

117TH CONGRESS  
1ST SESSION

# H. R. 4863

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

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## 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

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## 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, solicita-  
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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