

Union Calendar No.

115TH CONGRESS
2^D SESSION

H. R. 5906

[Report No. 115-]

To amend the America COMPETES Act to establish Department of Energy policy for Advanced Research Projects Agency–Energy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2018

Mr. LUCAS (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of Texas, Mr. WEBER of Texas, Mr. KNIGHT, Mr. DUNN, Mr. NORMAN, Mr. BABIN, Mr. HIGGINS of Louisiana, and Mrs. LESKO) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

JUNE --, 2018

Reported 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 italic]

[For text of introduced bill, see copy of bill as introduced on May 22, 2018]

A BILL

To amend the America COMPETES Act to establish Department of Energy policy for Advanced Research Projects Agency–Energy, 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 “ARPA-E Act of 2018”.*

5 **SEC. 2. ADVANCED RESEARCH PROJECTS AGENCY–ENERGY.**

6 (a) *ESTABLISHMENT.*—*Section 5012(b) of the America*
7 *COMPETES Act (42 U.S.C. 16538(b)) is amended by strik-*
8 *ing “development of energy technologies” and inserting “de-*
9 *velopment of transformative science and technology solu-*
10 *tions to address energy, environmental, economic, and na-*
11 *tional security challenges”.*

12 (b) *GOALS.*—*Section 5012(c) of such Act (42 U.S.C.*
13 *16538(c)) is amended—*

14 (1) *by striking paragraph (1)(A) and inserting*
15 *the following:*

16 “(A) *to enhance the economic and energy se-*
17 *curity of the United States through the develop-*
18 *ment of energy technologies that—*

19 “(i) *reduce imports of energy from for-*
20 *ign sources;*

21 “(ii) *reduce energy-related emissions,*
22 *including greenhouse gases;*

23 “(iii) *improve the energy efficiency of*
24 *all economic sectors;*

1 “(iv) provide transformative solutions
2 to improve the management, clean-up, and
3 disposal of—

4 “(I) low-level radioactive waste;

5 “(II) spent nuclear fuel; and

6 “(III) high-level radioactive
7 waste;

8 “(v) improve efficiency and reduce the
9 environmental impact of all forms of energy
10 production;

11 “(vi) improve the resiliency, reli-
12 ability, and security of the electric grid;
13 and

14 “(vii) address other challenges within
15 the mission of the Department as deter-
16 mined by the Secretary; and”;

17 (2) in paragraph (2) by striking “energy tech-
18 nology projects” and inserting “advanced technology
19 projects”.

20 (c) *RESPONSIBILITIES*.—Section 5012(e)(3)(A) of such
21 Act (42 U.S.C. 16538(e)(3)(A)) is amended by striking “en-
22 ergy”.

23 (d) *STRATEGIC VISION ROADMAP*.—Section 5012(h)(2)
24 of such Act (42 U.S.C. 16538(h)(2)) is amended to read as
25 follows:

1 “(2) *STRATEGIC VISION ROADMAP.*—*In the re-*
2 *port required under paragraph (1), the Director shall*
3 *include a roadmap describing the strategic vision that*
4 *ARPA-E will use to guide the choices of ARPA-E for*
5 *future technology investments over the following 2 fis-*
6 *cal years.*”.

7 (e) *COORDINATION AND NONDUPLICATION.*—*Section*
8 *5012(i)(1) of such Act (42 U.S.C. 16538(i)(1)) is amended*
9 *to read as follows:*

10 “(1) *IN GENERAL.*—*To the maximum extent*
11 *practicable, the Director shall ensure that—*

12 “(A) *the activities of ARPA-E are coordi-*
13 *nated with, and do not duplicate the efforts of,*
14 *programs and laboratories within the Depart-*
15 *ment and other relevant research agencies; and*

16 “(B) *ARPA-E does not provide funding for*
17 *a project unless the prospective grantee dem-*
18 *onstrates sufficient attempts to secure private fi-*
19 *nancing or indicates that the project is not inde-*
20 *pendently commercially viable.*”.

21 (f) *EVALUATION.*—*Section 5012(l) of such Act (42*
22 *U.S.C. 16538(l)) is amended—*

23 (1) *by striking paragraph (1) and inserting the*
24 *following:*

1 “(1) *IN GENERAL.*—Not later than 3 years after
2 the date of enactment of the ARPA-E Act of 2018, the
3 Secretary is authorized to enter into a contract with
4 the National Academy of Sciences under which the
5 National Academy shall conduct an evaluation of how
6 well ARPA-E is achieving the goals and mission of
7 ARPA-E.”; and

8 (2) in paragraph (2)—

9 (A) by striking “shall” and inserting “is
10 authorized to”; and

11 (B) by striking “the recommendation of the
12 National Academy of Sciences” and inserting “a
13 recommendation”.

14 (g) *PROTECTION OF PROPRIETARY INFORMATION.*—
15 Section 5012 of such Act (42 U.S.C. 16538) is amended—

16 (1) by redesignating subsection (n) as subsection
17 (o); and

18 (2) by inserting after subsection (m) the fol-
19 lowing new subsection:

20 “(n) *PROTECTION OF PROPRIETARY INFORMATION.*—

21 “(1) *IN GENERAL.*—The following categories of
22 information collected by ARPA-E from recipients of
23 awards under this section shall be considered privi-
24 leged and confidential and not subject to disclosure
25 pursuant to section 552 of title 5, United States Code:

1 “(A) *Plans for commercialization of tech-*
2 *nologies developed under the award, including*
3 *business plans, technology-to-market plans, mar-*
4 *ket studies, and cost and performance models.*

5 “(B) *Investments provided to an awardee*
6 *from third parties (such as venture capital*
7 *firms, hedge funds, and private equity firms), in-*
8 *cluding amounts and the percentage of owner-*
9 *ship of the awardee provided in return for the*
10 *investments.*

11 “(C) *Additional financial support that the*
12 *awardee—*

13 “(i) *plans to invest, or has invested,*
14 *into the technology developed under the*
15 *award; or*

16 “(ii) *is seeking from third parties.*

17 “(D) *Revenue from the licensing or sale of*
18 *new products or services resulting from research*
19 *conducted under the award.*

20 “(2) *EFFECT OF SUBSECTION.—Nothing in this*
21 *subsection shall be construed to affect—*

22 “(A) *the authority of the Secretary to use*
23 *information without publicly disclosing such in-*
24 *formation; or*

1 “(B) the responsibility of the Secretary to
2 transmit information to Congress as required by
3 law.”.

4 (h) *FUNDING*.—Section 5012(o)(4) of such Act (42
5 U.S.C. 16538(o)(4)), as redesignated by subsection (g)(1),
6 is amended by striking “during the 5-year period beginning
7 on the date of enactment of this Act”.

8 (i) *TECHNICAL AMENDMENTS*.—

9 (1) Section 5012(g)(3)(A)(iii) of such Act (42
10 U.S.C. 16538(g)(3)(A)(iii)) is amended by striking
11 “subpart” each place it appears and inserting “sub-
12 paragraph”.

13 (2) Section 5012(o)(2) of such Act (42 U.S.C.
14 16538(o)(2)), as redesignated by subsection (g)(1), is
15 amended by striking “paragraphs (4) and (5)” and
16 inserting “paragraph (4)”.