

(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8, 2005, 119 Stat. 594, known as the Energy Policy Act of 2005, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code.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

coordination and collaboration in research, development, demonstration, and commercial application activities across organizational boundaries of the Department.

(2) Plan contents

The plan developed under paragraph (1) shall describe—

(A) crosscutting scientific and technical issues and research questions that span more than one program or major office of the Department;

(B) ways in which the applied technology programs of the Department are coordinating activities and addressing the questions referred to in subparagraph (A);

(C) ways in which the technical interchange within the Department, particularly between the Office of Science and the applied technology programs, could be enhanced, including ways in which the research agendas of the Office of Science and the applied programs could better interact and assist each other;

(D) ways in which the Secretary would ensure that the overall research agenda of the Department includes, in addition to fundamental, curiosity-driven research, fundamental research related to topics of concern to the applied programs, and applications in Departmental technology programs of research results generated by fundamental, curiosity-driven research;

(E) critical assessments of any ongoing programs that have experienced subpar performance or cost overruns of 10 percent or more over 1 or more years;

(F) any activities that may be more effectively left to the States, industry, non-governmental organizations, institutions of higher education, or other stakeholders; and

(G) detailed evaluations and proposals for innovation hubs, institutes, and research centers of the Department, including—

(i) an affirmation that the hubs, institutes, and research centers will—

(I) advance the mission of the Department; and

(II) prioritize research, development, and demonstration; and

(ii) an affirmation that any hubs, institutes, or research centers that are established or renewed within the Office of Science are consistent with the mission of the Office of Science described in subsection (c) of section 7139 of this title.

(c) Submission to Congress

Every 4 years, the Secretary shall submit to Congress—

(1) the results of the review under subsection (a); and

(2) the coordination plan under subsection (b).

(Pub. L. 109–58, title IX, §994, as added Pub. L. 115–246, title II, §204, Sept. 28, 2018, 132 Stat. 3136.)

Editorial Notes

PRIOR PROVISIONS

A prior section 16358, Pub. L. 109–58, title IX, §994, Aug. 8, 2005, 119 Stat. 914, which required the Secretary

to periodically review Department of Energy science and technology activities taking into account the frontiers of science to which the Department can contribute and the national needs relevant to the Department's statutory missions, was repealed by Pub. L. 115–246, title II, §204, Sept. 28, 2018, 132 Stat. 3135.

§ 16359. Competitive award of management contracts

None of the funds authorized to be appropriated to the Secretary by this subchapter may be used to award a management and operating contract for a National Laboratory (excluding those named in subparagraphs (G), (H), (N), and (O) of section 15801(3) of this title), unless such contract is competitively awarded, or the Secretary grants, on a case-by-case basis, a waiver. The Secretary may not delegate the authority to grant such a waiver and shall submit to Congress a report notifying it of the waiver, and setting forth the reasons for the waiver, at least 60 days prior to the date of the award of such contract.

(Pub. L. 109–58, title IX, §995, Aug. 8, 2005, 119 Stat. 914.)

Editorial Notes

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title IX of Pub. L. 109–58, Aug. 8, 2005, 119 Stat. 856, which enacted this subchapter, amended sections 8101 and 8102 of Title 7, Agriculture, and section 5523 of Title 15, Commerce and Trade, enacted provisions set out as notes under section 15801 of this title, section 8102 of Title 7, and section 2001 of Title 30, Mineral Lands and Mining, and amended provisions set out as notes under section 8101 of Title 7 and section 1902 of Title 30. For complete classification of title IX to the Code, see Short Title note set out under section 15801 of this title and Tables.

§ 16360. Western Michigan demonstration project

The Administrator of the Environmental Protection Agency, in consultation with the State of Michigan and affected local officials, shall conduct a demonstration project to address the effect of transported ozone and ozone precursors in Southwestern Michigan. The demonstration program shall address projected nonattainment areas in Southwestern Michigan that include counties with design values for ozone of less than .095 based on years 2000 to 2002 or the most current 3-year period of air quality data. The Administrator shall assess any difficulties such areas may experience in meeting the 8-hour national ambient air quality standard for ozone due to the effect of transported ozone or ozone precursors into the areas. The Administrator shall work with State and local officials to determine the extent of ozone and ozone precursor transport, to assess alternatives to achieve compliance with the 8-hour standard apart from local controls, and to determine the timeframe in which such compliance could take place. The Administrator shall complete this demonstration project no later than 2 years after August 8, 2005, and shall not impose any requirement or sanction under the Clean Air Act (42 U.S.C. 7401 et seq.) that might otherwise apply during the pendency of the demonstration project.

(Pub. L. 109–58, title IX, §996, Aug. 8, 2005, 119 Stat. 915.)