



**THE REPUBLICAN
STUDY COMMITTEE**

LIBERTY. OPPORTUNITY. SECURITY.
MARK WALKER, CHAIRMAN

1. [H.R. 5345 – ALSTAR Act](#)
2. [H.R. 5346 – Commercial Space Support Vehicle Act](#)
3. [H.R. 5905 — Department of Energy Science and Innovation Act of 2018](#)
4. [H.R. 5906 - ARPA-E Act of 2018](#)
5. [H.R. 5907 – Nimble Act](#)

H.R. 5345 – ALSTAR Act (Rep. Brooks, R-AL)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on June 27, 2018, under a suspension of the rules which requires 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 5345](#) would direct the NASA Marshall Space Flight Center to lead the nation's efforts pertaining to rocket propulsion capabilities.

COST:

The Congressional Budget Office (CBO) [estimates](#) "that implementing the bill would have no significant cost."

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No, according to CBO, "the center already engages in those activities."
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No, the bill would not provide spending authority to a specific entity.

DETAILED SUMMARY AND ANALYSIS:

This legislation would direct the NASA Marshall Space Flight Center, located in Huntsville, Alabama, to lead the nation's efforts pertaining to rocket propulsion capabilities. It would require the Center to do so by contributing to interagency coordination for the preservation of national rocket propulsion capabilities, collaborating with industry, academia, and professional organizations, monitoring public and private sector rocket propulsion activities, facilitating technical solutions, supporting the development of rocket propulsion for small satellites, evaluating new technologies, and providing information in support of policies.

COMMITTEE ACTION:

H.R. 5345 was introduced on March 20, 2018, and was referred to the House Committee on Science, Space and Technology, where it was reported by voice vote on March 22, 2018.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

"Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the U.S. Constitution."

H.R. 5346 – Commercial Space Support Vehicle Act (Rep. Posey, R-FL)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on June 27, 2018, under a suspension of the rules which requires 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 5346](#) would provide for licenses and experimental permits for space support vehicles and flights.

COST:

A Congressional Budget Office (CBO) estimate is not yet available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibits measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

This legislation would provide for licenses and experimental permits for space support vehicles and flights. The Secretary of Transportation would be permitted to issue or transfer a license for multiple space support flights of a space support vehicle to a citizen that holds an operator license. Licensees would only be permitted to carry out a space support flight under a license if the flight lands at the same site from which the vehicle took flight. The Secretary would be permitted to issue experimental permits for certain reusable suborbital rockets of reusable launch vehicles, space support vehicles operated by citizens, or vehicles that are in development to become space support vehicles, operated by citizens.

This legislation would prohibit an individual from operating a reusable suborbital rocket, reusable launch vehicle, or a space support vehicle under an experimental permit, for carrying property or people for compensation or hire. This legislation would not prohibit the Secretary of Transportation from discussing topics pertaining to this legislation prior to the issuance of a notice of proposed rulemaking. This legislation would take effect on March 1, 2019.

COMMITTEE ACTION:

H.R. 5346 was introduced on March 20, 2018, and was referred to the House Committee on Science, Space and Technology, where it was reported by voice vote on March 22, 2018.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 of the Constitution of the United States: The Congress shall have Power to regulate Commerce with foreign nations, and among the several States, and with the Indian tribes. Article I, Section 8, Clause 18 of the Constitution of the United States: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.”

H.R. 5905 — Department of Energy Science and Innovation Act of 2018 (Rep. Weber, R-TX)

CONTACT: [Nicholas Rodman](#), 202-226-8576

FLOOR SCHEDULE:

Scheduled for consideration on June 27, 2018, under suspension of the rules, which requires 2/3 vote for passage.

TOPLINE SUMMARY:

[H.R. 5905](#) would reauthorize the Department of Energy Office of Science research programs for fiscal years 2018 and 2019.

COST:

The Congressional Budget Office (CBO) [estimates](#) that implementing the bill would cost \$6.6 billion over the 2019-2023 period, assuming appropriation of the authorized amounts. Enacting H.R. 5905 could affect direct spending; therefore, pay-as-you-go procedures apply. CBO estimates that enacting H.R. 5905 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 5905 would authorize the appropriation of \$6.6 billion in 2019 for DOE's Office of Science, which supports basic research in the physical sciences and operates a system of national science user facilities. In 2018, DOE received an appropriation of \$6.3 billion for those programs. Under current law, no specific sums are authorized to be appropriated to DOE for those purposes after 2018.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned the bill would increase spending on energy research subsidy programs, instead of reducing spending.

- **Expand the Size and Scope of the Federal Government?** The bill would increase authorized funding for the DOE Office of Science.
- **Encroach into State or Local Authority?** Some conservatives may believe that energy programs would be more appropriately handled by state and local governments, or by market forces.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 5905 reauthorize the [Department of Energy Office of Science](#) research programs for fiscal years 2018 and 2019. The Office of Science provides “direct support of scientific research and direct support of the development, construction, and operation of unique, open-access scientific user facilities.”

According to [CBO](#), “in 2018, DOE received an appropriation of \$6.3 billion for those programs. Under current law, no specific sums are authorized to be appropriated to DOE for those purposes after 2018.”

The bill would define the Department of Energy's Office of Science's mission to be the delivery of scientific discoveries, capabilities and major scientific tools to transform the understanding of nature and to advance the energy, economic, and national security of the United States.

Section 4 of the bill would direct the Director of the Office of Science to carry out a program in basic energy sciences, including materials sciences and engineering, chemical sciences, physical biosciences, and geosciences, for the purpose of providing the scientific foundations for new energy technologies, in order to support fundamental research to understand, predict, and ultimately control matter and energy at the electronic, atomic, and molecular levels in order to provide the foundations for new energy technologies and to support Department missions in energy, environment, and national security. The national user facilities would serve the needs of the Department, industry, the academic community, and other relevant entities to create and examine materials and chemical processes for the purpose of improving the competitiveness of the United States; and would include x-ray light sources, neutron sources, and nanoscale science research centers. The Secretary would provide for the upgrade to the Advanced Photon Source, including the development of a multi-bend achromat lattice to produce a high flux of coherent x-rays within the hard x-ray energy region and a suite of beamlines optimized for this source.

Out of funds authorized to be appropriated for Basic Energy Sciences, the Secretary of Energy would devote \$223 million to carry out the program, which shall include \$93 million for fiscal year 2018 and \$130 million for fiscal year 2019, to come from amounts made available for the Office of Science. The program would be carried out using funds otherwise appropriated by law.

The Secretary of Energy would provide for a proton power upgrade to the Spallation Neutron Source, and would ensure that the start of full operations of the upgrade occurs before December 31, 2025. Out of funds authorized to be appropriated for Basic Energy Sciences, the Secretary of Energy shall devote \$96.8 million to carry out the program, which shall include \$36 million for fiscal year 2018 and \$60.8 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

The Secretary of Energy would provide for a second target station for the Spallation Neutron Source, and ensure that the start of full operations occurs before December 31, 2030, with the option for early operation in 2028. Out of funds authorized to be appropriated for Basic Energy Sciences, the Secretary of Energy shall devote \$15 million to carry out the program, which shall include \$5 million for fiscal year 2018 and \$10 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

The Secretary of Energy would provide for the upgrade to the Advanced Light Source, and ensure that the start of full operations of the upgrade occurs before December 31, 2026. Out of funds authorized to be appropriated for Basic Energy Sciences, the Secretary of Energy shall devote \$70 million to carry out the program, which shall include \$20 million for fiscal year 2018 and \$50 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

The Secretary shall provide for the upgrade to the Linac Coherent Light Source II facility, and ensure that the start of full operations of the upgrade under this paragraph occurs before December 31, 2025. Out of funds authorized to be appropriated for Basic Energy Sciences, the Secretary of Energy shall devote \$75 million to carry out the program, which shall include \$20 million for fiscal year 2018

and \$55 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

The bill would direct the Director of the Office of Science to carry out research and development on advanced accelerator and storage ring technologies relevant to the development of Basic Energy Sciences user facilities, in consultation with the Office of Science's High Energy Physics and Nuclear Physics programs.

The Secretary of Energy would be directed to carry out a Solar Fuels Research Initiative to expand theoretical and fundamental knowledge of photochemistry, electrochemistry, biochemistry, and materials science useful for the practical development of experimental systems to convert solar energy to chemical energy. Out of funds authorized to be appropriated of the Department of Energy Science and Innovation Act of 2018, for Basic Energy Sciences, the Secretary of Energy shall devote \$100 million to carry out the initiative, which shall include \$50 million for fiscal year 2018 and \$50 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

The Secretary of Energy would be directed to carry out program to support research needed to replicate natural photosynthetic processes by use of artificial photosynthetic components and materials. Out of funds authorized to be appropriated of the Department of Energy Science and Innovation Act of 2018, for Basic Energy Sciences and Biological and Environmental Research, the Secretary of Energy shall devote \$100 million to carry the initiative, which shall include \$50 million for fiscal year 2018 and \$50 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

The Secretary of Energy would be directed to carry out the Electricity Storage Research Initiative to expand theoretical and fundamental knowledge to control, store, and convert electrical energy to chemical energy. Out of funds authorized to be appropriated of the Department of Energy Science and Innovation Act of 2018, for Basic Energy Sciences and Biological and Environmental Research, the Secretary of Energy shall devote \$100 million to carry out the initiative, which shall include \$50 million for fiscal year 2018 and \$50 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

The Secretary of Energy would carry out under the Initiative a program to support research to model and simulate organic electrolytes, including the static and dynamic electrochemical behavior and phenomena of organic electrolytes at the molecular and atomic level in monovalent and multivalent systems. Out of funds authorized to be appropriated of the Department of Energy Science and Innovation Act of 2018, for Basic Energy Sciences and Advanced Scientific Computing Research, the Secretary of Energy shall devote \$60 million to carry out this subsection, which shall include \$30 million for fiscal year 2018 and \$30 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

The Secretary of Energy would carry out under the Initiative a program to support research needed to reveal electrochemistry in confined mesoscale spaces, including scientific discoveries relevant to bio-electrochemistry and electrochemical energy conversion and storage in confined spaces. Out of funds authorized to be appropriated of the Department of Energy Science and Innovation Act of 2018, for Basic Energy Sciences and Biological and Environmental Research, the Secretary of Energy shall devote \$40 million to carry out the initiative, which shall include \$20 million for fiscal year 2018 and \$20 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

The Director of the Office of Science would be directed to carry out a program to provide awards, on a competitive, merit-reviewed basis, to multi-institutional collaborations or other appropriate entities to conduct fundamental and use-inspired energy research to accelerate scientific breakthroughs. The Director would also be directed to carry out a research, development, and demonstration program to advance computational and networking capabilities to analyze, model, simulate, and predict complex phenomena relevant to the development of new energy technologies.

The Secretary of Energy would be directed to conduct a research for exascale computing, including the development of two or more exascale computing machine architectures, to promote the Department's missions. The Director of the Office of Advanced Scientific Computing Research shall support the development of a computational science workforce through a program that facilitates collaboration between university students and researchers at the National Laboratories; and endeavors to advance science in areas relevant to the mission of the Department through the application of computational science.

Section 6 would mandate the Director to carry out a research program on the fundamental constituents of matter and energy and the nature of space and time to support theoretical and experimental research in both elementary particle physics and fundamental accelerator science and technology to understand fundamental properties of the universe.

As part of the program, the Director shall carry out research activities on rare decay processes and the nature of the neutrino, which may include collaborations with the National Science Foundation or international collaborations. The Secretary of Energy would be mandated to provide for a Long-Baseline Neutrino Facility to facilitate the international Deep Underground Neutrino Experiment to enable a program in neutrino physics to measure the fundamental properties of neutrinos, explore physics beyond the Standard Model, and better clarify the nature of matter and antimatter. Out of funds authorized to be appropriated for High Energy Physics, the Secretary of Energy shall devote \$270 million to carry out this program, which shall include \$95 million for fiscal year 2018 and \$175 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

Section 7 would mandate the Director of the Office of Science to carry out a program of basic research in the areas of biological systems science and environmental science relevant to the development of new energy technologies and to support Department missions in energy, environment, and national security. Out of funds authorized to be appropriated of the Department of Energy Science and Innovation Act of 2018, for Biological and Environmental Research, the Secretary of Energy shall devote \$40 million to carry out the program, which shall include \$20 million for fiscal year 2018 and \$20 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

Section 8 would mandate the Director to carry out a fusion energy sciences research program to expand the understanding of plasmas and matter at very high temperatures and densities and build the science and engineering foundation needed to develop a fusion energy source.

The bill would authorize United States participation in the construction and operations of the ITER project, as agreed to under the April 25, 2007, [Agreement on the Establishment of the ITER International Fusion Energy Organization for the Joint Implementation of the ITER Project](#). Out of funds authorized to be appropriated of the Department of Energy Science and Innovation Act of 2018, for Fusion Energy Sciences, the Secretary of Energy shall devote \$285 million for in-kind

contributions, which shall include \$122 million for fiscal year 2018 and \$163 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science. Out of funds authorized to be appropriated of the Department of Energy Science and Innovation Act of 2018, for Fusion Energy Sciences, the Secretary of Energy shall devote \$100 million for cash contributions, which shall include \$50 million for fiscal year 2018 and \$50 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

The Under Secretary of Energy and the Director would be directed to coordinate with the Director of the Advanced Research Projects Agency-Energy (ARPA-E) to assess the potential for any fusion energy project supported by ARPA-E to represent a promising approach to a commercially viable fusion power plant; determine whether the results of any fusion energy project supported by ARPA-E merit the support of follow-on research activities carried out by the Office of Science; and avoid unintentional duplication of activities.

Section 9 would mandate the Director to carry out a program of experimental and theoretical research, and support associated facilities, to discover, explore, and understand all forms of nuclear matter. The Secretary of Energy shall provide for a Facility for Rare Isotope Beams to advance the understanding of rare nuclear isotopes and the evolution of the cosmos. Out of funds authorized to be appropriated in the bill, for Nuclear Physics, the Secretary of Energy shall devote \$187.2 million to carry out this subsection, which shall include \$101.2 million for fiscal year 2018 and \$86 million for fiscal year 2019, subject to the availability of appropriations, to come from amounts made available for the Office of Science.

Section 10 would mandate the Director of the Office of Science to carry out a program to improve the safety, efficiency, and mission readiness of infrastructure at Office of Science laboratories. The program would include projects to renovate or replace space that does not meet research needs; replace facilities that are no longer cost effective to renovate or operate; modernize utility systems to prevent failures and ensure efficiency; remove excess facilities to allow safe and efficient operations; and construct modern facilities to conduct advanced research in controlled environmental conditions.

Under section 11, the bill would authorize to the Secretary for the Office of Science for fiscal year 2018 \$6.26 billion, of which \$2.09 billion would be for Basic Energy Science; \$908 million shall be for High Energy Physics; \$673 million for Biological and Environmental Research; \$684 million for Nuclear Physics; \$810 million for Advanced Scientific Computing Research; \$532.111 million for Fusion Energy Sciences; \$257.292 million for Science Laboratories Infrastructure; \$183 million for Science Program Direction; \$103 million for Safeguards and Security; and \$19.5 million for Workforce Development for Teachers and Scientists.

The bill would authorize to the Secretary for the Office of Science for fiscal year 2019 \$6.6 billion, of which \$2.129 billion would be for Basic Energy Science; \$1.005 billion for High Energy Physics; \$673 million for Biological and Environmental Research; \$690 million for Nuclear Physics; \$899.01 million for Advanced Scientific Computing Research; \$640 million for Fusion Energy Sciences; \$257.292 million for Science Laboratories Infrastructure; \$181.345 million for Science Program Direction; \$106.11 million for Safeguards and Security; and \$19.5 million for Workforce Development for Teachers and Scientists.

OUTSIDE GROUPS:

Heritage Foundation: [Eliminate the DOE Biological and Environmental Research Program; Return DOE Advanced Scientific Computing Research to FY 2008 Levels; Return Funding for the DOE Office of Nuclear Physics to FY 2008 Levels](#)

COMMITTEE ACTION:

H.R. 5905 was introduced on May 22, 2018, and was referred to the House Committee on Science, Space, and Technology. On May 23, 2018, the bill was ordered to be reported (amended) by voice vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18: The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

Some [conservatives](#) may be concerned by the citation of only the necessary and proper clause, understanding that the clause provides only for the power to pass laws to execute the enumerated powers.

The enumerated powers of the Constitution do not provide for the direct subsidization of science. Instead, the Constitution provides that “Congress shall have Power... To promote the Progress of Science... by securing for limited Times to... Inventors the exclusive Right to their... Discoveries.”

The Tenth Amendment provides that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

H.R. 5906 - ARPA-E Act of 2018 (Rep. Lucas, R-OK)

CONTACT: [Matt Dickerson](#), 202-226-9718

FLOOR SCHEDULE:

Expected to be considered on June 27, 2018, under a suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 5906](#) would expand the mission of the Advanced Research Projects Agency-Energy (ARPA-E).

COST:

The Congressional Budget Office (CBO) [estimates](#) that enacting “H.R. 5906 would not significantly affect the federal budget. CBO expects that although the bill would authorize ARPA-E to support projects involving a broader mix of technologies, it would not affect the overall magnitude of spending by the agency, which is subject to appropriation.”

CONSERVATIVE CONCERNS:

Many conservatives will be concerned that this bill would expand ARPA-E instead of winding down what has been called a wasteful program.

ARPA-E has been proposed for elimination by the [House Republican Budget](#), the [RSC Budget](#), and [President Trump's Budget Request](#).

Some conservatives may be concerned the bill would set the expectation that ARPA-E would continue to receive unauthorized appropriations.

- **Expand the Size and Scope of the Federal Government?** Yes, according to [Chairman Lamar Smith](#), “This legislation expands the mission of ARPA-E.” According to [Vice Chairman Frank Lucas](#), “This legislation will expand the mission of ARPA-E to include the full DOE mission.”
- **Encroach into State or Local Authority?** Yes, many conservatives believe that support for energy technology would be more appropriately handled at the state or local level, or by market forces.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Background: The mission of the [Advanced Research Projects Agency-Energy \(ARPA-E\)](#) is “to overcome the long-term and high-risk technological barriers in the development of energy technologies.” ARPA-E subsidizes research for “high-potential, high-impact energy technologies that are too early for private-sector investment.” The agency was first funded in 2009 by President Obama’s failed stimulus spending bill.

The authorization for ARPA-E lapsed in FY 2013, yet the program has continued to receive appropriations. The [FY 2018 Omnibus](#) appropriated \$353 million for ARPA-E, a level that was \$380 million above the President's budget request and \$47 million above the FY 2017 enacted level.

Republicans have generally opposed ARPA-E and have routinely proposed eliminating the program:

- [House Republican FY 2018 Budget](#): "The Advanced Research Projects Agency-Energy [ARPA-E] is also a misuse of federal research dollars."
- [RSC FY 2019 Budget](#): "The Advanced Research Projects Agency – Energy (ARPA-E) is agency was started by the failed 2009 stimulus law and is meant to fund high-risk green energy projects. Taxpayers should not bear the burden for research projects that not even the most speculative and daring members of the energy industry will take on for themselves. Eliminating ARPA-E beginning in FY 2019 could save the taxpayers \$311 million per year."
- [President Trump's FY 2019 Budget Request](#): "The Budget proposes to eliminate the Advanced Research Project Agency-Energy (ARPA-E) program, recognizing the private sector's primary role in taking risks to commercialize breakthrough energy technologies with real market potential."

H.R. 5906: The bill would expand the mission of ARPA-E from the "development of energy technologies" to the "development of transformative science and technology solutions to address energy, environmental, economic, and national security challenges".

The bill would expand the goals of ARPA-E to also now include:

- provide transformative solutions to improve the management, cleanup, and disposal of spent nuclear fuel and radioactive waste;
- improve efficiency and reduce the environmental impact of all forms of energy production;
- improve the resiliency, reliability, and security of the electric grid; and
- address other challenges within the mission for the Department of Energy.

The bill would require the Director of ARPA-E to include a roadmap describing the strategic vision of the agency for technology investments in an annual report to Congress each year.

The bill would require ARPA-E to ensure that to the extent practicable, that ARPA-E does not provide funding for a project unless the prospective grantee demonstrates sufficient attempts to secure private financing or indicates that the project is not independently commercially viable.

The bill would allow APRA-E to enter into a contract with the National Academy of Sciences to evaluate how well ARPA-E is achieving its goals and mission within three years.

The bill would require that certain proprietary information collected by ARPA-E from grant recipients be considered privileged and confidential.

The bill would prohibit ARPA-E from using funds for the construction of new buildings or facilities.

Despite the fact that the authorization for ARPA-E lapsed in FY 2013, and that the bill would expand the mission of the program, the bill does not include a reauthorization to appropriate funding for the program. As a consequence, many conservatives may be concerned that this bill would set the expectation that the program would continue to receive unauthorized appropriations.

OUTSIDE GROUPS:

Key Vote No

- [Heritage Action](#)

Heritage Foundation: [Eliminate the DOE Advanced Research Projects Agency–Energy Program](#)

COMMITTEE ACTION:

H.R. 5906 was introduced on May 22, 2018, and referred to the Committee on Science, Space, and Technology. The Committee marked up and reported the bill on [May 23, 2018](#), by a voice vote.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the bill sponsor, “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18: The Congress shall have power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

Some [conservatives](#) may be concerned by the citation of only the necessary and proper clause, understanding that the clause provides only for the power to pass laws to execute the enumerated powers.

The enumerated powers of the Constitution do not provide for the direct subsidization of science. Instead, the Constitution provides that “Congress shall have Power... To promote the Progress of Science... by securing for limited Times to... Inventors the exclusive Right to their... Discoveries.”

The Tenth Amendment provides that “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

H.R. 5907 – Nimble Act (Rep. Hultgren, R-IL)

CONTACT: [Jennifer Weinhart](#), 202-226-0706

FLOOR SCHEDULE:

Scheduled for consideration on June 27, 2018, under a suspension of the rules which requires 2/3 majority for final passage.

TOPLINE SUMMARY:

[H.R. 5907](#) would direct the Secretary of Energy to delegate signature authority to the directors of the DOE National Laboratories for certain agreements with third parties.

COST:

The Congressional Budget Office (CBO) [estimates](#) “that implementing H.R. 5907 would cost less than \$500,000 over the 2019-2023 period and would be subject to the availability of appropriated funds.”

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 5907 would direct the Secretary of Energy to delegate signature authority to the directors of the DOE National Laboratories for certain agreements with third parties. Signature authority without prior approval would be permitted for agreements valued at less than \$1 million, if the agreement falls within the scope of: (1) a Department-approved strategic plan for the National Laboratory; or (2) the most recent congressionally approved budget for department activities.

Directors and affected contractors would be required to adhere to applicable department policies and certify that each activity carried out under an agreement does not constitute, or minimizes, conflicts of interest. Laboratory Directors would be required to submit records for review to the Secretary within 30 days on entering into an agreement. DOE approval would not be required for technology transfers proposed by a National Laboratory if the total cost is less than \$1 million.

COMMITTEE ACTION:

H.R. 5907 was introduced on May 22, 2018, and was referred to the House Committee on Science, Space and Technology, where it was reported by voice vote on May 23, 2018.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 18: The Congress shall have power to make all Laws which shall be necessary and proper for carrying

into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*