

117TH CONGRESS
1ST SESSION

H. R. 4863

To establish the Foundation for Energy Security and Innovation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2021

Ms. STANSBURY (for herself, Ms. JOHNSON of Texas, Mr. LUCAS, Mrs. KIM of California, Ms. LEGER FERNANDEZ, and Mr. GONZALEZ of Ohio) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To establish the Foundation for Energy Security and Innovation, 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 “Partnerships for En-
5 ergy Security and Innovation Act”.

6 **SEC. 2. FOUNDATION FOR ENERGY SECURITY AND INNOVA-**
7 **TION.**

8 (a) DEFINITIONS.—In this section:

1 (1) BOARD.—The term “Board” means the
2 Board of Directors described in subsection
3 (b)(2)(A).

4 (2) DEPARTMENT.—The term “Department”
5 means the Department of Energy.

6 (3) EXECUTIVE DIRECTOR.—The term “Execu-
7 tive Director” means the Executive Director de-
8 scribed in subsection (b)(5)(A).

9 (4) FOUNDATION.—The term “Foundation”
10 means the Foundation for Energy Security and In-
11 novation established under subsection (b)(1).

12 (5) HISTORICALLY BLACK COLLEGE AND UNI-
13 VERSITY.—The term “historically Black college and
14 university” has the meaning given the term “part B
15 institution” in section 322 of the Higher Education
16 Act of 1965 (20 U.S.C. 1061).

17 (6) INDIVIDUAL LABORATORY-ASSOCIATED
18 FOUNDATION.—The term “Individual Laboratory-
19 Associated Foundation” means a Laboratory Foun-
20 dation established by an operating contractor of a
21 National Laboratory.

22 (7) MINORITY SERVING INSTITUTION.—The
23 term “minority serving institution” includes the en-
24 tities described in any of the paragraphs (1) through

1 (7) of section 371(a) of the Higher Education Act
2 of 1965 (20 U.S.C. 1067q(a)).

3 (8) NATIONAL LABORATORY.—The term “Na-
4 tional Laboratory” has the meaning given the term
5 in section 2 of the Energy Policy Act of 2005 (42
6 U.S.C. 15801).

7 (9) SECRETARY.—The term “Secretary” means
8 the Secretary of Energy.

9 (10) TRIBAL COLLEGE AND UNIVERSITY.—The
10 term “Tribal College and University” has the mean-
11 ing given in section 316 of the Higher Education
12 Act of 1965 (20 U.S.C. 1059c).

13 (b) FOUNDATION FOR ENERGY SECURITY AND INNO-
14 VATION.—

15 (1) ESTABLISHMENT.—

16 (A) IN GENERAL.—Not later than 180
17 days after the date of enactment of this Act,
18 the Secretary shall establish a nonprofit cor-
19 poration to be known as the “Foundation for
20 Energy Security and Innovation”.

21 (B) MISSION.—The mission of the Foun-
22 dation shall be—

23 (i) to support the mission of the De-
24 partment; and

1 (ii) to advance collaboration with en-
2 ergy researchers, institutions of higher
3 education, industry, and nonprofit and
4 philanthropic organizations to enable the
5 commercialization of energy technologies.

6 (C) LIMITATION.—The Foundation shall
7 not be an agency or instrumentality of the Fed-
8 eral Government.

9 (D) TAX-EXEMPT STATUS.—The Board
10 shall take all necessary and appropriate steps to
11 ensure that the Foundation is an organization
12 that is described in section 501(c) of the Inter-
13 nal Revenue Code of 1986 and exempt from
14 taxation under section 501(a) of that Code.

15 (E) COLLABORATION WITH EXISTING OR-
16 GANIZATIONS.—The Secretary may collaborate
17 with 1 or more organizations to establish the
18 Foundation and carry out the activities of the
19 Foundation.

20 (2) BOARD OF DIRECTORS.—

21 (A) ESTABLISHMENT.—The Foundation
22 shall be governed by a Board of Directors.

23 (B) COMPOSITION.—

24 (i) IN GENERAL.—The Board shall be
25 composed of the ex officio nonvoting mem-

1 bers described in clause (ii) and the ap-
2 pointed voting members described in clause
3 (iii).

4 (ii) EX OFFICIO MEMBERS.—The ex
5 officio members of the Board shall be the
6 following individuals or designees of those
7 individuals:

8 (I) The Secretary.

9 (II) The Under Secretary for
10 Science and Energy.

11 (III) The Under Secretary for
12 Nuclear Security.

13 (IV) The Chief Commercializa-
14 tion Officer.

15 (iii) APPOINTED MEMBERS.—

16 (I) INITIAL MEMBERS.—The Sec-
17 retary and the other ex officio mem-
18 bers of the Board shall—

19 (aa) seek to enter into an
20 agreement with the National
21 Academies of Sciences, Engineer-
22 ing, and Medicine to develop a
23 list of individuals to serve as
24 members of the Board who are
25 well-qualified and will meet the

1 requirements of subclauses (II)
2 and (III); and

3 (bb) appoint the initial
4 members of the Board from that
5 list, if applicable, in consultation
6 with the National Academies of
7 Sciences, Engineering, and Medi-
8 cine.

9 (II) REPRESENTATION.—The ap-
10 pointed members of the Board shall
11 reflect a broad cross-section of stake-
12 holders from academia, National Lab-
13 oratories, industry, nonprofit organi-
14 zations, State or local governments,
15 the investment community, and the
16 philanthropic community.

17 (III) EXPERIENCE.—The Sec-
18 retary shall ensure that a majority of
19 the appointed members of the
20 Board—

21 (aa)(AA) has experience in
22 the energy sector;

23 (BB) has research experi-
24 ence in the energy field; or

1 (CC) has experience in tech-
2 nology commercialization or foun-
3 dation operations; and

4 (bb) to the extent prac-
5 ticable, represents diverse re-
6 gions, sectors, and communities.

7 (C) CHAIR AND VICE CHAIR.—

8 (i) IN GENERAL.—The Board shall
9 designate from among the members of the
10 Board—

11 (I) an individual to serve as
12 Chair of the Board; and

13 (II) an individual to serve as Vice
14 Chair of the Board.

15 (ii) TERMS.—The term of service of
16 the Chair and Vice Chair of the Board
17 shall end on the earlier of—

18 (I) the date that is 3 years after
19 the date on which the Chair or Vice
20 Chair of the Board, as applicable, is
21 designated for the position; and

22 (II) the last day of the term of
23 service of the member, as determined
24 under subparagraph (D)(i), who is

1 designated to be Chair or Vice Chair
2 of the Board, as applicable.

3 (iii) REPRESENTATION.—The Chair
4 and Vice Chair of the Board—

5 (I) shall not be representatives of
6 the same area of subject matter ex-
7 pertise, or entity, as applicable, under
8 subparagraph (B)(iii)(II); and

9 (II) shall not be representatives
10 of any area of subject matter exper-
11 tise, or entity, as applicable, rep-
12 resented by the immediately preceding
13 Chair and Vice Chair of the Board.

14 (D) TERMS AND VACANCIES.—

15 (i) TERMS.—

16 (I) IN GENERAL.—The term of
17 service of each appointed member of
18 the Board shall be not more than 5
19 years.

20 (II) INITIAL APPOINTED MEM-
21 BERS.—Of the initial members of the
22 Board appointed under subparagraph
23 (B)(iii)(I), half of the members shall
24 serve for 4 years and half of the mem-

1 bers shall serve for 5 years, as deter-
2 mined by the Chair of the Board.

3 (ii) VACANCIES.—Any vacancy in the
4 membership of the appointed members of
5 the Board—

6 (I) shall be filled in accordance
7 with the bylaws of the Foundation by
8 an individual capable of representing
9 the same area or entity, as applicable,
10 as represented by the vacating board
11 member under subparagraph
12 (B)(iii)(II);

13 (II) shall not affect the power of
14 the remaining appointed members to
15 execute the duties of the Board; and

16 (III) shall be filled by an indi-
17 vidual selected by the Board.

18 (E) MEETINGS; QUORUM.—

19 (i) INITIAL MEETING.—Not later than
20 60 days after the Board is established, the
21 Secretary shall convene a meeting of the ex
22 officio and appointed members of the
23 Board to incorporate the Foundation.

24 (ii) QUORUM.—A majority of the ap-
25 pointed members of the Board shall con-

1 stitute a quorum for purposes of con-
2 ducting the business of the Board.

3 (F) DUTIES.—The Board shall—

4 (i) establish bylaws for the Founda-
5 tion in accordance with subparagraph (G);

6 (ii) provide overall direction for the
7 activities of the Foundation and establish
8 priority activities;

9 (iii) carry out any other necessary ac-
10 tivities of the Foundation;

11 (iv) evaluate the performance of the
12 Executive Director; and

13 (v) actively solicit and accept funds,
14 gifts, grants, devises, or bequests of real or
15 personal property to the Foundation, in-
16 cluding from private entities.

17 (G) BYLAWS.—

18 (i) IN GENERAL.—The bylaws estab-
19 lished under subparagraph (F)(i) may in-
20 clude—

21 (I) policies for the selection of
22 Board members, officers, employees,
23 agents, and contractors of the Foun-
24 dation;

- 1 (II) policies, including ethical
2 standards, for—
- 3 (aa) the acceptance, sollicita-
4 tion, and disposition of donations
5 and grants to the Foundation, in-
6 cluding appropriate limits on the
7 ability of donors to designate, by
8 stipulation or restriction, the use
9 or recipient of donated funds;
10 and
- 11 (bb) the disposition of assets
12 of the Foundation;
- 13 (III) policies that subject all em-
14 ployees, fellows, trainees, and other
15 agents of the Foundation (including
16 ex officio and appointed members of
17 the Board) to conflict of interest
18 standards; and
- 19 (IV) the specific duties of the Ex-
20 ecutive Director.
- 21 (ii) REQUIREMENTS.—The Board
22 shall ensure that the bylaws of the Foun-
23 dation and the activities carried out under
24 those bylaws shall not—

1 (I) reflect unfavorably on the
2 ability of the Foundation to carry out
3 activities in a fair and objective man-
4 ner; or

5 (II) compromise, or appear to
6 compromise, the integrity of any gov-
7 ernmental agency or program, or any
8 officer or employee employed by, or
9 involved in, a governmental agency or
10 program.

11 (H) COMPENSATION.—

12 (i) IN GENERAL.—No member of the
13 Board shall receive compensation for serv-
14 ing on the Board.

15 (ii) CERTAIN EXPENSES.—In accord-
16 ance with the bylaws of the Foundation,
17 members of the Board may be reimbursed
18 for travel expenses, including per diem in
19 lieu of subsistence, and other necessary ex-
20 penses incurred in carrying out the duties
21 of the Board.

22 (I) RESTRICTION ON MEMBERSHIP.—No
23 employee of the Department shall be appointed
24 as a member of the Board of Directors.

1 (3) PURPOSES.—The purposes of the Founda-
2 tion are—

3 (A) to support the Department in carrying
4 out the mission of the Department to ensure
5 the security and prosperity of the United States
6 by addressing civilian energy and environmental
7 challenges through transformative science and
8 technology solutions; and

9 (B) to increase private and philanthropic
10 sector investments that support efforts to cre-
11 ate, characterize, develop, test, validate, and
12 commercialize innovative technologies that ad-
13 dress crosscutting national energy challenges,
14 including those affecting minority, rural, and
15 other underserved communities, by methods
16 that include—

17 (i) fostering collaboration and part-
18 nerships with researchers from the Federal
19 Government, State governments, institu-
20 tions of higher education, including histori-
21 cally Black colleges and universities, Tribal
22 Colleges or Universities, and minority-serv-
23 ing institutions, federally funded research
24 and development centers, industry, and
25 nonprofit organizations for the research,

1 development, or commercialization of
2 transformative energy and associated tech-
3 nologies;

4 (ii) strengthening and sharing best
5 practices relating to regional economic de-
6 velopment through scientific and energy in-
7 novation, including in partnership with an
8 Individual Laboratory-Associated Founda-
9 tion;

10 (iii) promoting new product develop-
11 ment that supports job creation;

12 (iv) administering prize competi-
13 tions—

14 (I) to accelerate private sector
15 competition and investment; and

16 (II) that complement the use of
17 prize authority by the Department;

18 (v) supporting programs that advance
19 technology maturation, especially where
20 there may be gaps in Federal or private
21 funding in the commercialization of a pro-
22 totype technology;

23 (vi) supporting efforts to broaden par-
24 ticipation in energy technology develop-

1 ment among individuals from historically
2 underrepresented groups or regions; and

3 (vii) facilitating access to Department
4 facilities, equipment, and expertise to as-
5 sist in tackling national challenges.

6 (4) ACTIVITIES.—

7 (A) STUDIES, COMPETITIONS, AND
8 PROJECTS.—The Foundation may conduct and
9 support studies, competitions, projects, and
10 other activities that further the purposes of the
11 Foundation described in paragraph (3).

12 (B) FELLOWSHIPS AND GRANTS.—

13 (i) IN GENERAL.—The Foundation
14 may award fellowships and grants for ac-
15 tivities relating to research, development,
16 demonstration, or commercialization of en-
17 ergy and other Department-supported
18 technologies.

19 (ii) FORM OF AWARD.—A fellowship
20 or grant under clause (i) may consist of a
21 stipend, health insurance benefits, funds
22 for travel, and funds for other appropriate
23 expenses.

1 (iii) SELECTION.—In selecting a re-
2 cipient for a fellowship or grant under
3 clause (i), the Foundation—

4 (I) shall make the selection based
5 on the technical and commercializa-
6 tion merits of the proposed project of
7 the potential recipient; and

8 (II) may consult with a potential
9 recipient regarding the ability of the
10 potential recipient to carry out various
11 projects that would further the pur-
12 poses of the Foundation described in
13 paragraph (3).

14 (iv) NATIONAL LABORATORIES.—A
15 National Laboratory that applies for or ac-
16 cepts an award under clause (i) shall not
17 be considered to be engaging in a competi-
18 tive process.

19 (C) ACCESSING FACILITIES AND EXPER-
20 TISE.—The Foundation may work with the De-
21 partment—

22 (i) to leverage the capabilities and fa-
23 cilities of National Laboratories to com-
24 mercialize technology; and

1 (ii) to assist with resources, including
2 by providing information on the assets of
3 each National Laboratory that may enable
4 the commercialization of technology.

5 (D) TRAINING AND EDUCATION.—The
6 Foundation may support programs that provide
7 training to researchers, scientists, other rel-
8 evant personnel at National Laboratories and
9 institutions of higher education, and previous or
10 current recipients of or applicants for Depart-
11 ment funding to help research, develop, dem-
12 onstrate, and commercialize federally funded
13 technology.

14 (E) MATURATION FUNDING.—The Foun-
15 dation shall support programs that provide
16 maturation funding to researchers to advance
17 the technology of those researchers for the pur-
18 pose of moving products from a prototype stage
19 to a commercial stage.

20 (F) STAKEHOLDER ENGAGEMENT.—The
21 Foundation shall convene, and may consult
22 with, representatives from the Department, in-
23 stitutions of higher education, National Labora-
24 tories, the private sector, and commercialization
25 organizations to develop programs for the pur-

1 poses of the Foundation described in paragraph
2 (3) and to advance the activities of the Founda-
3 tion.

4 (G) INDIVIDUAL AND FEDERAL LABORA-
5 TORY-ASSOCIATED FOUNDATIONS.—

6 (i) DEFINITION OF COVERED FOUN-
7 DATION.—In this subparagraph, the term
8 “covered foundation” means each of the
9 following:

10 (I) An Individual Laboratory-As-
11 sociated Foundation.

12 (II) A Federal Laboratory-Asso-
13 ciated Foundation established pursu-
14 ant to subsection (c)(1).

15 (ii) SUPPORT.—The Foundation shall
16 provide support to and collaborate with
17 covered foundations.

18 (iii) GUIDELINES AND TEMPLATES.—
19 For the purpose of providing support
20 under clause (ii), the Secretary shall estab-
21 lish suggested guidelines and templates for
22 covered foundations, including—

23 (I) a standard adaptable organi-
24 zational design for responsible man-
25 agement;

1 (II) standard and legally tenable
2 bylaws and money-handling proce-
3 dures; and

4 (III) a standard training cur-
5 riculum to orient and expand the op-
6 erating expertise of personnel em-
7 ployed by covered foundations.

8 (iv) AFFILIATIONS.—Nothing in this
9 subparagraph requires—

10 (I) an existing Individual Labora-
11 tory-Associated Foundation to modify
12 current practices or affiliate with the
13 Foundation; or

14 (II) a covered foundation to be
15 bound by charter or corporate bylaws
16 as permanently affiliated with the
17 Foundation.

18 (H) SUPPLEMENTAL PROGRAMS.—The
19 Foundation may carry out supplemental pro-
20 grams—

21 (i) to conduct and support forums,
22 meetings, conferences, courses, and train-
23 ing workshops consistent with the purposes
24 of the Foundation described in paragraph
25 (3);

1 (ii) to support and encourage the un-
2 derstanding and development of data that
3 promotes the translation of technologies
4 from the research stage, through the devel-
5 opment and maturation stage, and ending
6 in the market stage;

7 (iii) for writing, editing, printing, pub-
8 lishing, and vending books and other mate-
9 rials relating to research carried out under
10 the Foundation and the Department; and

11 (iv) to conduct other activities to
12 carry out and support the purposes of the
13 Foundation described in paragraph (3).

14 (I) EVALUATIONS.—The Foundation shall
15 support the development of an evaluation meth-
16 odology, to be used as part of any program sup-
17 ported by the Foundation, that shall—

18 (i) consist of qualitative and quan-
19 titative metrics; and

20 (ii) include periodic third-party eval-
21 uation of those programs and other activi-
22 ties of the Foundation.

23 (J) COMMUNICATIONS.—The Foundation
24 shall develop an expertise in communications to
25 promote the work of grant and fellowship re-

1 cipients under subparagraph (B), the commer-
2 cialization successes of the Foundation, oppor-
3 tunities for partnership with the Foundation,
4 and other activities.

5 (K) SOLICITATION AND USE OF FUNDS.—

6 The Foundation may solicit and accept gifts,
7 grants, and other donations, establish accounts,
8 and invest and expend funds in support of the
9 activities and programs of the Foundation.

10 (L) AUTHORITY OF FOUNDATION.—The

11 Foundation shall be the sole entity responsible
12 for carrying out the activities described in this
13 paragraph.

14 (5) ADMINISTRATION.—

15 (A) EXECUTIVE DIRECTOR.—The Board

16 shall hire an Executive Director of the Founda-
17 tion, who shall serve at the pleasure of the
18 Board. Subject to the compliance with the poli-
19 cies and bylaws established by the Board pursu-
20 ant to paragraph (2)(G), the Executive Director
21 shall be responsible for the daily operations of
22 the Foundation in carrying out the activities of
23 the Foundation described in paragraph (4).

24 (B) ADMINISTRATIVE CONTROL.—No

25 member of the Board, officer or employee of the

1 Foundation or of any program established by
2 the Foundation, or participant in a program es-
3 tablished by the Foundation, shall exercise ad-
4 ministrative control over any Federal employee.

5 (C) STRATEGIC PLAN.—Not later than 1
6 year after the date of enactment of this Act, the
7 Foundation shall submit to the Committee on
8 Energy and Natural Resources of the Senate
9 and the Committee on Science, Space, and
10 Technology of the House of Representatives a
11 strategic plan that contains—

12 (i) a plan for the Foundation to be-
13 come financially self-sustaining in fiscal
14 year 2023 and thereafter (except for the
15 amounts provided each fiscal year under
16 paragraph (12)(A)(iii));

17 (ii) a forecast of major crosscutting
18 energy challenge opportunities, including
19 short- and long-term objectives, identified
20 by the Board, with input from commu-
21 nities representing the entities and areas
22 of subject matter expertise, as applicable,
23 described in paragraph (2)(B)(iii)(II);

24 (iii) a description of the efforts that
25 the Foundation will take to be transparent

1 in the processes of the Foundation, includ-
2 ing processes relating to—

3 (I) grant awards, including selec-
4 tion, review, and notification;

5 (II) communication of past, cur-
6 rent, and future research priorities;

7 and

8 (III) solicitation of and response
9 to public input on the opportunities
10 identified under clause (ii);

11 (iv) a description of the financial
12 goals and benchmarks of the Foundation
13 for the following 10 years;

14 (v) a description of the efforts under-
15 taken by the Foundation to engage histori-
16 cally underrepresented groups or regions,
17 including through collaborations with his-
18 torically Black colleges and universities,
19 Tribal Colleges and Universities, minority-
20 serving institutions, and minority-owned
21 and women-owned businesses; and

22 (vi) a description of the efforts under-
23 taken by the Foundation to ensure max-
24 imum complementarity and minimum re-

1 dundancy with investments made by the
2 Department.

3 (D) ANNUAL REPORT.—Not later than 1
4 year after the date on which the Foundation is
5 established, and every 2 years thereafter, the
6 Foundation shall submit to the Committee on
7 Energy and Natural Resources of the Senate,
8 the Committee on Science, Space, and Tech-
9 nology of the House of Representatives, and the
10 Secretary a report that, for the year covered by
11 the report—

12 (i) describes the activities of the
13 Foundation and the progress of the Foun-
14 dation in furthering the purposes of the
15 Foundation described in paragraph (3);

16 (ii) provides a specific accounting of
17 the source and use of all funds made avail-
18 able to the Foundation to carry out those
19 activities to ensure transparency in the
20 alignment of Department missions and
21 policies with national security;

22 (iii) describes how the results of the
23 activities of the Foundation could be incor-
24 porated into the procurement processes of
25 the General Services Administration; and

1 (iv) includes a summary of each eval-
2 uation conducted using the evaluation
3 methodology described in paragraph (4)(I).

4 (E) EVALUATION BY COMPTROLLER GEN-
5 ERAL.—Not later than 5 years after the date on
6 which the Foundation is established, the Comp-
7 troller General of the United States shall sub-
8 mit to the Committee on Energy and Natural
9 Resources of the Senate and the Committee on
10 Science, Space, and Technology of the House of
11 Representatives—

12 (i) an evaluation of—

13 (I) the extent to which the Foun-
14 dation is achieving the mission of the
15 Foundation; and

16 (II) the operation of the Founda-
17 tion; and

18 (ii) any recommendations on how the
19 Foundation may be improved.

20 (F) AUDITS.—The Foundation shall—

21 (i) provide for annual audits of the fi-
22 nancial condition of the Foundation; and

23 (ii) make the audits, and all other
24 records, documents, and papers of the
25 Foundation, available to the Secretary and

1 the Comptroller General of the United
2 States for examination or audit.

3 (G) SEPARATE FUND ACCOUNTS.—The
4 Board shall ensure that any funds received
5 under paragraph (12)(A) are held in a separate
6 account from any other funds received by the
7 Foundation.

8 (H) INTEGRITY.—

9 (i) IN GENERAL.—To ensure integrity
10 in the operations of the Foundation, the
11 Board shall develop and enforce procedures
12 relating to standards of conduct, financial
13 disclosure statements, conflicts of interest
14 (including recusal and waiver rules), au-
15 dits, and any other matters determined ap-
16 propriate by the Board.

17 (ii) FINANCIAL CONFLICTS OF INTER-
18 EST.—To mitigate conflicts of interest and
19 risks from malign foreign influence, any
20 individual who is an officer, employee, or
21 member of the Board is prohibited from
22 any participation in deliberations by the
23 Foundation of a matter that would directly
24 or predictably affect any financial interest
25 of—

1 (I) the individual;

2 (II) a relative (as defined in sec-
3 tion 109 of the Ethics in Government
4 Act of 1978 (5 U.S.C. App.)) of that
5 individual; or

6 (III) a business organization or
7 other entity in which the individual
8 has an interest, including an organiza-
9 tion or other entity with which the in-
10 dividual is negotiating employment.

11 (I) INTELLECTUAL PROPERTY.—The
12 Board shall adopt written standards to govern
13 the ownership and licensing of any intellectual
14 property rights developed by the Foundation or
15 derived from the collaborative efforts of the
16 Foundation.

17 (J) LIABILITY.—

18 (i) IN GENERAL.—The United States
19 shall not be liable for any debts, defaults,
20 acts, or omissions of—

21 (I) the Foundation;

22 (II) a Federal entity with respect
23 to an agreement of that Federal enti-
24 ty with the Foundation; or

1 (III) an Individual Laboratory-
2 Associated Foundation with respect to
3 an agreement of that Federal entity
4 with the Foundation.

5 (ii) FULL FAITH AND CREDIT.—The
6 full faith and credit of the United States
7 shall not extend to any obligations of the
8 Foundation.

9 (K) NONAPPLICABILITY OF FACA.—The
10 Federal Advisory Committee Act (5 U.S.C.
11 App.) shall not apply to the Foundation or an
12 Individual Laboratory-Associated Foundation.

13 (6) DEPARTMENT COLLABORATION.—

14 (A) NATIONAL LABORATORIES.—The Sec-
15 retary shall collaborate with the Foundation to
16 develop a process to ensure collaboration and
17 coordination between the Department, the
18 Foundation, and National Laboratories—

19 (i) to streamline contracting processes
20 between National Laboratories and the
21 Foundation, including by—

22 (I) streamlining the ability of the
23 Foundation to transfer equipment and
24 funds to National Laboratories;

1 (II) standardizing contract mech-
2 anisms to be used by the Foundation
3 in engaging with National Labora-
4 tories; and

5 (III) streamlining the ability of
6 the Foundation to fund endowed posi-
7 tions at National Laboratories;

8 (ii) to allow a National Laboratory or
9 site of a National Laboratory—

10 (I) to accept and perform work
11 for the Foundation, consistent with
12 provided resources, notwithstanding
13 any other provision of law governing
14 the administration, mission, use, or
15 operations of the National Laboratory
16 or site, as applicable; and

17 (II) to perform that work on a
18 basis equal to other missions at the
19 National Laboratory; and

20 (iii) to permit the director of any Na-
21 tional Laboratory or site of a National
22 Laboratory to enter into a cooperative re-
23 search and development agreement or ne-
24 gotiate a licensing agreement with the
25 Foundation pursuant to section 12 of the

1 Stevenson-Wydler Technology Innovation
2 Act of 1980 (15 U.S.C. 3710a).

3 (B) DEPARTMENT LIAISONS.—The Sec-
4 retary shall appoint liaisons from across the
5 Department to collaborate and coordinate with
6 the Foundation, including not less than 1 liai-
7 son from the Office of Technology Transitions,
8 who shall ensure that the Foundation works in
9 conjunction with and does not duplicate existing
10 activities and programs carried out by the De-
11 partment including the Technology Commer-
12 cialization Fund.

13 (C) ADMINISTRATION.—The Secretary
14 shall leverage appropriate arrangements, con-
15 tracts, and directives to carry out the process
16 developed under subparagraph (A).

17 (7) NATIONAL SECURITY.—Nothing in this sub-
18 section exempts the Foundation from any national
19 security policy of the Department.

20 (8) SUPPORT SERVICES.—The Secretary may
21 provide facilities, utilities, and support services to
22 the Foundation if it is determined by the Secretary
23 to be advantageous to the research programs of the
24 Department.

1 (9) ANTI-DEFICIENCY ACT.—Subsection (a)(1)
2 of section 1341 of title 31, United States Code
3 (commonly referred to as the “Anti-Deficiency
4 Act”), shall not apply to any Federal officer or em-
5 ployee carrying out any activity of the Foundation
6 using funds of the Foundation.

7 (10) PREEMPTION OF AUTHORITY.—This sub-
8 section shall not preempt any authority or responsi-
9 bility of the Secretary under any other provision of
10 law.

11 (11) TRANSFER FUNDS.—The Foundation may
12 transfer funds to the Department, which shall be
13 subject to all applicable Federal limitations relating
14 to federally funded research.

15 (12) AUTHORIZATION OF APPROPRIATIONS.—

16 (A) IN GENERAL.—There is authorized to
17 be appropriated—

18 (i) not less than \$1,500,000 for the
19 Secretary for fiscal year 2022 to establish
20 the Foundation;

21 (ii) not less than \$30,000,000 for the
22 Foundation for fiscal year 2023 to carry
23 out the activities of the Foundation; and

24 (iii) not less than \$3,000,000 for the
25 Foundation for each of the fiscal years

1 2024 through 2026, for administrative and
2 operational costs.

3 (B) COST SHARE.—Funds made available
4 under subparagraph (A)(ii) shall be required to
5 be cost-shared by a partner of the Foundation
6 other than the Department or a National Lab-
7 oratory.

8 (c) NATIONAL ENERGY TECHNOLOGY LABORATORY-
9 ASSOCIATED FOUNDATION.—

10 (1) ESTABLISHMENT.—

11 (A) IN GENERAL.—Notwithstanding any
12 other provision of law, the National Energy
13 Technology Laboratory may establish, or enter
14 into an agreement with a nonprofit organization
15 to establish, a Federal Laboratory-Associated
16 Foundation (referred to in this subsection as a
17 “Laboratory Foundation”) to support the mis-
18 sion of the National Energy Technology Lab-
19 oratory.

20 (B) NOT AGENCY OR INSTRUMEN-
21 TALITY.—A Laboratory Foundation shall not be
22 an agency or instrumentality of the Federal
23 Government.

24 (C) GOVERNANCE STRUCTURE.—A Lab-
25 oratory Foundation established under subpara-

1 graph (A) shall have a separate governance
2 structure from, and shall be managed independ-
3 ently of, the National Energy Technology Lab-
4 oratory.

5 (2) ACTIVITIES.—Activities of a Laboratory
6 Foundation may include—

7 (A) conducting support studies, competi-
8 tions, projects, research, and other activities
9 that further the purpose of the Laboratory
10 Foundation;

11 (B) carrying out programs to foster col-
12 laboration and partnership among researchers
13 from the Federal Government, State govern-
14 ments, institutions of higher education, feder-
15 ally funded research and development centers,
16 and industry and nonprofit organizations relat-
17 ing to the research, development, and commer-
18 cialization of federally supported technologies;

19 (C) carrying out programs to leverage
20 technologies to support new product develop-
21 ment that supports regional economic develop-
22 ment;

23 (D) administering prize competitions—

24 (i) to accelerate private sector com-
25 petition and investment; and

1 (ii) that complement the use of prize
2 authority by the Department;

3 (E) providing fellowships and grants to re-
4 search and development personnel at, or affili-
5 ated with, federally funded centers, in accord-
6 ance with paragraph (3);

7 (F) carrying out programs—

8 (i) that allow scientists from foreign
9 countries to serve in research capacities in
10 the United States or other countries in as-
11 sociation with the National Energy Tech-
12 nology Laboratory;

13 (ii) that provide opportunities for em-
14 ployees of the National Energy Technology
15 Laboratory to serve in research capacities
16 in foreign countries;

17 (iii) to conduct studies, projects, or
18 research in collaboration with national and
19 international nonprofit and for-profit orga-
20 nizations, which may include the provision
21 of stipends, travel, and other support for
22 personnel;

23 (iv)(I) to hold forums, meetings, con-
24 ferences, courses, and training workshops
25 that may include undergraduate, graduate,

1 post-graduate, and post-doctoral accredited
2 courses; and

3 (II) for the accreditation of those
4 courses by the Laboratory Foundation at
5 the State and national level for college de-
6 grees or continuing education credits;

7 (v) to support and encourage teachers
8 and students of science at all levels of edu-
9 cation;

10 (vi) to promote an understanding of
11 science amongst the general public;

12 (vii) for writing, editing, printing,
13 publishing, and vending of relevant books
14 and other materials; and

15 (viii) for the conduct of other activi-
16 ties to carry out and support the purpose
17 of the Laboratory Foundation; and

18 (G) receiving, administering, soliciting, ac-
19 cepting, and using funds, gifts, devises, or be-
20 quests, either absolutely or in trust of real or
21 personal property or any income therefrom, or
22 other interest or equity therein for the benefit
23 of, or in connection with, the mission of the ap-
24 plicable Federal laboratory, in accordance with
25 paragraph (4).

1 (3) FELLOWSHIPS AND GRANTS.—

2 (A) SELECTION.—Recipients of fellowships
3 and grants described in paragraph (2)(E) shall
4 be selected—

5 (i) by a Laboratory Foundation and
6 the donors to a Laboratory Foundation;

7 (ii) subject to the agreement of the
8 head of the agency the mission of which is
9 supported by a Laboratory Foundation;
10 and

11 (iii) in the case of a fellowship, based
12 on the recommendation of the employees of
13 the National Energy Technology Labora-
14 tory at which the fellow would serve.

15 (B) EXPENSES.—Fellowships and grants
16 described in paragraph (2)(E) may include sti-
17 pends, travel, health insurance, benefits, and
18 other appropriate expenses.

19 (4) GIFTS.—An amount of funds, a gift, a de-
20 vise, or a bequest described in paragraph (2)(G)
21 may be accepted by a Laboratory Foundation re-
22 gardless of whether it is encumbered, restricted, or
23 subject to a beneficial interest of a private person if
24 any current or future interest of the funds, gift, de-
25 vise, or bequest is for the benefit of the research and

1 development activities of the National Energy Tech-
2 nology Laboratory.

3 (5) OWNERSHIP BY FEDERAL GOVERNMENT.—

4 A contribution, gift, or any other transfer made to
5 or for the use of a Laboratory Foundation shall be
6 regarded as a contribution, gift, or transfer to or for
7 the use of the Federal Government.

8 (6) LIABILITY.—The United States shall not be
9 liable for any debts, defaults, acts, or omissions of
10 a Laboratory Foundation.

11 (7) TRANSFER OF FUNDS.—Notwithstanding
12 any other provision of law, a Laboratory Foundation
13 may transfer funds to the National Energy Tech-
14 nology Laboratory and the National Energy Tech-
15 nology Laboratory may accept that transfer of
16 funds.

17 (8) OTHER LAWS.—This subsection shall not
18 alter or supersede any other provision of law gov-
19 erning the authority, scope, establishment, or use of
20 nonprofit organizations by a Federal agency.

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