

Mr. VEASEY. Mr. Speaker, I yield back the balance of my time.

Mr. WEBER of Texas. Mr. Speaker, this is great legislation. Again, I want to urge the adoption of this common-sense, bipartisan legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. WEBER) that the House suspend the rules and pass the bill, H.R. 5905, 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.

ARPA-E ACT OF 2018

Mr. LUCAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5906) to amend the America COMPETES Act to establish Department of Energy policy for Advanced Research Projects Agency-Energy, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5906

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 “ARPA-E Act of 2018”.

SEC. 2. ADVANCED RESEARCH PROJECTS AGENCY-ENERGY.

(a) ESTABLISHMENT.—Section 5012(b) of the America COMPETES Act (42 U.S.C. 16538(b)) is amended by striking “development of energy technologies” and inserting “development of transformative science and technology solutions to address energy, environmental, economic, and national security challenges”.

(b) GOALS.—Section 5012(c) of such Act (42 U.S.C. 16538(c)) is amended—

(1) by striking paragraph (1)(A) and inserting the following:

“(A) to enhance the economic and energy security of the United States through the development of energy technologies that—

“(i) reduce imports of energy from foreign sources;

“(ii) reduce energy-related emissions, including greenhouse gases;

“(iii) improve the energy efficiency of all economic sectors;

“(iv) provide transformative solutions to improve the management, clean-up, and disposal of—

“(I) low-level radioactive waste;

“(II) spent nuclear fuel; and

“(III) high-level radioactive waste;

“(v) improve efficiency and reduce the environmental impact of all forms of energy production;

“(vi) improve the resiliency, reliability, and security of the electric grid; and

“(vii) address other challenges within the mission of the Department as determined by the Secretary; and”;

(2) in paragraph (2) by striking “energy technology projects” and inserting “advanced technology projects”.

(c) RESPONSIBILITIES.—Section 5012(e)(3)(A) of such Act (42 U.S.C. 16538(e)(3)(A)) is amended by striking “energy”.

(d) STRATEGIC VISION ROADMAP.—Section 5012(h)(2) of such Act (42 U.S.C. 16538(h)(2)) is amended to read as follows:

“(2) STRATEGIC VISION ROADMAP.—In the report required under paragraph (1), the Director shall include a roadmap describing the strategic vision that ARPA-E will use to guide the choices of ARPA-E for future technology investments over the following 2 fiscal years.”.

(e) COORDINATION AND NONDUPLICATION.—Section 5012(i)(1) of such Act (42 U.S.C. 16538(i)(1)) is amended to read as follows:

“(1) IN GENERAL.—To the maximum extent practicable, the Director shall ensure that—

“(A) the activities of ARPA-E are coordinated with, and do not duplicate the efforts of, programs and laboratories within the Department and other relevant research agencies; and

“(B) ARPA-E does not provide funding for a project unless the prospective grantee demonstrates sufficient attempts to secure private financing or indicates that the project is not independently commercially viable.”.

(f) EVALUATION.—Section 5012(l) of such Act (42 U.S.C. 16538(l)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the ARPA-E Act of 2018, the Secretary is authorized to enter into a contract with the National Academy of Sciences under which the National Academy shall conduct an evaluation of how well ARPA-E is achieving the goals and mission of ARPA-E.”; and

(2) in paragraph (2)—

(A) by striking “shall” and inserting “is authorized to”; and

(B) by striking “the recommendation of the National Academy of Sciences” and inserting “a recommendation”.

(g) PROTECTION OF PROPRIETARY INFORMATION.—Section 5012 of such Act (42 U.S.C. 16538) is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following new subsection:

“(n) PROTECTION OF PROPRIETARY INFORMATION.—

“(1) IN GENERAL.—The following categories of information collected by ARPA-E from recipients of awards under this section shall be considered privileged and confidential and not subject to disclosure pursuant to section 552 of title 5, United States Code:

“(A) Plans for commercialization of technologies developed under the award, including business plans, technology-to-market plans, market studies, and cost and performance models.

“(B) Investments provided to an awardee from third parties (such as venture capital firms, hedge funds, and private equity firms), including amounts and the percentage of ownership of the awardee provided in return for the investments.

“(C) Additional financial support that the awardee—

“(i) plans to invest, or has invested, into the technology developed under the award; or

“(ii) is seeking from third parties.

“(D) Revenue from the licensing or sale of new products or services resulting from research conducted under the award.

“(2) EFFECT OF SUBSECTION.—Nothing in this subsection shall be construed to affect—

“(A) the authority of the Secretary to use information without publicly disclosing such information; or

“(B) the responsibility of the Secretary to transmit information to Congress as required by law.”.

(h) FUNDING.—Section 5012(o)(4) of such Act (42 U.S.C. 16538(o)(4)), as redesignated by subsection (g)(1), is amended by striking “dur-

ing the 5-year period beginning on the date of enactment of this Act”.

(i) TECHNICAL AMENDMENTS.—

(1) Section 5012(g)(3)(A)(iii) of such Act (42 U.S.C. 16538(g)(3)(A)(iii)) is amended by striking “subpart” each place it appears and inserting “subparagraph”.

(2) Section 5012(o)(2) of such Act (42 U.S.C. 16538(o)(2)), as redesignated by subsection (g)(1), is amended by striking “paragraphs (4) and (5)” and inserting “paragraph (4)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oklahoma (Mr. LUCAS) and the gentleman from Texas (Mr. VEASEY) each will control 20 minutes.

The Chair recognizes the gentleman from Oklahoma.

GENERAL LEAVE

Mr. LUCAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5906, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5906, the ARPA-E Act of 2018. This legislation requires the Department to refocus ARPA-E towards developing transformative science and technology solutions to address energy, environment, economic, and national security issues.

ARPA-E was created to ensure that the U.S. energy sector maintained a competitiveness in developing emerging energy technologies. The program was established to help develop high-potential, high-impact energy technologies that were too early stage to attract private sector investment.

ARPA-E was designed to bring this finite R&D funding for a limited time, with the intention to make quick, notable impact on the development of new energy technologies.

In order to accomplish this goal, ARPA-E was given a unique management structure, with flexibility to start and stop research projects that are no longer achieving individual goals, expedited hiring and firing authority to make sure that ARPA-E staff could adequately select and support projects, and the tools to identify market challenges that could affect the advancement in project technologies.

However, we have all heard of the concerns with ARPA-E. The first is the worry that this is just one more of the same from DOE. With the Energy Efficiency and Renewable Energy program office funded at over \$2.3 billion, it is easy to see why some would ask if we need another clean energy program.

Second, we have all heard of concerns over the years that ARPA-E wasn't meeting its intended goal—to fund the kind of technologies that are so innovative they would never attract private sector investment—but was instead provided funding to big companies with

access to market capital, or funding research that was already under way in other Federal agencies or in the private sector.

The Science, Space and Technology Committee on which I serve as vice chairman particularly explored these concerns under the Obama administration. I believe there were valid concerns that must be addressed for the program to continue.

ARPA-E is a program that can have tremendous impact on the development of new energy technologies, but we can't have another agency playing favorites or handing out grants that distort our energy markets.

The bill we will consider today will address these concerns and enable ARPA-E to apply its innovative approach to a more appropriate set of technology challenges within the DOE mission, as the Trump administration sees it.

It does not—I repeat, this bill does not—authorize new spending or expand the size of the program. H.R. 5906 will refocus the mission of ARPA-E to mirror the full DOE mission and empower the Agency to promote science and technology-driven solutions.

My bill will allow the Agency to solve big challenges, like nuclear waste management and cleanup and improving the reliability, resiliency, and security of the electric grid.

The ARPA-E Act also provides important steps to prevent the duplication of research across DEO and to require applicants to indicate they have attempted to find private sector financing for a particular technology.

This is a good-government reform that is vital to ensuring that ARPA-E can't be abused for crony capitalism purposes in the future. We can't afford to spend limited taxpayer dollars competing with the private sector.

H.R. 5906 will align ARPA-E's innovative approach with the right mission goals and management. It will build on the basic science and early-stage research of the Department and help fast-track new technologies that will grow our economy.

I want to thank Chairman LAMAR SMITH and Ranking Member JOHNSON for cosponsoring this important legislation and for their leadership in advocating the reformed Agency functions within the Department of Energy's missions and goals. I am grateful for the opportunity to work alongside the other members of the committee to craft a bipartisan bill that will improve—yes, improve—a DOE research program but that still allows Congress the opportunity to reduce funding for the program as appropriate.

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

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

Mr. Speaker, I rise today in support of H.R. 5906, the ARPA-E Act of 2018.

After years of successes and several independent assessments praising

ARPA-E's work, this bill is a welcomed development. It preserves the mission and flexibility of the Agency while enabling it to consider funding projects or technologies that can address DOE's monumental and longstanding challenge of environmental cleanup at the legacy sites of the Manhattan Project.

It also includes language from a bipartisan ARPA-E Reauthorization Act that our committee's ranking member, Ms. JOHNSON, introduced last year, which would ensure that sensitive business information collected by the Agency remains protected. This will enable even greater private sector engagement in its programs.

The ARPA-E projects have attracted more than \$2.6 billion in private sector follow-on funding. Mr. Speaker, 71 projects have formed new companies, and 109 have gone on to partner with other government agencies to further their research.

Mr. Speaker, I want to thank Congressman LUCAS and Chairman SMITH for embracing ARPA-E's innovative model and joining our Members in supporting its reauthorization. I support this bill and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Committee on Science, Space, and Technology.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Oklahoma, the vice chairman of the Committee on Science, Space, and Technology (Mr. LUCAS), for yielding me time on his bill.

The energy bill we are considering is H.R. 5906, the ARPA-E Act of 2018. It establishes clear DOE policy in a new direction and new requirements for the Advanced Research Projects Agency-Energy, called ARPA-E, program.

This legislation updates the mission of ARPA-E to focus on developing technological solutions to energy, economic, environmental, and national security challenges. This includes allowing ARPA-E to develop technologies to address the management, cleanup, and disposal of nuclear waste and to enhance the security and resilience of the electric grid.

H.R. 5906 also maximizes the Department's resources. It requires ARPA-E to coordinate with other DOE programs, avoid duplication, and ensures that ARPA-E grants go to innovative technologies that would not otherwise be funded by the private sector.

The bill reforms ARPA-E but does not authorize any funding for ARPA-E. Instead, H.R. 5906 provides much-needed reform to the ARPA-E program. It also leaves the door open for Congress to readdress ARPA-E funding in the future and determine if the Agency is meeting its intended purpose.

Unfortunately, there have been some mischaracterizations of this legislation, so let the RECORD be clear: Sup-

porting H.R. 5906 will not prevent Congress from cutting—as we did in the House-passed Energy and Water Appropriations bill earlier this month—or even eliminating funding to ARPA-E in the future. Instead, it allows us to enact reforms today that refocus ARPA-E on technology within the DOE mission.

In addition, one organization that opposes this legislation apparently didn't read the bill and confused it with another bill that reauthorizes ARPA-E.

Mr. Speaker, thanks go to Vice Chairman LUCAS and Ranking Member JOHNSON for their work on this reform bill and for their support of advanced research around the country.

Mr. Speaker, I just want to mention one more thing, and it might be of interest to all Members, even those who are not on the Science, Space, and Technology Committee. After this bill passes, of the 27 bills that the Science, Space, and Technology Committee has brought to the House floor, 24 of the 27 have, in fact, been bipartisan pieces of legislation.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. VEASEY. Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, reforming the mission and the goals of ARPA-E will transform the Agency to do what the DOE does best: develop innovative technology solutions to complex science, energy, and national security challenges.

I again want to thank my nine colleagues on the Science, Space, and Technology Committee who cosponsored H.R. 5906, including Chairman SMITH and Ranking Member JOHNSON. I want to thank the new leadership staff at ARPA-E and the Department of Energy, who provided technical comments and policy recommendations as we developed this legislation.

I urge the adoption of this bipartisan, good-government legislation, and I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, today I am very pleased to support H.R. 5906, the ARPA-E Act of 2018.

Even though the agency is still relatively young, ARPA-E has already demonstrated incredible success in advancing high-risk, high-reward energy technology solutions that neither the public nor the private sector had been willing or able to support in the past. This was highlighted in a Congressionally mandated National Academies review of the agency released last year. Industry leaders like Norm Augustine and Bill Gates have repeatedly called for tripling this agency's budget given the unique role that it is now playing in our energy innovation pipeline.

ARPA-E's impressive track record includes over \$2.6 billion in private sector follow-on funding for a group of 136 ARPA-E projects since the agency's founding in 2009. Equally notable, 71 projects have formed new companies and 109 projects have shown enough promise to result in partnerships with other government agencies for further development.

And I'd be remiss if I didn't refer my colleagues to DOE Secretary Perry's address to the ARPA-E Energy Innovation Summit in March, where he said, and I quote, "ARPA-E is one of the reasons DOE has had and is having such a profound impact on American lives." I couldn't have said this better myself.

The ARPA-E Act of 2018 maintains the structure and nimbleness of this critical agency while also enabling it to help tackle one of the Department of Energy's most expensive, intransigent problems, which is managing and remediating the legacy waste sites from our nation's past production of nuclear weapons. The bill also includes language from the bipartisan ARPA-E Reauthorization Act that I introduced last year which would ensure that sensitive business information collected by the agency remains protected. This will enable even greater private sector engagement in future ARPA-E projects and programs.

I would like to thank Mr. LUCAS and Chairman SMITH for working with me to introduce this bill, and I hope that all Members will support this critical investment in our nation's clean energy future.

The SPEAKER pro tempore (Mr. WEBER of Texas). The question is on the motion offered by the gentleman from Oklahoma (Mr. LUCAS) that the House suspend the rules and pass the bill, H.R. 5906, 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.

□ 1500

NATIONAL INNOVATION MODERNIZATION BY LABORATORY EMPOWERMENT ACT

Mr. HULTGREN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5907) to provide directors of the National Laboratories signature authority for certain agreements, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5907

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 "National Innovation Modernization by Laboratory Empowerment Act" or the "NIMBLE Act".

SEC. 2. DEFINITIONS.

In this Act:

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

(2) NATIONAL LABORATORY.—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. 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, if such an agreement falls within the scope of—

(1) a strategic plan for the National Laboratory that has been approved by the Department; or

(2) the most recent congressionally approved budget for Department activities to be carried out by the National Laboratory.

(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.—Within 30 days of 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) EXCEPTION.—This section does not apply to any agreement with a majority foreign-owned company.

(e) 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 3(a) of the NIMBLE Act, 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. 4. 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.

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

The Chair recognizes the gentleman from Illinois.

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 include extraneous material on the bill.

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.

Mr. Speaker, I rise today in support of bipartisan legislation I introduced with my good friend from Colorado (Mr. PERLMUTTER) to give our national labs the tools they need to better work with outside entities, develop new technologies, and let new business ideas come out of our world-leading research facilities.

As you have heard today with the prior bills passed on the floor, the House Science, Space, and Technology Committee has done tremendous bipartisan work to support our national laboratories and research infrastructure.

I thank Chairman SMITH and Ranking Member JOHNSON—both from Texas—for their bipartisan work on this package, and I was pleased to see my prior past research infrastructure legislation dealing with upgrades at Fermilab, Argonne National Laboratory, and Oak Ridge National Laboratory included in that package.

Our national labs are often referred to as the crown jewels in our research ecosystem here in the United States. Secretary Perry has referred to them as national treasures. These labs house some of the largest, most complicated research equipment in the world, which no one business or research university would ever be able to support.

Our national labs also maintain a number of user facilities where university researchers, other Federal agencies, and the private sector can work with these tools, so long as this work does not interfere with the mission of the department or the lab.