

116TH CONGRESS  
2D SESSION

# H. R. 1426

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Timely Review of In-  
3 frastructure Act”.

4 **SEC. 2. ADDRESSING INSUFFICIENT COMPENSATION OF**  
5 **EMPLOYEES AND OTHER PERSONNEL OF THE**  
6 **FEDERAL ENERGY REGULATORY COMMIS-**  
7 **SION.**

8       (a) IN GENERAL.—Section 401 of the Department of  
9 Energy Organization Act (42 U.S.C. 7171) is amended  
10 by adding at the end the following:

11       “(k) ADDRESSING INSUFFICIENT COMPENSATION OF  
12 EMPLOYEES AND OTHER PERSONNEL OF THE COMMIS-  
13 SION.—

14               “(1) IN GENERAL.—Notwithstanding any other  
15 provision of law, if the Chairman publicly certifies  
16 that compensation for a category of employees or  
17 other personnel of the Commission is insufficient to  
18 retain or attract employees and other personnel to  
19 allow the Commission to carry out the functions of  
20 the Commission in a timely, efficient, and effective  
21 manner, the Chairman may fix the compensation for  
22 the category of employees or other personnel without  
23 regard to chapter 51 and subchapter III of chapter  
24 53 of title 5, United States Code, or any other civil  
25 service law.

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

3                   “(A) apply with respect to a category of  
4                   employees or other personnel responsible for  
5                   conducting work of a scientific, technological,  
6                   engineering, or mathematical nature;

7                   “(B) specify a maximum amount of rea-  
8                   sonable compensation for the category of em-  
9                   ployees or other personnel;

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

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

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

22           “(3) RENEWAL.—

23                   “(A) IN GENERAL.—Not later than 90  
24                   days before the date of expiration of a certifi-  
25                   cation issued under paragraph (1), the Chair-

1 man shall determine whether the certification  
2 should be renewed for a subsequent 5-year pe-  
3 riod.

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

10 “(4) NEW HIRES.—

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

23 “(B) COMPENSATION OF NEW HIRES ON  
24 RENEWAL.—On renewal of a certification under  
25 paragraph (3), the Chairman may fix the com-

1           pensation of the employees or other personnel  
2           described in subparagraph (A) at the level es-  
3           tablished for the category of employees or other  
4           personnel in the certification.

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

15          “(6) CONSULTATION REQUIRED.—The Chair-  
16          man shall consult with the Director of the Office of  
17          Personnel Management in implementing this sub-  
18          section, including in the determination of the  
19          amount of compensation with respect to each cat-  
20          egory of employees or other personnel.

21          “(7) EXPERTS AND CONSULTANTS.—

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

1 “(i) obtain the services of experts and  
2 consultants in accordance with section  
3 3109 of title 5, United States Code;

4 “(ii) compensate those experts and  
5 consultants for each day (including travel  
6 time) at rates not in excess of the rate of  
7 pay for level IV of the Executive Schedule  
8 under section 5315 of that title; and

9 “(iii) pay to the experts and consult-  
10 ants serving away from the homes or reg-  
11 ular places of business of the experts and  
12 consultants travel expenses and per diem  
13 in lieu of subsistence at rates authorized  
14 by sections 5702 and 5703 of that title for  
15 persons in Government service employed  
16 intermittently.

17 “(B) LIMITATIONS.—The Chairman  
18 shall—

19 “(i) to the maximum extent prac-  
20 ticable, limit the use of experts and con-  
21 sultants pursuant to subparagraph (A);  
22 and

23 “(ii) ensure that the employment con-  
24 tract of each expert and consultant em-  
25 ployed pursuant to subparagraph (A) is

1                   subject to renewal not less frequently than  
2                   annually.”.

3       (b) REPORTS.—

4           (1) IN GENERAL.—Not later than 1 year after  
5       the date of enactment of this Act, and every 2 years  
6       thereafter for 10 years, the Chairman of the Federal  
7       Energy Regulatory Commission shall submit to the  
8       Committee on Energy and Commerce of the House  
9       of Representatives and the Committee on Energy  
10      and Natural Resources of the Senate a report on in-  
11      formation relating to hiring, vacancies, and com-  
12      pensation at the Federal Energy Regulatory Com-  
13      mission.

14          (2) INCLUSIONS.—Each report under para-  
15      graph (1) shall include—

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

19            (B) a description of the efforts to retain  
20      and attract employees or other personnel re-  
21      sponsible for conducting work of a scientific,  
22      technological, engineering, or mathematical na-  
23      ture at the Federal Energy Regulatory Com-  
24      mission.

1       (c) APPLICABILITY.—The amendment made by sub-  
2 section (a) shall apply beginning on the date that is 30  
3 days after the date of enactment of this Act.

Passed the House of Representatives December 9,  
2020.

Attest:

*Clerk.*





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