

AMENDMENT NO. 52

**TO THE CHAIRMAN'S MARK
OF THE ENERGY POLICY BILL**

Intended to be proposed by Mr. BINGAMAN

Viz:

1 Strike section 994 and insert the following:

2 **SEC. 994. IMPROVED COORDINATION AND MANAGEMENT OF CIVILIAN SCIENCE**
3 **AND TECHNOLOGY PROGRAMS.**

4 (a) EFFECTIVE TOP-LEVEL COORDINATION OF RESEARCH AND DEVELOPMENT
5 PROGRAMS.— Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is
6 amended to read as follows:

7 "(b)(1) There shall be in the Department an Under Secretary for Energy and Science, who shall
8 be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary
9 shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of
10 title 5, United States Code.

11 "(2) The Under Secretary for Energy and Science shall be appointed from among persons who—

12 "(A) have extensive background in scientific or engineering fields; and

13 "(B) are well qualified to manage the civilian research and development programs of the
14 Department of Energy.

15 "(3) The Under Secretary for Energy and Science shall—

16 "(A) serve as the Science and Technology Advisor to the Secretary;

17 "(B) monitor the Department's research and development programs in order to advise the
18 Secretary with respect to any undesirable duplication or gaps in such programs;

19 "(C) advise the Secretary with respect to the well-being and management of the

1 multipurpose laboratories under the jurisdiction of the Department;

2 "(D) advise the Secretary with respect to education and training activities required for
3 effective short- and long-term basic and applied research activities of the Department;

4 "(E) advise the Secretary with respect to grants and other forms of financial assistance
5 required for effective short- and long-term basic and applied research activities of the Department;
6 and

7 "(F) exercise authority and responsibility over Assistant Secretaries carrying out energy
8 research and development and energy technology functions under sections 203 and 209, as well
9 as other elements of the Department assigned by the Secretary."

10 (b) RECONFIGURATION OF POSITION OF DIRECTOR OF THE OFFICE OF
11 SCIENCE.—

12 (1) Section 209 of the Department of Energy Organization Act (41 U.S.C. 7139) is amended to
13 read as follows:

14 "OFFICE OF SCIENCE

15 "SEC. 209. (a) There shall be within the Department an Office of Science, to be headed by an
16 Assistant Secretary for Science, who shall be appointed by the President, by and with the advice and
17 consent of the Senate, and who shall be compensated at the rate provided for level IV of the Executive
18 Schedule under section 5315 of title 5, United States Code.

19 "(b) The Assistant Secretary for Science shall be in addition to the Assistant Secretaries provided
20 for under section 203 of this Act.

21 "(c) It shall be the duty and responsibility of the Assistant Secretary for Science to carry out the
22 fundamental science and engineering research functions of the Department, including the responsibility for
23 policy and management of such research, as well as other functions vested in the Secretary which he may
24 assign to the Assistant Secretary."

25 (2) Notwithstanding section 3345(b)(1) of title 5, United States Code, the President may designate
26 the Director of the Office of Science immediately prior to the effective date of this Act to act in the office
27 of the Assistant Secretary of Energy for Science until the office is filled as provided in section 209 of the
28 Department of Energy Organization Act, as amended by paragraph (1). While so acting, such person shall
29 receive compensation at the rate provided by this Act for the office of Assistant Secretary for Science.

1 (c) ADDITIONAL ASSISTANT SECRETARY POSITION TO ENABLE IMPROVED
2 MANAGEMENT OF NUCLEAR ENERGY ISSUES.--

3 (1) Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended
4 by striking "There shall be in the Department six Assistant Secretaries" and inserting "Except as provided
5 in section 209, there shall be in the Department seven Assistant Secretaries".

6 (2) It is the sense of the Congress that the leadership for departmental missions in nuclear energy
7 should be at the Assistant Secretary level.

8 (d) TECHNICAL AND CONFORMING AMENDMENTS--

9 (1) Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is further
10 amended by adding the following at the end:

11 "(d) There shall be in the Department an Under Secretary, who shall be appointed by the President,
12 by and with the advice and consent of the Senate, and who shall perform such functions and duties as the
13 Secretary shall prescribe, consistent with this section. The Under Secretary shall be compensated at the
14 rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

15 "(e) There shall be in the Department a General Counsel, who shall be appointed by the President,
16 by and with the advice and consent of the Senate, and who shall perform such functions and duties as the
17 Secretary shall prescribe. The General Counsel shall be compensated at the rate provided for level IV of
18 the Executive Schedule under section 5315 of title 5, United States Code."

19 (2) Section 5314 of title 5, United States Code, is amended by striking "Under Secretaries of
20 Energy (2)" and inserting "Under Secretaries of Energy (3)".

21 (3) Section 5315 of title 5, United States Code, is amended by--

22 (A) striking "Director, Office of Science, Department of Energy."; and

23 (B) striking "Assistant Secretaries of Energy (6)" and inserting "Assistant Secretaries of
24 Energy (8)".

25 (4) The table of contents for the Department of Energy Organization Act (42 U.S.C. 7101 note)
26 is amended--

27 (A) by striking "Section 209" and inserting "Sec. 209";

28 (B) by striking "213." and inserting "Sec. 213.";

29 (C) by striking "214." and inserting "Sec. 214.";

- 1 (D) by striking "215." and inserting "Sec. 215."; and
- 2 (E) by striking "216." and inserting "Sec. 216."