

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5953

To provide for the establishment of the Commission for the Deployment of Hydrogen and Fuel Cells, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2006

Mr. WYNN (for himself, Mrs. BONO, Mr. DENT, Mr. TERRY, Mr. CALVERT, Mr. BUYER, Mr. INGLIS of South Carolina, Mr. RUSH, Mr. MEEHAN, Mr. ROSS, and Mr. LARSON of Connecticut) introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on Energy and Commerce, 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

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## A BILL

To provide for the establishment of the Commission for the Deployment of Hydrogen and Fuel Cells, 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. ESTABLISHMENT.**

4 There is established a commission to be known as the  
5 “Commission for the Deployment of Hydrogen and Fuel  
6 Cells” (in this Act referred to as the “Commission”).

1 **SEC. 2. DUTIES OF COMMISSION.**

2       The Commission shall develop a strategic plan that  
3 identifies the best methods available to marshal the re-  
4 sources of the Federal Government, State governments,  
5 local governments, the private sector, and academia to  
6 achieve the mass commercialization of hydrogen as an en-  
7 ergy source for stationary fuel cells and vehicle fuel cells  
8 at the soonest possible date. Such plan shall take into ac-  
9 count actions previously taken by the Federal Govern-  
10 ment, State governments, local governments, the private  
11 sector, and academia. The Commission shall also examine  
12 ways to ensure that the United States can use all available  
13 feedstocks for hydrogen production, and shall make rec-  
14 ommendations for an appropriate entity to monitor ongo-  
15 ing progress in implementing the strategic plan.

16 **SEC. 3. MEMBERSHIP.**

17       (a) NUMBER AND APPOINTMENT.—The Commission  
18 shall be composed of 8 members appointed as follows:

19           (1) 2 members appointed by the Speaker of the  
20 House of Representatives.

21           (2) 2 members appointed by the minority leader  
22 of the House of Representatives.

23           (3) 2 members appointed by the majority leader  
24 of the Senate.

25           (4) 2 members appointed by the minority leader  
26 of the Senate.

1           (b) QUALIFICATIONS.—Individuals appointed under  
2 subsection (a) shall have at least 5 years of professional-  
3 level experience in science, technology, engineering, or  
4 public policy. The appointing officials shall coordinate  
5 their appointments so as to ensure that the Commission  
6 has a diverse range of such experience. Individuals ap-  
7 pointed under subsection (a) may include any former Fed-  
8 eral employees.

9           (c) APPOINTMENT DATE.—Appointments under sub-  
10 section (a) shall be made not later than 2 months after  
11 the date of enactment of this Act.

12           (d) VACANCIES.—A vacancy in the Commission shall  
13 be filled in the manner in which the original appointment  
14 was made.

15           (e) BASIC PAY.—

16               (1) RATES OF PAY.—Members shall each be  
17 paid at a rate not to exceed the daily rate of basic  
18 pay for level V of the Executive Schedule for each  
19 day (including travel time) during which they are en-  
20 gaged in the actual performance of duties vested in  
21 the Commission.

22               (2) PROHIBITION OF COMPENSATION OF FED-  
23 ERAL EMPLOYEES.—Members of the Commission  
24 who are full-time officers or employees of the United  
25 States may not receive additional pay, allowances, or

1 benefits by reason of their service on the Commis-  
2 sion.

3 (f) TRAVEL EXPENSES.—Each member shall receive  
4 travel expenses, including per diem in lieu of subsistence,  
5 in accordance with applicable provisions under subchapter  
6 I of chapter 57 of title 5, United States Code.

7 (g) QUORUM.—Five members of the Commission  
8 shall constitute a quorum but a lesser number may hold  
9 hearings.

10 (h) CHAIRPERSON; VICE CHAIRPERSON.—The Chair-  
11 person and Vice Chairperson of the Commission shall be  
12 elected by the members. The Vice Chairperson shall be  
13 a member of the Commission appointed by an appointing  
14 official of a different political party than the official who  
15 appointed the Chairperson to the Commission.

16 **SEC. 4. STAFF OF COMMISSION; EXPERTS AND CONSULT-**  
17 **ANTS.**

18 (a) STAFF.—Subject to rules prescribed by the Com-  
19 mission, the Commission may appoint and fix the pay of  
20 personnel as it considers appropriate, including any  
21 former Federal employee.

22 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
23 LAWS.—The staff of the Commission shall be appointed  
24 subject to the provisions of title 5, United States Code,  
25 governing appointments in the competitive service, and

1 shall be paid in accordance with the provisions of chapter  
2 51 and subchapter III of chapter 53 of that title relating  
3 to classification and General Schedule pay rates.

4 (c) EXPERTS AND CONSULTANTS.—The Commission  
5 may procure temporary and intermittent services under  
6 section 3109(b) of title 5, United States Code.

7 (d) STAFF OF FEDERAL AGENCIES.—Upon request  
8 of the Commission, the head of any Federal department  
9 or agency may detail, on a reimbursable basis, any of the  
10 personnel of that department or agency to the Commission  
11 to assist it in carrying out its duties under this Act.

12 **SEC. 5. POWERS OF COMMISSION.**

13 (a) HEARINGS AND SESSIONS.—The Commission  
14 may, for the purpose of carrying out this Act, hold hear-  
15 ings, sit and act at times and places, take testimony, and  
16 receive evidence as the Commission considers appropriate.  
17 The Commission may administer oaths or affirmations to  
18 witnesses appearing before it.

19 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
20 ber or agent of the Commission may, if authorized by the  
21 Commission, take any action which the Commission is au-  
22 thorized to take by this section.

23 (c) OBTAINING OFFICIAL DATA.—The Commission  
24 may secure directly from any department or agency of the  
25 United States information necessary to enable it to carry

1 out this Act. Upon request of the Chairperson or Vice  
2 Chairperson of the Commission, the head of that depart-  
3 ment or agency shall furnish that information to the Com-  
4 mission.

5 (d) **MAILS.**—The Commission may use the United  
6 States mails in the same manner and under the same con-  
7 ditions as other departments and agencies of the United  
8 States.

9 (e) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon  
10 the request of the Commission, the Administrator of Gen-  
11 eral Services shall provide to the Commission, on a reim-  
12 bursable basis, the administrative support services nec-  
13 essary for the Commission to carry out its responsibilities  
14 under this Act.

15 (f) **SUBPOENA POWER.**—

16 (1) **IN GENERAL.**—The Commission may issue  
17 subpoenas requiring the attendance and testimony of  
18 witnesses and the production of any evidence relat-  
19 ing to any matter under investigation by the Com-  
20 mission. The attendance of witnesses and the pro-  
21 duction of evidence may be required from any place  
22 within the United States at any designated place of  
23 hearing within the United States.

24 (2) **FAILURE TO OBEY A SUBPOENA.**—If a per-  
25 son refuses to obey a subpoena issued under para-

1 graph (1), the Commission may apply to a United  
2 States district court for an order requiring that per-  
3 son to appear before the Commission to give testi-  
4 mony, produce evidence, or both, relating to the  
5 matter under investigation. The application may be  
6 made within the judicial district where the hearing  
7 is conducted or where that person is found, resides,  
8 or transacts business. Any failure to obey the order  
9 of the court may be punished by the court as civil  
10 contempt.

11 (3) SERVICE OF SUBPOENAS.—The subpoenas  
12 of the Commission shall be served in the manner  
13 provided for subpoenas issued by a United States  
14 district court under the Federal Rules of Civil Pro-  
15 cedure for the United States district courts.

16 (4) SERVICE OF PROCESS.—All process of any  
17 court to which application is made under paragraph  
18 (2) may be served in the judicial district in which  
19 the person required to be served resides or may be  
20 found.

21 **SEC. 6. REPORT.**

22 The Commission shall transmit a report to the Con-  
23 gress not later than 8 months after the date of enactment  
24 of this Act. The report shall contain a detailed statement  
25 of the findings and conclusions of the Commission, to-

1 gether with its recommendations for legislation, adminis-  
2 trative actions, and such other actions as the Commission  
3 considers appropriate.

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