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112TH CONGRESS
2D SESSION

H. R. 6314

To enable the Department of Energy and a Commission on Energy Independence and Domestic Refining Capacity the ability to study, recommend, and implement Federal incentive packages that would sustain and increase domestic refining capacity.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2012

Mr. FATTAH introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To enable the Department of Energy and a Commission on Energy Independence and Domestic Refining Capacity the ability to study, recommend, and implement Federal incentive packages that would sustain and increase domestic refining capacity.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘‘American Energy Independence and Domestic Refining Capacity Act’’.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Federal Government has a vested interest in promoting domestic energy independence.

(2) Federal incentives, including public-private partnerships, tax incentives, loan guarantees, and direct loans, have been used in the past to help foster private sector growth in energy related industries.

(3) Demand for refined petroleum products continues to rise as the economy recovers and developing nations increase their consumption.

(4) Due to a variety of factors, the refining industry has seen a number of refinery closures.

(5) These closures leads to a number of difficulties, including reduction in short-term supply, longer delivery times, higher prices of goods for consumers, increased cost of production for businesses, rising home heating prices, increased importation of gasoline from foreign countries, and less energy independence.

(6) Reduced refining capacity will only increase pressure on the industry to manage supply and meet demand, as domestic refining capacity shifts and contracts.

(7) The location of our refining facilities and distribution networks is significant.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "Commission on Energy Independence and Domestic Refining Capacity" (in this Act referred to as the "Commission").

SEC. 4. REQUESTING STUDIES.

The President may request the Commission to conduct a study described in section 5(a) to determine whether the consolidation or closing of a refinery will result in an adverse decline in the Nation's domestic refining capacity.

SEC. 5. DUTIES OF THE COMMISSION.

(a) STUDIES.—Upon receipt of a request under section 4, the Commission shall conduct a study to examine—

(1) the state of the domestic refining industry, including the effect of the consolidation or refinery closure on overall production, domestic economic growth, and national gas prices;

(2) the possibilities for the Federal Government to form public-private partnerships that would lead to increased domestic refining capacity;

(3) the potential positive and adverse consequences of Federal partnerships and incentives on growth within the industry;

(4) the potential benefits of reinvesting a portion of revenues from public-private partnerships

into energy related science, technology, engineering, and mathematics education, and seeding future federally funded energy research; and

(5) the types of Federal incentives that could be used to maintain domestic refining capacity including—

(A) tax incentives;

(B) loan guarantees;

(C) direct loans;

(D) grants;

(E) land grants;

(F) credits;

(G) cooperative agreements;

(H) preferences; and

(I) other competitions.

(b) REPORT.—Not later than 3 months after the request for a study, the Commission shall submit to the President and Congress a written report of the results of the study conducted under subsection (a).

SEC. 6. DUTIES OF THE SECRETARY.

If the Commission's study finds that a plant consolidation or closure will have an adverse affect on the Nation's domestic refining capacity, the Secretary of Energy (in this Act referred to as the ''Secretary'') may offer Federal incentives to prevent the diminishment of refining capacity. These incentives include—

(1) formation of public-private partnerships to increase the Nation's refining capacity; and

(2) incentives designed to increase domestic refining capacity, including the incentives described in section 5(a)(5).

SEC. 7. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) STAFF.—The Commission may, without regard to section 5311(b) of title 5, United States Code, appoint and fix the compensation of such personnel as the Commission considers appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equal to the annual rate of basic pay payable for GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts and consultants under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay under section 5332 of such title.

SEC. 8. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) APPOINTMENT.—The Commission shall be composed of nine members appointed, not later than 90 days after the date of enactment of this Act, as follows:

(A) Three members shall be appointed by the President.

(B) Two members shall be appointed by the Speaker of the House of Representatives.

(C) One member shall be appointed by the minority leader of the House of Representatives.

(D) Two members shall be appointed by the President pro tempore of the Senate.

(E) One member shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—All members of the Commission shall be persons who are especially

qualified to serve on the Commission by virtue of their education, training, or experience, particularly in the fields of scientific research and commercialization.

(b) TERMS.—Each member shall be appointed for the life of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission and shall be filled in the same manner in which the original appointment was made.

(d) COMPENSATION.—Members of the Commission shall be awarded compensation as follows:

(1) RATES OF PAY.—Except as provided in paragraph (2), members shall each be paid at a rate equal to the daily equivalent of the annual rate of basic pay for grade GS–15 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(3) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) QUORUM.—Four members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(f) CHAIR; VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members. The term of office of the Chair and Vice Chair shall be for the life of the Commission.

(g) MEETINGS.—The Commission shall meet at the call of the President not later than 120 days after the date of enactment of this Act or not later than 30 days after the date on which legislation is enacted making appropriations available to carry out this Act, whichever date is later.

SEC. 9. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence relating to any matter under investigation by the Commission. The Commission may refer requests for testimony or evidence that are not fulfilled to the Committee on Oversight and Government Reform of the House of Representatives or the Committee on Homeland Security and Governmental Affairs of the Senate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chair or Vice Chair of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) ADMINISTRATIVE SUPPORT SERVICES.—The Commission may enter into agreements with the Administrator of General Services for procurement of financial and administrative services necessary for the discharge of the duties of the Commission. Payment for such services shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chair of the Commission and the Administrator of General Services.

(e) CONTRACT AUTHORITY.—To the extent or in the amounts provided in advance in appropriation Acts, the Commission may contract with and compensate government and private agencies or persons for supplies, services, and property.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 to carry out this Act.

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