

**AMENDMENT TO RULES COMM. PRINT 119-33**  
**OFFERED BY MR. SHREVE OF INDIANA**

At the end of subtitle B of title XVII, add the following new section:

1 **SEC. 17 \_\_\_\_ . ATTRACTING HIGHLY QUALIFIED EXPERTS TO**  
2 **BUREAU OF INDUSTRY AND SECURITY.**

3 (a) IN GENERAL.—The Under Secretary of Commerce for Industry and Security, in order to attract to  
4 the Bureau of Industry and Security highly qualified experts in needed occupations (as determined by the Under  
5 Secretary), may—

8 (1) conduct an annual study to identify specific  
9 gaps in expertise at the Bureau that have been difficult to fill through the civil service and constrain  
10 the Bureau's ability to effectively fulfil the Bureau's  
11 mandate;

13 (2) notwithstanding any provision of section  
14 3304 or sections 3309 through 3318 of title 5,  
15 United States Code, appoint personnel from outside  
16 the civil service (as defined in section 2101 of title  
17 5, United States Code) that have the expertise identified pursuant to paragraph (1) to positions in the  
18 Bureau of Industry and Security; and  
19

1           (3) prescribe the rates of basic pay for positions  
2           to which employees are appointed under paragraph  
3           (2) at rates not in excess of the maximum rate of  
4           basic pay authorized for senior-level positions under  
5           section 5376 of title 5, United States Code, as in-  
6           creased by locality-based comparability payments  
7           under section 5304 of that title, notwithstanding any  
8           provision of that title governing the rates of pay or  
9           classification of employees in the executive branch.

10       (b) LIMITATION ON TERM OF APPOINTMENT.—

11           (1) IN GENERAL.—Except as provided in para-  
12           graph (2), the service of an employee under an ap-  
13           pointment made pursuant to this section may not  
14           exceed 5 years.

15           (2) EXTENSIONS.—The Under Secretary may,  
16           in the case of a particular employee, extend the pe-  
17           riod to which service is limited under paragraph (1)  
18           by not more than one additional year if the Under  
19           Secretary determines that such action is necessary  
20           to promote the national security or foreign policy of  
21           the United States.

22       (c) LIMITATION ON TOTAL ANNUAL COMPENSA-  
23       TION.—Notwithstanding any other provision of this sec-  
24       tion or of section 5307 of title 5, United States Code, no  
25       additional payments may be paid to an employee under

1 this section in any calendar year if, or to the extent that,  
2 the total annual compensation of the employee will exceed  
3 the maximum amount of total annual compensation pay-  
4 able to the Vice President under section 104 of title 3,  
5 United States Code.

6 (d) LIMITATION ON NUMBER OF HIGHLY QUALIFIED  
7 EXPERTS.—The number of highly qualified experts ap-  
8 pointed and retained by the Under Secretary under sub-  
9 section (b)(1) shall not exceed 25 at any time.

10 (e) REPORT REQUIRED.—

11 (1) IN GENERAL.—Not later than 180 days  
12 after the date of the enactment of this section, and  
13 annually thereafter, the Under Secretary shall sub-  
14 mit to the committees specified in paragraph (2) a  
15 report that includes—

16 (A) a list of areas in which the Under Sec-  
17 retary has identified specific gaps in expertise  
18 pursuant to subsection (a)(1);

19 (B) the steps taken by the Under Sec-  
20 retary to appoint personnel with expertise in  
21 such areas from within the civil service during  
22 the period specified in paragraph (3).

23 (C) the number of individuals appointed to  
24 the Bureau of Industry and Security under the

1 authority provided by this section during the  
2 period specified in paragraph (3);

3 (D) a description of the qualifications of  
4 such individuals and their responsibilities dur-  
5 ing that period; and

6 (E) a description of the impact of such in-  
7 dividuals on carrying out the mission of the Bu-  
8 reau of Industry and Security.

9 (2) COMMITTEES SPECIFIED.—The committees  
10 specified in this paragraph are—

11 (A) the Committee on Banking, Housing,  
12 and Urban Affairs of the Senate;

13 (B) the Committee on Oversight and Gov-  
14 ernment Reform of the House of Representa-  
15 tives; and

16 (C) the Committee on Foreign Affairs of  
17 the House of Representatives.

18 (3) PERIOD SPECIFIED.—The period specified  
19 in this paragraph is—

20 (A) in the case of the first report required  
21 by paragraph (1), the 180-day period preceding  
22 submission of the report; and

23 (B) in the case of any subsequent report  
24 required by paragraph (1), the one-year period  
25 preceding submission of the report.

1 (f) SAVINGS PROVISIONS.—In the event that the  
2 Under Secretary terminates the authority under this sec-  
3 tion, in the case of an employee who, on the day before  
4 the termination of the authority, is serving in a position  
5 pursuant to an appointment under this section—

6 (1) the termination of the authority does not  
7 terminate the employee’s employment in that posi-  
8 tion before the expiration of the lesser of—

9 (A) the period for which the employee was  
10 appointed; or

11 (B) the period to which the employee’s  
12 service is limited under subsection (c), including  
13 any extension made under this section before  
14 the termination of the authority; and

15 (2) the rate of basic pay prescribed for the posi-  
16 tion under this section may not be reduced as long  
17 as the employee continues to serve in the position  
18 without a break in service.

19 (g) RULE OF CONSTRUCTION.—Nothing in this sec-  
20 tion shall be construed to waive any requirement regarding  
21 background checks or qualifications of applicants to posi-  
22 tions with the Bureau of Industry and Security.

1           (h) TERMINATION.—The authority provided by this  
2 section shall cease to be effective on the date that is 5  
3 years after the date of the enactment of this Act.

