

SEC. 988. COST SHARING.

[\[More detailed information is available in the DOE Guide to Cost Sharing\]](#)

- (a) Applicability.--Notwithstanding any other provision of law, in carrying out a research, development, demonstration, or commercial application program or activity that is initiated after the date of enactment of this section, the Secretary shall require cost-sharing in accordance with this section.
- (b) Research and Development.--
 - (1) In general.--Except as provided in paragraphs (2) and (3) and subsection (f), the Secretary shall require not less than 20 percent of the cost of a research or development activity described in subsection (a) to be provided by a non-Federal source.
 - (2) Exclusion.--Paragraph (1) shall not apply to a research or development activity described in subsection (a) that is of a basic or fundamental nature, as determined by the appropriate officer of the Department.
 - (3) Reduction.--The Secretary may reduce or eliminate the requirement of paragraph (1) for a research and development activity of an applied nature if the Secretary determines that the reduction is necessary and appropriate.
- (c) Demonstration and Commercial Application.--
 - (1) In general.--Except as provided in paragraph (2) and subsection (f), the Secretary shall require that not less than 50 percent of the cost of a demonstration or commercial application activity described in subsection (a) to be provided by a non-Federal source.
 - (2) Reduction of non-federal share.--The Secretary may reduce the non-Federal share required under paragraph (1) if the Secretary determines the reduction to be necessary and appropriate, taking into consideration any technological risk relating to the activity.
- (d) Calculation of Amount.--In calculating the amount of a non-Federal contribution under this section, the Secretary--
 - (1) may include allowable costs in accordance with the applicable cost principles, including--
 - (A) Cash;
 - (B) personnel costs;
 - (C) the value of a service, other resource, or third party in-kind contribution determined in accordance with the applicable circular of the Office of Management and Budget;
 - (D) indirect costs or facilities and administrative costs; or
 - (E) any funds received under the power program of the Tennessee Valley Authority (except to the extent that such funds are made available under an annual appropriation Act); and
 - (2) shall not include--
 - (A) revenues or royalties from the prospective operation of an activity beyond the time considered in the award;
 - (B) proceeds from the prospective sale of an asset of an activity; or
 - (C) other appropriated Federal funds.
- (e) Repayment of Federal Share.--The Secretary shall not require repayment of the Federal share of a cost-shared activity under this section as a condition of making an award.
- (f) Exclusions.--This section shall not apply to--
 - (1) a cooperative research and development agreement under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.);
 - (2) a fee charged for the use of a Department facility; or
 - (3) an award under--
 - (A) the small business innovation research program under section 9 of the Small Business Act (15 U.S.C. 638); or
 - (B) the small business technology transfer program under that section.