

Union Calendar No. 350

117TH CONGRESS
2^D SESSION

H. R. 4606

[Report No. 117–453]

To establish programs and authorities to facilitate the commercial application
of clean energy and related technologies in the United States.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2021

Ms. ROSS (for herself and Mr. MEIJER) introduced the following bill; which
was referred to the Committee on Science, Space, and Technology

AUGUST 19, 2022

Additional sponsors: Ms. BONAMICI and Mr. BOWMAN

AUGUST 19, 2022

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 21, 2021]

A BILL

To establish programs and authorities to facilitate the commercial application of clean energy and related technologies in the United States.

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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “En-*
 5 *ergizing Technology Transfer Act”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

*TITLE I—NATIONAL CLEAN ENERGY TECHNOLOGY TRANSFER
PROGRAMS*

Sec. 101. National clean energy incubator program.

Sec. 102. Clean energy technology university prize competition.

Sec. 103. Clean energy technology transfer coordination.

*TITLE II—SUPPORTING TECHNOLOGY DEVELOPMENT AT THE
NATIONAL LABORATORIES*

Sec. 201. Lab partnering service pilot program.

Sec. 202. Lab-embedded entrepreneurship program.

Sec. 203. Small business voucher program.

Sec. 204. Entrepreneurial leave program.

Sec. 205. National laboratory employee outside employment authority.

Sec. 206. Signature authority.

TITLE III—DEPARTMENT OF ENERGY MODERNIZATION

Sec. 301. Office of technology transitions.

Sec. 302. Management of demonstration projects.

Sec. 303. Streamlining prize competitions.

Sec. 304. Cost-share waiver extension.

Sec. 305. Special hiring authority for scientific, engineering, and project manage-
ment personnel.

Sec. 306. Technology transfer reports and evaluation.

8 **SEC. 2. DEFINITIONS.**

9 *In this Act:*

10 (1) *CLEAN ENERGY TECHNOLOGY.*—*The term*
 11 *“clean energy technology” means a technology that*
 12 *significantly reduces energy use, increases energy effi-*

1 *ciency, reduces greenhouse gas emissions, reduces*
2 *emissions of other pollutants, or mitigates other nega-*
3 *tive environmental consequences of energy production,*
4 *transmission or use.*

5 (2) *DEPARTMENT.*—*The term “Department”*
6 *means the Department of Energy.*

7 (3) *DIRECTOR.*—*The term “Director” means the*
8 *Director of each National Laboratory and the Direc-*
9 *tor of each Department of Energy single-purpose re-*
10 *search facility.*

11 (4) *ECONOMICALLY DISTRESSED AREA.*—*The*
12 *term “economically distressed area” has the meaning*
13 *described in section 301(a) of the Public Works and*
14 *Economic Development Act of 1965 (42 U.S.C.*
15 *3161(a)).*

16 (5) *GRANT.*—*The term “grant” means a grant*
17 *award, cooperative agreement award, or any other fi-*
18 *nancial assistance arrangement that the Secretary of*
19 *Energy determines to be appropriate.*

20 (6) *INSTITUTION OF HIGHER EDUCATION.*—*The*
21 *term “institution of higher education” has the mean-*
22 *ing given such term in the Higher Education Act of*
23 *1965, as amended (20 U.S.C. 1001).*

24 (7) *NATIONAL LABORATORY.*—*The term “Na-*
25 *tional Laboratory” has the meaning given that term*

1 *in section 2 of the Energy Policy Act of 2005 (42*
2 *U.S.C. 15801).*

3 (8) *SECRETARY.*—*The term “Secretary” means*
4 *the Secretary of Energy.*

5 ***TITLE I—NATIONAL CLEAN EN-***
6 ***ERGY TECHNOLOGY TRANS-***
7 ***FER PROGRAMS***

8 ***SEC. 101. NATIONAL CLEAN ENERGY INCUBATOR PROGRAM.***

9 (a) *CLEAN ENERGY INCUBATOR DEFINED.*—*In this*
10 *section, the term “clean energy incubator”—*

11 (1) *means any entity that is designed to accel-*
12 *erate the commercial application of clean energy tech-*
13 *nologies by providing—*

14 (A) *physical workspace, labs, and proto-*
15 *typing facilities to support clean energy startups*
16 *or established clean energy companies; or*

17 (B) *companies developing such technologies*
18 *with support, resources, and services, includ-*
19 *ing—*

20 (i) *access to business education and*
21 *counseling;*

22 (ii) *mentorship opportunities; and*

23 (iii) *other services rendered for the*
24 *purpose of aiding the development and com-*

1 *mercial application of a clean energy tech-*
2 *nology; and*

3 *(2) may include a program within or established*
4 *by a National Laboratory, an institution of higher*
5 *education or a State, local, or tribal government.*

6 *(b) PROGRAM ESTABLISHMENT.—Not later than 180*
7 *days after the enactment of this Act, the Secretary, acting*
8 *through the Chief Commercialization Officer established in*
9 *section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C.*
10 *16391(a)), shall establish a Clean Energy Incubator Pro-*
11 *gram (herein referred to as the “program”) to competitively*
12 *award grants to clean energy incubators.*

13 *(c) CLEAN ENERGY INCUBATOR SELECTION.—In*
14 *awarding grants to clean energy incubators under sub-*
15 *section (b), the Secretary shall, to the maximum extent*
16 *practicable, prioritize funding clean energy incubators*
17 *that—*

18 *(1) partner with entities that carry out activities*
19 *relevant to the activities of such incubator and that*
20 *operate at the local, State, and regional levels;*

21 *(2) support the commercial application activities*
22 *of startup companies focused on physical hardware,*
23 *computational, or integrated hardware and software*
24 *technologies;*

1 (3) are located in geographically diverse regions
2 of the United States;

3 (4) are located in, or partner with entities lo-
4 cated in, economically-distressed areas;

5 (5) support the development of entities focused on
6 expanding clean energy tools and technologies to
7 rural, Tribal, and low-income communities;

8 (6) support the commercial application of tech-
9 nologies being developed by clean energy entre-
10 preneurs from underrepresented backgrounds; and

11 (7) have a plan for sustaining activities of the
12 incubator after grant funds received under this pro-
13 gram have been expended.

14 (d) *AWARD LIMITS.*—The Secretary shall not award
15 more than \$4,000,000 to one or more incubators in one
16 given State, per fiscal year.

17 (e) *DURATION.*—Each grant under subsection (b) shall
18 be for a period of no longer than 5 years, subject to the
19 availability of appropriations.

20 (f) *USE OF FUNDS.*—An entity receiving a grant
21 under this section may use grant amounts for operating ex-
22 penses.

23 (g) *RENEWAL.*—An award made to a clean energy in-
24 cubator under this section may be renewed for a period of
25 not more than 3 years, subject to merit review.

1 (h) *EVALUATION.*—*In accordance with section 9007 of*
 2 *Division Z of the Consolidated Appropriations Act, 2021*
 3 *(Public Law 116–260), the Secretary shall submit to the*
 4 *Committee on Science, Space, and Technology of the House*
 5 *of Representatives and the Committee on Energy and Nat-*
 6 *ural Resources of the Senate an evaluation of the program*
 7 *established under this section that includes analyses of the*
 8 *performance of the clean energy incubators.*

9 (i) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 10 *authorized to be appropriated to the Secretary to carry out*
 11 *this section \$15,000,000 for each of fiscal years 2022*
 12 *through 2026.*

13 **SEC. 102. CLEAN ENERGY TECHNOLOGY UNIVERSITY PRIZE**
 14 **COMPETITION.**

15 (a) *DEFINITIONS.*—*In this section:*

16 (1) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
 17 *ty” means a nonprofit entity, an institution of higher*
 18 *education, or an entity working with one or more in-*
 19 *stitutes of higher education.*

20 (2) *MINORITY-SERVING INSTITUTION.*—*The term*
 21 *“minority-serving institution” means an institution*
 22 *described in section 371(a) of the Higher Education*
 23 *Act of 1965 (20 U.S.C. 1067q(a)).*

24 (b) *IN GENERAL.*—*The Secretary shall establish a pro-*
 25 *gram, known as the “Clean Energy Technology University*

1 Prize”, to award funding for eligible entities to carry out
 2 regional and one national clean energy technology prize
 3 competitions, under section 24 of the Stevenson-Wydler
 4 Technology Innovation Act of 1980 (15 U.S.C. 3719). In
 5 carrying out such prize competitions, students shall compete
 6 to develop a business model for furthering the commercial
 7 application of an innovative clean energy technology.

8 (c) *TRAINING FUNDING.*—In carrying out this pro-
 9 gram, the Secretary may provide funding to train partici-
 10 pating students in skills needed for the successful commer-
 11 cial application of clean energy technologies, including
 12 through virtual training sessions.

13 (d) *PRIORITIZATION.*—In awarding grants under this
 14 section, the Secretary shall prioritize awarding grants to
 15 eligible entities that work with students at minority-serving
 16 institutions.

17 (e) *COORDINATION.*—In carrying out this program, the
 18 Secretary shall coordinate and partner with other clean en-
 19 ergy technology prize competitions. In doing so, the Sec-
 20 retary may develop and disseminate best practices for ad-
 21 ministering prize competitions under this section.

22 (f) *REPORT.*—In accordance with section 9007 of Divi-
 23 sion Z of the Consolidated Appropriations Act, 2021 (Pub-
 24 lic Law 116–260), the Secretary shall report annually on

1 *the progress and implementation of the program established*
 2 *under section (b).*

3 *(g) EVALUATION.—In accordance with section 9007 of*
 4 *Division Z of the Consolidated Appropriations Act, 2021*
 5 *(Public Law 116–260), the Secretary shall submit to the*
 6 *Committee on Science, Space, and Technology of the House*
 7 *of Representatives and the Committee on Energy and Nat-*
 8 *ural Resources of the Senate an evaluation on the long-term*
 9 *outcomes of the program established under this section and*
 10 *the progress towards achieving the purposes of the program*
 11 *in subsection (b).*

12 *(h) AUTHORIZATION OF APPROPRIATIONS.—There are*
 13 *authorized to be appropriated to the Secretary to carry out*
 14 *the activities authorized in this section \$1,000,000 for each*
 15 *of fiscal years 2022 through 2026.*

16 **SEC. 103. CLEAN ENERGY TECHNOLOGY TRANSFER CO-**
 17 **ORDINATION.**

18 *(a) IN GENERAL.—The Secretary, acting through the*
 19 *Chief Commercialization Officer established in section 1001*
 20 *(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391 (a)),*
 21 *shall support the coordination of relevant technology trans-*
 22 *fer programs that advance the commercial application of*
 23 *clean energy technologies nationally and across all energy*
 24 *sectors. In particular, the Secretary may support activities*
 25 *to—*

1 (1) *facilitate the sharing of information on best*
2 *practices for successful operation of clean energy tech-*
3 *nology transfer programs;*

4 (2) *coordinate resources and improve cooperation*
5 *among clean energy technology transfer programs;*

6 (3) *facilitate connections between entrepreneurs*
7 *and start-up companies and the variety of programs*
8 *related to clean energy technology transfer under the*
9 *Department; and*

10 (4) *facilitate the development of metrics to meas-*
11 *ure the impact of clean energy technology transfer*
12 *programs on—*

13 (A) *advancing the development, demonstra-*
14 *tion, and commercial application of clean energy*
15 *technologies;*

16 (B) *increasing the competitiveness of United*
17 *States in the clean energy sector, including in*
18 *manufacturing; and*

19 (C) *commercial application of clean energy*
20 *technologies being developed by entrepreneurs*
21 *from under-represented backgrounds.*

22 (b) *AUTHORIZATION OF APPROPRIATIONS.—There are*
23 *authorized to be appropriated to the Secretary to carry out*
24 *the activities in this section \$3,000,000 for each of fiscal*
25 *years 2022 through 2026.*

1 **TITLE II—SUPPORTING TECH-**
 2 **NOLOGY DEVELOPMENT AT**
 3 **THE NATIONAL LABORA-**
 4 **TORIES**

5 **SEC. 201. LAB PARTNERING SERVICE PILOT PROGRAM.**

6 *Section 9002 of division Z of the Consolidated Appro-*
 7 *priations Act, 2021 (Public Law 116–260) is amended by*
 8 *adding at the end the following:*

9 *“(h) AUTHORIZATION OF APPROPRIATIONS.—There*
 10 *are authorized to be appropriated to the Secretary*
 11 *\$2,000,000 for each of fiscal years 2022 through 2024 to*
 12 *carry out subsections (a), (b), and (c), and \$1,700,000 for*
 13 *each of fiscal years 2022 through 2024 for National Labora-*
 14 *tory employees to provide services under subsection (d).”.*

15 **SEC. 202. LAB-EMBEDDED ENTREPRENEURSHIP PROGRAM.**

16 *(a) IN GENERAL.—The Secretary shall competitively*
 17 *award grants to National Laboratories for the purpose of*
 18 *establishing or supporting Lab-Embedded Entrepreneur-*
 19 *ship Programs.*

20 *(b) PURPOSES.—The purposes of such programs are*
 21 *to provide entrepreneurial fellows with access to National*
 22 *Laboratory research facilities, National Laboratory exper-*
 23 *tise, and mentorship to perform research and development*
 24 *and gain expertise that may be required or beneficial for*
 25 *the commercial application of research ideas.*

1 (c) *ENTREPRENEURIAL FELLOWS*.—An entrepre-
2 neurial fellow participating in a program described in sub-
3 section (a) shall be provided with—

4 (1) *opportunities for entrepreneurial training,*
5 *professional development, and exposure to leaders*
6 *from academia, industry, government, and finance*
7 *who may serve as advisors to or partners of the fel-*
8 *low;*

9 (2) *financial and technical support for research,*
10 *development, and commercial application activities;*

11 (3) *fellowship awards to cover costs of living,*
12 *health insurance, and travel stipends for the duration*
13 *of the fellowship; and*

14 (4) *any other resources determined appropriate*
15 *by the Secretary.*

16 (d) *PROGRAM ACTIVITIES*.—Each National Labora-
17 tory that receives funding under this section shall support
18 entrepreneurial fellows by providing—

19 (1) *access to facilities and expertise within the*
20 *National Laboratory;*

21 (2) *engagement with external stakeholders; and*

22 (3) *market and customer development opportuni-*
23 *ties.*

24 (e) *ADMINISTRATION*.—National Laboratories that re-
25 ceive grants under this section shall prioritize the support

1 *and success of the entrepreneurial fellow with regards to*
2 *professional development and development of a relevant*
3 *technology.*

4 *(f) PARTNERSHIPS.—In carrying out a Lab-Embedded*
5 *Entrepreneurship Program, a National Laboratory may*
6 *partner with an external entity, including—*

7 *(1) a nonprofit organization;*

8 *(2) an institution of higher education;*

9 *(3) a federally-owned corporation; or*

10 *(4) a consortium of 2 or more entities described*
11 *in paragraphs (1) through (3).*

12 *(g) METRICS.—The Secretary shall support the devel-*
13 *opment of short-term and long-term metrics to assess the*
14 *effectiveness of programs receiving a grant under subsection*
15 *(a) in achieving the purposes of the program in subsection*
16 *(a).*

17 *(h) EVALUATION.—In accordance with section 9007 of*
18 *Division Z of the Consolidated Appropriations Act, 2021*
19 *(Public Law 116–260), not later than 3 years after the date*
20 *of the enactment of this Act, and every 3 years thereafter,*
21 *the Secretary shall submit to the Committee on Science,*
22 *Space, and Technology of the House of Representatives and*
23 *the Committee on Energy and Natural Resources of the Sen-*
24 *ate an evaluation of the effectiveness of the programs under*

1 subsection (a) based on the metrics developed pursuant to
 2 subsection (g).

3 (i) *COORDINATION.*—The Secretary shall oversee the
 4 planning and coordination of grants under subsection (a)
 5 and shall identify and disseminate best practices for achiev-
 6 ing the purposes of subsection (a) to National Laboratories
 7 that receive grants under this section.

8 (j) *INTERAGENCY COLLABORATION.*—The Secretary
 9 shall collaborate with other executive branch agencies, in-
 10 cluding the Department of Defense and other agencies with
 11 Federal laboratories, regarding opportunities to partner
 12 with National Laboratories receiving a grant under sub-
 13 section (a).

14 (k) *AUTHORIZATION OF APPROPRIATIONS.*—There are
 15 authorized to be appropriated to the Secretary to carry out
 16 the activities authorized in this section \$25,000,000 for each
 17 of fiscal years 2022 through 2026.

18 **SEC. 203. SMALL BUSINESS VOUCHER PROGRAM.**

19 Section 1003 of the Energy Policy Act of 2005 (42
 20 U.S.C. 16393) is amended—

21 (1) in subsection (a)—

22 (A) in the matter preceding paragraph (1),
 23 by striking “, and may require the Director of
 24 a single-purpose research facility,” and inserting

1 “(as defined in section 2) and the Director of
2 each single-purpose research facility”;

3 (B) in paragraph (1)—

4 (i) by striking “increase” and insert-
5 ing “encourage”; and

6 (ii) by striking “collaborative re-
7 search,” and inserting “research, develop-
8 ment, demonstration, and commercial ap-
9 plication activities, including product devel-
10 opment,”;

11 (C) in paragraph (2), by striking “procure-
12 ment and collaborative research” and inserting
13 “the activities described in paragraph (1)”;

14 (D) in paragraph (3)—

15 (i) by inserting “facilities,” before
16 “training”; and

17 (ii) by striking “procurement and col-
18 laborative research activities” and inserting
19 “the activities described in paragraph (1)”;

20 and

21 (E) in paragraph (5), by striking “for the
22 program under subsection (b)” and inserting
23 “and metrics for the programs under subsections
24 (b) and (c)”;

1 (2) *by redesignating subsections (c) and (d) as*
 2 *subsections (d) and (e), respectively;*

3 (3) *by inserting after subsection (b) the fol-*
 4 *lowing:*

5 “(c) *SMALL BUSINESS VOUCHER PROGRAM.—*

6 *“(1) DEFINITIONS.—In this subsection:*

7 “(A) *DIRECTOR.—The term ‘Director’*
 8 *means—*

9 *“(i) the Director of each National Lab-*
 10 *oratory; and*

11 *“(ii) the Director of each single-pur-*
 12 *pose research facility.*

13 “(B) *NATIONAL LABORATORY.—The term*
 14 *‘National Laboratory’ has the meaning given the*
 15 *term in section 2.*

16 “(C) *PROGRAM.—The term ‘program’*
 17 *means the program established under paragraph*
 18 *(2).*

19 “(D) *SMALL BUSINESS CONCERN.—The*
 20 *term ‘small business concern’ has the meaning*
 21 *given such term in section 3 of the Small Busi-*
 22 *ness Act (15 U.S.C. 632).*

23 “(2) *ESTABLISHMENT.—The Secretary, acting*
 24 *through the Chief Commercialization Officer ap-*
 25 *pointed under section 1001(a), and in consultation*

1 *with the Directors, shall establish a program to pro-*
2 *vide small business concerns with vouchers under*
3 *paragraph (3)—*

4 “(A) *to achieve the goal described in sub-*
5 *section (a)(1); and*

6 “(B) *to improve the products, services, and*
7 *capabilities of small business concerns in the*
8 *mission space of the Department.*

9 “(3) *VOUCHERS.—Under the program, the Direc-*
10 *tors are authorized to provide to small business con-*
11 *cerns vouchers to be used at National Laboratories*
12 *and single-purpose research facilities for—*

13 “(A) *research, development, demonstration,*
14 *technology transfer, or commercial application*
15 *activities; or*

16 “(B) *any other activities that the applicable*
17 *Director determines appropriate.*

18 “(4) *EXPEDITED APPROVAL.—The Secretary,*
19 *working with the Directors, shall establish a stream-*
20 *lined approval process for financial assistance agree-*
21 *ments signed between—*

22 “(A) *small business concerns selected to re-*
23 *ceive a voucher under the program; and*

24 “(B) *the National Laboratories and single-*
25 *purpose research facilities.*

1 “(5) *COST-SHARING REQUIREMENT.*—*In car-*
 2 *rying out the program, the Secretary shall require*
 3 *cost-sharing in accordance with section 988.*

4 “(6) *REPORT.*—*In accordance with section 9007*
 5 *of division Z of the Consolidated Appropriations Act,*
 6 *2021 (Public Law 116–260), the Secretary shall re-*
 7 *port annually on the progress and implementation of*
 8 *the small business voucher program established under*
 9 *this section, including the number and locations of*
 10 *small businesses that received grants under this pro-*
 11 *gram.”; and*

12 *(4) in subsection (e) (as so redesignated), by*
 13 *striking “for activities under this section” and insert-*
 14 *ing “for activities under subsection (b)” and inserting*
 15 *before the period at the end “and for activities under*
 16 *subsection (c) \$25,000,000 for each of fiscal years*
 17 *2022 through 2026”.*

18 **SEC. 204. ENTREPRENEURIAL LEAVE PROGRAM.**

19 “(a) *IN GENERAL.*—*The Secretary shall delegate to Di-*
 20 *rectors the authority to carry out an entrepreneurial leave*
 21 *program (referred to in this section as the “program”) to*
 22 *allow National Laboratory employees to take a full leave*
 23 *of absence from their position, with the option to return*
 24 *to that or a comparable position up to 3 years later, or*
 25 *a partial leave of absence, to advance the commercial appli-*

1 cation of energy and related technologies relevant to the
2 mission of the Department.

3 (b) *TERMINATION AUTHORITY.*—Directors shall retain
4 the authority to terminate National Laboratory employees
5 that participate in the program if such employees are found
6 to violate terms prescribed by the National Laboratory at
7 which such employee is employed.

8 (c) *LICENSING.*—To reduce barriers to participation
9 in the program, the Secretary shall delegate to the Directors
10 the requirement to establish streamlined mechanisms for fa-
11 cilitating the licensing of technology that is the focus of Na-
12 tional Laboratory employees who participate in the pro-
13 gram.

14 (d) *REPORT.*—In accordance with section 9007 of divi-
15 sion Z of the Consolidated Appropriations Act, 2021 (Pub-
16 lic Law 116–260), the Secretary shall report annually on
17 the utilization of this authority at National Laboratories,
18 including the number of employees who participate in this
19 program at each National Laboratory and the number of
20 employees who take a permanent leave from their positions
21 at National Laboratories as a result of participating in this
22 program.

23 (e) *FEDERAL ETHICS.*—Nothing in this section shall
24 affect existing Federal ethics rules applicable to Federal
25 personnel.

1 **SEC. 205. NATIONAL LABORATORY EMPLOYEE OUTSIDE EM-**
2 **PLOYMENT AUTHORITY.**

3 (a) *IN GENERAL.*—*The Secretary shall delegate to Di-*
4 *rectors of National Laboratories the authority to allow their*
5 *employees—*

6 (1) *to engage in outside employment, including*
7 *start-up companies based on licensing technologies de-*
8 *veloped at National Laboratories and consulting in*
9 *their areas of expertise, and receive compensation*
10 *from such entities; and*

11 (2) *to engage in outside activities related to their*
12 *areas of expertise at the National Laboratory and*
13 *may allow employees, in their employment capacity*
14 *at such outside employment, to access the National*
15 *Laboratories under the same contracting mechanisms*
16 *as non-Laboratory employees and entities, in accord-*
17 *ance with appropriate conflict of interest protocols.*

18 (b) *REQUIREMENTS.*—*If a Director elects to use the*
19 *authority granted by subsection (a) of this section, the Di-*
20 *rector, or their designee, shall—*

21 (1) *require employees to disclose to and obtain*
22 *approval from the Director or their designee prior to*
23 *engaging in any outside employment;*

24 (2) *develop and require appropriate conflict of*
25 *interest protocols for employees that engage in outside*
26 *employment; and*

1 (3) *maintain the authority to terminate employ-*
2 *ees engaging in outside employment if they are found*
3 *to violate terms, including conflict of interest proto-*
4 *cols, mandated by the Director.*

5 (c) *ADDITIONAL RESTRICTIONS.—Employees engaging*
6 *in outside employment may not—*

7 (1) *allow such activities to interfere with or im-*
8 *pede their duties at the National Laboratory;*

9 (2) *engage in activities related to outside em-*
10 *ployment using National Laboratory government*
11 *equipment, property, or resources, unless such activi-*
12 *ties are performed under National Laboratory con-*
13 *tracting mechanisms, such as Cooperative Research*
14 *and Development Agreements or Strategic Partner-*
15 *ship Projects, whereby all conflicts of interest require-*
16 *ments apply; or*

17 (3) *use their position at a National Laboratory*
18 *to provide an unfair competitive advantage to an out-*
19 *side employer or start-up activity.*

20 (d) *FEDERAL ETHICS.—Nothing in this section shall*
21 *affect existing Federal ethics rules applicable to Federal*
22 *personnel.*

23 **SEC. 206. SIGNATURE AUTHORITY.**

24 (a) *IN GENERAL.—Subject to subsections (b) and (c),*
25 *the Secretary shall delegate to Directors of the National*

1 *Laboratories signature authority with respect to any agree-*
 2 *ment described in subsection (b) the total cost of which, in-*
 3 *cluding the National Laboratory contributions and project*
 4 *recipient cost share, is less than \$1,000,000, if such an*
 5 *agreement falls within the scope of—*

6 (1) *the strategic plan for the National Labora-*
 7 *tory or a master scope of work that has been approved*
 8 *by the Department; or*

9 (2) *the most recent budget approved by Congress*
 10 *for Department activities to be carried out by the Na-*
 11 *tional Laboratory.*

12 (b) *AGREEMENTS.—Subsection (a) applies to—*

13 (1) *a cooperative research and development*
 14 *agreement;*

15 (2) *a strategic partnership project;*

16 (3) *prize competitions;*

17 (4) *an agreement for commercializing technology;*

18 *or*

19 (5) *any other agreement determined to be appro-*
 20 *priate by the Secretary, in collaboration with the Di-*
 21 *rectors of the National Laboratories.*

22 (c) *ADMINISTRATION.—*

23 (1) *ACCOUNTABILITY.—The Director of the af-*
 24 *ected National Laboratory and the affected contractor*
 25 *shall carry out an agreement under this section in ac-*

1 *cordance with applicable policies of the Department,*
2 *including by ensuring that the agreement does not*
3 *compromise any national security, economic, or envi-*
4 *ronmental interest of the United States.*

5 (2) *CERTIFICATION.—The Director of the affected*
6 *National Laboratory and the affected contractor shall*
7 *certify that each activity carried out under a project*
8 *for which an agreement is entered into under this sec-*
9 *tion does not present, or minimizes, any apparent*
10 *conflict of interest, and avoids or neutralizes any ac-*
11 *tual conflict of interest, as a result of the agreement*
12 *under this section.*

13 (3) *AVAILABILITY OF RECORDS.—Not later than*
14 *30 days after the date on which a Director of a Na-*
15 *tional Laboratory enters an agreement under this sec-*
16 *tion, such Director shall submit to the Secretary for*
17 *monitoring and review all records of the National*
18 *Laboratory relating to the agreement.*

19 (d) *APPROVAL.—Upon granting the signature author-*
20 *ity under in subsection (a), the Secretary may not require*
21 *any additional reviews or approvals of draft agreements,*
22 *statements of work, or other documents for agreements that*
23 *meet the criteria under subsection (a).*

1 (e) *EXCEPTION.*—*This section does not apply to any*
2 *agreement with a foreign-controlled entity or entity under*
3 *the majority control of any foreign entity.*

4 (f) *REPORT.*—*In accordance with section 9007 of divi-*
5 *sion Z of the Consolidated Appropriations Act, 2021 (Pub-*
6 *lic Law 116–260), the Secretary shall submit annually in-*
7 *formation on the number and types of agreements signed*
8 *using the authorities granted under this section.*

9 (g) *EVALUATION.*—*Not later than 3 years after the en-*
10 *actment of this Act the Secretary shall submit to the Com-*
11 *mittee on Science, Space, and Technology Committee of the*
12 *House of Representatives and the Committee on Energy and*
13 *Natural Resources of the Senate an evaluation of the effi-*
14 *cacy of reducing administrative burden for agreements*
15 *signed using the authorities granted under this section.*

16 (h) *CONFORMING AMENDMENT.*—*Section 12 of the Ste-*
17 *venson-Wydler Technology Innovation Act of 1980 (15*
18 *U.S.C. 3710a) is amended—*

19 (1) *in subsection (a)—*

20 (A) *by redesignating paragraphs (1) and*
21 (2) *as subparagraphs (A) and (B), respectively,*
22 *and indenting the subparagraphs appropriately;*

23 (B) *by striking “Each Federal agency” and*
24 *inserting the following:*

1 “(1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), each Federal agency*”; and

3 (C) *by adding at the end the following:*

4 “(2) *EXCEPTION.*—*Notwithstanding paragraph*
5 *(1), in accordance with section 206 of the Energizing*
6 *Technology Transfer Act, approval by the Secretary of*
7 *Energy shall not be required for any agreement pro-*
8 *posed to be entered into by a National Laboratory of*
9 *the Department of Energy, the total cost of which, in-*
10 *cluding the National Laboratory contributions and*
11 *project recipient cost share, is less than \$1,000,000.*”;
12 and

13 (2) *in subsection (b), by striking “subsection*
14 *(a)(1)” each place it appears and inserting “sub-*
15 *section (a)(1)(A)”.*

16 ***TITLE III—DEPARTMENT OF*** 17 ***ENERGY MODERNIZATION***

18 ***SEC. 301. OFFICE OF TECHNOLOGY TRANSITIONS.***

19 *Section 1001(a) of the Energy Policy Act of 2005 (42*
20 *U.S.C. 16391) is amended by adding at the end the fol-*
21 *lowing:*

22 “(6) *HIRING AND MANAGEMENT.*—*To carry out*
23 *the program authorized in this section, the Under*
24 *Secretary for Science may appoint personnel using*

1 *the authorities in section 305 of the Energizing Tech-*
2 *nology Transfer Act.*

3 “(7) *AUTHORIZATION OF APPROPRIATIONS.—*
4 *There are authorized to be appropriated to the Sec-*
5 *retary to carry out the activities authorized in this*
6 *section \$20,000,000 for each of fiscal years 2022*
7 *through 2026.’’.*

8 **SEC. 302. MANAGEMENT OF DEMONSTRATION PROJECTS.**

9 (a) *MANAGEMENT OF DEPARTMENT OF ENERGY DEM-*
10 *ONSTRATION PROJECTS.—The Secretary, shall establish a*
11 *program to conduct project management and oversight of*
12 *demonstration projects that receive or are eligible to receive*
13 *funding from the Department, in coordination with rel-*
14 *evant staff from Department program offices, including the*
15 *Office of Technology Transitions, the Loan Program Office,*
16 *and all applied program offices. The purposes of this pro-*
17 *gram are to—*

18 (1) *conduct evaluation of demonstration project*
19 *proposals prior to selection of a project for funding;*

20 (2) *conduct independent oversight of the execu-*
21 *tion of a demonstration project once funding has been*
22 *awarded for such project; and*

23 (3) *ensure a balanced portfolio of investments in*
24 *clean energy technology demonstration projects.*

1 (b) *DEMONSTRATION PROJECT MANAGEMENT EMPLOY-*
2 *EES.*—

3 (1) *AUTHORITY.*—*In carrying out the program*
4 *under subsection (a), the Under Secretary for Science*
5 *shall appoint at least 4 full time employees to achieve*
6 *the purposes of the program outlined in subsection (a)*
7 *in coordination with relevant staff at Department*
8 *program offices.*

9 (2) *HIRING AUTHORITY.*—*To carry out the pro-*
10 *gram authorized in this section, the Under Secretary*
11 *for Science may hire personnel using the authorities*
12 *in section 305 of this Act.*

13 (c) *DUTIES.*—*In carrying out the program in sub-*
14 *section (a), employees under this section shall work with*
15 *relevant staff from Department program offices to—*

16 (1) *evaluate demonstration project proposals, in-*
17 *cluding the scope, technical specifications, maturity of*
18 *design, funding profile, estimated costs, proposed*
19 *schedule, proposed technical and financial milestones,*
20 *and potential for commercial success based on eco-*
21 *nomic and policy projections;*

22 (2) *develop independent cost estimates of dem-*
23 *onstration project proposals, when appropriate;*

24 (3) *recommend to the director of a program of-*
25 *fice whether to fund a demonstration project proposal;*

1 (4) oversee the execution of the demonstration
2 projects that receive funding from the Department
3 under this section and conduct reviews of ongoing
4 projects, which may include reconciling estimated
5 costs as compared to actual costs and evaluating
6 progress of the project based on the proposed schedule
7 and technical and financial milestones, and provide
8 such reviews to the Secretary; and

9 (5) assess lessons learned and implement im-
10 provements to evaluate and oversee demonstration
11 projects carried out under this section.

12 (d) *ADDITIONAL AUTHORITY.*—The Secretary may
13 carry out and manage demonstration projects directly
14 through the program established in subsection (a).

15 (e) *PROJECT TERMINATION.*—Should an ongoing dem-
16 onstration project receive an unfavorable review under sub-
17 section (c)(4), the director of a Department program office
18 or their designee may cease funding the demonstration
19 project and reallocate the remaining funds to new or exist-
20 ing demonstration projects carried out by that program of-
21 fice.

22 (f) *COORDINATION.*—In establishing and carrying out
23 the program, the Secretary shall coordinate with project
24 management and acquisition management entities within
25 the Department, including the Office of Project Manage-

1 ment, and relevant professional organizations in project
 2 management, construction, cost estimation, and other rel-
 3 evant fields.

4 (g) *REPORTING.*—In accordance with section 9007 of
 5 Division Z of the Consolidated Appropriations Act, 2021
 6 (Public Law 116–260), the Secretary shall report annually
 7 on the utilization of the authority granted under this sec-
 8 tion, including—

9 (1) a summary of any demonstration projects
 10 currently being carried out under this section; and

11 (2) the reviews under subsection (c)(4) of any on-
 12 going demonstration projects carried out under this
 13 section.

14 (h) *EVALUATION BY COMPTROLLER GENERAL.*—Not
 15 later than 3 years after the date of the enactment of this
 16 Act the Comptroller General shall submit to the Committee
 17 on Science, Space, and Technology of the House of Rep-
 18 resentatives and the Committee on Energy and Natural Re-
 19 sources of the Senate an evaluation on the operation of the
 20 program established under this section, including—

21 (1) the processes and procedures used to evaluate
 22 demonstration project proposals and oversee dem-
 23 onstration projects that receive funding under this
 24 section;

1 (2) *any recommended changes to the program,*
 2 *including the structure and the processes and proce-*
 3 *dures used to evaluate and oversee demonstration*
 4 *projects that receive funding under this section; and*

5 (3) *any recommended changes to the structure of*
 6 *this program to improve the success in meeting the*
 7 *program purposes under subsection (a).*

8 **SEC. 303. STREAMLINING PRIZE COMPETITIONS.**

9 (a) *REPORTING.*—Section 1008 of the Energy Policy
 10 *Act of 2005 (42 U.S.C. 16396) is amended by adding at*
 11 *the end the following:*

12 “(h) *REPORT.*—In accordance with section 9007 of Di-
 13 *vision Z of the Consolidated Appropriations Act, 2021*
 14 *(Public Law 116–260), the Secretary shall report annually*
 15 *on a description of any prize competitions carried out using*
 16 *the authority under this section, the total amount of prizes*
 17 *awarded along with any private sector contributions, the*
 18 *methods used for solicitation and evaluation, and a descrip-*
 19 *tion of how each prize competition advanced the mission*
 20 *of the Department.”.*

21 (b) *TECHNICAL AMENDMENT.*—Section 1008 of the
 22 *Energy Policy Act of 2005 (42 U.S.C. 16396) is amended*
 23 *by redesignating the second subsection (e) (relating to au-*
 24 *thorization of appropriations) as subsection (f).*

1 **SEC. 304. COST-SHARE WAIVER EXTENSION.**

2 (a) *IN GENERAL.*—Section 988 of the Energy Policy
3 Act of 2005 (42 U.S.C. 16351) is amended in subsection
4 (b)(4)(B) by striking “this paragraph” and inserting “the
5 Energizing Technology Transfer Act”.

6 (b) *REPORT.*—Section 108(b) of the Department of
7 Energy Research and Innovation Act is amended in sub-
8 section (b) by striking “this Act” each place it appears and
9 inserting “the Energizing Technology Transfer Act”.

10 **SEC. 305. SPECIAL HIRING AUTHORITY FOR SCIENTIFIC, EN-**
11 **GINEERING, AND PROJECT MANAGEMENT**
12 **PERSONNEL.**

13 (a) *IN GENERAL.*—The Under Secretary for Science
14 shall have the authority to—

15 (1) make appointments of not more than 60 sci-
16 entific, engineering, and professional personnel, with-
17 out regard to civil service laws, to assist the Depart-
18 ment in meeting specific project or research needs;

19 (2) fix the basic pay of any employee appointed
20 under this section at a rate to be determined by the
21 Under Secretary at rates not in excess of Level II of
22 the Executive Schedule (EX-II) under section 5311 of
23 title 5, United States Code without regard to the civil
24 service laws; and

25 (3) pay any employee appointed under this sec-
26 tion payments in addition to basic pay, except that

1 *the total amount of additional payments paid to an*
 2 *employee under this subsection for any 12-month pe-*
 3 *riod shall not exceed the lesser of the following*
 4 *amounts:*

5 (A) \$25,000.

6 (B) *The amount equal to 25 percent of the*
 7 *annual rate of basic pay of that employee.*

8 (C) *The amount of the limitation that is*
 9 *applicable for a calendar year under section*
 10 *5307(a)(1) of title 5, United States Code.*

11 (b) *TERM.—*

12 (1) *IN GENERAL.—The term of any employee ap-*
 13 *pointed under this section shall not exceed 3 years*
 14 *unless otherwise authorized in law.*

15 (2) *TERMINATION.—The Under Secretary for*
 16 *Science shall have the authority to terminate any em-*
 17 *ployee appointed under this section at any time based*
 18 *on performance or changing project or research needs*
 19 *of the Department.*

20 **SEC. 306. TECHNOLOGY TRANSFER REPORTS AND EVALUA-**
 21 **TION.**

22 *Section 9007 of division Z of the Consolidated Appro-*
 23 *priations Act, 2021 (Public Law 116–260) is amended as*
 24 *follows:*

1 “(a) *ANNUAL REPORT.*—As part of the updated tech-
2 nology transfer execution plan required each year under sec-
3 tion 1001(h)(2) of the Energy Policy Act of 2005 (42 U.S.C.
4 16391(g)(2)), the Secretary of Energy (in this section re-
5 ferred to as the ‘Secretary’) shall submit to the Committee
6 on Science, Space, and Technology of the House of Rep-
7 resentatives and the Committee on Energy and Natural Re-
8 sources of the Senate a report on the progress and imple-
9 mentation of programs established under sections 9001,
10 9002, 9003, 9004, and 9005 of this Act and under sections
11 102, 203, 204, 205, 206, and 302 of the Energizing Tech-
12 nology Transfer Act.

13 “(b) *EVALUATION.*—Not later than 3 years after the
14 enactment of this Act and every 3 years thereafter the Sec-
15 retary shall submit to the Committee on Science, Space, and
16 Technology of the House of Representatives and the Com-
17 mittee on Energy and Natural Resources of the Senate an
18 evaluation on the extent to which programs established
19 under sections 9001, 9002, 9003, 9004, and 9005 of this
20 Act and sections 101, 102, 103, and 202 of the Energizing
21 Technology Transfer Act are achieving success based on rel-
22 evant short-term and long-term metrics.”.

Union Calendar No. 350

117TH CONGRESS
2D Session

H. R. 4606

[Report No. 117-453]

A BILL

To establish programs and authorities to facilitate the commercial application of clean energy and related technologies in the United States.

AUGUST 19, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed