

rior, and Secretary of State, and the Federal Energy Regulatory Commission, shall coordinate training and outreach efforts for international commercial energy markets in countries with developing and restructuring economies.

(b) Components

The training and outreach efforts referred to in subsection (a) may include—

- (1) production-related fiscal regimes;
- (2) grid and network issues;
- (3) energy user and demand side response;
- (4) international trade of energy; and
- (5) international transportation of energy.

(c) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$1,500,000 for each of fiscal years 2007 through 2010.

(Pub. L. 109–58, title IX, §986A, Aug. 8, 2005, 119 Stat. 910.)

PART I—RESEARCH ADMINISTRATION AND OPERATIONS

§ 16351. Availability of funds

Funds authorized to be appropriated to the Department under this Act or an amendment made by this Act shall remain available until expended.

(Pub. L. 109–58, title IX, §987, Aug. 8, 2005, 119 Stat. 910.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 109–58, Aug. 8, 2005, 119 Stat. 594, known as the Energy Policy Act of 2005, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 15801 of this title and Tables.

§ 16352. Cost sharing

(a) Applicability

Notwithstanding any other provision of law, in carrying out a research, development, demonstration, or commercial application program or activity that is initiated after August 8, 2005, the Secretary shall require cost-sharing in accordance with this section.

(b) Research and development

(1) In general

Except as provided in paragraphs (2), (3), and (4) and subsection (f), the Secretary shall require not less than 20 percent of the cost of a research or development activity described in subsection (a) to be provided by a non-Federal source.

(2) Exclusion

Paragraph (1) shall not apply to a research or development activity described in subsection (a) that is of a basic or fundamental nature, as determined by the appropriate officer of the Department.

(3) Reduction

The Secretary may reduce or eliminate the requirement of paragraph (1) for a research

and development activity of an applied nature if the Secretary determines that the reduction is necessary and appropriate.

(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-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)).

(B) Termination date

The exemption under subparagraph (A) shall apply during the 2-year period beginning on August 9, 2022.

(c) Demonstration and commercial application

(1) In general

Except as provided in paragraph (2) and subsection (f), the Secretary shall require that not less than 50 percent of the cost of a demonstration or commercial application activity described in subsection (a) to¹ be provided by a non-Federal source.

(2) Reduction of non-Federal share

The Secretary may reduce the non-Federal share required under paragraph (1) if the Secretary determines the reduction to be necessary and appropriate, taking into consideration any technological risk relating to the activity.

(d) Calculation of amount

In calculating the amount of a non-Federal contribution under this section, the Secretary—

(1) may include allowable costs in accordance with the applicable cost principles, including—

- (A) cash;
- (B) personnel costs;
- (C) the value of a service, other resource, or third party in-kind contribution determined in accordance with the applicable circular of the Office of Management and Budget;
- (D) indirect costs or facilities and administrative costs; or
- (E) any funds received under the power program of the Tennessee Valley Authority (except to the extent that such funds are made available under an annual appropriation Act); and

(2) shall not include—

- (A) revenues or royalties from the prospective operation of an activity beyond the time considered in the award;
- (B) proceeds from the prospective sale of an asset of an activity; or
- (C) other appropriated Federal funds.

(e) Repayment of Federal share

The Secretary shall not require repayment of the Federal share of a cost-shared activity under this section as a condition of making an award.

(f) Exclusions

This section shall not apply to—

¹ So in original. The word “to” probably should not appear.

(1) a cooperative research and development agreement under the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.);

(2) a fee charged for the use of a Department facility; or

(3) an award under—

(A) the small business innovation research program under section 638 of title 15; or

(B) the small business technology transfer program under that section.

(Pub. L. 109–58, title IX, §988, Aug. 8, 2005, 119 Stat. 910; Pub. L. 115–246, title I, §108(a), Sept. 28, 2018, 132 Stat. 3134; Pub. L. 117–167, div. B, title VI, §10725(a), Aug. 9, 2022, 136 Stat. 1709.)

Editorial Notes

REFERENCES IN TEXT

The Stevenson-Wylder Technology Innovation Act of 1980, referred to in subsec. (f)(1), is Pub. L. 96–480, Oct. 21, 1980, 94 Stat. 2311, which is classified generally to chapter 63 (§3701 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of Title 15 and Tables.

AMENDMENTS

2022—Subsec. (b)(4)(B). Pub. L. 117–167 substituted “August 9, 2022” for “September 28, 2018”.

2018—Subsec. (b)(1). Pub. L. 115–246, §108(a)(1), substituted “Except as provided in paragraphs (2), (3), and (4)” for “Except as provided in paragraphs (2) and (3)”.

Subsec. (b)(4). Pub. L. 115–246, §108(a)(2), added par. (4).

§ 16353. Merit review of proposals

(a) Awards

Awards of funds authorized under this Act or an amendment made by this Act shall be made only after an impartial review of the scientific and technical merit of the proposals for the awards has been carried out by or for the Department.

(b) Competition

Competitive awards under this Act shall involve competitions open to all qualified entities within one or more of the following categories:

- (1) Institutions of higher education.
- (2) National Laboratories.
- (3) Nonprofit and for-profit private entities.
- (4) State and local governments.
- (5) Consortia of entities described in paragraphs (1) through (4).

(c) Sense of Congress

It is the sense of Congress that research, development, demonstration, and commercial application activities carried out by the Department should be awarded using competitive procedures, to the maximum extent practicable.

(Pub. L. 109–58, title IX, §989, Aug. 8, 2005, 119 Stat. 911.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (b), is Pub. L. 109–58, Aug. 8, 2005, 119 Stat. 594, known as the Energy Policy Act of 2005, which enacted this chapter and enacted, amended, and repealed numerous other sections

and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 15801 of this title and Tables.

§ 16354. External technical review of departmental programs

(a) National energy research and development advisory boards

(1) Establishment

The Secretary shall establish one or more advisory boards to review research, development, demonstration, and commercial application programs of the Department in energy efficiency, renewable energy, nuclear energy, and fossil energy.

(2) Alternatives

The Secretary may—

(A) designate an existing advisory board within the Department to fulfill the responsibilities of an advisory board under this section; and

(B) enter into appropriate arrangements with the National Academy of Sciences to establish such an advisory board.

(b) Use of existing committees

The Secretary shall continue to use the scientific program advisory committees chartered under chapter 10 of title 5 by the Office of Science to oversee research and development programs under that Office.

(c) Membership

Each advisory board under this section shall consist of persons with appropriate expertise representing a diverse range of interests.

(d) Meetings and goals

(1) Meetings

Each advisory board under this section shall meet at least semiannually to review and advise on the progress made by the respective one or more research, development, demonstration, and commercial application programs.

(2) Goals

The advisory board shall review the measurable cost and performance-based goals for the programs as established under section 16181 of this title, and the progress on meeting the goals.

(e) Periodic reviews and assessments

(1) In general

The Secretary shall enter into appropriate arrangements with the National Academy of Sciences to conduct periodic reviews and assessments of—

(A) the research, development, demonstration, and commercial application programs authorized by this Act and amendments made by this Act;

(B) the measurable cost and performance-based goals for the programs as established under section 16181 of this title, if any; and

(C) the progress on meeting the goals.

(2) Timing

The reviews and assessments shall be conducted every 5 years or more often as the Secretary considers necessary.