

1 Energy Facilities Closure and Reconfiguration Commis-
2 sion”.

3 (b) DUTIES.—The Commission shall carry out the
4 duties specified for the Commission in this Act.

5 (c) APPOINTMENT.—

6 (1) IN GENERAL.—The Commission shall be
7 composed of 8 members appointed by the President,
8 by and with the advise and consent of the Senate.
9 The President shall transmit to the Senate the
10 nominations for appointment to the Commission not
11 later than 3 months after the date of the enactment
12 of this Act.

13 (2) CONSULTATION.—In selecting individuals
14 for nominations for appointments to the Commis-
15 sion, the President should consult with—

16 (A) the Speaker of the House of Rep-
17 resentatives concerning the appointment of 2
18 members;

19 (B) the majority leader of the Senate con-
20 cerning the appointment of 2 members;

21 (C) the minority leader of the House of
22 Representatives concerning the appointment of
23 1 member; and

24 (D) the minority leader of the Senate con-
25 cerning the appointment of 1 member.

1 (3) CHAIRPERSON.—At the time the President
2 nominates individuals for appointment to the Com-
3 mission, the President shall designate one such indi-
4 vidual who shall serve as Chairperson of the Com-
5 mission.

6 (d) TERMS.—Each member of the Commission shall
7 serve until the termination of the Commission under sub-
8 section (l).

9 (e) MEETINGS.—Each meeting of the Commission,
10 other than meetings in which classified information is to
11 be discussed, shall be open to the public.

12 (f) VACANCIES.—A vacancy in the Commission shall
13 be filled in the same manner as the original appointment,
14 but the individual appointed to fill the vacancy shall serve
15 only for the unexpired portion of the term for which the
16 individual's predecessor was appointed.

17 (g) PAY AND TRAVEL EXPENSES.—

18 (1) IN GENERAL.—

19 (A) BASIC PAY.—Each member, other than
20 the Chairperson, shall be paid at a rate equal
21 to the daily equivalent of the minimum annual
22 rate of basic pay payable for level IV of the Ex-
23 ecutive Schedule under section 5315 of title 5,
24 United States Code, for each day (including
25 travel time) during which the member is en-

1 gaged in the actual performance of duties vest-
2 ed in the Commission.

3 (B) PAY OF CHAIRPERSON.—The Chair-
4 person shall be paid for each day referred to in
5 clause (i) at a rate equal to the daily equivalent
6 of the minimum annual rate of basic pay pay-
7 able for level III of the Executive Schedule
8 under section 5314 of title 5, United States
9 Code.

10 (2) TRAVEL EXPENSES.—Members shall receive
11 travel expenses, including per diem in lieu of subsist-
12 ence, in accordance with sections 5702 and 5703 of
13 title 5, United States Code.

14 (h) DIRECTOR.—

15 (1) IN GENERAL.—The Commission shall, with-
16 out regard to section 5311(b) of title 5, United
17 States Code, appoint a Director who has not served
18 as a civilian employee of the Department of Energy
19 during the one-year period preceding the date of
20 such appointment.

21 (2) PAY.—The Director shall be paid at the
22 rate of basic pay payable for level IV of the Execu-
23 tive Schedule under section 5315 of title 5, United
24 States Code.

25 (i) STAFF.—

1 (1) APPOINTMENT BY DIRECTOR.—Subject to
2 paragraphs (2) and (3), the Director, with the ap-
3 proval of the Commission, may appoint and fix the
4 pay of additional personnel.

5 (2) APPLICABILITY OF CERTAIN CIVIL SERVICE
6 LAWS.—The Director may make such appointments
7 without regard to the provisions of title 5, United
8 States Code, governing appointments in the competi-
9 tive service, and any personnel so appointed may be
10 paid without regard to the provisions of chapter 51
11 and subchapter III of chapter 53 of that title relat-
12 ing to classification and General Schedule pay rates,
13 except that an individual so appointed may not re-
14 ceive pay in excess of the annual rate of basic pay
15 payable for level IV of the Executive Schedule under
16 section 5315 of title 5, United States Code.

17 (3) LIMITATION.—Not more than one-fifth of
18 the personnel employed by or detailed to the Com-
19 mission may be on detail from the Department of
20 Energy.

21 (4) SUPPORT FROM OTHER AGENCIES.—Upon
22 request of the Director, the head of a Federal agen-
23 cy may detail any of the personnel of that agency to
24 the Commission to assist the Commission in carry-
25 ing out its duties under this Act.

1 (5) SUPPORT FROM COMPTROLLER GENERAL.—

2 The Comptroller General of the United States shall
3 provide assistance, including the detailing of employ-
4 ees, to the Commission in accordance with an agree-
5 ment entered into with the Commission.

6 (j) OTHER AUTHORITY.—

7 (1) TEMPORARY AND INTERMITTENT SERV-
8 ICES.—The Commission may procure by contract, to
9 the extent funds are available, the temporary or
10 intermittent services of experts or consultants pursu-
11 ant to section 3109 of title 5, United States Code.

12 (2) AUTHORITY TO LEASE SPACE AND ACQUIRE
13 CERTAIN PROPERTY.—The Commission may lease
14 space and acquire personal property to the extent
15 funds are available. To the extent practicable, the
16 Commission shall use suitable real property available
17 under the most recent inventory of real property as-
18 sets published by the Resolution Trust Corporation
19 under section 21A(b)(11)(F) of the Federal Home
20 Loan Bank Act (12 U.S.C. 1441a(b)(12)(F)).

21 (k) FUNDING.—There are authorized to be appro-
22 priated to the Commission such funds as are necessary
23 to carry out its duties under this section. Such funds shall
24 remain available until expended.

1 (l) TERMINATION.—The Commission shall terminate
2 not later than 20 months after the date of the enactment
3 of this Act.

4 **SEC. 3. PROCEDURE FOR MAKING RECOMMENDATIONS**
5 **FOR CLOSURE AND RECONFIGURATION OF**
6 **FACILITIES.**

7 (a) SELECTION CRITERIA.—

8 (1) IN GENERAL.—Not later than 3 months
9 after the date of the enactment of this Act, the Sec-
10 retary of Energy shall publish in the Federal Reg-
11 ister and transmit to the congressional energy com-
12 mittees the criteria proposed to be used by the Sec-
13 retary in making recommendations for the closure or
14 reconfiguration of Department of Energy facilities
15 resulting in an overall budget for such facilities for
16 a fiscal year in an amount equal to the amount ap-
17 propriated for such facilities for the previous fiscal
18 year reduced by 25 percent. The Secretary shall pro-
19 vide an opportunity for public comment on the pro-
20 posed criteria for a period of at least 30 days and
21 shall include notice of that opportunity in the publi-
22 cation required under this paragraph. In developing
23 the criteria, the Secretary shall consider—

24 (A) the program costs and program dis-
25 tributions on a State and county basis, includ-

1 ing real and personal property costs associated
2 with each Department of Energy facility consid-
3 ered;

4 (B) the number of participants in pro-
5 grams conducted through a Department of En-
6 ergy facility and staff resources involved;

7 (C) duplication of effort by Department of
8 Energy facilities and overhead costs as a pro-
9 portion of program benefits distributed through
10 a Department of Energy facility;

11 (D) cost savings and increases that would
12 accrue through the reconfiguration of Depart-
13 ment of Energy facilities; and

14 (E) changes in the roles and missions of
15 each Department of Energy facility considered.

16 (2) FINAL CRITERIA.—Not later than 5 months
17 after the date of the enactment of this Act, the Sec-
18 retary shall publish in the Federal Register and
19 transmit to the congressional energy committees the
20 final criteria to be used in making recommendations
21 for the closure or reconfiguration of Department of
22 Energy facilities under this Act.

23 (b) SECRETARY'S RECOMMENDATIONS.—

24 (1) PUBLICATION IN FEDERAL REGISTER.—Not
25 later than 9 months after the date of the enactment

1 of this Act, the Secretary shall publish in the Fed-
2 eral Register and transmit to the congressional en-
3 ergy committees and to the Commission a list of the
4 Department of Energy facilities that the Secretary
5 recommends for closure or reconfiguration on the
6 basis of the final criteria referred to in subsection
7 (a).

8 (2) SUMMARY OF SELECTION PROCESS.—The
9 Secretary shall include, with the list of recommenda-
10 tions published and transmitted pursuant to sub-
11 paragraph (A), a summary of the selection process
12 that resulted in the recommendation for each De-
13 partment of Energy facility, including a justification
14 for each recommendation.

15 (3) CONSIDERATION OF FACILITIES.—

16 (A) CONSIDERATION OF ALL FACILITIES.—

17 The Secretary shall consider all Department of
18 Energy research and development laboratories
19 and their related research and commercializa-
20 tion facilities in determining which facilities to
21 recommend for closure or reconfiguration under
22 this Act.

23 (B) EQUAL CONSIDERATION.—In consider-
24 ing Department of Energy facilities for closure
25 or reconfiguration, the Secretary shall consider

1 all such equally without regard to whether a fa-
2 cility has been previously considered or pro-
3 posed for closure or reconfiguration by the Sec-
4 retary.

5 (4) AVAILABILITY OF INFORMATION.—The Sec-
6 retary shall make available to the Commission and
7 the Comptroller General of the United States all in-
8 formation used by the Secretary in making rec-
9 ommendations to the Commission for closures and
10 reconfiguration.

11 (c) REVIEW AND RECOMMENDATIONS BY THE COM-
12 MISSION.—

13 (1) PUBLIC HEARINGS.—After receiving the
14 recommendations from the Secretary pursuant to
15 subsection (b), the Commission shall conduct public
16 hearings on the recommendations.

17 (2) REPORT.—Not later than 15 months after
18 the date of the enactment of this Act, the Commis-
19 sion shall transmit to the President and the congres-
20 sional energy committees a report containing the
21 Commission's findings and conclusions based on a
22 review and analysis of the recommendations made by
23 the Secretary, together with the Commission's rec-
24 ommendations for closures and reconfigurations of
25 Department of Energy facilities. In conducting such

1 review and analysis, the Commission shall consider
2 all Department of Energy facilities.

3 (3) DEVIATION FROM SECRETARY'S REC-
4 OMMENDATIONS.—In making its recommendations,
5 the Commission may make changes in any of the
6 recommendations made by the Secretary if the Com-
7 mission determines that the Secretary deviated sub-
8 stantially from the final criteria referred to in sub-
9 section (a) in making recommendations. The Com-
10 mission shall explain and justify in the report any
11 recommendation made by the Commission that is
12 different from the recommendations made by the
13 Secretary.

14 (4) PROVISION OF CERTAIN INFORMATION.—
15 After transmitting the report, the Commission shall
16 promptly provide, upon request, to any Member of
17 Congress information used by the Commission in
18 making its recommendations.

19 (d) ASSISTANCE FROM COMPTROLLER GENERAL.—
20 The Comptroller General of the United States shall—

21 (1) assist the Commission, to the extent re-
22 quested, in the Commission's review and analysis of
23 the recommendations made by the Secretary pursu-
24 ant to subsection (b); and

1 (2) not later than 12 months after the date of
2 the enactment of this Act, transmit to the congress-
3 sional energy committees and to the Commission a
4 report containing a detailed analysis of the Sec-
5 retary's recommendations and selection process.

6 (e) REVIEW BY THE PRESIDENT.—

7 (1) IN GENERAL.—Not later than 16 months
8 after the date of the enactment of this Act, the
9 President shall transmit to the Commission and to
10 the congressional energy committees a report con-
11 taining the President's approval or disapproval of
12 the Commission's recommendations.

13 (2) PRESIDENTIAL APPROVAL.—If the Presi-
14 dent approves all of the recommendations of the
15 Commission, the President shall transmit a copy of
16 such recommendations to the congressional energy
17 committees together with a certification of such ap-
18 proval.

19 (3) PRESIDENTIAL DISAPPROVAL.—If the
20 President disapproves the recommendations of the
21 Commission, in whole or in part, the President shall
22 transmit to the Commission and the congressional
23 energy committees the reasons for that disapproval.
24 The Commission shall then transmit to the Presi-
25 dent, not later than 17 months after the date of the

1 enactment of this Act, a revised list of recommenda-
2 tions for the closure and reconfiguration of Depart-
3 ment of Energy facilities resulting in an overall
4 budget for such facilities for a fiscal year in an
5 amount equal to the amount appropriated for such
6 facilities for the previous fiscal year reduced by 25
7 percent.

8 (4) CERTIFICATION.—If the President approves
9 all of the revised recommendations of the Commis-
10 sion transmitted to the President under paragraph
11 (3), the President shall transmit a copy of such re-
12 vised recommendations to the congressional energy
13 committees, together with a certification of such ap-
14 proval.

15 (5) FAILURE TO CERTIFY.—If the President
16 does not transmit to the congressional energy com-
17 mittees an approval and certification described in
18 paragraph (2) or (4) by 18 months after the date of
19 the enactment of this Act, the process by which De-
20 partment of Energy facilities may be selected for clo-
21 sure or reconfiguration under this section shall be
22 terminated.

1 **SEC. 4. CLOSURE AND RECONFIGURATION OF DEPART-**
2 **MENT OF ENERGY FACILITIES.**

3 (a) IN GENERAL.—Subject to subsection (b), the Sec-
4 retary shall—

5 (1) close all Department of Energy facilities
6 recommended for closure by the Commission in the
7 report transmitted to the congressional energy com-
8 mittees by the President pursuant to section 3(e);

9 (2) reconfigure all such facilities recommended
10 for reconfiguration by the Commission in the report;
11 and

12 (3) complete the closures and reconfigurations
13 not later than the end of the 6-year period beginning
14 on the date on which the President transmits the re-
15 port pursuant to section 3(e).

16 (b) CONGRESSIONAL DISAPPROVAL.—

17 (1) IN GENERAL.—The Secretary may not carry
18 out any closure or reconfiguration of a facility rec-
19 ommended by the Commission in the report trans-
20 mitted from the President pursuant to section 3(e)
21 if a joint resolution is enacted, in accordance with
22 the provisions of section 8, disapproving the rec-
23 ommendations of the Commission before the earlier
24 of—

1 (A) the end of the 45-day period beginning
2 on the date on which the President transmits
3 the report; or

4 (B) the adjournment of Congress sine die
5 for the session during which the report is trans-
6 mitted.

7 (2) For purposes of paragraph (1) of this sub-
8 section and subsections (a) and (c) of section 8, the
9 days on which either House of Congress is not in
10 session because of an adjournment of more than
11 three days to a day certain shall be excluded in the
12 computation of a period.

13 **SEC. 5. IMPLEMENTATION OF CLOSURE AND RECONFIG-**
14 **URATION ACTIONS.**

15 In closing or reconfiguring a Department of Energy
16 facility under this section, the Secretary shall—

17 (1) take such actions as may be necessary to
18 close or reconfigure the facility;

19 (2) provide outplacement assistance to any em-
20 ployees employed by the Department of Energy at
21 the office whose employment is being terminated,
22 and may use for such purpose funds in the Account
23 or funds appropriated to the Department of Energy
24 for outplacement assistance to employees;

1 (3) take such steps as may be necessary to en-
2 sure the safe keeping of all records stored at the fa-
3 cility; and

4 (4) reimburse other Federal agencies for ac-
5 tions performed at the request of the Secretary with
6 respect to any such closure or reconfiguration, and
7 may use for such purpose funds in the Account or
8 funds appropriated to the Department of Energy
9 and available for such purpose.

10 **SEC. 6. ACCOUNT.**

11 (a) ESTABLISHMENT.—There is hereby established
12 on the books of the Treasury an account to be known as
13 the “Department of Energy Facility Closure Account”
14 which shall be administered by the Secretary as a single
15 account.

16 (b) CONTENT OF ACCOUNT.—There shall be depos-
17 ited into the Account—

18 (1) funds authorized for and appropriated to
19 the Account;

20 (2) any funds that the Secretary may, subject
21 to approval in an appropriation Act, transfer to the
22 Account from funds appropriated to the Department
23 of Energy for any purpose, except that such funds
24 may be transferred only after the date on which the
25 Secretary transmits written notice of, and justifica-

1 tion for, such transfer to the congressional energy
2 committees; and

3 (3) proceeds received from the transfer or dis-
4 posal of any property at an office closed or reconfig-
5 ured under this Act.

6 (c) USE OF FUNDS.—The Secretary may use the
7 funds in the Account only for the purposes described in
8 section 5(a).

9 (d) REPORTS.—

10 (1) IN GENERAL.—Not later than 60 days after
11 the end of each fiscal year in which the Secretary
12 carries out activities under this Act, the Secretary
13 shall transmit a report to the congressional energy
14 committees of the amount and nature of the deposits
15 into, and the expenditures from, the Account during
16 such fiscal year and of the amount and nature of
17 other expenditures made pursuant to subsection d(1)
18 during such fiscal year.

19 (2) UNOBLIGATED FUNDS.—Unobligated funds
20 which remain in the Account after the termination
21 of the Commission shall be held in the Account until
22 transferred by law after the congressional energy
23 committees receive the report transmitted under
24 paragraph (3).

1 (3) ACCOUNTING REPORT.—Not later than 60
2 days after the termination of the Commission, the
3 Secretary shall transmit to the congressional energy
4 committees a report containing an accounting of—

5 (A) all funds deposited into and expended
6 from the Account or otherwise expended under
7 this section; and

8 (B) any amount remaining in the Account.

9 **SEC. 7. REPORTS ON IMPLEMENTATION.**

10 As part of the budget request for each fiscal year in
11 which the Secretary will carry out activities under this
12 Act, the Secretary shall transmit to the congressional en-
13 ergy committees—

14 (1) a schedule of the closure and reconfigura-
15 tion actions to be carried out under this Act in the
16 fiscal year for which the request is made and an es-
17 timate of the total expenditures required and cost
18 savings to be achieved by each such closure and re-
19 configuration and of the time period in which these
20 savings are to be achieved in each case; and

21 (2) a description of the Department of Energy
22 facilities, including those under construction and
23 those planned for construction, to which functions
24 are to be transferred as a result of such closures and
25 reconfigurations.

1 **SEC. 8. CONGRESSIONAL CONSIDERATION OF COMMISSION**
2 **REPORT.**

3 (a) TERMS OF THE RESOLUTION.—For purposes of
4 section 4(b), the term “joint resolution” means only a
5 joint resolution which is introduced within the 10-day pe-
6 riod beginning on the date on which the President trans-
7 mits the report to the Congress under section 3(e), and—

8 (1) which does not have a preamble;

9 (2) the matter after the resolving clause of
10 which is as follows: “That Congress disapproves the
11 recommendations of the Department of Energy Fa-
12 cilities Closure and Reconfiguration Commission as
13 submitted by the President on _____”, the blank
14 space being filled in with the appropriate date; and

15 (3) the title of which is as follows: “Joint reso-
16 lution disapproving the recommendations of the De-
17 partment of Energy Facilities Closure and Reconfig-
18 uration Commission.”.

19 (b) REFERRAL.—A resolution described in subsection
20 (a) that is introduced in the House of Representatives
21 shall be referred to the Committee on Armed Services, the
22 Committee on Energy and Commerce, and the Committee
23 on Science, Space, and Technology of the House of Rep-
24 resentatives. A resolution described in subsection (a) in-
25 troduced in the Senate shall be referred to the Committee

1 on Armed Services and the Committee on Energy and
2 Natural Resources of the Senate.

3 (c) DISCHARGE.—If the committee to which a resolu-
4 tion described in subsection (a) is referred has not re-
5 ported such resolution (or an identical resolution) by the
6 end of the 20-day period beginning on the date on which
7 the President transmits the report to the Congress under
8 section 3(e), such committee shall be, at the end of such
9 period, discharged from further consideration of such reso-
10 lution, and such resolution shall be placed on the appro-
11 priate calendar of the House involved.

12 (d) CONSIDERATION.—

13 (1) IN GENERAL.—On or after the third day
14 after the date on which the committee to which such
15 a resolution is referred has reported, or has been
16 discharged (under subsection (c)) from further con-
17 sideration of, such a resolution, it is in order (even
18 though a previous motion to the same effect has
19 been disagreed to) for any Member of the respective
20 House to move to proceed to the consideration of the
21 resolution (but only on the day after the calendar
22 day on which such Member announces to the House
23 concerned the Member's intention to do so). All
24 points of order against the resolution (and against
25 consideration of the resolution) are waived. The mo-

1 tion is highly privileged in the House of Representa-
2 tives and is privileged in the Senate and is not de-
3 batable. The motion is not subject to amendment, or
4 to a motion to postpone, or to a motion to proceed
5 to the consideration of other business. A motion to
6 reconsider the vote by which the motion is agreed to
7 or disagreed to shall not be in order. If a motion to
8 proceed to the consideration of the resolution is
9 agreed to, the respective House shall immediately
10 proceed to consideration of the joint resolution with-
11 out intervening motion, order, or other business, and
12 the resolution shall remain the unfinished business
13 of the respective House until disposed of.

14 (2) DEBATE.—Debate on the resolution, and on
15 all debatable motions and appeals in connection
16 therewith, shall be limited to not more than 2 hours,
17 which shall be divided equally between those favoring
18 and those opposing the resolution. An amendment to
19 the resolution is not in order. A motion further to
20 limit debate is in order and not debatable. A motion
21 to postpone, or a motion to proceed to the consider-
22 ation of other business, or a motion to recommit the
23 resolution is not in order. A motion to reconsider the
24 vote by which the resolution is agreed to or dis-
25 agreed to is not in order.

1 (3) QUORUM CALL.—Immediately following the
2 conclusion of the debate on a resolution described in
3 subsection (a) and a single quorum call at the con-
4 clusion of the debate if requested in accordance with
5 the rules of the appropriate House, the vote on final
6 passage of the resolution shall occur.

7 (4) APPEALS FROM DECISION OF CHAIR.—Ap-
8 peals from the decisions of the Chair relating to the
9 application of the rules of the Senate or the House
10 of Representatives, as the case may be, to the proce-
11 dure relating to a resolution described in subsection
12 (a) shall be decided without debate.

13 (e) CONSIDERATION BY OTHER HOUSE.—

14 (1) If, before the passage by one House of a
15 resolution of that House described in subsection (a),
16 that House receives from the other House a resolu-
17 tion described in subsection (a), then the following
18 procedures shall apply:

19 (A) The resolution of the other House shall
20 not be referred to a committee and may not be
21 considered in the House receiving it except in
22 the case of final passage as provided in sub-
23 paragraph (B)(ii).

1 (B) With respect to a resolution described
2 in subsection (a) of the House receiving the res-
3 olution—

4 (i) the procedure in that House shall
5 be the same as if no resolution had been
6 received from the other House; but

7 (ii) the vote on final passage shall be
8 on the resolution of the other House.

9 (2) CONSIDERATION AFTER DISPOSITION BY
10 OTHER HOUSE.—Upon disposition of the resolution
11 received from the other House, it shall no longer be
12 in order to consider the resolution that originated in
13 the receiving House.

14 (f) RULES OF THE SENATE AND HOUSE.—This sub-
15 section is enacted by Congress—

16 (1) as an exercise of the rulemaking power of
17 the Senate and House of Representatives, respec-
18 tively, and as such it is deemed a part of the rules
19 of each House, respectively, but applicable only with
20 respect to the procedure to be followed in that
21 House in the case of a resolution described in sub-
22 section (a), and it supersedes other rules only to the
23 extent that it is inconsistent with such rules; and

24 (2) with full recognition of the constitutional
25 right of either House to change the rules (so far as

1 relating to the procedure of that House) at any time,
2 in the same manner, and to the same extent as in
3 the case of any other rule of that House.

4 **SEC. 9. DEFINITIONS.**

5 For purposes of this section:

6 (1) The term “Account” means the Department
7 of Energy Facility Closure Account established in
8 section 6(a).

9 (2) The term “Commission” means the Depart-
10 ment of Energy Facilities Closure and Reconfigura-
11 tion Commission.

12 (3) The term “congressional energy commit-
13 tees” means the Committees on Armed Services of
14 the Senate and House of Representatives, the Com-
15 mittee on Energy and Commerce of the House of
16 Representatives, the Committee on Science, Space,
17 and Technology of the House of Representatives,
18 and the Committee on Energy and Natural Re-
19 sources of the Senate.

20 (4) The term “Department of Energy facility”
21 means a Department of Energy research and devel-
22 opment laboratory and its related research and com-
23 mercialization facilities.

24 (5) The term “Secretary” means the Secretary
25 of Energy.



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