

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4528
OFFERED BY MS. DEGETTE OF COLORADO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Strengthening the
3 NRC Workforce Act of 2023”.

4 SEC. 2. COMMISSION WORKFORCE.

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

8 “SEC. 161B. COMMISSION WORKFORCE.

9 “(a) DIRECT HIRE AUTHORITY.—

10 “(1) IN GENERAL.—Notwithstanding section
11 161 d. of this Act and section 3304 of title 5,
12 United States Code, and without regard to the pro-
13 visions of sections 3309 through 3318 of title 5,
14 United States Code, if the Chairman of the Commis-
15 sion (in this section referred to as the ‘Chairman’)
16 issues or renews a certification that there is a severe
17 shortage of candidates or a critical hiring need for
18 covered positions to carry out the Commission’s re-

1 responsibilities and activities, the Chairman may, dur-
2 ing any period when such a certification is in ef-
3 fect—

4 “(A) recruit and directly appoint highly
5 qualified individuals into the competitive service
6 for covered positions; and

7 “(B) establish term-limited covered posi-
8 tions and recruit and directly appoint highly
9 qualified individuals into such term-limited cov-
10 ered positions, which may not exceed a term of
11 4 years.

12 “(2) LIMITATIONS.—To the maximum extent
13 practicable, any action authorized pursuant to para-
14 graph (1) shall be consistent with the merit prin-
15 ciples of section 2301 of title 5, United States Code,
16 and the Chairman shall comply with the public no-
17 tice requirements of section 3327 of such title 5.

18 “(3) RENEWAL.—The Chairman may renew a
19 certification issued or renewed under this subsection
20 if the Chairman determines there is still a severe
21 shortage of candidates or a critical hiring need for
22 covered positions to carry out the Commission’s re-
23 sponsibilities and activities.

1 “(4) TERMINATION.—A certification issued or
2 renewed under this subsection shall terminate on the
3 earlier of—

4 “(A) the date that is 10 years after the
5 certification is renewed or issued; or

6 “(B) the date on which the Chairman de-
7 termines there is no longer a severe shortage of
8 candidates or a critical hiring need for covered
9 positions to carry out the Commission’s respon-
10 sibilities and activities.

11 “(5) LEVEL OF POSITIONS.—To the extent
12 practicable, the Chairman shall recruit and directly
13 appoint highly qualified individuals into the competi-
14 tive service to entry, mid, and senior level covered
15 positions, including term-limited covered positions.

16 “(b) ADDRESSING INSUFFICIENT COMPENSATION OF
17 EMPLOYEES AND OTHER PERSONNEL OF THE COMMIS-
18 SION.—

19 “(1) IN GENERAL.—Notwithstanding any other
20 provision of law, if the Chairman issues or renews
21 a certification that compensation for employees or
22 other personnel of the Commission serving in a cov-
23 ered position is insufficient to retain or attract such
24 employees and other personnel to allow the Commis-
25 sion to carry out the responsibilities and activities of

1 the Commission in a timely, efficient, and effective
2 manner, the Chairman may, during any period when
3 such a certification is in effect, fix the compensation
4 for such employees or other personnel serving in a
5 covered position without regard to chapter 51 and
6 chapter 53 of title 5, United States Code, or any
7 other civil service law.

8 “(2) CERTIFICATION REQUIREMENTS.—A cer-
9 tification issued or renewed under this subsection
10 shall—

11 “(A) apply to employees or other personnel
12 who serve in covered positions;

13 “(B) terminate on the earlier of—

14 “(i) the date that is 10 years after the
15 certification is issued or renewed; or

16 “(ii) the date on which the Chairman
17 determines that the use of the authority of
18 the Chairman under this subsection to fix
19 compensation for employees or other per-
20 sonnel serving in a covered position is no
21 longer necessary to retain or attract such
22 employees and other personnel to allow the
23 Commission to carry out the Commission’s
24 responsibilities and activities in a timely,
25 efficient, and effective manner; and

1 “(C) be no broader than necessary to
2 achieve the objective of retaining or attracting
3 employees and other personnel serving in a cov-
4 ered position to allow the Commission to carry
5 out the Commission’s responsibilities and activi-
6 ties in a timely, efficient, and effective manner.

7 “(3) RENEWAL.—The Chairman may renew a
8 certification issued or renewed under this subsection
9 if the Chairman determines that use of the authority
10 of the Chairman under this subsection to fix com-
11 pensation for employees or other personnel serving
12 in a covered position is still necessary to retain and
13 attract such employees or other personnel to allow
14 the Commission to carry out the Commission’s re-
15 sponsibilities and activities in a timely, efficient, and
16 effective manner.

17 “(4) APPLICABILITY.—The authority under this
18 subsection to fix the compensation of employees or
19 other personnel during any period when a certifi-
20 cation issued or renewed under paragraph (1) is in
21 effect shall apply with respect to an employee or
22 other personnel serving in a covered position regard-
23 less of when the employee or other personnel was
24 hired.

1 “(5) RETENTION OF LEVEL OF FIXED COM-
2 PENSATION.—The termination of a certification
3 issued or renewed under paragraph (1) shall not af-
4 fect the compensation of an employee or other per-
5 sonnel serving in a covered position whose com-
6 pensation was fixed by the Chairman in accordance
7 with paragraph (1).

8 “(6) EXPERTS AND CONSULTANTS.—

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

11 “(i) obtain the services of experts and
12 consultants in accordance with section
13 3109 of title 5, United States Code;

14 “(ii) compensate those experts and
15 consultants for each day (including travel
16 time) at rates not in excess of the rate of
17 pay for level IV of the Executive Schedule
18 under section 5315 of that title; and

19 “(iii) pay to the experts and consult-
20 ants serving away from the homes or reg-
21 ular places of business of the experts and
22 consultants travel expenses and per diem
23 in lieu of subsistence at rates authorized
24 by sections 5702 and 5703 of that title for

1 persons in Government service employed
2 intermittently.

3 “(B) LIMITATIONS.—The Chairman
4 shall—

5 “(i) to the maximum extent prac-
6 ticable, limit the use of experts and con-
7 sultants pursuant to subparagraph (A);
8 and

9 “(ii) ensure that the employment con-
10 tract of each expert and consultant em-
11 ployed pursuant to subparagraph (A) is
12 subject to renewal not less frequently than
13 annually.

14 “(c) ADDITIONAL COMPENSATION AUTHORITY.—

15 “(1) FOR NEW EMPLOYEES.—The Chairman
16 may pay a person recruited and directly appointed
17 under subsection (a) a 1-time hiring bonus in an
18 amount not to exceed \$25,000.

19 “(2) FOR EXISTING EMPLOYEES.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), an employee or other personnel who
22 the Chairman determines exhibited exceptional
23 performance in a fiscal year may be paid a per-
24 formance bonus in an amount not to exceed the
25 least of—

1 “(i) \$25,000; and

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

6 “(B) LIMITATIONS.—

7 “(i) SUBSEQUENT BONUSES.—Any
8 person who receives a performance bonus
9 under subparagraph (A) may not receive
10 another performance bonus under that
11 subparagraph for a period of 5 years there-
12 after.

13 “(ii) HIRING BONUSES.—Any person
14 who receives a 1-time hiring bonus under
15 paragraph (1) may not receive a perform-
16 ance bonus under subparagraph (A) unless
17 more than one year has elapsed since the
18 payment of such 1-time hiring bonus.

19 “(d) IMPLEMENTATION PLAN AND REPORT.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this section, the
22 Chairman shall develop and implement a plan to
23 carry out this section. Before implementing such
24 plan, the Chairman shall submit to the Committee
25 on Energy and Commerce of the House of Rep-

1 representatives, the Committee on Environment and
2 Public Works of the Senate, and the Office of Per-
3 sonnel Management a report on the details of the
4 plan.

5 “(2) REPORT CONTENT.—The report submitted
6 under paragraph (1) shall include—

7 “(A) evidence and supporting documenta-
8 tion justifying the plan; and

9 “(B) budgeting projections on costs and
10 benefits resulting from the plan.

11 “(3) CONSULTATION.—The Chairman may con-
12 sult with the Office of Personnel Management, the
13 Office of Management and Budget, and the Comp-
14 troller General of the United States in developing
15 the plan under paragraph (1).

16 “(e) DELEGATION.—Pursuant to Reorganization
17 Plan No. 1 of 1980 (94 Stat. 3585; 5 U.S.C. app.), the
18 Chairman shall delegate, subject to the direction and su-
19 pervision of the Chairman, the authority provided by sub-
20 sections (a), (b), and (c) to the Executive Director for Op-
21 erations of the Commission.

22 “(f) BIENNIAL REPORT ON HIRING, VACANCIES, AND
23 COMPENSATION.—

24 “(1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of this section, and every 2

1 years thereafter, the Chairman shall submit to the
2 Committee on Energy and Commerce of the House
3 of Representatives and the Committee on Environ-
4 ment and Public Works of the Senate a report on
5 information relating to hiring, vacancies, and com-
6 pensation at the Commission.

7 “(2) INCLUSIONS.—Each report submitted
8 under paragraph (1) shall include—

9 “(A) an analysis of any trends with respect
10 to hiring, vacancies, and compensation at the
11 Commission;

12 “(B) a description of the efforts to retain
13 and attract employees or other personnel to
14 serve in covered positions at the Commission;

15 “(C) information that describes—

16 “(i) if a certification under subsection
17 (a) was in effect at any point in the pre-
18 vious two years, how the authority pro-
19 vided by that subsection is being used to
20 address the hiring needs of the Commis-
21 sion;

22 “(ii) if a certification under subsection
23 (b) was in effect at any point in the pre-
24 vious two years, how the authority pro-
25 vided by that subsection is being used to

1 address the hiring and retention needs of
2 the Commission;

3 “(iii) if a certification under sub-
4 section (a) or (b) was terminated or was
5 not in effect at any point in the previous
6 two years, why such a certification was ter-
7 minated or was not in effect;

8 “(iv) the attrition levels with respect
9 to term-limited covered positions appointed
10 under subsection (a)(1)(B), including the
11 number of individuals leaving a term-lim-
12 ited covered position before completion of
13 the applicable term of service and the aver-
14 age length of service for such individuals
15 as a percentage of the applicable term of
16 service; and

17 “(v) the number of experts and con-
18 sultants retained under subsection (b)(6);
19 and

20 “(D) an assessment of—

21 “(i) the current critical workforce
22 needs of the Commission and any critical
23 workforce needs that the Commission an-
24 ticipates in the next five years; and

1 “(ii) additional skillsets that are or
2 likely will be needed for the Commission to
3 fulfill the licensing and oversight respon-
4 sibilities of the Commission.

5 “(g) COVERED POSITION.—In this section, the term
6 ‘covered position’ means a position in which an employee
7 or other personnel is responsible for conducting work of
8 a scientific, technical, engineering, mathematical, legal,
9 managerial, or otherwise highly specialized or skilled na-
10 ture.”.

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

“Sec. 161B. Commission workforce.”.

14 **SEC. 3. ANNUAL SOLICITATION FOR NUCLEAR REGULATOR**
15 **APPRENTICESHIP NETWORK APPLICATIONS.**

16 The Nuclear Regulatory Commission, on an annual
17 basis, shall solicit applications for the Nuclear Regulator
18 Apprenticeship Network.

