



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To establish the Foundation for Energy Security  
and Innovation.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

**S. 1260**

To establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish

**AMENDMENT N<sup>o</sup> 1588**

By \_\_\_\_\_

COONS

To: \_\_\_\_\_

Amor No 1502

35  
Page(s)

GPO: 2020 42-568 (mac)

COONS (for  
himself, Mr. GRAHAM, Mr. LUJÁN, and Mr. BARRASSO)  
to the amendment (No. 1502) proposed by Mr. SCHU-  
MER

Viz:

- 1 At the appropriate place in title V of division B, in-
- 2 sert the following:
- 3 **SEC. 25** . **FOUNDATION FOR ENERGY SECURITY AND IN-**
- 4 **NOVATION.**
- 5 (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) INDIVIDUAL LABORATORY-ASSOCIATED  
13 FOUNDATION.—The term “Individual Laboratory-  
14 Associated Foundation” means a Laboratory Foun-  
15 dation established by an operating contractor of a  
16 National Laboratory.

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

21 (7) SECRETARY.—The term “Secretary” means  
22 the Secretary of Energy.

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 accelerate  
14 the commercialization of energy tech-  
15 nologies.

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

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

1 (E) COLLABORATION WITH EXISTING OR-  
2 GANIZATIONS.—The Secretary may collaborate  
3 with 1 or more organizations to establish the  
4 Foundation and carry out the activities of the  
5 Foundation.

6 (2) BOARD OF DIRECTORS.—

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

9 (B) COMPOSITION.—

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

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

19 (I) The Secretary.

20 (II) The Under Secretary for  
21 Science and Energy.

22 (III) The Under Secretary for  
23 Nuclear Security.

24 (IV) The Chief Commercializa-  
25 tion Officer.



1 (iii) APPOINTED MEMBERS.—

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

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

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

20 (II) REPRESENTATION.—The ap-  
21 pointed members of the Board shall  
22 reflect a broad cross-section of stake-  
23 holders from academia, industry, non-  
24 profit organizations, State or local  
25 governments, the investment commu-

1 nity, and the philanthropic commu-  
2 nity.

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;

21 (iv) evaluate the performance of the  
22 Executive Director; and

23 (v) actively solicit and accept funds,  
24 gifts, grants, devises, or bequests of real or

1 personal property to the Foundation, in-  
2 cluding from private entities.

3 (G) BYLAWS.—

4 (i) IN GENERAL.—The bylaws estab-  
5 lished under subparagraph (F)(i) may in-  
6 clude—

7 (I) policies for the selection of  
8 Board members, officers, employees,  
9 agents, and contractors of the Foun-  
10 dation;

11 (II) policies, including ethical  
12 standards, for—

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

21 (bb) the disposition of assets  
22 of the Foundation;

23 (III) policies that subject all em-  
24 ployees, fellows, trainees, and other  
25 agents of the Foundation (including

1 ex officio and appointed members of  
2 the Board) to conflict of interest  
3 standards; and

4 (IV) the specific duties of the Ex-  
5 ecutive Director.

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

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

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

20 (H) COMPENSATION.—

21 (i) IN GENERAL.—No member of the  
22 Board shall receive compensation for serv-  
23 ing on the Board.

24 (ii) CERTAIN EXPENSES.—In accord-  
25 ance with the bylaws of the Foundation,

1 members of the Board may be reimbursed  
2 for travel expenses, including per diem in  
3 lieu of subsistence, and other necessary ex-  
4 penses incurred in carrying out the duties  
5 of the Board.

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 energy, environmental, and nu-  
12 clear challenges through transformative science  
13 and 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 de-  
17 ploy or commercialize innovative technologies  
18 that address crosscutting national energy chal-  
19 lenges by methods that include—

20 (i) fostering collaboration and part-  
21 nerships with researchers from the Federal  
22 Government, State governments, institu-  
23 tions of higher education, federally funded  
24 research and development centers, indus-  
25 try, and nonprofit organizations for the re-



1 search, development, or commercialization  
2 of transformative energy and associated  
3 technologies;

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 advancing a technology to de-  
22 ployment or commercialization from the  
23 prototype stage to a commercial stage; and

1 (vi) facilitating access to Department  
2 facilities, equipment, and human expertise  
3 to assist in tackling national challenges.

4 (4) ACTIVITIES.—

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

10 (B) FELLOWSHIPS AND GRANTS.—

11 (i) IN GENERAL.—The Foundation  
12 may award fellowships and grants for ac-  
13 tivities relating to research, development,  
14 demonstration, maturation, or commer-  
15 cialization of energy and other Depart-  
16 ment-supported technologies.

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

22 (iii) SELECTION.—In selecting a re-  
23 cipient for a fellowship or grant under  
24 clause (i), the Foundation—

1 (I) shall make the selection based  
2 on the technical and commercializa-  
3 tion merits of the proposed project of  
4 the potential recipient; and

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

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

16 (C) ACCESSING FACILITIES AND EXPER-  
17 TISE.—The Foundation may work with the De-  
18 partment—

19 (i) to leverage the capabilities and fa-  
20 cilities of National Laboratories to com-  
21 mercialize technology; and

22 (ii) to assist with resources, including  
23 by providing information on the assets of  
24 each National Laboratory that may enable

1 the deployment and commercialization of  
2 technology.

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

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

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

1 (G) INDIVIDUAL AND FEDERAL LABORA-  
2 TORY-ASSOCIATED FOUNDATIONS.—

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

7 (I) An Individual Laboratory-As-  
8 sociated Foundation.

9 (II) A Federal Laboratory-Asso-  
10 ciated Foundation established pursu-  
11 ant to subsection (c)(1).

12 (ii) SUPPORT.—The Foundation shall  
13 provide support to and collaborate with  
14 covered foundations.

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

20 (I) a standard adaptable organi-  
21 zational design for responsible man-  
22 agement;

23 (II) standard and legally tenable  
24 bylaws and money-handling proce-  
25 dures; and

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

5 (iv) AFFILIATIONS.—Nothing in this  
6 subparagraph requires—

7 (I) an existing Individual Labora-  
8 tory-Associated Foundation to modify  
9 current practices or affiliate with the  
10 Foundation; or

11 (II) a covered foundation to be  
12 bound by charter or corporate bylaws  
13 as permanently affiliated with the  
14 Foundation.

15 (H) SUPPLEMENTAL PROGRAMS.—The  
16 Foundation may carry out supplemental pro-  
17 grams—

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

23 (ii) to support and encourage the un-  
24 derstanding and development of data that  
25 promotes the translation of technologies

1 from the research stage, through the devel-  
2 opment and maturation stage, and ending  
3 in the market stage;

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

8 (iv) to conduct other activities to  
9 carry out and support the purposes of the  
10 Foundation described in paragraph (3).

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

15 (i) consist of qualitative and quan-  
16 titative metrics; and

17 (ii) include periodic third party eval-  
18 uation of those programs and other activi-  
19 ties of the Foundation.

20 (J) COMMUNICATIONS.—The Foundation  
21 shall develop an expertise in communications to  
22 promote the work of grant and fellowship re-  
23 cipients under subparagraph (B), the commer-  
24 cialization successes of the Foundation, oppor-

1           tunities for partnership with the Foundation,  
2           and other activities.

3           (K) SOLICITATION AND USE OF FUNDS.—

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

8           (5) ADMINISTRATION.—

9           (A) EXECUTIVE DIRECTOR.—The Board

10          shall hire an Executive Director of the Founda-  
11          tion, who shall serve at the pleasure of the  
12          Board.

13          (B) COMPENSATION.—The Executive Di-

14          rector shall be compensated at a level not great-  
15          er than the rate payable for level IV of the Ex-  
16          ecutive Schedule under section 5315 of title 5,  
17          United States Code.

18          (C) ADMINISTRATIVE CONTROL.—No

19          member of the Board, officer or employee of the  
20          Foundation or of any program established by  
21          the Foundation, or participant in a program es-  
22          tablished by the Foundation, shall exercise ad-  
23          ministrative control over any Federal employee.

24          (D) STRATEGIC PLAN.—Not later than 1

25          year after the date of enactment of this Act, the



1 Foundation shall submit to the Committee on  
2 Energy and Natural Resources of the Senate  
3 and the Committee on Science, Space, and  
4 Technology of the House of Representatives a  
5 strategic plan that contains—

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

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

18 (iii) a description of the efforts that  
19 the Foundation will take to be transparent  
20 in the processes of the Foundation, includ-  
21 ing processes relating to—

22 (I) grant awards, including selec-  
23 tion, review, and notification;

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

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

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

10 (v) a description of the efforts under-  
11 taken by the Foundation to ensure max-  
12 imum complementarity and minimum re-  
13 dundancy with investments made by the  
14 Department.

15 (E) ANNUAL REPORT.—Not later than 1  
16 year after the date on which the Foundation is  
17 established, and every 2 years thereafter, the  
18 Foundation shall submit to the Committee on  
19 Energy and Natural Resources of the Senate,  
20 the Committee on Science, Space, and Tech-  
21 nology of the House of Representatives, and the  
22 Secretary a report that, for the year covered by  
23 the report—

24 (i) describes the activities of the  
25 Foundation and the progress of the Foun-

1                   dation in furthering the purposes of the  
2                   Foundation described in paragraph (3);

3                   (ii) provides a specific accounting of  
4                   the source and use of all funds made avail-  
5                   able to the Foundation to carry out those  
6                   activities to ensure transparency in the  
7                   alignment of Department missions and  
8                   policies with national security;

9                   (iii) describes how the results of the  
10                  activities of the Foundation could be incor-  
11                  porated into the procurement processes of  
12                  the General Services Administration; and

13                  (iv) includes a summary of each eval-  
14                  uation conducted using the evaluation  
15                  methodology described in paragraph (4)(I).

16                  (F) EVALUATION BY COMPTROLLER GEN-  
17                  ERAL.—Not later than 5 years after the date on  
18                  which the Foundation is established, the Comp-  
19                  troller General of the United States shall sub-  
20                  mit to the Committee on Energy and Natural  
21                  Resources of the Senate and the Committee on  
22                  Science, Space, and Technology of the House of  
23                  Representatives—

24                  (i) an evaluation of—

1 (I) the extent to which the Foun-  
2 dation is achieving the mission of the  
3 Foundation; and

4 (II) the operation of the Founda-  
5 tion; and

6 (ii) any recommendations on how the  
7 Foundation may be improved.

8 (G) AUDITS.—The Foundation shall—

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

11 (ii) make the audits, and all other  
12 records, documents, and papers of the  
13 Foundation, available to the Secretary and  
14 the Comptroller General of the United  
15 States for examination or audit.

16 (H) SEPARATE FUND ACCOUNTS.—The  
17 Board shall ensure that any funds received  
18 under paragraph (12)(A) are held in a separate  
19 account from any other funds received by the  
20 Foundation.

21 (I) INTEGRITY.—

22 (i) IN GENERAL.—To ensure integrity  
23 in the operations of the Foundation, the  
24 Board shall develop and enforce procedures  
25 relating to standards of conduct, financial

1 disclosure statements, conflicts of interest  
2 (including recusal and waiver rules), au-  
3 dits, and any other matters determined ap-  
4 propriate by the Board.

5 (ii) FINANCIAL CONFLICTS OF INTER-  
6 EST.—To mitigate conflicts of interest and  
7 risks from malign foreign influence, any  
8 individual who is an officer, employee, or  
9 member of the Board is prohibited from  
10 any participation in deliberations by the  
11 Foundation of a matter that would directly  
12 or predictably affect any financial interest  
13 of—

14 (I) the individual;

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

19 (III) a business organization or  
20 other entity in which the individual  
21 has an interest, including an organiza-  
22 tion or other entity with which the in-  
23 dividual is negotiating employment.

24 (J) LIABILITY.—

1 (i) IN GENERAL.—The United States  
2 shall not be liable for any debts, defaults,  
3 acts, or omissions of—

4 (I) the Foundation;

5 (II) a Federal entity with respect  
6 to an agreement of that Federal enti-  
7 ty with the Foundation; or

8 (III) an Individual Laboratory-  
9 Associated Foundation with respect to  
10 an agreement of that Federal entity  
11 with the Foundation.

12 (ii) FULL FAITH AND CREDIT.—The  
13 full faith and credit of the United States  
14 shall not extend to any obligations of the  
15 Foundation.

16 (K) NONAPPLICABILITY OF FACA.—The  
17 Federal Advisory Committee Act (5 U.S.C.  
18 App.) shall not apply to the Foundation or an  
19 Individual Laboratory-Associated Foundation.

20 (6) DEPARTMENT COLLABORATION.—

21 (A) NATIONAL LABORATORIES.—The Sec-  
22 retary shall collaborate with the Foundation to  
23 develop a process to ensure collaboration and  
24 coordination between the Department, the  
25 Foundation, and National Laboratories—

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

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

(II) standardizing contract mechanisms to be used by the Foundation in engaging with National Laboratories; and

(III) streamlining the ability of the Foundation to fund endowed positions at National Laboratories;

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

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

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

1 (iii) to permit the director of any Na-  
2 tional Laboratory or site of a National  
3 Laboratory to enter into a cooperative re-  
4 search and development agreement or ne-  
5 gotiate a licensing agreement with the  
6 Foundation pursuant to section 12 of the  
7 Stevenson-Wydler Technology Innovation  
8 Act of 1980 (15 U.S.C. 3710a).

9 (B) DEPARTMENT LIAISONS.—The Sec-  
10 retary shall appoint liaisons from across the  
11 Department to collaborate and coordinate with  
12 the Foundation, including not less than 1 liai-  
13 son from the Office of Technology Transitions,  
14 who shall ensure that the Foundation works in  
15 conjunction with the Technology Commer-  
16 cialization Fund of the Department.

17 (C) ADMINISTRATION.—The Secretary  
18 shall leverage appropriate arrangements, con-  
19 tracts, and directives to carry out the process  
20 developed under subparagraph (A).

21 (7) NATIONAL SECURITY.—Nothing in this sub-  
22 section exempts the Foundation from any national  
23 security policy of the Department.

24 (8) SUPPORT SERVICES.—The Secretary may  
25 provide facilities, utilities, and support services to



1 the Foundation if it is determined by the Secretary  
2 to be advantageous to the research programs of the  
3 Department.

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

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

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

18 (12) AUTHORIZATION OF APPROPRIATIONS.—

19 (A) IN GENERAL.—Of the amounts author-  
20 ized to be appropriated under section 2117(a)—

21 (i) not less than \$1,500,000 shall be  
22 for the Secretary for fiscal year 2022 to  
23 establish the Foundation;

24 (ii) not less than \$30,000,000 shall be  
25 for the Foundation for fiscal year 2023 to

1 carry out the activities of the Foundation;  
2 and  
3 (iii) not less than \$3,000,000 shall be  
4 for the Foundation for fiscal year 2024,  
5 and each fiscal year thereafter, for admin-  
6 istrative and operational costs.

7 (B) 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);

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; and

23 (G) receiving, administering, soliciting, ac-  
24 cepting, and using funds, gifts, devises, or be-  
25 quests, either absolutely or in trust of real or

1 personal property or any income therefrom, or  
2 other interest or equity therein for the benefit  
3 of, or in connection with, the mission of the ap-  
4 plicable Federal laboratory, in accordance with  
5 paragraph (4).

6 (3) FELLOWSHIPS AND GRANTS.—

7 (A) SELECTION.—Recipients of fellowships  
8 and grants described in paragraph (2)(E) shall  
9 be selected—

10 (i) by a Laboratory Foundation and  
11 the donors to a Laboratory Foundation;

12 (ii) subject to the agreement of the  
13 head of the agency the mission of which is  
14 supported by a Laboratory Foundation;  
15 and

16 (iii) in the case of a fellowship, based  
17 on the recommendation of the employees of  
18 the National Energy Technology Labora-  
19 tory at which the fellow would serve.

20 (B) EXPENSES.—Fellowships and grants  
21 described in paragraph (2)(E) may include sti-  
22 pends, travel, health insurance, benefits, and  
23 other appropriate expenses.

24 (4) GIFTS.—An amount of funds, a gift, a de-  
25 vise, or a bequest described in paragraph (2)(G)

1        may be accepted by a Laboratory Foundation re-  
2        gardless of whether it is encumbered, restricted, or  
3        subject to a beneficial interest of a private person if  
4        any current or future interest of the funds, gift, de-  
5        vise, or bequest is for the benefit of the research and  
6        development activities of the National Energy Tech-  
7        nology Laboratory.

8            (5) OWNERSHIP BY FEDERAL GOVERNMENT.—  
9        A contribution, gift, or any other transfer made to  
10       or for the use of a Laboratory Foundation shall be  
11       regarded as a contribution, gift, or transfer to or for  
12       the use of the Federal Government.

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

16           (7) TRANSFER OF FUNDS.—Notwithstanding  
17       any other provision of law, a Laboratory Foundation  
18       may transfer funds to the National Energy Tech-  
19       nology Laboratory and the National Energy Tech-  
20       nology Laboratory may accept that transfer of  
21       funds.

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