

107TH CONGRESS  
1ST SESSION

# S. 1331

To amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. MILLER (for himself, Mr. CLELAND, Mr. BUNNING, Mr. HELMS, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Tennessee Valley Authority Act of 1933 to modify provisions relating to the Board of Directors of the Tennessee Valley Authority, 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. CHANGE IN COMPOSITION AND OPERATION OF**  
4 **THE BOARD OF DIRECTORS OF THE TEN-**  
5 **NESSEE VALLEY AUTHORITY.**

6 (a) IN GENERAL.—The Tennessee Valley Authority  
7 Act of 1933 is amended by striking section 2 (16 U.S.C.  
8 831a) and inserting the following:

1 **“SEC. 2. BOARD OF DIRECTORS.**

2 “(a) MEMBERSHIP.—

3 “(1) APPOINTMENT.—The Board of Directors  
4 of the Corporation (referred to in this Act as the  
5 ‘Board’) shall be appointed by the President by and  
6 with the advice and consent of the Senate.

7 “(2) COMPOSITION.—The Board shall be com-  
8 posed of 7 members, of whom—

9 “(A) 1 member shall be a resident of Ala-  
10 bama;

11 “(B) 1 member shall be a resident of Geor-  
12 gia;

13 “(C) 1 member shall be a resident of Ken-  
14 tucky;

15 “(D) 1 member shall be a resident of Mis-  
16 sissippi;

17 “(E) 1 member shall be a resident of  
18 North Carolina;

19 “(F) 1 member shall be a resident of Ten-  
20 nessee; and

21 “(G) 1 member shall be a resident of Vir-  
22 ginia.

23 “(3) QUALIFICATIONS.—To be eligible to be ap-  
24 pointed as a member of the Board, an individual—

25 “(A) shall be a citizen of the United  
26 States;

1           “(B) shall have no substantial direct finan-  
2           cial interest in—

3                   “(i) any public-utility corporation en-  
4                   gaged in the business of distributing and  
5                   selling power to the public; or

6                   “(ii) any business that may be ad-  
7                   versely affected by the success of the Cor-  
8                   poration as a producer of electric power;  
9                   and

10           “(C) shall profess a belief in the feasibility  
11           and wisdom of this Act.

12           “(4) CHAIRPERSON.—

13                   “(A) IN GENERAL.—The Board shall select  
14                   a chairperson from among the members of the  
15                   Board.

16                   “(B) DUTIES.—The chairperson shall be  
17                   the chief executive officer of the Corporation.

18           “(b) TERMS.—Members of the Board shall be ap-  
19           pointed for terms of 4 years, except that, of the members  
20           first appointed—

21                   “(A) 3 members shall be appointed for a  
22                   term of 4 years;

23                   “(B) 2 members shall be appointed for a  
24                   term of 3 years; and

1                   “(C) 2 members shall be appointed for a  
2                   term of 2 years.

3           “(c) VACANCIES.—A member appointed to fill a va-  
4   cancy in the Board occurring before the expiration of the  
5   term for which the predecessor of the member was ap-  
6   pointed shall be appointed for the remainder of that term.

7           “(d) QUORUM.—

8                   “(1) IN GENERAL.—Four members of the  
9   Board shall constitute a quorum for the transaction  
10   of business.

11                   “(2) MINIMUM NUMBER OF MEMBERS.—A va-  
12   cancy in the Board shall not impair the power of the  
13   Board to act, so long as there are 4 members in of-  
14   fice.

15           “(e) COMPENSATION OF MEMBERS.—

16                   “(1) NON-FEDERAL EMPLOYEES.—Subject to  
17   paragraph (4), a member of the Board who is not  
18   an officer or employee of the Federal Government  
19   shall be compensated at a rate equal to the daily  
20   equivalent of the annual rate of basic pay prescribed  
21   for level IV of the Executive Schedule under section  
22   5315 of title 5, United States Code, for each day  
23   (including travel time) during which the member is  
24   engaged in the performance of the duties of the  
25   Board.

1           “(2) FEDERAL EMPLOYEES.—A member of the  
2       Board who is an officer or employee of the Federal  
3       Government shall serve without compensation in ad-  
4       dition to the compensation received for the services  
5       of the member as an officer or employee of the Fed-  
6       eral Government.

7           “(3) TRAVEL EXPENSES.—A member of the  
8       Board shall be allowed travel expenses, including per  
9       diem in lieu of subsistence, at rates authorized for  
10      an employee of an agency under subchapter I of  
11      chapter 57 of title 5, United States Code, while  
12      away from the home or regular place of business of  
13      the member in the performance of the duties of the  
14      Board.

15          “(4) COMPENSATION OF CHAIRPERSON.—

16               “(A) IN GENERAL.—Except as provided in  
17              subparagraph (B), the Board may fix the com-  
18              pensation of the chairperson without regard to  
19              the provisions of chapter 51 and subchapter III  
20              of chapter 53 of title 5, United States Code, re-  
21              lating to classification of positions and General  
22              Schedule pay rates.

23               “(B) MAXIMUM RATE OF PAY.—The rate  
24              of pay for the chairperson may not exceed the  
25              rate payable for level V of the Executive Sched-

1           ule under section 5316 of title 5, United States  
2           Code.”.

3           (b) CURRENT BOARD MEMBERS.—A member of the  
4 Board of Directors of the Tennessee Valley Authority who  
5 was appointed before the date of enactment of this Act—

6           (1) may continue to serve as a member until  
7           the date on which the term of that member expires;  
8           and

9           (2) may be reappointed if that member meets  
10          the residency requirements of section 2(a)(2) of the  
11          Tennessee Valley Authority Act of 1933 (as amend-  
12          ed by subsection (a)).

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