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2D SESSION

H. R. 5705

To establish a commission to study methods for improving and promoting bilateral renewable energy cooperation between the United States and India, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2008

Mr. McDERMOTT (for himself and Mr. MARKEY) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To establish a commission to study methods for improving and promoting bilateral renewable energy cooperation between the United States and India, 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. SHORT TITLE.**

4 This Act may be cited as the “Clean Energy Partner-
5 ship with India Act of 2008”.

6 **SEC. 2. RENEWABLE ENERGY DEFINED.**

7 For purposes of this Act, the term “renewable en-
8 ergy” means an energy supply or end-use technology (in-

cluding solar technology, wind technology, geothermal
technology, hydroelectric technology, and carbon capture
technology), that over its life cycle and compared to a
similar technology already in commercial use—

(1) is reliable, affordable, economically viable,
socially acceptable, and compatible with the needs
and norms of—

(A) each country that has a generating
plant that generates energy that is used in
India or the United States; and

(B) each country that uses energy or end-
use technology that is generated or produced in
India or the United States;

(2) results in—

(A) reduced emissions of greenhouse gases;
or

(B) increased geological sequestration of
greenhouse gases; and

(3) may result in—

(A) substantially reduced emissions of air
pollutants; or

(B) the generation of substantially smaller
or less hazardous quantities of solid or liquid
waste.

1 **TITLE I—CONGRESSIONAL COM-**
2 **MISSION ON RENEWABLE**
3 **POWER TECHNOLOGY COM-**
4 **MERCE**

5 **SEC. 101. ESTABLISHMENT.**

6 There is established in the legislative branch a com-
7 mission to be known as the Congressional Commission on
8 Renewable Power Technology Commerce with India (in
9 this title referred to as the “Commission”). The Commis-
10 sion shall study the methods of improving and promoting
11 bilateral renewable energy cooperation between the United
12 States and India.

13 **SEC. 102. DUTIES OF THE COMMISSION.**

14 The Commission shall make recommendations to
15 Congress and the President on methods and strategies to
16 develop joint energy policy between the United States and
17 India to provide reliable energy throughout India through
18 the utilization of renewable, environmentally-friendly
19 means of production. The Commission shall submit to
20 Congress and the President a report containing—

21 (1) a description of—

22 (A) general market conditions for energy
23 in India and the potential for renewable tech-
24 nology solutions in particular;

1 (B) key policy constraints that exist in the
2 United States and India for the production and
3 distribution of renewable energy in India;

4 (C) best practices for public, private, and
5 public-private partnerships that can spur invest-
6 ment in Indian energy production and distribu-
7 tion through renewable means in India; and

8 (D) key constraints preventing renewable
9 technology companies organized under the laws
10 of the United States or any State from invest-
11 ing in India; and

12 (2) its recommendations—

13 (A) to address the constraints described by
14 the Commission under paragraph (1)(D);

15 (B) regarding policy measures that the
16 governments of India and the United States
17 could take to help realize the full potential of
18 its collaboration with the United States on en-
19 ergy policy;

20 (C) for developing an optimal framework
21 for joint research and development opportuni-
22 ties related to renewable energy between the
23 United States and India in the private, edu-
24 cational, and public sectors; and

1 (D) regarding the ideal role for energy-re-
2 lated end-user devices (such as energy-efficient
3 devices used in residential and commercial
4 buildings) in a policy emphasizing energy effi-
5 ciency.

6 **SEC. 103. MEMBERSHIP.**

7 (a) NUMBER AND APPOINTMENT.—

8 (1) IN GENERAL.—The Commission shall be
9 composed of 15 members appointed as follows:

10 (A) Five members appointed by the Presi-
11 dent, including at least two representatives of
12 nongovernmental organizations.

13 (B) Three members appointed by the
14 Speaker of the House of Representatives and
15 two members appointed by the minority leader
16 of the House of Representatives.

17 (C) Three members appointed by the ma-
18 jority leader of the Senate and two members
19 appointed by the minority leader of the Senate.

20 (2) CHAIRPERSON.—At the time of appoint-
21 ment, the President shall designate one of the mem-
22 bers appointed in paragraph (1)(A) as the Chair-
23 person of the Commission.

24 (b) QUALIFICATIONS.—To be eligible for appoint-
25 ment as a member of the Commission, an individual shall

1 be of recognized standing and distinction in one or more
2 of the following:

3 (1) Renewable energy production.

4 (2) The transmission and distribution of en-
5 ergy.

6 (3) Energy efficiency.

7 (4) Business.

8 (5) Entrepreneurship.

9 (6) Academia and public policy.

10 (c) DEADLINE FOR APPOINTMENT.—The members of
11 the Commission shall be appointed before the end of the
12 60-day period beginning on the date of the enactment of
13 this title.

14 (d) TERMS.—

15 (1) IN GENERAL.—Each member shall be ap-
16 pointed for the life of the Commission.

17 (2) VACANCIES.—A vacancy in the Commission
18 shall not affect the power of the remaining members
19 to execute the duties of the Commission. Any such
20 vacancy shall be filled in the same manner in which
21 the original appointment was made.

22 (e) COMPENSATION.—

23 (1) RATES OF PAY.—Each member may be
24 compensated at a rate not to exceed the daily equiv-
25 alent of the annual rate of basic pay in effect for a

1 position at level IV of the Executive Schedule under
2 section 5315 of title 5, United States Code, for each
3 day during which each such member is engaged in
4 the actual performance of the duties of the Commis-
5 sion.

6 (2) TRAVEL EXPENSES.—Each member shall
7 receive travel expenses, including per diem in lieu of
8 subsistence, in accordance with applicable provisions
9 of subchapter I of chapter 57 of title 5, United
10 States Code, while away from the home or regular
11 place of business of the member in performance of
12 the duties of the Commission.

13 (3) PROHIBITION OF COMPENSATION OF FED-
14 ERAL EMPLOYEES.—Notwithstanding the provisions
15 of paragraphs (1) and (2), any member of the Com-
16 mission who is a full-time officer or employee of the
17 United States or a Member of Congress may not re-
18 ceive additional pay, allowances, or benefits by rea-
19 son their of service on the Commission.

20 (f) MEETINGS.—

21 (1) FREQUENCY.—

22 (A) QUARTERLY MEETINGS.—The Com-
23 mission shall meet at least quarterly.

24 (B) ADDITIONAL MEETINGS.—In addition
25 to quarterly meetings, the Commission shall

1 meet at the call of the Chairperson or a major-
2 ity of its members.

3 (2) QUORUM.—Five members of the Commis-
4 sion shall constitute a quorum but a lesser number
5 may hold hearings.

6 (3) MEETING BY TELEPHONE OR OTHER AP-
7 PROPRIATE TECHNOLOGY.—Members of the Com-
8 mission may meet using telephones or other suitable
9 telecommunications technologies if all members of
10 the Commission are able to communicate with all
11 other members simultaneously.

12 **SEC. 104. DIRECTOR AND STAFF OF COMMISSION; EXPERTS**
13 **AND CONSULTANTS.**

14 (a) DIRECTOR.—

15 (1) APPOINTMENT.—The Commission shall
16 have a director who shall be appointed by the chair-
17 person of the Commission with the approval of a
18 majority of the members of the Commission.

19 (2) QUALIFICATIONS.—To be eligible for ap-
20 pointment as the director, an individual shall be of
21 recognized standing and distinction in one or more
22 of the following:

23 (A) International, national, or local public
24 service.

1 (B) Service-learning, as defined in section
2 101(23) of the National and Community Serv-
3 ice Act of 1990 (42 U.S.C. 12511(23)).

4 (3) SALARY.—The director shall be paid at a
5 rate determined by the chairperson with the ap-
6 proval of the Commission, except that the rate of
7 pay may not exceed the maximum rate of basic pay
8 for GS–15 of the General Schedule.

9 (b) STAFF.—With the approval of the chairperson,
10 the director may appoint and fix the pay of additional
11 qualified personnel as the director considers appropriate,
12 except that the rate of pay may not exceed the maximum
13 rate of basic pay for GS–15 of the General Schedule.

14 (c) EXPERTS AND CONSULTANTS.—With the ap-
15 proval of the Commission, the director may procure tem-
16 porary and intermittent services in the same manner as
17 an agency under section 3109(b) of title 5, United States
18 Code, but at rates for individuals not to exceed the daily
19 equivalent of the maximum annual rate of basic pay for
20 GS–15 of the General Schedule.

21 (d) STAFF OF FEDERAL AGENCIES.—Upon request
22 of the Commission, the head of any department or agency
23 of the United States may detail, on a reimbursable basis,
24 any of the personnel of that department or agency to the

1 Commission to assist the Commission in carrying out its
2 duties under this title.

3 **SEC. 105. POWERS OF COMMISSION.**

4 (a) HEARINGS AND SESSIONS.—For the purpose of
5 carrying out this title, the Commission may hold public
6 hearings, sit and act at times and places, take testimony,
7 and receive evidence as the Commission considers appro-
8 priate.

9 (b) POWERS OF MEMBERS AND AGENTS.—If author-
10 ized by the Commission, any member or agent of the Com-
11 mission may take any action that the Commission is au-
12 thorized to take by this title.

13 (c) OBTAINING OFFICIAL DATA.—The Commission
14 may secure directly from any department or agency of the
15 United States information necessary to enable it to carry
16 out its duties under this title. Upon request of the chair-
17 person, the head of the department or agency shall furnish
18 that information to the Commission.

19 (d) MAILS.—The Commission may use the United
20 States mails in the same manner and under the same con-
21 ditions as other departments and agencies of the United
22 States.

23 (e) PHYSICAL FACILITIES AND EQUIPMENT.—The
24 Architect of the Capitol shall provide, on a nonreimburs-

1 able basis, suitable facilities and equipment for the oper-
2 ation of the Commission.

3 (f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the
4 request of the Commission, the Architect of the Capitol
5 and the Administrator of General Services shall provide
6 to the Commission, on a nonreimbursable basis, the ad-
7 ministrative support services necessary for the Commis-
8 sion to carry out its duties under this title.

9 (g) CONTRACT AUTHORITY.—To the extent provided
10 in advance in appropriations Acts, the Commission may
11 contract with and compensate Government and private
12 agencies or persons for services necessary for the Commis-
13 sion to carry out its duties under this title.

14 **SEC. 106. REPORTS.**

15 (a) INTERIM REPORT.—Not later than the last day
16 of the 12-month period beginning on the date of the enact-
17 ment of this title, the Commission shall submit to Con-
18 gress an interim report on its activities.

19 (b) FINAL REPORT.—Not later than the last day of
20 the 120-day period beginning on the date of submission
21 of the interim report required under subsection (a), the
22 Commission shall submit to Congress a final report con-
23 taining a detailed statement of the findings of the Com-
24 mission, together with its recommendations for proposed
25 legislation.

1 **SEC. 107. TERMINATION.**

2 The Commission shall terminate not later than 30
3 days after submitting its final report under section 106(b).

4 **TITLE II—DEVELOPMENT AND**
5 **CAPACITY BUILDING REPORT**

6 **SEC. 201. DEVELOPMENT AND CAPACITY BUILDING RE-**
7 **PORT.**

8 Not later than the last day of the one-year period
9 beginning on the date of the enactment of this Act, the
10 Secretary of State, in consultation with the Secretary of
11 Energy and the Secretary of Commerce, shall submit to
12 Congress a report that—

13 (1) details the extent to which energy is reliably
14 available in India and what portion of such energy
15 is produced through renewable means;

16 (2) estimates the investment, export, and job
17 creation potential if United States industry plays a
18 central role in the production and distribution of re-
19 newable energy in India;

20 (3) estimates the economic benefits and poverty
21 reduction that would result if India's energy needs
22 were substantially met through the use of renewable
23 energy;

24 (4) estimates the level of greenhouse gasses
25 that India would produce in the coming years if

1 India did not pursue renewable means of energy pro-
2 duction;

3 (5) contains recommendations for the Federal
4 Government and the private sector regarding the
5 provision of technical assistance to assist in the in-
6 vestment, production, and distribution of renewable
7 energy in India.

8 **TITLE III—RENEWABLE ENERGY** 9 **COUNCIL**

10 **SEC. 301. RENEWABLE ENERGY COUNCIL.**

11 (a) ESTABLISHMENT.—Not later than 60 days after
12 the date of the enactment of this Act, the President shall
13 seek to establish a permanent joint renewable energy
14 council between the United States and India.

15 (b) PURPOSE.—The purpose of the council referred
16 to in subsection (a) shall be to provide advice to the Presi-
17 dent of the United States and the Prime Minister of India
18 concerning the promotion of environmentally sustainable
19 economic growth in India and the United States through
20 public policy related to the pursuit and facilitation of in-
21 vestment, production, and distribution of renewable energy
22 in India.

23 (c) MEMBERSHIP.—The membership of the council
24 shall consist of—

1 (1) representatives from the legislative and ex-
2 ecutive branches of—

3 (A) the Government of the United States;
4 and

5 (B) the Government of India; and

6 (2) representatives from the private sector in—

7 (A) the United States; and

8 (B) India.

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