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

Mr. LUCAS introduced the following bill; which was referred to the Committee on ____________________________

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “ARPA-E Act of 2018”.

4 SEC. 2. ADVANCED RESEARCH PROJECTS AGENCY-ENERGY.

5 (a) Establishment.—Section 5012(b) of the America COMPETES Act (42 U.S.C. 16538(b)) is amended
by striking “development of energy technologies” and inserting “development of transformative science and technology solutions to address energy, environmental, economic, and national security challenges”.

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

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

“(A) to enhance the economic and energy security of the United States through the development of energy technologies that—

“(i) reduce imports of energy from foreign sources;

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

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

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

“(I) low-level radioactive waste;

“(II) spent nuclear fuel; and

“(III) high-level radioactive waste;
“(v) improve efficiency and reduce the environmental impact of all forms of energy production;

“(vi) improve the resiliency, reliability, and security of the electric grid; and

“(vii) address other challenges within the mission of the Department as determined by the Secretary; and”; and

(2) in paragraph (2) by striking “energy technology projects” and inserting “advanced technology projects”.

(c) RESPONSIBILITIES.—Section 5012(e)(3)(A) of such Act (42 U.S.C. 16538(e)(3)(A)) is amended by striking “energy”.

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

“(2) STRATEGIC VISION ROADMAP.—In the report required under paragraph (1), the Director shall include a roadmap describing the strategic vision that ARPA-E will use to guide the choices of ARPA-E for future technology investments over the following 2 fiscal years.”.
(c) COORDINATION AND NONDUPLICATION.—Section 5012(i)(1) of such Act (42 U.S.C. 16538(i)(1)) is amended to read as follows:

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

“(A) the activities of ARPA–E are coordinated with, and do not duplicate the efforts of, programs and laboratories within the Department and other relevant research agencies; and

“(B) ARPA–E does not provide funding for a project unless the prospective grantee demonstrates—

“(i) sufficient attempts to secure private financing; or

“(ii) that the project is not independently commercially viable.”.

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

(1) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Not later than 3 years after the date of enactment of the ARPA-E Act of 2018, the Secretary may offer to enter into a contract with the National Academy of Sciences under which the National Academy shall conduct an eval-
uotation of how well ARPA-E is achieving the goals
and mission of ARPA-E.”; and
(2) in paragraph (2)—
(A) by striking “shall” and inserting
“may”; and
(B) by striking “the recommendation of
the National Academy of Sciences” and insert-
ing “a recommendation”.

(g) PROTECTION OF PROPRIETARY INFORMATION.—
Section 5012 of such Act (42 U.S.C. 16538) is amended—
(1) by redesignating subsection (n) as sub-
section (o); and
(2) by inserting after subsection (m) the fol-
lowing new subsection:
“(n) PROTECTION OF PROPRIETARY INFORMA-
TION.—
“(1) IN GENERAL.—The following categories of
information collected by ARPA-E from recipients of
awards under this section shall be considered privi-
leged and confidential and not subject to disclosure
pursuant to section 552 of title 5, United States
Code:
“(A) Plans for commercialization of tech-
ologies developed under the award, including
business plans, technology-to-market plans,
market studies, and cost and performance models.

“(B) Investments provided to an awardee from third parties (such as venture capital firms, hedge funds, and private equity firms), including amounts and the percentage of ownership of the awardee provided in return for the investments.

“(C) Additional financial support that the awardee—

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

“(ii) is seeking from third parties.

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

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

“(A) the authority of the Secretary to use information without publicly disclosing such information; or

“(B) the responsibility of the Secretary to transmit information to Congress as required by law.”
(h) FUNDING.—Section 5012(o)(4) of such Act (42 U.S.C. 16538(o)(4)), as redesignated by subsection (f)(1), is amended by striking “during the 5-year period beginning on the date of enactment of this Act”.

(i) TECHNICAL AMENDMENTS.—

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

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