

114TH CONGRESS
1ST SESSION

H. R. 3768

To amend title 5, United States Code, to provide that rates of basic pay for members of the Senior Executive Service are determined on the basis of the position, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2015

Ms. BROWN of Florida introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 5, United States Code, to provide that rates of basic pay for members of the Senior Executive Service are determined on the basis of the position, 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 “Senior Executive Serv-
5 ice Taking Responsibility for Unilateral Station Transfers
6 Act” or the “SES TRUST Act”.

1 **SEC. 2. DETERMINATION OF BASIC RATE OF PAY FOR MEM-**
2 **BERS OF THE SENIOR EXECUTIVE SERVICE.**

3 (a) IN GENERAL.—Section 5383 of title 5, United
4 States Code, is amended by striking subsection (a) and
5 inserting the following—

6 “(a)(1) With respect to each Senior Executive Service
7 position within the applicable agency, the appointing au-
8 thority shall determine from time to time the annual rate
9 of basic pay for each such position, consistent with the
10 applicable limitations on rates of pay provided in section
11 5382.

12 “(2) Any individual appointed to a Senior Executive
13 Service position shall receive the annual rate of basic pay
14 applicable to such position, as determined by the appoint-
15 ing authority under paragraph (1).

16 “(3) Notwithstanding any other provision of law,
17 rule, or regulation, and except as provided in paragraph
18 (4), any senior executive at an agency who transfers or
19 otherwise moves to a Senior Executive Service position at
20 any other agency shall receive the annual rate of basic pay
21 applicable to such position, as determined by the applica-
22 ble appointing authority under paragraph (1).

23 “(4) Notwithstanding any other provision of law,
24 rule, or regulation, and except as provided in paragraph
25 (4), any senior executive at an agency who transfers or
26 otherwise moves to any other Senior Executive Service po-

1 sition within the agency, such executive shall, beginning
 2 on the first day of the first pay period beginning after
 3 the date that the executive first occupies such other posi-
 4 tion, receive the annual rate of pay applicable to such
 5 other position.

6 “(5)(A) Not later than 30 days after the date that
 7 a senior executive is reassigned under section 3395 to any
 8 other Senior Executive Service position, the Director of
 9 the Office of Personnel Management shall review such re-
 10 assignment decision to ensure that the decision was not
 11 based on any impermissible reason.

12 “(B) If the Director determines that the reassign-
 13 ment was based on any impermissible reason, and the rate
 14 of basic pay applicable to such other position (as deter-
 15 mined under subsection (a)(1)) is lower than the rate pro-
 16 vided under the previous position, the senior executive
 17 shall retain the higher rate of basic pay.

18 “(C) In this paragraph, the term ‘impermissible rea-
 19 son’ includes any reason other than performance of the
 20 senior executive or interests in the efficiency of the Senior
 21 Executive Service.”.

22 (b) CONFORMING AMENDMENTS.—Title 5, United
 23 States Code, is amended—

24 (1) in section 5382, by striking subsection (c);

1 (2) in section 5383(c), by inserting “and the re-
2 requirements of section 5383(a)” after “section
3 5385”;

4 (3) in section 5383(d), by adding at the end
5 after the period the following: “The preceding sen-
6 tence shall not apply in the case of any senior execu-
7 tive subject to the requirements of section
8 5383(a)(3).”.

9 (c) EFFECTIVE DATE.—The Director of the Office of
10 Personnel Management shall promulgate regulations to
11 carry out the review required by section 5383(a)(4) of title
12 5, United States Code (as added by subsection (a)), not
13 later than the date that is one year after the date of enact-
14 ment of this Act.

15 (d) APPLICATION.—Notwithstanding any other provi-
16 sion of law, rule, or regulation, each individual occupying
17 a Senior Executive Service position (as that term is de-
18 fined in section 3132(a)(2) of title 5, United States Code)
19 on the date of enactment of this Act shall, beginning on
20 the first day of the first pay period beginning after the
21 date that the applicable appointing authority makes the
22 determination under section 5383(a) of title 5, United
23 States Code (as amended by subsection (a)), receive the
24 rate of pay applicable to such position, as determined by
25 the appointing authority under such section.

1 **SEC. 3. SEMIANNUAL REPORTS ON TRANSFERS OF SENIOR**
2 **EXECUTIVES OF DEPARTMENT OF VETERANS**
3 **AFFAIRS.**

4 (a) SEMIANNUAL REPORTS.—On a semiannual basis,
5 the Secretary of Veterans Affairs shall submit to the Com-
6 mittees on Veterans' Affairs of the House of Representa-
7 tives and the Senate a report on covered senior executives
8 who transfer from one senior executive position in the De-
9 partment of Veterans Affairs to another senior executive
10 position in the Department during the period covered by
11 the report.

12 (b) MATTERS INCLUDED.—Each report under sub-
13 section (a) shall include, with respect to each covered sen-
14 ior executive who transfers from one senior executive posi-
15 tion in the Department to another senior executive posi-
16 tion in the Department during the period covered by the
17 report, the following:

18 (1) The name of the covered senior executive.

19 (2) A description of the senior executive posi-
20 tion from which the covered senior executive trans-
21 ferred, including the annual rate of basic pay re-
22 ceived by the covered senior executive in such posi-
23 tion.

24 (3) A description of the senior executive posi-
25 tion to which the covered senior executive trans-
26 ferred, including the annual rate of basic pay re-

1 ceived by the covered senior executive in such posi-
2 tion.

3 (4) A description of the purpose of the transfer.

4 (5) Justification for any increase or decrease in
5 the annual rate of basic pay received by the covered
6 senior executive by reason of such transfer.

7 (6) Information regarding any relocation ex-
8 penses and any incentives provided to the covered
9 senior executive as part of such transfer.

10 (c) DEFINITIONS.—In this section:

11 (1) The term “covered senior executive” means
12 an individual (as such term is defined in section
13 713(g)(1) of title 38, United States Code).

14 (2) The term “senior executive position” has
15 the meaning given that term in section 713(g)(3) of
16 title 38, United States Code.

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