

111TH CONGRESS  
1ST SESSION

# H. R. 2147

To establish the Global Warming Economic Oversight Commission to study and report on the use by the Federal Government of funds from any auction or sale of greenhouse gas emissions allowances, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2009

Mr. HODES (for himself, Mr. CONNOLLY of Virginia, Mr. ISRAEL, Mr. BRALEY of Iowa, and Mr. TONKO) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To establish the Global Warming Economic Oversight Commission to study and report on the use by the Federal Government of funds from any auction or sale of greenhouse gas emissions allowances, 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 “Global Warming Eco-  
5       nomic Oversight Act of 2009”.

1 **SEC. 2. GLOBAL WARMING ECONOMIC OVERSIGHT COMMIS-**  
2 **SION.**

3 (a) ESTABLISHMENT.—There is hereby established  
4 the Global Warming Economic Oversight Commission  
5 (hereafter in this section referred to as the “Commis-  
6 sion”).

7 (b) DUTIES.—

8 (1) ONGOING REVIEW.—

9 (A) IN GENERAL.—The Commission shall  
10 conduct ongoing oversight of, and submit re-  
11 ports to the appropriate committees of the Con-  
12 gress on, the use by the Federal Government of  
13 funds from any auction or sale of greenhouse  
14 gas emissions allowances.

15 (B) DEFINITION.—In subparagraph (A),  
16 the term “appropriate committees of the Con-  
17 gress” means—

18 (i) the Committees on Commerce,  
19 Science, and Transportation, Energy and  
20 Natural Resources, Environment and Pub-  
21 lic Works, Health, Education, Labor, and  
22 Pensions, and Small Business and Entre-  
23 preneurship of the Senate; and

24 (ii) the Committees on Education and  
25 Labor, Energy and Commerce, Oversight

1 and Government Reform, and Small Busi-  
2 ness of the House of Representatives.

3 (2) REPORTING.—The Commission shall submit  
4 a report under paragraph (1)—

5 (A) not later than 3 months after the first  
6 auction or sale of greenhouse gas emissions al-  
7 lowances by any agency or instrumentality of  
8 the United States; and

9 (B) not less than every 6 months there-  
10 after.

11 (3) FOCUS.—In conducting oversight and sub-  
12 mitting reports under this section, the Commission  
13 shall focus on the following:

14 (A) NEW JOBS.—The use of funds de-  
15 scribed in paragraph (1) to create new jobs in  
16 industries that produce renewable energy.

17 (B) PRESERVATION OF EXISTING JOBS.—  
18 The use of such funds to preserve jobs in exist-  
19 ing, previously carbon-intensive industries.

20 (C) ASSISTING WITH EFFECTS ON LOW  
21 AND MIDDLE INCOME FAMILIES.—The use of  
22 such funds to assist working families with any  
23 increases in the costs of energy, transportation,  
24 housing, health care, food, and other necessities

1           that result from Federal statutes designed to  
2           limit greenhouse gas emissions.

3           (D) SMALL BUSINESSES.—The use of such  
4           funds to assist small businesses with any in-  
5           creases in energy costs that result from Federal  
6           statutes designed to limit greenhouse gas emis-  
7           sions, including costs relating to transportation,  
8           facilities, and equipment.

9           (c) MEMBERSHIP.—

10           (1) IN GENERAL.—The Commission shall con-  
11           sist of 9 members, as follows:

12                   (A) 1 member appointed by the Speaker of  
13                   the House of Representatives, in consultation  
14                   with the majority leadership of the relevant  
15                   House committees.

16                   (B) 1 member appointed by the minority  
17                   leader of the House of Representatives, in con-  
18                   sultation with the minority leadership of the rel-  
19                   evant House committees.

20                   (C) 1 member appointed by the majority  
21                   leader of the Senate, in consultation with the  
22                   majority leadership of the relevant Senate com-  
23                   mittees.

1 (D) 1 member appointed by the minority  
2 leader of the Senate, in consultation with the  
3 leadership of the relevant Senate committees.

4 (E) 1 member, who shall serve as the  
5 Chair of the Commission, jointly appointed by  
6 the Speaker of the House of Representatives  
7 and the majority leader of the Senate, after  
8 consultation with the minority leader of the  
9 Senate and the minority leader of the House of  
10 Representatives.

11 (F) The Secretary of Energy (or the Sec-  
12 retary's designee).

13 (G) The Chairperson of the Federal Trade  
14 Commission (or the Chairperson's designee).

15 (H) The Administrator of the Small Busi-  
16 ness Administration (or the Administrator's  
17 designee).

18 (I) The Secretary of Labor (or the Sec-  
19 retary's designee).

20 All appointed members of the Commission shall be  
21 appointed within 30 days of the first posting in the  
22 Federal Register of an auction or sale of greenhouse  
23 gas emissions allowances by any agency or instru-  
24 mentality of the United States.

1           (2) PAY.—Except as provided in paragraph (3),  
2       each member of the Commission shall each be paid  
3       at a rate equal to the daily equivalent of the annual  
4       rate of basic pay for level IV of the Executive Sched-  
5       ule for each day (including travel time) during which  
6       such member is engaged in the actual performance  
7       of duties vested in the Commission.

8           (3) PROHIBITION OF COMPENSATION OF FED-  
9       ERAL EMPLOYEES.—Members of the Commission  
10      who are full-time officers or employees of the United  
11      States or Members of Congress may not receive ad-  
12      ditional pay, allowances, or benefits by reason of  
13      their service on the Commission.

14          (4) TRAVEL EXPENSES.—Each member of the  
15      Commission shall receive travel expenses, including  
16      per diem in lieu of subsistence, in accordance with  
17      applicable provisions under subchapter I of chapter  
18      57 of title 5, United States Code.

19          (5) QUORUM.—Four members of the Commis-  
20      sion shall constitute a quorum but a lesser number  
21      may hold hearings.

22          (6) VACANCIES.—A vacancy on the Commission  
23      shall be filled in the manner in which the original  
24      appointment was made.

1           (7) MEETINGS.—The Commission shall meet at  
2           the call of its Chair or a majority of its members.

3           (d) STAFF.—

4           (1) IN GENERAL.—The Commission may ap-  
5           point and fix the pay of any personnel as the Com-  
6           mission considers appropriate.

7           (2) EXPERTS AND CONSULTANTS.—The Com-  
8           mission may procure temporary and intermittent  
9           services under section 3109(b) of title 5, United  
10          States Code.

11          (3) STAFF OF AGENCIES.—Upon request of the  
12          Commission, the head of any Federal department or  
13          agency may detail, on a reimbursable basis, any of  
14          the personnel of that department or agency to the  
15          Commission to assist it in carrying out its duties  
16          under this Act.

17          (e) POWERS.—

18          (1) HEARINGS AND SESSIONS.—The Commis-  
19          sion may, for the purpose of carrying out this sec-  
20          tion, hold hearings, sit and act at times and places,  
21          take testimony, and receive evidence as the Commis-  
22          sion considers appropriate and may administer oaths  
23          or affirmations to witnesses appearing before it.

24          (2) POWERS OF MEMBERS AND AGENTS.—Any  
25          member or agent of the Commission may, if author-

1        ized by the Commission, take any action which the  
2        Commission is authorized to take by this section.

3            (3) OBTAINING OFFICIAL DATA.—The Commis-  
4        sion may secure directly from any department or  
5        agency of the United States information necessary  
6        to enable it to carry out this section. Upon request  
7        of the Chair of the Commission, the head of that de-  
8        partment or agency shall furnish that information to  
9        the Commission.

10        (f) INITIAL MEETING.—The Commission shall meet  
11        and begin the operations of the Commission within 30  
12        days of the first auction or sale of greenhouse gas emis-  
13        sions allowances by any agency or instrumentality of the  
14        United States.

15        (g) RULES OF PROCEDURE.—The Commission may  
16        establish rules for the conduct of the Commission's busi-  
17        ness, if such rules are not inconsistent with this Act or  
18        other applicable law.

19        (h) SUBPOENAS.—

20            (1) IN GENERAL.—Subject to paragraph (2),  
21        the Commission, for the purpose of carrying out this  
22        Act, may require, by subpoena or otherwise, the at-  
23        tendance and testimony of such witnesses and the  
24        production of such books, records, correspondence,  
25        memoranda, papers, and documents, as the Commis-



1        sion or the Chair of the Commission may determine  
2        advisable.

3            (2) SUBPOENAS.—

4                    (A) ISSUANCE.—

5                            (i) IN GENERAL.—A subpoena may be  
6                            issued under this subsection only—

7                                    (I) by the Chair of the Commis-  
8                                    sion; or

9                                    (II) by the affirmative vote of 5  
10                                   members of the Commission.

11                            (ii) SIGNATURE.—Subject to clause  
12                            (i), subpoenas issued under this subsection  
13                            may be issued under the signature of the  
14                            Chair of the Commission or any member  
15                            designated by a majority of the Commis-  
16                            sion and may be served by any person des-  
17                            ignated by the Chair or by a member des-  
18                            ignated by a majority of the Commission.

19                    (B) ENFORCEMENT.—

20                            (i) IN GENERAL.—In the case of con-  
21                            tumacy or failure to obey a subpoena  
22                            issued under subparagraph (A), the United  
23                            States district court for the judicial district  
24                            in which the subpoenaed person resides, is  
25                            served, or may be found, or where the sub-

1 poena is returnable, may issue an order re-  
2 quiring such person to appear at any des-  
3 ignated place to testify or to produce docu-  
4 mentary or other evidence. Any failure to  
5 obey the order of the court may be pun-  
6 ished by the court as a contempt of that  
7 court.

8 (ii) ADDITIONAL ENFORCEMENT.—In  
9 the case of any failure of any witness to  
10 comply with any subpoena or to testify  
11 when summoned under authority of this  
12 section, the Commission may, by majority  
13 vote, certify a statement of fact consti-  
14 tuting such failure to the appropriate  
15 United States attorney, who may bring the  
16 matter before the grand jury for its action,  
17 under the same statutory authority and  
18 procedures as if the United States attorney  
19 had received as certification under sections  
20 102 through 104 of the Revised Statutes  
21 of the United States (2 U.S.C. 192  
22 through 194).

23 (i) CONTRACTING.—The Commission may, to such  
24 extent and in such amounts as are provided in advance

1 in appropriation Acts, enter into contracts to enable the  
2 Commission to discharge its duties under this Act.

3 (j) POSTAL SERVICES.—The Commission may use  
4 the United States mails in the same manner and under  
5 the same conditions as departments and agencies of the  
6 United States.

7 (k) VOLUNTEER SERVICES.—Notwithstanding sec-  
8 tion 1342 of title 31, United States Code, the Commission  
9 may accept and use voluntary and uncompensated services  
10 as the Commission determines necessary.

11 (l) TERMINATION.—The Commission shall terminate  
12 6 months after the last (as determined by the Commis-  
13 sion) auction or sale of greenhouse gas emissions allow-  
14 ances by any agency or instrumentality of the United  
15 States.

16 (m) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated to the Commission to  
18 carry out this Act such sums as may be necessary.

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