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1ST SESSION

H. R. 2875

To promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1993

Mr. RICHARDSON (for himself, Mr. SCHIFF, and Mr. SKEEN) introduced the following bill; which was referred jointly to the Committees on Science, Space, and Technology, Energy and Commerce, and Armed Services

A BILL

To promote the industrial competitiveness and economic growth of the United States by strengthening the linkages between the laboratories of the Department of Energy and the private sector and by supporting the development and application of technologies critical to the economic, scientific and technological competitiveness of the United States, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Energy
3 National Competitiveness Technology Partnership Act of
4 1993”.

5 **SEC. 2. DEFINITIONS.**

6 For purposes of this Act, the term—

7 (1) “Department” means the Department of
8 Energy;

9 (2) “departmental laboratory” means a facility
10 operated by or on behalf of the Department that is
11 a laboratory, as that term is defined in section
12 12(d)(2) of the Stevenson-Wydler Technology Inno-
13 vation Act of 1980 (15 U.S.C. 3710a(d)(2)) and any
14 other laboratory or facility designated by the Sec-
15 retary;

16 (3) “national laboratory” means any of the fol-
17 lowing: Argonne National Laboratory, Brookhaven
18 National Laboratory, Idaho National Engineering
19 Laboratory, Lawrence Berkeley Laboratory, Law-
20 rence Livermore National Laboratory, Los Alamos
21 National Laboratory, National Renewable Energy
22 Laboratory, Oak Ridge National Laboratory, Pacific
23 Northwest Laboratory, and Sandia National Labora-
24 tories;

25 (4) “partnership” means any arrangement
26 under which the Secretary or one or more depart-

1 mental laboratories undertakes research, develop-
2 ment, demonstration, commercial application, or
3 technical assistance activities in cooperation with one
4 or more non-Federal partners and which may in-
5 clude partners from other Federal agencies; and

6 (5) “Secretary” means the Secretary of Energy.

7 **SEC. 3. COMPETITIVENESS AMENDMENT TO THE DEPART-**
8 **MENT OF ENERGY ORGANIZATION ACT.**

9 (a) AMENDMENT.—The Department of Energy Orga-
10 nization Act (42 U.S.C. 7101 et seq.) is amended by add-
11 ing at the end the following new title:

12 **“TITLE XI—TECHNOLOGY**
13 **PARTNERSHIPS**

14 **“SEC. 1101. FINDINGS, PURPOSES, AND DEFINITIONS.**

15 “(a) FINDINGS.—For purposes of this title, Congress
16 finds that—

17 “(1) the Department has scientific and tech-
18 nical resources within the departmental laboratories
19 in many areas of importance to the economic, sci-
20 entific, and technological competitiveness of United
21 States industry;

22 “(2) the extensive scientific and technical in-
23 vestment in people, facilities, and equipment in the
24 departmental laboratories can contribute to the
25 achievement of national technology goals in areas

1 such as the environment, health, space, and trans-
2 portation;

3 “(3) the Department has pursued aggressively
4 the transfer of technology from departmental labora-
5 tories to the private sector; however, the capabilities
6 of the laboratories could be made more fully acces-
7 sible to United States industry and to other Federal
8 agencies;

9 “(4) technology development has been increas-
10 ingly driven by the commercial marketplace, and the
11 private sector has research and development capa-
12 bilities in a broad range of generic technologies;

13 “(5) the Department and the departmental lab-
14 oratories would benefit, in carrying out their mis-
15 sions, from collaboration and partnership with
16 United States industry and other Federal agencies;
17 and

18 “(6) partnerships between the departmental
19 laboratories and United States industry can provide
20 significant benefits to the Nation as a whole, includ-
21 ing creation of jobs for United States workers and
22 improvement of the competitive position of the
23 United States in key sectors of the economy such as
24 aerospace, automotive, chemical, and electronics.

25 “(b) PURPOSES.—The purposes of this title are—

1 “(1) to promote partnerships among the De-
2 partment, the departmental laboratories, and the
3 private sector;

4 “(2) to establish a goal for the amount of de-
5 partmental laboratory resources to be committed to
6 partnerships;

7 “(3) to ensure that the Department and the de-
8 partmental laboratories play an appropriate role,
9 consistent with the core competencies of the labora-
10 tories, in implementing the President’s critical tech-
11 nology strategies;

12 “(4) to provide additional authority to the Sec-
13 retary to enter into partnerships with the private
14 sector to carry out research, development, dem-
15 onstration, and commercial application activities;

16 “(5) to streamline the approval process for co-
17 operative research and development agreements pro-
18 posed by the departmental laboratories; and

19 “(6) to facilitate greater cooperation between
20 the Department and other Federal agencies as part
21 of an integrated national effort to improve United
22 States competitiveness.

23 “(c) DEFINITIONS.—For purposes of this title, the
24 term—

1 “(1) ‘cooperative research and development
2 agreement’ has the meaning given that term in sec-
3 tion 12(d)(1) of the Stevenson-Wydler Technology
4 Innovation Act of 1980 (15 U.S.C. 3710a(d)(1));

5 “(2) ‘core competency’ means an area in which
6 the Secretary determines a departmental laboratory
7 has developed expertise and demonstrated capabili-
8 ties;

9 “(3) ‘critical technology’ means a technology
10 identified in the Report of the National Critical
11 Technologies Panel;

12 “(4) ‘departmental laboratory’ means a facility
13 operated by or on behalf of the Department that is
14 a laboratory, as that term is defined in section
15 12(d)(2) of the Stevenson-Wydler Technology Inno-
16 vation Act of 1980 (15 U.S.C. 3710a(d)(2)) and any
17 other laboratory or facility designated by the Sec-
18 retary;

19 “(5) ‘disadvantaged individual’ has the meaning
20 given the terms ‘socially disadvantaged individual’
21 and ‘economically disadvantaged individual’ in sec-
22 tion 8(a) (5) and (6) of the Small Business Act (15
23 U.S.C. 637(a) (5) and (6));

24 “(6) ‘dual-use technology’ means a technology
25 that has military and commercial applications;

1 “(7) ‘educational institution’ means a college,
2 university, or elementary or secondary school, in-
3 cluding any not-for-profit organization dedicated to
4 education that would be exempt under section
5 501(a) of the Internal Revenue Code of 1986;

6 “(8) ‘minority college or university’ means a
7 historically Black college or university that is a ‘part
8 B institution’ under section 322(2) of the Higher
9 Education Act of 1965 (20 U.S.C. 1061(2)) or a
10 ‘minority institution’ as that term is defined in sec-
11 tion 1046(3) of the Higher Education Act of 1965
12 (20 U.S.C. 1135d-5(3));

13 “(9) ‘multiprogram departmental laboratory’
14 means any of the following: Argonne National Lab-
15 oratory, Brookhaven National Laboratory, Idaho
16 National Engineering Laboratory, Lawrence Berke-
17 ley Laboratory, Lawrence Livermore National Lab-
18 oratory, Los Alamos National Laboratory, National
19 Renewable Energy Laboratory, Oak Ridge National
20 Laboratory, Pacific Northwest Laboratory, and
21 Sandia National Laboratories;

22 “(10) ‘partnership’ means any arrangement
23 under which the Secretary or one or more depart-
24 mental laboratories undertakes research, develop-
25 ment, demonstration, commercial application, or

1 technical assistance activities in cooperation with one
2 or more non-Federal partners and which may in-
3 clude partners from other Federal agencies;

4 “(11) ‘Report of the National Critical Tech-
5 nologies Panel’ means the biennial report on na-
6 tional critical technologies submitted to Congress by
7 the President pursuant to section 603(d) of the Na-
8 tional Science and Technology Policy, Organization,
9 and Priorities Act of 1976 (42 U.S.C. 6683(d)); and

10 “(12) ‘small business’ means a business concern
11 that meets the applicable standards prescribed pur-
12 suant to section 3(a) of the Small Business Act (15
13 U.S.C. 632(a)).

14 **“SEC. 1102. GENERAL AUTHORITY.**

15 “(a)(1) In carrying out the missions of the Depart-
16 ment, the Secretary and the departmental laboratories
17 may conduct research, development, demonstration or
18 commercial application activities that build on the core
19 competencies of the departmental laboratories.

20 “(2) In addition to missions established pursuant to
21 other laws, the Secretary may assign to departmental lab-
22 oratories any of the following missions:

23 “(A) National security, including the—

24 “(i) advancement of the military applica-
25 tion of atomic energy;

1 “(ii) support of the production of atomic
2 weapons, or atomic weapons parts, including
3 special nuclear materials;

4 “(iii) support of naval nuclear propulsion
5 programs;

6 “(iv) support for the dismantlement of
7 atomic weapons and the safe storage, transpor-
8 tation, and disposal of special nuclear materials;

9 “(v) development of technologies and tech-
10 niques for the safe storage, processing, treat-
11 ment, transportation, and disposal of hazardous
12 waste (including radioactive waste) resulting
13 from nuclear materials production, weapons
14 production and surveillance programs, and
15 naval nuclear propulsion programs and of tech-
16 nologies and techniques for the reduction of en-
17 vironmental hazards and contamination due to
18 such waste and the environmental restoration of
19 sites affected by such waste;

20 “(vi) development of technologies and tech-
21 niques needed for the effective negotiation and
22 verification of international arms control agree-
23 ments and for the containment of the prolifera-
24 tion of nuclear, chemical, and biological weap-
25 ons and delivery vehicles of such weapons; and

1 “(vii) protection of health and promotion
2 of safety in carrying out other national security
3 missions.

4 “(B) Energy-related science and technology, in-
5 cluding the—

6 “(i) enhancement of the Nation’s under-
7 standing of all forms of energy production and
8 use;

9 “(ii) support of basic and applied research
10 on the fundamental nature of matter and en-
11 ergy, including construction and operation of
12 unique scientific instruments;

13 “(iii) development of energy resources, in-
14 cluding solar, geothermal, fossil, and nuclear
15 energy resources, and related fuel cycles;

16 “(iv) pursuit of a comprehensive program
17 of research and development on the environ-
18 mental effects of energy technologies and pro-
19 grams;

20 “(v) development of technologies and proc-
21 esses to reduce the generation of waste or pollu-
22 tion or the consumption of energy or materials;

23 “(vi) development of technologies and tech-
24 niques for the safe storage, processing, treat-
25 ment, management, transportation, and dis-

1 posal of nuclear waste resulting from commer-
2 cial nuclear activities; and

3 “(vii) improvement of the quality of edu-
4 cation in science, mathematics, and engineering.

5 “(C) Industrial infrastructure, in technology
6 areas such as—

7 “(i) microelectronics;

8 “(ii) high-performance computing and
9 communications;

10 “(iii) transportation;

11 “(iv) advanced manufacturing;

12 “(v) advanced materials;

13 “(vi) space;

14 “(vii) human health sciences; and

15 “(viii) environmental science.

16 “(D) Technology transfer.

17 “(3) In carrying out the Department’s missions, the
18 Secretary, and the directors of the departmental labora-
19 tories, shall, to the maximum extent practicable, make use
20 of partnerships. Such partnerships shall be for purposes
21 of the following:

22 “(A) To lead to the development of technologies
23 that the private sector can commercialize in areas of
24 technology with broad application important to

1 United States technological and economic competi-
2 tiveness.

3 “(B) To provide Federal support in areas of
4 technology where the cost or risk is too high for the
5 private sector to support alone but that offer a po-
6 tentially high payoff to the United States.

7 “(C) To contribute to the education and train-
8 ing of scientists and engineers.

9 “(D) To provide university and private re-
10 searchers access to departmental laboratory facili-
11 ties.

12 “(E) To provide technical expertise to univer-
13 sities, industry, or other Federal agencies.

14 “(b) The Secretary, in carrying out partnerships,
15 may enter into agreements using instruments authorized
16 under applicable laws, including but not limited to con-
17 tracts, cooperative research and development agreements,
18 work for other agreements, user-facility agreements, coop-
19 erative agreements, grants, personnel exchange agree-
20 ments, and patent and software licenses with any person,
21 any agency or instrumentality of the United States, any
22 State or local governmental entity, any educational institu-
23 tion, and any other entity, private sector or otherwise.

24 “(c) The Secretary, and the directors of the depart-
25 mental laboratories, shall utilize partnerships with United

1 States industry, to the maximum extent practicable, to en-
2 sure that technologies developed in pursuit of the Depart-
3 ment's missions are applied and commercialized in a
4 timely manner.

5 “(d) The Secretary shall work with other Federal
6 agencies to carry out research, development, demonstra-
7 tion, or commercial application activities where the core
8 competencies of the departmental laboratories could con-
9 tribute to the missions of such other agencies.

10 **“SEC. 1103. ESTABLISHMENT OF GOAL FOR PARTNERSHIPS**
11 **BETWEEN DEPARTMENTAL LABORATORIES**
12 **AND UNITED STATES INDUSTRY.**

13 “(a) Beginning in fiscal year 1994, the Secretary
14 shall establish a goal to allocate to cost-shared partner-
15 ships with United States industry not less than 20 percent
16 of the annual funds provided by the Secretary to each
17 multiprogram departmental laboratory for research, devel-
18 opment, demonstration, and commercial application activi-
19 ties.

20 “(b) Beginning in fiscal year 1994, the Secretary
21 shall establish an appropriate goal for the amount of re-
22 sources to be committed to cost-shared partnerships with
23 United States industry at other departmental laboratories.

1 **“SEC. 1104. ROLE OF THE DEPARTMENT IN THE DEVELOP-**
2 **MENT OF CRITICAL TECHNOLOGY STRATE-**
3 **GIES.**

4 “(a) The Secretary shall develop a multiyear critical
5 technology strategy for research, development, demonstra-
6 tion, and commercial application activities supported by
7 the Department for critical technologies.

8 “(b) In developing such strategy, the Secretary
9 shall—

10 “(1) identify the core competencies of each de-
11 partmental laboratory;

12 “(2) develop goals and objectives for the appro-
13 priate role of the Department in each of the critical
14 technologies, taking into consideration the core com-
15 petencies of the departmental laboratories;

16 “(3) consult with appropriate representatives of
17 United States industry, including members of indus-
18 try associations and representatives of labor organi-
19 zations; and

20 “(4) participate in the executive branch process
21 to develop critical technology strategies.

22 **“SEC. 1105. PARTNERSHIP PREFERENCES.**

23 “(a) The Secretary shall ensure that the principal
24 economic benefits of any partnership accrue to the United
25 States economy.

1 “(b) Any partnership that would be given preference
2 under section 12(c)(4), of the Stevenson-Wydler Tech-
3 nology Innovation Act of 1980 (15 U.S.C. 3710a(c)(4))
4 if it were a cooperative research and development agree-
5 ment shall be given preference under this title.

6 “(c) The Secretary shall issue guidelines, after con-
7 sultation with the Laboratory Partnership Advisory Board
8 established under section 1109, for application of section
9 12(c)(4) of the Stevenson-Wydler Technology Innovation
10 Act of 1980 (15 U.S.C. 3710a(c)(4)) and application of
11 subsection (a) of this section to partnerships.

12 “(d) The Secretary shall encourage partnerships that
13 involve minority colleges or universities or private sector
14 entities owned or controlled by disadvantaged individuals.

15 **“SEC. 1106. EVALUATION OF PARTNERSHIP PROGRAMS.**

16 “(a) The Secretary, in consultation with the Labora-
17 tory Partnership Advisory Board established under section
18 1109, shall develop mechanisms for independent evalua-
19 tion of the ongoing partnership activities of the Depart-
20 ment and the departmental laboratories.

21 “(b)(1) The Secretary and the director of each de-
22 partmental laboratory shall develop mechanisms for as-
23 sassing the progress of each partnership.

24 “(2) The Secretary and the director of each depart-
25 mental laboratory shall utilize the mechanisms developed

1 under paragraph (1) to evaluate the accomplishments of
2 each ongoing multiyear partnership and shall condition
3 continued Federal participation in each partnership on
4 demonstrated progress.

5 **“SEC. 1107. ANNUAL REPORT.**

6 “(a) The Secretary shall submit an annual report to
7 Congress describing the ongoing partnership activities of
8 the Secretary and each departmental laboratory and, to
9 the extent practicable, the activities planned by the Sec-
10 retary and by each departmental laboratory for the coming
11 fiscal year. In developing the report, the Secretary shall
12 seek the advice of the Laboratory Partnership Advisory
13 Board established under section 1109.

14 “(b) The Secretary shall submit the report under sub-
15 section (a) to the Committees on Appropriations and En-
16 ergy and Natural Resources of the Senate and to the Com-
17 mittees on Appropriations, Energy and Commerce, and
18 Science, Space, and Technology of the House of Rep-
19 resentatives. No later than March 1, 1994, and no later
20 than the first of March of each subsequent year, the Sec-
21 retary shall submit the report under subsection (a) that
22 covers the fiscal year beginning on the first of October
23 of such year.

24 “(c) Each director of a departmental laboratory shall
25 provide annually to the Secretary a report on ongoing

1 partnership activities and a plan and such other informa-
2 tion as the Secretary may reasonably require describing
3 the partnership activities the director plans to carry out
4 in the coming fiscal year. The director shall provide such
5 report and plan in a timely manner as prescribed by the
6 Secretary to permit preparation of the report under sub-
7 section (a).

8 “(d) The Secretary’s description of planned activities
9 under subsection (a) shall include, to the extent such in-
10 formation is available, appropriate information on—

11 “(1) the total funds to be allocated to partner-
12 ship activities by the Secretary and by the director
13 of each departmental laboratory;

14 “(2) a breakdown of funds to be allocated by
15 the Secretary and by the director of each depart-
16 mental laboratory for partnership activities by areas
17 of technology;

18 “(3) any plans for additional funds not de-
19 scribed in paragraph (2) to be set aside for partner-
20 ships during the coming fiscal year;

21 “(4) any partnership that involves a Federal
22 contribution in excess of \$500,000 the Secretary or
23 the director of each departmental laboratory expects
24 to enter into in the coming fiscal year;

1 “(5) the technologies that will be advanced by
2 each partnership that involves a Federal contribu-
3 tion in excess of \$500,000;

4 “(6) the types of entities that will be eligible for
5 participation in partnerships;

6 “(7) the nature of the partnership arrange-
7 ments, including the anticipated level of financial
8 and in-kind contribution from participants and any
9 repayment terms;

10 “(8) the extent of use of competitive procedures
11 in selecting partnerships; and

12 “(9) such other information that the Secretary
13 finds relevant to the determination of the appro-
14 priate level of Federal support for such partnerships.

15 “(e) The Secretary shall provide appropriate notice
16 in advance to Congress of any partnership, which has not
17 been described previously in the report required by sub-
18 section (a), that involves a Federal contribution in excess
19 of \$500,000.

20 **“SEC. 1108. PARTNERSHIP PAYMENTS.**

21 “(a)(1) Partnership agreements entered into by the
22 Secretary may require a person or other entity to make
23 payments to the Department, or any other Federal agen-
24 cy, as a condition for receiving support under the agree-
25 ment.

1 “(2) The membership of the Laboratory Partnership
2 Advisory Board shall consist of persons who are qualified
3 to provide the Secretary with advice on the implementa-
4 tion of this title. Members of the Board shall include rep-
5 resentatives primarily from United States industry but
6 shall also include representatives from—

7 “(A) small businesses;

8 “(B) private sector entities owned or controlled
9 by disadvantaged individuals;

10 “(C) educational institutions, including rep-
11 resentatives from minority colleges or universities;

12 “(D) laboratories of other Federal agencies;
13 and

14 “(E) professional and technical societies in the
15 United States.

16 “(3) The Laboratory Partnership Advisory Board
17 shall request comment and suggestions from departmental
18 laboratories to assist the Board in providing advice to the
19 Secretary on the implementation of this title.

20 “(b) The director of each multiprogram departmental
21 laboratory shall establish an advisory group consisting of
22 persons from United States industry to—

23 “(1) evaluate new initiatives proposed by the
24 multiprogram departmental laboratory;

1 “(2) identify opportunities for partnerships with
2 United States industry; and

3 “(3) evaluate ongoing programs at the
4 multiprogram departmental laboratory from the per-
5 spective of United States industry.

6 “(c) Nothing in this section is intended to preclude
7 the Secretary or the director of a departmental laboratory
8 from utilizing existing advisory boards to achieve the pur-
9 poses of this section.

10 **“SEC. 1110. FELLOWSHIP PROGRAM.**

11 “The Secretary shall encourage scientists, engineers,
12 and technical staff from departmental laboratories to serve
13 as visiting fellows in research and manufacturing facilities
14 of industrial organizations, State and local governments,
15 and educational institutions in the United States and for-
16 eign countries. The Secretary may establish a formal fel-
17 lowship program for this purpose or may authorize such
18 activities on a case-by-case basis. The Secretary shall also
19 encourage scientists and engineers from United States in-
20 dustry to serve as visiting scientists and engineers in the
21 departmental laboratories.

1 **“SEC. 1111. COOPERATION WITH STATE AND LOCAL PRO-**
2 **GRAMS FOR TECHNOLOGY DEVELOPMENT**
3 **AND DISSEMINATION.**

4 “The Secretary and the director of each departmental
5 laboratory shall seek opportunities to coordinate their ac-
6 tivities with programs of State and local governments for
7 technology development and dissemination, including pro-
8 grams funded in part by the Secretary of Defense pursu-
9 ant to section 2523 of title 10, United States Code, and
10 section 2513 of title 10, United States Code, and pro-
11 grams funded in part by the Secretary of Commerce pur-
12 suant to sections 25 and 26 of the National Institute of
13 Standards and Technology Act (15 U.S.C. 278k and
14 278l), and section 5121(b) of the Omnibus Trade and
15 Competitiveness Act of 1988 (15 U.S.C. 278l note).

16 **“SEC. 1112. AVAILABILITY OF FUNDS FOR PARTNERSHIPS.**

17 “(a) All of the funds authorized to be appropriated
18 to the Secretary for research, development, demonstration,
19 or commercial application activities, other than atomic en-
20 ergy defense programs, shall be available for partnerships
21 to the extent such partnerships are consistent with the
22 goals and objectives of such activities.

23 “(b) All of the funds authorized to be appropriated
24 to the Secretary for research, development, demonstration,
25 or commercial application of dual-use technologies within
26 the Department’s atomic energy defense activities shall be

1 available for partnerships to the extent such partnerships
2 are consistent with the goals and objectives of such activi-
3 ties.

4 “(c) Funds authorized to be appropriated to the Sec-
5 retary and made available for departmental laboratory-di-
6 rected research and development shall be available for any
7 partnership.

8 **“SEC. 1113. PROTECTION OF INFORMATION.**

9 “Section 12(c)(7) of the Stevenson-Wydler Tech-
10 nology Innovation Act of 1980 (15 U.S.C. 3710a(c)(7)),
11 relating to the protection of information, shall apply to
12 the partnership activities undertaken by the Secretary and
13 by the directors of the departmental laboratories.

14 **“SEC. 1114. FAIRNESS OF OPPORTUNITY.**

15 “(a) The Secretary and the director of each depart-
16 mental laboratory shall institute procedures to ensure that
17 information on laboratory capabilities and arrangements
18 for participating in partnerships with the Secretary or the
19 departmental laboratories is publicly disseminated.

20 “(b) Prior to entering into any partnership having a
21 Federal contribution in excess of \$5,000,000, the Sec-
22 retary or director of a departmental laboratory shall en-
23 sure that the opportunity to participate in such partner-
24 ship has been publicly announced to potential participants.

1 “(c) In cases where the Secretary or the director of
2 a departmental laboratory believes a potential partnership
3 activity would benefit from broad participation from the
4 private sector, the Secretary or the director of such de-
5 partmental laboratory may take such steps as may be nec-
6 essary to facilitate formation of a United States industry
7 consortium to pursue the partnership activity.

8 **“SEC. 1115. PRODUCT LIABILITY.**

9 “The Secretary, after consultation with the Labora-
10 tory Partnership Advisory Board established under section
11 1109, and the Attorney General shall enter into a memo-
12 randum of understanding establishing a consistent policy
13 and standards regarding the responsibilities of the Sec-
14 retary, the directors of the departmental laboratories, and
15 the Attorney General with respect to the liability of the
16 United States, of the non-Federal entity operating a de-
17 partmental laboratory, and of any other party to a part-
18 nership for product liability claims arising from partner-
19 ship activities. The Secretary and the director of each de-
20 partmental laboratory shall, to the maximum extent prac-
21 ticable, incorporate into any partnership the policy and
22 standards established in the memorandum of understand-
23 ing.

1 **“SEC. 1116. INTELLECTUAL PROPERTY.**

2 “The Secretary shall, after consultation with the
3 Laboratory Partnership Advisory Board established under
4 section 1109, develop guidelines governing the responsibil-
5 ities of the Secretary and the directors of the departmental
6 laboratories with respect to the application of intellectual
7 property laws by the Secretary and by the director of each
8 departmental laboratory in partnership arrangements.

9 **“SEC. 1117. SMALL BUSINESS.**

10 “(a) The Secretary shall develop simplified proce-
11 dures and guidelines for partnerships involving small busi-
12 nesses to facilitate access to the resources and capabilities
13 of the departmental laboratories.

14 “(b) Notwithstanding any other law, the Secretary
15 may waive, in whole or in part, any cost-sharing require-
16 ment for a small business involved in a partnership if the
17 Secretary determines that the cost-sharing requirement
18 would impose an undue hardship on the small business
19 and would prevent the formation of the partnership.

20 “(c) Notwithstanding section 12(d)(1) of the Steven-
21 son-Wydler Innovation Act of 1980 (15 U.S.C.
22 3710a(d)(1)), the Secretary may provide funds as part of
23 a cooperative research and development agreement to a
24 small business if the Secretary determines that the funds
25 are necessary to prevent imposing an undue hardship on

1 the small business and necessary for the formation of the
2 cooperative research and development agreement.

3 **“SEC. 1118. MINORITY COLLEGE AND UNIVERSITY REPORT.**

4 “Within one year after the date of enactment of this
5 title, and annually thereafter, the Secretary shall submit
6 to the Committee on Energy and Natural Resources of
7 the Senate and to the Committees on Energy and Com-
8 merce, Science, Space, and Technology, and Education
9 and Labor of the House of Representatives a report identi-
10 fying opportunities for minority colleges and universities
11 to participate in programs and activities being carried out
12 by the Department or the departmental laboratories. The
13 Secretary shall consult with representatives of minority
14 colleges and universities in preparing the report. Such re-
15 port shall—

16 “(1) describe ongoing education and training
17 programs being carried out by the Department or
18 the departmental laboratories with respect to or in
19 conjunction with minority colleges and universities in
20 the areas of mathematics, science, and engineering;

21 “(2) describe ongoing research, development,
22 demonstration, or commercial application activities
23 involving the Department or the departmental lab-
24 oratories and minority colleges and universities;

1 “(3) describe funding levels for the programs
2 and activities described in paragraphs (1) and (2);

3 “(4) identify ways for the Department or the
4 departmental laboratories to assist minority colleges
5 and universities in providing education and training
6 in the fields of mathematics, science, and engineer-
7 ing;

8 “(5) identify ways for the Department or the
9 departmental laboratories to assist minority colleges
10 and universities in entering into partnerships;

11 “(6) address the need for and potential role of
12 the Department or the departmental laboratories in
13 providing to minority colleges and universities—

14 “(A) increased research opportunities for
15 faculty and students;

16 “(B) assistance in faculty development and
17 recruitment and curriculum enhancement and
18 development; and

19 “(C) laboratory instrumentation and equip-
20 ment, including computer equipment, through
21 purchase, loan, or other transfer;

22 “(7) address the need for and potential role of
23 the Department or departmental laboratories in pro-
24 viding funding and technical assistance for the devel-
25 opment of infrastructure facilities, including build-

1 under this program shall be known as Secretary of Energy
2 Scholarships.”.

3 (b) CONFORMING AMENDMENT—The table of con-
4 tents of the Department of Energy Organization Act (42
5 U.S.C. 7101 et. seq.) is amended by adding at the end
6 thereof the following items:

“TITLE XI—TECHNOLOGY PARTNERSHIPS

“Sec. 1101. Findings, Purposes, and Definitions.

“Sec. 1102. General Authority.

“Sec. 1103. Establishment of Goal for Partnerships Between Departmental
Laboratories and United States Industry.

“Sec. 1104. Role of the Department in the Development of Critical Technology
Strategies.

“Sec. 1105. Partnership Preferences.

“Sec. 1106. Evaluation of Partnership Programs.

“Sec. 1107. Annual Report.

“Sec. 1108. Partnership Payments.

“Sec. 1109. Laboratory Partnership Advisory Board and Industrial Advisory
Groups at Multiprogram Departmental Laboratories.

“Sec. 1110. Fellowship Program.

“Sec. 1111. Cooperation with State and Local Programs for Technology Devel-
opment and Dissemination.

“Sec. 1112. Availability of Funds for Partnerships.

“Sec. 1113. Protection of Information.

“Sec. 1114. Fairness of Opportunity.

“Sec. 1115. Product Liability.

“Sec. 1116. Intellectual Property.

“Sec. 1117. Small Business.

“Sec. 1118. Minority College and University Report.

“Sec. 1119. Minority College and University Scholarship program.”.

7 **SEC. 4. NATIONAL ADVANCED MANUFACTURING TECH-**
8 **NOLOGIES PROGRAM.**

9 The Secretary is encouraged to use partnerships to
10 expedite the private sector deployment of advanced manu-
11 facturing technologies as required by section 2202(a) of
12 the Energy Policy Act of 1992 (42 U.S.C. 13502).

1 **SEC. 5. NOT-FOR-PROFIT ORGANIZATIONS.**

2 The Secretary shall encourage the establishment of
3 not-for-profit organizations, such as the Center for Ap-
4 plied Development of Environmental Technology
5 (CADET), that will facilitate the transfer of technologies
6 from the departmental laboratories to the private sector.

7 **SEC. 6. CAREER PATH PROGRAM.**

8 (a) The Secretary, utilizing authority under other ap-
9 plicable law and the authority of this section, shall estab-
10 lish a career path program to recruit employees of the na-
11 tional laboratories to serve in positions in the Department.

12 (b) Section 207 of title 18, United States Code, is
13 amended by inserting after subsection (j)(6) the following:

14 “(7) NATIONAL LABORATORIES.—(A) The re-
15 strictions contained in subsections (a), (b), (c), and
16 (d) shall not apply to an appearance or communica-
17 tion made, or advice or aid rendered by a person em-
18 ployed at a facility described in subparagraph (B),
19 if the appearance or communication is made on be-
20 half of the facility or the advice or aid is provided
21 to the contractor of the facility.

22 “(B) This paragraph applies to the following:
23 Argonne National Laboratory, Brookhaven National
24 Laboratory, Idaho National Engineering Laboratory,
25 Lawrence Berkeley Laboratory, Lawrence Livermore
26 National Laboratory, Los Alamos National Labora-

1 tory, National Renewable Energy Laboratory, Oak
2 Ridge National Laboratory, Pacific Northwest Lab-
3 oratory, and Sandia National Laboratories.”.

4 (c) Section 27 of the Office of Federal Procurement
5 Policy Act (41 U.S.C. 423) is amended by inserting the
6 following new subsection:

7 “(q) NATIONAL LABORATORIES.—(1) The restric-
8 tions on obtaining a recusal contained in subsection (c)
9 (2) and (3) shall not apply to discussions of future employ-
10 ment or business opportunity between a procurement offi-
11 cial and a competing contractor managing and operating
12 a facility described in paragraph (3), if such discussions
13 concern the employment of the procurement official at
14 such facility.

15 “(2) The restrictions contained in subsection (f)(1)
16 shall not apply to activities performed on behalf of a facil-
17 ity described in paragraph (3).

18 “(3) This subsection applies to the following: Ar-
19 gonne National Laboratory, Brookhaven National Labora-
20 tory, Idaho National Engineering Laboratory, Lawrence
21 Berkeley Laboratory, Lawrence Livermore National Lab-
22 oratory, Los Alamos National Laboratory, National Re-
23 newable Energy Laboratory, Oak Ridge National Labora-
24 tory, Pacific Northwest Laboratory, and Sandia National
25 Laboratories.”.

1 **SEC. 7. INFORMATION INFRASTRUCTURE AND TECH-**
2 **NOLOGY.**

3 (a) FINDINGS.—For purposes of this section, Con-
4 gress finds that—

5 (1) high-performance computing has the poten-
6 tial to enhance the economic, scientific, and techno-
7 logical competitiveness of United States industry;
8 and

9 (2) the Federal Government should ensure that
10 there is a coordinated interagency program in part-
11 nership with the private sector to identify and pro-
12 mote applications of high-performance computing
13 that will significantly improve the use of informa-
14 tion, foster and strengthen research and develop-
15 ment capabilities, and enhance the competitiveness
16 of United States industry.

17 (b) PURPOSES.—The purposes of this section are
18 to—

19 (1) ensure the widest possible application of
20 high-performance computing in the United States;
21 and

22 (2) provide for partnerships that will enhance
23 Federal and private efforts to deploy and commer-
24 cialize these technologies as part of a national infor-
25 mation infrastructure.

1 (c) NATIONAL INFORMATION INFRASTRUCTURE DE-
2 VELOPMENT PROGRAM.—The High-Performance Comput-
3 ing Act of 1991 (15 U.S.C. 5501 et seq.) is amended—

4 (1) in section 101(a), by adding after para-
5 graph (2) a new paragraph (3) as follows and re-
6 numbering subsequent paragraphs accordingly:

7 “(3) The Program shall also—

8 “(A) provide for a coordinated interagency ef-
9 fort in partnership with the private sector to de-
10 velop, deploy, and commercialize high-performance
11 computing technologies through a national informa-
12 tion infrastructure for applications in—

13 “(i) education;

14 “(ii) health care;

15 “(iii) manufacturing;

16 “(iv) digital information;

17 “(v) energy demand management;

18 “(vi) environmental monitoring and reme-
19 diation;

20 “(vii) financial services;

21 “(viii) law enforcement; and

22 “(ix) such other fields as the President
23 deems appropriate;

24 “(B) set forth the role of the Network in mak-
25 ing the benefits of applications of high-performance

1 computing available to United States industry, gov-
2 ernment, and academia through a national informa-
3 tion infrastructure; and

4 “(C) otherwise ensure that services and applica-
5 tions of high-performance computing technologies
6 are available as needed to United States industry,
7 government, and academia.”;

8 (2) in section 101(a)(2)(I)(ii), (a)(4), and
9 (c)(2), by striking “(3)(A)” each place it appears
10 and inserting in lieu thereof “(4)(A)”; and

11 (3) in section 203, by adding at the end thereof
12 a new subsection (f) as follows:

13 “(f) APPLICATIONS.—(1) The Secretary of Energy
14 shall, consistent with the Program, provide for cooperative
15 projects involving the Department of Energy or one or
16 more Department of Energy laboratories and appropriate
17 non-Federal entities to develop, test, and apply high-per-
18 formance computing technologies for—

19 “(A) education and training, including science,
20 mathematics, and engineering education and prac-
21 tical postsecondary training in skills needed by
22 United States industry;

23 “(B) health care, including remote diagnosis
24 and monitoring;

25 “(C) manufacturing;

1 “(D) energy demand management and control,
2 including vehicle efficiency and utilization, energy ef-
3 ficiency in commercial and residential buildings, and
4 industrial energy use and practices;

5 “(E) scientific, technical, and energy informa-
6 tion dissemination and analysis, including exhibits
7 and model experiments;

8 “(F) technology transfer among the Depart-
9 ment of Energy laboratories, United States industry,
10 and educational institutions;

11 “(G) environmental monitoring, modeling, and
12 remediation;

13 “(H) financial services, including security and
14 data base management of financial data;

15 “(I) law enforcement; and

16 “(J) such other areas as the Secretary of En-
17 ergy deems appropriate.

18 “(2) In carrying out projects under paragraph (1),
19 the Secretary of Energy shall, where appropriate, seek to
20 address the technical, architectural, economic, regulatory,
21 and market considerations critical to further development
22 of a national information infrastructure.

23 “(3) There are authorized to be appropriated to the
24 Secretary of Energy for purposes of this subsection

1 \$50,000,000 for fiscal year 1994, \$100,000,000 for fiscal
2 year 1995, and \$150,000,000 for fiscal year 1996.”.

3 **SEC. 8. DOE MANAGEMENT.**

4 (a) Section 202(a) of the Department of Energy Or-
5 ganization Act (42 U.S.C. 7132(a)) is amended by strik-
6 ing “Under Secretary” and inserting in lieu thereof
7 “Under Secretaries”.

8 (b) Section 202(b) of the Department of Energy Or-
9 ganization Act (42 U.S.C. 7132(b)) is amended to read
10 as follows:

11 “(b) There shall be in the Department three Under
12 Secretaries and a General Counsel, who shall be appointed
13 by the President, by and with the advice and consent of
14 the Senate, and who shall perform functions and duties
15 the Secretary prescribes. The Under Secretaries shall be
16 compensated at the rate provided for level III of the Exec-
17 utive Schedule under section 5314 of title 5, United States
18 Code, and the General Counsel shall be compensated at
19 the rate provided for level IV of the Executive Schedule
20 under section 5315 of title 5, United States Code.”.

21 **SEC. 9. AMENDMENTS TO STEVENSON-WYDLER TECH-**
22 **NOLOGY INNOVATION ACT.**

23 (a) Section 12(c)(5) of the Stevenson-Wydler Tech-
24 nology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5))
25 is amended—

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

3 “(C)(i) Any agency that has contracted with a non-
4 Federal entity to operate a laboratory shall review and ap-
5 prove, request specific modifications to, or disapprove a
6 joint work statement and cooperative research and devel-
7 opment agreement that is submitted by the director of
8 such laboratory within thirty days after such submission.
9 In any case where an agency has requested specific modi-
10 fications to a joint work statement or cooperative research
11 and development agreement, the agency shall approve or
12 disapprove any resubmission of such joint work statement
13 or cooperative research and development agreement within
14 fifteen days after such resubmission. No agreement may
15 be entered into by a Government-owned, contractor-oper-
16 ated laboratory under this section before both approval of
17 the cooperative research and development agreement and
18 a joint work statement.”;

19 (2) in subparagraph (C)(ii), by inserting “or co-
20 operative research and development agreement”
21 after “joint work statement”;

22 (3) by striking subparagraph (C)(iv);

23 (4) by striking subparagraph (C)(v) and insert-
24 ing in lieu thereof:

1 “(C)(iv) If an agency fails to complete a review under
2 clause (i) within any of the specified time periods, the
3 agency shall submit to the Congress, within 10 days after
4 the failure to complete the review, a report on the reasons
5 for such failure. The agency shall, at the end of each suc-
6 cessive 15-day period thereafter during which such failure
7 continues, submit to Congress another report on the rea-
8 sons for the continued failure.”; and

9 (5) by striking subparagraph (C)(vi).

10 (b) Section 12(d)(2) of the Stevenson-Wydler Tech-
11 nology Innovation Act of 1980 (15 U.S.C. 3710a(d)(2))
12 is amended—

13 (1) in subparagraph (B) by striking “substan-
14 tial” before “purpose”; and

15 (2) in subparagraph (C) by striking “primary”.

16 **SEC. 10. GUIDELINES.**

17 The implementation of the provisions of this Act, and
18 of the amendments made by this Act, shall not be delayed
19 pending the issuance of guidelines, policies, or standards
20 required by sections 1105, 1115, and 1116 of the Depart-
21 ment of Energy Organization Act as added by section 3
22 of this Act.

23 **SEC. 11. AUTHORIZATION.**

24 (a) In addition to funds made available for partner-
25 ships under section 1112 of the Department of Energy

1 Organization Act, as added by section 3 of this Act, there
2 are authorized to be appropriated from funds otherwise
3 available to the Secretary—

4 (1) for partnership activities with industry in
5 areas other than atomic energy defense activities
6 \$100,000,000 for fiscal year 1994, \$140,000,000 for
7 fiscal year 1995, \$180,000,000 for fiscal year 1996,
8 and \$220,000,000 for fiscal year 1997; and

9 (2) for partnership activities with industry in-
10 volving dual-use technologies within the Depart-
11 ment's atomic energy defense activities
12 \$240,000,000 for fiscal year 1994, \$290,000,000 for
13 fiscal year 1995, \$350,000,000 for fiscal year 1996,
14 and \$400,000,000 for fiscal year 1997.

15 (b) There are authorized to be appropriated to the
16 Secretary for the Minority College and University Scholar-
17 ship Program established in section 1119 of the Depart-
18 ment of Energy Organization Act, as added by section 3
19 of this Act, \$1,000,000 for fiscal year 1994, \$2,000,000
20 for fiscal year 1995, and \$3,000,000 for fiscal year 1996.

21 (c) There are authorized to be appropriated to the
22 Secretary for research or educational programs, carried
23 out through partnerships or otherwise, and for related fa-
24 cilities and equipment that involve minority colleges or
25 universities, such sums as may be necessary.



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