

**DEPARTMENT OF ENERGY
CHARTER FOR
THE COMMISSION TO REVIEW THE EFFECTIVENESS OF
THE NATIONAL ENERGY LABORATORIES**

1. Committee's Official Designation: Commission to Review the Effectiveness of the National Energy Laboratories (Commission on Labs)

2. Authority: This charter establishes the Commission pursuant to section 319 of the Consolidated Appropriations Act, 2014, Public Law No. 113-76. The Commission is being established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. This charter establishes the Commission under the authority of the Department of Energy.

3. Objectives and Scope of Activities. Two phases are planned for the Commission. In Phase 1, the objective of the Commission is to address whether the Department of Energy's (DOE) national laboratories are properly aligned with the Department's strategic priorities; have clear, well understood, and properly balanced missions that are not unnecessarily redundant and duplicative; have unique capabilities that have sufficiently evolved to meet current and future energy and national security challenges; are appropriately sized to meet the Department's energy and national security missions; and are appropriately supporting other Federal agencies and the extent to which it benefits DOE missions.

For Phase 2, the Commission shall also determine whether there are opportunities to more effectively and efficiently use the capabilities of the national laboratories, including consolidation and realignment, reducing overhead costs, reevaluating governance models using industrial and academic bench marks for comparison, and assessing the impact of DOE's oversight and management approach. In its evaluation, the Commission should also consider the cost and effectiveness of using other research, development, and technology centers and universities as an alternative to meeting DOE's energy and national security goals.

The Commission shall analyze the effectiveness of the use of laboratory directed research and development (LDRD) to meet the Department of Energy's science, energy, and national security goals. The Commission shall further evaluate the effectiveness of the Department's oversight approach to ensure LDRD-funded projects are compliant with statutory requirements and congressional direction, including requirements that LDRD projects be distinct from projects directly funded by appropriations and that LDRD projects derived from the Department's national security programs support the national security mission of the Department of Energy. Finally, the Commission shall quantify the extent to which LDRD funding supports recruiting and retention of qualified staff.

The Commission will submit a report containing the Commission's findings and conclusions to the Secretary of Energy, the Committees on Appropriations of the House of Representatives, and the Senate.

4. Description of Duties. The functions of the Commission are solely advisory in nature and are as stated in Paragraph 3 above.

5. Official(s) to Whom the Committee Reports. The Commission reports to the Secretary of Energy.

6. Agency Responsible for Providing Necessary Support. The Department of Energy. Within DOE, support will be provided by the Office of the Secretary or other Departmental elements as required.

7. Estimated Annual Operating Costs and Staff Years. The estimated annual operating cost of direct support to, including travel of, the Commission and its subcommittees is \$2,000,000 and requires approximately 6.0 full-time equivalent employees (FTEs).

8. Designated Federal Officer (DFO). The Secretary of Energy, or his designee, will designate a full-time or permanent part-time DOE employee to serve as the Designated Federal Officer (DFO). The DFO (or designee) will approve or call all of the Commission and subcommittee meetings, approve all meeting agendas, attend all Commission and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest. Full-time or permanent part-time Department of Energy employees, as appointed by the DFO, may serve as DFOs for subcommittee meetings.

9. Estimated Number and Frequency of Meetings. The Commission is expected to meet as frequently as needed and approved by the DFO. The DFO shall ensure the meetings comply with the requirements of the Federal Advisory Committee Act (FACA) and its implementing regulations. The Commission shall hold open meetings unless the Secretary of Energy, or his designee, determines that a meeting or a portion of a meeting may be closed to the public as permitted by law.

10. Duration and Termination. The Commission terminates following submission of its final report to the Secretary of Energy and the Committees on Appropriations of the House of Representatives and the Senate, unless, prior to that time, the charter is renewed in accordance with Section 14 of the FACA.

11. Membership and Designation. The Commission shall be composed of approximately nine members, appointed by the Secretary of Energy to serve as special Government employees. The members shall be eminent in a field of science or engineering; and/or have expertise in managing scientific facilities; and/or have expertise in cost and/or program analysis; and have an established record of distinguished service. The membership of the Commission shall be representative of the broad range of scientific, engineering, financial, and managerial disciplines related to activities under this title.

From among his appointees, the Secretary may designate up to two members to serve as Chair or Co-Chairs of the Commission. The Chair or Co-Chairs shall convene and preside at the meetings of the Commission, and shall direct its work.

Members of the Commission serve without compensation. However, each appointed non-Federal member may be reimbursed in accordance with Federal Travel Regulations for authorized per diem and travel expenses incurred while attending Commission meetings.

12. Subcommittees.

- a) To facilitate the functioning of the Commission, both standing and ad hoc subcommittees may be formed.
- b) The objectives of the subcommittees are to undertake fact-finding and analysis on specific topics and to provide appropriate information and recommendations to the Commission.
- c) The Secretary of Energy, or his designee, in consultation with the Chair or Co-Chairs, will establish subcommittees.
- d) The Secretary of Energy or his designee, in consultation with the Chair or Co-Chairs, will appoint members of subcommittees. Members from outside the Commission may be appointed to any subcommittee to assure the expertise necessary to conduct subcommittee business.

- e) The DOE Committee Management Officer (CMO) will be notified upon establishment of each subcommittee.

Such subcommittees or workgroups shall not work independently of the chartered Commission, and shall report all their recommendations and advice to the Commission for full deliberation and discussion.

13. Recordkeeping. Records of the Commission and any subcommittee shall be handled in accordance with General Records Schedule 26, Item 2 and approved agency records disposition schedule. These records shall be available for public inspection and copying subject to the Freedom of Information Act, 5 U.S.C. 552.

14. Filing Date: May 28, 2014.

A handwritten signature in cursive script that reads "Amy Bodette".

Amy Bodette
Committee Management Officer