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

Mr. OLSON (for himself and Mr. MICHAEL F. DOYLE of Pennsylvania) introduced the following bill; which was referred to the Committee on

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Timely Review of Infrastructure Act”.

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SEC. 2. ADDRESSING INSUFFICIENT COMPENSATION OF
EMPLOYEES AND OTHER PERSONNEL OF THE
FEDERAL ENERGY REGULATORY COMMISS-
SION.
(a) IN GENERAL.—Section 401 of the Department of
Energy Organization Act (42 U.S.C. 7171) is amended
by adding at the end the following:
“(k) ADDRESSING INSUFFICIENT COMPENSATION OF
EMPLOYEES AND OTHER PERSONNEL OF THE COMMISS-
ION.—
“(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
the Commission in a timely, efficient, and effective
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
53 of title 5, United States Code, or any other civil
service law.
“(2) CERTIFICATION REQUIREMENTS.—A cer-
tification issued under paragraph (1) shall—
“(A) apply with respect to a category of
employees or other personnel responsible for
conducting work of a scientific, technological, engineering, or mathematical nature;

“(B) specify a maximum amount of reasonable compensation for the category of employees or other personnel;

“(C) be valid for a 5-year period beginning on the date on which the certification is issued;

“(D) be no broader than necessary to achieve the objective of retaining or attracting employees and other personnel to allow the Commission to carry out the functions of the Commission in a timely, efficient, and effective manner; and

“(E) include an explanation for why the other approaches available to the Chairman for retaining and attracting employees and other personnel are inadequate.

“(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.

“(B) COMPENSATION OF NEW HIRES ON RENEWAL.—On renewal of a certification under paragraph (3), the Chairman may fix the compensation of the employees or other personnel described in subparagraph (A) at the level es-
tablished for the category of employees or other personnel in the certification.

“(5) RETENTION OF LEVEL OF FIXED COMPENSATION.—A category of employees or other personnel, the 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.

“(7) EXPERTS AND CONSULTANTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Chairman may—

“(i) obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code;
“(ii) compensate those experts and consultants for each day (including travel time) at rates not in excess of the rate of pay for level IV of the Executive Schedule under section 5315 of that title; and

“(iii) pay to the experts and consultants serving away from the homes or regular places of business of the experts and consultants travel expenses and per diem in lieu of subsistence at rates authorized by sections 5702 and 5703 of that title for persons in Government service employed intermittently.

“(B) LIMITATIONS.—The Chairman shall—

“(i) to the maximum extent practicable, limit the use of experts and consultants pursuant to subparagraph (A); and

“(ii) ensure that the employment contract of each expert and consultant employed pursuant to subparagraph (A) is subject to renewal not less frequently than annually.”.

(b) REPORTS.—
(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter for 10 years, the Chairman of the Federal Energy Regulatory Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on information relating to hiring, vacancies, and compensation at the Federal Energy Regulatory Commission.

(2) INCLUSIONS.—Each report under paragraph (1) shall include—

(A) an analysis of any trends with respect to hiring, vacancies, and compensation at the Federal Energy Regulatory Commission; and

(B) a description of the efforts to retain and attract employees or other personnel responsible for conducting work of a scientific, technological, engineering, or mathematical nature at the Federal Energy Regulatory Commission.

(c) APPLICABILITY.—The amendment made by subsection (a) shall apply beginning on the date that is 30 days after the date of enactment of this Act.