

106TH CONGRESS
1ST SESSION

H. R. 3147

To amend title 5, United States Code, to alleviate the pay-compression problem affecting members of the Senior Executive Service and other senior-level Federal employees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1999

Mr. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. WYNN, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend title 5, United States Code, to alleviate the pay-compression problem affecting members of the Senior Executive Service and other senior-level Federal employees, 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. INCREASE IN MAXIMUM RATES OF BASIC PAY**
4 **ALLOWABLE.**

5 (a) FOR MEMBERS OF THE SENIOR EXECUTIVE
6 SERVICE.—Section 5382(b) of title 5, United States Code,
7 is amended by striking “level IV” and inserting “level II”.

1 (b) FOR POSITIONS COVERED BY SECTION 5376.—

2 Section 5376(b)(1)(B) of title 5, United States Code, is
3 amended by striking “level IV” and inserting “level II”.

4 (c) FOR CONTRACT APPEALS BOARD MEMBERS.—

5 Section 5372a(b)(1) of title 5, United States Code, is
6 amended by striking “level IV” and inserting “level II”.

7 (d) FOR POSITIONS COVERED BY SECTION 5373.—

8 Section 5373 of title 5, United States Code, is amended
9 by striking “level IV” and inserting “level II”.

10 (e) FOR POSITIONS COVERED BY SECTION 5306.—

11 Section 5306 of title 5, United States Code, is amended
12 by striking “level V” and inserting “level II”.

13 **SEC. 2. MODIFIED LIMITATIONS ON CERTAIN CASH PAY-**
14 **MENTS.**

15 (a) LIMITATION ON LOCALITY-BASED COM-
16 PARABILITY PAYMENTS FOR SENIOR-LEVEL POSI-
17 TIONS.—Section 5304(g)(2) of title 5, United States Code,
18 is amended by striking “level III of the Executive Sched-
19 ule” and inserting “the annual rate of salary under section
20 104 of title 3”.

21 (b) LIMITATION ON DIFFERENTIALS AND OTHER
22 CASH PAYMENTS FOR SENIOR-LEVEL POSITIONS.—

23 (1) IN GENERAL.—Section 5307 of title 5,
24 United States Code, is amended by redesignating
25 subsections (b) and (c) as subsections (c) and (d),

1 respectively, and by inserting after subsection (a)
2 the following:

3 “(b)(1) In the case of an employee under paragraph
4 (2)—

5 “(A) subsection (a) shall be applied—

6 “(i) by substituting ‘the annual rate of sal-
7 ary under section 104 of title 3’ for ‘the annual
8 rate of basic pay payable for level I of the Exec-
9 utive Schedule’ in paragraph (1); and

10 “(ii) by substituting ‘(other than section
11 5755)’ for ‘(other than section 5753, 5754, or
12 5755)’ in paragraph (2)(B); and

13 “(B) subsection (c) shall not be applicable.

14 “(2) This subsection applies with respect to any em-
15 ployee who—

16 “(A) is a member of the Senior Executive Serv-
17 ice;

18 “(B) is a member of the Federal Bureau of In-
19 vestigation and Drug Enforcement Administration
20 Senior Executive Service;

21 “(C) holds a position that is subject to section
22 5372a (relating to contract appeals board members);

23 “(D) holds a position that is subject to section
24 5376 (relating to certain senior-level positions); or

1 “(E) holds the position of an examiner-in-chief
 2 or designated examiner-in-chief in the Patent and
 3 Trademark Office, Department of Commerce.”.

4 (2) CONFORMING AMENDMENTS.—(A) Section
 5 5307(d) of title 5, United States Code, as amended
 6 by paragraph (1), is further amended by striking
 7 “subsection (b)” each place it appears and inserting
 8 “subsection (c)”.

9 (B) Sections 3152 and 5383(b) of title 5,
 10 United States Code, are amended by striking
 11 “5307” and inserting “5307(b)”.

12 **SEC. 3. EXAMINERS-IN-CHIEF AND DESIGNATED EXAM-**
 13 **INERS-IN-CHIEF IN THE PATENT AND TRADE-**
 14 **MARK OFFICE.**

15 (a) BASIC PAY.—

16 (1) EXAMINERS-IN-CHIEF.—Section 3(c) of title
 17 35, United States Code, is amended by striking “the
 18 maximum scheduled rate provided for positions in
 19 grade 17 of the General Schedule of the Classifica-
 20 tion Act of 1949, as amended” and inserting “the
 21 rate of basic pay payable for level II of the Execu-
 22 tive Schedule”.

23 (2) DESIGNATED EXAMINERS-IN-CHIEF.—Sec-
 24 tion 7(c) of title 35, United States Code, is amended
 25 by striking “the maximum rate of basic pay payable

1 for grade GS–16 of the General Schedule under sec-
2 tion 5332 of title 5” and inserting “the rate of basic
3 pay payable for level II of the Executive Schedule”.

4 (b) LOCALITY-BASED COMPARABILITY PAYMENTS.—
5 Paragraph (1) of section 5304(h) of title 5, United States
6 Code, is amended by striking “and” at the end of subpara-
7 graph (E), by redesignating subparagraph (F) as subpara-
8 graph (G), and by inserting after subparagraph (E) the
9 following:

10 “(F) a position specified in section 5102(c)(23)
11 (relating to examiners-in-chief and designated exam-
12 iners-in-chief in the Patent and Trademark Office,
13 Department of Commerce); and”.

14 (c) CONFORMING AMENDMENTS.—(1)(A) Section
15 5304(g)(2)(A) of title 5, United States Code, is amended
16 by striking “(A)–(E)” and inserting “(A)–(F)”.

17 (B) Section 5304(h)(2)(B)(i) of section 5304 of title
18 5, United States Code, is amended by striking “(A)
19 through (E)” and inserting “(A) through (F)”.

20 (2)(A) Section 5304(g)(2)(B) of title 5, United
21 States Code, is amended by striking “(h)(1)(F)” and in-
22 serting “(h)(1)(G)”.

1 (B) Section 5304(h)(2)(B)(ii) of title 5, United
2 States Code, is amended by striking “paragraph (1)(F)”
3 and inserting “paragraph (1)(G)”.

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