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H. R. 5907

[Report No. 115-]

To provide directors of the National Laboratories signature authority for certain agreements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2018

Mr. HULTGREN (for himself, Mr. PERLMUTTER, Mr. SMITH of Texas, Mr. LUCAS, Mr. WEBER of Texas, Mr. KNIGHT, Mr. DUNN, Mr. NORMAN, Mr. BABIN, Mr. HIGGINS of Louisiana, Mrs. LESKO, and Mr. BEN RAY LUJÁN of New Mexico) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

JUNE --, 2018

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To provide directors of the National Laboratories signature authority for certain agreements, 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 “National Innovation
5 Modernization by Laboratory Empowerment Act” or the
6 “NIMBLE Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

9 (1) DEPARTMENT.—The term “Department”
10 means the Department of Energy.

11 (2) NATIONAL LABORATORY.—The term “Na-
12 tional Laboratory” means a Department of Energy
13 nonmilitary national laboratory, including—

14 (A) Ames Laboratory;

15 (B) Argonne National Laboratory;

16 (C) Brookhaven National Laboratory;

17 (D) Fermi National Accelerator Labora-
18 tory;

19 (E) Idaho National Laboratory;

20 (F) Lawrence Berkeley National Labora-
21 tory;

22 (G) National Energy Technology Labora-
23 tory;

24 (H) National Renewable Energy Labora-
25 tory;

- 1 (I) Oak Ridge National Laboratory;
2 (J) Pacific Northwest National Labora-
3 tory;
4 (K) Princeton Plasma Physics Laboratory;
5 (L) Savannah River National Laboratory;
6 (M) Stanford Linear Accelerator Center;
7 (N) Thomas Jefferson National Accel-
8 erator Facility; and
9 (O) any laboratory operated by the Na-
10 tional Nuclear Security Administration, but
11 only with respect to the civilian energy activities
12 thereof.

13 (3) SECRETARY.—The term “Secretary” means
14 the Secretary of Energy.

15 **SEC. 3. PUBLIC-PRIVATE PARTNERSHIPS FOR COMMER-**
16 **CIALIZATION.**

17 (a) IN GENERAL.—Subject to subsections (b) and (c),
18 the Secretary shall delegate to directors of the National
19 Laboratories signature authority with respect to any
20 agreement described in subsection (b) the total cost of
21 which (including the National Laboratory contributions
22 and project recipient cost share) is less than \$1,000,000,
23 if such an agreement falls within the scope of—

- 24 (1) a strategic plan for the National Laboratory
25 that has been approved by the Department; or

1 (2) the most recent congressionally approved
2 budget for Department activities to be carried out by
3 the National Laboratory.

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

5 (1) a cooperative research and development
6 agreement;

7 (2) a non-Federal work-for-others agreement;
8 and

9 (3) any other agreement determined to be ap-
10 appropriate by the Secretary, in collaboration with the
11 directors of the National Laboratories.

12 (c) ADMINISTRATION.—

13 (1) ACCOUNTABILITY.—The director of the af-
14 fected National Laboratory and the affected con-
15 tractor shall carry out an agreement under this sec-
16 tion in accordance with applicable policies of the De-
17 partment, including by ensuring that the agreement
18 does not compromise any national security, eco-
19 nomic, or environmental interest of the United
20 States.

21 (2) CERTIFICATION.—The director of the af-
22 fected National Laboratory and the affected con-
23 tractor shall certify that each activity carried out
24 under a project for which an agreement is entered
25 into under this section does not present, or mini-

1 mizes, any apparent conflict of interest, and avoids
2 or neutralizes any actual conflict of interest, as a re-
3 sult of the agreement under this section.

4 (3) AVAILABILITY OF RECORDS.—Within 30
5 days of entering an agreement under this section,
6 the director of a National Laboratory shall submit
7 to the Secretary for monitoring and review all
8 records of the National Laboratory relating to the
9 agreement.

10 (4) RATES.—The director of a National Lab-
11 oratory may charge higher rates for services per-
12 formed under a partnership agreement entered into
13 pursuant to this section, regardless of the full cost
14 of recovery, if such funds are used exclusively to
15 support further research and development activities
16 at the respective National Laboratory.

17 (d) EXCEPTION.—This section does not apply to any
18 agreement with a majority foreign-owned company.

19 (e) CONFORMING AMENDMENT.—Section 12 of the
20 Stevenson-Wydler Technology Innovation Act of 1980 (15
21 U.S.C. 3710a) is amended—

22 (1) in subsection (a)—

23 (A) by redesignating paragraphs (1) and
24 (2) as subparagraphs (A) and (B), respectively,
25 and indenting the subparagraphs appropriately;

1 (B) by striking “Each Federal agency”
2 and inserting the following:

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

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

6 “(2) EXCEPTION.—Notwithstanding paragraph
7 (1), in accordance with section 3(a) of the NIMBLE
8 Act, approval by the Secretary of Energy shall not
9 be required for any technology transfer agreement
10 proposed to be entered into by a National Labora-
11 tory of the Department of Energy, the total cost of
12 which (including the National Laboratory contribu-
13 tions and project recipient cost share) is less than
14 \$1,000,000.”; and

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

18 **SEC. 4. SAVINGS CLAUSE.**

19 Nothing in this Act or an amendment made by this
20 Act abrogates or otherwise affects the primary responsibil-
21 ities of any National Laboratory to the Department.