

Act for Fiscal Year 2017 (Public Law 114–328) applies.

(Pub. L. 115–246, title I, § 104, Sept. 28, 2018, 132 Stat. 3132.)

Editorial Notes

REFERENCES IN TEXT

Section 3119 of the National Defense Authorization Act for Fiscal Year 2017, referred to in subsec. (b), is section 3119 of Pub. L. 114–328, which was set out as a note under section 2791 of Title 50, War and National Defense, prior to repeal by Pub. L. 117–263, div. C, title XXXI, § 3116(b), Dec. 23, 2022, 136 Stat. 3054.

§ 18613. Research grants database

(a) In general

The Secretary shall establish and maintain a public database, accessible on the website of the Department, that contains a searchable listing of each unclassified research and development project contract, grant, cooperative agreement, task order for a federally funded research and development center, or other transaction administered by the Department.

(b) Requirements

Each listing described in subsection (a) shall include, at a minimum, for each listed project, the Department office carrying out the project, the project name, an abstract or summary of the project, funding levels, project duration, contractor or grantee name (including the names of any subcontractors), and expected objectives and milestones.

(c) Relevant literature and patents

The Secretary shall provide information through the public database established under subsection (a) on relevant literature and patents that are associated with each research and development project contract, grant, or cooperative agreement, or other transaction, of the Department.

(Pub. L. 115–246, title I, § 105, Sept. 28, 2018, 132 Stat. 3132.)

§ 18614. Technology transfer and transitions assessment

Not later than 1 year after September 28, 2018, and as often as the Secretary determines to be necessary thereafter, the Secretary shall transmit to the appropriate committees of Congress a report that includes recommended changes to the policy of the Department and legislative changes to section 16391 of this title to improve the ability of the Department to successfully transfer new energy technologies to the private sector.

(Pub. L. 115–246, title I, § 106, Sept. 28, 2018, 132 Stat. 3132.)

§ 18615. Agreements for commercializing technology pilot program

(a) In general

The Secretary shall carry out the Agreements for Commercializing Technology pilot program of the Department, as announced by the Secretary on December 8, 2011, in accordance with this section.

(b) Terms

Each agreement entered into pursuant to the pilot program referred to in subsection (a) shall provide to the contractor of the applicable National Laboratory, to the maximum extent determined to be appropriate by the Secretary, increased authority to negotiate contract terms, such as intellectual property rights, payment structures, performance guarantees, and multiparty collaborations.

(c) Eligibility

(1) In general

Any director of a National Laboratory may enter into an agreement pursuant to the pilot program referred to in subsection (a).

(2) Agreements with non-Federal entities

To carry out paragraph (1) and subject to paragraph (3), the Secretary shall permit the directors of the National Laboratories to execute agreements with a non-Federal entity, including a non-Federal entity already receiving Federal funding that will be used to support activities under agreements executed pursuant to paragraph (1), provided that such funding is solely used to carry out the purposes of the Federal award.

(3) Restriction

The requirements of chapter 18 of title 35 (commonly known as the “Bayh-Dole Act”) shall apply if—

(A) the agreement is a funding agreement (as that term is defined in section 201 of that title); and

(B) at least one of the parties to the funding agreement is eligible to receive rights under that chapter.

(d) Submission to Secretary

Each affected director of a National Laboratory shall submit to the Secretary, with respect to each agreement entered into under this section—

(1) a summary of information relating to the relevant project;

(2) the total estimated costs of the project;

(3) estimated commencement and completion dates of the project; and

(4) other documentation determined to be appropriate by the Secretary.

(e) Certification

The Secretary shall require the contractor of the affected National Laboratory to certify that each activity carried out under a project for which an agreement is entered into under this section—

(1) is not in direct competition with the private sector; and

(2) does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this section.

(f) Extension

The pilot program referred to in subsection (a) shall be extended until September 30, 2019.

(g) Reports

(1) Overall assessment

Not later than 60 days after the date described in subsection (f), the Secretary, in co-

ordination with directors of the National Laboratories, shall submit to the appropriate committees of Congress a report that—

- (A) assesses the overall effectiveness of the pilot program referred to in subsection (a);
- (B) identifies opportunities to improve the effectiveness of the pilot program;
- (C) assesses the potential for program activities to interfere with the responsibilities of the National Laboratories to the Department; and
- (D) provides a recommendation regarding the future of the pilot program.

(2) Transparency

The Secretary, in coordination with directors of the National Laboratories, shall submit to the appropriate committees of Congress an annual report that accounts for all incidences of, and provides a justification for, non-Federal entities using funds derived from a Federal contract or award to carry out agreements pursuant to this section.

(Pub. L. 115-246, title I, §107, Sept. 28, 2018, 132 Stat. 3132.)

SUBCHAPTER II—DEPARTMENT OF ENERGY RESEARCH COORDINATION

§ 18631. Crosscutting research and development

(a) In general

The Secretary shall use the capabilities of the Department to identify strategic opportunities for collaborative research, development, demonstration, and commercial application of innovative science and technologies.

(b) Existing programs; coordination of activities

To the maximum extent practicable, the Secretary shall seek—

- (1) to leverage existing programs of the Department; and
- (2) to consolidate and coordinate activities throughout the Department to promote collaboration and crosscutting approaches within programs of the Department.

(c) Additional actions

The Secretary shall—

- (1) prioritize activities that use all affordable domestic resources;
- (2) develop a planning, evaluation, and technical assessment framework for setting objective long-term strategic goals and evaluating progress that—
 - (A) ensures integrity and independence; and
 - (B) provides the flexibility to adapt to market dynamics;
- (3) ensure that activities shall be undertaken in a manner that does not duplicate other activities within the Department or other Federal Government activities; and
- (4) identify programs that may be more effectively left to the States, industry, nongovernmental organizations, institutions of higher education, or other stakeholders.

(Pub. L. 115-246, title II, §203, Sept. 28, 2018, 132 Stat. 3135.)

§ 18632. Energy Innovation Hubs

(a) Definitions

In this section:

(1) Advanced energy technology

The term “advanced energy technology” means—

- (A) an innovative technology—
 - (i) that produces energy from solar, wind, geothermal, biomass, tidal, wave, ocean, or other renewable energy resources;
 - (ii) that produces nuclear energy;
 - (iii) for carbon capture and sequestration;
 - (iv) that enables advanced vehicles, vehicle components, and related technologies that result in significant energy savings;
 - (v) that generates, transmits, distributes, uses, or stores energy more efficiently than conventional technologies, including through Smart Grid technologies; or
 - (vi) that enhances the energy independence and security of the United States by enabling improved or expanded supply and production of domestic energy resources, including coal, oil, and natural gas;
- (B) a research, development, demonstration, or commercial application activity necessary to ensure the long-term, secure, and sustainable supply of an energy-critical element; or
- (C) any other innovative energy technology area identified by the Secretary.

(2) Hub

(A) In general

The term “Hub” means an Energy Innovation Hub established under this section.

(B) Inclusion

The term “Hub” includes any Energy Innovation Hub in existence on September 28, 2018.

(3) Qualifying entity

The term “qualifying entity” means—

- (A) an institution of higher education;
- (B) an appropriate State or Federal entity, including a federally funded research and development center of the Department;
- (C) a nongovernmental organization with expertise in advanced energy technology research, development, demonstration, or commercial application; or
- (D) any other relevant entity the Secretary determines appropriate.

(b) Authorization of program

(1) In general

The Secretary shall carry out a program to enhance the economic, environmental, and energy security of the United States by making awards to consortia for establishing and operating hubs, to be known as “Energy Innovation Hubs”, to conduct and support, at, if practicable, one centralized location, multidisciplinary, collaborative research, development, demonstration, and commercial application of advanced energy technologies.

(2) Technology development focus

The Secretary shall designate for each Hub a unique advanced energy technology or basic research focus.