

Pub. L. 116-260, §9001(6), added subsec. (g) relating to additional technology transfer programs. Former subsec. (g) redesignated (e).

Pub. L. 116-260, §9001(4), redesignated subsec. (g) as (e).

Subsec. (h). Pub. L. 116-260, §9001(4), redesignated subsec. (h) as (f) relating to planning and reporting.

2018—Subsecs. (g), (h). Pub. L. 115-246 added subsec. (g) and redesignated former subsec. (g) as (h).

2014—Subsec. (e). Pub. L. 113-291 inserted “based on future planned activities and the amount of the appropriations for the fiscal year” after “each fiscal year”.

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

LAB PARTNERING SERVICE PILOT PROGRAM

Pub. L. 116-260, div. Z, title IX, §9002, Dec. 27, 2020, 134 Stat. 2596, as amended by Pub. L. 117-167, div. B, title VI, §10716, Aug. 9, 2022, 136 Stat. 1704, provided that:

“(a) PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary of Energy (in this section referred to as the ‘Secretary’), acting through the Chief Commercialization Officer established in section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391(a)), shall establish a Lab Partnering Service Pilot Program (hereinafter in this section referred to as the ‘pilot program’).

“(2) PURPOSES.—The purposes of the pilot program are to provide services that encourage and support partnerships between the National Laboratories and public and private sector entities, and to improve communication of research, development, demonstration, and commercial application projects and opportunities at the National Laboratories to potential partners through the development of a website and the provision of services, in collaboration with relevant external entities, and to identify and develop metrics regarding the effectiveness of such partnerships.

“(3) ACTIVITIES.—In carrying out this pilot program, the Secretary shall—

“(A) conduct outreach to and engage with relevant public and private entities;

“(B) identify and disseminate best practices for strengthening connections between the National Laboratories and public and private sector entities; and

“(C) develop a website to disseminate information on—

“(i) different partnering mechanisms for working with the National Laboratories;

“(ii) National Laboratory experts and research areas; and

“(iii) National Laboratory facilities and user facilities.

“(b) METRICS.—The Secretary shall support the development of metrics, including conversion metrics, to determine the effectiveness of the pilot program in achieving the purposes in subsection (a) and the number and types of partnerships established between public and private sector entities and the National Laboratories compared to baseline data.

“(c) COORDINATION.—In carrying out the activities authorized in this section, the Secretary shall coordinate with the Directors of (and dedicated technology transfer staff at) the National Laboratories, in particular for matchmaking services for individual projects, which should be led by the National Laboratories.

“(d) FUNDING EMPLOYEE PARTNERING ACTIVITIES.—The Secretary shall delegate to the Directors of each National Laboratory and single-purpose research facility

of the Department the authority to compensate National Laboratory employees providing services under this section.

“(e) DURATION.—Subject to the availability of appropriations, the pilot program established in this section shall operate for not less than 3 years and may be built off an existing program.

“(f) EVALUATION.—Not later than 6 months after the completion of this pilot program, the Secretary shall support the evaluation of the success of the pilot program in achieving the purposes in subsection (a) and shall submit the evaluation to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The assessment shall include analyses of the performance of the pilot program based on the metrics developed under subsection (b).

“(g) DEFINITION.—In this section, the term ‘National Laboratory’ has the meaning given such term in section 2(3) of the Energy Policy Act of 2005 (42 U.S.C. 15801(3)).

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary \$2,000,000 for each of fiscal years 2023 through 2025 to carry out subsections (a), (b), and (c), and \$1,700,000 for each of fiscal years 2023 through 2025 for National Laboratory employees to provide services under subsection (d).”

§ 16391a. Technology transfer reports and evaluation

(a) Annual report

As part of the updated technology transfer execution plan required each year under section 16391(h)(2) of this title, the Secretary of Energy (in this section referred to as the “Secretary”) shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress and implementation of programs established under sections 9001, 9002, 9003, 9004, and 9005 of this Act and under sections 10714, 10718, 10719, 10720, and 10723 of the Research and Development, Competition, and Innovation Act.

(b) Evaluation

Not later than 3 years after December 27, 2020, and every 3 years thereafter the Secretary shall submit to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an evaluation on the extent to which programs established under sections 9001, 9002, 9003, 9004, and 9005 of this Act and sections 10713, 10714, 10715, and 10717 of the Research and Development, Competition, and Innovation Act are achieving success based on relevant short-term and long-term metrics.

(Pub. L. 116-260, div. Z, title IX, §9007, Dec. 27, 2020, 134 Stat. 2600; Pub. L. 117-167, div. B, title VI, §10727, Aug. 9, 2022, 136 Stat. 1710.)

Editorial Notes

REFERENCES IN TEXT

Sections 9001, 9002, 9003, 9004, and 9005 of this Act, referred to in text, are sections 9001, 9002, 9003, 9004, and 9005 of div. Z of Pub. L. 116-260, known as the Energy Act of 2020. Sections 9001 and 9003 of the Act amended section 16391 of this title. Section 9002 of the Act enacted provisions set out as a note under section 16391 of this title. Section 9004 of the Act amended section 16396 of this title. Section 9005 of the Act enacted section 7256c of this title.

The Research and Development, Competition, and Innovation Act, referred to in text, is div. B of Pub. L. 117-167, Aug. 9, 2022, 136 Stat. 1405. Sections 10713, 10714, 10715, 10717, 10719, and 10720 of the Act are classified to sections 19301 to 19303 and 19311 to 19313 of this title, respectively. Section 10718 of the Act amended section 16393 of this title. Section 10723 of the Act amended sections 16391 and 18861 of this title.

CODIFICATION

Section was enacted as part of the Energy Act of 2020, and not as part of the Energy Policy Act of 2005 which comprises this chapter.

AMENDMENTS

2022—Pub. L. 117-167 amended section generally. Prior to amendment, section consisted of subsecs. (a) to (c) relating to an annual report, evaluation, and report on technology transfer gaps, respectively.

§ 16392. Technology Infrastructure Program

(a) Definitions

In this section:

(1) Program

The term “Program” means the Technology Infrastructure Program established under subsection (b).

(2) Technology cluster

The term “technology cluster” means a concentration of technology-related business concerns, institutions of higher education, or nonprofit institutions, that reinforce each other’s performance in the areas of technology development through formal or informal relationships.

(3) Technology-related business concern

The term “technology-related business concern” means a for-profit corporation, company, association, firm, partnership, or small business concern that—

- (A) conducts scientific or engineering research;
- (B) develops new technologies;
- (C) manufactures products based on new technologies; or
- (D) performs technological services.

(b) Establishment

The Secretary shall establish a Technology Infrastructure Program in accordance with this section.

(c) Purpose

The purpose of the Program shall be to improve the ability of National Laboratories and single-purpose research facilities to support departmental missions by—

- (1) stimulating the development of technology clusters that can support departmental missions at the National Laboratories or single-purpose research facilities;
- (2) improving the ability of National Laboratories and single-purpose research facilities to leverage and benefit from commercial research, technology, products, processes, and services; and
- (3) encouraging the exchange of scientific and technological expertise between—
 - (A) National Laboratories or single-purpose research facilities; and
 - (B) entities that can support departmental missions at the National Laboratories or single-purpose research facilities, such as—

- (i) institutions of higher education;
- (ii) technology-related business concerns;
- (iii) nonprofit institutions; and
- (iv) agencies of State, tribal, or local governments.

(d) Projects

The Secretary shall authorize the director of each National Laboratory or single-purpose research facility to implement the Program at the National Laboratory or facility through one or more projects that meet the requirements of subsections (e) and (f).

(e) Program requirements

(1) In general

Each project funded under this section shall meet the requirements of this subsection.

(2) Entities

Each project shall include at least one of each of the following entities:

- (A) A business.
- (B) An institution of higher education.
- (C) A nonprofit institution.
- (D) An agency of a State, local, or tribal government.

(3) Cost-sharing

(A) In general

The costs of carrying out projects under this section shall be shared in accordance with section 16352 of this title.

(B) Sources

The calculation of costs paid by the non-Federal sources for a project shall include cash, personnel, services, equipment, and other resources expended on the project after the commencement of the project.

(C) Research and development expenses

Independent research and development expenses of Government contractors that qualify for reimbursement under section 31.205-18(e) of title 48, Code of Federal Regulations, issued pursuant to section 1303(a)(1) of title 41, may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(4) Competitive selection

A project under this section shall be competitively selected using procedures determined by the Secretary.

(5) Accounting

Any participant that receives funds under this section may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(6) Duration

No Federal funds shall be made available under this section for a construction project or for any project with a duration of more than 5 years.

(f) Selection criteria

(1) Departmental missions

The Secretary shall allocate funds under this section only if the Director of the Na-