

tion \$3,000,000 for each of fiscal years 2023 through 2027.

(Pub. L. 117-167, div. B, title VI, §10715, Aug. 9, 2022, 136 Stat. 1703.)

SUBPART 2—SUPPORTING TECHNOLOGY  
DEVELOPMENT AT THE NATIONAL LABORATORIES

**§ 19311. Lab-Embedded Entrepreneurship Program**

**(a) In general**

The Secretary shall competitively award grants to National Laboratories for the purpose of establishing or supporting Lab-Embedded Entrepreneurship Programs.

**(b) Purposes**

The purposes of such programs are to provide entrepreneurial fellows with access to National Laboratory research facilities, National Laboratory expertise, and mentorship to perform research and development and gain expertise that may be required or beneficial for the commercial application of research ideas.

**(c) Entrepreneurial fellows**

An entrepreneurial fellow participating in a program described in subsection (a) shall be provided with—

- (1) opportunities for entrepreneurial training, professional development, and exposure to leaders from academia, industry, government, and finance who may serve as advisors to or partners of the fellow;
- (2) financial and technical support for research, development, and commercial application activities;
- (3) fellowship awards to cover costs of living, health insurance, and travel stipends for the duration of the fellowship; and
- (4) any other resources determined appropriate by the Secretary.

**(d) Program activities**

Each National Laboratory that receives funding under this section shall support entrepreneurial fellows by providing—

- (1) access to facilities and expertise within the National Laboratory;
- (2) engagement with external stakeholders; and
- (3) market and customer development opportunities.

**(e) Administration**

National Laboratories that receive grants under this section shall prioritize the support and success of the entrepreneurial fellow with regards to professional development and development of a relevant technology.

**(f) Partnerships**

In carrying out a Lab-Embedded Entrepreneurship Program, a National Laboratory may partner with an external entity, including—

- (1) a nonprofit organization;
- (2) an institution of higher education;
- (3) a federally-owned corporation; or
- (4) a consortium of 2 or more entities described in paragraphs (1) through (3).

**(g) Metrics**

The Secretary shall support the development of short-term and long-term metrics to assess

the effectiveness of programs receiving a grant under subsection (a) in achieving the purposes of the program in subsection (a).

**(h) Evaluation**

In accordance with section 16391a of this title, 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 of the effectiveness of the programs under subsection (a) based on the metrics developed pursuant to subsection (g).

**(i) Coordination**

The Secretary shall oversee the planning and coordination of grants under subsection (a) and shall identify and disseminate best practices for achieving the purposes of subsection (a) to National Laboratories that receive grants under this section.

**(j) Interagency collaboration**

The Secretary shall collaborate with other executive branch agencies, including the Department of Defense and other agencies with Federal laboratories, regarding opportunities to partner with National Laboratories receiving a grant under subsection (a).

**(k) Authorization of appropriations**

There are authorized to be appropriated to the Secretary to carry out the activities authorized in this section \$25,000,000 for each of fiscal years 2023 through 2027.

(Pub. L. 117-167, div. B, title VI, §10717, Aug. 9, 2022, 136 Stat. 1704.)

**§ 19312. Entrepreneurial leave program**

**(a) In general**

The Secretary shall delegate to Directors the authority to carry out an entrepreneurial leave program (referred to in this section as the “program”) to allow National Laboratory employees to take a full leave of absence from their position, with the option to return to that or a comparable position up to 3 years later, or a partial leave of absence, to advance the commercial application of energy and related technologies relevant to the mission of the Department.

**(b) Termination authority**

Directors shall retain the authority to terminate National Laboratory employees that participate in the program if such employees are found to violate terms prescribed by the National Laboratory at which such employee is employed.

**(c) Licensing**

To reduce barriers to participation in the program, the Secretary shall delegate to the Directors the requirement to establish streamlined mechanisms for facilitating the licensing of technology that is the focus of National Laboratory employees who participate in the program.

**(d) Report**

In accordance with section 16391a of this title, the Secretary shall report annually on the utilization of this authority at National Laboratories, including the number of employees who

participate in this program at each National Laboratory and the number of employees who take a permanent leave from their positions at National Laboratories as a result of participating in this program.

**(e) Federal ethics**

Nothing in this section shall affect existing Federal ethics rules applicable to Federal personnel.

(Pub. L. 117–167, div. B, title VI, §10719, Aug. 9, 2022, 136 Stat. 1707.)

**§ 19313. National Laboratory non-Federal employee outside employment authority**

**(a) In general**

The Secretary shall delegate to Directors of National Laboratories the authority to allow their non-Federal employees—

(1) to engage in outside employment, including start-up companies based on licensing technologies developed at National Laboratories and consulting in their areas of expertise, and receive compensation from such entities; and

(2) to engage in outside activities related to their areas of expertise at the National Laboratory and may allow employees, in their employment capacity at such outside employment, to access the National Laboratories under the same contracting mechanisms as non-Laboratory employees and entities, in accordance with appropriate conflict of interest protocols.

**(b) Requirements**

If a Director elects to use the authority granted by subsection (a) of this section, the Director, or their designee, shall—

(1) require employees to disclose to and obtain approval from the Director or their designee prior to engaging in any outside employment;

(2) develop and require appropriate conflict of interest protocols for employees that engage in outside employment;

(3) maintain the authority to terminate employees engaging in outside employment if they are found to violate terms, including conflict of interest protocols, mandated by the Director; and

(4) ensure that any such programs or activities are in conformance with the Department's research security policies, including DOE Order 486.1.

**(c) Additional restrictions**

Employees engaging in outside employment may not—

(1) allow such activities to interfere with or impede their duties at the National Laboratory;

(2) engage in activities related to outside employment using National Laboratory government equipment, property, or resources, unless such activities are performed under National Laboratory contracting mechanisms, such as Cooperative Research and Development Agreements or Strategic Partnership Projects, whereby all conflicts of interest requirements apply; or

(3) use their position at a National Laboratory to provide an unfair competitive advantage to an outside employer or start-up activity.

**(d) Federal ethics**

Nothing in this section shall affect existing Federal ethics rules applicable to Federal personnel.

(Pub. L. 117–167, div. B, title VI, §10720, Aug. 9, 2022, 136 Stat. 1707.)

SUBPART 3—DEPARTMENT OF ENERGY  
MODERNIZATION

**§ 19321. Special hiring authority for scientific, engineering, and project management personnel**

**(a) In general**

The Under Secretary for Science shall have the authority to—

(1) make appointments of not more than 60 scientific, engineering, and professional personnel, without regard to civil service laws, to assist the Department in meeting specific project or research needs;

(2) fix the basic pay of any employee appointed under this section at a rate to be determined by the Under Secretary at rates not in excess of Level II of the Executive Schedule (EX-II) under section 5311 of title 5 without regard to the civil service laws; and

(3) pay any employee appointed under this section payments in addition to basic pay, except that the total amount of additional payments paid to an employee under this subsection for any 12-month period shall not exceed the lesser of the following amounts:

(A) \$25,000.

(B) The amount equal to 25 percent of the annual rate of basic pay of that employee.

(C) The amount of the limitation that is applicable for a calendar year under section 5307(a)(1) of title 5.

**(b) Term**

**(1) In general**

The term of any employee appointed under this section shall not exceed 3 years unless otherwise authorized in law.

**(2) Termination**

The Under Secretary for Science shall have the authority to terminate any employee appointed under this section at any time based on performance or changing project or research needs of the Department.

(Pub. L. 117–167, div. B, title VI, §10726, Aug. 9, 2022, 136 Stat. 1710.)

PART I—MICRO ACT

**§ 19331. Microelectronics research for energy innovation**

**(a) Definitions**

In this section:

**(1) Center**

The term “Center” means a Microelectronics Science Research Center established pursuant to subsection (d).