

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.

The problem we have with many agreements is simply the time that it takes to negotiate and finalize an agreement. Currently, after a lab makes a determination on an agreement, that agreement must then go through a separate review by the department. While I wholeheartedly agree in our need for thorough oversight, what we are attempting to do is to set a threshold so that smaller agreements do not need to go through this additional review process.

All national labs, except one, have been set up under a government-owned, contractor-operated model. What my bill would do is strengthen this arrangement by giving the labs the necessary trust they need to remain nimble, being able to react to the needs of the private sector and with other researchers being able to come in.

When many researchers need to use a facility for just a few hours, they, obviously, will not wait around 90 days for the government. The private sector does not move at the pace of government, nor should we expect it to. This legislation would cut out some of the red tape of working with the lab, so that the private sector could take good ideas and do what they do best: innovate and react to the market.

With the increased reporting requirements for these agreements, I believe this strikes the proper balance for oversight with the department and the intentions of Congress in creating the government-owned, contractor-operated model for the labs.

I am grateful for the Secretary at our recent hearing signaling his willingness to work with this idea. I believe it fits with the administration's priorities in removing red tape where it is not needed and freeing the private sector up to innovate and bring new ideas to the marketplace.

So I thank my colleagues for their work on this legislation. I also thank the chairman for his cosponsorship of this bill, as well as his leadership on the package of bills authorizing the Office of Science and other DOE activities.

Mr. Speaker, I encourage all of my colleagues to support passage of this important legislation, 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. 5907, the National Innovation Modernization by Laboratory Empowerment Act.

This bill would provide our national laboratories with the authority to directly enter into certain research agreements with the private sector, as long as those activities align with the laboratories' strategic plans approved by the Department of Energy. This bill also includes appropriate safeguards to prevent waste, fraud, or abuse of this provision.

This language previously passed the House as part of bipartisan legislation that we considered in the last Con-

gress. I am happy to see this important policy change is moving forward once again.

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

Mr. HULTGREN. Mr. Speaker, it is my honor and privilege to yield 5 minutes to the gentleman from Texas (Mr. SMITH), the very effective and helpful chairman of the Science, Space, and Technology Committee, and also cosponsor of this legislation.

Mr. SMITH of Texas. Mr. Speaker, I thank Mr. HULTGREN for yielding me time on his bill, H.R. 5907, the National Innovation Modernization by Laboratory Empowerment Act, or NIMBLE Act.

This legislation authorizes the Secretary of Energy to provide signature authority to the directors of the national laboratories, allowing these lab directors to make funding decisions on cooperative agreements with industry where the total cost is less than \$1 million.

This commonsense reform provides the labs with more flexibility and eliminates the red tape and bureaucratic process that makes it difficult for businesses to partner with the labs.

DOE national labs can provide the private sector with access to critical research infrastructure as they develop new technologies. But a burdensome approval process can smother an industry's interest and constrict the pace of technology development. This bill gives the labs freedom to pursue agreements that will increase U.S. competitiveness and maintain our innovation and productivity leadership.

I thank Representative RANDY HULTGREN again and this bill's 10 Science, Space, and Technology Committee's cosponsors, including Representative ED PERLMUTTER, Vice Chairman FRANK LUCAS, Energy Subcommittee Chairman RANDY WEBER, and Energy Subcommittee Vice Chairman Steve Knight for their ongoing support of DOE's world-leading national laboratories.

Mr. Speaker, I want to say about Mr. HULTGREN that his leadership on the committee has been appreciated for years. He has never failed to be an effective advocate and leader for the national labs. This is a good example of his interests being put into legislation.

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

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

Mr. HULTGREN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again, I thank my good friend from Texas (Mr. VEASEY) for his support on this bill. I especially want to thank my really good friend from Texas (Mr. SMITH), the chairman of the Science, Space, and Technology Committee, for his important support on this bill. It really is a commonsense bill. It is one that has passed previous Congresses with strong, bipartisan support.

Our labs are a treasure, but they are also a great benefit for innovation. This allows that innovation to continue working, again, on smaller agreements, for those to be able to move more quickly, when, oftentimes, business need to move that quickly. The labs can do this, but if they had to go through the whole cumbersome process of coming through Washington, they wouldn't be able to.

So, again, this is commonsense and bipartisan, and I thank all of the cosponsors.

Mr. Speaker, I ask all my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. 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. 5907.

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.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 5515, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2019

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5515) to authorize appropriations for fiscal year 2019 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

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

There was no objection.

A motion to reconsider was laid on the table.

Mr. CARBAJAL. Mr. Speaker, I have a motion to instruct conferees at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Carbajal moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 5515 be instructed to agree to section 703 of the Senate bill.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from California (Mr. CARBAJAL) and the gentleman from Texas (Mr. THORNBERRY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. CARBAJAL. Mr. Speaker, I ask unanimous consent that all Members