

115TH CONGRESS  
2D SESSION

# H. R. 5907

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

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

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## AN ACT

To provide directors of the National Laboratories signature  
authority for certain agreements, 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 “National Innovation  
3 Modernization by Laboratory Empowerment Act” or the  
4 “NIMBLE Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) DEPARTMENT.—The term “Department”  
8 means the Department of Energy.

9 (2) NATIONAL LABORATORY.—The term “Na-  
10 tional Laboratory” means a Department of Energy  
11 nonmilitary national laboratory, including—

12 (A) Ames Laboratory;

13 (B) Argonne National Laboratory;

14 (C) Brookhaven National Laboratory;

15 (D) Fermi National Accelerator Labora-  
16 tory;

17 (E) Idaho National Laboratory;

18 (F) Lawrence Berkeley National Labora-  
19 tory;

20 (G) National Energy Technology Labora-  
21 tory;

22 (H) National Renewable Energy Labora-  
23 tory;

24 (I) Oak Ridge National Laboratory;

25 (J) Pacific Northwest National Labora-  
26 tory;

1 (K) Princeton Plasma Physics Laboratory;

2 (L) Savannah River National Laboratory;

3 (M) Stanford Linear Accelerator Center;

4 (N) Thomas Jefferson National Accelerator Facility; and

5  
6 (O) any laboratory operated by the National Nuclear Security Administration, but  
7 only with respect to the civilian energy activities  
8 thereof.

9  
10 (3) SECRETARY.—The term “Secretary” means  
11 the Secretary of Energy.

12 **SEC. 3. PUBLIC-PRIVATE PARTNERSHIPS FOR COMMERCIALIZATION.**

13  
14 (a) IN GENERAL.—Subject to subsections (b) and (c),  
15 the Secretary shall delegate to directors of the National  
16 Laboratories signature authority with respect to any  
17 agreement described in subsection (b) the total cost of  
18 which (including the National Laboratory contributions  
19 and project recipient cost share) is less than \$1 million,  
20 if such an agreement falls within the scope of—

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

23 (2) the most recent congressionally approved  
24 budget for Department activities to be carried out by  
25 the National Laboratory.

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

2 (1) a cooperative research and development  
3 agreement;

4 (2) a non-Federal work-for-others agreement;  
5 and

6 (3) any other agreement determined to be ap-  
7 propriate by the Secretary, in collaboration with the  
8 directors of the National Laboratories.

9 (c) ADMINISTRATION.—

10 (1) ACCOUNTABILITY.—The director of the af-  
11 fected National Laboratory and the affected con-  
12 tractor shall carry out an agreement under this sec-  
13 tion in accordance with applicable policies of the De-  
14 partment, including by ensuring that the agreement  
15 does not compromise any national security, eco-  
16 nomic, or environmental interest of the United  
17 States.

18 (2) CERTIFICATION.—The director of the af-  
19 fected National Laboratory and the affected con-  
20 tractor shall certify that each activity carried out  
21 under a project for which an agreement is entered  
22 into under this section does not present, or mini-  
23 mizes, any apparent conflict of interest, and avoids  
24 or neutralizes any actual conflict of interest, as a re-  
25 sult of the agreement under this section.

1           (3) AVAILABILITY OF RECORDS.—Within 30  
2 days of entering an agreement under this section,  
3 the director of a National Laboratory shall submit  
4 to the Secretary for monitoring and review all  
5 records of the National Laboratory relating to the  
6 agreement.

7           (4) RATES.—The director of a National Lab-  
8 oratory may charge higher rates for services per-  
9 formed under a partnership agreement entered into  
10 pursuant to this section, regardless of the full cost  
11 of recovery, if such funds are used exclusively to  
12 support further research and development activities  
13 at the respective National Laboratory.

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

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

19           (1) in subsection (a)—

20                 (A) by redesignating paragraphs (1) and  
21                 (2) as subparagraphs (A) and (B), respectively,  
22                 and indenting the subparagraphs appropriately;

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

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

3           (C) by adding at the end the following:

4           “(2) EXCEPTION.—Notwithstanding paragraph  
5 (1), in accordance with section 3(a) of the NIMBLE  
6 Act, approval by the Secretary of Energy shall not  
7 be required for any technology transfer agreement  
8 proposed to be entered into by a National Labora-  
9 tory of the Department of Energy, the total cost of  
10 which (including the National Laboratory contribu-  
11 tions and project recipient cost share) is less than  
12 \$1 million.”; and

13           (2) in subsection (b), by striking “subsection  
14 (a)(1)” each place it appears and inserting “sub-  
15 section (a)(1)(A)”.

16 **SEC. 4. SAVINGS CLAUSE.**

17           Nothing in this Act or an amendment made by this  
18 Act abrogates or otherwise affects the primary responsibil-  
19 ities of any National Laboratory to the Department.

Passed the House of Representatives June 27, 2018.

Attest:

KAREN L. HAAS,

*Clerk.*