

**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 8
OFFERED BY MR. MCKINLEY OF WEST VIRGINIA**

At the end of the bill, add the following new title:

1 **TITLE _____ —BIENNIAL COMMIS-**
2 **SION ON ENERGY POLICY**

3 **SEC. ____ . AMENDMENT TO DEPARTMENT OF ENERGY OR-**
4 **GANIZATION ACT.**

5 (a) IN GENERAL.—Title VIII of the Department of
6 Energy Organization Act (42 U.S.C. 7321) is amended
7 by striking sections 801 and 802 and inserting the fol-
8 lowing new sections:

9 **“SEC. 801. BIENNIAL COMMISSION ON ENERGY POLICY.**

10 “(a) ESTABLISHMENT.—There is established a com-
11 mission to be known as the ‘Biennial Commission on En-
12 ergy Policy’ (in this title referred to as the ‘Commission’).

13 “(b) MEMBERSHIP.—

14 “(1) NUMBER AND APPOINTMENT.—The Com-
15 mission shall be composed of 15 members appointed
16 in the following manner—

17 “(A) The President shall appoint 3 mem-
18 bers.

1 “(B) The Speaker of the House of Rep-
2 resentatives shall appoint 3 members.

3 “(C) The minority leader of the House of
4 Representatives shall appoint 3 members.

5 “(D) The majority leader of the Senate
6 shall appoint 3 members.

7 “(E) The minority leader of the Senate
8 shall appoint 3 members.

9 “(2) DEADLINE FOR APPOINTMENT.—Members
10 of the Commission shall be appointed not later 30
11 days after the first day of the first session of the
12 115th Congress.

13 “(3) TERMS.—Members shall be appointed for
14 a term of 2 years.

15 “(4) CONSULTATION.—The President and
16 Members of Congress specified in paragraph (1)
17 shall consult with each other before appointing mem-
18 bers to the Commission to achieve, to the maximum
19 extent practicable, a diversity of experience and ex-
20 pertise in the membership of the Commission.

21 “(5) VACANCIES.—Any vacancy on the Com-
22 mission shall not affect its powers, but shall be filled
23 in the same manner in which the original appoint-
24 ment was made. A member appointed to fill a va-
25 cancy occurring before the expiration of the term for

1 which such member's predecessor was appointed
2 shall be appointed for the remainder of that term.

3 “(6) QUALIFICATIONS.—Each member ap-
4 pointed to the Commission shall have professional
5 experience in 1 or more of the following areas:

6 “(A) Governmental service.

7 “(B) Energy production.

8 “(C) Renewable energy resource develop-
9 ment.

10 “(D) Energy law.

11 “(E) Public administration.

12 “(F) Fossil fuel production.

13 “(G) Energy efficiency.

14 “(H) Environmental policy.

15 “(I) Labor.

16 “(J) Workplace safety.

17 “(K) Commerce and trade.

18 “(L) Corporate policies.

19 “(M) Infrastructure.

20 “(N) Foreign affairs.

21 “(7) POLITICAL AFFILIATION.—Not more than
22 8 members of the Commission shall be affiliated
23 with the same political party.

24 “(8) RESTRICTION ON GOVERNMENT EMPLOY-
25 EES.—No individual may serve as a member of the

1 Commission while employed as an officer or em-
2 ployee of the Federal Government or any State or
3 local government.

4 “(9) BASIC PAY.—Each member of the Com-
5 mission shall be compensated at a rate equal to the
6 daily equivalent of the annual rate of basic pay pre-
7 scribed for level IV of the Executive Schedule for
8 each day (including travel time) during which the
9 member is engaged in the performance of the duties
10 of the Commission.

11 “(10) TRAVEL EXPENSES.—Each member of
12 the Commission shall receive travel expenses, includ-
13 ing per diem in lieu of subsistence, in accordance
14 with applicable provisions under subchapter I of
15 chapter 57 of title 5, United States Code.

16 “(c) STRUCTURE OF COMMISSION.—

17 “(1) COMMENCEMENT.—The Commission shall
18 meet and begin operations not later than 30 days
19 after the date on which all members of the Commis-
20 sion have been appointed.

21 “(2) CHAIRPERSON; VICE CHAIRPERSON.—The
22 chairperson and vice chairperson of the Commission
23 shall be selected by the members.

24 “(3) SUBCOMMITTEES.—Upon majority vote of
25 the members, the Commission may create sub-

1 committees composed of less than the full member-
2 ship of the Commission to carry out specified duties
3 of the Commission.

4 “(4) QUORUM.—Six members of the Commis-
5 sion shall constitute a quorum.

6 “(5) MEETINGS.—

7 “(A) IN GENERAL.—After its initial meet-
8 ing, the Commission shall meet upon the call of
9 the chairperson or a majority of its members.

10 “(B) STAKEHOLDER MEETINGS.—The
11 Commission shall conduct a quarterly meeting
12 of stakeholders to assist the Commission in car-
13 rying out its duties. The first meeting shall be
14 held not later than 90 days after the date on
15 which all members of the Commission have
16 been appointed. Subsequent meetings shall be
17 held until the Commission submits its final re-
18 port.

19 “(C) ATTENDANCE AT STAKEHOLDER
20 MEETINGS.—Members shall be encouraged to
21 attend stakeholder meetings held pursuant to
22 subparagraph (B) either in person or via tele-
23 conference.

24 **“SEC. 802. DUTIES AND POWERS OF THE COMMISSION.**

25 “(a) DUTIES.—

1 “(1) IN GENERAL.—The Commission shall
2 carry out the tasks described in paragraph (2) and
3 make recommendations for legislative and adminis-
4 trative actions to create an integrated and com-
5 prehensive energy policy for the United States.

6 “(2) TASKS.—To carry out paragraph (1), the
7 Commission shall—

8 “(A) analyze the accessibility, affordability,
9 reliability, resiliency, and sustainability of the
10 energy sources in the United States, including
11 coal, oil, natural gas, wind, solar, nuclear, hy-
12 dropower, geothermal, and biofuels;

13 “(B) assess policy options to increase do-
14 mestic energy supplies and energy efficiency;

15 “(C) evaluate energy storage, transmission,
16 and distribution requirements that shall include
17 intermittent energy sources;

18 “(D) analyze the prospective role of stake-
19 holders, including academia, industry represent-
20 atives, the public, Federal laboratories (as de-
21 fined in section 4 of the Stevenson-Wydler
22 Technology Innovation Act of 1980 (15 U.S.C.
23 3703)), and Federal agencies in creating an in-
24 tegrated and comprehensive energy policy;

1 “(E) assess the effectiveness of and need
2 for energy programs, including tax incentives,
3 funding mechanisms, and energy subsidies;

4 “(F) make recommendations for changes
5 to the organization of executive branch entities
6 to facilitate the development and implementa-
7 tion of national energy objectives;

8 “(G) study relevant matters, as determined
9 by the Commission, raised at the stakeholder
10 meetings described in section 801(c)(5)(B); and

11 “(H) study other relevant matters as de-
12 termined by the Commission.

13 “(3) MATERIALS STUDIED.—The Commission
14 shall review materials on energy, including—

15 “(A) enacted and proposed Federal and
16 State laws, regulations, policies, and programs;

17 “(B) information developed by relevant
18 governmental and nongovernmental agencies,
19 including Federal laboratories;

20 “(C) scientific and technical literature and
21 publications; and

22 “(D) studies conducted by other entities.

23 “(b) REPORTS.—

24 “(1) PROGRESS REPORTS.—Not later than July
25 1 of the first and third year of each Presidential

1 term, the Commission shall submit progress reports
2 to Congress describing the activities of the Commis-
3 sion and a summary of the information gathered
4 pursuant to subsection (a).

5 “(2) IN GENERAL.—Not later than July 1 of
6 the second and fourth year of each Presidential
7 term, the Commission shall submit to Congress a re-
8 port that shall include—

9 “(A) the findings and conclusions of the
10 Commission based on tasks carried out pursu-
11 ant to subsection (a)(2); and

12 “(B) recommendations for legislative and
13 administrative actions described in subsection
14 (a)(1).

15 “(3) PUBLICATION.—Reports submitted pursu-
16 ant to paragraph (2) shall be made publicly available
17 via a website.

18 “(c) POWERS.—

19 “(1) HEARINGS AND SESSIONS.—The Commis-
20 sion may, for the purpose of carrying out this sec-
21 tion, hold hearings, sit and act at times and places,
22 take testimony, and receive evidence as the Commis-
23 sion considers appropriate. The Commission may ad-
24 minister oaths or affirmations to witnesses appear-
25 ing before it.

1 “(2) POWERS OF SUBCOMMITTEES.—Any sub-
2 committee created pursuant to section 801(e)(3)
3 may, if authorized by the Commission, take any ac-
4 tion which the Commission is authorized to take by
5 this title.

6 “(3) GIFTS.—The Commission may accept, use,
7 and dispose of gifts or donations of services or prop-
8 erty.

9 “(4) POSTAL SERVICES.—The Commission may
10 use the United States mails in the same manner and
11 under the same conditions as Federal departments
12 and agencies.

13 “(5) CONTRACT AUTHORITY.—To the extent or
14 in the amounts provided in advance in appropriation
15 Acts, the Commission may contract with government
16 and private agencies or persons for the purpose of
17 carrying out this section, without regard to section
18 3709 of the Revised Statutes (41 U.S.C. 5).

19 “(6) OBTAINING OFFICIAL DATA.—The Com-
20 mission may secure directly from any department or
21 agency of the United States information necessary
22 to enable it to carry out this title. Upon request of
23 the chairperson, vice chairperson, or a subcommittee
24 of the Commission, the head of such department or

1 agency shall furnish such information to the Com-
2 mission.

3 **“SEC. 803. PERSONNEL MATTERS.**

4 “(a) EXECUTIVE DIRECTOR AND STAFF.—The chair-
5 person of the Commission may, without regard to the pro-
6 visions of title 5, United States Code, governing appoint-
7 ments in the competitive service, appoint and terminate
8 an executive director and not more than five additional
9 staff members. The employment of an executive director
10 shall be subject to confirmation by the Commission.

11 “(b) PAY.—The chairperson of the Commission may
12 fix the compensation of the executive director and staff
13 without regard to the provisions of chapter 51 and sub-
14 chapter III of chapter 53 of title 5, United States Code,
15 relating to classification and General Schedule pay rates,
16 except that an individual appointed under paragraph (1)
17 may not receive pay in excess of the annual rate of basic
18 pay for level V of the Executive Schedule.

19 “(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
20 request of the chairperson of the Commission, the head
21 of any department or agency of the Federal Government
22 may detail, on a nonreimbursable basis, any personnel of
23 the department or agency to the Commission to assist the
24 Commission in carrying out its duties.

1 “(d) **PROCUREMENT OF TEMPORARY AND INTERMIT-**
2 **TENT SERVICES.**—The chairperson of the Commission
3 may procure temporary and intermittent services under
4 section 3109(b) of title 5, United States Code, at rates
5 for individuals which do not exceed the daily equivalent
6 of the annual rate of basic pay prescribed for level IV of
7 the Executive Schedule under section 5316 of such title.

8 **“SEC. 804. AUTHORIZATION OF APPROPRIATIONS.**

9 “There is authorized to be appropriated \$3,000,000
10 to the Secretary of Energy, without fiscal year limitation,
11 to carry out this title.”

12 (b) **TABLE OF CONTENTS AMENDMENTS.**—The table
13 of contents of such Act is amended by striking the items
14 relating to sections 801 and 802 and inserting the fol-
15 lowing:

“801. Biennial Commission on Energy Policy.

“802. Duties and powers of the Commission.

“803. Personnel matters.

“804. Authorization of appropriations.”

16 (c) **EFFECTIVE DATE.**—The amendments made by
17 this section shall take effect on the first day of the first
18 session of the 115th Congress.

