

116TH CONGRESS
1ST SESSION

S. 2935

To prohibit the appointment of former fossil fuel executive officers and fossil fuel lobbyists as the heads of certain departments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 2019

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prohibit the appointment of former fossil fuel executive officers and fossil fuel lobbyists as the heads of certain departments, 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 “Banning In Govern-
5 ment Oil Industry Lobbyists from the Cabinet Act” or the
6 “BIG OIL Cabinet Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) COVERED DEPARTMENT HEAD.—The term
10 “covered department head” means the—

1 (A) Chief of Staff to the President;

2 (B) Chief of Staff to the Vice President;

3 (C) Director of the Office of Management
4 and Budget;

5 (D) Chairman of the Council on Environ-
6 mental Quality;

7 (E) Director of the Office of Science and
8 Technology Policy;

9 (F) Executive Director of the United
10 States Global Change Research Program;

11 (G) Secretary of Energy;

12 (H) Administrator of the Energy Informa-
13 tion Administration;

14 (I) Administrator of the National Oceanic
15 and Atmospheric Administration;

16 (J) Administrator of the National Aero-
17 nautics and Space Administration;

18 (K) Secretary of Transportation;

19 (L) Deputy Administrator of the National
20 Highway Traffic Safety Administration;

21 (M) Administrator of the Pipeline and
22 Hazardous Materials Safety Administration;

23 (N) Chairman of the Federal Energy Reg-
24 ulatory Commission;

25 (O) Secretary of Agriculture;

1 (P) Secretary of the Interior;

2 (Q) Secretary of Defense;

3 (R) Administrator of the Environmental
4 Protection Agency; and

5 (S) Secretary of State.

6 (2) COVERED POLITICAL APPOINTEE.—The
7 term “covered political appointee” means a political
8 appointee, as defined in section 714(h) of title 38,
9 United States Code, at—

10 (A) the Department of the Interior;

11 (B) the Environmental Protection Agency;

12 (C) the Department of Energy;

13 (D) the Federal Energy Regulatory Com-
14 mission;

15 (E) the National Oceanic and Atmospheric
16 Administration;

17 (F) the Council on Environmental Quality;

18 (G) the Office of Science and Technology
19 Policy; and

20 (H) the Office of Management and Budg-
21 et.

22 (3) EXECUTIVE OFFICER.—The term “executive
23 officer”—

24 (A) means, with respect to an enterprise—

25 (i) the president;

1 (ii) any vice president in charge of a
 2 principal business unit, division, or func-
 3 tion, including sales, administration, or fi-
 4 nance;

5 (iii) any other officer who performs a
 6 policy-making function; or

7 (iv) an executive officer of a sub-
 8 sidiary of the enterprise if the executive of-
 9 ficer of the subsidiary performs policy-
 10 making functions for the enterprise; and

11 (B) does not include an employee of a fos-
 12 sil fuel entity that works in, or is in charge of,
 13 a division principally responsible for the re-
 14 search, development, or deployment of—

15 (i) wind energy;

16 (ii) solar energy; or

17 (iii) any other renewable energy
 18 source.

19 (4) FOSSIL FUEL.—The term “fossil fuel”
 20 means natural gas, coal, oil, gasoline, diesel fuel, or
 21 jet fuel.

22 (5) FOSSIL FUEL ENTITY.—The term “fossil
 23 fuel entity” means an entity that is in the business
 24 of extracting or producing fossil fuel.

1 (6) FOSSIL FUEL LOBBYIST.—The term “fossil
2 fuel lobbyist” means a lobbyist, as defined in section
3 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C.
4 1602), that is registered or is required to register
5 under section 4(a) of that Act (2 U.S.C. 1603(a)),
6 who principally lobbies—

7 (A) for not less than 1 fossil fuel entity;
8 and

9 (B) on issues relating to the extraction or
10 production of fossil fuels.

11 (7) FOSSIL FUEL TRADE ASSOCIATION.—The
12 term “fossil fuel trade association” means a trade
13 association that principally represents one or more
14 fossil fuel entities on issues relating to the extraction
15 or production of fossil fuels.

16 **SEC. 3. PROHIBITION OF APPOINTMENT OF FOSSIL FUEL**
17 **EXECUTIVES AND LOBBYISTS.**

18 No individual that has served as an executive officer
19 of a fossil fuel entity, a fossil fuel lobbyist, or an employee
20 of a fossil fuel trade association for any period of time
21 during the 10-year period preceding the date of appoint-
22 ment or service shall—

23 (1) be appointed to serve as a covered depart-
24 ment head or a covered political appointee; or

- 1 (2) perform the functions and duties of a cov-
- 2 ered department head or a covered political ap-
- 3 pointee in an acting capacity.

