

117TH CONGRESS
1ST SESSION

H. R. 4606

To establish programs and authorities to facilitate the commercial application of clean energy and related technologies in the United States.

IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2021

Ms. ROSS (for herself and Mr. MELJER) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To establish programs and authorities to facilitate the commercial application of clean energy and related technologies in the United States.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Energizing Technology Transfer Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—NATIONAL CLEAN ENERGY TECHNOLOGY TRANSFER
PROGRAMS

- Sec. 101. National clean energy incubator program.
 Sec. 102. Clean energy technology university prize competition.
 Sec. 103. Clean energy technology transfer coordination.

TITLE II—SUPPORTING TECHNOLOGY DEVELOPMENT AT THE
 NATIONAL LABORATORIES

- Sec. 201. Lab partnering service pilot program.
 Sec. 202. Lab-embedded entrepreneurship program.
 Sec. 203. Small business voucher program.
 Sec. 204. Entrepreneurial leave program.
 Sec. 205. National laboratory employee outside employment authority.
 Sec. 206. Signature authority.

TITLE III—DEPARTMENT OF ENERGY MODERNIZATION

- Sec. 301. Office of technology transitions.
 Sec. 302. Management of demonstration projects.
 Sec. 303. Streamlining prize competitions.
 Sec. 304. Cost-share waiver extension.
 Sec. 305. Special hiring authority for scientific, engineering, and project management personnel.
 Sec. 306. Technology transfer reports and evaluation.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) CLEAN ENERGY TECHNOLOGY.—The term
4 “clean energy technology” means a technology that
5 significantly reduces energy use, increases energy ef-
6 ficiency, reduces greenhouse gas emissions, reduces
7 emissions of other pollutants, or mitigates other neg-
8 ative environmental consequences of energy produc-
9 tion, transmission or use.

10 (2) DEPARTMENT.—The term “Department”
11 means the Department of Energy.

12 (3) DIRECTOR.—The term “Director” means
13 the Director of each National Laboratory and the
14 Director of each Department of Energy single-pur-
15 pose research facility.

1 (4) ECONOMICALLY DISTRESSED AREA.—The
2 term “economically distressed area” has the mean-
3 ing described in section 301(a) of the Public Works
4 and Economic Development Act of 1965 (42 U.S.C.
5 3161(a)).

6 (5) GRANT.—The term “grant” means a grant
7 award, cooperative agreement award, or any other fi-
8 nancial assistance arrangement that the Secretary of
9 Energy determines to be appropriate.

10 (6) INSTITUTION OF HIGHER EDUCATION.—The
11 term “institution of higher education” has the
12 meaning given such term in the Higher Education
13 Act of 1965, as amended (20 U.S.C. 1001).

14 (7) NATIONAL LABORATORY.—The term “Na-
15 tional Laboratory” has the meaning given that term
16 in section 2 of the Energy Policy Act of 2005 (42
17 U.S.C. 15801).

18 (8) SECRETARY.—The term “Secretary” means
19 the Secretary of Energy.

1 **TITLE I—NATIONAL CLEAN EN-**
2 **ERGY TECHNOLOGY TRANS-**
3 **FER PROGRAMS**

4 **SEC. 101. NATIONAL CLEAN ENERGY INCUBATOR PRO-**
5 **GRAM.**

6 (a) CLEAN ENERGY INCUBATOR DEFINED.—In this
7 section, the term “clean energy incubator”—

8 (1) means any entity that is designed to accel-
9 erate the commercial application of clean energy
10 technologies by providing—

11 (A) physical workspace, labs, and proto-
12 typing facilities to support clean energy
13 startups or established clean energy companies;
14 or

15 (B) companies developing such tech-
16 nologies with support, resources, and services,
17 including—

18 (i) access to business education and
19 counseling;

20 (ii) mentorship opportunities; and

21 (iii) other services rendered for the
22 purpose of aiding the development and
23 commercial application of a clean energy
24 technology; and

1 (2) may include a program within or established
2 by a National Laboratory, an institution of higher
3 education or a State, local, or tribal government.

4 (b) PROGRAM ESTABLISHMENT.—Not later than 180
5 days after the enactment of this Act, the Secretary, acting
6 through the Chief Commercialization Officer established
7 in section 1001(a) of the Energy Policy Act of 2005 (42
8 U.S.C. 16391(a)), shall establish a Clean Energy Incu-
9 bator Program (herein referred to as the “program”) to
10 competitively award grants to clean energy incubators.

11 (c) CLEAN ENERGY INCUBATOR SELECTION.—In
12 awarding grants to clean energy incubators under sub-
13 section (b), the Secretary shall, to the maximum extent
14 practicable, prioritize funding clean energy incubators
15 that—

16 (1) partner with entities that carry out activi-
17 ties relevant to the activities of such incubator and
18 that operate at the local, State, and regional levels;

19 (2) support the commercial application activi-
20 ties of startup companies focused on physical hard-
21 ware, computational, or integrated hardware and
22 software technologies;

23 (3) are located in geographically diverse regions
24 of the United States;

1 (4) are located in, or partner with entities lo-
2 cated in, economically distressed areas;

3 (5) support the development of entities focused
4 on expanding clean energy tools and technologies to
5 rural, Tribal, and low-income communities;

6 (6) support the commercial application of tech-
7 nologies being developed by clean energy entre-
8 preneurs from underrepresented backgrounds; and

9 (7) have a plan for sustaining activities of the
10 incubator after grant funds received under this pro-
11 gram have been expended.

12 (d) AWARD LIMITS.—The Secretary shall not award
13 more than \$4,000,000 to one or more incubators in one
14 given State, per fiscal year.

15 (e) DURATION.—Each grant under subsection (b)
16 shall be for a period of no longer than 5 years, subject
17 to the availability of appropriations.

18 (f) USE OF FUNDS.—An entity receiving a grant
19 under this section may use grant amounts for operating
20 expenses.

21 (g) RENEWAL.—An award made to a clean energy
22 incubator under this section may be renewed for a period
23 of not more than 3 years, subject to merit review.

24 (h) EVALUATION.—In accordance with section 9007
25 of Division Z of the Consolidated Appropriations Act,

1 2021 (Public Law 116–260), the Secretary shall submit
2 3 years after the enactment of this Act and every 3 years
3 thereafter to the Committee on Science, Space, and Tech-
4 nology of the House of Representatives and the Committee
5 on Energy and Natural Resources of the Senate an evalua-
6 tion of the program established under this section that in-
7 cludes analyses of the performance of the clean energy in-
8 cubators.

9 (i) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Secretary to carry
11 out this section \$15,000,000 for each of fiscal years 2022
12 through 2026.

13 **SEC. 102. CLEAN ENERGY TECHNOLOGY UNIVERSITY PRIZE**
14 **COMPETITION.**

15 (a) DEFINITIONS.—In this section:

16 (1) ELIGIBLE ENTITY.—The term “eligible enti-
17 ty” means a nonprofit entity, an institution of high-
18 er education, or an entity working with one or more
19 institutes of higher education.

20 (2) MINORITY-SERVING INSTITUTION.—The
21 term “minority-serving institution” means an insti-
22 tution described in section 371(a) of the Higher
23 Education Act of 1965 (20 U.S.C. 1067q(a)).

24 (b) IN GENERAL.—The Secretary shall establish a
25 program, known as the “Clean Energy Technology Uni-

1 versity Prize”, to award funding for eligible entities to
2 carry out regional and one national clean energy tech-
3 nology prize competitions, under section 24 of the Steven-
4 son-Wynder Technology Innovation Act of 1980 (15 U.S.C.
5 3719). In carrying out such prize competitions, students
6 shall compete to develop a business model for furthering
7 the commercial application of an innovative clean energy
8 technology.

9 (c) TRAINING FUNDING.—In carrying out this pro-
10 gram, the Secretary may provide funding to train partici-
11 pating students in skills needed for the successful commer-
12 cial application of clean energy technologies, including
13 through virtual training sessions.

14 (d) PRIORITIZATION.—In awarding grants under this
15 section, the Secretary shall prioritize awarding grants to
16 eligible entities that work with students at minority-serv-
17 ing institutions.

18 (e) COORDINATION.—In carrying out this program,
19 the Secretary shall coordinate and partner with other
20 clean energy technology prize competitions. In doing so,
21 the Secretary may develop and disseminate best practices
22 for administering prize competitions under this section.

23 (f) REPORT.—In accordance with section 9007 of Di-
24 vision Z of the Consolidated Appropriations Act, 2021
25 (Public Law 116–260), the Secretary shall report annually

1 on the progress and implementation of the program estab-
2 lished under section (b).

3 (g) EVALUATION.—In accordance with section 9007
4 of Division Z of the Consolidated Appropriations Act,
5 2021 (Public Law 116–260), the Secretary shall submit
6 3 years after the enactment of this Act and every 3 years
7 thereafter to the Committee on Science, Space, and Tech-
8 nology of the House of Representatives and the Committee
9 on Energy and Natural Resources of the Senate an evalua-
10 tion on the long-term outcomes of the program established
11 under this section and the progress towards achieving the
12 purposes of the program in subsection (b).

13 (h) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Secretary to carry
15 out the activities authorized in this section \$1,000,000 for
16 each of fiscal years 2022 through 2026.

17 **SEC. 103. CLEAN ENERGY TECHNOLOGY TRANSFER CO-**
18 **ORDINATION.**

19 (a) IN GENERAL.—The Secretary, acting through the
20 Chief Commercialization Officer established in section
21 1001(a) of the Energy Policy Act of 2005 (42 U.S.C.
22 16391(a)), shall support the coordination of relevant tech-
23 nology transfer programs that advance the commercial ap-
24 plication of clean energy technologies nationally and

1 across all energy sectors. In particular, the Secretary may
2 support activities to—

3 (1) facilitate the sharing of information on best
4 practices for successful operation of clean energy
5 technology transfer programs;

6 (2) coordinate resources and improve coopera-
7 tion among clean energy technology transfer pro-
8 grams;

9 (3) facilitate connections between entrepreneurs
10 and start-up companies and the variety of programs
11 related to clean energy technology transfer under the
12 Department; and

13 (4) facilitate the development of metrics to
14 measure the impact of clean energy technology
15 transfer programs on—

16 (A) advancing the development, demonstra-
17 tion, and commercial application of clean en-
18 ergy technologies;

19 (B) increasing the competitiveness of
20 United States in the clean energy sector, in-
21 cluding in manufacturing; and

22 (C) commercial application of clean energy
23 technologies being developed by entrepreneurs
24 from under-represented backgrounds.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Secretary to carry
3 out the activities in this section \$3,000,000 for each of
4 fiscal years 2022 through 2026.

5 **TITLE II—SUPPORTING TECH-**
6 **NOLOGY DEVELOPMENT AT**
7 **THE NATIONAL LABORA-**
8 **TORIES**

9 **SEC. 201. LAB PARTNERING SERVICE PILOT PROGRAM.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
11 9002 of division Z of the Consolidated Appropriations Act,
12 2021 (Public Law 116–260) is amended by adding at the
13 end the following:

14 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Secretary
16 \$2,000,000 for each of fiscal years 2022 through 2024
17 to carry out subsections (a), (b), and (c), and \$1,700,000
18 for each of fiscal years 2022 through 2024 for national
19 laboratory employees to provide services under subsection
20 (d).”.

21 **SEC. 202. LAB-EMBEDDED ENTREPRENEURSHIP PROGRAM.**

22 (a) IN GENERAL.—The Secretary shall competitively
23 award grants to National Laboratories for the purpose of
24 establishing or supporting Lab-Embedded Entrepreneur-
25 ship Programs.

1 (b) PURPOSES.—The purposes of such programs are
2 to provide entrepreneurial fellows with access to National
3 Laboratory research facilities, National Laboratory exper-
4 tise, and mentorship to perform research and development
5 and gain expertise that may be required or beneficial for
6 the commercial application of research ideas.

7 (c) ENTREPRENEURIAL FELLOWS.—An entrepre-
8 neurial fellow participating in a program described in sub-
9 section (a) shall be provided with—

10 (1) opportunities for entrepreneurial training,
11 professional development, and exposure to leaders
12 from academia, industry, government, and finance
13 who may serve as advisors to or partners of the fel-
14 low;

15 (2) financial and technical support for research,
16 development, and commercial application activities;

17 (3) fellowship awards to cover costs of living,
18 health insurance, and travel stipends for the dura-
19 tion of the fellowship; and

20 (4) any other resources determined appropriate
21 by the Secretary.

22 (d) PROGRAM ACTIVITIES.—Each National Labora-
23 tory that receives funding under this section shall support
24 entrepreneurial fellows by providing—

1 (1) access to facilities and expertise within the
2 National Laboratory;

3 (2) engagement with external stakeholders; and

4 (3) market and customer development opportu-
5 nities.

6 (e) ADMINISTRATION.—National Laboratories that
7 receive grants under this section shall prioritize the sup-
8 port and success of the entrepreneurial fellow with regards
9 to professional development and development of a relevant
10 technology.

11 (f) PARTNERSHIPS.—In carrying out a Lab-Embed-
12 ded Entrepreneurship Program, a National Laboratory
13 may partner with an external entity, including—

14 (1) a nonprofit organization;

15 (2) an institution of higher education;

16 (3) a federally owned corporation; or

17 (4) a consortium of 2 or more entities described
18 in paragraphs (1) through (3).

19 (g) METRICS.—The Secretary shall support the de-
20 velopment of short-term and long-term metrics to assess
21 the effectiveness of programs receiving a grant under sub-
22 section (a) in achieving the purposes of the program in
23 subsection (a).

24 (h) EVALUATION.—In accordance with section 9007
25 of Division Z of the Consolidated Appropriations Act,

1 2021 (Public Law 116–260), not later than 3 years after
2 the date of the enactment of this Act, and every 3 years
3 thereafter, the Secretary shall submit to the Committee
4 on Science, Space, and Technology of the House of Rep-
5 resentatives and the Committee on Energy and Natural
6 Resources of the Senate an evaluation of the effectiveness
7 of the programs under subsection (a) based on the metrics
8 developed pursuant to subsection (g).

9 (i) COORDINATION.—The Secretary shall oversee the
10 planning and coordination of grants under subsection (a)
11 and shall identify and disseminate best practices for
12 achieving the purposes of subsection (a) to National Lab-
13 oratories that receive grants under this section.

14 (j) INTERAGENCY COLLABORATION.—The Secretary
15 shall collaborate with other executive branch agencies, in-
16 cluding the Department of Defense and other agencies
17 with Federal laboratories, regarding opportunities to part-
18 ner with National Laboratories receiving a grant under
19 subsection (a).

20 (k) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary to carry
22 out the activities authorized in this section \$25,000,000
23 for each of fiscal years 2022 through 2026.

1 **SEC. 203. SMALL BUSINESS VOUCHER PROGRAM.**

2 Section 1003 of the Energy Policy Act of 2005 (42
3 U.S.C. 16393) is amended—

4 (1) in subsection (a)—

5 (A) in the matter preceding paragraph (1),
6 by striking “, and may require the Director of
7 a single-purpose research facility,” and insert-
8 ing “(as defined in section 2) and the Director
9 of each single-purpose research facility”;

10 (B) in paragraph (1)—

11 (i) by striking “increase” and insert-
12 ing “encourage”; and

13 (ii) by striking “collaborative re-
14 search,” and inserting “research, develop-
15 ment, demonstration, and commercial ap-
16 plication activities, including product devel-
17 opment,”;

18 (C) in paragraph (2), by striking “procure-
19 ment and collaborative research” and inserting
20 “the activities described in paragraph (1)”;

21 (D) in paragraph (3)—

22 (i) by inserting “facilities,” before
23 “training”; and

24 (ii) by striking “procurement and col-
25 laborative research activities” and insert-

1 ing “the activities described in paragraph
2 (1)”;

3 (E) in paragraph (5), by striking “for the
4 program under subsection (b)” and inserting
5 “and metrics for the programs under sub-
6 sections (b) and (c)”;

7 (2) by redesignating subsections (c) and (d) as
8 subsections (d) and (e), respectively;

9 (3) by inserting after subsection (b) the fol-
10 lowing:

11 “(c) SMALL BUSINESS VOUCHER PROGRAM.—

12 “(1) DEFINITIONS.—In this subsection:

13 “(A) DIRECTOR.—The term ‘Director’
14 means—

15 “(i) the Director of each National
16 Laboratory; and

17 “(ii) the Director of each single-pur-
18 pose research facility.

19 “(B) NATIONAL LABORATORY.—The term
20 ‘National Laboratory’ has the meaning given
21 the term in section 2.

22 “(C) PROGRAM.—The term ‘program’
23 means the program established under para-
24 graph (2).

1 “(D) SMALL BUSINESS CONCERN.—The
2 term ‘small business concern’ has the meaning
3 given such term in section 3 of the Small Busi-
4 ness Act (15 U.S.C. 632).

5 “(2) ESTABLISHMENT.—The Secretary, acting
6 through the Chief Commercialization Officer ap-
7 pointed under section 1001(a), and in consultation
8 with the Directors, shall establish a program to pro-
9 vide small business concerns with vouchers under
10 paragraph (3)—

11 “(A) to achieve the goal described in sub-
12 section (a)(1); and

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

16 “(3) VOUCHERS.—Under the program, the Di-
17 rectors are authorized to provide to small business
18 concerns vouchers to be used at National Labora-
19 tories and single-purpose research facilities for—

20 “(A) research, development, demonstra-
21 tion, technology transfer, or commercial appli-
22 cation activities; or

23 “(B) any other activities that the applica-
24 ble Director determines appropriate.

1 “(4) EXPEDITED APPROVAL.—The Secretary,
2 working with the Directors, shall establish a stream-
3 lined approval process for financial assistance agree-
4 ments signed between—

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

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

9 “(5) COST-SHARING REQUIREMENT.—In car-
10 rying out the program, the Secretary shall require
11 cost-sharing in accordance with section 988.

12 “(6) REPORT.—In accordance with section
13 9007 of division Z of the Consolidated Appropria-
14 tions Act, 2021 (Public Law 116–260), the Sec-
15 retary shall report annually on the progress and im-
16 plementation of the small business voucher program
17 established under this section, including the number
18 and locations of small businesses that received
19 grants under this program.”; and

20 (4) in subsection (e) (as so redesignated), by
21 striking “for activities under this section” and in-
22 serting “for activities under subsection (b)” and in-
23 serting at the end “and for activities under sub-
24 section (c) \$25,000,000 for each of fiscal years 2022
25 through 2026”.

1 **SEC. 204. ENTREPRENEURIAL LEAVE PROGRAM.**

2 (a) IN GENERAL.—The Secretary shall delegate to
3 Directors the authority to carry out an entrepreneurial
4 leave program (referred to in this section as the “pro-
5 gram”) to allow National Laboratory employees to take
6 a full leave of absence from their position, with the option
7 to return to that or a comparable position up to 3 years
8 later, or a partial leave of absence, to advance the commer-
9 cial application of energy and related technologies relevant
10 to the mission of the Department.

11 (b) TERMINATION AUTHORITY.—Directors shall re-
12 tain the authority to terminate National Laboratory em-
13 ployees that participate in the program if such employees
14 are found to violate terms prescribed by the National Lab-
15 oratory at which such employee is employed.

16 (c) LICENSING.—To reduce barriers to participation
17 in the program, the Secretary shall delegate to the Direc-
18 tors the requirement to establish streamlined mechanisms
19 for facilitating the licensing of technology that is the focus
20 of National Laboratory employees who participate in the
21 program.

22 (d) REPORT.—In accordance with section 9007 of di-
23 vision Z of the Consolidated Appropriations Act, 2021
24 (Public Law 116–260), the Secretary shall report annually
25 on the utilization of this authority at national laboratories,
26 including the number of employees who participate in this

1 program at each national laboratory and the number of
2 employees who take a permanent leave from their posi-
3 tions at national laboratories as a result of participating
4 in this program.

5 (e) FEDERAL ETHICS.—Nothing in this section shall
6 affect existing Federal ethics rules applicable to Federal
7 personnel.

8 **SEC. 205. NATIONAL LABORATORY EMPLOYEE OUTSIDE EM-**
9 **PLOYMENT AUTHORITY.**

10 (a) IN GENERAL.—The Secretary shall delegate to
11 Directors of National Laboratories the authority to allow
12 their employees—

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

18 (2) to engage in outside activities related to
19 their areas of expertise at the National Laboratory
20 and may allow employees, in their employment ca-
21 pacity at such outside employment, to access the
22 National Laboratories under the same contracting
23 mechanisms as non-laboratory employees and enti-
24 ties, in accordance with appropriate conflict of inter-
25 est protocols.

1 (b) REQUIREMENTS.—If a Director elects to use the
2 authority granted by subsection (a) of this section, the Di-
3 rector, or their designee, shall—

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

7 (2) develop and require appropriate conflict of
8 interest protocols for employees that engage in out-
9 side employment; and

10 (3) maintain the authority to terminate employ-
11 ees engaging in outside employment if they are
12 found to violate terms, including conflict of interest
13 protocols, mandated by the Director.

14 (c) ADDITIONAL RESTRICTIONS.—Employees engag-
15 ing in outside employment may not—

16 (1) allow such activities to interfere with or im-
17 pede their duties at the National Laboratory;

18 (2) engage in activities related to outside em-
19 ployment using National Laboratory government
20 equipment, property, or resources, unless such ac-
21 tivities are performed under National Laboratory
22 contracting mechanisms, such as Cooperative Re-
23 search and Development Agreement or Strategic
24 Partnership Projects, whereby all conflicts of inter-
25 est requirements apply; or

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

4 (d) FEDERAL ETHICS.—Nothing in this section shall
5 affect existing Federal ethics rules applicable to Federal
6 personnel.

7 **SEC. 206. SIGNATURE AUTHORITY.**

8 (a) IN GENERAL.—Subject to subsections (b) and (c),
9 the Secretary shall delegate to Directors of the National
10 Laboratories signature authority with respect to any
11 agreement described in subsection (b) the total cost of
12 which, including the National Laboratory contributions
13 and project recipient cost share, is less than \$1,000,000,
14 if such an agreement falls within the scope of—

15 (1) the strategic plan for the National Labora-
16 tory or a master scope of work that has been ap-
17 proved by the Department; or

18 (2) the most recent budget approved by Con-
19 gress for Department activities to be carried out by
20 the National Laboratory.

21 (b) AGREEMENTS.—Subsection (a) applies to—

22 (1) a cooperative research and development
23 agreement;

24 (2) a strategic partnership project;

25 (3) prize competitions;

1 (4) an agreement for commercializing tech-
2 nology; or

3 (5) any other agreement determined to be ap-
4 propriate by the Secretary, in collaboration with the
5 Directors.

6 (c) ADMINISTRATION.—

7 (1) ACCOUNTABILITY.—The Director of the af-
8 fected National Laboratory and the affected con-
9 tractor shall carry out an agreement under this sec-
10 tion in accordance with applicable policies of the De-
11 partment, including by ensuring that the agreement
12 does not compromise any national security, eco-
13 nomic, or environmental interest of the United
14 States.

15 (2) CERTIFICATION.—The Director of the af-
16 fected National Laboratory and the affected con-
17 tractor shall certify that each activity carried out
18 under a project for which an agreement is entered
19 into under this section does not present, or mini-
20 mizes, any apparent conflict of interest, and avoids
21 or neutralizes any actual conflict of interest, as a re-
22 sult of the agreement under this section.

23 (3) AVAILABILITY OF RECORDS.—Not later
24 than 30 days after the date on which a Director en-
25 ters an agreement under this section, such Director

1 shall submit to the Secretary for monitoring and re-
2 view all records of the National Laboratory relating
3 to the agreement.

4 (d) APPROVAL.—Upon granting the signature au-
5 thority under in subsection (a), the Secretary may not re-
6 quire any additional reviews or approvals of draft agree-
7 ments, statements of work, or other documents for agree-
8 ments that meet the criteria under subsection (a).

9 (e) EXCEPTION.—This section does not apply to any
10 agreement with a foreign-controlled entity or entity under
11 the majority control of any foreign entity.

12 (f) REPORT.—In accordance with section 9007 of di-
13 vision Z of the Consolidated Appropriations Act, 2021
14 (Public Law 116–260), the Secretary shall submit annu-
15 ally information on the number and types of agreements
16 signed using the authorities granted under this section.

17 (g) EVALUATION.—Not later than 3 years after the
18 enactment of this Act the Secretary shall submit to the
19 Committee on Science, Space, and Technology Committee
20 of the House of Representatives and the Committee on
21 Energy and Natural Resources of the Senate an evalua-
22 tion of the efficacy of reducing administrative burden for
23 agreements signed using the authorities granted under
24 this section.

1 (h) CONFORMING AMENDMENT.—Section 12 of the
2 Stevenson-Wydler Technology Innovation Act of 1980 (15
3 U.S.C. 3710a) is amended—

4 (1) in subsection (a)—

5 (A) by redesignating paragraphs (1) and
6 (2) as subparagraphs (A) and (B), respectively,
7 and indenting the subparagraphs appropriately;

8 (B) by striking “Each Federal agency”
9 and inserting the following:

10 “(1) IN GENERAL.—Except as provided in para-
11 graph (2), each Federal agency”; and

12 (C) by adding at the end the following:

13 “(2) EXCEPTION.—Notwithstanding paragraph
14 (1), in accordance with section 206 of the Ener-
15 gizing Technology Transfer Act, approval by the
16 Secretary of Energy shall not be required for any
17 agreement proposed to be entered into by a National
18 Laboratory of the Department of Energy, the total
19 cost of which, including the National Laboratory
20 contributions and project recipient cost share, is less
21 than \$1,000,000.”; and

22 (2) in subsection (b), by striking “subsection
23 (a)(1)” each place it appears and inserting “sub-
24 section (a)(1)(A)”.

1 **TITLE III—DEPARTMENT OF**
2 **ENERGY MODERNIZATION**

3 **SEC. 301. OFFICE OF TECHNOLOGY TRANSITIONS.**

4 (a) HIRING AND MANAGEMENT; AUTHORIZATION OF
5 APPROPRIATIONS.—Section 1001(a) of the Energy Policy
6 Act of 2005 (42 U.S.C. 16391) is amended by adding at
7 the end the following:

8 “(6) HIRING AND MANAGEMENT.—To carry out
9 the program authorized in this section, the Under
10 Secretary for Science may appoint personnel using
11 the authorities in section 305 of the Energizing
12 Technology Transfer Act.

13 “(7) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to the Sec-
15 retary to carry out the activities authorized in this
16 section \$20,000,000 for each of fiscal years 2022
17 through 2026.”.

18 **SEC. 302. MANAGEMENT OF DEMONSTRATION PROJECTS.**

19 (a) MANAGEMENT OF DEPARTMENT OF ENERGY
20 DEMONSTRATION PROJECTS.—The Secretary, shall estab-
21 lish a program to conduct project management and over-
22 sight of demonstration projects that receives or is eligible
23 to receive funding from the Department, in coordination
24 with relevant staff from Department program offices, in-
25 cluding the Office of Technology Transitions, the Loan

1 Program Office, and all applied program offices. The pur-
2 poses of this program are to—

3 (1) conduct evaluation of demonstration project
4 proposals prior to selection of a project for funding;

5 (2) conduct independent oversight of the execu-
6 tion of a demonstration project once funding has
7 been awarded for such project; and

8 (3) ensure a balanced portfolio of investments
9 in clean energy technology demonstration projects.

10 (b) DEMONSTRATION PROJECT MANAGEMENT EM-
11 PLOYEES.—

12 (1) AUTHORITY.—In carrying out the program
13 under subsection (a), the Under Secretary for
14 Science shall appoint at least 4 full time employees
15 to achieve the purposes of the program outlined in
16 subsection (a) in coordination with relevant staff at
17 Department program offices.

18 (2) HIRING AUTHORITY.—To carry out the pro-
19 gram authorized in this section, the Under Secretary
20 for Science may hire personnel using the authorities
21 in section 305 of this Act.

22 (c) DUTIES.—In carrying out the program in sub-
23 section (a), employees under this section shall work with
24 relevant staff from Department program offices to—

1 (1) evaluate demonstration project proposals,
2 including the scope, technical specifications, matu-
3 rity of design, funding profile, estimated costs, pro-
4 posed schedule, proposed technical and financial
5 milestones, and potential for commercial success
6 based on economic and policy projections;

7 (2) develop independent cost estimates of dem-
8 onstration project proposals, when appropriate;

9 (3) recommend to the director of a program of-
10 fice whether to fund a demonstration project pro-
11 posal;

12 (4) oversee the execution of the demonstration
13 projects that receive funding from the Department
14 under this section and conduct reviews of ongoing
15 projects, which may include reconciling estimated
16 costs as compared to actual costs and evaluating
17 progress of the project based on the proposed sched-
18 ule and technical and financial milestones, and pro-
19 vide such reviews to the Secretary; and

20 (5) assess lessons learned and implement im-
21 provements to evaluate and oversee demonstration
22 projects carried out under this section.

23 (d) ADDITIONAL AUTHORITY.—The Secretary may
24 carry out and manage demonstration projects directly
25 through the program established in subsection (a).

1 (e) PROJECT TERMINATION.—Should an ongoing
2 demonstration project receive an unfavorable review under
3 subsection (c)(4), the director of a Department program
4 office or their designee may cease funding the demonstra-
5 tion project and reallocate the remaining funds to new or
6 existing demonstration projects carried out by that pro-
7 gram office.

8 (f) COORDINATION.—In establishing and carrying out
9 the program, the Secretary shall coordinate with project
10 management and acquisition management entities within
11 the Department, including the Office of Project Manage-
12 ment, and relevant professional organizations in project
13 management, construction, cost estimation, and other rel-
14 evant fields.

15 (g) REPORTING.—In accordance with section 9007 of
16 Division Z of the Consolidated Appropriations Act, 2021
17 (Public Law 116–260), the Secretary shall report annually
18 on the utilization of the authority granted under this sec-
19 tion, including—

20 (1) a summary of any demonstration projects
21 currently being carried out under this section; and

22 (2) the reviews under subsection (c)(4) of any
23 ongoing demonstration projects carried out under
24 this section.

1 (h) EVALUATION BY COMPTROLLER GENERAL.—Not
2 later than 3 years after the date of the enactment of this
3 Act the Comptroller General shall submit to the Com-
4 mittee on Science, Space, and Technology of the House
5 of Representatives and the Committee on Energy and
6 Natural Resources of the Senate an evaluation on the op-
7 eration of the program established under this section, in-
8 cluding—

9 (1) the processes and procedures used to evalu-
10 ate demonstration project proposals and oversee
11 demonstration projects that receive funding under
12 this section;

13 (2) any recommended changes to the program,
14 including the structure and the processes and proce-
15 dures used to evaluate and oversee demonstration
16 projects that receive funding under this section; and

17 (3) any recommended changes to the structure
18 of this program to improve the success in meeting
19 the program purposes under subsection (a).

20 **SEC. 303. STREAMLINING PRIZE COMPETITIONS.**

21 (a) REPORTING.—Section 1008 of the Energy Policy
22 Act of 2005 (42 U.S.C. 16396) is amended by adding at
23 the end the following:

24 “(h) REPORT.—In accordance with section 9007 of
25 Division Z of the Consolidated Appropriations Act, 2021

1 (Public Law 116–260), the Secretary shall report annually
2 on a description of any prize competitions carried out
3 using this authority, the total amount of prizes awarded
4 along with any private sector contributions, the methods
5 used for solicitation and evaluation, and a description of
6 how each prize competition advanced the mission of the
7 Department.”.

8 **SEC. 304. COST-SHARE WAIVER EXTENSION.**

9 (a) IN GENERAL.—Section 988 of the Energy Policy
10 Act of 2005 (42 U.S.C. 16351) is amended in subsection
11 (b)(4)(B) by striking “this paragraph” and inserting “the
12 Energizing Technology Transfer Act”.

13 (b) REPORT.—Section 108 of the Department of En-
14 ergy Research and Innovation Act is amended in subpara-
15 graph (b) by striking “this Act” everywhere it appears and
16 replacing with “the Energizing Technology Transfer Act”.

17 **SEC. 305. SPECIAL HIRING AUTHORITY FOR SCIENTIFIC,**
18 **ENGINEERING, AND PROJECT MANAGEMENT**
19 **PERSONNEL.**

20 (a) IN GENERAL.—The Under Secretary for Science
21 shall have the authority to—

22 (1) make appointments of not more than 60
23 scientific, engineering, and professional personnel,
24 without regard to civil service laws, to assist the De-

1 partment in meeting specific project or research
2 needs;

3 (2) fix the basic pay of any employee appointed
4 under this section at a rate to be determined by the
5 Under Secretary at rates not in excess of Level II
6 of the Executive Schedule (EX-II) under section
7 5311 of title 5, United States Code without regard
8 to the civil service laws; and

9 (3) pay any employee appointed under this sec-
10 tion payments in addition to basic pay, except that
11 the total amount of additional payments paid to an
12 employee under this subsection for any 12-month pe-
13 riod shall not exceed the lesser of the following
14 amounts:

15 (A) \$25,000.

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

18 (C) The amount of the limitation that is
19 applicable for a calendar year under section
20 5307(a)(1) of title 5, United States Code.

21 (b) TERM.—

22 (1) IN GENERAL.—The term of any employee
23 appointed under this section shall not exceed 3 years
24 unless otherwise authorized in law.

1 (2) **TERMINATION.**—The Under Secretary for
2 Science shall have the authority to terminate any
3 employee appointed under this section at any time
4 based on performance or changing project or re-
5 search needs of the Department.

6 **SEC. 306. TECHNOLOGY TRANSFER REPORTS AND EVALUA-**
7 **TION.**

8 (a) **REPORTING.**—Section 9007 of division Z of the
9 Consolidated Appropriations Act, 2021 (Public Law 116–
10 260) is amended as follows:

11 “(a) **ANNUAL REPORT.**—As part of the updated tech-
12 nology transfer execution plan required each year under
13 section 1001(h)(2) of the Energy Policy Act of 2005 (42
14 U.S.C. 16391(g)(2)), the Secretary of Energy (in this sec-
15 tion referred to as the ‘Secretary’) shall submit to the
16 Committee on Science, Space, and Technology of the
17 House of Representatives and the Committee on Energy
18 and Natural Resources of the Senate a report on the
19 progress and implementation of programs established
20 under sections 9001, 9002, 9003, 9004, and 9005 of this
21 Act and under sections 102, 203, 204, 205, 206, and 302
22 of the Energizing Technology Transfer Act.

23 “(b) **EVALUATION.**—Not later than 3 years after the
24 enactment of this Act and every 3 years thereafter the
25 Secretary shall submit to the Committee on Science,

1 Space, and Technology of the House of Representatives
2 and the Committee on Energy and Natural Resources of
3 the Senate an evaluation on the extent to which programs
4 established under sections 9001, 9002, 9003, 9004, and
5 9005 of this Act and sections 101, 102, 103, and 202 of
6 the Energizing Technology Transfer Act are achieving
7 success based on relevant short-term and long-term
8 metrics.”.

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