

### Union Calendar No. 510

116TH CONGRESS 2D SESSION

# H. R. 1426

[Report No. 116-623]

To amend the Department of Energy Organization Act to address insufficient compensation of employees and other personnel of the Federal Energy Regulatory Commission, and for other purposes.

#### IN THE HOUSE OF REPRESENTATIVES

#### February 28, 2019

Mr. Olson (for himself, Mr. Michael F. Doyle of Pennsylvania, Mr. Thompson of Mississippi, and Mr. Weber of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

#### **DECEMBER 8, 2020**

Additional sponsors: Mr. Hudson, Mr. Gonzalez of Texas, Mr. Harder of California, Mr. O'Halleran, Mr. Crenshaw, Mr. McKinley, Mr. Latta, Mrs. Rodgers of Washington, Mr. Perry, Mr. Kelly of Pennsylvania, Mr. Balderson, Ms. Kendra S. Horn of Oklahoma, Mr. Kevin Hern of Oklahoma, Mr. Gibbs, Mr. Flores, Mrs. Lesko, Mr. Lamb, Mr. Wright, Mr. Mullin, Mr. Joyce of Pennsylvania, Ms. Stefanik, Mr. McCaul, Mr. Curtis, Mr. Ferguson, Mr. Byrne, Mrs. Fletcher, Mr. Kinzinger, Mr. Luján, Mr. Soto, Mr. Bishop of North Carolina, Mr. Cuellar, Mr. Kind, and Mr. Taylor

#### **DECEMBER 8, 2020**

Reported from the Committee on Energy and Commerce; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

## A BILL

To amend the Department of Energy Organization Act to address insufficient compensation of employees and other personnel of the Federal Energy Regulatory Commission, 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 "Timely Review of In-
- 5 frastructure Act".
- 6 SEC. 2. ADDRESSING INSUFFICIENT COMPENSATION OF
- 7 EMPLOYEES AND OTHER PERSONNEL OF THE
- 8 FEDERAL ENERGY REGULATORY COMMIS-
- 9 SION.
- 10 (a) IN GENERAL.—Section 401 of the Department of
- 11 Energy Organization Act (42 U.S.C. 7171) is amended
- 12 by adding at the end the following:
- 13 "(k) Addressing Insufficient Compensation of
- 14 Employees and Other Personnel of the Commis-
- 15 SION.—
- 16 "(1) IN GENERAL.—Notwithstanding any other
- provision of law, if the Chairman publicly certifies
- that compensation for a category of employees or
- other personnel of the Commission is insufficient to
- retain or attract employees and other personnel to
- allow the Commission to carry out the functions of
- 22 the Commission in a timely, efficient, and effective
- 23 manner, the Chairman may fix the compensation for
- the category of employees or other personnel without
- regard to chapter 51 and subchapter III of chapter

1	53 of title 5, United States Code, or any other civil
2	service law.
3	"(2) Certification requirements.—A cer-
4	tification issued under paragraph (1) shall—
5	"(A) apply with respect to a category of
6	employees or other personnel responsible for
7	conducting work of a scientific, technological,
8	engineering, or mathematical nature;
9	"(B) specify a maximum amount of rea-
10	sonable compensation for the category of em-
11	ployees or other personnel;
12	"(C) be valid for a 5-year period beginning
13	on the date on which the certification is issued;
14	"(D) be no broader than necessary to
15	achieve the objective of retaining or attracting
16	employees and other personnel to allow the
17	Commission to carry out the functions of the
18	Commission in a timely, efficient, and effective
19	manner; and
20	"(E) include an explanation for why the
21	other approaches available to the Chairman for
22	retaining and attracting employees and other
23	personnel are inadequate.
24	"(3) Renewal.—

"(A) IN GENERAL.—Not later than 90 days before the date of expiration of a certification issued under paragraph (1), the Chairman shall determine whether the certification should be renewed for a subsequent 5-year period.

"(B) REQUIREMENT.—If the Chairman determines that a certification should be renewed under subparagraph (A), the Chairman may renew the certification, subject to the certification requirements under paragraph (2) that were applicable to the initial certification.

#### "(4) NEW HIRES.—

"(A) IN GENERAL.—An employee or other personnel that is a member of a category of employees or other personnel that would have been covered by a certification issued under paragraph (1), but was hired during a period in which the certification has expired and has not been renewed under paragraph (3) shall not be eligible for compensation at the level that would have applied to the employee or other personnel if the certification had been in effect on the date on which the employee or other personnel was hired.

- 1 "(B) Compensation of New Hires on 2 Renewal.—On renewal of a certification under 3 paragraph (3), the Chairman may fix the com-4 pensation of the employees or other personnel 5 described in subparagraph (A) at the level es-6 tablished for the category of employees or other 7 personnel in the certification.
  - "(5) Retention of Level of fixed compensation of which was fixed by the Chairman in accordance with paragraph (1), may, at the discretion of the Chairman, have the level of fixed compensation for the category of employees or other personnel retained, regardless of whether a certification described under that paragraph is in effect with respect to the compensation of the category of employees or other personnel.
    - "(6) Consultation required.—The Chairman shall consult with the Director of the Office of Personnel Management in implementing this subsection, including in the determination of the amount of compensation with respect to each category of employees or other personnel.
- 24 "(7) Experts and consultants.—

1	"(A) In General.—Subject to subpara-
2	graph (B), the Chairman may—
3	"(i) obtain the services of experts and
4	consultants in accordance with section
5	3109 of title 5, United States Code;
6	"(ii) compensate those experts and
7	consultants for each day (including travel
8	time) at rates not in excess of the rate of
9	pay for level IV of the Executive Schedule
10	under section 5315 of that title; and
11	"(iii) pay to the experts and consult-
12	ants serving away from the homes or reg-
13	ular places of business of the experts and
14	consultants travel expenses and per diem
15	in lieu of subsistence at rates authorized
16	by sections 5702 and 5703 of that title for
17	persons in Government service employed
18	intermittently.
19	"(B) Limitations.—The Chairman
20	shall—
21	"(i) to the maximum extent prac-
22	ticable, limit the use of experts and con-
23	sultants pursuant to subparagraph (A);
24	and

1	"(ii) ensure that the employment con-
2	tract of each expert and consultant em-
3	ployed pursuant to subparagraph (A) is
4	subject to renewal not less frequently than
5	annually.".
6	(b) Reports.—
7	(1) In general.—Not later than 1 year after
8	the date of enactment of this Act, and every 2 years
9	thereafter for 10 years, the Chairman of the Federal
10	Energy Regulatory Commission shall submit to the
11	Committee on Energy and Commerce of the House
12	of Representatives and the Committee on Energy
13	and Natural Resources of the Senate a report on in-
14	formation relating to hiring, vacancies, and com-
15	pensation at the Federal Energy Regulatory Com-
16	mission.
17	(2) Inclusions.—Each report under para-
18	graph (1) shall include—
19	(A) an analysis of any trends with respect
20	to hiring, vacancies, and compensation at the
21	Federal Energy Regulatory Commission; and
22	(B) a description of the efforts to retain
23	and attract employees or other personnel re-
24	sponsible for conducting work of a scientific,
25	technological, engineering, or mathematical na-

- ture at the Federal Energy Regulatory Com-
- 2 mission.
- 3 (c) APPLICABILITY.—The amendment made by sub-
- 4 section (a) shall apply beginning on the date that is 30
- 5 days after the date of enactment of this Act.

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