

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-

tional Laboratory or single-purpose research facility managing the project determines that the project is likely to improve the ability of the National Laboratory or single-purpose research facility to achieve technical success in meeting departmental missions.

(2) Other criteria

In selecting a project to receive Federal funds, the Secretary shall consider—

(A) the potential of the project to promote the development of a commercially sustainable technology cluster following the period of investment by the Department, which will derive most of the demand for its products or services from the private sector, and which will support departmental missions at the participating National Laboratory or single-purpose research facility;

(B) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or single-purpose research facility to achieve its mission or the commercial development of technological innovations made at the participating National Laboratory or single-purpose research facility;

(C) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or single-purpose research facility and that will make substantive contributions to achieving the goals of the project;

(D) the extent to which the project focuses on promoting the development of technology-related business concerns that are small businesses or involves such small businesses substantively in the project; and

(E) such other criteria as the Secretary determines to be appropriate.

(g) Allocation

In allocating funds for projects approved under this section, the Secretary shall provide—

(1) the Federal share of the project costs; and

(2) additional funds to the National Laboratory or single-purpose research facility managing the project to permit the National Laboratory or single-purpose research facility to carry out activities relating to the project, and to coordinate the activities with the project.

(h) Report to Congress

Not later than July 1, 2008, the Secretary shall submit to Congress a report on whether the Program should be continued and, if so, how the program should be managed.

(i) Authorization of appropriations

There are authorized to be appropriated to the Secretary for activities under this section \$10,000,000 for each of fiscal years 2006 through 2008.

(Pub. L. 109–58, title X, §1002, Aug. 8, 2005, 119 Stat. 927.)

Editorial Notes

CODIFICATION

In subsec. (e)(3)(C), “section 1303(a)(1) of title 41” substituted for “section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1))” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 16393. Small business advocacy and assistance

(a) Small business advocate

The Secretary shall require the Director of each National Laboratory (as defined in section 15801 of this title) and the Director of each single-purpose research facility to designate a small business advocate to—

(1) encourage the participation of small business concerns, including socially and economically disadvantaged small business concerns (as defined in section 637(a)(4) of title 15), in procurement, research, development, demonstration, and commercial application activities, including product development, technology licensing, and technology transfer activities conducted by the National Laboratory or single-purpose research facility;

(2) report to the Director of the National Laboratory or single-purpose research facility on the actual participation of small business concerns in the activities described in paragraph (1) along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns facilities, training, mentoring, and information on how to participate in the activities described in paragraph (1);

(4) increase the awareness inside the National Laboratory or single-purpose research facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines and metrics for the programs under subsections (b) and (c) and report on the effectiveness of the program to the Director of the National Laboratory or single-purpose research facility.

(b) Establishment of small business assistance program

The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to establish a program to provide small business concerns with—

(1) assistance directed at making the small business concerns more effective and efficient subcontractors or suppliers to the National Laboratory or single-purpose research facilities; or

(2) general technical assistance, the cost of which shall not exceed \$10,000 per instance of assistance, to improve the products or services of the small business concern.

(c) Small business voucher program

(1) Definitions

In this subsection:

(A) Director

The term “Director” means—

(i) the Director of each National Laboratory; and

(ii) the Director of each single-purpose research facility.