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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. 4528

To amend the Atomic Energy Act of 1954 to address the insufficient compensation and recruitment of employees and other personnel of the Nuclear Regulatory Commission, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. DEGETTE introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Atomic Energy Act of 1954 to address the insufficient compensation and recruitment of employees and other personnel of the Nuclear 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 “Strengthening the
5 NRC Workforce Act of 2023”.

1 **SEC. 2. COMMISSION WORKFORCE.**

2 (a) GENERAL AUTHORITY.—The Atomic Energy Act
3 of 1954 (42 U.S.C. 2201 et seq.) is amended by inserting
4 after section 161A the following:

5 **“SEC. 161B. COMMISSION WORKFORCE.**

6 “(a) DIRECT HIRE AUTHORITY.—

7 “(1) IN GENERAL.—Notwithstanding section
8 161 d. of this Act and section 3304 of title 5,
9 United States Code, and without regard to the pro-
10 visions of sections 3309 through 3318 of title 5,
11 United States Code, if the Chairman of the Commis-
12 sion issues a certification that there is a severe
13 shortage of candidates or a critical hiring need for
14 covered positions to carry out the Commission’s re-
15 sponsibilities and activities, the Chairman may, sub-
16 ject to paragraphs (2) and (3), recruit and directly
17 appoint highly qualified individuals into the competi-
18 tive service.

19 “(2) LIMITATIONS.—Any action authorized pur-
20 suant to paragraph (1) shall be consistent with the
21 merit principles of section 2301 of title 5, United
22 States Code, and the Chairman shall comply with
23 the public notice requirements of section 3327 of
24 such title 5.

25 “(3) TERMINATION.—

1 “(A) IN GENERAL.—A certification issued
2 or renewed under this subsection shall termi-
3 nate on the earlier of—

4 “(i) the date that is 5 years after the
5 certification is renewed or issued; or

6 “(ii) the date on which the Chairman
7 determines there is no longer a severe
8 shortage of candidates or a critical hiring
9 need for covered positions to carry out the
10 Commission’s responsibilities and activi-
11 ties.

12 “(B) RENEWAL.—The Chairman may
13 renew a certification issued or renewed under
14 this subsection for an additional 5-year period
15 if the Chairman determines there is still a se-
16 vere shortage of candidates or a critical hiring
17 need for covered positions to carry out the
18 Commission’s responsibilities and activities.

19 “(4) COVERED POSITION.—In this subsection,
20 the term ‘covered position’ means a position in
21 which an employee is responsible for conducting
22 work of a scientific, technical, engineering, mathe-
23 matical, legal, or otherwise highly specialized or
24 skilled nature.

1 “(b) ADDRESSING INSUFFICIENT COMPENSATION OF
2 EMPLOYEES AND OTHER PERSONNEL OF THE COMMIS-
3 SION.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of law, if the Chairman of the Commission
6 publicly certifies that compensation for a category of
7 employees or other personnel of the Commission is
8 insufficient to retain or attract employees and other
9 personnel to allow the Commission to carry out the
10 functions of the Commission in a timely, efficient,
11 and effective manner, the Chairman may fix the
12 compensation for the category of employees or other
13 personnel without regard to chapter 51 and chapter
14 53 of title 5, United States Code, or any other civil
15 service law.

16 “(2) CERTIFICATION REQUIREMENTS.—A cer-
17 tification issued under paragraph (1) shall—

18 “(A) apply with respect to a category of
19 employees who serve in covered positions, as de-
20 fined in subsection (a)(4);

21 “(B) specify a maximum amount of rea-
22 sonable compensation for the category of em-
23 ployees or other personnel;

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

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

10 “(3) RENEWAL.—

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

17 “(B) REQUIREMENT.—If the Chairman de-
18 termines that a certification should be renewed
19 under subparagraph (A), the Chairman may
20 renew the certification, subject to the certifi-
21 cation requirements under paragraph (2) that
22 were applicable to the initial certification.

23 “(4) NEW HIRES.—

24 “(A) IN GENERAL.—An employee or other
25 personnel that is a member of a category of em-

1 employees or other personnel that would have been
2 covered by a certification issued under para-
3 graph (1), but was hired during a period in
4 which the certification has expired and has not
5 been renewed under paragraph (3) shall not be
6 eligible for compensation at the level that would
7 have applied to the employee or other personnel
8 if the certification had been in effect on the
9 date on which the employee or other personnel
10 was hired.

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

18 “(5) RETENTION OF LEVEL OF FIXED COM-
19 PENSATION.—A category of employees or other per-
20 sonnel, the compensation of which was fixed by the
21 Chairman in accordance with paragraph (1), may, at
22 the discretion of the Chairman, have the level of
23 fixed compensation for the category of employees or
24 other personnel retained, regardless of whether a
25 certification described under that paragraph is in ef-

1 fect with respect to the compensation of the category
2 of employees or other personnel.

3 “(6) CONSULTATION REQUIRED.—The Chair-
4 man shall consult with the Director of the Office of
5 Personnel Management in implementing this sub-
6 section, including in the determination of the
7 amount of compensation with respect to each cat-
8 egory of employees or other personnel. Not later
9 than 60 days after the Chairman’s request for con-
10 sultation under this paragraph, the Director of the
11 Office of Personnel Management shall respond to
12 and consult with the Chairman for purposes of this
13 paragraph.

14 “(7) EXPERTS AND CONSULTANTS.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graph (B), the Chairman may—

17 “(i) obtain the services of experts and
18 consultants in accordance with section
19 3109 of title 5, United States Code;

20 “(ii) compensate those experts and
21 consultants for each day (including travel
22 time) at rates not in excess of the rate of
23 pay for level IV of the Executive Schedule
24 under section 5315 of that title; and

1 “(iii) pay to the experts and consult-
2 ants serving away from the homes or reg-
3 ular places of business of the experts and
4 consultants travel expenses and per diem
5 in lieu of subsistence at rates authorized
6 by sections 5702 and 5703 of that title for
7 persons in Government service employed
8 intermittently.

9 “(B) LIMITATIONS.—The Chairman
10 shall—

11 “(i) to the maximum extent prac-
12 ticable, limit the use of experts and con-
13 sultants pursuant to subparagraph (A);
14 and

15 “(ii) ensure that the employment con-
16 tract of each expert and consultant em-
17 ployed pursuant to subparagraph (A) is
18 subject to renewal not less frequently than
19 annually.

20 “(c) ADDITIONAL COMPENSATION AUTHORITY.—

21 “(1) FOR NEW EMPLOYEES.—The Commission
22 may pay a person recruited and directly appointed
23 under subsection (a) a 1-time hiring bonus in an
24 amount not to exceed \$25,000.

25 “(2) FOR EXISTING EMPLOYEES.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), an employee who the Chairman de-
3 termines exhibited exceptional performance in a
4 fiscal year may be paid a performance bonus in
5 an amount not to exceed the least of—

6 “(i) \$25,000; and

7 “(ii) the amount of the limitation that
8 is applicable for a calendar year under sec-
9 tion 5307(a)(1) of title 5, United States
10 Code.

11 “(B) LIMITATIONS.—

12 “(i) SUBSEQUENT BONUSES.—Any
13 person who receives a performance bonus
14 under subparagraph (A) may not receive
15 another performance bonus under that
16 subparagraph for a period of 5 years there-
17 after.

18 “(ii) HIRING BONUSES.—Any person
19 who receives a 1-time hiring bonus under
20 paragraph (1) may not receive a perform-
21 ance bonus under subparagraph (A) unless
22 more than one year has elapsed since the
23 payment of such 1-time hiring bonus.”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 the Atomic Energy Act of 1954 is amended by inserting
3 after the item relating to section 161A the following:

“Sec. 161B. Commission workforce.”.

4 **SEC. 3. REPORTS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, and every 2 years there-
7 after, the Chairman of the Nuclear Regulatory Commis-
8 sion shall submit to the Committee on Energy and Com-
9 merce of the House of Representatives and the Committee
10 on Environment and Public Works of the Senate a report
11 on information relating to hiring, vacancies, and com-
12 pensation at the Nuclear Regulatory Commission.

13 (b) INCLUSIONS.—Each report under subsection (a)
14 shall include—

15 (1) an analysis of any trends with respect to
16 hiring, vacancies, and compensation at the Nuclear
17 Regulatory Commission; and

18 (2) a description of the efforts to retain and at-
19 tract employees or other personnel responsible for
20 conducting work of a scientific, technical, engineer-
21 ing, mathematical, legal, or otherwise highly special-
22 ized or skilled nature at the Nuclear Regulatory
23 Commission.