots out an email that shows all the schedules that have been sent out to include the special rate updates, and so anyone who would like to be on that newsletter can just email me directly. And I'll get our team to add them to the email listing. Over.

Chair Lachance: That's great, Karl. Thank you very much.

Ms. Simon: Thank you, Karl.

Chair Lachance: Are there other questions or comments about these announcements?

[No audible response.]

## II. Review of the Minutes of the 646th Meeting

Chair Lachance: Great. Well, let's move on to reviewing the transcript of the last public meeting that was held on May 18th.

Are there any changes that anyone wants to bring to our attention? I know you received it. earlier.

[No audible response.]

Chair Lachance: If not, are there any changes that—are there any objections then to approving and adopting the transcript?

[No audible response.]

Chair Lachance: Great. Hearing no objection, the transcript is approved.

### III. Old Business

a. Letter from the American Federation of Government Employees, Dated September 6, 2018, Requesting FPRAC Review a Proposal to Not Allow Federal Wage System Wage Area Boundaries to Split General Schedule Locality Pay Areas and a Proposal to Redefine Monroe County, PA, from the Scranton-Wilkes-Barre, PA, Wage Area to the New York, NY, Wage Area, 620-AFGE-1

- Letter from the American Federation of Government Employees, Dated March 22, 2022, Requesting FPRAC Review a Proposal to Limit all Non-Rest of U.S. General Schedule Locality Pay Areas to no more than one Federal Wage System Wage Area and a Proposal to Redefine Monroe County, PA, from the Scranton-Wilkes-Barre, PA, Wage Area to the New York, NY, Wage Area, 637-AFGE-1
- 2022 Update to Review of Monroe County, Pennsylvania, 638-OPM-2
- Estimated 5-Year Cost Projection of Application of FPRAC Document 620-AFGE-1, 622-OPM-1
- Paper Pay Disparity at Tobyhanna Army Depot by Joseph P. Lynott Sr., 623-OC-2
- Email Message from Steven R. Kester in Support of the Proposal to Move Monroe County, PA, to the New York, NY, Wage Area, 623-OC-3, 637-OC-2, and 637-OC-3
- Letters from Steven R. Kester Regarding the Pay Disparity Between FWS and GS Employees at Tobyhanna Army Depot, 627-OC-1 and 633-OC-1

- Employment Distribution at Tobyhanna Army Depot, 634-OPM-1, and 2022 Update to GS and FWS Employment Distribution at Tobyhanna Army Depot, 638-OPM-3
- Market Rates vs Schedule Rates for Electronics Mechanics (Series 2604) Tobyhanna Army Depot, 634-OPM-2, and 2022 Update to Market Rates vs Schedule Rates, 638-OPM-4

b. Letter from the American Federation of Government Employees, Dated September 3, 2019, Requesting FPRAC Recommend Redefining San Joaquin County, CA, from the Stockton, CA, Wage Area to the San Francisco, CA, Wage Area, 627-AFGE-1

- Review of San Joaquin County, California, 629-MGT-1

c. Letter from the National Association of Government Employees, Dated September 25, 2019, Requesting FPRAC Reexamine the Placement of Wage Grade Employees Working in the Salinas-Monterey, CA, Wage Area, 628-NAGE-1

- Review of the Salinas-Monterey, California, Federal Wage System Wage Area, 629-MGT-2
- Request for the abolishment of the Monterey/Salinas wage survey area, 632-NAGE-1, 636-NAGE-1, 641-NAGE-1, and 641-NAGE-2
- Letter from FWS Employees in the Salinas-Monterey FWS Wage Area Requesting FPRAC Reexamine the Placement of Wage Grade Employees Working in the Salinas-Monterey, CA, Wage Area, 644-NAGE-1

d. Letter from the Association of Civilian Technicians, Dated November 9, 2019, Requesting FPRAC Consider Moving the Puerto Rico Wage Area into the Special Appropriated Fund Schedule for U.S. Insular Areas, 629-ACT-1

- 2016 Study by NOAA Describing the Ocean Economies of the U.S. Virgin Islands and Puerto Rico, 629-ACT-2
- Review of the Puerto Rico Federal Wage System Wage Area, 631-MGT-1
- Puerto Rico Wage Grade Adjustment 2020, 631-ACT-1
- Letter from the Association of Civilian Technicians Requesting FPRAC Delay the Vote on the ACT Puerto Rico Proposal until April/May 2021, 636-ACT-1

e. Email from the American Federation of Government Employees, Dated May 23, 2022, Requesting FPRAC Review a Proposal to Unify the WG schedules at the Federal Correctional Complex Butner, 639-AFGE-1

- Supporting Documentation submitted by Federal Correctional Complex Butner employees, 639-AFGE-2 through 639-AFGE-7
- Email from Federal Correctional Complex Butner FWS employees requesting an update on FPRAC Review of an AFGE Proposal to Unify the WG schedules at the Federal Correctional Complex Butner, 643-OC-2
- Additional Supporting Documentation submitted by Federal Correctional Complex Butner employees, 643-OC-3 through 643-OC-6
- Review of Durham and Granville Counties, North Carolina, 644-MGT-1

f. Email message from Ms. Kathleen Pagano regarding pay disparities at the Naval Facilities Engineering Systems Command Mid-Atlantic, Public Works Department, 643-OC-7

- Letter from Sen. Elizabeth Warren (D-MA), Sen. Edward J. Markey (D-MA), Sen. Jack Reed (D-RI), and Sen. Sheldon Whitehouse (D-RI) to OPM in support of the 2010 Federal Prevailing Rate Advisory Committee (FPRAC) recommendation to consolidate Federal Wage System (FWS) wage areas that lie within General Schedule (GS) locality pay areas, Dated February 19, 2020, 643-OC-8

Chair Lachance: There are still some items under Old Business on the agenda that stay on the agenda while the working group finalizes its report. So rather than listening to me reading through all of the Old Business items, is it still the committee's consensus that action on these items should be deferred for the next few months while the working group finalizes its report, or does anyone want to say anything about any of those items this morning?

Ms. Simon: I've got my hand up. I don't know if you can see me.

Chair Lachance: Sorry. Yes, we can see you, Jacque, but thank you for speaking up, Jacque.

Ms. Simon: Okay. Yeah. I am hopeful that we will be able to address the boundary GS—aligning the GS and wage grade boundary issue in a period of time that's shorter than the next few months. But other than that, I don't need to address the Old Business today.

Chair Lachance: Thank you, Jacque.

#### IV. New Business

##### a. Update on FPRAC Working Group Discussions

Chair Lachance: And the next item on the agenda, the New Business, is an update on the work that's being done and what has occurred at the working group so that we can get that into the public record. Mark is prepared to brief us on that, and so I know he can also talk a little bit about the time frame we are looking at. So, Mark?

Mr. Allen: Last month, the working group met, and I think we arrived at a point where we have kind of a good idea of how Combined Statistical Areas and additional existing criteria could be used to address the issue of wage area boundaries splitting GS Locality Pay area boundaries. At that working group meeting, we said the OPM staff would need three months from that point in time, which would take us into September, to present a working group report, a draft report, which I believe at this point in time we're looking at only addressing the locations where there are GS areas that are split by Federal Wage System boundaries. And this will be something the working group will need to consider once we present the report to the working group members, but I think we're making pretty good progress on this project.

I can't say that we have a consensus agreement that it's something that everybody would agree that it has to be done. I think we're intending to show in the working group how it could be done, and then after we have identified how it could be done, then we can have the discussion about whether it should or shouldn't be done. But I think we're making good progress on it from my perspective. I'd welcome any of the other working group members to chime in and see if they have anything additional they'd like to say.

[No audible response.]

Mr. Allen: I see no additional hands up.

Chair Lachance: No hands up on the screen. Anybody have comments they'd like to interject?

[No audible response.]

Chair Lachance: Great. If there's no comments or discussion about this, we can think about ending this meeting since there are no other items under New Business. It would be in order for us to adjourn. Is there a motion to adjourn?

Mr. Tisdale: Ma'am, excuse me.

Chair Lachance: Yes.

Mr. Tisdale: Sorry. I was trying to save all my questions for the end.

Chair Lachance: Oh, okay.

Mr. Tisdale: I didn't mean to interrupt anybody.

Chair Lachance: It's time. Go ahead.

Mr. Tisdale: So last time we had the call-in, you all mentioned about Butner being on the next working group, which I don't know—we don't know any outcome of what was discussed about that. And the gentleman was talking about putting a report out in September, coming to some type of census of what to do, what not to do. But one of my questions would be obviously the GS Locality for the paid wage area here in Butner.

Also, DoD explained to us that we were up to \$8 an hour behind, depending on your positions and which is due to the pay caps, and if there's any—been any progress on lifting the pay caps through Congress.

And on the surveys that are done, my other—I know it's a lot of questions, but on

the surveys that are done, especially for our area on how to define on who gets paid what, how much we're behind, as we were given the survey, a copy of the survey, a lot of those positions, there's three or four job titles that consist in one person's repertoire. That person's doing all three or all four jobs. And how in layman's terms on how to read the survey, because no one has given us layman's terms on how to read it—and I know there's a bunch of math, and I haven't been to school in a long time to try to figure out algebra too on how to do the math. So if we can get some clarification on that for what's going on with Butner, because I know the DOJ is never on any of these meetings for some odd reason for approving a special rate. We can't get any—we don't know what's going on, and if somebody could help us figure out what's going on with our situation here in Butner being that, you know, this has been ongoing for 20 years now. That's all I got.

Mr. Allen: Thanks for those questions. I believe there have been some discussions between some of the folks at Butner and Karl's office regarding local wage surveys. I would say it's best to follow up with Karl's team within DoD on those questions. I think some of the questions may have been answered to Mr. Proctor.

The other question is regarding the wage area definition for the Central North Carolina wage area. is the Raleigh-Durham-Chapel Hill, NC GS Locality Pay Area is not split by multiple wage areas. As such, it would not be part of the first draft of the working group report. However, we did have a review of that wage area separately which we still have on the agenda as Old Business. There was no consensus on that agenda item for changing anything, but it's still on the agenda for future discussion. It could be something we could discuss further at the working group.

I think that most of these questions seem to revolve around the issue of special rates and how the wage surveys are conducted in the central North Carolina wage area.

Butner Federal Prison Employee: Well, I'll tell you, I'm also from Butner here. One of the big issues, there was a survey done, and it said we're up to \$8 an hour behind according to the survey, but there seems to be no way for that to be adjusted. Could be some pay cap or whatever. So what can we do about that? That's one of the big questions we get over here.

Mr. Allen: Again, that's something that would need to be discussed regarding special rates, and the DoD staff as the staff for the lead agency are responsible for reviewing those types of agency interests.

Butner Federal Prison Employee: But is it—special rate has nothing to do with the survey, though, does it? Survey with the wage grade, the wage grade pay without a special rate, isn't that, with that survey?

Mr. Allen: The DoD staff run the wage surveys.

Butner Federal Prison Employee: Yeah.

Mr. Allen: The DoD staff can consider agency special rate requests, but those requests would need to come from the Department of Justice.

Butner Federal Prison Employee: That would bring up the question, who in the DOJ? Because if we—we're told the DOJ has to approve it, which the DOJ has never approved a special rate from what we've been told. We don't know who in the DOJ to contact. Nobody's telling us anything, and I understand the DoD handles the surveys. I get it. The DoD sets our pay. But it has to be approved through the DOJ. I understand that. But they're not telling us who in the DOJ, contact numbers or anything like that. It's

just you want us—they're basically having us sit on our hands and wonder, with no which way of where it's going, if it's going—if it's going to be approved, if it's not going to be approved, if they're thinking about it, you know, what the process is, or anything like that.

Mr. Allen: Yeah, so that—

Butner Federal Prison Employee: That's what we're having a breakdown in communication.

Mr. Allen: The first place to start normally would be for Management, local Management to talk with human resources staff at the Bureau of Prisons.

Butner Federal Prison Employee: We've done that. They've already sent up the paperwork.

Mr. Allen: The special rate request would need to come from BOP human resources staff, through the Department of Justice human resources staff at the departmental level, and then they would go to DoD. Now, if the Department of Justice staff don't agree with their recommendation or request, then it would go no further.

Butner Federal Prison Employee: All right. Fair enough.

Chair Lachance: Any other questions or comments? Otherwise, I think we're probably ready to entertain a motion to adjourn.

Ms. Simon: I'd like to say one last thing, if I could.

Chair Lachance: Of course.

Ms. Simon: Mark, I just sent you an email asking for a copy of a very old AFGE letter, FPRAC letter. It's item 554. Is there some way that that can be found, obtained? It's old.

Mr. Allen: Yeah. We'll look for it.

Ms. Simon: Okay.

Mr. Allen: Most likely, it's in a PDF format because we tended to scan those things. even back then.

Ms. Simon: Okay.

Mr. Allen: So, yeah, I'll take a look at the email.

Ms. Simon: Thanks. I can't seem to find it, and there's a local asking for it. So, anyway, thank you.

Mr. Allen: What was the subject for it?

Ms. Simon: It's about the boundary issue.

Mr. Allen: Okay.

Ms. Simon: It's 2010, just—I guess they want to prove how long this thing has been festering.

Butner Federal Prison Employee: One last thing, I might have missed—I might have—didn't get clarification. My coworker asked, but are there any updates on lifting the pay caps through Congress that was—that you all put in for? Because I know we've had a pay cap on us since 2002, here in Butner.

Mr. Allen: That's working its way through the appropriations process. I understand that in the draft legislation, the pay cap is slated to continue as normal in fiscal year 2024. The President's Budget Plan for FY 2024 indicated that the administration was interested in developing a legislative analysis of that. So that that's the latest.

Butner Federal Prison Employee: Thank you. That's all I got.

Mr. Allen: Okay.

Chair Lachance: Okay. Is there a motion to adjourn?

Ms. Simon: I move to adjourn.

Chair Lachance: Thank you, Jacque. Is there a second?

Mr. Allen: Second.

Chair Lachance: All right. We have a second. Thank you, everybody. A short meeting but an important one, and I apologize again for the technical challenges at the top of the meeting. But we will gather again soon and hear about more progress. Thank you.