H. R. ______

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

IN THE HOUSE OF REPRESENTATIVES

Mr. HULTGREN introduced the following bill; which was referred to the Committee on _______________________

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Innovation Modernization by Laboratory Empowerment Act” or the “NIMBLE Act”.

SEC. 2. DEFINITIONS.

In this Act:
(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) NATIONAL LABORATORY.—The term “National Laboratory” means a Department of Energy nonmilitary national laboratory, including—

(A) Ames Laboratory;

(B) Argonne National Laboratory;

(C) Brookhaven National Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Idaho National Laboratory;

(F) Lawrence Berkeley National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory;

(K) Princeton Plasma Physics Laboratory;

(L) Savannah River National Laboratory;

(M) Stanford Linear Accelerator Center;

(N) Thomas Jefferson National Accelerator Facility; and
(O) any laboratory operated by the National Nuclear Security Administration, but only with respect to the civilian energy activities thereof.

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

SEC. 3. PUBLIC-PRIVATE PARTNERSHIPS FOR COMMERCIALIZATION.

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

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

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

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

(1) a cooperative research and development agreement;

(2) a non-Federal work-for-others agreement;
(3) any other agreement determined to be appropriate by the Secretary, in collaboration with the directors of the National Laboratories.

(c) Administration.—

(1) Accountability.—The director of the affected National Laboratory and the affected contractor shall carry out an agreement under this section in accordance with applicable policies of the Department, including by ensuring that the agreement does not compromise any national security, economic, or environmental interest of the United States.

(2) Certification.—The director of the affected National Laboratory and the affected contractor shall certify that each activity carried out under a project for which an agreement is entered into under this section does not present, or minimizes, any apparent conflict of interest, and avoids or neutralizes any actual conflict of interest, as a result of the agreement under this section.

(3) Availability of Records.—Within 30 days of entering an agreement under this section, the director of a National Laboratory shall submit to the Secretary for monitoring and review all
records of the National Laboratory relating to the agreement.

(4) RATES.—The director of a National Laboratory may charge higher rates for services performed under a partnership agreement entered into pursuant to this section, regardless of the full cost of recovery, if such funds are used exclusively to support further research and development activities at the respective National Laboratory.

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

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

(1) in subsection (a)—

(A) by redesigning paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

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

“(1) IN GENERAL.—Except as provided in paragraph (2), each Federal agency”; and

(C) by adding at the end the following:

“(2) EXCEPTION.—Notwithstanding paragraph (1), in accordance with section 3(a) of the NIMBLE
Act, approval by the Secretary of Energy shall not be required for any technology transfer agreement proposed to be entered into by a National Laboratory of the Department of Energy, the total cost of which (including the National Laboratory contributions and project recipient cost share) is less than $1,000,000.”; and

(2) in subsection (b), by striking “subsection (a)(1)” each place it appears and inserting “subsection (a)(1)(A)”.

SEC. 4. SAVINGS CLAUSE.

Nothing in this Act or an amendment made by this Act abrogates or otherwise affects the primary responsibilities of any National Laboratory to the Department.