

Union Calendar No. 288

103D CONGRESS
2D SESSION

H. R. 1432

[Report No. 103-484, Parts I and II]

A BILL

To establish missions for Department of Energy research and development laboratories, provide for the evaluation of laboratory effectiveness in accomplishing such missions, and reorganize and consolidate Department of Energy technology transfer activities, and for other purposes.

MAY 19, 1994

Reported from the Committee on Science, Space, and Technology with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1993

Mr. BROWN of California (for himself, Mrs. LLOYD, Mr. VALENTINE, Mr. BOUCHER, and Mr. WYDEN) introduced the following bill; which was referred jointly to the Committees on Science, Space, and Technology and Armed Services

SEPTEMBER 15, 1993

Additional sponsors: Mr. BACCHUS of Florida, Mr. INSLEE, Ms. FURSE, Mr. WAXMAN, Mr. MILLER of California, Ms. PELOSI, Mr. DELLUMS, Ms. ESHOO, and Mr. SCOTT

APRIL 26, 1994

Reported from the Committee on Armed Services with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

MAY 19, 1994

Additional sponsors: Ms. WOOLSEY and Mr. MINETA

MAY 19, 1994

Reported from the Committee on Science, Space, and Technology with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on March 23, 1993]

A BILL

To establish missions for Department of Energy research and development laboratories, provide for the evaluation of laboratory effectiveness in accomplishing such missions, and reorganize and consolidate Department of Energy technology transfer activities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Department of Energy*
5 *Laboratory Technology Act of 1994”.*

6 **SEC. 2. FINDINGS.**

7 *The Congress finds that—*

8 *(1) the Department of Energy maintains an ex-*
9 *tensive system of laboratories which represent a na-*
10 *tional resource, comprised of a dedicated, multi-dis-*
11 *ciplinary work force of scientists and engineers, so-*
12 *phisticated scientific instrumentation, and unique re-*
13 *search facilities;*

14 *(2) the end of the Cold War has significantly re-*
15 *duced the Nation’s requirements for nuclear weapons*
16 *systems development and production, but the depart-*
17 *mental laboratories retain a vital national security*
18 *mission to maintain the Nation’s confidence in the*
19 *safety, security, and reliability of the nuclear stock-*

1 *pile and to support verification of arms control agree-*
2 *ments, dismantlement of weapons, nonproliferation*
3 *and counterproliferation efforts, intelligence require-*
4 *ments, work for the Department of Defense, and other*
5 *national security requirements;*

6 *(3) the United States faces serious national secu-*
7 *rity, energy, economic, and environmental challenges*
8 *toward which the resources of departmental labora-*
9 *tories could be applied in a more concerted fashion;*

10 *(4) in order to contribute to United States eco-*
11 *nomics competitiveness and maintain the core com-*
12 *petencies required to meet national security require-*
13 *ments, departmental laboratories will need to cooper-*
14 *ate with industry, State and local governments, uni-*
15 *versities, and nonprofit organizations on a broader*
16 *scale;*

17 *(5) the legislative and bureaucratic frameworks*
18 *for cooperative efforts between departmental labora-*
19 *tories and industry, State and local governments,*
20 *universities, and nonprofit organizations should be*
21 *streamlined to facilitate partnerships;*

22 *(6) departmental laboratories' interaction with*
23 *industry goes beyond the movement of technologies de-*
24 *veloped at the laboratories to industry, State and*
25 *local governments, universities, and nonprofit organi-*

1 *zations; it has included and should continue to in-*
2 *clude a two-way flow of ideas, people, knowledge, and*
3 *intellectual property, whereby partnerships provide*
4 *benefits to the laboratory as well as to the*
5 *nonlaboratory partners;*

6 *(7) independent reviews of departmental labora-*
7 *tories over the past two decades uniformly have em-*
8 *phasized the importance of maintaining well defined*
9 *missions at these laboratories, in order to provide co-*
10 *herence, direction, and the basis for performance eval-*
11 *uation;*

12 *(8) as the missions of departmental laboratories,*
13 *and other Federal laboratories, change in response to*
14 *evolving national needs, the activities of these labora-*
15 *tories should be coordinated and evaluated to the*
16 *maximum extent practicable in order to ensure that*
17 *they are meeting their intended objectives; and*

18 *(9) the National Science and Technology Coun-*
19 *cil, which is chaired by the President, is responsible*
20 *for coordinating the science and technology policy*
21 *making process and for integrating the President's*
22 *science and technology policy agenda across the Fed-*
23 *eral Government, and should serve to coordinate ac-*
24 *tivities at the Federal laboratories and to ensure the*

1 *implementation of measures for performance evalua-*
2 *tion for such activities.*

3 **SEC. 3. DEFINITIONS.**

4 *For the purposes of this Act—*

5 *(1) the term “Department” means the Depart-*
6 *ment of Energy;*

7 *(2) the term “departmental laboratory” means a*
8 *Federal laboratory, or any other laboratory or facility*
9 *designated by the Secretary, operated by or on behalf*
10 *of the Department;*

11 *(3) the term “departmental defense laboratories”*
12 *means the Lawrence Livermore National Laboratory,*
13 *the Los Alamos National Laboratory, and the Sandia*
14 *National Laboratories;*

15 *(4) the term “Federal laboratory” has the mean-*
16 *ing given the term “laboratory” in section 12(d)(2) of*
17 *the Stevenson-Wydler Technology Innovation Act of*
18 *1980 (15 U.S.C. 3710a(d)(2));*

19 *(5) the term “generic, precompetitive” means*
20 *having broad market potential but not yet associated*
21 *with specific marketable products or product lines;*

22 *(6) the term “mission” means a clear statement*
23 *of purpose to focus research and development activity*
24 *at a Federal laboratory on specified objectives;*

1 (7) the term “Secretary” means the Secretary of
2 Energy; and

3 (8) the term “technology transfer” means—

4 (A) any collaborative effort involving a Fed-
5 eral laboratory and private industry, State or
6 local governments, universities, or nonprofit or-
7 ganizations, whose goal is—

8 (i) to enhance the potential use by pri-
9 vate industry, State or local governments,
10 universities, or nonprofit organizations, of
11 research and development sponsored by the
12 Federal Government; or

13 (ii) to jointly develop new scientific or
14 technical information or generic,
15 precompetitive technology; or

16 (B) any process by which federally owned
17 or originated technology, or the intellectual prop-
18 erty rights associated with such technology, are
19 transferred to private industry, State or local
20 governments, universities, or nonprofit organiza-
21 tions.

22 **SEC. 4. MISSIONS OF DEPARTMENTAL LABORATORIES.**

23 (a) GENERAL AUTHORITY.—The Department is au-
24 thorized to maintain departmental laboratories for the pur-
25 pose of advancing the following missions:

1 (1) *To maintain national security, as follows:*

2 (A) *To provide for the Nation's nuclear*
3 *weapons requirements, to be stewards of the Na-*
4 *tion's nuclear weapons stockpile, and to meet*
5 *other national security requirements as deter-*
6 *mined by the President, including the advance-*
7 *ment of science and technology for national secu-*
8 *rity purposes.*

9 (B) *To reduce the threat of nuclear war, by*
10 *assisting with the dismantlement of nuclear*
11 *weapons, working to curb the proliferation of*
12 *weapons of mass destruction, supporting efforts*
13 *to counter the proliferation of weapons of mass*
14 *destruction and their delivery systems, and con-*
15 *ducting research on and the development of tech-*
16 *nologies needed for the effective verification of*
17 *international arms control agreements, including*
18 *prospective international arms control agree-*
19 *ments.*

20 (2) *To ensure the Nation's energy supply, as fol-*
21 *lows:*

22 (A) *To reduce the Nation's reliance on im-*
23 *ported and nonrenewable energy sources through*
24 *research and development related to energy pro-*
25 *duction and use, with emphasis on energy effi-*

1 *ciency, conservation, and renewable energy pro-*
2 *duction.*

3 *(B) To conduct basic research in energy-re-*
4 *lated science and technology and in the fun-*
5 *damental understanding of matter, including*
6 *construction and operation of unique scientific*
7 *instruments and facilities for use by the Federal*
8 *Government, academia, industry, and other ap-*
9 *propriate non-Federal institutions.*

10 *(3) To carry out research and development for*
11 *the purpose of minimizing the environmental impacts*
12 *of the production and use of energy and materials, in-*
13 *cluding missions as follows:*

14 *(A) To develop generic, precompetitive tech-*
15 *nologies aimed at reducing the generation of haz-*
16 *ardous or nonhazardous waste or pollution, or*
17 *reducing the consumption of energy or materials,*
18 *while contributing to sustainable United States*
19 *economic growth.*

20 *(B) To develop technologies and techniques*
21 *for the safe disposal of hazardous waste or radio-*
22 *active waste in order to accelerate the schedule*
23 *of, and reduce the total cost of, cleaning up the*
24 *hazardous waste sites associated with nuclear*

1 *weapons production and other programs funded*
2 *by the Department.*

3 **(b) ADDITIONAL MISSIONS.**—*The Department is au-*
4 *thorized to pursue additional missions at departmental lab-*
5 *oratories beyond those identified in subsection (a) only—*

6 *(1) if such missions are assigned to the Depart-*
7 *ment by the President, and only to the extent that—*

8 *(A) such laboratories possess substantial*
9 *technical capabilities that can be devoted to such*
10 *missions;*

11 *(B) such additional mission activities do*
12 *not interfere with the pursuit of the missions*
13 *identified in subsection (a); and*

14 *(C) involvement in such additional mission*
15 *activities is coordinated with any other Federal*
16 *agency or agencies which carry out such mission*
17 *activities, as appropriate; or*

18 *(2) if such missions have been established by*
19 *statute enacted before the date of enactment of this*
20 *Act, and do not conflict with the missions established*
21 *under this section.*

22 **(c) TECHNOLOGY TRANSFER.**—*(1)(A) Except as pro-*
23 *vided in subparagraph (B), the Department is authorized*
24 *to use program funds at the departmental laboratories for*
25 *technology transfer activities, whenever those activities are*

1 *consistent with and further an assigned mission of the de-*
2 *partmental laboratory.*

3 *(B) Not more than 20 percent of funds made available*
4 *to the Department in any fiscal year for weapons activities*
5 *for research and development may be set aside for the tech-*
6 *nology transfer initiative described in the President's budg-*
7 *et for weapons activities for that fiscal year.*

8 *(2) The Secretary shall—*

9 *(A) work with all Assistant Secretaries, Office*
10 *directors, and other Department officials with respon-*
11 *sibilities for managing research and development pro-*
12 *grams to ensure that technology transfer consider-*
13 *ations are fully integrated into the planning and con-*
14 *duct of all research and development conducted at de-*
15 *partmental laboratories;*

16 *(B) develop and issue departmental policies for*
17 *technology transfer activities, with the goal of creat-*
18 *ing a stable and consistent policy framework for de-*
19 *partmental collaborations with private industry,*
20 *State or local governments, universities, or nonprofit*
21 *organizations; and*

22 *(C) oversee the management and allocation of*
23 *Department funding for technology transfer activities*
24 *to ensure that such funding is available to all depart-*
25 *mental laboratories without distinction as to whether*

1 *the laboratory is involved in defense or nondefense ac-*
2 *tivities.*

3 *(3) Funds authorized to be appropriated to the Depart-*
4 *ment of Energy and made available for laboratory-directed*
5 *research and development shall be available for advancing*
6 *generic, precompetitive research and development activities*
7 *at the departmental laboratory to the point of providing*
8 *the potential basis for technology transfer.*

9 *(d) EDUCATION.—The Department is authorized to use*
10 *scientific, technical, and human resources at the depart-*
11 *mental laboratories to support the national goal of improv-*
12 *ing the quality of science, mathematics, and engineering*
13 *education in the United States.*

14 **SEC. 5. EVALUATION.**

15 *The Secretary shall, for each departmental labora-*
16 *tory—*

17 *(1) assign a mission or missions consistent with*
18 *section 4(a) and (b);*

19 *(2) establish goals in each mission area against*
20 *which the performance of the departmental laboratory*
21 *will be evaluated;*

22 *(3) develop a technology transfer plan with spe-*
23 *cific objectives for collaborative efforts between the lab-*
24 *oratory and private industry, State or local govern-*
25 *ments, universities, or nonprofit organizations in*

1 *order to coordinate, direct, and enhance the impact of*
2 *such collaborations, based on the core intellectual and*
3 *technical competencies of the laboratory;*

4 *(4) ensure that for each new technology transfer*
5 *project and for each ongoing technology transfer*
6 *project, technical milestones, an estimate of the dura-*
7 *tion of the project, and an estimate of the total cost*
8 *of the project are established;*

9 *(5) regularly assess the degree to which goals and*
10 *objectives established pursuant to paragraphs (2) and*
11 *(3) have been achieved, in terms of performance, im-*
12 *pact, or accomplishments, employing evaluative pro-*
13 *cedures and methods specific and appropriate to each*
14 *mission area; and*

15 *(6) include in the Secretary's annual report to*
16 *Congress required under section 657 of the Depart-*
17 *ment of Energy Organization Act—*

18 *(A) a statement of missions and goals for*
19 *the departmental laboratory assigned or estab-*
20 *lished pursuant to paragraphs (1) and (2);*

21 *(B) an explanation for any proposed modi-*
22 *fications in the mission or missions for the de-*
23 *partmental laboratory;*

24 *(C) the technology transfer plan required*
25 *under paragraph (3);*

1 (D) for any technology transfer project in-
2 volving a Federal commitment of \$500,000 or
3 more—

4 (i) the technical and financial data
5 called for in paragraph (4); and

6 (ii) technical and financial variances
7 from the original estimates as called for in
8 paragraph (4); and

9 (E) the assessment required under para-
10 graph (5), along with a statement of any
11 planned, ongoing, or completed actions based on
12 this assessment.

13 **SEC. 6. REPORT ON FUTURE USE OF DEPARTMENTAL LAB-**
14 **ORATORIES.**

15 (a) *REQUIREMENT.*—The Secretary, in coordination
16 with the Secretary of Defense and other appropriate Federal
17 officers, shall submit to Congress within 6 months after the
18 date of enactment of this Act, a report on the future use
19 of the departmental laboratories.

20 (b) *ALTERNATIVES.*—Such report shall identify and
21 examine the costs and benefits of alternatives to the current
22 mission assignments, budgets, and management structures
23 of the departmental laboratories. The alternatives examined
24 should be those which seek to enhance the laboratories' con-
25 tribution to United States basic science or economic com-

1 *petitiveness while maintaining the laboratories' abilities to*
2 *perform their assigned missions.*

3 (c) *PRESERVATION OF NUCLEAR WEAPONS COM-*
4 *PETENCIES.—Such report shall identify and examine ways*
5 *to ensure that the Nation preserves the core intellectual and*
6 *technical competencies of the United States in nuclear*
7 *weapons, including weapons design, system integration,*
8 *manufacturing, security, use control, reliability assessment,*
9 *and certification, and shall include an identification of any*
10 *existing or anticipated deficiencies in retaining trained*
11 *personnel in such areas.*

12 (d) *COST REDUCTION OPTIONS.—Such report shall*
13 *identify and examine options for reducing the cost of the*
14 *Department's nuclear weapons research, development, engi-*
15 *neering, and test-related programs by eliminating any un-*
16 *necessary redundancies between the departmental defense*
17 *laboratories, including options that maintain a process of*
18 *peer review by more than one laboratory for nuclear weap-*
19 *ons design activities and options that eliminate such review*
20 *process. The report should assess feasibility, costs, and risks*
21 *for each identified option. Costs to be identified and exam-*
22 *ined should include both cost savings due to consolidation*
23 *and conversion costs, including an assessment of work force*
24 *retraining and environmental cleanup.*

1 **SEC. 7. INDUSTRIAL ADVICE.**

2 (a) *ADVICE TO SECRETARY.*—*The Secretary shall seek*
3 *advice from representatives of United States industry, and*
4 *of educational institutions and professional and technical*
5 *societies in the United States, who have experience in the*
6 *industrial sector, and may establish within the Department*
7 *an advisory board to provide the Secretary with advice re-*
8 *garding the Department’s activities aimed at collaborating*
9 *with industry in the areas of research, technology develop-*
10 *ment, and technology transfer.*

11 (b) *ADVICE TO DEPARTMENTAL LABORATORY DIREC-*
12 *TORS.*—*The director of each departmental laboratory shall*
13 *seek advice from representatives of United States industry,*
14 *and of educational institutions and professional and tech-*
15 *nical societies in the United States, who have experience*
16 *in the industrial sector, and may establish an advisory*
17 *group, to assist such director in—*

18 (1) *integrating technology transfer consider-*
19 *ations into the planning and performance evaluation*
20 *of laboratory research and development activities;*

21 (2) *evaluating new initiatives proposed by the*
22 *departmental laboratory and identifying opportuni-*
23 *ties for collaborative efforts with United States indus-*
24 *try based on those initiatives; and*

1 *ment that is submitted by the director of such laboratory*
2 *within 30 days after such submission. In any case in which*
3 *such an agency disapproves or requests the modification of*
4 *a joint work statement or cooperative research and develop-*
5 *ment agreement submitted under this section, the agency*
6 *shall promptly transmit a written explanation of such dis-*
7 *approval or modification to the director of the laboratory*
8 *concerned. In any case where an agency has requested spe-*
9 *cific modifications to a joint work statement or cooperative*
10 *research and development agreement, the agency shall ap-*
11 *prove or disapprove any resubmission of such joint work*
12 *statement or cooperative research and development agree-*
13 *ment within 15 days after resubmission. No agreement may*
14 *be entered into by a Government-owned, contractor-operated*
15 *laboratory under this section before approval of both the co-*
16 *operative research and development agreement and a joint*
17 *work statement.”;*

18 *(B) by striking clauses (ii), (iv), and (vi) of*
19 *subparagraph (C);*

20 *(C) by redesignating clauses (iii) and (v) as*
21 *clauses (ii) and (iv), respectively;*

22 *(D) by inserting after subparagraph (C)(ii)*
23 *the following new clause:*

24 *“(iii) Any cooperative research and development agree-*
25 *ment involving a Federal commitment of \$500,000 or more*

1 *shall contain technical milestones and other appropriate*
2 *performance goals and evaluation criteria, with an antici-*
3 *pated schedule for meeting such milestones, goals, and cri-*
4 *teria. Each sponsoring Federal agency shall conduct appro-*
5 *priate reviews of the work performed within such coopera-*
6 *tive research and development agreement to determine*
7 *whether such agreements are meeting established milestones,*
8 *require modification, or warrant termination.”;*

9 *(E) in subparagraph (C)(iv), as so redesign-*
10 *ated by subparagraph (C) of this paragraph—*

11 *(i) by striking “under clause (iv) with-*
12 *in” and inserting in lieu thereof “of a coop-*
13 *erative research and development agreement*
14 *under clause (i) within”;*

15 *(ii) by striking “successive 30-day pe-*
16 *riod” and inserting in lieu thereof “succes-*
17 *sive 10-day period”;* and

18 *(iii) by striking “under clause (iv).”*
19 *and inserting in lieu thereof “under clause*
20 *(i).”;*

21 *(F) by redesignating subparagraph (D) as*
22 *subparagraph (E); and*

23 *(G) by inserting after subparagraph (C) the*
24 *following new subparagraph:*

1 “(D)(i) A Federal agency may permit the director of
2 any of its Government-owned, contractor-operated labora-
3 tories to enter into a cooperative research and development
4 agreement involving a Federal commitment of \$500,000 or
5 less, whenever that activity is consistent with and furthers
6 an assigned mission of the laboratory, without the specific
7 approval of the agency for the cooperative research and de-
8 velopment agreement.

9 “(ii) A laboratory director who is granted authority
10 by a Federal agency to enter into a cooperative research
11 and development agreement pursuant to clause (i) shall,
12 upon request, provide the Federal agency with an expla-
13 nation of how the agreement will complement and contrib-
14 ute to the laboratory’s missions and activities.”.

15 **SEC. 9. NATIONAL TECHNOLOGY PARTNERSHIP AWARD.**

16 (a) *ESTABLISHMENT.*—The Secretary is authorized to
17 establish a National Technology Partnership Award for
18 presentation to private sector or Federal Government orga-
19 nizations or individuals which have substantially benefited
20 the economic or social well-being of the United States
21 through public sector-private sector collaboration involving
22 technology development or technology transfer, and which
23 as a consequence are deserving of special recognition.

24 (b) *FUNDING.*—The Secretary is authorized to seek and
25 accept gifts from public and private sources to carry out

1 *a program to administer the National Technology Partner-*
2 *ship Award.*

3 **SEC. 10. FEDERAL LABORATORY MISSION EVALUATION AND**
4 **COORDINATION.**

5 *The President, through the National Science and Tech-*
6 *nology Council, shall—*

7 *(1) review on an ongoing basis the missions of,*
8 *activities conducted at, and scientific, technical, and*
9 *human resources at, Federal laboratories, with the*
10 *goals of—*

11 *(A) improving the efficiency and effective-*
12 *ness of the overall Federal laboratory system;*
13 *and*

14 *(B) ensuring that research and development*
15 *conducted at Federal laboratories is coordinated*
16 *to maximize its contribution to United States*
17 *economic growth, environmental protection, na-*
18 *tional security, expansion of human knowledge,*
19 *and other important national goals;*

20 *(2) develop and ensure the implementation of a*
21 *process for assigning missions to the Federal labora-*
22 *tories with the best scientific, technical, and human*
23 *capabilities for successfully addressing such missions;*

24 *(3) develop and ensure implementation, as ap-*
25 *propriate, of a cross-cutting program evaluation sys-*

1 *tem for research and development activities at the*
2 *Federal laboratories including, where appropriate, the*
3 *establishment of technical milestones and other meas-*
4 *ures for performance evaluation for major activities*
5 *at Federal laboratories;*

6 *(4) develop guidelines governing the application*
7 *of intellectual property law for technology transfer ac-*
8 *tivities at Federal laboratories;*

9 *(5) determine on an ongoing basis whether spe-*
10 *cific Federal laboratories should be realigned, consoli-*
11 *dated, closed, or otherwise altered in order to meet the*
12 *goals stated in paragraph (1);*

13 *(6) review the process by which the Federal Gov-*
14 *ernment enters into cooperative research and develop-*
15 *ment agreements with companies that are not United*
16 *States-owned companies (as defined in section*
17 *28(j)(2) of the National Institute of Standards and*
18 *Technology Act (15 U.S.C. 278n(j)(2))); and*

19 *(7) prepare, and submit to the Congress within*
20 *1 year after the date of enactment of this Act, a plan*
21 *for carrying out this section.*

22 **SEC. 11. POLICY ON CAPITAL PROJECTS AND CONSTRUC-**
23 **TION.**

24 *(a) REQUIREMENT OF PRIOR AUTHORIZATION.—(1)*

25 *No funds are authorized to be appropriated to the Secretary*

1 *for any substantial construction project, substantial equip-*
2 *ment acquisition, or major construction project unless a re-*
3 *port on such project or acquisition has been provided to*
4 *Congress in accordance with subsection (b).*

5 *(2) The Secretary may not obligate any funds for any*
6 *substantial construction project, substantial equipment ac-*
7 *quisition, or major construction project unless such project*
8 *or acquisition has been specifically authorized by statute.*

9 *(3) This subsection may not be amended or modified*
10 *except by specific reference to this subsection.*

11 *(b) REPORTS TO CONGRESS.—(1) Within 180 days*
12 *after the date of the enactment of this Act, the Secretary*
13 *shall submit to the Congress a report that identifies all con-*
14 *struction projects and acquisitions of the Department of*
15 *Energy described in subsection (a) for which the prelimi-*
16 *nary design phase is completed but the construction or ac-*
17 *quisition is not completed. Such report shall include—*

18 *(A) an estimate of the total cost of completion of*
19 *the construction project or acquisition, itemized by*
20 *individual activity and by fiscal year; and*

21 *(B) an identification of which construction*
22 *projects or acquisitions have not been specifically au-*
23 *thorized by statute.*

24 *The Secretary shall annually update and resubmit the re-*
25 *port required by this paragraph, as part of the report re-*

1 *quired under section 15 of the Federal Nonnuclear Energy*
2 *Research and Development Act of 1974 (42 U.S.C. 5914).*

3 *(2) The Secretary shall, after completion of the pre-*
4 *liminary design phase of a major construction project, sub-*
5 *mit to the Congress a report containing—*

6 *(A) an estimate of the total cost of construction*
7 *of the facility;*

8 *(B) an estimate of the time required to complete*
9 *construction;*

10 *(C) an estimate of the annual operating costs of*
11 *the facility;*

12 *(D) the intended useful operating life of the facil-*
13 *ity; and*

14 *(E) an identification of any existing facilities to*
15 *be closed as a result of the operation of the facility.*

16 *(c) DEFINITIONS.—For purposes of this section—*

17 *(1) the term “major construction project” means*
18 *a nonmilitary research and development project whose*
19 *construction costs are estimated to exceed*
20 *\$100,000,000 over the life of the project;*

21 *(2) the term “substantial construction project”*
22 *means a nonmilitary research and development*
23 *project whose construction costs are estimated to ex-*
24 *ceed \$10,000,000, but not to exceed \$100,000,000, over*
25 *the life of the project; and*

1 (3) the term “substantial equipment acquisition”
2 means the acquisition of nonmilitary research and de-
3 velopment equipment at a cost estimated to exceed
4 \$10,000,000 for the entire acquisition.

5 **SECTION 1. SHORT TITLE.**

6 **This Act may be cited as the “Department**
7 **of Energy Laboratory Technology Act of**
8 **1994”.**

9 **SEC. 2. FINDINGS.**

10 **The Congress finds that—**

11 **(1) the Department of Energy main-**
12 **tains an extensive system of laboratories**
13 **which represent a national resource,**
14 **comprised of a dedicated, multi-discipli-**
15 **nary work force of scientists and engi-**
16 **neers, sophisticated scientific instrumen-**
17 **tation, and unique research facilities;**

18 **(2) the end of the Cold War has sig-**
19 **nificantly reduced the Nation’s require-**
20 **ments for nuclear weapons systems de-**
21 **velopment and production, but the de-**
22 **partmental laboratories retain a vital na-**
23 **tional security mission to maintain the**
24 **Nation’s confidence in the safety, secu-**
25 **rity, and reliability of the nuclear stock-**

1 **pile and to support verification of arms**
2 **control agreements, dismantlement of**
3 **weapons, nonproliferation and**
4 **counterproliferation efforts, intelligence**
5 **requirements, work for the Department**
6 **of Defense, and other national security**
7 **requirements;**

8 **(3) the United States faces serious na-**
9 **tional security, energy, economic, and en-**
10 **vironmental challenges toward which the**
11 **resources of departmental laboratories**
12 **could be applied in a more concerted**
13 **fashion;**

14 **(4) in order to contribute to United**
15 **States economic competitiveness and**
16 **maintain the core competencies required**
17 **to meet national security requirements,**
18 **departmental laboratories will need to**
19 **cooperate with industry, State and local**
20 **governments, universities, and nonprofit**
21 **organizations on a broader scale;**

22 **(5) the legislative and bureaucratic**
23 **frameworks for cooperative efforts be-**
24 **tween departmental laboratories and in-**
25 **dustry, State and local governments, uni-**

1 **versities, and nonprofit organizations**
2 **should be streamlined to facilitate part-**
3 **nerships;**

4 **(6) departmental laboratories' inter-**
5 **action with industry goes beyond the**
6 **movement of technologies developed at**
7 **the laboratories to industry, State and**
8 **local governments, universities, and non-**
9 **profit organizations; it has included and**
10 **should continue to include a two-way**
11 **flow of ideas, people, knowledge, and in-**
12 **tellectual property, whereby partnerships**
13 **provide benefits to the laboratory as well**
14 **as to the nonlaboratory partners;**

15 **(7) independent reviews of depart-**
16 **mental laboratories over the past two**
17 **decades uniformly have emphasized the**
18 **importance of maintaining well defined**
19 **missions at these laboratories, in order to**
20 **provide coherence, direction, and the**
21 **basis for performance evaluation;**

22 **(8) as the missions of departmental**
23 **laboratories, and other Federal labora-**
24 **tories, change in response to evolving na-**
25 **tional needs, the activities of these lab-**

1 **oratories should be coordinated and eval-**
2 **uated to the maximum extent practicable**
3 **in order to ensure that they are meeting**
4 **their intended objectives and that they**
5 **complement and do not duplicate or con-**
6 **flict with existing capabilities in the pri-**
7 **vate sector; and**

8 **(9) the National Science and Tech-**
9 **nology Council, which is chaired by the**
10 **President, is responsible for coordinating**
11 **the science and technology policy making**
12 **process and for integrating the Presi-**
13 **dent’s science and technology policy**
14 **agenda across the Federal Government,**
15 **and should serve to coordinate activities**
16 **at the Federal laboratories and to ensure**
17 **the implementation of measures for per-**
18 **formance evaluation for such activities.**

19 **SEC. 3. DEFINITIONS.**

20 **For the purposes of this Act—**

21 **(1) the term “Department” means the**
22 **Department of Energy;**

23 **(2) the term “departmental labora-**
24 **tory” means a Federal laboratory, or any**
25 **other laboratory or facility designated by**

1 **the Secretary, operated by or on behalf of**
2 **the Department;**

3 **(3) the term “departmental defense**
4 **laboratories” means the Lawrence Liver-**
5 **more National Laboratory, the Los Ala-**
6 **mos National Laboratory, and the Sandia**
7 **National Laboratories;**

8 **(4) the term “Federal laboratory” has**
9 **the meaning given the term “laboratory”**
10 **in section 12(d)(2) of the Stevenson-**
11 **Wylder Technology Innovation Act of**
12 **1980 (15 U.S.C. 3710a(d)(2));**

13 **(5) the term “generic, precompetitive”**
14 **means having broad market potential but**
15 **not yet associated with specific market-**
16 **able products or product lines;**

17 **(6) the term “mission” means a clear**
18 **statement of purpose to focus research**
19 **and development activity at a Federal**
20 **laboratory on specified objectives;**

21 **(7) the term “Secretary” means the**
22 **Secretary of Energy; and**

23 **(8) the term “technology transfer”**
24 **means—**

1 **(A) any collaborative effort in-**
2 **volving a Federal laboratory and pri-**
3 **vate industry, State or local govern-**
4 **ments, universities, or nonprofit orga-**
5 **nizations, whose goal is—**

6 **(i) to enhance the potential**
7 **use by private industry, State or**
8 **local governments, universities,**
9 **or nonprofit organizations, of re-**
10 **search and development spon-**
11 **sored by the Federal Government;**
12 **or**

13 **(ii) to jointly develop new sci-**
14 **entific or technical information**
15 **or generic, precompetitive tech-**
16 **nology; or**

17 **(B) any process by which feder-**
18 **ally owned or originated technology,**
19 **or the intellectual property rights as-**
20 **sociated with such technology, are**
21 **transferred to private industry, State**
22 **or local governments, universities, or**
23 **nonprofit organizations.**

1 **SEC. 4. MISSIONS OF DEPARTMENTAL LABORATORIES.**

2 **(a) GENERAL AUTHORITY.—The Department**
3 **is authorized to maintain departmental lab-**
4 **oratories for the purpose of advancing the fol-**
5 **lowing missions:**

6 **(1) To maintain national security, as**
7 **follows:**

8 **(A) To provide for the Nation’s**
9 **nuclear weapons requirements, to be**
10 **stewards of the Nation’s nuclear**
11 **weapons stockpile, and to meet other**
12 **national security requirements as de-**
13 **termined by the President, including**
14 **the advancement of science and tech-**
15 **nology for national security purposes.**

16 **(B) To reduce the threat of nu-**
17 **clear war, by assisting with the dis-**
18 **mantlement of nuclear weapons,**
19 **working to curb the proliferation of**
20 **weapons of mass destruction, sup-**
21 **porting efforts to counter the pro-**
22 **liferation of weapons of mass destruc-**
23 **tion and their delivery systems, and**
24 **conducting research on and the de-**
25 **velopment of technologies needed for**
26 **the effective verification of inter-**

1 **national arms control agreements, in-**
2 **cluding prospective international**
3 **arms control agreements.**

4 **(2) To ensure the Nation's energy sup-**
5 **ply and to reduce the Nation's reliance**
6 **on imported and nonrenewable energy**
7 **sources through research and develop-**
8 **ment on technologies that enhance en-**
9 **ergy supply and improve the efficiency of**
10 **energy end uses with the goal of provid-**
11 **ing energy services at the lowest total**
12 **cost to the Nation, including environ-**
13 **mental costs.**

14 **(3) To conduct basic research in en-**
15 **ergy-related science and technology and**
16 **in the fundamental understanding of**
17 **matter, including construction and oper-**
18 **ation of unique scientific instruments**
19 **and facilities for use by the Federal Gov-**
20 **ernment, academia, industry, and other**
21 **appropriate non-Federal institutions.**

22 **(4) To carry out research and devel-**
23 **opment for the purpose of minimizing the**
24 **environmental impacts of the production**

1 **and use of energy and materials, includ-**
2 **ing missions as follows:**

3 **(A) To develop generic,**
4 **precompetitive technologies aimed at**
5 **reducing the generation of hazardous**
6 **or nonhazardous waste or pollution,**
7 **or reducing the consumption of en-**
8 **ergy or materials, while contributing**
9 **to sustainable United States economic**
10 **growth.**

11 **(B) To develop technologies and**
12 **techniques for the safe disposal of**
13 **hazardous waste or radioactive waste**
14 **in order to accelerate the schedule of,**
15 **and reduce the total cost of, cleaning**
16 **up the hazardous waste sites associ-**
17 **ated with nuclear weapons produc-**
18 **tion and other programs funded by**
19 **the Department.**

20 **(b) ADDITIONAL MISSIONS.—The Depart-**
21 **ment is authorized to pursue additional mis-**
22 **sions at departmental laboratories beyond**
23 **those identified in subsection (a) only—**

1 **(1) if such missions are assigned to**
2 **the Department by the President, and**
3 **only to the extent that—**

4 **(A) such laboratories possess sub-**
5 **stantial technical capabilities that**
6 **can be devoted to such missions;**

7 **(B) such additional mission activi-**
8 **ties do not interfere with the pursuit**
9 **of the missions identified in sub-**
10 **section (a); and**

11 **(C) involvement in such addi-**
12 **tional mission activities is coordi-**
13 **nated with any other Federal agency**
14 **or agencies which carry out such mis-**
15 **sion activities, as appropriate; or**

16 **(2) if such missions have been estab-**
17 **lished by statute enacted before the date**
18 **of enactment of this Act, and do not con-**
19 **flict with the missions established under**
20 **this section.**

21 **(c) TECHNOLOGY TRANSFER.—(1)(A) Except**
22 **as provided in subparagraph (B), the Depart-**
23 **ment is authorized to use program funds at**
24 **the departmental laboratories for technology**
25 **transfer activities, whenever those activities**

1 are consistent with and further an assigned
2 mission of the departmental laboratory and
3 consistent with the requirements of the Fed-
4 eral Technology Transfer Act of 1986. No Fed-
5 eral funds may be provided to, transferred to,
6 or used by non-Federal entities for this pur-
7 pose.

8 (B) Not more than 20 percent of funds
9 made available to the Department in any fis-
10 cal year for weapons activities for research
11 and development may be set aside for the
12 technology transfer initiative described in the
13 President's budget for weapons activities for
14 that fiscal year.

15 (2) The Secretary shall—

16 (A) work with all Assistant Secretar-
17 ies, Office directors, and other Depart-
18 ment officials with responsibilities for
19 managing research and development pro-
20 grams to ensure that technology transfer
21 considerations are fully integrated into
22 the planning and conduct of all research
23 and development conducted at depart-
24 mental laboratories;

1 **(B) develop and issue departmental**
2 **policies for technology transfer activities,**
3 **with the goal of creating a stable and**
4 **consistent policy framework for depart-**
5 **mental collaborations with private indus-**
6 **try, State or local governments, univer-**
7 **sities, or nonprofit organizations;**

8 **(C) oversee the management and allo-**
9 **cation of Department funding for tech-**
10 **nology transfer activities to ensure that**
11 **such funding is available to all depart-**
12 **mental laboratories without distinction**
13 **as to whether the laboratory is involved**
14 **in defense or nondefense activities; and**

15 **(D) ensure, to the maximum extent**
16 **practicable, that activities of the depart-**
17 **mental laboratories complement and do**
18 **not duplicate or conflict with existing ca-**
19 **pabilities in the private sector.**

20 **(3) Funds authorized to be appropriated**
21 **to the Department of Energy and made avail-**
22 **able for laboratory-directed research and de-**
23 **velopment shall be available for advancing**
24 **generic, precompetitive research and devel-**
25 **opment activities at the departmental labora-**

1 tory to the point of providing the potential
2 basis for technology transfer, and shall be
3 available for research on highly innovative
4 technologies including those based on yet
5 unproven scientific theory.

6 (d) EDUCATION.—The Department is au-
7 thorized to use scientific, technical, and
8 human resources at the departmental labora-
9 tories to support the national goal of improv-
10 ing the quality of science, mathematics, and
11 engineering education in the United States.

12 SEC. 5. EVALUATION.

13 The Secretary shall, for each depart-
14 mental laboratory—

15 (1) assign a mission or missions con-
16 sistent with section 4(a) and (b);

17 (2) establish goals in each mission
18 area against which the performance of
19 the departmental laboratory will be eval-
20 uated;

21 (3) develop a technology transfer plan
22 with specific objectives for collaborative
23 efforts between the laboratory and pri-
24 vate industry, State or local governments,
25 universities, or nonprofit organizations

1 **in order to coordinate, direct, and en-**
2 **hance the impact of such collaborations,**
3 **based on the core intellectual and tech-**
4 **nical competencies of the laboratory;**

5 **(4) ensure that for each new tech-**
6 **nology transfer project and for each on-**
7 **going technology transfer project, tech-**
8 **nical milestones, an estimate of the dura-**
9 **tion of the project, and an estimate of the**
10 **total cost of the project are established;**

11 **(5) regularly assess the degree to**
12 **which goals and objectives established**
13 **pursuant to paragraphs (2) and (3) have**
14 **been achieved, in terms of performance,**
15 **impact, or accomplishments, employing**
16 **evaluative procedures and methods spe-**
17 **cific and appropriate to each mission**
18 **area; and**

19 **(6) include in the Secretary's annual**
20 **report to Congress required under sec-**
21 **tion 657 of the Department of Energy Or-**
22 **ganization Act—**

23 **(A) a statement of missions and**
24 **goals for the departmental laboratory**

1 **assigned or established pursuant to**
2 **paragraphs (1) and (2);**

3 **(B) an explanation for any pro-**
4 **posed modifications in the mission or**
5 **missions for the departmental labora-**
6 **tory;**

7 **(C) the technology transfer plan**
8 **required under paragraph (3);**

9 **(D) for any technology transfer**
10 **project involving a Federal commit-**
11 **ment of \$500,000 or more—**

12 **(i) the technical and financial**
13 **data called for in paragraph (4);**
14 **and**

15 **(ii) technical and financial**
16 **variances from the original esti-**
17 **mates as called for in paragraph**
18 **(4); and.**

19 **(E) the assessment required**
20 **under paragraph (5), along with a**
21 **statement of any planned, ongoing, or**
22 **completed actions based on this as-**
23 **essment.**

1 **SEC. 6. REPORT ON FUTURE USE OF DEPARTMENTAL LAB-**
2 **ORATORIES.**

3 **(a) REQUIREMENT.—The Secretary, in co-**
4 **ordination with the Secretary of Defense and**
5 **other appropriate Federal officers, shall sub-**
6 **mit to Congress within 6 months after the**
7 **date of enactment of this Act, a report on the**
8 **future use of the departmental laboratories.**

9 **(b) ALTERNATIVES.—Such report shall iden-**
10 **tify and examine the costs and benefits of al-**
11 **ternatives to the current mission assign-**
12 **ments, budgets, and management structures**
13 **of the departmental laboratories. The alter-**
14 **natives examined should be those which seek**
15 **to enhance the laboratories' contribution to**
16 **United States basic science or economic com-**
17 **petitiveness while maintaining the labora-**
18 **tories' abilities to perform their assigned mis-**
19 **sions.**

20 **(c) PRESERVATION OF NUCLEAR WEAPONS**
21 **COMPETENCIES.—Such report shall identify**
22 **and examine ways to ensure that the Nation**
23 **preserves the core intellectual and technical**
24 **competencies of the United States in nuclear**
25 **weapons, including weapons design, system**
26 **integration, manufacturing, security, use con-**

1 **trol, reliability assessment, and certification,**
2 **and shall include an identification of any ex-**
3 **isting or anticipated deficiencies in retaining**
4 **trained personnel in such areas.**

5 **(d) COST REDUCTION OPTIONS.—Such re-**
6 **port shall identify and examine options for re-**
7 **ducing the cost of the Department’s nuclear**
8 **weapons research, development, engineering,**
9 **and test-related programs by eliminating any**
10 **unnecessary redundancies between the de-**
11 **partmental defense laboratories, including**
12 **options that maintain a process of peer re-**
13 **view by more than one laboratory for nuclear**
14 **weapons design activities and options that**
15 **eliminate such review process. The report**
16 **should assess feasibility, costs, and risks for**
17 **each identified option. Costs to be identified**
18 **and examined should include both cost sav-**
19 **ings due to consolidation and conversion**
20 **costs, including an assessment of work force**
21 **retraining and environmental cleanup.**

22 **SEC. 7. INDUSTRIAL ADVICE.**

23 **(a) ADVICE TO SECRETARY.—The Secretary**
24 **shall seek advice from representatives of**
25 **United States industry, and of educational in-**

1 **stitutions and professional and technical soci-**
2 **eties in the United States, who have experi-**
3 **ence in the industrial sector, and may estab-**
4 **lish within the Department an advisory board**
5 **to provide the Secretary with advice regard-**
6 **ing the Department's activities aimed at col-**
7 **laborating with industry in the areas of re-**
8 **search, technology development, and tech-**
9 **nology transfer.**

10 **(b) ADVICE TO DEPARTMENTAL LABORATORY**
11 **DIRECTORS.—The director of each depart-**
12 **mental laboratory shall seek advice from rep-**
13 **resentatives of United States industry, and of**
14 **educational institutions and professional and**
15 **technical societies in the United States, who**
16 **have experience in the industrial sector, and**
17 **may establish an advisory group, to assist**
18 **such director in—**

19 **(1) integrating technology transfer**
20 **considerations into the planning and per-**
21 **formance evaluation of laboratory re-**
22 **search and development activities;**

23 **(2) evaluating new initiatives pro-**
24 **posed by the departmental laboratory**
25 **and identifying opportunities for collabo-**

1 **(A) by amending subparagraph**
2 **(C)(i) to read as follows:**

3 **“(C)(i) Except as provided in subpara-**
4 **graphs (D) and (E), any agency which has con-**
5 **tracted with a non-Federal entity to operate**
6 **a laboratory shall review and approve, re-**
7 **quest specific modifications to, or disapprove**
8 **a joint work statement and cooperative re-**
9 **search and development agreement that is**
10 **submitted by the director of such laboratory**
11 **within 30 days after such submission. In any**
12 **case in which such an agency disapproves or**
13 **requests the modification of a joint work**
14 **statement or cooperative research and devel-**
15 **opment agreement submitted under this sec-**
16 **tion, the agency shall promptly transmit a**
17 **written explanation of such disapproval or**
18 **modification to the director of the laboratory**
19 **concerned. In any case where an agency has**
20 **requested specific modifications to a joint**
21 **work statement or cooperative research and**
22 **development agreement, the agency shall ap-**
23 **prove or disapprove any resubmission of such**
24 **joint work statement or cooperative research**
25 **and development agreement within 15 days**

1 **after resubmission. No agreement may be en-**
2 **tered into by a Government-owned, contrac-**
3 **tor-operated laboratory under this section be-**
4 **fore approval of both the cooperative re-**
5 **search and development agreement and a**
6 **joint work statement.”;**

7 **(B) by striking clauses (ii), (iv),**
8 **and (vi) of subparagraph (C);**

9 **(C) by redesignating clauses (iii)**
10 **and (v) as clauses (ii) and (iv), respec-**
11 **tively;**

12 **(D) by inserting after subpara-**
13 **graph (C)(ii) the following new**
14 **clause:**

15 **“(iii) Any cooperative research and devel-**
16 **opment agreement involving a Federal com-**
17 **mitment of \$500,000 or more shall contain**
18 **technical milestones and other appropriate**
19 **performance goals and evaluation criteria,**
20 **with an anticipated schedule for meeting**
21 **such milestones, goals, and criteria. Each**
22 **sponsoring Federal agency shall conduct ap-**
23 **propriate reviews of the work performed**
24 **within such cooperative research and devel-**
25 **opment agreement to determine whether such**

1 **agreements are meeting established mile-**
2 **stones, require modification, or warrant ter-**
3 **mination.”;**

4 **(E) in subparagraph (C)(iv), as so**
5 **redesignated by subparagraph (C) of**
6 **this paragraph—**

7 **(i) by striking “under clause**
8 **(iv) within” and inserting in lieu**
9 **thereof “of a cooperative research**
10 **and development agreement**
11 **under clause (i) within”;**

12 **(ii) by striking “successive 30-**
13 **day period” and inserting in lieu**
14 **thereof “successive 10-day pe-**
15 **riod”;** and

16 **(iii) by striking “under clause**
17 **(iv).” and inserting in lieu thereof**
18 **“under clause (i).”;**

19 **(F) by redesignating subpara-**
20 **graph (D) as subparagraph (E); and**

21 **(G) by inserting after subpara-**
22 **graph (C) the following new subpara-**
23 **graph:**

24 **“(D)(i) A Federal agency may permit the**
25 **director of any of its Government-owned, con-**

1 **tractor-operated laboratories to enter into a**
2 **cooperative research and development agree-**
3 **ment involving a Federal commitment of**
4 **\$1,000,000 or less, whenever that activity is**
5 **consistent with and furthers an assigned mis-**
6 **sion of the laboratory, without the specific ap-**
7 **proval of the agency for the cooperative re-**
8 **search and development agreement.**

9 **“(ii) A laboratory director who is granted**
10 **authority by a Federal agency to enter into a**
11 **cooperative research and development agree-**
12 **ment pursuant to clause (i) shall, upon re-**
13 **quest, provide the Federal agency with an ex-**
14 **planation of how the agreement will com-**
15 **plement and contribute to the laboratory’s**
16 **missions and activities.”.**

17 **SEC. 9. NATIONAL TECHNOLOGY PARTNERSHIP AWARD.**

18 **(a) ESTABLISHMENT.—The Secretary is au-**
19 **thorized to establish a National Technology**
20 **Partnership Award for presentation to pri-**
21 **vate sector or Federal Government organiza-**
22 **tions or individuals which have substantially**
23 **benefited the economic or social well-being of**
24 **the United States through public sector-pri-**
25 **vate sector collaboration involving tech-**

1 **nology development or technology transfer,**
2 **and which as a consequence are deserving of**
3 **special recognition.**

4 **(b) FUNDING.—The Secretary is authorized**
5 **to seek and accept gifts from public and pri-**
6 **ivate sources to carry out a program to admin-**
7 **ister the National Technology Partnership**
8 **Award.**

9 **SEC. 10. FEDERAL LABORATORY MISSION EVALUATION**
10 **AND COORDINATION.**

11 **The President, through the National**
12 **Science and Technology Council, shall—**

13 **(1) review on an ongoing basis the**
14 **missions of, activities conducted at, and**
15 **scientific, technical, and human re-**
16 **sources at, Federal laboratories, with the**
17 **goals of—**

18 **(A) improving the efficiency and**
19 **effectiveness of the overall Federal**
20 **laboratory system; and**

21 **(B) ensuring that research and**
22 **development conducted at Federal**
23 **laboratories is coordinated to maxi-**
24 **mize its contribution to United States**
25 **economic growth, environmental pro-**

1 **tection, national security, expansion**
2 **of human knowledge, and other im-**
3 **portant national goals;**

4 **(2) develop and ensure the implemen-**
5 **tation of a process for assigning missions**
6 **to the Federal laboratories with the best**
7 **scientific, technical, and human capabili-**
8 **ties for successfully addressing such mis-**
9 **sions;**

10 **(3) develop and ensure implementa-**
11 **tion, as appropriate, of a cross-cutting**
12 **program evaluation system for research**
13 **and development activities at the Federal**
14 **laboratories including, where appro-**
15 **priate, the establishment of technical**
16 **milestones and other measures for per-**
17 **formance evaluation for major activities**
18 **at Federal laboratories;**

19 **(4) develop guidelines governing the**
20 **application of intellectual property law**
21 **for technology transfer activities at Fed-**
22 **eral laboratories;**

23 **(5) determine on an ongoing basis**
24 **whether specific Federal laboratories**
25 **should be realigned, consolidated, closed,**

1 or otherwise altered in order to meet the
2 goals stated in paragraph (1);

3 (6) review the process by which the
4 Federal Government enters into coopera-
5 tive research and development agree-
6 ments with companies that are not Unit-
7 ed States-owned companies (as defined in
8 section 28(j)(2) of the National Institute
9 of Standards and Technology Act (15
10 U.S.C. 278n(j)(2))); and

11 (7) prepare, and submit to the Con-
12 gress within 1 year after the date of en-
13 actment of this Act, a plan for carrying
14 out this section.

15 SEC. 11. POLICY ON CAPITAL PROJECTS AND CONSTRUC-
16 TION.

17 (a) REQUIREMENT OF PRIOR AUTHORIZA-
18 TION.—(1) No funds are authorized to be ap-
19 propriated to the Secretary for any substan-
20 tial construction project, substantial equip-
21 ment acquisition, or major construction
22 project unless a report on such project or ac-
23 quisition has been provided to Congress in ac-
24 cordance with subsection (b).

1 **(2) The Secretary may not obligate any**
2 **funds for any substantial construction**
3 **project, substantial equipment acquisition, or**
4 **major construction project unless such**
5 **project or acquisition has been specifically**
6 **authorized by statute.**

7 **(3) This subsection may not be amended**
8 **or modified except by specific reference to**
9 **this subsection.**

10 **(b) REPORTS TO CONGRESS.—(1) Within 180**
11 **days after the date of the enactment of this**
12 **Act, the Secretary shall submit to the Con-**
13 **gress a report that identifies all construction**
14 **projects and acquisitions of the Department**
15 **of Energy described in subsection (a) for**
16 **which the preliminary design phase is com-**
17 **pleted but the construction or acquisition is**
18 **not completed. Such report shall include—**

19 **(A) an estimate of the total cost of**
20 **completion of the construction project or**
21 **acquisition, itemized by individual activ-**
22 **ity and by fiscal year; and**

23 **(B) an identification of which con-**
24 **struction projects or acquisitions have**

1 **not been specifically authorized by statute.**
2

3 **The Secretary shall annually update and re-**
4 **submit the report required by this paragraph,**
5 **as part of the report required under section**
6 **15 of the Federal Nonnuclear Energy Re-**
7 **search and Development Act of 1974 (42 U.S.C.**
8 **5914).**

9 **(2) The Secretary shall, after completion**
10 **of the preliminary design phase of a major**
11 **construction project, submit to the Congress**
12 **a report containing—**

13 **(A) an estimate of the total cost of**
14 **construction of the facility;**

15 **(B) an estimate of the time required**
16 **to complete construction;**

17 **(C) an estimate of the annual operat-**
18 **ing costs of the facility;**

19 **(D) the intended useful operating life**
20 **of the facility; and**

21 **(E) an identification of any existing**
22 **facilities to be closed as a result of the**
23 **operation of the facility.**

24 **(c) DEFINITIONS.—For purposes of this sec-**
25 **tion—**

1 **unless an objective merit review process is**
2 **used to award the financial assistance.**

3 **(b) REQUIREMENT OF SPECIFIC MODIFICA-**
4 **TION OF COMPETITION PROVISION.—**

5 **(1) IN GENERAL.—A provision of law**
6 **may not be construed as modifying or su-**
7 **perseding subsection (a), or as requiring**
8 **that financial assistance be awarded by**
9 **the Secretary in a manner inconsistent**
10 **with subsection (a), unless such provision**
11 **of law—**

12 **(A) specifically refers to this sec-**
13 **tion;**

14 **(B) specifically states that such**
15 **provision of law modifies or super-**
16 **sedes subsection (a); and**

17 **(C) specifically identifies the per-**
18 **son to be awarded the financial as-**
19 **sistance and states that the financial**
20 **assistance to be awarded pursuant to**
21 **such provision of law is being award-**
22 **ed in a manner inconsistent with sub-**
23 **section (a).**

24 **(2) NOTICE AND WAIT REQUIREMENT.—**
25 **No financial assistance may be awarded**

1 pursuant to a provision of law that re-
2 quires or authorizes the award of the fi-
3 nancial assistance in a manner inconsist-
4 ent with subsection (a) until—

5 (A) the Secretary submits to the
6 Congress a written notice of the Sec-
7 retary’s intent to award the financial
8 assistance; and

9 (B) 180 days has elapsed after the
10 date on which the notice is received
11 by the Congress.

12 (c) **DEFINITIONS.**—For purposes of this sec-
13 **tion:**

14 (1) The term “objective merit review
15 process” means a thorough, consistent,
16 and independent examination of requests
17 for financial assistance based on pre-es-
18 tablished criteria and scientific and tech-
19 nical merit by persons knowledgeable in
20 the field for which the financial assist-
21 ance is requested.

22 (2) The term “financial assistance”
23 means the transfer of funds or property
24 to a recipient or subrecipient to accom-
25 plish a public purpose of support or stim-

1 **ulation authorized by Federal law. Such**
2 **term includes grants, cooperative agree-**
3 **ments, and subawards but does not in-**
4 **clude cooperative research and develop-**
5 **ment agreements as defined in subsection**
6 **12(d)(1) of the Stevenson-Wydler Tech-**
7 **nology Innovation Act of 1980 (15 U.S.C.**
8 **3710a(d)(1)).**

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