

116TH CONGRESS  
2D SESSION

# S. 4053

To amend the Energy Policy Act of 1992 to modernize the EPSCoR program of the Department of Energy, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 24, 2020

Mr. REED (for himself, Mr. INHOFE, Mr. MORAN, Mr. JONES, and Mrs. HYDE-SMITH) 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 Energy Policy Act of 1992 to modernize the EPSCoR program of the Department of 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DOE EPSCoR Mod-  
5 ernization Act”.

1 **SEC. 2. ESTABLISHED PROGRAM TO STIMULATE COMPETITIVE RESEARCH.**  
 2 **TIVE RESEARCH.**

3 Section 2203(b) of the Energy Policy Act of 1992  
 4 (42 U.S.C. 13503(b)) is amended by striking paragraph  
 5 (3) and inserting the following:

6 “(3) ESTABLISHED PROGRAM TO STIMULATE  
 7 COMPETITIVE RESEARCH.—

8 “(A) DEFINITIONS.—In this paragraph:

9 “(i) ELIGIBLE JURISDICTION.—The  
 10 term ‘eligible jurisdiction’ means a State  
 11 that is determined to be eligible for a grant  
 12 under this paragraph in accordance with  
 13 subparagraph (D).

14 “(ii) EPSCoR.—The term ‘EPSCoR’  
 15 means the Established Program to Stimu-  
 16 late Competitive Research operated under  
 17 subparagraph (B).

18 “(iii) NATIONAL LABORATORY.—The  
 19 term ‘National Laboratory’ has the mean-  
 20 ing given the term in section 2 of the En-  
 21 ergy Policy Act of 2005 (42 U.S.C.  
 22 15801).

23 “(iv) STATE.—The term ‘State’  
 24 means—

25 “(I) a State;

26 “(II) the District of Columbia;

1                   “(III) the Commonwealth of  
2                   Puerto Rico;

3                   “(IV) Guam; and

4                   “(V) the United States Virgin Is-  
5                   lands.

6                   “(B) PROGRAM OPERATION.—The Sec-  
7                   retary shall operate an Established Program to  
8                   Stimulate Competitive Research.

9                   “(C) OBJECTIVES.—The objectives of  
10                  EPSCoR shall be—

11                  “(i) to increase the number of re-  
12                  searchers in eligible jurisdictions, especially  
13                  at institutions of higher education, capable  
14                  of performing nationally competitive  
15                  science and engineering research in sup-  
16                  port of the mission of the Department of  
17                  Energy in the areas of applied energy re-  
18                  search, environmental management, and  
19                  basic science;

20                  “(ii) to improve science and engineer-  
21                  ing research and education programs at in-  
22                  stitutions of higher education in eligible ju-  
23                  risdictions and enhance the capabilities of  
24                  eligible jurisdictions to develop, plan, and  
25                  execute research that is competitive, in-

1 cluding through investing in research  
2 equipment and instrumentation; and

3 “(iii) to increase the probability of  
4 long-term growth of competitive funding to  
5 eligible jurisdictions.

6 “(D) ELIGIBLE JURISDICTIONS.—

7 “(i) IN GENERAL.—The Secretary  
8 may establish criteria for determining  
9 whether a State is eligible for a grant  
10 under this paragraph.

11 “(ii) REQUIREMENT.—Except as pro-  
12 vided in clause (iii), in establishing criteria  
13 under clause (i), the Secretary shall ensure  
14 that a State is eligible for a grant under  
15 this paragraph if the State, as determined  
16 by the Secretary, is a State that—

17 “(I) historically has received rel-  
18 atively little Federal research and de-  
19 velopment funding; and

20 “(II) has demonstrated a com-  
21 mitment—

22 “(aa) to develop the re-  
23 search bases in the State; and

24 “(bb) to improve science and  
25 engineering research and edu-

1 cation programs at institutions of  
2 higher education in the State.

3 “(iii) ELIGIBILITY UNDER NSF  
4 EPSCOR.—At the election of the Secretary,  
5 or if the Secretary determines not to estab-  
6 lish criteria under clause (i), a State is eli-  
7 gible for a grant under this paragraph if  
8 the State is eligible to receive funding  
9 under the Established Program to Stimu-  
10 late Competitive Research of the National  
11 Science Foundation.

12 “(E) GRANTS IN AREAS OF APPLIED EN-  
13 ERGY RESEARCH, ENVIRONMENTAL MANAGE-  
14 MENT, AND BASIC SCIENCE.—

15 “(i) IN GENERAL.—EPSCoR shall  
16 make grants to eligible jurisdictions to  
17 carry out and support applied energy re-  
18 search and research in all areas of environ-  
19 mental management and basic science  
20 sponsored by the Department of Energy,  
21 including—

22 “(I) energy efficiency, fossil en-  
23 ergy, renewable energy, and other ap-  
24 plied energy research;

25 “(II) electricity delivery research;

1                   “(III) cybersecurity, energy secu-  
2                   rity, and emergency response;

3                   “(IV) environmental manage-  
4                   ment; and

5                   “(V) basic science research.

6                   “(ii) ACTIVITIES.—EPSCoR shall  
7                   make grants under this subparagraph for  
8                   activities consistent with the objectives de-  
9                   scribed in subparagraph (C) in the areas of  
10                  applied energy research, environmental  
11                  management, and basic science described  
12                  in clause (i), including—

13                  “(I) to support research that is  
14                  carried out in partnership with the  
15                  National Laboratories;

16                  “(II) to provide for graduate  
17                  traineeships;

18                  “(III) to support research by  
19                  early career faculty; and

20                  “(IV) to improve research capa-  
21                  bilities through biennial research im-  
22                  plementation grants.

23                  “(iii) NO COST SHARING.—EPSCoR  
24                  shall not impose any cost-sharing require-  
25                  ment with respect to a grant made under

1           this subparagraph, but may require letters  
2           of commitment from National Labora-  
3           tories.

4           “(F) OTHER ACTIVITIES.—EPSCoR may  
5           carry out such activities as may be necessary to  
6           meet the objectives described in subparagraph  
7           (C) in the areas of applied energy research, en-  
8           vironmental management, and basic science de-  
9           scribed in subparagraph (E)(i).

10           “(G) PROGRAM IMPLEMENTATION.—

11           “(i) IN GENERAL.—Not later than  
12           270 days after the date of enactment of  
13           the DOE EPSCoR Modernization Act, the  
14           Secretary shall submit to the Committees  
15           on Energy and Natural Resources and Ap-  
16           propriations of the Senate and the Com-  
17           mittees on Energy and Commerce and Ap-  
18           propriations of the House of Representa-  
19           tives a plan describing how the Secretary  
20           shall implement EPSCoR.

21           “(ii) CONTENTS OF PLAN.—The plan  
22           described in clause (i) shall include a de-  
23           scription of—

24                   “(I) the management structure of  
25                   EPSCoR, which shall ensure that all

1 research areas and activities described  
2 in this paragraph are incorporated  
3 into EPSCoR;

4 “(II) efforts to conduct outreach  
5 to inform eligible jurisdictions and  
6 faculty of changes to, and opportuni-  
7 ties under, EPSCoR;

8 “(III) how EPSCoR plans to in-  
9 crease engagement with eligible juris-  
10 dictions, faculty, and State commit-  
11 tees, including by holding regular  
12 workshops, to increase participation in  
13 EPSCoR; and

14 “(IV) any other issues relating to  
15 EPSCoR that the Secretary deter-  
16 mines appropriate.

17 “(H) PROGRAM EVALUATION.—

18 “(i) IN GENERAL.—Not later than 5  
19 years after the date of enactment of the  
20 DOE EPSCoR Modernization Act, the  
21 Secretary shall contract with a federally  
22 funded research and development center,  
23 the National Academy of Sciences, or a  
24 similar organization to carry out an assess-



1                   ment of the effectiveness of EPSCoR, in-  
2                   cluding an assessment of—

3                   “(I) the tangible progress made  
4                   towards achieving the objectives de-  
5                   scribed in subparagraph (C);

6                   “(II) the impact of research sup-  
7                   ported by EPSCoR on the mission of  
8                   the Department of Energy; and

9                   “(III) any other issues relating to  
10                  EPSCoR that the Secretary deter-  
11                  mines appropriate.

12                  “(ii) LIMITATION.—The organization  
13                  with which the Secretary contracts under  
14                  clause (i) shall not be a National Labora-  
15                  tory.

16                  “(iii) REPORT.—Not later than 6  
17                  years after the date of enactment of the  
18                  DOE EPSCoR Modernization Act, the  
19                  Secretary shall submit to the Committees  
20                  on Energy and Natural Resources and Ap-  
21                  propriations of the Senate and the Com-  
22                  mittees on Energy and Commerce and Ap-  
23                  propriations of the House of Representa-  
24                  tives a report describing the results of the  
25                  assessment carried out under clause (i), in-

1 including recommendations for improvements  
2 that would enable the Secretary to achieve  
3 the objectives described in subparagraph  
4 (C).”.

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