

## Union Calendar No.

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1426

[Report No. 116-]

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.

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### 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

JULY --, 2020

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  
17 provision of law, if the Chairman publicly certifies  
18 that compensation for a category of employees or  
19 other personnel of the Commission is insufficient to  
20 retain or attract employees and other personnel to  
21 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  
24 the category of employees or other personnel without  
25 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.—

1           “(A) IN GENERAL.—Not later than 90  
2 days before the date of expiration of a certifi-  
3 cation issued under paragraph (1), the Chair-  
4 man shall determine whether the certification  
5 should be renewed for a subsequent 5-year pe-  
6 riod.

7           “(B) REQUIREMENT.—If the Chairman de-  
8 termines that a certification should be renewed  
9 under subparagraph (A), the Chairman may  
10 renew the certification, subject to the certifi-  
11 cation requirements under paragraph (2) that  
12 were applicable to the initial certification.

13           “(4) NEW HIRES.—

14           “(A) IN GENERAL.—An employee or other  
15 personnel that is a member of a category of em-  
16 ployees or other personnel that would have been  
17 covered by a certification issued under para-  
18 graph (1), but was hired during a period in  
19 which the certification has expired and has not  
20 been renewed under paragraph (3) shall not be  
21 eligible for compensation at the level that would  
22 have applied to the employee or other personnel  
23 if the certification had been in effect on the  
24 date on which the employee or other personnel  
25 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.

8           “(5) RETENTION OF LEVEL OF FIXED COM-  
9           PENSATION.—A category of employees or other per-  
10          sonnel, the compensation of which was fixed by the  
11          Chairman in accordance with paragraph (1), may, at  
12          the discretion of the Chairman, have the level of  
13          fixed compensation for the category of employees or  
14          other personnel retained, regardless of whether a  
15          certification described under that paragraph is in ef-  
16          fect with respect to the compensation of the category  
17          of employees or other personnel.

18          “(6) CONSULTATION REQUIRED.—The Chair-  
19          man shall consult with the Director of the Office of  
20          Personnel Management in implementing this sub-  
21          section, including in the determination of the  
22          amount of compensation with respect to each cat-  
23          egory 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-



1           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.