

112TH CONGRESS  
1ST SESSION

# S. 1807

To amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2011

Mr. BINGAMAN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Federal Nonnuclear Energy Research and Development Act of 1974 to provide for the prioritization, coordination, and streamlining of energy research, development, and demonstration programs to meet current and future energy needs, 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 “Energy Research and  
5 Development Coordination Act of 2011”.

1 **SEC. 2. COMPREHENSIVE PLAN FOR ENERGY RESEARCH,**  
2 **DEVELOPMENT, AND DEMONSTRATION.**

3 (a) IN GENERAL.—Section 6 of the Federal Non-  
4 nuclear Energy Research and Development Act of 1974  
5 (42 U.S.C. 5905) is amended—

6 (1) by striking the section heading and all that  
7 follows through the end of subsection (a) and insert-  
8 ing the following:

9 **“SEC. 6. COMPREHENSIVE PLANNING AND PROGRAMMING.**

10 **“(a) COMPREHENSIVE PLAN.—**

11 **“(1) IN GENERAL.—**The Secretary, in consulta-  
12 tion with the National Energy Research Coordina-  
13 tion Council established under section 18, shall sub-  
14 mit to Congress, along with the annual submission  
15 of the budget by the President under section 1105  
16 of title 31, United States Code, a comprehensive  
17 plan for energy research, development, and dem-  
18 onstration programs across the Federal Government.

19 **“(2) RELATIONSHIP TO OTHER REVIEWS.—**The  
20 plan—

21 **“(A)** shall be based on the most recent  
22 Quadrennial Energy Review prepared under  
23 section 801 of the Department of Energy Orga-  
24 nization Act (42 U.S.C. 7321); and

1           “(B) may take into account key energy de-  
2           velopments since the most recent Quadrennial  
3           Energy Review.

4           “(3) REVISIONS.—The plan shall be appro-  
5           priately revised annually in accordance with section  
6           15(a).

7           “(4) GOALS.—The plan shall be designed to  
8           achieve solutions to problems in energy supply,  
9           transmission, and use (including associated environ-  
10          mental problems) in—

11           “(A) the immediate and short-term (the  
12          period up to 5 years after submission of the  
13          plan);

14           “(B) the medium-term (the period from 5  
15          years to 15 years after submission of the plan);  
16          and

17           “(C) the long-term (the period beyond 15  
18          years after submission of the plan).”; and

19          (2) in subsection (b), by striking “(b)(1)” and  
20          all that follows through the end of paragraph (1)  
21          and inserting the following:

22          “(b) DEPARTMENT OF ENERGY PROGRAM.—

23           “(1) PROGRAM.—

24           “(A) IN GENERAL.—Based on the com-  
25          prehensive plan developed under subsection (a),

1 the Secretary shall develop and submit to Con-  
2 gress, along with the annual budget submission  
3 for the Department, a detailed description of an  
4 energy research, development, and demonstra-  
5 tion program to implement the aspects of the  
6 comprehensive plan appropriate to the Depart-  
7 ment.

8 “(B) UPDATES.—The program shall be  
9 updated and transmitted to Congress annually  
10 as a part of the report required under section  
11 15.”.

12 (b) REPORTS.—Section 15 of the Federal Nonnuclear  
13 Energy Research and Development Act of 1974 (42  
14 U.S.C. 5914) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1), by striking “this  
17 Act” and inserting “this Act and the plan  
18 under this Act”;

19 (B) in paragraph (2), by striking “nuclear  
20 and nonnuclear”; and

21 (C) in paragraph (3), by striking “non-  
22 nuclear”;

23 (2) in subsection (b)—

1 (A) in the matter preceding paragraph (1),  
2 by striking “nonnuclear” and inserting “en-  
3 ergy”; and

4 (B) in paragraph (1), by striking “objec-  
5 tions” and inserting “objectives”; and

6 (3) by striking subsection (c) and inserting the  
7 following:

8 “(c) ADMINISTRATION.—Section 3003 of the Federal  
9 Reports Elimination and Sunset Act of 1995 (31 U.S.C.  
10 1113 note; Public Law 104–66) shall not apply to this  
11 section.”.

12 **SEC. 3. COORDINATION AND REDUCTION OF DUPLICATION**  
13 **OF ENERGY RESEARCH, DEVELOPMENT, AND**  
14 **DEMONSTRATION ACTIVITIES.**

15 The Federal Nonnuclear Energy Research and Devel-  
16 opment Act of 1974 (42 U.S.C. 5901 et seq.) is amended  
17 by adding at the end the following:

18 **“SEC. 18. COORDINATION AND REDUCTION OF DUPLICA-**  
19 **TION OF ENERGY RESEARCH, DEVELOPMENT,**  
20 **AND DEMONSTRATION ACTIVITIES.**

21 “(a) DEFINITIONS.—In this section:

22 “(1) ANNUAL BUDGET SUBMISSION.—The term  
23 ‘annual budget submission’ means the budget pro-  
24 posal of the President transmitted under section  
25 1105 of title 31, United States Code.

1           “(2) CHAIRPERSONS.—The term ‘Chairpersons’  
2 means —

3           “(A) the Director of the Office of Science  
4 and Technology Policy; and

5           “(B) the Secretary.

6           “(3) COMPREHENSIVE PLAN.—The term ‘com-  
7 prehensive plan’ means the comprehensive plan for  
8 energy research, development, and demonstration de-  
9 veloped under sections 6(a) and 15(a).

10           “(4) COUNCIL.—The term ‘Council’ means the  
11 National Energy Research Coordination Council es-  
12 tablished under subsection (b).

13           “(5) ENERGY PROGRAM AGENCY.—The term  
14 ‘energy program agency’ means an executive depart-  
15 ment or agency for which the annual expenditure  
16 budget for energy research, development, and dem-  
17 onstration activities, including activities described in  
18 section 6(b), exceeds \$10,000,000.

19           “(b) NATIONAL ENERGY RESEARCH COORDINATION  
20 COUNCIL.—

21           “(1) ESTABLISHMENT.—There is established  
22 within the Department a National Energy Research  
23 Coordination Council to coordinate the development  
24 and funding of energy research, development, and

1 demonstration activities for all energy program  
2 agencies.

3 “(2) COMPOSITION.—The Council shall be com-  
4 posed of—

5 “(A) the Director of the Office of Science  
6 and Technology Policy and the Secretary, who  
7 shall jointly serve as Chairpersons of the Coun-  
8 cil;

9 “(B) the Director of the Office of Manage-  
10 ment and Budget;

11 “(C) the head of any energy program  
12 agency; and

13 “(D) such other officers or employees of  
14 executive departments and agencies as the  
15 President may, from time to time, designate.

16 “(c) NATIONAL ENERGY RESEARCH, DEVELOPMENT,  
17 AND DEMONSTRATION PROGRAM BUDGET.—

18 “(1) IN GENERAL.—The Chairpersons shall—

19 “(A) in coordination with the Council, es-  
20 tablish for each fiscal year a consolidated budg-  
21 et proposal to implement the comprehensive  
22 plan, taking into account—

23 “(i) applicable recommendations of  
24 the National Academy of Sciences under  
25 this Act; and

1                   “(ii) the need to avoid unnecessary  
2                   duplication of programs across Federal  
3                   agencies;

4                   “(B) provide budget guidance, coordina-  
5                   tion, and review in the development of energy  
6                   research, development, and demonstration  
7                   budget requests submitted to the Office of Man-  
8                   agement and Budget by each energy program  
9                   agency; and

10                   “(C) submit to the President and Congress  
11                   the consolidated budget proposal under sub-  
12                   paragraph (A) as part of the annual budget  
13                   submission.

14                   “(2) TIMING AND FORMAT OF BUDGET RE-  
15                   QUESTS.—The head of each energy program agency  
16                   shall ensure timely budget development and submis-  
17                   sion to the Chairpersons of energy research, develop-  
18                   ment, and demonstration budget requests, in such  
19                   format as may be determined by the Chairpersons  
20                   with the concurrence of the Director of the Office of  
21                   Management and Budget.

22                   “(d) COORDINATION OF IMPLEMENTATION.—The  
23                   Chairpersons, in consultation with the Council, shall—



1           “(1) establish objectives and priorities for en-  
2           ergy research, development, and demonstration func-  
3           tions under this Act;

4           “(2) review the implementation of the com-  
5           prehensive plan in all energy program agencies;

6           “(3) make such recommendations to the Presi-  
7           dent as the Chairpersons determine are appropriate  
8           regarding changes in the organization, management,  
9           and budgets of energy program agencies—

10           “(A) to implement the policies, objectives,  
11           and priorities established under paragraph (1)  
12           and the comprehensive plan; and

13           “(B) to avoid unnecessary duplication of  
14           programs across Federal agencies; and

15           “(4) notify the head of an energy program  
16           agency if the policies or activities of the energy pro-  
17           gram agency are not in compliance with the respon-  
18           sibilities of the energy program agency under the  
19           comprehensive plan.

20           “(e) REPORTS FROM THE NATIONAL ACADEMY OF  
21           SCIENCES.—

22           “(1) IN GENERAL.—The Secretary, in consulta-  
23           tion with the Council, may enter into appropriate ar-  
24           rangements with the National Academy of Sciences  
25           under which the Academy shall prepare reports that

1 evaluate and provide recommendations with respect  
2 to specific areas of energy research, development,  
3 and demonstration, including areas described in sec-  
4 tion 6(b) and fundamental science and engineering  
5 research supporting those areas.

6 “(2) SUBMISSION TO CONGRESS.—The Sec-  
7 retary shall submit to Congress a copy of each re-  
8 port prepared under this subsection.

9 “(f) INDEPENDENT ADMINISTRATION OF COUN-  
10 CIL.—

11 “(1) LOCATION.—The physical location of the  
12 Council shall be separate and distinct from the head-  
13 quarters of the Department.

14 “(2) BUDGET.—The Secretary shall submit the  
15 budget of the Council as a separate and distinct ele-  
16 ment of the budget submission of the Department  
17 for a fiscal year.

18 “(3) PERSONNEL.—

19 “(A) IN GENERAL.—The Secretary shall  
20 ensure that the Council has necessary adminis-  
21 trative support and personnel of the Depart-  
22 ment to carry out this section.

23 “(B) COUNCIL PERSONNEL.—

24 “(i) IN GENERAL.—The Chairpersons  
25 shall select, appoint, employ, and fix the

1 compensation of such officers and employ-  
 2 ees of the Council as are necessary to  
 3 carry out the functions of the Council.

4 “(ii) AUTHORITY.—Each officer or  
 5 employee of the Council—

6 “(I) shall be responsible to and  
 7 subject to the authority, direction, and  
 8 control of the Chairpersons, acting  
 9 through an Executive Director ap-  
 10 pointed by the Chairpersons or the  
 11 designee of the Executive Director;  
 12 and

13 “(II) shall not be responsible to,  
 14 or subject to the authority, direction,  
 15 or control of, any other officer, em-  
 16 ployee, or agent of the Department or  
 17 Office of Science and Technology Pol-  
 18 icy.

19 “(C) PROHIBITION ON DUAL OFFICE  
 20 HOLDING.—An individual may not concurrently  
 21 hold or carry out the responsibilities of—

22 “(i) a position within the Council; and

23 “(ii) a position within the Department  
 24 or Office of Science and Technology Policy  
 25 that is not within the Council.

1       “(g) GAO REVIEW OF EFFECTIVENESS OF COUN-  
2 CIL.—Not later than 3 years after the date of enactment  
3 of this section and every 3 years thereafter, the Comp-  
4 troller General of the United States shall submit to Con-  
5 gress a management assessment of the Council, including  
6 an assessment of whether the Council is—

7               “(1) adequately staffed with personnel with nec-  
8       essary skills;

9               “(2) properly coordinating and disseminating  
10       policy and budget information to the energy program  
11       agencies and managers on an effective and timely  
12       basis; and

13               “(3) aligning the overall energy research, devel-  
14       opment, and demonstration budget so as to achieve  
15       the comprehensive plan and avoid unnecessary dupli-  
16       cation of programs across Federal agencies.”.

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