

115TH CONGRESS
2D SESSION

H. R. 5906

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

3 **SEC. 2. ADVANCED RESEARCH PROJECTS AGENCY-EN-**
4 **ERGY.**

5 (a) ESTABLISHMENT.—Section 5012(b) of the Amer-
6 ica COMPETES Act (42 U.S.C. 16538(b)) is amended
7 by striking “development of energy technologies” and in-
8 serting “development of transformative science and tech-
9 nology solutions to address energy, environmental, eco-
10 nomic, and national security challenges”.

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

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

15 “(A) to enhance the economic and energy
16 security of the United States through the devel-
17 opment of energy technologies that—

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

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

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

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

- 1 “(I) low-level radioactive waste;
2 “(II) spent nuclear fuel; and
3 “(III) high-level radioactive
4 waste;
5 “(v) improve efficiency and reduce the
6 environmental impact of all forms of en-
7 ergy production;
8 “(vi) improve the resiliency, reliability,
9 and security of the electric grid; and
10 “(vii) address other challenges within
11 the mission of the Department as deter-
12 mined by the Secretary; and”;

13 (2) in paragraph (2) by striking “energy tech-
14 nology projects” and inserting “advanced technology
15 projects”.

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

19 (d) STRATEGIC VISION ROADMAP.—Section
20 5012(h)(2) of such Act (42 U.S.C. 16538(h)(2)) is
21 amended to read as follows:

22 “(2) STRATEGIC VISION ROADMAP.—In the re-
23 port required under paragraph (1), the Director
24 shall include a roadmap describing the strategic vi-
25 sion that ARPA-E will use to guide the choices of

1 ARPA-E for future technology investments over the
2 following 2 fiscal years.”.

3 (e) COORDINATION AND NONDUPLICATION.—Section
4 5012(i)(1) of such Act (42 U.S.C. 16538(i)(1)) is amend-
5 ed to read as follows:

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

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

12 “(B) ARPA–E does not provide funding
13 for a project unless the prospective grantee
14 demonstrates sufficient attempts to secure pri-
15 vate financing or indicates that the project is
16 not independently 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 is authorized to enter into a
24 contract with the National Academy of Sciences
25 under which the National Academy shall conduct an

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

3 (2) in paragraph (2)—

4 (A) by striking “shall” and inserting “is
5 authorized to”; 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 (g)(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 (g)(1),
12 is amended by striking “paragraphs (4) and (5)”
13 and inserting “paragraph (4)”.

Passed the House of Representatives June 27, 2018.

Attest:

KAREN L. HAAS,

Clerk.