

117TH CONGRESS
1ST SESSION

S. _____

To establish the Office of Technologists within the Federal Trade Commission.

IN THE SENATE OF THE UNITED STATES

Mr. LUJÁN (for himself and Mr. HEINRICH) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To establish the Office of Technologists within the Federal
Trade Commission.

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 “Federal Trade Com-
5 mission Technologists Act of 2021”.

6 **SEC. 2. ESTABLISHMENT OF THE OFFICE OF TECH-**
7 **NOLOGISTS.**

8 (a) OFFICE OF TECHNOLOGISTS.—Not later than
9 180 days after the date of enactment of this section, the
10 Commission shall establish within the Commission the Of-

1 fice of Technologists (in this section referred to as the
2 “Office”) to advise the Commission on technology matters,
3 including the Commission’s use of technology, technical
4 aspects of law enforcement actions, and technology policy
5 recommendations.

6 (b) PERSONNEL.—

7 (1) IN GENERAL.—The Commission shall ap-
8 point to positions in the Office—

9 (A) not less than 25 technologists; and

10 (B) other necessary employees.

11 (2) DIRECT HIRE AUTHORITY.—The Commis-
12 sion may make appointments of technologists under
13 paragraph (1) without regard to the provisions of
14 subchapter I of chapter 33 of title 5, United States
15 Code.

16 (3) CALCULATION OF NUMBER OF TECH-
17 NOLOGISTS.—For purposes of paragraph (1)(A), the
18 number of individuals appointed to a position as a
19 technologist shall be determined on a full-time equiv-
20 alent basis, except that an appointment of an indi-
21 vidual to a position as a technologist on a term or
22 temporary basis shall be counted as an appointment
23 to a full-time position, without regard to the number
24 of hours in the administrative workweek of the indi-
25 vidual.

1 (4) COMPENSATION.—

2 (A) RATE OF PAY.—Subject to subpara-
3 graph (B), in order to recruit and retain quali-
4 fied technologists, the Commission may fix the
5 rate of pay, including compensation for night
6 and overtime work and other premium pay, of
7 any technologist appointed under paragraph
8 (1), as the Commission considers necessary for
9 the interest of the Federal Government and just
10 to the individuals employed.

11 (B) MAXIMUM.—The total amount payable
12 to a technologist appointed under paragraph
13 (1), including compensation for night and over-
14 time work and other premium pay, during any
15 pay period may not exceed the rate of basic pay
16 payable for a position at level II of the Execu-
17 tive Schedule under section 5313 of title 5,
18 United States Code.

19 (C) TIME OFF.—With respect to a tech-
20 nologist appointed under paragraph (1) who is
21 not eligible for overtime or other premium pay,
22 the Commission may grant such technologist
23 compensatory time off from duty for overtime
24 work performed.

25 (c) DEFINITIONS.—In this section:

1 (1) COMMISSION.—The term “Commission”
2 means the Federal Trade Commission.

3 (2) TECHNOLOGIST.—The term “technologist”
4 means an individual with training and expertise re-
5 garding the state of the art in information tech-
6 nology, including product development, supply chain
7 management, data privacy and analytics, algorithms,
8 information security, network security, the manufac-
9 turing of hardware, software development, computer
10 science, or other related fields.

11 (d) AUTHORIZATION OF APPROPRIATION.—There is
12 authorized to be appropriated such sums as necessary to
13 carry out the requirements of this section.