

103^D CONGRESS
2^D SESSION

H. R. 4706

To provide for certain reductions in Federal spending at or through facilities of the Department of Energy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1994

Mr. KREIDLER introduced the following bill; which was referred jointly to the Committees on Armed Services, Energy and Commerce, and Science, Space, and Technology

A BILL

To provide for certain reductions in Federal spending at or through facilities of the Department of Energy, 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. REDUCTION IN FEDERAL INVESTMENT.**

4 (a) AMOUNT OF REDUCTION.—The total amount of
5 Federal spending at or through Department of Energy
6 facilities—

7 (1) for fiscal year 1995 shall not exceed the
8 amount which is the greater of—

9 (A) \$450,000,000; or

1 (B) 5 percent of the amount appropriated
2 for use at or through Department of Energy fa-
3 cilities for fiscal year 1993,
4 less than the amount appropriated for the use at or
5 through Department of Energy facilities for fiscal
6 year 1993;

7 (2) for fiscal year 1996 shall not exceed the
8 amount which is the greater of—

9 (A) \$900,000,000; or

10 (B) 10 percent of the amount appropriated
11 for use at or through Department of Energy fa-
12 cilities for fiscal year 1993,

13 less than the amount appropriated for use at or
14 through Department of Energy facilities for fiscal
15 year 1993;

16 (3) for fiscal year 1997 shall not exceed the
17 amount which is the greater of—

18 (A) \$1,350,000,000; or

19 (B) 15 percent of the amount appropriated
20 for use at or through Department of Energy fa-
21 cilities for fiscal year 1993,

22 less than the amount appropriated for use at or
23 through Department of Energy facilities for fiscal
24 year 1993; and

1 (4) for each fiscal year after fiscal year 1997
2 shall not exceed the amount described in paragraph
3 (3), adjusted annually for inflation.

4 (b) REDUCTION IN DEPARTMENT OF ENERGY FACIL-
5 ITY FUNDING COMMISSION.—

6 (1) ESTABLISHMENT.—There is established an
7 independent commission to be known as the “Reduc-
8 tion in Department of Energy Facility Funding
9 Commission”.

10 (2) DUTIES.—(A) The Commission shall pre-
11 pare and, within 8 months after the date of enact-
12 ment of this title, submit to the Secretary a plan for
13 implementing the funding reductions required under
14 subsection (a). The Commission shall propose
15 achieving such funding reductions first through—

16 (i) contractor reforms, improved account-
17 ability, or reduced overhead at Department of
18 Energy facilities;

19 (ii) private investment to reduce the
20 amount of public investment required; and

21 (iii) elimination of any unnecessary
22 redundancies between Department of Energy
23 facilities.

24 (B) If the funding reductions cannot be fully
25 achieved under subparagraph (A), the Commission

1 may propose cutbacks in programs. In doing so, the
2 Commission shall—

3 (i) evaluate programs based on their rel-
4 evance to current missions and priorities, and
5 focus reductions toward those programs that
6 are no longer relevant;

7 (ii) maintain the Department of Energy fa-
8 cilities' abilities to perform their assigned mis-
9 sions; and

10 (iii) where appropriate, maintain a process
11 of peer review.

12 (3) APPOINTMENT.—

13 (A) IN GENERAL.—The Commission shall
14 be composed of 8 members appointed by the
15 President, by and with the advise and consent
16 of the Senate, from among individuals—

17 (i) with technical expertise in Depart-
18 ment of Energy facility research;

19 (ii) representing communities affected
20 by programs at Department of Energy fa-
21 cilities; or

22 (iii) with expertise in management
23 issues.

24 The President shall transmit to the Senate the
25 nominations for appointment to the Commission

1 not later than 2 months after the date of the
2 enactment of this title.

3 (B) CONSULTATION.—In selecting individ-
4 uals for nominations for appointments to the
5 Commission, the President should consult
6 with—

7 (i) the Speaker of the House of Rep-
8 resentatives concerning the appointment of
9 1 member;

10 (ii) the majority leader of the Senate
11 concerning the appointment of 1 member;

12 (iii) the minority leader of the House
13 of Representatives concerning the appoint-
14 ment of 1 member; and

15 (iv) the minority leader of the Senate
16 concerning the appointment of 1 member.

17 (C) CHAIRPERSON.—At the time the Presi-
18 dent nominates individuals for appointment to
19 the Commission, the President shall designate
20 one such individual who shall serve as Chair-
21 person of the Commission.

22 (4) TERMS.—The term of each member of the
23 Commission shall expire upon the termination of the
24 Commission under paragraph (12).

1 (5) MEETINGS.—Each meeting of the Commis-
2 sion, other than meetings in which classified infor-
3 mation is to be discussed, shall be open to the
4 public.

5 (6) VACANCIES.—A vacancy in the Commission
6 shall be filled in the same manner as the original ap-
7 pointment.

8 (7) PAY AND TRAVEL EXPENSES.—

9 (A) IN GENERAL.—

10 (i) BASIC PAY.—Each member, other
11 than the Chairperson, shall be paid at a
12 rate equal to the daily equivalent of the
13 minimum annual rate of basic pay payable
14 for level IV of the Executive Schedule
15 under section 5315 of title 5, United
16 States Code, for each day (including travel
17 time) during which the member is engaged
18 in the actual performance of duties vested
19 in the Commission.

20 (ii) PAY OF CHAIRPERSON.—The
21 Chairperson shall be paid for each day re-
22 ferred to in clause (i) at a rate equal to the
23 daily equivalent of the minimum annual
24 rate of basic pay payable for level III of

1 the Executive Schedule under section 5314
2 of title 5, United States Code.

3 (B) TRAVEL EXPENSES.—Members shall
4 receive travel expenses, including per diem in
5 lieu of subsistence, in accordance with sections
6 5702 and 5703 of title 5, United States Code.

7 (8) DIRECTOR.—

8 (A) IN GENERAL.—The Commission shall,
9 without regard to section 5311(b) of title 5,
10 United States Code, appoint a Director who has
11 not served as a civilian employee of the Depart-
12 ment of Energy during the one-year period pre-
13 ceding the date of such appointment.

14 (B) PAY.—The Director shall be paid at
15 the rate of basic pay payable for level IV of the
16 Executive Schedule under section 5315 of title
17 5, United States Code.

18 (9) STAFF.—

19 (A) APPOINTMENT BY DIRECTOR.—Subject
20 to subparagraphs (B) and (C), the Director,
21 with the approval of the Commission, may ap-
22 point and fix the pay of additional personnel.

23 (B) APPLICABILITY OF CERTAIN CIVIL
24 SERVICE LAWS.—The Director may make such
25 appointments without regard to the provisions

1 of title 5, United States Code, governing ap-
2 pointments in the competitive service, and any
3 personnel so appointed may be paid without re-
4 gard to the provisions of chapter 51 and sub-
5 chapter III of chapter 53 of that title relating
6 to classification and General Schedule pay
7 rates, except that an individual so appointed
8 may not receive pay in excess of the annual rate
9 of basic pay payable for level IV of the Execu-
10 tive Schedule under section 5315 of title 5,
11 United States Code.

12 (C) LIMITATION.—Not more than one-fifth
13 of the personnel employed by or detailed to the
14 Commission may be on detail from the Depart-
15 ment of Energy.

16 (D) SUPPORT FROM OTHER AGENCIES.—
17 Upon request of the Director, the head of a
18 Federal agency may detail any of the personnel
19 of that agency to the Commission to assist the
20 Commission in carrying out its duties under
21 this subsection.

22 (E) SUPPORT FROM COMPTROLLER GEN-
23 ERAL.—The Comptroller General of the United
24 States shall provide assistance, including the
25 detailing of employees, to the Commission in ac-

1 cordance with an agreement entered into with
2 the Commission.

3 (10) OTHER AUTHORITY.—

4 (A) TEMPORARY AND INTERMITTENT
5 SERVICES.—The Commission may procure by
6 contract, to the extent funds are available, the
7 temporary or intermittent services of experts or
8 consultants pursuant to section 3109 of title 5,
9 United States Code.

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

20 (11) FUNDING.—There are authorized to be ap-
21 propriated to the Commission such funds as are nec-
22 essary to carry out its duties under this subsection.
23 Such funds shall remain available until expended.

1 (12) TERMINATION.—The Commission shall
2 terminate not later than 14 months after the date
3 of the enactment of this title.

4 (13) REPORT TO CONGRESS.—If the Secretary
5 determines that the recommendations of the Com-
6 mission under this subsection should not be followed
7 in any respect, the Secretary shall, within 45 days
8 after receipt of such recommendations, submit a re-
9 port to the Congress identifying any points of dis-
10 agreement and justifying the Secretary’s position.

11 **SEC. 2. DEFINITIONS.**

12 For purposes of this Act—

13 (1) the term “Commission” means the Reduc-
14 tion in Department of Energy Facility Funding
15 Commission established under section 1(b)(1);

16 (2) the term “Department of Energy facility”
17 means a Department of Energy research and devel-
18 opment laboratory, and its related research and
19 commercialization facilities, including commercializa-
20 tion facilities that enhance the replication of tech-
21 nology in the marketplace; and

22 (3) the term “Secretary” means the Secretary
23 of Energy.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of the Congress that the savings
3 achieved pursuant to section 1(a) should be deposited in
4 the Treasury of the United States.

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