

(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.

**(3) Reports**

The Secretary shall submit to Congress reports describing the results of all the reviews and assessments.

(Pub. L. 109–58, title IX, §990, Aug. 8, 2005, 119 Stat. 912; Pub. L. 117–286, §4(a)(278), Dec. 27, 2022, 136 Stat. 4336.)

**Editorial Notes**

## REFERENCES IN TEXT

This Act, referred to in subsec. (e)(1)(A), 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.

## AMENDMENTS

2022—Subsec. (b). Pub. L. 117–286 substituted “chapter 10 of title 5” for “the Federal Advisory Committee Act (5 U.S.C. App.)”.

**§ 16355. National Laboratory designation**

After August 8, 2005, the Secretary shall not designate a facility that is not listed in section 15801(3) of this title as a National Laboratory.

(Pub. L. 109–58, title IX, §991, Aug. 8, 2005, 119 Stat. 913.)

**§ 16356. Report on equal employment opportunity practices**

Not later than 12 months after August 8, 2005, and biennially thereafter, the Secretary shall transmit to Congress a report on the equal employment opportunity practices at National Laboratories. Such report shall include—

(1) a thorough review of each National Laboratory contractor’s equal employment opportunity policies, including promotion to management and professional positions and pay raises;

(2) a statistical report on complaints and their disposition in the National Laboratories;

(3) a description of how equal employment opportunity practices at the National Laboratories are treated in the contract and in calculating award fees for each contractor;

(4) a summary of disciplinary actions and their disposition by either the Department or the relevant contractors for each National Laboratory;

(5) a summary of outreach efforts to attract women and minorities to the National Laboratories;

(6) a summary of efforts to retain women and minorities in the National Laboratories; and

(7) a summary of collaboration efforts with the Office of Federal Contract Compliance Programs to improve equal employment opportunity practices at the National Laboratories.

(Pub. L. 109–58, title IX, §992, Aug. 8, 2005, 119 Stat. 913.)

**§ 16357. Strategy for facilities and infrastructure****(a) Facility and infrastructure policy****(1) In general**

The Secretary shall develop and implement a strategy for facilities and infrastructure

supported primarily from the Office of Science, the Office of Energy Efficiency and Renewable Energy, the Office of Fossil Energy, or the Office of Nuclear Energy, Science and Technology Programs at all National Laboratories and single-purpose research facilities.

**(2) Strategy**

The strategy shall provide cost-effective means for—

(A) maintaining existing facilities and infrastructure;

(B) closing unneeded facilities;

(C) making facility modifications; and

(D) building new facilities.

**(b) Report****(1) In general**

The Secretary shall prepare and submit, along with the budget request of the President submitted to Congress for fiscal year 2018, a report describing the strategy developed under subsection (a).

**(2) Contents**

For each National Laboratory and single-purpose research facility that is primarily used for science and energy research, the report shall contain—

(A) the current priority list of proposed facilities and infrastructure projects, including cost and schedule requirements;

(B) a current 10-year plan that demonstrates the reconfiguration of its facilities and infrastructure to meet its missions and to address its long-term operational costs and return on investment;

(C) the total current budget for all facilities and infrastructure funding; and

(D) the current status of each facility and infrastructure project compared to the original baseline cost, schedule, and scope.

(Pub. L. 109–58, title IX, §993, Aug. 8, 2005, 119 Stat. 913; Pub. L. 115–246, title II, §205(a), Sept. 28, 2018, 132 Stat. 3137.)

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115–246, §205(a)(1), substituted “Strategy for facilities and infrastructure” for “Strategy and plan for science and energy facilities and infrastructure” in section catchline.

Subsec. (b)(1). Pub. L. 115–246, §205(a)(2), substituted “2018” for “2008”.

**§ 16358. Strategic research portfolio analysis and coordination plan****(a) In general**

The Secretary shall periodically review all of the science and technology activities of the Department in a strategic framework that takes into account—

(1) the frontiers of science to which the Department can contribute;

(2) the national needs relevant to the statutory missions of the Department; and

(3) global energy dynamics.

**(b) Coordination analysis and plan****(1) In general**

As part of the review under subsection (a), the Secretary shall develop a plan to improve