

114TH CONGRESS
2D SESSION

H. R. 4559

To establish the United States Commission on the Organization of Petroleum Exporting Countries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2016

Mr. FRANKS of Arizona (for himself, Mr. PETERSON, and Mr. CRAMER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the United States Commission on the Organization of Petroleum Exporting Countries, 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 “United States Commis-
5 sion on the Organization of Petroleum Exporting Coun-
6 tries Act of 2016”.

1 **SEC. 2. ESTABLISHMENT.**

2 There is hereby established a commission to be known
3 as the United States Commission on the Organization of
4 Petroleum Exporting Countries (in this Act referred to as
5 the “Commission”).

6 **SEC. 3. DUTIES OF COMMISSION.**

7 (a) IN GENERAL.—The Commission shall investigate
8 any anti-competitive involvement of the Organization of
9 Petroleum Exporting Countries (OPEC), its member na-
10 tions, and affiliated entities in oil markets and make rec-
11 ommendations to reduce the adverse impacts on the
12 United States of such involvement.

13 (b) SPECIFIC DUTIES.—The Commission shall—

14 (1) investigate behavior of OPEC, its member
15 nations, and affiliated entities, including national oil
16 companies, designed to disadvantage United States
17 oil producers and secure market power through anti-
18 competitive behavior;

19 (2) assess the impact of OPEC’s policies on
20 United States economic and energy security inter-
21 ests, including on innovation in both energy produc-
22 tion and the transportation of goods and people;

23 (3) assess existing relationships of Federal
24 agencies with OPEC and the extent to which Fed-
25 eral officials are making efforts to mitigate the im-

1 pact of any potential anti-competitive actions by
2 OPEC; and

3 (4) produce recommendations on reducing the
4 adverse impacts on the United States of such activi-
5 ties, including through policy reform in the areas of
6 taxes, trade, defense, and research and development,
7 and diplomacy, among others.

8 **SEC. 4. MEMBERS OF COMMISSION.**

9 (a) NUMBER AND APPOINTMENT.—The Commission
10 shall be composed of 16 members appointed by the Presi-
11 dent as follows:

12 (1) 4 members shall be appointed from among
13 individuals independently determined by the Presi-
14 dent to be qualified for appointment.

15 (2) 4 members shall be appointed from a list of
16 8 individuals who shall be nominated by the majority
17 leader of the Senate in consultation with the chair-
18 man of the Committee on Energy and Natural Re-
19 sources of the Senate.

20 (3) 4 members shall be appointed from a list of
21 8 individuals who shall be nominated by the Speaker
22 of the House of Representatives in consultation with
23 the chairman of the Committee on Energy and Com-
24 merce and the chairman of the Committee on Nat-
25 ural Resources of the House of Representatives.

1 (4) 2 members shall be appointed from a list of
2 4 individuals who shall be nominated by the minority
3 leader of the Senate in consultation with the ranking
4 member of the Committee on Energy and Natural
5 Resources of the Senate.

6 (5) 2 members shall be appointed from a list of
7 4 individuals who shall be nominated by the minority
8 leader of the House of Representatives in consulta-
9 tion with the ranking member of the Committee on
10 Energy and Commerce and the ranking member of
11 the Committee on Natural Resources of the House
12 of Representatives.

13 (b) QUALIFICATIONS.—

14 (1) IN GENERAL.—In making appointments
15 under this section, the President shall give consider-
16 ation to individuals who are knowledgeable on en-
17 ergy issues, including oil market dynamics, oil and
18 gas exploration and production, crude oil refining,
19 oil and gas pipelines, transportation-related fuel con-
20 sumption, oil use efficiency, national security, for-
21 eign policy, macroeconomics, labor, environment, lo-
22 gistics, shipping, tourism, consumer goods, manufac-
23 turing, and tourism.

24 (2) BALANCE OF EXPERTISE AREAS.—In mak-
25 ing appointments under this section, the President

1 shall seek to ensure the membership of the Commis-
2 sion is balanced by area of expertise to the extent
3 consistent with maintaining the highest level of ex-
4 pertise on the Commission.

5 (3) U.S. CITIZEN REQUIREMENT.—Members of
6 the Commission shall be United States citizens.

7 (c) TIMING OF APPOINTMENTS.—Appointments to
8 the Commission shall be made not later than 60 days after
9 the date of enactment of this Act.

10 (d) TERMS; VACANCIES.—Each member shall be ap-
11 pointed for the duration of the Commission. Any vacancy
12 in the Commission shall not affect its powers, and shall
13 be filled in the manner in which the original appointment
14 was made.

15 (e) CHAIRMAN.—The chairman of the Commission
16 shall be selected by the President. The chairman of the
17 Commission shall be responsible for—

18 (1) the assignment of duties and responsibilities
19 among staff personnel and their continuing super-
20 vision; and

21 (2) the use and expenditure of funds available
22 to the Commission.

23 (f) MEETINGS.—

24 (1) ADMINISTRATION.—All meetings of the
25 Commission shall be open to the public, except that

1 a meeting or any portion of it may be closed to the
2 public if it concerns matters or information de-
3 scribed in section 552b(c) of title 5, United States
4 Code. Interested persons shall be permitted to ap-
5 pear at open meetings and present oral or written
6 statements on the subject matter of the meeting.
7 The Commission may administer oaths or affirma-
8 tions to any person appearing before it.

9 (2) NOTICE; MINUTES; PUBLIC AVAILABILITY
10 OF DOCUMENTS.—

11 (A) NOTICE.—All open meetings of the
12 Commission shall be preceded by timely public
13 notice in the Federal Register of the time,
14 place, and subject of the meeting.

15 (B) MINUTES.—Minutes of each meeting
16 shall be kept and shall contain a record of the
17 people present, a description of the discussion
18 that occurred, and copies of all statements filed.
19 Subject to section 552 of title 5, United States
20 Code, the minutes and records of all meetings
21 and other documents that were made available
22 to or prepared for the Commission shall be
23 available for public inspection and copying at a
24 single location in the offices of the Commission.

1 (3) INITIAL MEETING.—The Commission shall
2 hold its first meeting within 30 days after all mem-
3 bers of the Commission have been appointed.

4 **SEC. 5. STAFFING AND RESOURCES.**

5 (a) STAFFING.—The chairman of the Commission
6 may, without regard to the civil service laws and regula-
7 tions, appoint and terminate an executive director and
8 such other additional personnel as may be necessary for
9 the Commission to perform its duties. The executive direc-
10 tor shall be compensated at a rate not to exceed the rate
11 payable for Level IV of the Executive Schedule under
12 chapter 53 of title 5, United States Code. The chairman
13 shall select staff from among qualified individuals who are
14 citizens of the United States.

15 (b) RESOURCES.—In carrying out its duties under
16 section 3, the Commission—

17 (1) is authorized to secure directly from any
18 Federal department or agency any information it
19 deems necessary to carry out its functions under this
20 Act, and each such department or agency is author-
21 ized to cooperate with the Commission and, to the
22 extent permitted by law, to furnish such information
23 (other than information described in section
24 552(b)(1)(A) of title 5, United States Code) to the
25 Commission, upon the request of the Commission;

1 (2) may enter into contracts, subject to the
2 availability of appropriations for contracting, and
3 employ such staff experts and consultants as may be
4 necessary to carry out the duties of the Commission,
5 as provided by section 3109 of title 5, United States
6 Code; and

7 (3) shall establish a multidisciplinary science
8 and technical advisory panel of experts in the field
9 of energy to assist the Commission in preparing its
10 report, including ensuring that the scientific and
11 technical information considered by the Commission
12 is based on the best information available.

13 **SEC. 6. REPORT.**

14 (a) **REPORT.**—Not later than 1 year after the date
15 of the enactment of this Act, the Commission shall submit
16 to Congress and the President a report of its findings and
17 recommendations regarding the activities required by sec-
18 tion 3.

19 (b) **ADMINISTRATIVE PROCEDURE FOR REPORT AND**
20 **REVIEW.**—Chapter 5 and chapter 7 of title 5, United
21 States Code, do not apply to the preparation, review, or
22 submission of the report required by subsection (a).

1 **SEC. 7. TERMINATION.**

2 The Commission shall terminate not later than 90
3 days after the date on which the Commission submits its
4 report under section 6.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There is authorized to be appro-
7 priated to carry out this Act \$10,000,000 for fiscal years
8 2017 and 2018.

9 (b) AVAILABILITY.—Amounts authorized to be appro-
10 priated under subsection (a) are authorized to remain
11 available until expended.

12 **SEC. 9. POLICY RECOMMENDATIONS.**

13 Not later than 90 days after receiving the report of
14 the Commission under section 6, the President shall sub-
15 mit to Congress a statement of proposals to implement
16 or respond to the Commission's recommendations con-
17 tained in the report.

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