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(Original Signature of Member)

115TH CONGRESS  
2D SESSION

# H. R. 5906

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

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## IN THE HOUSE OF REPRESENTATIVES

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

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# 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-EN-**  
6 **ERGY.**

7 (a) ESTABLISHMENT.—Section 5012(b) of the Amer-  
8 ica COMPETES Act (42 U.S.C. 16538(b)) is amended

1 by striking “development of energy technologies” and in-  
2 serting “development of transformative science and tech-  
3 nology solutions to address energy, environmental, eco-  
4 nomic, and national security challenges”.

5 (b) GOALS.—Section 5012(c) of such Act (42 U.S.C.  
6 16538(c)) is amended—

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

9 “(A) to enhance the economic and energy  
10 security of the United States through the devel-  
11 opment of energy technologies that—

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

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

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

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

21 “(I) low-level radioactive waste;

22 “(II) spent nuclear fuel; and

23 “(III) high-level radioactive  
24 waste;

1 “(v) improve efficiency and reduce the  
2 environmental impact of all forms of en-  
3 ergy production;

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

6 “(vii) address other challenges within  
7 the mission of the Department as deter-  
8 mined by the Secretary; and”;

9 (2) in paragraph (2) by striking “energy tech-  
10 nology projects” and inserting “advanced technology  
11 projects”.

12 (c) RESPONSIBILITIES.—Section 5012(e)(3)(A) of  
13 such Act (42 U.S.C. 16538(e)(3)(A)) is amended by strik-  
14 ing “energy”.

15 (d) STRATEGIC VISION ROADMAP.—Section  
16 5012(h)(2) of such Act (42 U.S.C. 16538(h)(2)) is  
17 amended to read as follows:

18 “(2) STRATEGIC VISION ROADMAP.—In the re-  
19 port required under paragraph (1), the Director  
20 shall include a roadmap describing the strategic vi-  
21 sion that ARPA-E will use to guide the choices of  
22 ARPA-E for future technology investments over the  
23 following 2 fiscal years.”.

1 (e) COORDINATION AND NONDUPLICATION.—Section  
2 5012(i)(1) of such Act (42 U.S.C. 16538(i)(1)) is amend-  
3 ed to read as follows:

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

6 “(A) the activities of ARPA–E are coordi-  
7 nated with, and do not duplicate the efforts of,  
8 programs and laboratories within the Depart-  
9 ment and other relevant research agencies; and

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

13 “(i) sufficient attempts to secure pri-  
14 vate financing; or

15 “(ii) that the project is not independ-  
16 ently commercially viable.”.

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

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

21 “(1) IN GENERAL.—Not later than 3 years  
22 after the date of enactment of the ARPA–E Act of  
23 2018, the Secretary may offer to enter into a con-  
24 tract with the National Academy of Sciences under  
25 which the National Academy shall conduct an eval-

1 uation of how well ARPA-E is achieving the goals  
2 and mission of ARPA-E.”; and

3 (2) in paragraph (2)—

4 (A) by striking “shall” and inserting  
5 “may”; and

6 (B) by striking “the recommendation of  
7 the National Academy of Sciences” and insert-  
8 ing “a recommendation”.

9 (g) PROTECTION OF PROPRIETARY INFORMATION.—

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

11 (1) by redesignating subsection (n) as sub-  
12 section (o); and

13 (2) by inserting after subsection (m) the fol-  
14 lowing new subsection:

15 “(n) PROTECTION OF PROPRIETARY INFORMA-  
16 TION.—

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

23 “(A) Plans for commercialization of tech-  
24 nologies developed under the award, including  
25 business plans, technology-to-market plans,

1 market studies, and cost and performance mod-  
2 els.

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

9 “(C) Additional financial support that the  
10 awardee—

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

14 “(ii) is seeking from third parties.

15 “(D) Revenue from the licensing or sale of  
16 new products or services resulting from re-  
17 search conducted under the award.

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

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

23 “(B) the responsibility of the Secretary to  
24 transmit information to Congress as required  
25 by law.”.

1 (h) FUNDING.—Section 5012(o)(4) of such Act (42  
2 U.S.C. 16538(o)(4)), as redesignated by subsection (f)(1),  
3 is amended by striking “during the 5-year period begin-  
4 ning on the date of enactment of this Act”.

5 (i) TECHNICAL AMENDMENTS.—

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

10 (2) Section 5012(o)(2) of such Act (42 U.S.C.  
11 16538(o)(2)), as redesignated by subsection (f)(1),  
12 is amended by striking “paragraphs (4) and (5)”  
13 and inserting “paragraph (4)”.