

(2) Authorization of appropriations

Subject to paragraphs (4) and (5),² there are authorized to be appropriated to the Director for deposit in the Fund, without fiscal year limitation—

- (A) \$300,000,000 for fiscal year 2008;
- (B) such sums as are necessary for each of fiscal years 2009 and 2010;
- (C) \$300,000,000 for fiscal year 2011;
- (D) \$306,000,000 for fiscal year 2012; and
- (E) \$312,000,000 for fiscal year 2013.

(3) Separate budget and appropriation**(A) Budget request**

The budget request for ARPA-E shall be separate from the rest of the budget of the Department.

(B) Appropriations

Appropriations to the Fund shall be separate and distinct from the rest of the budget for the Department.

(4) Allocation

Of the amounts appropriated for a fiscal year under paragraph (2)—

- (A) not more than 50 percent of the amount shall be used to carry out subsection (e)(3)(D);
- (B) at least 5 percent of the amount shall be used for technology transfer and outreach activities, consistent with the goal described in subsection (c)(2)(D) and within the responsibilities of program directors described in subsection (g)(2)(B)(vii); and
- (C) no funds may be used for construction of new buildings or facilities during the 5-year period beginning on August 9, 2007.

(Pub. L. 110-69, title V, § 5012, Aug. 9, 2007, 121 Stat. 621; Pub. L. 111-358, title IX, § 904, Jan. 4, 2011, 124 Stat. 4045; Pub. L. 115-246, title II, § 202, Sept. 28, 2018, 132 Stat. 3134.)

REFERENCES IN TEXT

Level II of the Executive Schedule, referred to in subsec. (g)(3)(A)(ii), is set out in section 5313 of Title 5, Government Organization and Employees.

Par. (5), referred to in subsec. (o)(2), was redesignated par. (4) of this section and former par. (4) was struck out by Pub. L. 111-358, title IX, § 904(10)(B), (C), Jan. 4, 2011, 124 Stat. 4048.

AMENDMENTS

2018—Subsec. (a)(3). Pub. L. 115-246, § 202(1), substituted “subsection (o)(1)” for “subsection (n)(1)”.

Subsecs. (n), (o). Pub. L. 115-246, § 202(2), (3), added subsec. (n) and redesignated former subsec. (n) as (o).

2011—Subsec. (a)(3). Pub. L. 111-358, § 904(1), substituted “subsection (n)(1)” for “subsection (m)(1)”.

Subsec. (c)(2)(A). Pub. L. 111-358, § 904(2), inserted “and applied” after “advances in fundamental”.

Subsec. (e)(3)(C). Pub. L. 111-358, § 904(3)(A)(i), added subpar. (C) and struck out former subpar. (C) which read as follows: “research and development of manufacturing processes for novel energy technologies; and”.

Subsec. (e)(5). Pub. L. 111-358, § 904(3)(A)(ii)-(C), added par. (5).

Subsec. (f). Pub. L. 111-358, § 904(5), added subsec. (f). Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 111-358, § 904(4), redesignated subsec. (f) as (g). Former subsec. (g) redesignated (h).

Subsec. (g)(1). Pub. L. 111-358, § 904(6)(B), added par. (1). Former par. (1) redesignated (2).

Subsec. (g)(2). Pub. L. 111-358, § 904(6)(A),(C)(i), redesignated par. (1) as (2) and substituted “Program directors” for “Program managers” in heading.

Subsec. (g)(2)(A). Pub. L. 111-358, § 904(6)(C)(ii), substituted “program directors for” for “program managers for each of”.

Subsec. (g)(2)(B). Pub. L. 111-358, § 904(6)(C)(iii)(I), substituted “program director” for “program manager” in introductory provisions.

Subsec. (g)(2)(B)(iv). Pub. L. 111-358, § 904(6)(C)(iii)(II), struck out “;” with advice under subsection (j) as appropriate,” after “basis of merit” in introductory provisions.

Subsec. (g)(2)(B)(v) to (viii). Pub. L. 111-358, § 904(6)(C)(iii)(III)-(VI), added cls. (v) and (vii) and redesignated former cls. (v) and (vi) as (vi) and (viii), respectively.

Subsec. (g)(2)(C). Pub. L. 111-358, § 904(6)(C)(iv), inserted “not more than” after “shall be”.

Subsec. (g)(3). Pub. L. 111-358, § 904(6)(A), redesignated par. (2) as (3).

Subsec. (g)(3)(A)(ii), (iii). Pub. L. 111-358, § 904(6)(D)(i), added cls. (ii) and (iii) and struck out former cl. (ii) which read as follows: “fix the compensation of such personnel at a rate to be determined by the Director.”

Subsec. (g)(3)(B). Pub. L. 111-358, § 904(6)(D)(ii), substituted “not more than 120” for “not less than 70, and not more than 120.”

Subsec. (h). Pub. L. 111-358, § 904(4), redesignated subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (h)(2). Pub. L. 111-358, § 904(7), substituted “2010” for “2008” and “2013” for “2011”.

Subsec. (i). Pub. L. 111-358, § 904(4), redesignated subsec. (h) as (i). Former subsec. (i) redesignated (j).

Subsec. (j). Pub. L. 111-358, § 904(8), added subsec. (j) and struck out former subsec. (j). Prior to amendment, text read as follows: “The Secretary shall make information available to purchasing and procurement programs of Federal agencies regarding the potential to demonstrate technologies resulting from activities funded through ARPA-E.”

Pub. L. 111-358, § 904(4), redesignated subsec. (i) as (j). Former subsec. (j) redesignated (k).

Subsecs. (k), (l). Pub. L. 111-358, § 904(4), redesignated subsecs. (j) and (k) as (k) and (l), respectively. Former subsec. (l) redesignated (m).

Subsec. (l)(1). Pub. L. 111-358, § 904(9)(A), substituted “6 years” for “4 years”.

Subsec. (l)(2)(B). Pub. L. 111-358, § 904(9)(B), inserted “, and the manner in which those lessons may apply to the operation of other programs of the Department” after “ARPA-E”.

Subsecs. (m), (n). Pub. L. 111-358, § 904(4), redesignated subsecs. (l) and (m) as (m) and (n), respectively.

Subsec. (n)(2)(C) to (E). Pub. L. 111-358, § 904(10)(A), added subpars. (C) to (E).

Subsec. (n)(4). Pub. L. 111-358, § 904(10)(B), (C), redesignated par. (5) as (4) and struck out former par. (4). Prior to amendment, text read as follows: “No amounts may be appropriated for ARPA-E for fiscal year 2008 unless the amount appropriated for the activities of the Office of Science of the Department for fiscal year 2008 exceeds the amount appropriated for the Office for fiscal year 2007, as adjusted for inflation in accordance with the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.”

Subsec. (n)(4)(B). Pub. L. 111-358, § 904(10)(D), substituted “5 percent” for “2.5 percent” and inserted “, consistent with the goal described in subsection (c)(2)(D) and within the responsibilities of program directors described in subsection (g)(2)(B)(vii)” after “outreach activities”.

Subsec. (n)(5). Pub. L. 111-358, § 904(10)(C), redesignated par. (5) as (4).

§ 16539. National Laboratory Jobs ACCESS Program**(a) In general**

On or after the date that is 180 days after December 20, 2019, the Secretary may establish a

² See References in Text note below.

program, to be known as the “Department of Energy National Lab Jobs ACCESS Program”, under which the Secretary may award, on a competitive basis, 5-year grants to eligible entities described in subsection (c) for the Federal share of the costs of pre-apprenticeship programs and apprenticeship programs described in subsection (b).

(b) Pre-apprenticeship and apprenticeship programs described

A pre-apprenticeship program or apprenticeship program described in this subsection is a pre-apprenticeship program or apprenticeship program that—

(1) leads to recognized postsecondary credentials for secondary school and postsecondary students;

(2) is focused on skills and qualifications needed, as determined by the Secretary in consultation with the directors of the National Laboratories, to meet the immediate and ongoing needs of traditional and emerging technician positions (including machinists and cybersecurity technicians) at the National Laboratories and covered facilities of the National Nuclear Security Administration;

(3) is established in consultation with a National Laboratory or covered facility of the National Nuclear Security Administration;

(4) is registered with and approved by the Secretary of Labor or a State apprenticeship agency; and

(5) ensures that participants in the pre-apprenticeship program or apprenticeship program do not displace paid employees.

(c) Eligible entities described

An eligible entity described in this subsection is a workforce intermediary or an eligible sponsor of a pre-apprenticeship program or apprenticeship program that—

(1) demonstrates experience in implementing and providing career planning and career pathways toward pre-apprenticeship programs or apprenticeship programs;

(2)(A) has a relationship with a National Laboratory or covered facility of the National Nuclear Security Administration;

(B) has knowledge of the technician workforce needs of the laboratory or facility and the associated security requirements of the laboratory or facility; and

(C) is eligible to enter into an agreement with the laboratory or facility that would be paid for in part or entirely from grant funds received under this section;

(3) demonstrates the ability to recruit and support individuals who plan to work in relevant technician positions upon the successful completion of the pre-apprenticeship program or apprenticeship program;

(4) provides students who complete the pre-apprenticeship program or apprenticeship program with, or prepares such students for obtaining, a recognized postsecondary credential;

(5) uses related instruction that is specifically aligned with the needs of the laboratory or facility and utilizes workplace learning advisors and on-the-job training to the greatest extent possible; and

(6) demonstrates successful outcomes connecting graduates of the pre-apprenticeship program or apprenticeship program to careers relevant to the program.

(d) Applications

If the Secretary establishes the program described in subsection (a), an eligible entity described in subsection (c) seeking a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(e) Priority

In selecting eligible entities described in subsection (c) to receive grants under this section, the Secretary may prioritize an eligible entity that—

(1) is a member of an industry or sector partnership;

(2) provides related instruction for a pre-apprenticeship program or apprenticeship program through—

(A) a local educational agency, a secondary school, a provider of adult education, an area career and technical education school, or an institution of higher education (such as a community college) that includes basic science, technology, and mathematics education in the related instruction; or

(B) an apprenticeship program that was registered with the Department of Labor or a State apprenticeship agency before the date on which the eligible entity applies for the grant under subsection (d);

(3) works with the Secretary of Defense, the Secretary of Veterans Affairs, or veterans organizations to transition members of the Armed Forces and veterans to pre-apprenticeship programs or apprenticeship programs in a relevant sector;

(4) plans to use the grant to carry out the pre-apprenticeship program or apprenticeship program with an entity that receives State funding or is operated by a State agency; and

(5) plans to use the grant to carry out the pre-apprenticeship program or apprenticeship program for—

(A) young adults ages 16 to 29, inclusive; or

(B) individuals with barriers to employment.

(f) Additional consideration

In making grants under this section, the Secretary may consider regional diversity.

(g) Limitation on applications

An eligible entity described in subsection (c) may not submit, either individually or as part of a joint application, more than one application for a grant under this section during any one fiscal year.

(h) Limitations on amount of grant

The amount of a grant provided under this section may not, for any 24-month period of the 5-year grant period, exceed \$500,000.

(i) Non-Federal share

The non-Federal share of the cost of a pre-apprenticeship program or apprenticeship program carried out using a grant under this section

shall be not less than 25 percent of the total cost of the program.

(j) Technical assistance

The Secretary may provide technical assistance to eligible entities described in subsection (c) to leverage the existing job training and education programs of the Department of Labor and other relevant programs at appropriate Federal agencies.

(k) Report

(1) In general

If the Secretary establishes the program described in subsection (a), not less than once every 2 years thereafter, the Secretary shall submit to Congress, and make publicly available on the website of the Department of Energy, a report on the program, including—

(A) a description of—

(i) any entity that receives a grant under this section;

(ii) any activity carried out using a grant under this section; and

(iii) best practices used to leverage the investment of the Federal Government under this section; and

(B) an assessment of the results achieved by the program, including the rate of employment for participants after completing a pre-apprenticeship program or apprenticeship program carried out using a grant under this section.

(2) Performance reports

Not later than one year after the establishment of a pre-apprenticeship program or apprenticeship program using a grant awarded under this section, and annually thereafter, the entity carrying out the program shall submit to the Secretary and the Secretary of Labor a report on the effectiveness of the program based on the accountability measures described in clauses (i) and (ii) of section 3141(b)(2)(A) of title 29.

(l) Definitions

In this section:

(1) ESEA terms

The terms “local educational agency” and “secondary school” have the meanings given the terms in section 7801 of title 20.

(2) WIOA terms

The terms “career planning”, “community-based organization”, “customized training”, “economic development agency”, “individual with a barrier to employment”, “industry or sector partnership”, “on-the-job training”, “recognized postsecondary credential”, and “workplace learning advisor” have the meanings given such terms in section 3102 of title 29.

(3) Apprenticeship program

The term “apprenticeship program” means a program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

(4) Area career and technical education school

The term “area career and technical education school” has the meaning given the term in section 2302 of title 20.

(5) Community college

The term “community college” has the meaning given the term “junior or community college” in section 1058(f) of title 20.

(6) Covered facility of the national nuclear security administration

The term “covered facility of the National Nuclear Security Administration” means a national security laboratory or a nuclear weapons production facility as such terms are defined in section 2501 of title 50.

(7) Eligible sponsor

The term “eligible sponsor” means a public organization or nonprofit organization that—

(A) with respect to an apprenticeship program, administers the program through a partnership that may include—

(i) an industry or sector partnership;

(ii) an employer or industry association;

(iii) a labor-management organization;

(iv) a local workforce development board or State workforce development board;

(v) a 2- or 4-year institution of higher education that offers an educational program leading to an associate’s or bachelor’s degree in conjunction with a certificate of completion of apprenticeship;

(vi) the Armed Forces (including the National Guard and Reserves);

(vii) a community-based organization; or

(viii) an economic development agency; and

(B) with respect to a pre-apprenticeship program, is a local educational agency, a secondary school, an area career and technical education school, a provider of adult education, a State workforce development board, a local workforce development board, or a community-based organization, that administers the program with any required coordination and necessary approvals from the Secretary of Labor or a State department of labor.

(8) Institution of higher education

The term “institution of higher education” has the meaning given the term in section 1001 of title 20.

(9) Local workforce development board

The term “local workforce development board” has the meaning given the term “local board” in section 3102 of title 29.

(10) National Laboratory

The term “National Laboratory” has the meaning given the term in section 15801 of this title.

(11) Nonprofit organization

The term “nonprofit organization” means an organization that is described in section 501(c) of title 26 and exempt from tax under section 501(a) of such title.

(12) Pre-apprenticeship program

The term “pre-apprenticeship program” means a program—

(A) designed to prepare individuals to enter and succeed in an apprenticeship program; and

(B) that has a documented partnership with at least one, if not more, apprenticeship programs.

(13) Provider of adult education

The term “provider of adult education” has the meaning given the term “eligible provider” in section 3272 of title 29.

(14) Related instruction

The term “related instruction” means an organized and systematic form of instruction designed to provide an individual in a pre-apprenticeship program or apprenticeship program with the knowledge of the technical subjects related to the intended occupation of the individual after completion of the program.

(15) Secretary

The term “Secretary” means the Secretary of Energy, in consultation with the Secretary of Labor, except as otherwise specified in this section.

(16) Sponsor

The term “sponsor” means any person, association, committee, or organization operating a pre-apprenticeship program or apprenticeship program and in whose name the program is (or is to be) registered or approved.

(17) State apprenticeship agency

The term “State apprenticeship agency” has the meaning given that term in section 29.2 of title 29, Code of Federal Regulations (or any corresponding similar regulation or ruling).

(18) State workforce development board

The term “State workforce development board” has the meaning given the term “State board” in section 3102 of title 29.

(19) Workforce intermediary

The term “workforce intermediary”—

(A) means a nonprofit organization that—
(i) proactively addresses workforce needs using a dual customer approach, which considers the needs of both employees and employers; and

(ii) has partnered with a sponsor of a pre-apprenticeship program or apprenticeship program or is a sponsor of a pre-apprenticeship program or apprenticeship program; and

(B) may include a community organization, an employer organization, a community college, a temporary staffing agency, a State workforce development board, a local workforce development board, or a labor or labor-management organization.

(Pub. L. 116-92, div. C, title XXXI, §3122, Dec. 20, 2019, 133 Stat. 1953.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2020, and not as part of the America COMPETES Act, which comprises this subchapter.

CHAPTER 150—NATIONAL AERONAUTICS AND SPACE PROGRAMS, 2005

§ 16601. Transferred

CODIFICATION

Section, Pub. L. 109-155, §2, Dec. 30, 2005, 119 Stat. 2897, which related to definitions, was transferred and

is set out as a note under section 10101 of Title 51, National and Commercial Space Programs.

SUBCHAPTER I—GENERAL PRINCIPLES AND REPORTS

§§ 16611, 16611a. Repealed or Omitted

CODIFICATION

Section 16611, Pub. L. 109-155, title I, §101, Dec. 30, 2005, 119 Stat. 2897, which related to responsibilities, policies, and plans, was repealed in part and omitted in part. Subsecs. (a) and (b) were repealed and reenacted as sections 20301 and 20302, respectively, of Title 51, National and Commercial Space Programs, by Pub. L. 111-314, §§3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444, which Act enacted Title 51. Subsecs. (c) to (g), requiring certain reports and studies by past dates, were omitted from the Code following the enactment of Title 51. Subsec. (h)(1) was repealed and reenacted as subsec. (a) of section 30103 of Title 51. Subsec. (h)(2), providing sense of Congress regarding budget evaluation, was omitted from the Code following the enactment of Title 51. Subsec. (i) was repealed and reenacted as subsec. (b) of section 30103 of Title 51. Subsec. (j), providing for independent review of strategic need for aeronautics test facilities, was omitted from the Code following the enactment of Title 51.

Section 16611a, Pub. L. 110-69, title II, §2001, Aug. 9, 2007, 121 Stat. 582, which related to NASA’s contribution to innovation, was repealed in part and omitted in part. Subsecs. (a), (b), (c), and (e) were repealed and reenacted as subsecs. (a), (b), (c), and (d), respectively, of section 20303 of Title 51 by Pub. L. 111-314, §§3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444, which Act enacted Title 51. Subsec. (d), which provided sense of Congress regarding NASA funding, and subsec. (f), requiring report by Administrator regarding assessments of educational program effectiveness not later than one year after Aug. 9, 2007, were omitted from the Code following the enactment of Title 51.

§ 16611b. Repealed. Pub. L. 111-314, §6, Dec. 18, 2010, 124 Stat. 3444

Section, Pub. L. 110-161, div. B, title III, Dec. 26, 2007, 121 Stat. 1919, related to NASA annual budget justification. See subsec. (c) of section 30103 of Title 51, National and Commercial Space Programs.

ESTIMATES OF RECEIPTS AND COLLECTIONS AND PROPOSED USE OF FUNDS FROM LEASES OF NON-EXCESS PROPERTY

Pub. L. 111-8, div. B, title III, Mar. 11, 2009, 123 Stat. 589, which provided in part that each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 315 of the National Aeronautics and Space Act of 1958 ([former] 42 U.S.C. 2459j), was repealed and reenacted as subsec. (d) of section 30103 of Title 51, National and Commercial Space Programs, by Pub. L. 111-314, §§3, 6, Dec. 18, 2010, 124 Stat. 3328, 3444, which Act enacted Title 51.

§ 16612. Transferred

CODIFICATION

Section, Pub. L. 109-155, title I, §102, Dec. 30, 2005, 119 Stat. 2905, which related to national awareness campaign to encourage young Americans to enter the fields of science, mathematics, and engineering, budget information, space communications plan, Joint Dark Energy Mission, and Office of Science and Technology Policy, and related reports, was transferred and is set out as a note preceding section 40901 of Title 51, National and Commercial Space Programs.

§§ 16613 to 16615. Repealed. Pub. L. 111-314, §6, Dec. 18, 2010, 124 Stat. 3444

Section 16613, Pub. L. 109-155, title I, §103, Dec. 30, 2005, 119 Stat. 2907, related to baselines and cost con-