

112TH CONGRESS
2D SESSION

H. R. 6214

To limit the number and pay of individuals serving as special consultants, fellows, or other employees pursuant to subsection (f) or (g) of section 207 of the Public Health Service Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2012

Mr. BARTON of Texas (for himself and Mr. STEARNS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To limit the number and pay of individuals serving as special consultants, fellows, or other employees pursuant to subsection (f) or (g) of section 207 of the Public Health Service Act, 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 “HHS Employee Com-
5 pensation Reform Act of 2012”.

1 **SEC. 2. EMPLOYMENT OF SPECIAL CONSULTANTS AND FEL-**
2 **LOWS FOR THE PUBLIC HEALTH SERVICE.**

3 (a) IN GENERAL.—Section 207 of the Public Health
4 Service Act (42 U.S.C. 209) is amended—

5 (1) by redesignating subsections (h) and (i) as
6 subsections (i) and (j); and

7 (2) by inserting after subsection (h) the fol-
8 lowing:

9 “(i)(1) Subsections (f) and (g) do not authorize the
10 designation, appointment, or employment of any special
11 consultant, fellow, or other employee by an agency outside
12 of the Department of Health and Human Services.

13 “(2) Not more than 5 percent of the total number
14 of employees of the Department of Health and Human
15 Services may be individuals serving pursuant to subsection
16 (f) or (g).

17 “(3)(A) Subject to subparagraph (B), the total Fed-
18 eral compensation payable to a covered individual may not,
19 for any 12-month period, exceed—

20 “(i) if such individual is a covered individual for
21 the entirety of such period, the dollar amount equal
22 to 150 percent of the annual rate of pay which, as
23 of the last day of such period, is payable for level
24 I of the Executive Schedule under section 5312 of
25 title 5, United States Code; or

1 “(ii) if such individual is a covered individual
2 for less than the entirety of such period, the pro
3 rata equivalent of the dollar amount which would
4 apply under clause (i) if such individual were a cov-
5 ered individual for the entirety of such period.

6 “(B) At any time, up to 50 individuals serving pursu-
7 ant to subsection (f) or (g) may be paid without regard
8 to the limitation on compensation established by subpara-
9 graph (A) if the Secretary finds that each such individ-
10 ual’s service is vital to support the activities of the Depart-
11 ment of Health and Human Services.

12 “(C) For purposes of subparagraph (A)—

13 “(i) the term ‘compensation’ means basic pay
14 and any allowance, differential, bonus, award, or
15 other similar cash payment;

16 “(ii) the term ‘covered individual’ means an in-
17 dividual serving pursuant to subsection (f) or (g);
18 and

19 “(iii) the term ‘Federal compensation’ means
20 compensation for service performed pursuant to sub-
21 section (f) or (g) or both; and

22 “(4) Not later than 6 months after the date of the
23 enactment of this Act, and not later than each December
24 31 thereafter, the Secretary shall submit to the Congress
25 a report—

1 “(A) specifying the number of individuals serv-
 2 ing during the preceding 12-month period pursuant
 3 to subsection (f) or (g);

4 “(B) specifying the number of such individuals
 5 at each agency of the Department of Health and
 6 Human Services; and

7 “(C) including each finding made by the Sec-
 8 retary under paragraph (3)(B) to authorize, with re-
 9 spect to service during such 12-month period, the
 10 payment of an individual without regard to the limi-
 11 tation on compensation established by paragraph
 12 (3)(A).”.

13 (b) TECHNICAL CORRECTIONS.—Subsection (i) of
 14 section 207 of the Public Health Service Act (42 U.S.C.
 15 209), as redesignated by subsection (a), is amended—

16 (1) by striking “subsection (f)” and inserting
 17 “subsection (g)”; and

18 (2) by striking “subsection (e)” and inserting
 19 “subsection (f)”.

20 (c) APPLICABILITY.—

21 (1) Paragraphs (1) and (3) of section 207(i) of
 22 the Public Health Service Act, as added by sub-
 23 section (a), apply—

24 (A) beginning on the date of the enactment
 25 of this Act with respect to special consultants,

1 fellows, and other employees appointed on or
2 after the date of the enactment of this Act; and

3 (B) beginning on the date that is 5 years
4 after the date of the enactment of this Act with
5 respect to special consultants, fellows, and other
6 employees appointed before the date of the en-
7 actment of this Act.

8 (2) Paragraph (2) of section 207(i) of the Pub-
9 lic Health Service Act, as added by subsection (a),
10 applies beginning on the date that is 5 years after
11 the date of the enactment of this Act.

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