

116TH CONGRESS  
1ST SESSION

# S. 2005

To establish the IMPACT for Energy Foundation.

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IN THE SENATE OF THE UNITED STATES

JUNE 27, 2019

Mr. COONS (for himself and Mr. GRAHAM) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To establish the IMPACT for Energy Foundation.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

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

8       **SEC. 2. DEFINITIONS.**

9       In this Act:

10               (1) DEPARTMENT.—The term “Department”  
11       means the Department of Energy.

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

4           (3) SECRETARY.—The term “Secretary” means  
5       the Secretary of Energy.

6   **SEC. 3. ESTABLISHMENT OF IMPACT FOR ENERGY FOUNDA-**  
7                                   **TION.**

8       (a) ESTABLISHMENT.—

9           (1) IN GENERAL.—Not later than February 1,  
10       2021, the Secretary shall establish a nonprofit cor-  
11       poration to be known as the “IMPACT for Energy  
12       Foundation”.

13          (2) LIMITATION.—The Foundation shall not be  
14       an agency or instrumentality of the Federal Govern-  
15       ment.

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

19          (4) NONPROFIT STATUS.—The Foundation  
20       shall be an organization described in section 501(c)  
21       of the Internal Revenue Code of 1986 and exempt  
22       from taxation under section 501(a) of that Code.

23          (5) BOARD OF DIRECTORS.—

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

1 (B) INITIAL APPOINTMENT.—The initial  
 2 appointment of the board of directors shall be  
 3 facilitated by the Secretary.

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

- 8 (i) the academic community;
- 9 (ii) the business community;
- 10 (iii) nonprofit organizations;
- 11 (iv) the communities surrounding the  
 12 laboratories and facilities of the Depart-  
 13 ment; and
- 14 (v) the technology transfer and com-  
 15 mercialization community.

16 (D) RESTRICTION ON MEMBERSHIP.—No  
 17 employee of the Department shall be appointed  
 18 as a member of the board of directors.

19 (b) PURPOSE; ACTIVITIES.—

20 (1) PURPOSE.—The purpose of the Foundation  
 21 is to channel private sector investments that support  
 22 efforts to create, develop, and commercialize innova-  
 23 tive technologies that address energy challenges by  
 24 methods that include—

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

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

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

15 (2) ACTIVITIES.—

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

21 (B) STUDIES, COMPETITIONS, AND  
22 PROJECTS.—The Foundation may conduct and  
23 support studies, competitions, projects, and  
24 other activities that further the purpose of the  
25 Foundation described in paragraph (1).

1 (C) FELLOWSHIPS AND GRANTS.—

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

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

12 (iii) SELECTION.—

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

18 (II) INPUT.—In selecting recipi-  
19 ents of a fellowship or grant under  
20 clause (i), the Foundation may con-  
21 sult with potential recipients regard-  
22 ing the ability to carry out various  
23 projects that would further the pur-  
24 pose of the Foundation described in  
25 paragraph (1).

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

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

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

14 (ii) to support and encourage the un-  
15 derstanding and development of—

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

22 (II) policies that make regulation  
23 more effective and efficient by  
24 leveraging the technology translation  
25 data described in subclause (I) for the

1 regulation of relevant technology sec-  
2 tors;

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

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

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

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

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

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated to carry out this section

1 such sums as are necessary for fiscal year 2020 and each  
 2 fiscal year thereafter.

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

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

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

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

13 (b) AUTHORITIES OF THE FOR-PROFIT SUB-  
 14 SIDIARY.—

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

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

22 (B) pay for the cost of building and ad-  
 23 ministering a facility, including a microlab or  
 24 incubator, to support the activities of the Foun-  
 25 dation described in section 3(b)(2); and

1 (C) provide funding to a startup.

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

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

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

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