

115TH CONGRESS
1ST SESSION

H. R. 4228

To amend the Department of Energy Organization Act to establish a biennial commission to develop a comprehensive energy policy for the United States.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 2017

Mr. MCKINLEY (for himself and Ms. DEGETTE) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To amend the Department of Energy Organization Act to establish a biennial commission to develop a comprehensive energy policy for the United States.

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 “Biennial Commission
5 on Energy Policy Act of 2017”.

6 **SEC. 2. AMENDMENT TO DEPARTMENT OF ENERGY ORGA-**
7 **NIZATION ACT.**

8 (a) IN GENERAL.—Title VIII of the Department of
9 Energy Organization Act (42 U.S.C. 7321) is amended

1 by striking sections 801 and 802 and inserting the fol-
2 lowing new sections:

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

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

7 “(b) MEMBERSHIP.—

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

11 “(A) The President shall appoint 3 mem-
12 bers.

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

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

17 “(D) The majority leader of the Senate
18 shall appoint 3 members.

19 “(E) The minority leader of the Senate
20 shall appoint 3 members.

21 “(2) DEADLINE FOR APPOINTMENT.—Members
22 of the Commission shall be appointed not later than
23 30 days after the first day of the first session of the
24 116th Congress.

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

3 “(4) CONSULTATION.—The President and
4 Members of Congress specified in paragraph (1)
5 shall consult with each other before appointing mem-
6 bers to the Commission to achieve, to the maximum
7 extent practicable, a diversity of experience and ex-
8 pertise in the membership of the Commission.

9 “(5) VACANCIES.—Any vacancy on the Com-
10 mission shall not affect its powers, but shall be filled
11 in the same manner in which the original appoint-
12 ment was made. A member appointed to fill a va-
13 cancy occurring before the expiration of the term for
14 which such member’s predecessor was appointed
15 shall be appointed for the remainder of that term.

16 “(6) QUALIFICATIONS.—Each member ap-
17 pointed to the Commission shall have professional
18 experience in one or more of the following areas:

19 “(A) Governmental service.

20 “(B) Energy production.

21 “(C) Renewable energy resource develop-
22 ment.

23 “(D) Energy law.

24 “(E) Public administration.

25 “(F) Fossil fuel production.

1 “(G) Energy efficiency.

2 “(H) Environmental policy.

3 “(I) Labor.

4 “(J) Workplace safety.

5 “(K) Commerce and trade.

6 “(L) Corporate policies.

7 “(M) Infrastructure.

8 “(N) Foreign affairs.

9 “(7) POLITICAL AFFILIATION.—Not more than
10 8 members of the Commission shall be affiliated
11 with the same political party.

12 “(8) RESTRICTION ON GOVERNMENT EMPLOY-
13 EES.—No individual may serve as a member of the
14 Commission while employed as an officer or em-
15 ployee of the Federal Government or any State or
16 local government.

17 “(9) BASIC PAY.—Each member of the Com-
18 mission shall be compensated at a rate equal to the
19 daily equivalent of the annual rate of basic pay pre-
20 scribed for level IV of the Executive Schedule for
21 each day (including travel time) during which the
22 member is engaged in the performance of the duties
23 of the Commission.

24 “(10) TRAVEL EXPENSES.—Each member of
25 the Commission shall receive travel expenses, includ-

1 ing per diem in lieu of subsistence, in accordance
2 with applicable provisions under subchapter I of
3 chapter 57 of title 5, United States Code.

4 “(c) STRUCTURE OF COMMISSION.—

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

9 “(2) CHAIRPERSON; VICE CHAIRPERSON.—The
10 chairperson and vice chairperson of the Commission
11 shall be selected by the members.

12 “(3) SUBCOMMITTEES.—Upon majority vote of
13 the members, the Commission may create sub-
14 committees composed of less than the full member-
15 ship of the Commission to carry out specified duties
16 of the Commission.

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

19 “(5) MEETINGS.—

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

23 “(B) STAKEHOLDER MEETINGS.—The
24 Commission shall conduct a quarterly meeting
25 of stakeholders to assist the Commission in car-

1 rying out its duties. The first meeting shall be
2 held not later than 90 days after the date on
3 which all members of the Commission have
4 been appointed. Subsequent meetings shall be
5 held until the Commission submits its final re-
6 port.

7 “(C) ATTENDANCE AT STAKEHOLDER
8 MEETINGS.—Members shall be encouraged to
9 attend stakeholder meetings held pursuant to
10 subparagraph (B) either in person or via tele-
11 conference.

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

13 “(a) DUTIES.—

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

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

21 “(A) analyze the accessibility, affordability,
22 reliability, resiliency, and sustainability of the
23 energy sources in the United States, including
24 coal, oil, natural gas, wind, solar, nuclear, hy-
25 dropower, geothermal, and biofuels;

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

3 “(C) evaluate energy storage, transmission,
4 and distribution requirements that shall include
5 intermittent energy sources;

6 “(D) analyze the prospective role of stake-
7 holders, including academia, industry represent-
8 atives, the public, Federal laboratories (as de-
9 fined in section 4 of the Stevenson-Wydler
10 Technology Innovation Act of 1980 (15 U.S.C.
11 3703)), and Federal agencies in creating an in-
12 tegrated and comprehensive energy policy;

13 “(E) assess the effectiveness of and need
14 for energy programs, including tax incentives,
15 funding mechanisms, and energy subsidies;

16 “(F) make recommendations for changes
17 to the organization of executive branch entities
18 to facilitate the development and implementa-
19 tion of national energy objectives;

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

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

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

3 “(A) enacted and proposed Federal and
4 State laws, regulations, policies, and programs;

5 “(B) information developed by relevant
6 governmental and nongovernmental agencies,
7 including Federal laboratories;

8 “(C) scientific and technical literature and
9 publications; and

10 “(D) studies conducted by other entities.

11 “(b) REPORTS.—

12 “(1) PROGRESS REPORTS.—Not later than July
13 1 of the first and third year of each Presidential
14 term, the Commission shall submit progress reports
15 to Congress describing the activities of the Commis-
16 sion and a summary of the information gathered
17 pursuant to subsection (a).

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

22 “(A) the findings and conclusions of the
23 Commission based on tasks carried out pursu-
24 ant to subsection (a)(2); and

1 “(B) recommendations for legislative and
2 administrative actions described in subsection
3 (a)(1).

4 “(3) PUBLICATION.—Reports submitted pursu-
5 ant to paragraph (2) shall be made publicly available
6 via a website.

7 “(c) POWERS.—

8 “(1) HEARINGS AND SESSIONS.—The Commis-
9 sion may, for the purpose of carrying out this sec-
10 tion, hold hearings, sit and act at times and places,
11 take testimony, and receive evidence as the Commis-
12 sion considers appropriate. The Commission may ad-
13 minister oaths or affirmations to witnesses appear-
14 ing before it.

15 “(2) POWERS OF SUBCOMMITTEES.—Any sub-
16 committee created pursuant to section 801(c)(3)
17 may, if authorized by the Commission, take any ac-
18 tion which the Commission is authorized to take by
19 this title.

20 “(3) GIFTS.—The Commission may accept, use,
21 and dispose of gifts or donations of services or prop-
22 erty.

23 “(4) POSTAL SERVICES.—The Commission may
24 use the United States mails in the same manner and

1 under the same conditions as Federal departments
2 and agencies.

3 “(5) CONTRACT AUTHORITY.—To the extent or
4 in the amounts provided in advance in appropriation
5 Acts, the Commission may contract with government
6 and private agencies or persons for the purpose of
7 carrying out this section, without regard to section
8 6101 of title 41, United States Code.

9 “(6) OBTAINING OFFICIAL DATA.—The Com-
10 mission may secure directly from any department or
11 agency of the United States information necessary
12 to enable it to carry out this title. Upon request of
13 the chairperson, vice chairperson, or a subcommittee
14 of the Commission, the head of such department or
15 agency shall furnish such information to the Com-
16 mission.

17 **“SEC. 803. PERSONNEL MATTERS.**

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

1 “(b) PAY.—The chairperson of the Commission may
2 fix the compensation of the executive director and staff
3 without regard to the provisions of chapter 51 and sub-
4 chapter III of chapter 53 of title 5, United States Code,
5 relating to classification and General Schedule pay rates,
6 except that an individual appointed under subsection (a)
7 may not receive pay in excess of the annual rate of basic
8 pay for level V of the Executive Schedule.

9 “(c) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
10 request of the chairperson of the Commission, the head
11 of any department or agency of the Federal Government
12 may detail, on a nonreimbursable basis, any personnel of
13 the department or agency to the Commission to assist the
14 Commission in carrying out its duties.

15 “(d) PROCUREMENT OF TEMPORARY AND INTERMIT-
16 TENT SERVICES.—The chairperson of the Commission
17 may procure temporary and intermittent services under
18 section 3109(b) of title 5, United States Code, at rates
19 for individuals which do not exceed the daily equivalent
20 of the annual rate of basic pay prescribed for level IV of
21 the Executive Schedule under section 5315 of such title.

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

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

1 (b) TABLE OF CONTENTS AMENDMENTS.—The table
2 of contents of such Act is amended by striking the items
3 relating to sections 801 and 802 and inserting the fol-
4 lowing:

“801. Biennial Commission on Energy Policy.

“802. Duties and powers of the Commission.

“803. Personnel matters.

“804. Authorization of appropriations.”.

5 **SEC. 3. EFFECTIVE DATE.**

6 The amendments made by this Act shall take effect
7 on the first day of the first session of the 116th Congress.

○