

116TH CONGRESS
1ST SESSION

H. R. 3575

To establish the IMPACT for Energy Foundation.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2019

Mr. LUJÁN (for himself, Mr. WILSON of South Carolina, Mr. LIPINSKI, Mr. REED, Mr. SWALWELL of California, Mr. FORTENBERRY, Mr. FLEISCHMANN, Mr. BILIRAKIS, Mr. MCNERNEY, Mr. MCKINLEY, Mr. SENSENBRENNER, Mr. CASTEN of Illinois, Mr. TONKO, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the IMPACT for Energy Foundation.

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 “Increasing and Mobi-
5 lizing Partnerships to Achieve Commercialization of Tech-
6 nologies for Energy Act” or the “IMPACT for Energy
7 Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) DEPARTMENT.—The term “Department”
4 means the Department of Energy.

5 (2) FOUNDATION.—The term “Foundation”
6 means the IMPACT for Energy Foundation estab-
7 lished under section 3(a).

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

10 **SEC. 3. ESTABLISHMENT OF IMPACT FOR ENERGY FOUNDA-**
11 **TION.**

12 (a) ESTABLISHMENT.—

13 (1) IN GENERAL.—Not later than February 1,
14 2021, the Secretary shall establish a nonprofit cor-
15 poration to be known as the “IMPACT for Energy
16 Foundation”.

17 (2) LIMITATION.—The Foundation shall not be
18 an agency or instrumentality of the Federal Govern-
19 ment.

20 (3) NONAPPLICABILITY OF FACA.—The Federal
21 Advisory Committee Act (5 U.S.C. App.) shall not
22 apply to the Foundation.

23 (4) NONPROFIT STATUS.—The Foundation
24 shall be an organization described in section 501(c)
25 of the Internal Revenue Code of 1986 and exempt
26 from taxation under section 501(a) of that Code.

1 (5) BOARD OF DIRECTORS.—

2 (A) IN GENERAL.—The Foundation shall
3 operate under a board of directors.

4 (B) INITIAL APPOINTMENT.—The initial
5 appointment of the board of directors shall be
6 facilitated by the Secretary.

7 (C) COMPOSITION.—To the maximum ex-
8 tent practicable, the board of directors shall in-
9 clude representatives from a diverse range of
10 communities, including—

11 (i) the academic community;

12 (ii) the business community;

13 (iii) nonprofit organizations;

14 (iv) the communities surrounding the
15 laboratories and facilities of the Depart-
16 ment; and

17 (v) the technology transfer and com-
18 mercialization community.

19 (D) RESTRICTION ON MEMBERSHIP.—No
20 employee of the Department shall be appointed
21 as a member of the board of directors.

22 (b) PURPOSE; ACTIVITIES.—

23 (1) PURPOSE.—The purpose of the Foundation
24 is to channel private sector investments that support
25 efforts to create, develop, and commercialize innova-

1 tive technologies that address energy challenges by
2 methods that include—

3 (A) fostering collaboration and partner-
4 ships with researchers from the Federal Gov-
5 ernment, State governments, institutions of
6 higher education, federally funded research and
7 development centers, industry, and nonprofit
8 organizations for the research, development, or
9 commercialization of transformative energy
10 technologies;

11 (B) leveraging technologies by supporting
12 new product development that supports regional
13 economic development; and

14 (C) administering prize competitions to ac-
15 celerate private sector competition and invest-
16 ment.

17 (2) ACTIVITIES.—

18 (A) IN GENERAL.—The Foundation may
19 solicit and accept gifts, grants, and other dona-
20 tions, establish accounts, and invest and expend
21 funds in support of the activities and programs
22 described in subparagraphs (B) through (D).

23 (B) STUDIES, COMPETITIONS, AND
24 PROJECTS.—The Foundation may conduct and
25 support studies, competitions, projects, and

1 other activities that further the purpose of the
2 Foundation described in paragraph (1).

3 (C) FELLOWSHIPS AND GRANTS.—

4 (i) AWARD.—The Foundation may
5 award fellowships and grants for activities
6 relating to research, development, proto-
7 typing, maturing, or commercializing of en-
8 ergy technologies.

9 (ii) FORM OF AWARD.—A fellowship
10 or grant under clause (i) may consist of a
11 stipend, health insurance benefits, funds
12 for travel, and funds for other appropriate
13 expenses.

14 (iii) SELECTION.—

15 (I) IN GENERAL.—The Founda-
16 tion shall award a fellowship or grant
17 under clause (i) based on the technical
18 and commercialization merits of the
19 proposed project.

20 (II) INPUT.—In selecting recipi-
21 ents of a fellowship or grant under
22 clause (i), the Foundation may con-
23 sult with potential recipients regard-
24 ing the ability to carry out various
25 projects that would further the pur-

1 pose of the Foundation described in
2 paragraph (1).

3 (iv) FEDERAL LABORATORIES.—A
4 Federal laboratory that applies for or ac-
5 cepts a grant under clause (i) shall not be
6 considered to be engaging in a competitive
7 procedure.

8 (D) SUPPLEMENTARY PROGRAMS.—The
9 Foundation may carry out supplementary pro-
10 grams—

11 (i) to conduct and support forums,
12 meetings, conferences, courses, and train-
13 ing workshops consistent with the purpose
14 of the Foundation described in paragraph
15 (1);

16 (ii) to support and encourage the un-
17 derstanding and development of—

18 (I) data reporting models that
19 promote the translation of tech-
20 nologies from the research stage,
21 through the development and matura-
22 tion stage, and ending in the market
23 stage; and

24 (II) policies that make regulation
25 more effective and efficient by

1 leveraging the technology translation
2 data described in subclause (I) for the
3 regulation of relevant technology sec-
4 tors;

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

9 (iv) to conduct other activities to
10 carry out and support the purpose of the
11 Foundation described in paragraph (1).

12 (E) AUTHORITY OF FOUNDATION.—The
13 Foundation shall be the sole entity responsible
14 for carrying out the activities described in this
15 paragraph.

16 (F) ADMINISTRATIVE CONTROL.—No par-
17 ticipant in a program under this paragraph or
18 employee of the Foundation shall exercise any
19 administrative control over any Federal em-
20 ployee.

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

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 such sums as are necessary for fiscal year 2020 and each
4 fiscal year thereafter.

5 **SEC. 4. ESTABLISHMENT OF FOR-PROFIT SUBSIDIARIES.**

6 (a) ESTABLISHMENT.—The Foundation may estab-
7 lish 1 or more for-profit subsidiaries, including an impact
8 investment fund—

9 (1) to stimulate economic development activities
10 relating to the purpose of the Foundation described
11 in section 3(b)(1); and

12 (2) to attract for-profit investment partners for
13 technology translation and commercialization activi-
14 ties.

15 (b) AUTHORITIES OF THE FOR-PROFIT SUB-
16 SIDIARY.—

17 (1) IN GENERAL.—Subject to paragraph (2), a
18 for-profit subsidiary established under subsection (a)
19 may—

20 (A) enter into a partnership with an eco-
21 nomic development corporation, including an in-
22 cubator, accelerator, or small business invest-
23 ment company;

24 (B) pay for the cost of building and ad-
25 ministering a facility, including a microlab or

1 incubator, to support the activities of the Foun-
2 dation described in section 3(b)(2); and

3 (C) provide funding to a startup.

4 (2) COST RECOVERY REQUIREMENTS.—A for-
5 profit subsidiary established under subsection (a)
6 shall—

7 (A) ensure that the Foundation owns any
8 intellectual property rights generated through
9 activities funded by the for-profit subsidiary, if
10 appropriate; and

11 (B) own an equity stake in any startup in-
12 vested in by the for-profit subsidiary.

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