

112TH CONGRESS
2D SESSION

H. R. 6042

To amend title 5, United States Code, to reform the Senior Executive Service,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2012

Mr. MORAN (for himself, Mr. CONNOLLY of Virginia, and Mr. VAN HOLLEN)
introduced the following bill; which was referred to the Committee on
Oversight and Government Reform

A BILL

To amend title 5, United States Code, to reform the Senior
Executive Service, 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Senior Executive Service Reform Act of 2012”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—RESTORATION OF CAREER LEADERSHIP

Sec. 101. Senior Executive Service agency appointments.

Sec. 102. Career reserved position designation for certain administrative or management positions.

TITLE II—SENIOR EXECUTIVE SERVICE SELECTION AND HIRING

Sec. 201. Position assessment.

Sec. 202. Application process and notification requirements.

Sec. 203. Candidate development programs.

TITLE III—SENIOR EXECUTIVE SERVICE PAY AND PERFORMANCE MANAGEMENT IMPROVEMENT

Sec. 301. Annual adjustment for senior executives and other senior employees at the fully successful level or higher.

Sec. 302. Inclusion of executive performance awards and bonuses in basic pay for retirement annuities.

Sec. 303. Certification of agency performance appraisal systems.

Sec. 304. Transparency of ratings for performance appraisals and rating reductions of senior executives.

Sec. 305. Transparency of Senior Executive Service rankings and pay.

Sec. 306. Performance plans.

Sec. 307. Effective dates.

TITLE IV—SENIOR EXECUTIVE SERVICE CAREER DEVELOPMENT

Sec. 401. Senior Executive Service Resource Office.

Sec. 402. Senior Executive Service executive development plans.

Sec. 403. Senior executive onboarding programs.

Sec. 404. Senior Executive Service rotation programs.

Sec. 405. Effective date.

TITLE V—SENIOR EXECUTIVE SERVICE DIVERSITY ASSURANCE

Sec. 501. Career appointments.

Sec. 502. Encouraging a more diverse Senior Executive Service.

1 **TITLE I—RESTORATION OF** 2 **CAREER LEADERSHIP**

3 **SEC. 101. SENIOR EXECUTIVE SERVICE AGENCY APPOINT-** 4 **MENTS.**

5 Section 3134 of title 5, United States Code, is
6 amended—

7 (1) in subsection (b)—

8 (A) by inserting “(1)” after “(b)”; and

9 (B) by adding at the end the following:

1 “(2) The total number of Senior Executive Service
 2 positions used to determine the 10-percent limitation
 3 under paragraph (1) for available positions for noncareer
 4 appointees shall be based on filled Senior Executive Serv-
 5 ice positions at the start of each fiscal year, not total au-
 6 thorized positions.”;

7 (2) in subsection (d)(1), by striking “25 per-
 8 cent” and inserting “15 percent”;

9 (3) by redesignating subsection (e) as sub-
 10 section (f); and

11 (4) by inserting after subsection (d) the fol-
 12 lowing:

13 “(e) The total number of Senior Executive Service
 14 positions used to determine the 15-percent limitation
 15 under subsection (d)(1) for available positions for non-
 16 career appointees shall be based on filled Senior Executive
 17 Service positions at the start of each fiscal year, not total
 18 authorized positions.”.

19 **SEC. 102. CAREER RESERVED POSITION DESIGNATION FOR**
 20 **CERTAIN ADMINISTRATIVE OR MANAGEMENT**
 21 **POSITIONS.**

22 (a) IN GENERAL.—Chapter 14 of title 5, United
 23 States Code, is amended by adding at the end the fol-
 24 lowing:

1 **“§ 1403. Career reserved position designation for cer-**
2 **tain administrative or management posi-**
3 **tions**

4 “(a)(1) The head of each agency referred to under
5 paragraphs (1) and (2) of section 901(b) of title 31 shall
6 establish a position which is, or is comparable to, an as-
7 sistant secretary for administration or management.

8 “(2) Each agency assistant secretary for administra-
9 tion or management, or incumbent of a comparable posi-
10 tion, shall—

11 “(A) be appointed in accordance with the law,
12 or if no law provides for that appointment, by the
13 head of the agency;

14 “(B) be a member of the career Senior Execu-
15 tive Service;

16 “(C) be appointed or designated, as applicable,
17 from among individuals who possess demonstrated
18 ability in general management of, and knowledge of,
19 and extensive practical experience in areas such as,
20 procurement, human capital, information technology,
21 and related matters; and

22 “(D) perform such duties as the head of the
23 agency shall prescribe.

24 “(b) If the individual serving in any position of assist-
25 ant secretary or in any comparable position in an agency
26 described under subsection (a) is not a career appointee

1 as defined under section 3132(a)(4), the head of that
2 agency shall appoint a career appointee to the position of
3 the principal deputy to that assistant secretary or the offi-
4 cer in that comparable position.

5 “(c) The head of each agency shall appoint a career
6 appointee to the positions which entail direct responsibility
7 for agency-wide programs or functions in the following oc-
8 cupational disciplines:

9 “(1) Acquisition.

10 “(2) Information Technology.

11 “(3) Human Resources.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
13 The table of sections for chapter 14 of title 5, United
14 States Code, is amended by inserting after the item relat-
15 ing to section 1402 the following:

“Sec. 1403. Career reserved position designation for certain administrative or
management positions.”.

16 (c) REGULATIONS.—The Office of Personnel Man-
17 agement shall prescribe regulations to carry out this sec-
18 tion.

1 **TITLE II—SENIOR EXECUTIVE**
2 **SERVICE SELECTION AND**
3 **HIRING**

4 **SEC. 201. POSITION ASSESSMENT.**

5 (a) IN GENERAL.—When a position becomes vacant,
6 each agency shall evaluate the position to determine the
7 skills and qualifications necessary for the position.

8 (b) ACTIONS TO BE TAKEN IF REQUIREMENTS NOT
9 MET.—

10 (1) RECLASSIFICATION.—If the position is
11 found not to meet the requirements of section
12 3132(a)(2) of title 5, United States Code, it should
13 be reclassified as a Senior Leader or Senior Tech-
14 nical position.

15 (2) INCREASED ALLOCATION.—The Office of
16 Personnel Management shall increase the allocation
17 of Senior Leader and Senior Technical positions to
18 support the proper classification of positions.

19 **SEC. 202. APPLICATION PROCESS AND NOTIFICATION RE-**
20 **QUIREMENTS.**

21 (a) APPLICATION PROCESS.—Not later than 180
22 days after the date of enactment of this Act, the head of
23 each agency shall, in consultation with the Office of Per-
24 sonnel Management and the Office of Management and
25 Budget, ensure that processes are implemented—

1 (1) to ensure that positions that are on the an-
2 nouncements of vacant positions are open for a rea-
3 sonable period of time, as determined by the head of
4 the agency, to afford time for applicants from di-
5 verse backgrounds to submit an application;

6 (2) to allow applicants to submit a cover letter,
7 resume, and answers to brief questions, such as
8 questions relating to United States citizenship and
9 veterans status, to complete an initial application;

10 (3) to ensure that lengthy written Executive
11 Core Qualification narratives are not required as
12 part of an initial application;

13 (4) to ensure that the submission of additional
14 material in support of an application is not required,
15 unless necessary to complete the hiring process; and

16 (5) to include the hiring manager in all parts
17 of the hiring process, including—

18 (A) determining skills, competencies, and
19 job responsibilities;

20 (B) targeted recruitment;

21 (C) drafting the announcement of the va-
22 cant position;

23 (D) review of the initial applications;

24 (E) interviewing the applicants; and

25 (F) the final decisionmaking process.

1 (b) NOTIFICATION REQUIREMENTS.—

2 (1) IN GENERAL.—The head of each agency
3 shall ensure that there are mechanisms under which
4 each applicant for a vacant position shall receive
5 timely notification of the status of such application
6 or provide the applicant the ability to check on the
7 status of such application.

8 (2) APPLICANTS NOT SELECTED.—The agency
9 shall provide notification to any applicant who is not
10 offered employment, to the effect that the position
11 sought by such applicant is no longer open, not later
12 than 10 business days after the date on which—

13 (A) a candidate has accepted an offer of
14 employment; or

15 (B) the announcement of the vacant posi-
16 tion has been cancelled.

17 **SEC. 203. CANDIDATE DEVELOPMENT PROGRAMS.**

18 (a) IN GENERAL.—Agencies shall take steps to
19 strengthen Candidate Development Programs to prepare
20 aspiring leaders for the Senior Executive Service.

21 (b) SUCCESSION PLANS.—Agencies shall align Can-
22 didate Development Programs with agency succession
23 plans to ensure an adequate pipeline of qualified individ-
24 uals who are well prepared for positions in the Senior Ex-
25 ecutive Service.

1 (c) ROTATIONAL EXPERIENCE.—To improve the
2 quality of the rotational experience, agencies shall—

3 (1) involve executive advocates and coaches in
4 advising, selecting and securing rotational assign-
5 ments for participants;

6 (2) establish rotational onboarding programs to
7 ease the cultural transition;

8 (3) expand the minimum length of rotation to
9 180 days to ensure an opportunity to accomplish re-
10 sults;

11 (4) design Candidate Development Program ro-
12 tations that provide executive level responsibility;
13 and

14 (5) provide reorientation for Candidate Devel-
15 opment Program participants when they return to
16 their home position.

17 (d) MENTORS.—Agencies shall assign mentors at the
18 time of program selection for the duration of the Can-
19 didate Development Program.

1 **TITLE III—SENIOR EXECUTIVE**
2 **SERVICE PAY AND PERFORM-**
3 **ANCE MANAGEMENT IM-**
4 **PROVEMENT**

5 **SEC. 301. ANNUAL ADJUSTMENT FOR SENIOR EXECUTIVES**
6 **AND OTHER SENIOR EMPLOYEES AT THE**
7 **FULLY SUCCESSFUL LEVEL OR HIGHER.**

8 (a) PROHIBITION ON QUOTAS AND FORCED DIS-
9 TRIBUTIONS.—Section 4314 of title 5, United States
10 Code, is amended by adding at the end the following:

11 “(d) Any determination under this section shall be
12 made without the use of any quota or forced distribution
13 of ratings.”.

14 (b) PAY FOR CERTAIN SENIOR-LEVEL POSITIONS.—
15 Section 5376(b) of title 5, United States Code, is amended
16 by striking paragraph (2) and inserting the following:

17 “(2)(A) Subject to paragraph (1), effective at the be-
18 ginning of the first applicable pay period commencing on
19 or after the first day of the month in which an adjustment
20 takes effect under section 5303 in the rates of pay under
21 the General Schedule, each rate of pay established under
22 this section for positions within an agency shall be ad-
23 justed, in the case of an employee in such a position whose
24 most recent performance appraisal rating is the equivalent
25 of fully successful or higher, by the total average adjust-

1 ment in rates of pay authorized by sections 5303 and
2 5304.

3 “(B) Subject to paragraph (1), subparagraph (A)
4 shall not limit the authorization of an annual adjustment
5 based on performance or contribution to agency mission
6 that is greater than the amount provided for in this sec-
7 tion.”.

8 (c) SETTING SENIOR EXECUTIVE PAY.—Section
9 5383 of title 5, United States Code, is amended by strik-
10 ing subsection (c) and inserting the following:

11 “(c)(1) Effective at the beginning of the first applica-
12 ble pay period commencing on or after the first day of
13 the month in which an adjustment takes effect under sec-
14 tions 5303 and 5304 in the rates of pay under the General
15 Schedule, each rate of pay established under this section
16 for positions within an agency shall be adjusted, in the
17 case of an employee in such a position whose most recent
18 performance appraisal rating is the equivalent of fully suc-
19 cessful or higher, by the total average adjustment in rates
20 of pay authorized by sections 5303 and 5304.

21 “(2) Subject to paragraph (1), this subsection shall
22 not limit the authorization of an annual adjustment based
23 on performance or contribution to agency mission that is
24 greater than the amount provided for in this section.

1 “(3) This subsection shall comply with any require-
2 ment established under section 5382.

3 “(4) Except as provided under paragraph (3), this
4 subsection shall not limit the head of an agency from au-
5 thorizing an annual adjustment that is greater than the
6 amount provided for in this section.”.

7 (d) SETTING INDIVIDUAL SENIOR-LEVEL PAY.—Sec-
8 tion 5383(e) of title 5, United States Code, is amended
9 by adding at the end the following:

10 “(3)(A) In this paragraph, the term ‘covered ap-
11 pointee’ means—

12 “(i) an appointee to a senior level position de-
13 scribed under section 5376(a)(1) or (2); or

14 “(ii) an appointee to the FBI–DEA Senior Ex-
15 ecutive Service established under section 3151.

16 “(B) Paragraphs (1) and (2) shall apply to covered
17 appointees—

18 “(i) by substituting ‘covered appointee’ for ‘ca-
19 reer appointee’; and

20 “(ii) by substituting ‘a career position as a cov-
21 ered appointee’ for ‘a career reserved position in the
22 Senior Executive Service’.”.

1 **SEC. 302. INCLUSION OF EXECUTIVE PERFORMANCE**
2 **AWARDS AND BONUSES IN BASIC PAY FOR**
3 **RETIREMENT ANNUITIES.**

4 (a) DEFINITION OF BASIC PAY.—Section 8331(3) of
5 title 5, United States Code, is amended—

6 (1) in subparagraph (G), by striking “and”
7 after the semicolon;

8 (2) in the matter following subparagraph (H),
9 by striking “subparagraphs (B) through (H)” and
10 inserting “subparagraphs (B) through (J)”; and

11 (3) by inserting after subparagraph (H) the fol-
12 lowing:

13 “(I) with respect to a member of the Sen-
14 ior Executive Service, performance awards
15 under section 5384; and

16 “(J) with respect to a senior executive as
17 defined under section 3132(a)(3), a member of
18 the FBI–DEA Senior Executive Service estab-
19 lished under section 3151, and senior level posi-
20 tions compensated under section 5376—

21 “(i) agency awards under section
22 4503;

23 “(ii) performance awards under sec-
24 tion 4505a;

25 “(iii) bonuses under section 5754; and

26 “(iv) bonuses under section 5753;”.

1 (b) APPLICATION.—The amendments made by this
 2 section shall apply only to bonuses and awards granted
 3 to an employee after the date of enactment of this Act.

4 **SEC. 303. CERTIFICATION OF AGENCY PERFORMANCE AP-**
 5 **PRAISAL SYSTEMS.**

6 Section 5307(d)(3) of title 5, United States Code, is
 7 amended—

8 (1) in subparagraph (A), by striking “and the
 9 Office of Management and Budget jointly”;

10 (2) in subparagraph (B), by striking “not to ex-
 11 ceed 24 months” and inserting “of 36 months”;

12 (3) in subparagraph (C), by striking “, with the
 13 concurrence of the Office of Management and Budg-
 14 et”; and

15 (4) by adding at the end the following:

16 “(D)(i) The Office of Personnel Management may
 17 annually review the information provided by agencies
 18 under section 4314(c)(6) to determine whether the agency
 19 meets minimum certification requirements.

20 “(ii) At the discretion of the Office, the Office may
 21 review the certification of an agency and request the agen-
 22 cy to submit information to support certification at any
 23 time during the certification period.

24 “(E)(i) An agency that has received certification from
 25 the Office of Personnel Management shall not make

1 changes to that agency’s performance appraisal system
 2 without approval from the Office of Personnel Manage-
 3 ment.

4 “(ii) The Office of Personnel Management shall re-
 5 view annual performance plans to ensure agency compli-
 6 ance and implementation.

7 “(F) The termination of certification during the cer-
 8 tification period shall be preceded by—

9 “(i) notification from the Office of Personnel
 10 Management to an agency about what the agency is
 11 required to do to continue its certification; and

12 “(ii) a reasonable period of time following the
 13 notification referred to under clause (i) to take cor-
 14 rective action.”.

15 **SEC. 304. TRANSPARENCY OF RATINGS FOR PERFORMANCE**
 16 **APPRAISALS AND RATING REDUCTIONS OF**
 17 **SENIOR EXECUTIVES.**

18 Section 4314(c) of title 5, United States Code, is
 19 amended—

20 (1) in paragraph (2)—

21 (A) by inserting “(A)” after “(1)”; and

22 (B) by adding at the end the following:

23 “(B) When recommending a lower rating than was
 24 assigned in the initial appraisal of a senior executive’s per-
 25 formance, a written explanation providing reasons for the

1 lower rating shall be provided to the senior executive by
2 the board not later than the date the recommendation is
3 made.”;

4 (2) in paragraph (3), by inserting after the pe-
5 riod the following: “Not later than 30 days after an
6 appraisal and rating is made for a senior executive,
7 the agency shall provide the senior executive with
8 notification of that appraisal and rating, including,
9 as applicable, a written explanation of reasons why
10 a lower rating is assigned than is recommended by
11 the board.”; and

12 (3) by adding at the end the following:

13 “(6)(A)(i) Each agency having 10 or more career ap-
14 pointees shall annually publish on the agency Web site the
15 overall number of ratings awarded to members of the Sen-
16 ior Executive Service at each performance rating level, in-
17 cluding—

18 “(I) the average overall salary adjustment
19 at each level;

20 “(II) the minimum and maximum adjust-
21 ment at each level;

22 “(III) the percentage of senior executives
23 at each rating level who received the minimum
24 and maximum salary adjustment; and

1 “(IV) the number of senior executives who
2 received performance awards under section
3 5384 and the average amount of those awards.

4 “(ii) Rating levels and salary adjustment information
5 under clause (i) shall be provided separately for career and
6 noncareer senior executives in agencies having 10 or more
7 noncareer senior executives.

8 “(B) Each agency shall annually publish on the agen-
9 cy Web site an internal plan which describes a system for
10 determining Senior Executive Service salary and bonus
11 amounts.”.

12 **SEC. 305. TRANSPARENCY OF SENIOR EXECUTIVE SERVICE**
13 **RANKINGS AND PAY.**

14 (a) IN GENERAL.—Chapter 43 of title 5, United
15 States Code, is amended—

16 (1) by redesignating section 4315 as section
17 4316;

18 (2) in section 4312(c)(3), by striking “4315”
19 and inserting “4316”; and

20 (3) by inserting after section 4314 the fol-
21 lowing:

1 **“§ 4315. Survey on the transparency of Senior Execu-**
 2 **tive Service performance management**
 3 **and pay**

4 “In consultation with the organization representing
 5 the largest number of senior executives, the Merit Systems
 6 Protection Board shall, every 2 years, conduct and publish
 7 the results of a survey of career appointees relating to—

8 “(1) the level of transparency and availability of
 9 agency performance appraisal systems and com-
 10 pensation policies to career appointees;

11 “(2) the use or perceived use of quotas or
 12 forced distribution in the application of the agency
 13 performance appraisal system;

14 “(3) any actual or perceived irregularities with
 15 the administration of the Senior Executive Service
 16 performance appraisal system; and

17 “(4) such other factors as the Merit Systems
 18 Protection Board shall determine are necessary and
 19 appropriate.”.

20 (b) **TECHNICAL AND CONFORMING AMENDMENT.—**
 21 The table of sections for chapter 43 of title 5, United
 22 States Code, is amended by striking the item relating to
 23 section 4315 and inserting the following:

“Sec. 4315. Survey on the transparency of Senior Executive Service perform-
 ance management and pay.

“Sec. 4316. Regulations.”.

1 **SEC. 306. PERFORMANCE PLANS.**

2 Each agency shall incorporate in its executive per-
3 formance plans an objective for holding executives ac-
4 countable for addressing employee satisfaction.

5 **SEC. 307. EFFECTIVE DATES.**

6 (a) IN GENERAL.—Except as provided under sub-
7 section (b), the amendments made by this title shall take
8 effect 180 days after the date of enactment of this Act.

9 (b) CERTIFICATION OF AGENCY PERFORMANCE AP-
10 PRAISAL SYSTEMS.—The amendments made by section
11 304 shall take effect on the date of enactment of this Act.

12 **TITLE IV—SENIOR EXECUTIVE**
13 **SERVICE CAREER DEVELOP-**
14 **MENT**

15 **SEC. 401. SENIOR EXECUTIVE SERVICE RESOURCE OFFICE.**

16 (a) DEFINITIONS.—In this section—

17 (1) the term “Director” means the Director of
18 the Office of Personnel Management;

19 (2) the term “Senior Executive Service” has the
20 meaning given under section 2101a of title 5, United
21 States Code;

22 (3) the terms “agency” and “career reserved
23 position” have the meanings given under section
24 3132 of title 5, United States Code; and

1 (4) the term “SES Resource Office” means the
2 Senior Executive Service Resource Office established
3 under subsection (b).

4 (b) ESTABLISHMENT.—The Director shall establish
5 within the Office of Personnel Management an office to
6 be known as the Senior Executive Service Resource Office.

7 (c) MISSION.—The mission of the SES Resource Of-
8 fice shall be—

9 (1) to improve the efficiency, effectiveness, and
10 productivity of the Senior Executive Service through
11 policy formulation and oversight;

12 (2) to advance the professionalism of the Senior
13 Executive Service; and

14 (3) to seek to achieve a Senior Executive Serv-
15 ice reflective of the Nation’s diversity.

16 (d) FUNCTIONS.—

17 (1) IN GENERAL.—The functions of the SES
18 Resource Office are—

19 (A) to make recommendations to the Di-
20 rector with respect to regulations; and

21 (B) to provide guidance to agencies con-
22 cerning the structure, management, and diverse
23 composition of the Senior Executive Service.

1 (2) SPECIFIC FUNCTIONS.—In order to carry
2 out the purposes of this section, the SES Resource
3 Office shall—

4 (A) take such actions as the SES Resource
5 Office considers necessary to manage and pro-
6 mote an efficient, elite, and diverse corps of
7 senior executives by providing oversight of the
8 onboarding, performance, structure, composi-
9 tion, and candidate development of the Senior
10 Executive Service, including the Senior Execu-
11 tive Service Federal Candidate Development
12 Program;

13 (B) be responsible for coordinating, pro-
14 moting, and monitoring programs for the ad-
15 vancement and training of senior executives, in-
16 cluding mentoring programs;

17 (C) be responsible for the policy develop-
18 ment, management, and oversight of the Senior
19 Executive Service pay and performance man-
20 agement system;

21 (D) develop standards for certification of
22 each agency's Senior Executive Service per-
23 formance management system and evaluate all
24 agency applications for certification;

1 (E) provide oversight of, and guidance to,
2 agency executive resources boards;

3 (F) be responsible for the administration
4 of the qualifications review board;

5 (G) establish and maintain annual statis-
6 tics (in a form that renders such statistics use-
7 ful to appointing authorities and candidates)
8 on—

9 (i) the total number of career reserved
10 positions at each agency;

11 (ii) the total number of vacant career
12 reserved positions at each agency;

13 (iii) the amount of time it takes to
14 hire a candidate into a career reserved po-
15 sition;

16 (iv) applicant satisfaction with the
17 hiring process, including clarity of the an-
18 nouncement, user-friendliness of the appli-
19 cation process, communication regarding
20 status of application and timeliness of deci-
21 sion, as determined through applicant sat-
22 isfaction surveys;

23 (v) hiring manager satisfaction with
24 the quality of the applicants, the hiring
25 process itself and the hiring outcomes, as

determined through hiring manager surveys;

(vi) new hire satisfaction with the hiring process and onboarding experience, as determined through new hire surveys;

(vii) Candidate Development Program participant satisfaction with the program, including the rotational experience, as determined through surveys;

(viii) the quality of Candidate Development Program participant performance, as determined through surveys;

(ix) the number of Candidate Development Program participants placed in executive positions;

(x) the number of individuals who have been certified in accordance with section 3393(c) of title 5, United States Code, and the composition of that group of individuals with regard to race, ethnicity, sex, age, and individuals with disabilities;

(xi) the composition of the Senior Executive Service with regard to race, ethnicity, sex, age, and individuals with disabilities;

1 (xii) the composition of executive re-
2 sources boards with regard to race, eth-
3 nicity, sex, and individuals with disabilities;

4 (xiii) the composition of qualifications
5 review boards with regard to race, eth-
6 nicity, sex, and individuals with disabilities;

7 (xiv) the number of individuals who
8 participate in agency rotation programs,
9 including the number rotated to another
10 office within the current agency, another
11 agency or another sector;

12 (xv) the number of SES that came to
13 the agency from another office, agency or
14 sector; and

15 (xvi) the quality of the rotation expe-
16 rience, as determined through participant
17 and supervisor surveys;

18 (H) make available to the public through
19 the official public Internet site of the Office of
20 Personnel Management, the data collected
21 under subparagraph (G);

22 (I) conduct a continuing program for the
23 recruitment of women, members of racial and
24 ethnic minority groups, and individuals with
25 disabilities for Senior Executive Service posi-

1 tions, with special efforts directed at recruiting
2 from educational institutions, professional asso-
3 ciations, and other sources;

4 (J) advise agencies on the best practices
5 for an agency in utilizing or consulting with an
6 agency's equal employment or diversity office or
7 official (if the agency has such an office or offi-
8 cial) with regard to the agency's Senior Execu-
9 tive Service appointment process;

10 (K) evaluate and implement strategies to
11 ensure that agencies conduct appropriate out-
12 reach to other agencies and sectors to identify
13 candidates for Senior Executive Service posi-
14 tions; and

15 (L) administer an online survey to all indi-
16 viduals leaving a position in the Senior Execu-
17 tive Service to better understand the reasons
18 for the departure—

19 (i) which shall—

20 (I) at a minimum request infor-
21 mation regarding—

22 (aa) the reason for depar-
23 ture;

24 (bb) plans for subsequent
25 employment; and

1 (cc) suggestions for improv-
2 ing the effectiveness of senior ex-
3 ecutives within the agency in
4 which the individual serves and
5 the Federal Government; and

6 (II) be incorporated into strategic
7 planning by agencies, in coordination
8 with the Office of Personnel Manage-
9 ment; and

10 (ii) the results of which shall be made
11 available to the public on a semiannual
12 basis through the official public Internet
13 site of the Office of Personnel Manage-
14 ment.

15 (e) PROTECTION OF INDIVIDUALLY IDENTIFIABLE
16 INFORMATION.—For purposes of subparagraphs (H) and
17 (K)(ii) of subsection (d)(2), the SES Resource Office shall
18 combine data for any agency that is not named in section
19 901(b) of title 31, United States Code, to protect individ-
20 ually identifiable information.

21 (f) COOPERATION OF AGENCIES.—The head of each
22 agency shall provide the Office of Personnel Management
23 with such information as the SES Resource Office may
24 require in order to carry out subsection (d)(2)(G).

1 **SEC. 402. SENIOR EXECUTIVE SERVICE EXECUTIVE DEVEL-**
 2 **OPMENT PLANS.**

3 (a) EXECUTIVE DEVELOPMENT PLANS.—Section
 4 3396 of title 5, United States Code, is amended—

5 (1) by redesignating subsections (c) and (d) as
 6 subsections (d) and (e), respectively; and

7 (2) by inserting after subsection (b) the fol-
 8 lowing:

9 “(c)(1) Upon appointment into the Senior Executive
 10 Service, each senior executive shall create an executive de-
 11 velopment plan that includes continuing development,
 12 training, and mentoring goals. The plan shall be submitted
 13 to the head of the agency for approval. Each senior execu-
 14 tive shall update their executive development plan on a
 15 regular basis.

16 “(2) The Office shall establish standards for
 17 multiyear executive development plans.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 19 Section 3151(a)(7) of title 5, United States Code, is
 20 amended by striking “section 3396(c)” and inserting “sec-
 21 tion 3396(d)”.

22 **SEC. 403. SENIOR EXECUTIVE ONBOARDING PROGRAMS.**

23 Section 3396 of title 5, United States Code (as
 24 amended by section 402) is further amended—

25 (1) by redesignating subsections (d) and (e) as
 26 subsections (e) and (f), respectively; and

1 (2) by inserting after subsection (c) the fol-
2 lowing:

3 “(d)(1) In consultation with the Office of Personnel
4 Management, the head of each agency shall oversee the
5 establishment of an onboarding program for newly ap-
6 pointed career appointees and noncareer appointees.

7 “(2)(A) Except as provided in subparagraph (B), not
8 later than 180 days after the date of an initial appoint-
9 ment, each career appointee or noncareer appointee shall
10 be required to successfully complete an onboarding pro-
11 gram established under this subsection.

12 “(B)(i) A position described under section 5312 or
13 5313 may be exempt from the requirement under subpara-
14 graph (A).

15 “(ii) In addition to positions described in clause (i),
16 the head of an agency may exempt appointees in very sen-
17 ior positions at the agency from the requirement under
18 subparagraph (A).

19 “(C) The Office of Personnel Management shall es-
20 tablish criteria for determining which positions are very
21 senior for purposes of this paragraph.

22 “(3) Each agency onboarding program shall in-
23 clude—

24 “(A) an overview of the mission, priorities, and
25 strategic plan of the agency;

1 “(B) the role and responsibilities for each new
2 appointee;

3 “(C) a review of individual performance objec-
4 tives and goal setting;

5 “(D) goals for mentoring candidates for the
6 Senior Executive Service;

7 “(E) an overview of the rules and regulations
8 governing the Senior Executive Service;

9 “(F) an introduction to talent management, in-
10 cluding a review of the agency’s workforce plan, ef-
11 forts to recruit, develop and motivate talent, and
12 tools for rewarding high-performers; and

13 “(G) other components the head of the agency
14 or the Office determines necessary.

15 “(4) The Office of Personnel Management shall also
16 provide an onboarding program for newly appointed career
17 appointees and noncareer appointees which shall include—

18 “(A) an introduction to key Federal manage-
19 ment challenges, including effective communication,
20 goal alignment, engaging employees and leading
21 high-performance teams;

22 “(B) an introduction to performance manage-
23 ment, including aligning organizational and indi-
24 vidual performance and using data to drive results;

1 “(C) an overview of how to work effectively
2 across agencies and sectors and engage diverse
3 stakeholders in achieving high priority goals for gov-
4 ernment; and
5 “(D) an introduction to how to work with ca-
6 reer and political appointees effectively.”.

7 **SEC. 404. SENIOR EXECUTIVE SERVICE ROTATION PRO-**
8 **GRAMS.**

9 Section 3396 of title 5, United States Code (as
10 amended by sections 402 and 403) is further amended—

11 (1) by redesignating subsection (f) as sub-
12 section (g); and

13 (2) by inserting after subsection (d) the fol-
14 lowing:

15 “(e)(1)(A) In consultation with the Office of Per-
16 sonnel Management, an agency may establish a program
17 to provide for interagency, intergovernmental, and inter-
18 sector rotation programs for career appointees and poten-
19 tial career appointees in the Senior Executive Service, sen-
20 ior positions, and managers showing leadership potential.
21 The rotation programs established under this section shall
22 adhere to the principles of the Senior Executive Service
23 by strengthening collaboration and building interagency
24 relationships.

1 “(B)(i) In consultation with the Chief Privacy Officer
2 of the Office of Personnel Management, the Office shall
3 establish a centralized database for agencies establishing
4 rotation programs under subparagraph (A) that—

5 “(I) contains information on each senior execu-
6 tive as defined under section 3132, including infor-
7 mation on education, experience, training, and pro-
8 fessional development interests; and

9 “(II) shall serve as a profile registry to be used
10 by agencies and senior executives in making rotation
11 decisions.

12 “(ii) The Office shall prescribe regulations to carry
13 out this subparagraph, including regulations to establish
14 the database and provide for oversight, management, and
15 administration of the database.

16 “(C) Each agency shall allow a senior executive the
17 right of return from a temporary rotation detail or assign-
18 ment that is not a reassignment or transfer without a loss
19 of status and seniority.

20 “(2) Senior Executive Service rotations may be ac-
21 complished through the use of—

22 “(A) extended details;

23 “(B) task force assignments and interagency
24 projects;

1 “(C) sabbaticals, details, or exchanges to the
2 private sector in accordance with subsection (c);

3 “(D) programs established under the Intergov-
4 ernmental Personnel Act of 1970 (42 U.S.C. 4701
5 note);

6 “(E) the Information Technology Exchange
7 Program; or

8 “(F) other public or private exchange programs
9 as established by law or by administrative action.

10 “(3) Any career appointee in an agency may be
11 granted a detail or sabbatical under this subsection if the
12 appointee agrees, as a condition of accepting the detail
13 or sabbatical, to serve in the civil service upon the comple-
14 tion of the detail or sabbatical for a period equal to the
15 period of the detail or sabbatical.

16 “(4) The Office shall publish guidelines for specific
17 objectives and desired results that should be obtained by
18 a senior executive who receives a rotation assignment.

19 “(5)(A) Except as provided under subparagraph (B),
20 an agency may not require participation in a rotation pro-
21 gram as a precondition for an appointment to a career
22 reserved position as defined under section 3132.

23 “(B) Subparagraph (A) shall not apply if the agency,
24 under regulations prescribed by the Office—

1 “(i) provides adequate notice of a requirement
 2 to participate in a rotation program to candidates
 3 within the agency;

4 “(ii) makes opportunities under a rotation pro-
 5 gram available to those candidates; and

6 “(iii) provides a phase-in period for candidates
 7 to meet the rotation requirement.

8 “(C) The Office shall prescribe regulations to carry
 9 out this paragraph.”.

10 **SEC. 405. EFFECTIVE DATE.**

11 The amendments made by this title shall take effect
 12 180 days after the date of enactment of this Act.

13 **TITLE V—SENIOR EXECUTIVE**
 14 **SERVICE DIVERSITY ASSUR-**
 15 **ANCE**

16 **SEC. 501. CAREER APPOINTMENTS.**

17 (a) PROMOTING DIVERSITY IN THE CAREER AP-
 18 POINTMENT PROCESS.—Section 3393(b) of title 5, United
 19 States Code, is amended by inserting after the first sen-
 20 tence the following: “In establishing an executive re-
 21 sources board, the head of the agency shall, to the extent
 22 practicable, ensure diversity of the board and of any sub-
 23 group thereof or other evaluation panel related to the
 24 merit staffing process for career appointees, by including

1 members of racial and ethnic minority groups, women, and
 2 individuals with disabilities.”.

3 (b) REGULATIONS.—Not later than 1 year after the
 4 date of enactment of this Act, the Director shall prescribe
 5 regulations to carry out the amendment made by sub-
 6 section (a).

7 (c) REPORT.—Not later than 1 year after the date
 8 of enactment of this Act, the Director shall submit to the
 9 Committee on Homeland Security and Governmental Af-
 10 fairs of the Senate and the Committee on Oversight and
 11 Government Reform of the House of Representatives a re-
 12 port evaluating agency efforts to improve diversity in exec-
 13 utive resources boards based on the information collected
 14 by the SES Resource Office under clauses (xii) and (xiii)
 15 of section 401(d)(2)(G).

16 **SEC. 502. ENCOURAGING A MORE DIVERSE SENIOR EXECU-**
 17 **TIVE SERVICE.**

18 (a) SENIOR EXECUTIVE SERVICE DIVERSITY
 19 PLANS.—

20 (1) IN GENERAL.—Not later than 1 year after
 21 the date of enactment of this Act, each agency, in
 22 consultation with the Office of Personnel Manage-
 23 ment and the Chief Human Capital Officers Council,
 24 shall submit to the Office of Personnel Management
 25 a plan to enhance and maximize opportunities for

1 the advancement and appointment of minorities,
2 women, and individuals with disabilities in the agen-
3 cy to the Senior Executive Service. Agency plans
4 shall be reflected in the strategic human capital
5 plan.

6 (2) CONTENTS.—Agency plans shall address
7 how the agency is identifying and eliminating bar-
8 riers that impair the ability of minorities, women,
9 and individuals with disabilities to obtain appoint-
10 ments to the Senior Executive Service and any ac-
11 tions the agency is taking to provide advancement
12 opportunities, including—

13 (A) conducting outreach to minorities,
14 women, and individuals within the agency and
15 outside the agency;

16 (B) establishing and maintaining training
17 and education programs to foster leadership de-
18 velopment;

19 (C) identifying career enhancing opportuni-
20 ties for agency employees;

21 (D) assessing internal availability of can-
22 didates for Senior Executive Service positions;
23 and

1 (E) conducting an inventory of employee
2 skills and addressing current and potential gaps
3 in skills and the distribution of skills.

4 (3) UPDATE OF AGENCY PLANS.—Agency plans
5 shall be updated at least every 2 years during the
6 10 years following enactment of this Act. An agency
7 plan shall be reviewed by the Office of Personnel
8 Management and, if determined to provide sufficient
9 assurances, procedures, and commitments to provide
10 adequate opportunities for the advancement and ap-
11 pointment of minorities, women, and individuals
12 with disabilities to the Senior Executive Service,
13 shall be approved by such Office. An agency may, in
14 updating its plan, submit to the Office of Personnel
15 Management an assessment of the impacts of the
16 plan.

17 (b) SUMMARY AND EVALUATION.—Not later than
18 180 days after the deadline for the submission of any re-
19 port or update under subsection (a), the Director shall
20 transmit to the Committee on Homeland Security and
21 Governmental Affairs of the Senate and the Committee
22 on Oversight and Government Reform of the House of
23 Representatives a report summarizing and evaluating the
24 agency plans or updates (as the case may be) so sub-
25 mitted.

1 (c) COORDINATION.—The Office of Personnel Man-
2 agement shall, in carrying out subsection (a), evaluate ex-
3 isting requirements under section 717 of the Civil Rights
4 Act of 1964 (42 U.S.C. 2000e–16) and section 501 of the
5 Rehabilitation Act of 1973 (29 U.S.C. 791) and determine
6 how agency reporting can be performed so as to be con-
7 sistent with, but not duplicative of, such sections and any
8 other similar requirements.

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