

Houston's diverse workforce boasts a variety of skills and occupations. From medical professionals and engineers to production managers and accountants, Houston's labor force fills 2.7 million jobs and counting.

Houston has a world class medical center that serves the health care needs of residents and brings to our city people from around the world for health care.

NIST is responsible for leading the development of the core health IT testing infrastructure that will provide a scalable, multi-partner, automated, remote capability for current and future medical technology testing needs.

The objective of the NIST Health IT Testing Infrastructure Project is to harmonize the efforts of healthcare standards test development and delivery to meet the demands for conformance and interoperability within the healthcare domain.

NIST works in collaboration with health care providers, IT stakeholders such as vendors, implementers, standards organizations and certification bodies to establish a testing infrastructure that will:

- Provide a variety of testing services;
- Support a broad range of test environments;
- Support numerous health data standards;
- Provide a component-based user interface;
- Support changing user requirements;
- Leverage existing testing initiatives;
- Provide a method for feedback so that health standards can be improved; and
- Roll out tools and resources incrementally.

Houston also hosts universities, research institutions and agencies that rely upon NIST's core areas of work including:

- Bioscience Health;
- Building and Fire Research;
- Chemistry;
- Electronics & Communications;
- Energy;
- Environment and Climate;
- Information Technology;
- Manufacturing;
- Mathematics;
- Nanotechnology;
- Neuro Research; and
- Physics.

NIST's work touches the lives of every person in the United States from the smart electric power grid and electronic health records to atomic clocks, advanced nanomaterials, and computer chips, innumerable products and services rely in some way on the work of this small agency.

I ask that my colleagues join me in support of this reauthorization of NIST and that we work together to end the impact on Sequestration on NIST programs.

Mr. SMITH of Texas. Mr. Speaker, I am pleased to join my colleague, Chairman of the Research and Technology Subcommittee, LARRY BUCSHON, in support of the reauthorization of the National Institute of Standards and Technology (NIST).

Measurement science conducted at NIST contributes to industrial competitiveness by supporting the technical infrastructure for advancements in nanotechnology, global positioning systems, materials sciences, cybersecurity, health information technology, and a variety of other fields.

Research conducted at NIST laboratories has been lauded by independent review panels as being among the best in the world. NIST researchers have been awarded four Nobel prizes in Physics in the last 15 years.

H.R. 5035 codifies education and outreach efforts at NIST and requires a comprehensive review of the NIST laboratory programs by the National Academy of Sciences.

This bill authorizes just over \$855 million dollars for NIST in Fiscal Year 2015, this funding level is consistent with the House passed Appropriations bill.

NIST works alongside industry and is recognized as a provider of high-quality information utilized by the private sector. H.R. 5035 reauthorizes the work of this important agency at responsible funding levels.

I encourage my colleagues to support this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUCSHON) that the House suspend the rules and pass the bill, H.R. 5035.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF ENERGY LABORATORY MODERNIZATION AND TECHNOLOGY TRANSFER ACT OF 2014

Mr. HULTGREN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5120) to improve management of the National Laboratories, enhance technology commercialization, facilitate public-private partnerships, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Department of Energy Laboratory Modernization and Technology Transfer Act of 2014”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

Sec. 3. Savings clause.

TITLE I—INNOVATION MANAGEMENT AT DEPARTMENT OF ENERGY

Sec. 101. Under Secretary for Science and Energy.

Sec. 102. Technology transfer assessment.

Sec. 103. Sense of Congress.

TITLE II—CROSS-SECTOR PARTNERSHIPS AND GRANT COMPETITIVENESS

Sec. 201. Agreements for Commercializing Technology pilot program.

Sec. 202. Public-private partnerships for commercialization.

Sec. 203. Inclusion of early-stage technology demonstration in authorized technology transfer activities.

Sec. 204. Funding competitiveness for institutions of higher education and other nonprofit institutions.

Sec. 205. Participation in the Innovation Corps program.

TITLE III—ASSESSMENT OF IMPACT

Sec. 301. Report by Government Accountability Office.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) NATIONAL LABORATORIES.—The term “National Laboratory” means a Department of Energy nonmilitary national laboratory, including—

- (A) Ames Laboratory;
- (B) Argonne National Laboratory;
- (C) Brookhaven National Laboratory;
- (D) Fermi National Accelerator Laboratory;
- (E) Idaho National Laboratory;
- (F) Lawrence Berkeley National Laboratory;
- (G) National Energy Technology Laboratory;
- (H) National Renewable Energy Laboratory;
- (I) Oak Ridge National Laboratory;
- (J) Pacific Northwest National Laboratory;
- (K) Princeton Plasma Physics Laboratory;
- (L) Savannah River National Laboratory;
- (M) Stanford Linear Accelerator Center;
- (N) Thomas Jefferson National Accelerator Facility; and

(O) any laboratory operated by the National Nuclear Security Administration, but only with respect to the civilian energy activities thereof.

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

SEC. 3. SAVINGS CLAUSE.

Nothing in this Act or an amendment made by this Act abrogates or otherwise affects the primary responsibilities of any National Laboratory to the Department.

TITLE I—INNOVATION MANAGEMENT AT DEPARTMENT OF ENERGY

SEC. 101. UNDER SECRETARY FOR SCIENCE AND ENERGY.

(a) IN GENERAL.—Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended—

(1) by striking “Under Secretary for Science” each place it appears and inserting “Under Secretary for Science and Energy”; and

(2) in paragraph (4)—

(A) in subparagraph (F), by striking “and” at the end;

(B) in subparagraph (G), by striking the period at the end and inserting a semicolon; and

(C) by inserting after subparagraph (G) the following:

“(H) establish appropriate linkages between offices under the jurisdiction of the Under Secretary; and

“(I) perform such functions and duties as the Secretary shall prescribe, consistent with this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 3164(b)(1) of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a(b)(1)) is amended by striking “Under Secretary for Science” and inserting “Under Secretary for Science and Energy”.

(2) Section 641(h)(2) of the United States Energy Storage Competitiveness Act of 2007 (42 U.S.C. 17231(h)(2)) is amended by striking “Under Secretary for Science” and inserting “Under Secretary for Science and Energy”.

SEC. 102. TECHNOLOGY TRANSFER ASSESSMENT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report which shall include—

(1) an assessment of the Department's current ability to carry out the goals of section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391), including an assessment of the role and effectiveness of the Technology Transfer Coordinator position; and

(2) recommended departmental policy changes and legislative changes to section

1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) to improve the Department's ability to successfully transfer new energy technologies to the private sector.

SEC. 103. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) the establishment of the independent Commission to Review the Effectiveness of the National Energy Laboratories under section 319 of title III of division D of the Consolidated Appropriations Act, 2014, is an important step towards developing a coordinated strategy for the National Laboratories in the 21st century;

(2) Congress looks forward to—

(A) receiving the findings and conclusions of the Commission; and

(B) engaging with the Administration—

(i) in strengthening the mission of the National Laboratories; and

(ii) to reform and modernize the operations and management of the National Laboratories; and

(3) the Secretary should encourage the National Laboratories and federally funded research and development centers to inform small businesses of the opportunities and resources that exist pursuant to this Act.

TITLE II—CROSS-SECTOR PARTNERSHIPS AND GRANT COMPETITIVENESS

SEC. 201. AGREEMENTS FOR COMMERCIALIZING TECHNOLOGY PILOT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out the Agreements for Commercializing Technology pilot program of the Department, as announced by the Secretary on December 8, 2011, in accordance with this section.

(b) TERMS.—Each agreement entered into pursuant to the pilot program referred to in subsection (a) shall provide to the contractor of the applicable National Laboratory, to the maximum extent determined to be appropriate by the Secretary, increased authority to negotiate contract terms, such as intellectual property rights, payment structures, performance guarantees, and multiparty collaborations.

(c) ELIGIBILITY.—

(1) IN GENERAL.—Any director of a National Laboratory may enter into an agreement pursuant to the pilot program referred to in subsection (a).

(2) AGREEMENTS WITH NON-FEDERAL ENTITIES.—To carry out paragraph (1) and subject to paragraph (3), the Secretary shall permit the directors of the National Laboratories to execute agreements with a non-Federal entity, including a non-Federal entity already receiving Federal funding that will be used to support activities under agreements executed pursuant to paragraph (1), provided that such funding is solely used to carry out the purposes of the Federal award.

(3) RESTRICTION.—The requirements of chapter 18 of title 35, United States Code (commonly known as the “Bayh-Dole Act”) shall apply if—

(A) the agreement is a funding agreement (as that term is defined in section 201 of that title); and

(B) at least 1 of the parties to the funding agreement is eligible to receive rights under that chapter.

(d) SUBMISSION TO SECRETARY.—Each affected director of a National Laboratory shall submit to the Secretary, with respect to each agreement entered into under this section—

(1) a summary of information relating to the relevant project;

(2) the total estimated costs of the project;

(3) estimated commencement and completion dates of the project; and

(4) other documentation determined to be appropriate by the Secretary.

(e) CERTIFICATION.—The Secretary shall require the contractor of the affected National

Laboratory to certify that each activity carried out under a project for which an agreement is entered into under this section—

(1) is not in direct competition with the private sector; and

(2) does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this section.

(f) EXTENSION.—The pilot program referred to in subsection (a) shall be extended for a term of 2 years after the date of enactment of this Act.

(g) REPORTS.—

(1) OVERALL ASSESSMENT.—Not later than 60 days after the date described in subsection (f), the Secretary, in coordination with directors of the National Laboratories, shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

(A) assesses the overall effectiveness of the pilot program referred to in subsection (a);

(B) identifies opportunities to improve the effectiveness of the pilot program;

(C) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and

(D) provides a recommendation regarding the future of the pilot program.

(2) TRANSPARENCY.—The Secretary, in coordination with directors of the National Laboratories, shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report that accounts for all incidences of, and provides a justification for, non-Federal entities using funds derived from a Federal contract or award to carry out agreements pursuant to this section.

SEC. 202. PUBLIC-PRIVATE PARTNERSHIPS FOR COMMERCIALIZATION.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall delegate to directors of the National Laboratories signature authority with respect to any agreement described in subsection (b) the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than \$1,000,000.

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

(1) a cooperative research and development agreement;

(2) a non-Federal work-for-others agreement; and

(3) any other agreement determined to be appropriate by the Secretary, in collaboration with the directors of the National Laboratories.

(c) ADMINISTRATION.—

(1) ACCOUNTABILITY.—The director of the affected National Laboratory and the affected contractor shall carry out an agreement under this section in accordance with applicable policies of the Department, including by ensuring that the agreement does not compromise any national security, economic, or environmental interest of the United States.

(2) CERTIFICATION.—The director of the affected National Laboratory and the affected contractor shall certify that each activity carried out under a project for which an agreement is entered into under this section does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this section.

(3) AVAILABILITY OF RECORDS.—On entering an agreement under this section, the director of a National Laboratory shall submit to the Secretary for monitoring and review all records of the National Laboratory relating to the agreement.

(4) RATES.—The director of a National Laboratory may charge higher rates for services performed under a partnership agreement entered into pursuant to this section, regardless of the full cost of recovery, if such funds are used exclusively to support further research and development activities at the respective National Laboratory.

(d) CONFORMING AMENDMENT.—Section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(1) in subsection (a)—

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

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

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

(C) by adding at the end the following:

“(2) EXCEPTION.—Notwithstanding paragraph (1), in accordance with section 202(a) of the Department of Energy Laboratory Modernization and Technology Transfer Act of 2014, approval by the Secretary of Energy shall not be required for any technology transfer agreement proposed to be entered into by a National Laboratory of the Department of Energy, the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than \$1,000,000.”; and

(2) in subsection (b), by striking “subsection (a)(1)” each place it appears and inserting “subsection (a)(1)(A)”.

SEC. 203. INCLUSION OF EARLY-STAGE TECHNOLOGY DEMONSTRATION IN AUTHORIZED TECHNOLOGY TRANSFER ACTIVITIES.

Section 1001 of the Energy Policy Act of 2005 (42 U.S.C. 16391) is amended by—

(1) redesignating subsection (g) as subsection (h); and

(2) inserting after subsection (f) the following:

“(g) EARLY-STAGE TECHNOLOGY DEMONSTRATION.—The Secretary shall permit the directors of the National Laboratories to use funds authorized to support technology transfer within the Department to carry out early-stage and pre-commercial technology demonstration activities to remove technology barriers that limit private sector interest and demonstrate potential commercial applications of any research and technologies arising from National Laboratory activities.”.

SEC. 204. FUNDING COMPETITIVENESS FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.

Section 988(b) of the Energy Policy Act of 2005 (42 U.S.C. 16352(b)) is amended—

(1) in paragraph (1), by striking “Except as provided in paragraphs (2) and (3)” and inserting “Except as provided in paragraphs (2), (3), and (4)”; and

(2) by adding at the end the following:

“(4) EXEMPTION FOR INSTITUTIONS OF HIGHER EDUCATION AND OTHER NONPROFIT INSTITUTIONS.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to a research or development activity performed by an institution of higher education or nonprofit institution (as defined in section 4 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3703)).

“(B) TERMINATION DATE.—The exemption under subparagraph (A) shall apply during the 6-year period beginning on the date of enactment of this paragraph.”.

SEC. 205. PARTICIPATION IN THE INNOVATION CORPS PROGRAM.

The Secretary may enter into an agreement with the Director of the National Science Foundation to enable researchers

funded by the Department to participate in the National Science Foundation Innovation Corps program.

TITLE III—ASSESSMENT OF IMPACT

SEC. 301. REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report—

(1) describing the results of the projects developed under sections 201, 202, and 203, including information regarding—

(A) partnerships initiated as a result of those projects and the potential linkages presented by those partnerships with respect to national priorities and other taxpayer-funded research; and

(B) whether the activities carried out under those projects result in—

(i) fiscal savings;

(ii) expansion of National Laboratory capabilities;

(iii) increased efficiency of technology transfers; or

(iv) an increase in general efficiency of the National Laboratory system; and

(2) assess the scale, scope, efficacy, and impact of the Department's efforts to promote technology transfer and private sector engagement at the National Laboratories, and make recommendations on how the Department can improve these activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HULTGREN) and the gentleman from Washington (Mr. KILMER) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

□ 1600

GENERAL LEAVE

Mr. HULTGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5120, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HULTGREN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5120, the Department of Energy Laboratory Modernization and Technology Transfer Act, ensures that the Department of Energy has the tools it needs to allow new start-ups, small businesses, universities, and the general public at large to do what they do best: react to market signals and innovate.

The Federal Government and the national labs fill a vital role doing the basic research needed to maintain America's role as an innovation nation. Far too often, however, the discoveries made in our labs get stuck in our labs. This is due to a number of reasons, and this bill seeks to break down many of those purely bureaucratic barriers.

By extending the pilot for ACT agreements within DOE, the labs are given the ability to negotiate more flexible contracts with non-Federal entities that would like to take the lab's research and turn it into a viable product.

This legislation would also grant the directors of the national labs the signa-

ture authority for many agreements with non-Federal entities. Currently, the Secretary of Energy must make these decisions, so decisions a lab director can make over a phone call in the course of a day must weave their way through unnecessary bureaucracy before they land on the Secretary's desk. This bill would streamline that process.

H.R. 5120 also seeks to improve the Department's relationship with small businesses that can take part in the SBIR/STTR program, and it encourages the Secretary to enter into agreements with the I-Corps program at the National Science Foundation.

Our national labs have been at the cutting edge of technological development, and we must always ensure that development is in the national interest. A discovery lost in the lab is a discovery wasted.

That is why I would like to thank my good friend from Washington (Mr. KILMER) for partnering with me in this effort, as well as the gentleman from Pennsylvania (Mr. FATTAH) and the gentleman from Mississippi (Mr. NUNNELLEE), who were founding members with me in creating the House Science and National Labs Caucus.

Chairmen SMITH and LUMMIS, as well as Ranking Members JOHNSON and SWALWELL, were also key in this legislation coming together and bringing it to the floor. This is a true bipartisan, bicameral effort, as Senators COONS and RUBIO have a similar companion bill on the other side of the Hill.

I encourage my colleagues to support this bill, and I reserve the balance of my time.

Mr. KILMER. Mr. Speaker, I rise today in support of H.R. 5120, the Department of Energy Laboratory Modernization and Technology Transfer Act of 2014.

In the report, "Rising above the Gathering Storm," Paul Otellini, the former CEO of Intel, challenged Congress and challenged the Nation to step up the innovation challenge to grow our economy.

Pulitzer Prize-winning columnist George Will wrote, "Without a change in U.S. Government policy, the next big thing will not be invented here. Jobs will not be created here, and wealth will not accrue here."

I would like to thank the gentleman from Illinois (Mr. HULTGREN) and my colleagues on both sides of the aisle for working together to produce a bipartisan bill targeted at stepping up to that challenge.

Our national labs are currently doing innovative research that can hit roadblocks on the path to commercialization, on the path to helping small business run with those innovations, so this bill provides important tools to spur and accelerate the transfer of new technologies developed at our national laboratories and to the private sector.

It significantly broadens the range of companies that can participate in a new pilot program with our Federal

labs and allows for more flexible partnership agreement terms between the public and private sectors.

The bill also allows labs to use their technology transfer funds for activities that identify and demonstrate potential commercial opportunities for their research and technologies.

These partnerships between our national labs and the business community will help eliminate gaps in funding by facilitating a path for innovative ideas from basic research to commercial application.

Let me tell you why this matters to me. The region I represent is home to the Pacific Northwest National Lab facility, and I have seen firsthand the innovative research being done there.

I have also worked closely with our premier research universities to find ways to enable exciting new partnership opportunities. So going beyond just the labs, this bill removes burdens that currently prevent many universities and other nonprofit research institutions from working with the Department of Energy.

This bill also streamlines management and coordination of DOE's full spectrum of energy activities, from basic research through commercial application, by establishing a single Under Secretary for Science and Energy.

The bill authorizes DOE to partner with the National Science Foundation, so that its researchers can participate in NSF's groundbreaking Innovation Corps program, which matches grant recipients with entrepreneurs to help get their ideas out of the lab and into the marketplace.

Lastly, the bill includes important reporting and accountability measures, so that we will be able to evaluate the effectiveness of each of these new tools and determine any additional steps that we should be taking down the road.

DOE's national laboratories have been the birthplace of some of our most revolutionary technologies. When this research is harnessed by entrepreneurs and business leaders, start-ups with only one or two employees can grow into companies that create hundreds of quality jobs.

We want to make sure that our national labs, our universities, and all federally-funded institutions and initiatives remain an important foundation of our knowledge-based economy.

That is why I was proud to cosponsor this bipartisan legislation, to give scientists and researchers in both the public and private sectors the tools and the freedom that they need to unlock a new wave of great discoveries.

I would like to close by noting that this is the kind of bipartisan, cooperative work Congress needs to do if we are going to bolster our global competitiveness. Countries around the world are working to recruit and develop the next generation of innovators. If we are going to have any chance of keeping up, we absolutely

have to make research and development a top priority.

I am hopeful that we can renew the bipartisan spirit and commitment to making sure tomorrow's cutting-edge technology is developed here, not someplace else.

I reserve the balance of my time.

Mr. HULTGREN. Mr. Speaker, our national labs, like Fermilab and Argonne, have been primary drivers of American innovation since the Manhattan Project, but many of their most important discoveries have been made in the past decade.

Research produced there has enormous economic potential, but many times, their discoveries remain stuck in the labs. It is essential that we update cold war-era policies, acknowledge the rapid pace of technological change, and improve the lab's capacity to partner with private enterprise and convert their cutting-edge research into marketplace innovation. This bill does that.

I am so grateful again for the cosponsors, especially Mr. KILMER, for his work on this.

I reserve the balance of my time.

Mr. KILMER. Once again, I would like to thank Mr. HULTGREN, Chairman SMITH, and Ranking Member JOHNSON.

Having no further requests for time, I yield back the balance of my time.

Mr. HULTGREN. Mr. Speaker, I have no further requests for time either, so I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, H.R. 5120, the Department of Energy Laboratory Modernization and Technology Transfer Act of 2014, enables the Department of Energy (DOE) to more efficiently form partnerships with non-federal entities and transfer research to the private sector.

I thank the gentleman from Illinois, Rep. RANDY HULTGREN, for his leadership on this issue. I also thank the Science Committee's Energy Subcommittee Chair, CYNTHIA LUMMIS, for her support for this bill.

The DOE's national laboratory complex, often called "the crown jewels" of our federal research and development infrastructure, comprises 17 labs across the United States.

These labs execute basic and applied research that keeps us on the cutting edge of global technological capabilities. This innovative early stage research is often not well understood by the private sector.

Ideas and products created in the national labs are often slow to reach the market due to a communication gap between the labs and the private sector. Additionally, federal government red tape can discourage the private sector from utilizing these unique state-of-the-art facilities.

This legislation modernizes the labs for today's market by granting operators increased flexibility. This bill:

- extends a pilot program to enable more flexible contract terms between lab operators and non-federal entities;

- grants lab directors signature authority for agreements with non-federal entities valued at less than \$1 million; and
- enables labs to demonstrate research for private sector adoption.

This legislation represents bipartisan, bicameral agreement to optimize the perform-

ance of the DOE national lab system. I encourage my colleagues to support this bill.

The SPEAKER pro tempore (Mr. JOLLY). The question is on the motion offered by the gentleman from Illinois (Mr. HULTGREN) that the House suspend the rules and pass the bill, H.R. 5120, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TSA OFFICE OF INSPECTION ACCOUNTABILITY ACT OF 2014

Mr. SANFORD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4803) to require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4803

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "TSA Office of Inspection Accountability Act of 2014".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Consistent with Federal law and regulations, for law enforcement officers to qualify for premium pay as criminal investigators, the officers must, in general, spend on average at least 50 percent of their time investigating, apprehending, or detaining individuals suspected or convicted of offenses against the criminal laws of the United States.

(2) According to the Inspector General of the Department of Homeland Security (DHS IG), the Transportation Security Administration (TSA) does not ensure that its cadre of criminal investigators in the Office of Inspection are meeting this requirement, even though they are considered law enforcement officers under TSA policy and receive premium pay.

(3) Instead, TSA criminal investigators in the Office of Inspection primarily monitor the results of criminal investigations conducted by other agencies, investigate administrative cases of TSA employee misconduct, and carry out inspections, covert tests, and internal reviews, which the DHS IG asserts could be performed by employees other than criminal investigators at a lower cost.

(4) The premium pay and other benefits afforded to TSA criminal investigators in the Office of Inspection who are incorrectly classified as such will cost the taxpayer as much as \$17,000,000 over 5 years if TSA fails to make any changes to the number of criminal investigators in the Office of Inspection, according to the DHS IG.

(5) This may be a conservative estimate, as it accounts for the cost of Law Enforcement Availability Pay, but not the costs of law enforcement training, statutory early retirement benefits, police vehicles, and weapons.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ADMINISTRATION.**—The term "Administration" means the Transportation Security Administration.

(2) **ASSISTANT SECRETARY.**—The term "Assistant Secretary" means the Assistant Secretary of Homeland Security (Transportation Security) of the Department of Homeland Security.

(3) **INSPECTOR GENERAL.**—The term "Inspector General" means the Inspector General of the Department of Homeland Security.

SEC. 4. INSPECTOR GENERAL REVIEW.

(a) **REVIEW.**—Not later than 60 days after the date of the enactment of this Act, the Inspector General shall analyze the data and methods that the Assistant Secretary uses to identify employees of the Administration who meet the requirements of sections 8331(20), 8401(17) and 5545a of title 5, United States Code, and provide the relevant findings to the Assistant Secretary, including a finding on whether the data and methods are adequate and valid.

(b) **PROHIBITION ON HIRING.**—If the Inspector General finds that such data and methods are inadequate or invalid, the Administration may not hire any new employee to work in the Office of Inspection of the Administration until—

(1) the Assistant Secretary makes a certification described in section 5 to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Inspector General submits to such Committees a finding, not later than 30 days after the Assistant Secretary makes such certification, that the Assistant Secretary utilized adequate and valid data and methods to make such certification.

SEC. 5. TSA OFFICE OF INSPECTION WORKFORCE CERTIFICATION.

(a) **CERTIFICATION TO CONGRESS.**—The Assistant Secretary shall, by not later than 90 days after the date the Inspector General provides its findings to the Assistant Secretary under section 4(a), document and certify in writing to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that only those employees of the Administration who meet the requirements of sections 8331(20), 8401(17), and 5545a of title 5, United States Code, are classified as criminal investigators and are receiving premium pay and other benefits associated with such classification.

(b) **EMPLOYEE RECLASSIFICATION.**—The Assistant Secretary shall reclassify criminal investigator positions in the Office of Inspection as noncriminal investigator positions or non-law enforcement positions if the individuals in those positions do not, or are not expected to, spend an average of at least 50 percent of their time performing criminal investigative duties.

(c) **PROJECTED COST SAVINGS.**—

(1) **IN GENERAL.**—The Assistant Secretary shall estimate the total long-term cost savings to the Federal Government resulting from the implementation of subsection (b), and provide such estimate to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by not later than 180 days after the date of enactment of this Act.

(2) **CONTENTS.**—Such estimate shall identify savings associated with the positions reclassified under subsection (b) and include, among other factors the Assistant Secretary considers appropriate, savings from—

- (A) law enforcement training;
- (B) early retirement benefits;
- (C) law enforcement availability pay; and
- (D) weapons, vehicles, and communications devices.

SEC. 6. INVESTIGATION OF FEDERAL AIR MARSHAL SERVICE USE OF FEDERAL FIREARMS LICENSE.

Not later than 90 days after the date of the enactment of this Act, or as soon as practicable, the Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) any materials in the possession or control of the Department of Homeland Security associated with the Office of Inspection's review of