

110TH CONGRESS
2D SESSION

S. 3723

To establish a framework for coordination and cooperation on energy and environmental issues among the United States, the People's Republic of China, and India, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8 (legislative day, NOVEMBER 20), 2008

Ms. CANTWELL introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish a framework for coordination and cooperation on energy and environmental issues among the United States, the People's Republic of China, 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. FINDINGS.**

4 Congress makes the following findings:

5 (1) The United States, the People's Republic of
6 China (China), and the Republic of India (India) ac-
7 count for 35 percent of the world's demand for pe-
8 troleum. All 3 countries are negatively impacted by

1 high and volatile oil and petroleum prices and have
2 a common interest in avoiding global supply shocks,
3 developing alternative fuel sources, and lessening re-
4 liance on supplies of oil and petroleum from unstable
5 regions of the world.

6 (2) China, the United States, and India are re-
7 spectively the top 3 producers and consumers of coal
8 in the world.

9 (3) The United States, China, and India respec-
10 tively represent the largest, second largest, and fifth
11 largest electricity generators in the world.

12 (4) China is likely the world's largest source of
13 anthropogenic greenhouse gas emissions, followed
14 closely by the United States, and India is the world's
15 fifth largest greenhouse gas emitter.

16 (5) According to the World Bank, 16 of the
17 world's 20 most polluted cities are in China. Ninety
18 percent of all rivers in China show signs of signifi-
19 cant pollution, and 62 percent of China's waterways
20 are unsuitable for fish. Several areas in India have
21 heavy metal and chemical contamination in con-
22 centrations many times higher than international
23 health standards.

24 (6) Given these shared energy challenges, the
25 United States, China, and India have a vested inter-

1 est in partnering on policies that could help avoid
2 future tensions over limited and geographically con-
3 strained energy resources.

4 (7) Mutually beneficial scientific, technological,
5 and trade partnerships between the United States,
6 China, and India can accelerate the transition to
7 more sustainable and secure energy supplies, such as
8 wind, solar, biofuels, and clean coal, and provide tre-
9 mendous economic, environmental, and security ben-
10 efits for all 3 nations.

11 **SEC. 2. POLICY.**

12 It is the policy of the United States to develop an
13 informed dialogue with China and India regarding the sus-
14 tainable use of energy and the protection of the environ-
15 ment, the promotion of best practices for clean energy and
16 technology investments, and the development and transfer
17 of energy and environmental technologies based on fair
18 and robust international trading regimes.

19 **SEC. 3. ESTABLISHMENT OF CONGRESSIONAL-EXECUTIVE**
20 **COMMISSION TO COORDINATE ENERGY AND**
21 **ENVIRONMENTAL ISSUES RELATING TO THE**
22 **UNITED STATES, CHINA, AND INDIA.**

23 (a) ESTABLISHMENT.—There is established a Con-
24 gressional-Executive Commission on Clean Energy Trade
25 Between Key Consuming Nations (in this Act referred to

1 as the “Commission”) to coordinate energy and environ-
2 mental issues relating to the United States, China, and
3 India.

4 (b) GOAL OF THE COMMISSION.—

5 (1) IN GENERAL.—The goal of the Commission
6 is to establish a dialogue among the United States,
7 China, and India to promote the policy described in
8 section 2.

9 (2) DIALOGUE.—The Commission shall provide
10 a cooperative and collaborative dialogue in the fol-
11 lowing areas:

12 (A) Development and promotion of clean,
13 efficient, and secure electricity production and
14 transmission.

15 (B) Development and promotion of clean
16 water, water quality management, and safe
17 drinking water.

18 (C) Development and promotion of clean
19 air and air quality management.

20 (D) Development and promotion of clean
21 and efficient transportation.

22 (E) Conservation and management of for-
23 ests and wetlands, and the ecosystems of forests
24 and wetlands.

25 (c) MEMBERSHIP OF THE COMMISSION.—

1 (1) SELECTION AND APPOINTMENT OF MEM-
2 BERS.—The Commission shall be composed of 17
3 members as follows:

4 (A) Five Members of the House of Rep-
5 resentatives, appointed by the Speaker of the
6 House of Representatives, of which—

7 (i) 3 members shall be selected from
8 the majority party; and

9 (ii) 2 members shall be selected, after
10 consultation with the minority leader of
11 the House, from the minority party.

12 (B) Five Members of the Senate, ap-
13 pointed by the President of the Senate, of
14 which—

15 (i) 3 members shall be selected, after
16 consultation with the majority leader of the
17 Senate, from the majority party; and

18 (ii) 2 members shall be selected, after
19 consultation with the minority leader of
20 the Senate, from the minority party.

21 (C) One representative of the Department
22 of State, appointed by the President from
23 among officers and employees of that Depart-
24 ment.

1 (D) One representative of the Department
 2 of Energy, appointed by the President from
 3 among officers and employees of that Depart-
 4 ment.

5 (E) One representative of the Environ-
 6 mental Protection Agency, appointed by the
 7 President from among officers and employees of
 8 that Agency.

9 (F) One representative of the Department
 10 of Commerce, appointed by the President from
 11 among officers and employees of that Depart-
 12 ment.

13 (G) Three at-large representatives, ap-
 14 pointed by the President from among the offi-
 15 cers and employees of the executive branch of
 16 the Government.

17 (2) CHAIRPERSON AND COCHAIRPERSON.—

18 (A) DESIGNATION OF CHAIRPERSON.—At
 19 the beginning of each odd-numbered Congress,
 20 the President of the Senate, on the rec-
 21 ommendation of the majority leader, shall des-
 22 ignate 1 of the members of the Commission
 23 from the Senate as Chairperson of the Commis-
 24 sion. At the beginning of each even-numbered
 25 Congress, the Speaker of the House of Rep-

1 representatives shall designate 1 of the members of
 2 the Commission from the House as Chairperson
 3 of the Commission.

4 (B) DESIGNATION OF COCHAIRPERSON.—

5 At the beginning of each odd-numbered Con-
 6 gress, the Speaker of the House of Representa-
 7 tives shall designate 1 of the members of the
 8 Commission from the House as Cochairperson
 9 of the Commission. At the beginning of each
 10 even-numbered Congress, the President of the
 11 Senate, on the recommendation of the majority
 12 leader, shall designate 1 of the members of the
 13 Commission from the Senate as Cochairperson
 14 of the Commission.

15 (3) VOTES OF THE COMMISSION.—Decisions of
 16 the Commission, including adoption of reports and
 17 recommendations, shall be made by a majority vote
 18 of the members of the Commission present and vot-
 19 ing.

20 (4) QUORUM.—Two-thirds of the members of
 21 the Commission shall constitute a quorum for pur-
 22 poses of conducting business.

23 (d) ANNUAL REPORT.—

24 (1) IN GENERAL.—The Commission shall sub-
 25 mit a report to the President and the Congress not

1 later than September 15, 2009, and annually there-
2 after, setting forth the assessments and analyses de-
3 scribed in paragraph (2), the recommendations de-
4 scribed in paragraph (3), and the assessment and
5 accounting described in paragraph (4). The Commis-
6 sion may submit to the President and Congress re-
7 ports that supplement annual reports described in
8 this subsection, as appropriate.

9 (2) CONTENTS OF ANNUAL REPORT.—The re-
10 port required by paragraph (1) shall include the fol-
11 lowing for the 12-month period preceding the report:

12 (A) A comprehensive assessment of Chi-
13 na's and India's efforts to initiate or implement
14 programs associated with the policy described in
15 section 2.

16 (B) An analysis of the state of energy sup-
17 ply and demand challenges and environmental
18 protection issues shared by China, India, and
19 the United States, as well as how those chal-
20 lenges and issues impact the greater global
21 community.

22 (C) An analysis of the funding levels and
23 support for research and development and com-
24 mercial investment in clean energy and environ-

1 mental technologies, products, and services by
2 China and India.

3 (D) An analysis of the issues regarding
4 technology transfer and sharing, including the
5 role that intellectual property protection plays
6 in limiting trade in clean energy technologies
7 among China, India, and the United States.

8 (E) An analysis of export and import data
9 regarding trade among China, India, and the
10 United States for clean energy and environ-
11 mental technologies, products, and services.

12 (F) An analysis of the patterns of trade
13 and investment between China and India, and
14 their major trading partners (other than the
15 United States) with respect to clean energy and
16 environmental technologies, products, and serv-
17 ices that appear to be substantively different
18 from trade and investment patterns between
19 China, India, and the United States and the
20 impact those differences have on commercial
21 opportunities to United States businesses.

22 (3) RECOMMENDATIONS.—The Commission
23 shall include in the report required by paragraph (1)
24 recommendations for action by Congress and the
25 President on—

1 (A) how to maximize the development and
 2 deployment of clean energy and environmental
 3 technologies, products, and services in China,
 4 India, and the United States; and

5 (B) how to ensure that trade in such tech-
 6 nologies, products, and services benefits the in-
 7 terests of the United States.

8 (4) EXPENDITURE OF APPROPRIATIONS.—The
 9 report required by paragraph (1) shall include an as-
 10 sessment and accounting of how the Commission
 11 used any appropriations made to the Commission.

12 **SEC. 4. TESTIMONY OF WITNESSES; PRODUCTION OF EVI-**
 13 **DENCE; ISSUANCE OF SUBPOENAS; ADMINIS-**
 14 **TRATION OF OATHS.**

15 (a) IN GENERAL.—In carrying out the provisions of
 16 this Act, the Commission may require, by subpoena or oth-
 17 erwise, the attendance and testimony of such witnesses
 18 and the production of such books, records, correspond-
 19 ence, memoranda, papers, documents, and electronically
 20 recorded data as the Commission considers necessary.

21 (b) SUBPOENAS.—Subpoenas may be issued only pur-
 22 suant to a $\frac{2}{3}$ vote of members of the Commission present
 23 and voting. Subpoenas may be issued over the signature
 24 of the Chairperson of the Commission or any member des-
 25 ignated by the Chairperson, and may be served by any

1 person designated by the Chairperson or such member.
 2 The Chairperson of the Commission, or any member des-
 3 ignated by the Chairperson, may administer oaths to any
 4 witnesses.

5 **SEC. 5. STAFF OF THE COMMISSION.**

6 (a) PERSONNEL AND ADMINISTRATION COM-
 7 MITTEE.—The Commission shall have a personnel and ad-
 8 ministration committee composed of the Chairperson, the
 9 Cochairperson, the senior member of the Commission from
 10 the minority party of the House of Representatives, and
 11 the senior member of the Commission from the minority
 12 party of the Senate.

13 (b) COMMITTEE FUNCTIONS.—

14 (1) IN GENERAL.—All decisions pertaining to
 15 the hiring, firing, and fixing of pay of personnel of
 16 the Commission shall be by a majority vote of the
 17 personnel and administration committee, except
 18 that—

19 (A) the Chairperson shall be entitled to ap-
 20 point and fix the pay of the staff director, and
 21 the Cochairperson shall be entitled to appoint
 22 and fix the pay of the Cochairperson's senior
 23 staff member; and

24 (B) the Chairperson and Cochairperson
 25 shall each have the authority to appoint, with

1 the approval of the personnel and administra-
 2 tion committee, at least 4 professional staff
 3 members who shall be responsible to the Chair-
 4 person or the Cochairperson (as the case may
 5 be) who appointed them.

6 (2) APPOINTMENT; PAY.—The personnel and
 7 administration committee may appoint and fix the
 8 pay of such other personnel as the committee con-
 9 siderers desirable.

10 (3) STAFF APPOINTMENTS.—All staff appoint-
 11 ments shall be made without regard—

12 (A) to the provisions of title 5, United
 13 States Code, governing appointments in the
 14 competitive service; or

15 (B) to the provisions of chapter 51 and
 16 subchapter III of chapter 53 of such title relat-
 17 ing to classification and general schedule pay
 18 rates.

19 (4) QUALIFICATIONS OF PROFESSIONAL
 20 STAFF.—The personnel and administration com-
 21 mittee shall ensure that the professional staff of the
 22 Commission consists of persons with expertise in the
 23 areas following:

24 (A) Energy.

25 (B) Environmental protection.

1 (C) Trade.

2 (D) Chinese and Indian politics, econom-
3 ics, and language.

4 (5) COMMISSION EMPLOYEES AS CONGRES-
5 SIONAL EMPLOYEES.—For purposes of pay and
6 other employment benefits, rights, and privileges,
7 and for all other purposes, any employee of the
8 Commission shall be considered to be a congressional
9 employee as defined in section 2107 of title 5,
10 United States Code.

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR THE**
12 **COMMISSION.**

13 (a) AUTHORIZATION; DISBURSEMENTS.—

14 (1) AUTHORIZATION.—There are authorized to
15 be appropriated to the Commission \$5,000,000 for
16 each of the fiscal years 2009 through 2013 to carry
17 out the provisions of this Act. Any sums appro-
18 priated to the Commission shall remain available
19 until expended.

20 (2) DISBURSEMENTS.—Appropriations to the
21 Commission shall be disbursed on vouchers ap-
22 proved—

23 (A) jointly by the Chairperson and the Co-
24 chairperson; or

1 (B) by a majority of the members of the
2 personnel and administration committee estab-
3 lished pursuant to section 5(a).

4 (b) FOREIGN TRAVEL FOR OFFICIAL PURPOSES.—
5 Foreign travel for official purposes by members and staff
6 of the Commission may be authorized by either the Chair-
7 person or the Cochairperson.

8 (c) PRINTING AND BINDING COSTS.—For purposes
9 of costs relating to printing and binding, including the
10 costs of personnel detailed from the Government Printing
11 Office, the Commission shall be deemed to be a committee
12 of Congress.

13 **SEC. 7. SUNSET.**

14 The Commission shall terminate on September 30,
15 2013.

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