

(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.