

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mr. MARKEY (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on

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**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 from the Cabinet Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

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

3                   (A) Chief of Staff to the President;

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

5                   (C) Director of the Office of Management  
6           and Budget;

7                   (D) Chairman of the Council on Environ-  
8           mental Quality;

9                   (E) Director of the Office of Science and  
10          Technology Policy;

11                  (F) Executive Director of the United  
12          States Global Change Research Program;

13                  (G) Secretary of Energy;

14                  (H) Administrator of the Energy Informa-  
15          tion Administration;

16                  (I) Administrator of the National Oceanic  
17          and Atmospheric Administration;

18                  (J) Administrator of the National Aero-  
19          nautics and Space Administration;

20                  (K) Secretary of Transportation;

21                  (L) Deputy Administrator of the National  
22          Highway Traffic Safety Administration;

23                  (M) Administrator of the Pipeline and  
24          Hazardous Materials Safety Administration;

1 (N) Chairman of the Federal Energy Reg-  
2 ulatory Commission;

3 (O) Secretary of Agriculture;

4 (P) Secretary of the Interior;

5 (Q) Secretary of Defense;

6 (R) Administrator of the Environmental  
7 Protection Agency; and

8 (S) Secretary of State.

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

13 (A) the Department of the Interior;

14 (B) the Environmental Protection Agency;

15 (C) the Department of Energy;

16 (D) the Federal Energy Regulatory Com-  
17 mission;

18 (E) the National Oceanic and Atmospheric  
19 Administration;

20 (F) the Council on Environmental Quality;

21 (G) the Office of Science and Technology  
22 Policy;

23 (H) the Office of Management and Budg-  
24 et; and

25 (I) the Department of State.

1           (3) EXECUTIVE OFFICER.—The term “executive  
2 officer”—

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

4                   (i) the president;

5                   (ii) any vice president in charge of a  
6 principal business unit, division, or func-  
7 tion, including sales, administration, or fi-  
8 nance;

9                   (iii) any other officer who performs a  
10 policy-making function; or

11                   (iv) an executive officer of a sub-  
12 sidiary of the enterprise if the executive of-  
13 ficer of the subsidiary performs policy-  
14 making functions for the enterprise; and

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

19                   (i) wind energy;

20                   (ii) solar energy; or

21                   (iii) any other renewable energy  
22 source.

23           (4) FOSSIL FUEL.—The term “fossil fuel”  
24 means natural gas, coal, oil, gasoline, diesel fuel, or  
25 jet fuel.

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

4           (6) FOSSIL FUEL LOBBYIST.—The term “fossil  
5 fuel lobbyist” means a lobbyist, as defined in section  
6 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C.  
7 1602), that is registered or is required to register  
8 under section 4(a) of that Act (2 U.S.C. 1603(a)),  
9 who principally lobbies—

10                   (A) for not less than 1 fossil fuel entity or  
11 fossil fuel trade association; and

12                   (B) on issues relating to the extraction or  
13 production of fossil fuels.

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

19 **SEC. 3. PROHIBITION OF APPOINTMENT OF FOSSIL FUEL**  
20 **EXECUTIVES AND LOBBYISTS.**

21           No individual that has served as an executive officer  
22 of a fossil fuel entity, a fossil fuel lobbyist, or an executive  
23 officer of a fossil fuel trade association for any period of  
24 time during the 10-year period preceding the date of ap-  
25 pointment or service shall—

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- 1           (1) be appointed to serve as a covered depart-
- 2           ment head or a covered political appointee; or
- 3           (2) perform the functions and duties of a cov-
- 4           ered department head or a covered political ap-
- 5           pointee in an acting capacity.