

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4247

To establish the Department of Energy Laboratory Facilities Commission,  
and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 19, 1994

Mr. BARTLETT of Maryland introduced the following bill; which was referred jointly to the Committees on Science, Space, and Technology, Armed Services, and Rules

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## A BILL

To establish the Department of Energy Laboratory Facilities  
Commission, 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 “Department of Energy  
5        Laboratory Facilities Act of 1994”.

6        **SEC. 2. DEPARTMENT OF ENERGY LABORATORY FACILI-**  
7        **TIES COMMISSION.**

8        (a) ESTABLISHMENT.—There is established an inde-  
9        pendent commission to be known as the “Department of  
10       Energy Laboratory Facilities Commission”.

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

3 (c) APPOINTMENT.—

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

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

14 (A) the Speaker of the House of Rep-  
15 resentatives concerning the appointment of 1  
16 member;

17 (B) the majority leader of the Senate con-  
18 cerning the appointment of 1 member;

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

22 (D) the minority leader of the Senate con-  
23 cerning the appointment of 1 member.

24 (3) CHAIRPERSON.—At the time the President  
25 nominates individuals for appointment to the Com-

1 mission, the President shall designate one such indi-  
2 vidual who shall serve as Chairperson of the Com-  
3 mission.

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

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

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

15 (g) PAY AND TRAVEL EXPENSES.—

16 (1) IN GENERAL.—

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

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

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

12          (h) DIRECTOR.—

13           (1) IN GENERAL.—The Commission shall, with-  
14          out regard to section 5311(b) of title 5, United  
15          States Code, appoint a Director who—

16           (A) has not served as a civilian employee  
17          of the Department of Energy during the one-  
18          year period preceding the date of such appoint-  
19          ment;

20           (B) has not been an employee of a depart-  
21          mental laboratory during the 5-year period pre-  
22          ceding the date of such appointment; and

23           (C) has not been an employee of a contrac-  
24          tor operating a departmental laboratory during

1           the 5-year period preceding the date of such ap-  
2           pointment.

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

7           (i) STAFF.—

8           (1) APPOINTMENT BY DIRECTOR.—Subject to  
9           subparagraphs (B) and (C), the Director, with the  
10          approval of the Commission, may appoint and fix  
11          the pay of additional personnel.

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

24          (3) LIMITATIONS.—Not more than one-third of  
25          the personnel employed by or detailed to the Com-

1 mission may be on detail from the Department of  
2 Energy. No employee of a departmental laboratory,  
3 or of a contractor who operates a departmental lab-  
4 oratory, may be detailed to the Commission.

5 (4) SUPPORT FROM OTHER AGENCIES.—Upon  
6 request of the Director, the head of a Federal agen-  
7 cy may detail any of the personnel of that agency to  
8 the Commission to assist the Commission in carry-  
9 ing out its duties under this section.

10 (5) SUPPORT FROM COMPTROLLER GENERAL.—  
11 The Comptroller General of the United States shall  
12 provide assistance, including the detailing of employ-  
13 ees, to the Commission in accordance with an agree-  
14 ment entered into with the Commission.

15 (j) OTHER AUTHORITY.—

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

21 (2) AUTHORITY TO LEASE SPACE AND ACQUIRE  
22 CERTAIN PROPERTY.—The Commission may lease  
23 space and acquire personal property to the extent  
24 funds are available. To the extent practicable, the  
25 Commission shall use suitable real property available

1 under the most recent inventory of real property as-  
2 sets published by the Resolution Trust Corporation  
3 under section 21A(b)(11)(F) of the Federal Home  
4 Loan Bank Act (12 U.S.C. 1441a(b)(12)(F)).

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

9 (l) TERMINATION.—The Commission shall terminate  
10 not later than 20 months after the date of the enactment  
11 of this Act.

12 **SEC. 3. PROCEDURE FOR MAKING RECOMMENDATIONS**  
13 **FOR LABORATORY FACILITIES.**

14 (a) SELECTION CRITERIA.—

15 (1) IN GENERAL.—Not later than 3 months  
16 after the date of the enactment of this Act, the Sec-  
17 retary of Energy shall publish in the Federal Reg-  
18 ister and transmit to the congressional energy com-  
19 mittees the criteria proposed to be used by the Sec-  
20 retary in making recommendations for the closure or  
21 reconfiguration of departmental laboratories result-  
22 ing in cost savings for the overall budget for such  
23 laboratories. The Secretary shall provide an oppor-  
24 tunity for public comment on the proposed criteria  
25 for a period of at least 30 days and shall include no-

1 tice of that opportunity in the publication required  
2 under this paragraph. In developing the criteria, the  
3 Secretary shall consider—

4 (A) the program costs and program dis-  
5 tributions on a State and county basis, includ-  
6 ing real and personal property costs associated  
7 with each departmental laboratory considered;

8 (B) the number of participants in pro-  
9 grams conducted through a departmental lab-  
10 oratory and staff resources involved;

11 (C) duplication of effort by departmental  
12 laboratories and overhead costs as a proportion  
13 of program benefits distributed through a de-  
14 partmental laboratory;

15 (D) cost savings and increases that would  
16 accrue through the reconfiguration of depart-  
17 mental laboratories;

18 (E) changes in the roles and missions of  
19 each departmental laboratory; and

20 (F) the privatization of the laboratories as  
21 an alternative to closure or reconfiguration.

22 (2) FINAL CRITERIA.—Not later than 5 months  
23 after the date of the enactment of this Act, the Sec-  
24 retary shall publish in the Federal Register and  
25 transmit to the congressional energy committees the

1 final criteria to be used in making recommendations  
2 for the closure or reconfiguration of departmental  
3 laboratories under this section.

4 (b) SECRETARY'S RECOMMENDATIONS.—

5 (1) PUBLICATION IN FEDERAL REGISTER.—Not  
6 later than 1 year after the date of the enactment of  
7 this Act, the Secretary shall publish in the Federal  
8 Register and transmit to the congressional energy  
9 committees and to the Commission a list of the de-  
10 partmental laboratories that the Secretary rec-  
11 ommends for closure or reconfiguration on the basis  
12 of the final criteria referred to in subsection (a).

13 (2) SUMMARY OF SELECTION PROCESS.—The  
14 Secretary shall include, with the list of recommenda-  
15 tions published and transmitted pursuant to para-  
16 graph (1), a summary of the selection process that  
17 resulted in the recommendation for each depart-  
18 mental laboratory, including a justification for each  
19 recommendation.

20 (c) EQUAL CONSIDERATION OF LABORATORIES.—In  
21 considering departmental laboratories for closure or recon-  
22 figuration, the Secretary shall consider all such labora-  
23 tories equally without regard to whether a laboratory has  
24 been previously considered or proposed for closure or re-  
25 configuration by the Secretary.

1 (d) AVAILABILITY OF INFORMATION.—The Secretary  
2 shall make available to the Commission and the Comptrol-  
3 ler General of the United States all information used by  
4 the Secretary in making recommendations to the Commis-  
5 sion for closures and reconfiguration.

6 (e) REVIEW AND RECOMMENDATIONS BY THE COM-  
7 MISSION.—

8 (1) PUBLIC HEARINGS.—After receiving the  
9 recommendations from the Secretary pursuant to  
10 subsection (b), the Commission shall conduct public  
11 hearings on the recommendations.

12 (2) REPORT.—Not later than 18 months after  
13 the date of the enactment of this Act, the Commis-  
14 sion shall transmit to the President and the congress-  
15 sional energy committees a report containing the  
16 Commission's findings and conclusions based on a  
17 review and analysis of the recommendations made by  
18 the Secretary, together with the Commission's rec-  
19 ommendations for closures and reconfigurations of  
20 departmental laboratories. In conducting such review  
21 and analysis, the Commission shall consider all de-  
22 partmental laboratories.

23 (3) DEVIATION FROM SECRETARY'S REC-  
24 OMMENDATIONS.—In making its recommendations,  
25 the Commission may make changes in any of the

1 recommendations made by the Secretary if the Com-  
2 mission determines that the Secretary deviated sub-  
3 stantially from the final criteria referred to in sub-  
4 section (a) in making recommendations. The Com-  
5 mission shall explain and justify in the report any  
6 recommendation made by the Commission that is  
7 different from the recommendations made by the  
8 Secretary.

9 (4) PROVISION OF CERTAIN INFORMATION.—  
10 After transmitting the report, the Commission shall  
11 promptly provide, upon request, to any Member of  
12 Congress information used by the Commission in  
13 making its recommendations.

14 (f) ASSISTANCE FROM COMPTROLLER GENERAL.—  
15 The Comptroller General of the United States shall—

16 (1) assist the Commission, to the extent re-  
17 quested, in the Commission's review and analysis of  
18 the recommendations made by the Secretary pursu-  
19 ant to subsection (b); and

20 (2) not later than 15 months after the date of  
21 the enactment of this Act, transmit to the congres-  
22 sional energy committees and to the Commission a  
23 report containing a detailed analysis of the Sec-  
24 retary's recommendations and selection process.

25 (g) REVIEW BY THE PRESIDENT.—

1           (1) IN GENERAL.—Not later than 19 months  
2 after the date of the enactment of this Act, the  
3 President shall transmit to the Commission and to  
4 the congressional energy committees a report con-  
5 taining the President’s approval or disapproval of  
6 the Commission’s recommendations.

7           (2) PRESIDENTIAL APPROVAL.—If the Presi-  
8 dent approves all of the recommendations of the  
9 Commission, the President shall transmit a copy of  
10 such recommendations to the congressional energy  
11 committees together with a certification of such ap-  
12 proval.

13           (3) PRESIDENTIAL DISAPPROVAL.—If the  
14 President disapproves the recommendations of the  
15 Commission, in whole or in part, the President shall  
16 transmit to the Commission and the congressional  
17 energy committees the reasons for that disapproval.  
18 The Commission shall then transmit to the Presi-  
19 dent, not later than 20 months after the date of the  
20 enactment of this Act, a revised list of recommenda-  
21 tions for the closure and reconfiguration of depart-  
22 mental laboratories resulting in cost savings for the  
23 overall budget for such departmental laboratories.

24           (4) CERTIFICATION.—If the President approves  
25 all of the revised recommendations of the Commis-

1 sion transmitted to the President under paragraph  
2 (3), the President shall transmit a copy of such re-  
3 vised recommendations to the congressional energy  
4 committees, together with a certification of such ap-  
5 proval.

6 (5) FAILURE TO CERTIFY.—If the President  
7 does not transmit to the congressional energy com-  
8 mittees an approval and certification described in  
9 paragraph (2) or (4) by 21 months after the date of  
10 the enactment of this Act, the process by which de-  
11 partmental laboratories may be selected for closure  
12 or reconfiguration under this section shall be termi-  
13 nated.

14 **SEC. 4. CLOSURE AND RECONFIGURATION OF DEPART-**  
15 **MENTAL LABORATORIES.**

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

18 (1) close all departmental laboratories rec-  
19 ommended for closure by the Commission in the re-  
20 port transmitted to the congressional energy com-  
21 mittees by the President pursuant to section 3(g);

22 (2) reconfigure all such laboratories rec-  
23 ommended for reconfiguration by the Commission in  
24 the report; and

1           (3) complete the closures and reconfigurations  
2 not later than the end of the 6-year period beginning  
3 on the date on which the President transmits the re-  
4 port pursuant to section 3(g).

5           (b) CONGRESSIONAL DISAPPROVAL.—

6           (1) IN GENERAL.—The Secretary may not carry  
7 out any closure or reconfiguration of a departmental  
8 laboratory recommended by the Commission in the  
9 report transmitted from the President pursuant to  
10 section 3(g) if a joint resolution is enacted, in ac-  
11 cordance with the provisions of section 8, disapprov-  
12 ing the recommendations of the Commission before  
13 the earlier of—

14                   (A) the end of the 45-day period beginning  
15 on the date on which the President transmits  
16 the report; or

17                   (B) the adjournment of Congress sine die  
18 for the session during which the report is trans-  
19 mitted.

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

1 **SEC. 5. IMPLEMENTATION OF CLOSURE AND RECONFIG-**  
2 **URATION ACTIONS.**

3 (a) ACTIONS OF THE SECRETARY.—In closing or  
4 reconfiguring a departmental laboratory under this Act,  
5 the Secretary shall—

6 (1) take such actions as may be necessary to  
7 close or reconfigure the departmental laboratory;

8 (2) provide outplacement assistance to any em-  
9 ployees employed by the Department of Energy at  
10 the office whose employment is being terminated,  
11 and may use for such purpose funds in the Account  
12 or funds appropriated to the Department of Energy  
13 for outplacement assistance to employees;

14 (3) take such steps as may be necessary to en-  
15 sure the safe keeping of all records stored at the de-  
16 partmental laboratory; and

17 (4) reimburse other Federal agencies for ac-  
18 tions performed at the request of the Secretary with  
19 respect to any such closure or reconfiguration, and  
20 may use for such purpose funds in the Account or  
21 funds appropriated to the Department of Energy  
22 and available for such purpose.

23 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

24 (1) IN GENERAL.—The Administrator of Gen-  
25 eral Services shall delegate to the Secretary of En-  
26 ergy, with respect to excess and surplus real prop-

1 erty and facilities located at a departmental labora-  
2 tory closed or reconfigured under this Act—

3 (A) the authority of the Administrator to  
4 utilize excess property under section 202 of the  
5 Federal Property and Administrative Services  
6 Act of 1949 (40 U.S.C. 483);

7 (B) the authority of the Administrator to  
8 dispose of surplus property under section 203  
9 of that Act (40 U.S.C. 484);

10 (C) the authority of the Administrator to  
11 grant approvals and make determinations under  
12 section 13(g) of the Surplus Property Act of  
13 1944 (50 U.S.C. App. 1622(g)); and

14 (D) the authority of the Administrator to  
15 determine the availability of excess or surplus  
16 real property for wildlife conservation purposes  
17 in accordance with the Act of May 19, 1948  
18 (16 U.S.C. 667b).

19 (2) EXERCISE OF AUTHORITY.—

20 (A) IN GENERAL.—Subject to subpara-  
21 graph (C), the Secretary shall exercise the au-  
22 thority delegated to the Secretary pursuant to  
23 paragraph (1) in accordance with—

24 (i) all regulations in effect on the date  
25 of the enactment of this Act governing the

1 utilization of excess property and the dis-  
2 posal of surplus property under the Fed-  
3 eral Property and Administrative Services  
4 Act of 1949; and

5 (ii) all regulations in effect on the  
6 date of the enactment of this Act govern-  
7 ing the conveyance and disposal of prop-  
8 erty under section 13(g) of the Surplus  
9 Property Act of 1944 (50 U.S.C. App.  
10 1622(g)).

11 (B) REGULATIONS.—The Secretary, after  
12 consulting with the Administrator of General  
13 Services, may issue regulations that are nec-  
14 essary to carry out the delegation of authority  
15 required by paragraph (1).

16 (C) LIMITATION.—The authority required  
17 to be delegated by paragraph (1) to the Sec-  
18 retary by the Administrator of General Services  
19 shall not include the authority to prescribe gen-  
20 eral policies and methods for utilizing excess  
21 property and disposing of surplus property.

22 (c) WAIVER.—The Secretary may close or reconfigure  
23 departmental laboratories under this Act without regard  
24 to any provision of law restricting the use of funds for

1 closing or reconfiguring such departmental laboratories in-  
2 cluded in any appropriations or authorization Act.

3 **SEC. 6. ACCOUNT.**

4 (a) ESTABLISHMENT.—There is hereby established  
5 on the books of the Treasury an account to be known as  
6 the “Department of Energy Laboratory Facility Closure  
7 Account” which shall be administered by the Secretary as  
8 a single account.

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

11 (1) funds authorized for and appropriated to  
12 the Account;

13 (2) any funds that the Secretary may, subject  
14 to approval in an appropriation Act, transfer to the  
15 Account from funds appropriated to the Department  
16 of Energy for any purpose, except that such funds  
17 may be transferred only after the date on which the  
18 Secretary transmits written notice of, and justifica-  
19 tion for, such transfer to the congressional energy  
20 committees; and

21 (3) proceeds received from the transfer or dis-  
22 posal of any property at an office closed or reconfig-  
23 ured under this section.

1 (c) USE OF FUNDS.—The Secretary may use the  
2 funds in the Account only for the purposes described in  
3 section 5(a).

4 (d) REPORTS.—

5 (1) IN GENERAL.—Not later than 60 days after  
6 the end of each fiscal year in which the Secretary  
7 carries out activities under this Act, the Secretary  
8 shall transmit a report to the congressional energy  
9 committees of the amount and nature of the deposits  
10 into, and the expenditures from, the Account during  
11 such fiscal year and of the amount and nature of  
12 other expenditures made pursuant to section 5(a)  
13 during such fiscal year.

14 (2) UNOBLIGATED FUNDS.—Unobligated funds  
15 which remain in the Account after the termination  
16 of the Commission shall be held in the Account until  
17 transferred by law after the congressional energy  
18 committees receive the report transmitted under  
19 paragraph (3).

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

1 (A) all the funds deposited into and ex-  
2 pended from the Account or otherwise expended  
3 under this section; and

4 (B) any amount remaining in the Account.

5 **SEC. 7. REPORTS ON IMPLEMENTATION.**

6 As part of the budget request for each fiscal year in  
7 which the Secretary will carry out activities under this  
8 Act, the Secretary shall transmit to the congressional en-  
9 ergy committees—

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

17 (2) a description of the departmental labora-  
18 tories, including those under construction and those  
19 planned for construction, to which functions are to  
20 be transferred as a result of such closures and  
21 reconfigurations.

22 **SEC. 8. CONGRESSIONAL CONSIDERATION OF COMMISSION**  
23 **REPORT.**

24 (a) TERMS OF THE RESOLUTION.—For purposes of  
25 section 4(b), the term “joint resolution” means only a

1 joint resolution which is introduced within the 10-day pe-  
2 riod beginning on the date on which the President trans-  
3 mits the report to the Congress under section 3(g), and—

4 (1) which does not have a preamble;

5 (2) the matter after the resolving clause of  
6 which is as follows: “That Congress disapproves the  
7 recommendations of the Department of Energy Lab-  
8 oratory Facilities Commission as submitted by the  
9 President on \_\_\_\_\_”, the blank space being filled  
10 in with the appropriate date; and

11 (3) the title of which is as follows: “Joint reso-  
12 lution disapproving the recommendations of the De-  
13 partment of Energy Laboratory Facilities Commis-  
14 sion.”.

15 (b) REFERRAL.—A resolution described in subsection  
16 (a) that is introduced in the House of Representatives  
17 shall be referred to the Committee on Armed Services and  
18 the Committee on Science, Space, and Technology of the  
19 House of Representatives. A resolution described in sub-  
20 section (a) introduced in the Senate shall be referred to  
21 the Committee on Armed Services and the Committee on  
22 Energy and Natural Resources of the Senate.

23 (c) DISCHARGE.—If the committee to which a resolu-  
24 tion described in subsection (a) is referred has not re-  
25 ported such resolution (or an identical resolution) by the

1 end of the 20-day period beginning on the date on which  
2 the President transmits the report to the Congress under  
3 section 3(g), such committee shall be, at the end of such  
4 period, discharged from further consideration of such reso-  
5 lution, and such resolution shall be placed on the appro-  
6 priate calendar of the House involved.

7 (d) CONSIDERATION.—

8 (1) IN GENERAL.—On or after the third day  
9 after the date on which the committee to which such  
10 a resolution is referred has reported, or has been  
11 discharged (under subsection (c)) from further con-  
12 sideration of, such a resolution, it is in order (even  
13 though a previous motion to the same effect has  
14 been disagreed to) for any Member of the respective  
15 House to move to proceed to the consideration of the  
16 resolution (but only on the day after the calendar  
17 day on which such Member announces to the House  
18 concerned the Member's intention to do so). All  
19 points of order against the resolution (and against  
20 consideration of the resolution) are waived. The mo-  
21 tion is highly privileged in the House of Representa-  
22 tives and is privileged in the Senate and is not de-  
23 batable. The motion is not subject to amendment, or  
24 to a motion to postpone, or to a motion to proceed  
25 to the consideration of other business. A motion to

1 reconsider the vote by which the motion is agreed to  
2 or disagreed to shall not be in order. If a motion to  
3 proceed to the consideration of the resolution is  
4 agreed to, the respective House shall immediately  
5 proceed to consideration of the joint resolution with-  
6 out intervening motion, order, or other business, and  
7 the resolution shall remain the unfinished business  
8 of the respective House until disposed of.

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

21 (3) QUORUM CALL.—Immediately following the  
22 conclusion of the debate on a resolution described in  
23 subsection (a) and a single quorum call at the con-  
24 clusion of the debate if requested in accordance with

1 the rules of the appropriate House, the vote on final  
2 passage of the resolution shall occur.

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

9 (e) CONSIDERATION BY OTHER HOUSE.—

10 (1) If, before the passage by one House of a  
11 resolution of that House described in subsection (a),  
12 that House receives from the other House a resolu-  
13 tion described in subsection (a), then the following  
14 procedures shall apply:

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

20 (B) With respect to a resolution described  
21 in paragraph (1) of the House receiving the res-  
22 olution—

23 (i) the procedure in that House shall  
24 be the same as if no resolution had been  
25 received from the other House; but

1 (ii) the vote on final passage shall be  
2 on the resolution of the other House.

3 (2) CONSIDERATION AFTER DISPOSITION BY  
4 OTHER HOUSE.—Upon disposition of the resolution  
5 received from the other House, it shall no longer be  
6 in order to consider the resolution that originated in  
7 the receiving House.

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

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

18 (2) with full recognition of the constitutional  
19 right of either House to change the rules (so far as  
20 relating to the procedure of that House) at any time,  
21 in the same manner, and to the same extent as in  
22 the case of any other rule of that House.

23 **SEC. 9. DEFINITIONS.**

24 For purposes of this Act:

1           (1) The term “Account” means the Department  
2 of Energy Laboratory Facility Closure Account es-  
3 tablished in section 6(a).

4           (2) The term “Commission” means the Depart-  
5 ment of Energy Laboratory Facilities Closure and  
6 Reconfiguration Commission.

7           (3) The term “congressional energy commit-  
8 tees” means the Committees on Armed Services of  
9 the Senate and House of Representatives, the Com-  
10 mittee on Science, Space, and Technology of the  
11 House of Representatives, and the Committee on  
12 Energy and Natural Resources of the Senate.

13           (4) The term “departmental laboratory” means  
14 a Federal laboratory, or any other laboratory or fa-  
15 cility designated by the Secretary, operated by or on  
16 behalf of the Department of Energy.

17           (5) The term “Federal laboratory” has the  
18 meaning given the term “laboratory” in section  
19 12(d)(2) of the Stevenson-Wydler Technology Inno-  
20 vation Act of 1980 (15 U.S.C. 3710a(d)(2)).

21           (6) The term “Secretary” means the Secretary  
22 of Energy.

○

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