

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.

(B) National Laboratory

The term “National Laboratory” has the meaning given the term in section 15801 of this title.

(C) Program

The term “program” means the program established under paragraph (2).

(D) Small business concern

The term “small business concern” has the meaning given such term in section 632 of title 15.

(2) Establishment

The Secretary, acting through the Chief Commercialization Officer appointed under section 16391(a) of this title, and in consultation with the Directors, shall establish a program to provide small business concerns with vouchers under paragraph (3)—

(A) to achieve the goal described in subsection (a)(1); and

(B) to improve the products, services, and capabilities of small business concerns in the mission space of the Department.

(3) Vouchers

Under the program, the Directors are authorized to provide to small business concerns vouchers to be used at National Laboratories and single-purpose research facilities for—

(A) research, development, demonstration, technology transfer, skills training and workforce development, or commercial application activities; or

(B) any other activities that the applicable Director determines appropriate.

(4) Expedited approval

The Secretary, working with the Directors, shall establish a stream-lined approval process for financial assistance agreements signed between—

(A) small business concerns selected to receive a voucher under the program; and

(B) the National Laboratories and single-purpose research facilities.

(5) Cost-sharing requirement

In carrying out the program, the Secretary shall require cost-sharing in accordance with section 16352 of this title.

(6) Report

In accordance with section 16391a of this title, the Secretary shall report annually on the progress and implementation of the small business voucher program established under this section, including the number and locations of small businesses that received grants under this program.

(d) Use of funds

None of the funds expended under subsection (b) may be used for direct grants to small business concerns.

(e) Authorization of appropriations

There is authorized to be appropriated to the Secretary for activities under subsection (b) \$5,000,000 for each of fiscal years 2006 through 2008 and for activities under subsection (c) \$25,000,000 for each of fiscal years 2023 through 2027.

(Pub. L. 109-58, title X, §1003, Aug. 8, 2005, 119 Stat. 929; Pub. L. 117-167, div. B, title VI, §10718, Aug. 9, 2022, 136 Stat. 1705.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-167, §10718(1)(A), substituted “(as defined in section 15801 of this title) and the Director of each single-purpose research facility” for “, and may require the Director of a single-purpose research facility,” in introductory provisions.

Subsec. (a)(1). Pub. L. 117-167, §10718(1)(B), substituted “encourage” for “increase” and “research, development, demonstration, and commercial application activities, including product development,” for “collaborative research.”

Subsec. (a)(2). Pub. L. 117-167, §10718(1)(C), substituted “the activities described in paragraph (1)” for “procurement and collaborative research”.

Subsec. (a)(3). Pub. L. 117-167, §10718(1)(D), inserted “facilities,” before “training” and substituted “the activities described in paragraph (1)” for “procurement and collaborative research activities”.

Subsec. (a)(5). Pub. L. 117-167, §10718(1)(E), substituted “and metrics for the programs under subsections (b) and (c)” for “for the program under subsection (b)”.

Subsecs. (c), (d). Pub. L. 117-167, §10718(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 117-167, §10718(2), (4), redesignated subsec. (d) as (e), substituted “for activities under subsection (b)” for “for activities under this section”, and inserted before period at end “and for activities under subsection (c) \$25,000,000 for each of fiscal years 2023 through 2027”.

§ 16394. Outreach

The Secretary shall ensure that each program authorized by this Act or an amendment made by this Act includes an outreach component to provide information, as appropriate, to manufacturers, consumers, engineers, architects, builders, energy service companies, institutions of higher education, facility planners and managers, State and local governments, and other entities.

(Pub. L. 109-58, title X, §1004, Aug. 8, 2005, 119 Stat. 930.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, 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.

§ 16395. Relationship to other laws

Except as otherwise provided in this Act or an amendment made by this Act, the Secretary shall carry out the research, development, demonstration, and commercial application programs, projects, and activities authorized by this Act or an amendment made by this Act in accordance with the applicable provisions of—

(1) the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

(2) the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901 et seq.);