

AMENDMENT TO RULES COMMITTEE PRINT 117-

31

OFFERED BY MS. STANSBURY OF NEW MEXICO

Page 641, after line 22, insert the following:

1 **Subtitle G—Partnerships for**
2 **Energy Security and Innovation**

3 **SEC. 10671. FOUNDATION FOR ENERGY SECURITY AND IN-**
4 **NOVATION.**

5 (a) DEFINITIONS.—In this section:

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

9 (2) DEPARTMENT.—The term “Department”
10 means the Department of Energy.

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

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

17 (5) HISTORICALLY BLACK COLLEGE AND UNI-
18 VERSITY.—The term “historically Black college and
19 university” has the meaning given the term “part B

1 institution” in section 322 of the Higher Education
2 Act of 1965 (20 U.S.C. 1061).

3 (6) INDIVIDUAL LABORATORY-ASSOCIATED
4 FOUNDATION.—The term “Individual Laboratory-
5 Associated Foundation” means a Laboratory Foun-
6 dation established by an operating contractor of a
7 National Laboratory.

8 (7) MINORITY SERVING INSTITUTION.—The
9 term “minority serving institution” includes the en-
10 tities described in any of the paragraphs (1) through
11 (7) of section 371(a) of the Higher Education Act
12 of 1965 (20 U.S.C. 1067q(a)).

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

17 (9) SECRETARY.—The term “Secretary” means
18 the Secretary of Energy.

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

23 (b) FOUNDATION FOR ENERGY SECURITY AND INNO-
24 VATION.—

25 (1) ESTABLISHMENT.—

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

6 (B) MISSION.—The mission of the Foun-
7 dation shall be—

8 (i) to support the mission of the De-
9 partment; and

10 (ii) to advance collaboration with en-
11 ergy researchers, institutions of higher
12 education, industry, and nonprofit and
13 philanthropic organizations to enable the
14 commercialization of energy technologies.

15 (C) LIMITATION.—The Foundation shall
16 not be an agency or instrumentality of the Fed-
17 eral Government.

18 (D) TAX-EXEMPT STATUS.—The Board
19 shall take all necessary and appropriate steps to
20 ensure that the Foundation is an organization
21 that is described in section 501(c) of the Inter-
22 nal Revenue Code of 1986 and exempt from
23 taxation under section 501(a) of that Code.

24 (E) COLLABORATION WITH EXISTING OR-
25 GANIZATIONS.—The Secretary may collaborate

1 with 1 or more organizations to establish the
2 Foundation and carry out the activities of the
3 Foundation.

4 (2) BOARD OF DIRECTORS.—

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

7 (B) COMPOSITION.—

8 (i) IN GENERAL.—The Board shall be
9 composed of the ex officio nonvoting mem-
10 bers described in clause (ii) and the ap-
11 pointed voting members described in clause
12 (iii).

13 (ii) EX OFFICIO MEMBERS.—The ex
14 officio members of the Board shall be the
15 following individuals or designees of those
16 individuals:

17 (I) The Secretary.

18 (II) The Under Secretary for
19 Science and Energy.

20 (III) The Under Secretary for
21 Nuclear Security.

22 (IV) The Chief Commercializa-
23 tion Officer.

24 (iii) APPOINTED MEMBERS.—

1 (I) INITIAL MEMBERS.—The Sec-
2 retary and the other ex officio mem-
3 bers of the Board shall—

4 (aa) seek to enter into an
5 agreement with the National
6 Academies of Sciences, Engineer-
7 ing, and Medicine to develop a
8 list of individuals to serve as
9 members of the Board who are
10 well-qualified and will meet the
11 requirements of subclauses (II)
12 and (III); and

13 (bb) appoint the initial
14 members of the Board from that
15 list, if applicable, in consultation
16 with the National Academies of
17 Sciences, Engineering, and Medi-
18 cine.

19 (II) REPRESENTATION.—The ap-
20 pointed members of the Board shall
21 reflect a broad cross-section of stake-
22 holders from academia, National Lab-
23 oratories, industry, nonprofit organi-
24 zations, State or local governments,

1 the investment community, and the
2 philanthropic community.

3 (III) EXPERIENCE.—The Sec-
4 retary shall ensure that a majority of
5 the appointed members of the
6 Board—

7 (aa)(AA) has experience in
8 the energy sector;

9 (BB) has research experi-
10 ence in the energy field; or

11 (CC) has experience in tech-
12 nology commercialization or foun-
13 dation operations; and

14 (bb) to the extent prac-
15 ticable, represents diverse re-
16 gions, sectors, and communities.

17 (C) CHAIR AND VICE CHAIR.—

18 (i) IN GENERAL.—The Board shall
19 designate from among the members of the
20 Board—

21 (I) an individual to serve as
22 Chair of the Board; and

23 (II) an individual to serve as Vice
24 Chair of the Board.

1 (ii) TERMS.—The term of service of
2 the Chair and Vice Chair of the Board
3 shall end on the earlier of—

4 (I) the date that is 3 years after
5 the date on which the Chair or Vice
6 Chair of the Board, as applicable, is
7 designated for the position; and

8 (II) the last day of the term of
9 service of the member, as determined
10 under subparagraph (D)(i), who is
11 designated to be Chair or Vice Chair
12 of the Board, as applicable.

13 (iii) REPRESENTATION.—The Chair
14 and Vice Chair of the Board—

15 (I) shall not be representatives of
16 the same area of subject matter ex-
17 pertise, or entity, as applicable, under
18 subparagraph (B)(iii)(II); and

19 (II) shall not be representatives
20 of any area of subject matter exper-
21 tise, or entity, as applicable, rep-
22 resented by the immediately preceding
23 Chair and Vice Chair of the Board.

24 (D) TERMS AND VACANCIES.—

25 (i) TERMS.—

1 (I) IN GENERAL.—The term of
2 service of each appointed member of
3 the Board shall be not more than 5
4 years.

5 (II) INITIAL APPOINTED MEM-
6 BERS.—Of the initial members of the
7 Board appointed under subparagraph
8 (B)(iii)(I), half of the members shall
9 serve for 4 years and half of the mem-
10 bers shall serve for 5 years, as deter-
11 mined by the Chair of the Board.

12 (ii) VACANCIES.—Any vacancy in the
13 membership of the appointed members of
14 the Board—

15 (I) shall be filled in accordance
16 with the bylaws of the Foundation by
17 an individual capable of representing
18 the same area or entity, as applicable,
19 as represented by the vacating board
20 member under subparagraph
21 (B)(iii)(II);

22 (II) shall not affect the power of
23 the remaining appointed members to
24 execute the duties of the Board; and

1 (III) shall be filled by an indi-
2 vidual selected by the Board.

3 (E) MEETINGS; QUORUM.—

4 (i) INITIAL MEETING.—Not later than
5 60 days after the Board is established, the
6 Secretary shall convene a meeting of the ex
7 officio and appointed members of the
8 Board to incorporate the Foundation.

9 (ii) QUORUM.—A majority of the ap-
10 pointed members of the Board shall con-
11 stitute a quorum for purposes of con-
12 ducting the business of the Board.

13 (F) DUTIES.—The Board shall—

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

16 (ii) provide overall direction for the
17 activities of the Foundation and establish
18 priority activities;

19 (iii) carry out any other necessary ac-
20 tivities of the Foundation; and

21 (iv) evaluate the performance of the
22 Executive Director.

23 (G) BYLAWS.—

1 (i) IN GENERAL.—The bylaws estab-
2 lished under subparagraph (F)(i) may in-
3 clude—

4 (I) policies for the selection of
5 Board members, officers, employees,
6 agents, and contractors of the Foun-
7 dation;

8 (II) policies, including ethical
9 standards, for—

10 (aa) the acceptance, sollicita-
11 tion, and disposition of donations
12 and grants to the Foundation, in-
13 cluding appropriate limits on the
14 ability of donors to designate, by
15 stipulation or restriction, the use
16 or recipient of donated funds;
17 and

18 (bb) the disposition of assets
19 of the Foundation;

20 (III) policies that subject all em-
21 ployees, fellows, trainees, and other
22 agents of the Foundation (including
23 ex officio and appointed members of
24 the Board) to conflict of interest
25 standards; and

1 (IV) the specific duties of the Ex-
2 ecutive Director.

3 (ii) REQUIREMENTS.—The Board
4 shall ensure that the bylaws of the Foun-
5 dation and the activities carried out under
6 those bylaws shall not—

7 (I) reflect unfavorably on the
8 ability of the Foundation to carry out
9 activities in a fair and objective man-
10 ner; or

11 (II) compromise, or appear to
12 compromise, the integrity of any gov-
13 ernmental agency or program, or any
14 officer or employee employed by, or
15 involved in, a governmental agency or
16 program.

17 (H) COMPENSATION.—

18 (i) IN GENERAL.—No member of the
19 Board shall receive compensation for serv-
20 ing on the Board.

21 (ii) CERTAIN EXPENSES.—In accord-
22 ance with the bylaws of the Foundation,
23 members of the Board may be reimbursed
24 for travel expenses, including per diem in
25 lieu of subsistence, and other necessary ex-

1 penses incurred in carrying out the duties
2 of the Board.

3 (I) RESTRICTION ON MEMBERSHIP.—No
4 employee of the Department shall be appointed
5 as a member of the Board of Directors.

6 (3) PURPOSES.—The purposes of the Founda-
7 tion are—

8 (A) to support the Department in carrying
9 out the mission of the Department to ensure
10 the security and prosperity of the United States
11 by addressing civilian energy and environmental
12 challenges through transformative science and
13 technology solutions; and

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

22 (i) fostering collaboration and part-
23 nerships with researchers from the Federal
24 Government, State governments, institu-
25 tions of higher education, including histori-

1 cally Black colleges and universities, Tribal
2 Colleges or Universities, and minority-serv-
3 ing institutions, federally funded research
4 and development centers, industry, and
5 nonprofit organizations for the research,
6 development, or commercialization of
7 transformative energy and associated tech-
8 nologies;

9 (ii) strengthening and sharing best
10 practices relating to regional economic de-
11 velopment through scientific and energy in-
12 novation, including in partnership with an
13 Individual Laboratory-Associated Founda-
14 tion;

15 (iii) promoting new product develop-
16 ment that supports job creation;

17 (iv) administering prize competi-
18 tions—

19 (I) to accelerate private sector
20 competition and investment; and

21 (II) that complement the use of
22 prize authority by the Department;

23 (v) supporting programs that advance
24 technology maturation, especially where
25 there may be gaps in Federal or private

1 funding in the commercialization of a pro-
2 totype technology;

3 (vi) supporting efforts to broaden par-
4 ticipation in energy technology develop-
5 ment among individuals from historically
6 underrepresented groups or regions; and

7 (vii) facilitating access to Department
8 facilities, equipment, and expertise to as-
9 sist in tackling national challenges.

10 (4) ACTIVITIES.—

11 (A) STUDIES, COMPETITIONS, AND
12 PROJECTS.—The Foundation may conduct and
13 support studies, competitions, projects, and
14 other activities that further the purposes of the
15 Foundation described in paragraph (3).

16 (B) FELLOWSHIPS AND GRANTS.—

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

23 (ii) FORM OF AWARD.—A fellowship
24 or grant under clause (i) may consist of a
25 stipend, health insurance benefits, funds

1 for travel, and funds for other appropriate
2 expenses.

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

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

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

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

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

1 (i) to leverage the capabilities and fa-
2 cilities of National Laboratories to com-
3 mercialize technology; and

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

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

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

23 (F) STAKEHOLDER ENGAGEMENT.—The
24 Foundation shall convene, and may consult
25 with, representatives from the Department, in-

1 stitutions of higher education, National Labora-
2 tories, the private sector, and commercialization
3 organizations to develop programs for the pur-
4 poses of the Foundation described in paragraph
5 (3) and to advance the activities of the Founda-
6 tion.

7 (G) INDIVIDUAL AND FEDERAL LABORA-
8 TORY-ASSOCIATED FOUNDATIONS.—

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

13 (I) An Individual Laboratory-As-
14 sociated Foundation.

15 (II) A Federal Laboratory-Asso-
16 ciated Foundation established pursu-
17 ant to subsection (c)(1).

18 (ii) SUPPORT.—The Foundation shall
19 provide support to and collaborate with
20 covered foundations.

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

1 (I) a standard adaptable organi-
2 zational design for responsible man-
3 agement;

4 (II) standard and legally tenable
5 bylaws and money-handling proce-
6 dures; and

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

11 (iv) AFFILIATIONS.—Nothing in this
12 subparagraph requires—

13 (I) an existing Individual Labora-
14 tory-Associated Foundation to modify
15 current practices or affiliate with the
16 Foundation; or

17 (II) a covered foundation to be
18 bound by charter or corporate bylaws
19 as permanently affiliated with the
20 Foundation.

21 (H) SUPPLEMENTAL PROGRAMS.—The
22 Foundation may carry out supplemental pro-
23 grams—

24 (i) to conduct and support forums,
25 meetings, conferences, courses, and train-

1 ing workshops consistent with the purposes
2 of the Foundation described in paragraph
3 (3);

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

10 (iii) for writing, editing, printing, pub-
11 lishing, and vending books and other mate-
12 rials relating to research carried out under
13 the Foundation and the Department; and
14 (iv) to conduct other activities to
15 carry out and support the purposes of the
16 Foundation described in paragraph (3).

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

21 (i) consist of qualitative and quan-
22 titative metrics; and

23 (ii) include periodic third-party eval-
24 uation of those programs and other activi-
25 ties of the Foundation.

1 (J) COMMUNICATIONS.—The Foundation
2 shall develop an expertise in communications to
3 promote the work of grant and fellowship re-
4 cipients under subparagraph (B), the commer-
5 cialization successes of the Foundation, oppor-
6 tunities for partnership with the Foundation,
7 and other activities.

8 (K) AUTHORITY OF FOUNDATION.—The
9 Foundation shall be the sole entity responsible
10 for carrying out the activities described in this
11 paragraph.

12 (5) ADMINISTRATION.—

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

22 (B) ADMINISTRATIVE CONTROL.—No
23 member of the Board, officer or employee of the
24 Foundation or of any program established by
25 the Foundation, or participant in a program es-

1 established by the Foundation, shall exercise ad-
2 ministrative control over any Federal employee.

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

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

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

22 (iii) a description of the efforts that
23 the Foundation will take to be transparent
24 in the processes of the Foundation, includ-
25 ing processes relating to—

1 (I) grant awards, including selec-
2 tion, review, and notification;

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

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

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

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

20 (vi) a description of the efforts under-
21 taken by the Foundation to ensure max-
22 imum complementarity and minimum re-
23 dundancy with investments made by the
24 Department.

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

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

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

20 (iii) describes how the results of the
21 activities of the Foundation could be incor-
22 porated into the procurement processes of
23 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) LIMITATION.—None of the funds au-
4 thorized to be appropriated to the Secretary by
5 subparagraph (A)(i) of this paragraph shall be
6 used for construction.

7 (C) COST SHARE.—Funds made available
8 under subparagraph (A)(ii) shall be required to
9 be cost-shared by a partner of the Foundation
10 other than the Department or a National Lab-
11 oratory.

12 (c) NATIONAL ENERGY TECHNOLOGY LABORATORY-
13 ASSOCIATED FOUNDATION.—

14 (1) ESTABLISHMENT.—

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

24 (B) NOT AGENCY OR INSTRUMEN-
25 TALITY.—A Laboratory Foundation shall not be

1 an agency or instrumentality of the Federal
2 Government.

3 (C) GOVERNANCE STRUCTURE.—A Lab-
4 oratory Foundation established under subpara-
5 graph (A) shall have a separate governance
6 structure from, and shall be managed independ-
7 ently of, the National Energy Technology Lab-
8 oratory.

9 (2) ACTIVITIES.—Activities of a Laboratory
10 Foundation may include—

11 (A) conducting support studies, competi-
12 tions, projects, research, and other activities
13 that further the purpose of the Laboratory
14 Foundation;

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

23 (C) carrying out programs to leverage
24 technologies to support new product develop-

1 ment that supports regional economic develop-
2 ment;

3 (D) administering prize competitions—

4 (i) to accelerate private sector com-
5 petition and investment; and

6 (ii) that complement the use of prize
7 authority by the Department;

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

12 (F) carrying out programs—

13 (i) that allow scientists from foreign
14 countries to serve in research capacities in
15 the United States or other countries in as-
16 sociation with the National Energy Tech-
17 nology Laboratory;

18 (ii) that provide opportunities for em-
19 ployees of the National Energy Technology
20 Laboratory to serve in research capacities
21 in foreign countries;

22 (iii) to conduct studies, projects, or
23 research in collaboration with national and
24 international nonprofit and for-profit orga-
25 nizations, which may include the provision

1 of stipends, travel, and other support for
2 personnel;

3 (iv)(I) to hold forums, meetings, con-
4 ferences, courses, and training workshops
5 that may include undergraduate, graduate,
6 post-graduate, and post-doctoral accredited
7 courses; and

8 (II) for the accreditation of those
9 courses by the Laboratory Foundation at
10 the State and national level for college de-
11 grees or continuing education credits;

12 (v) to support and encourage teachers
13 and students of science at all levels of edu-
14 cation;

15 (vi) to promote an understanding of
16 science amongst the general public;

17 (vii) for writing, editing, printing,
18 publishing, and vending of relevant books
19 and other materials; and

20 (viii) for the conduct of other activi-
21 ties to carry out and support the purpose
22 of the Laboratory Foundation.

23 (3) FELLOWSHIPS AND GRANTS.—

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

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

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

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

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

18 (4) LIABILITY.—The United States shall not be
19 liable for any debts, defaults, acts, or omissions of
20 a Laboratory Foundation.

21 (5) OTHER LAWS.—This subsection shall not
22 alter or supersede any other provision of law gov-
23 erning the authority, scope, establishment, or use of
24 nonprofit organizations by a Federal agency.

