

PART G—PARTNERSHIPS FOR ENERGY SECURITY  
AND INNOVATION**§ 19281. Foundation for Energy Security and Innovation****(a) Definitions**

In this section:

**(1) Board**

The term “Board” means the Board of Directors described in subsection (b)(2)(A).

**(2) Department**

The term “Department” means the Department of Energy.

**(3) Executive Director**

The term “Executive Director” means the Executive Director described in subsection (b)(5)(A).

**(4) Foundation**

The term “Foundation” means the Foundation for Energy Security and Innovation established under subsection (b)(1).

**(5) Historically Black college or university**

The term “historically Black college or university” has the meaning given the term “part B institution” in section 1061 of title 20.

**(6) Individual Laboratory-Associated Foundation**

The term “Individual Laboratory-Associated Foundation” means a Laboratory Foundation established by an operating contractor of a National Laboratory.

**(7) Minority-serving institution**

The term “minority serving institution” means a Hispanic-serving institution as defined in section 1101a of title 20, an Alaska Native-serving institution and a Native Hawaiian-serving institution as defined in section 1059d of title 20, or a Predominantly Black Institution, Asian American and Native American Pacific Islander-serving institution, or a Native American-serving nontribal institution as defined in section 1067q of title 20.

**(8) National Laboratory**

The term “National Laboratory” has the meaning given the term in section 15801 of this title.

**(9) Secretary**

The term “Secretary” means the Secretary of Energy.

**(10) Tribal College or University**

The term “Tribal College or University” has the meaning given in section 1059c of title 20.

**(b) Foundation for Energy Security and Innovation****(1) Establishment****(A) In general**

Not later than 180 days after August 9, 2022, the Secretary shall establish a nonprofit corporation to be known as the “Foundation for Energy Security and Innovation”.

**(B) Mission**

The mission of the Foundation shall be—

(i) to support the mission of the Department; and

(ii) to advance collaboration with energy researchers, institutions of higher education, industry, and nonprofit and philanthropic organizations to accelerate the commercialization of energy technologies.

**(C) Limitation**

The Foundation shall not be an agency or instrumentality of the Federal Government.

**(D) Tax-exempt status**

The Board shall take all necessary and appropriate steps to ensure that the Foundation is an organization that is described in section 501(c) of title 26 and exempt from taxation under section 501(a) of title 26.

**(E) Collaboration with existing organizations**

The Secretary may collaborate with 1 or more organizations to establish the Foundation and carry out the activities of the Foundation.

**(2) Board of Directors****(A) Establishment**

The Foundation shall be governed by a Board of Directors.

**(B) Composition****(i) In general**

The Board shall be composed of the ex officio nonvoting members described in clause (ii) and the appointed voting members described in clause (iii).

**(ii) Ex officio members**

The ex officio members of the Board shall be the following individuals or designees of those individuals:

(I) The Secretary.

(II) The Under Secretary for Science.

(III) The Under Secretary for Nuclear Security.

(IV) The Chief Commercialization Officer.

(iii) Appointed members

**(I) Initial members**

The Secretary and the other ex officio members of the Board shall—

(aa) seek to enter into an agreement with the National Academies of Sciences, Engineering, and Medicine to develop a list of individuals to serve as members of the Board who are well-qualified and will meet the requirements of subclauses (II) and (III); and

(bb) appoint the initial members of the Board from that list, if applicable, in consultation with the National Academies of Sciences, Engineering, and Medicine.

**(II) Representation**

The appointed members of the Board shall reflect a broad cross-section of stakeholders from academia, National Laboratories, industry, nonprofit organi-

<sup>1</sup> So in original. The word “in” probably should not appear.

zations, State or local governments, the investment community, and the philanthropic community.

**(III) Experience**

The Secretary shall ensure that a majority of the appointed members of the Board—

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

(BB) has research experience in the energy field; or

(CC) has experience in technology commercialization or foundation operations; and

(bb) to the extent practicable, represents diverse regions, sectors, and communities.

**(C) Chair and Vice Chair**

**(i) In general**

The Board shall designate from among the members of the Board—

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

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

**(ii) Terms**

The term of service of the Chair and Vice Chair of the Board shall end on the earlier of—

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

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

**(iii) Representation**

The Chair and Vice Chair of the Board—

(I) shall not be representatives of the same area of subject matter expertise, or entity, as applicable, under subparagraph (B)(iii)(II); and

(II) shall not be representatives of any area of subject matter expertise, or entity, as applicable, represented by the immediately preceding Chair and Vice Chair of the Board.

**(D) Terms and vacancies**

**(i) Terms**

**(I) In general**

The term of service of each appointed member of the Board shall be not more than 5 years.

**(II) Initial appointed members**

Of the initial members of the Board appointed under subparagraph (B)(iii)(I), half of the members shall serve for 4 years and half of the members shall serve for 5 years, as determined by the Chair of the Board.

**(ii) Vacancies**

Any vacancy in the membership of the appointed members of the Board—

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

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

(III) shall be filled by an individual selected by the Board.

**(E) Meetings; quorum**

**(i) Initial meeting**

Not later than 60 days after the Board is established, the Secretary shall convene a meeting of the ex officio and appointed members of the Board to incorporate the Foundation.

**(ii) Quorum**

A majority of the appointed members of the Board shall constitute a quorum for purposes of conducting the business of the Board.

**(F) Duties**

The Board shall—

(i) establish bylaws for the Foundation in accordance with subparagraph (G);

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

(iii) carry out any other necessary activities of the Foundation;

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

(v) actively solicit and accept funds, gifts, grants, devises, or bequests of real or personal property to the Foundation, including from private entities.

**(G) Bylaws**

**(i) In general**

The bylaws established under subparagraph (F)(i) may include—

(I) policies for the selection of Board members, officers, employees, agents, and contractors of the Foundation;

(II) policies, including ethical standards, for—

(aa) the acceptance, solicitation, and disposition of donations and grants to the Foundation, including appropriate limits on the ability of donors to designate, by stipulation or restriction, the use or recipient of donated funds; and

(bb) the disposition of assets of the Foundation;

(III) policies that subject all employees, fellows, trainees, and other agents of the Foundation (including ex officio and appointed members of the Board) to conflict of interest standards; and

(IV) the specific duties of the Executive Director.

**(ii) Requirements**

The Board shall ensure that the bylaws of the Foundation and the activities carried out under those bylaws shall not—

(I) reflect unfavorably on the ability of the Foundation to carry out activities in a fair and objective manner; or

(II) compromise, or appear to compromise, the integrity of any governmental agency or program, or any officer or employee employed by, or involved in, a governmental agency or program.

**(H) Compensation**

**(i) In general**

No member of the Board shall receive compensation for serving on the Board.

**(ii) Certain expenses**

In accordance with the bylaws of the Foundation, members of the Board may be reimbursed for travel expenses, including per diem in lieu of subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

**(I) Restriction on membership**

No employee of the Department shall be appointed as a member of the Board of Directors.

**(3) Purposes**

The purposes of the Foundation are—

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

(B) to increase private and philanthropic sector investments that support efforts to create, characterize, develop, test, validate, and deploy or commercialize innovative technologies that address crosscutting national energy challenges, including those affecting minority, rural, and other underserved communities, by methods that include—

(i) fostering collaboration and partnerships with researchers from the Federal Government, State governments, institutions of higher education, including historically Black colleges or universities, Tribal Colleges or Universities, and minority-serving institutions, federally funded research and development centers, industry, and nonprofit organizations for the research, development, or commercialization of transformative energy and associated technologies;

(ii) strengthening and sharing best practices relating to regional economic development through scientific and energy innovation, including in partnership with an Individual Laboratory-Associated Foundation;

(iii) promoting new product development that supports job creation;

(iv) administering prize competitions—

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

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

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

funding in advancing a technology to deployment or commercialization from the prototype stage to a commercial stage;

(vi) supporting efforts to broaden participation in energy technology development among individuals from historically underrepresented groups or regions; and

(vii) facilitating access to Department facilities, equipment, and expertise to assist in tackling national challenges.

**(4) Activities**

**(A) Studies, competitions, and projects**

The Foundation may conduct and support studies, competitions, projects, and other activities that further the purposes of the Foundation described in paragraph (3).

**(B) Fellowships and grants**

**(i) In general**

The Foundation may award fellowships and grants for activities relating to research, development, demonstration, maturation, or commercialization of energy and other Department-supported technologies.

**(ii) Form of award**

A fellowship or grant under clause (i) may consist of a stipend, health insurance benefits, funds for travel, and funds for other appropriate expenses.

**(iii) Selection**

In selecting a recipient for a fellowship or grant under clause (i), the Foundation—

(I) shall make the selection based on the technical and commercialization merits of the proposed project of the potential recipient; and

(II) may consult with a potential recipient regarding the ability of the potential recipient to carry out various projects that would further the purposes of the Foundation described in paragraph (3).

**(iv) National Laboratories**

A National Laboratory that applies for or accepts an award under clause (i) shall not be considered to be engaging in a competitive process.

**(C) Accessing facilities and expertise**

The Foundation may work with the Department—

(i) to leverage the capabilities and facilities of National Laboratories to commercialize technology; and

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

**(D) Training and education**

The Foundation may support programs that provide training to researchers, scientists, other relevant personnel at National Laboratories and institutions of higher education, and previous or current recipients of or applicants for Department funding to help research, develop, demonstrate, deploy, and commercialize federally funded technology.

**(E) Maturation funding**

The Foundation shall support programs that provide maturation funding to researchers to advance the technology of those researchers for the purpose of moving products from a prototype stage to a commercial stage.

**(F) Stakeholder engagement**

The Foundation shall convene, and may consult with, representatives from the Department, institutions of higher education, National Laboratories, the private sector, and commercialization organizations to develop programs for the purposes of the Foundation described in paragraph (3) and to advance the activities of the Foundation.

**(G) Individual and Federal Laboratory-Associated Foundations****(i) Definition of covered foundation**

In this subparagraph, the term “covered foundation” means each of the following:

(I) An Individual Laboratory-Associated Foundation.

(II) A Federal Laboratory-Associated Foundation established pursuant to subsection (c)(1).

**(ii) Support**

The Foundation shall provide support to and collaborate with covered foundations.

**(iii) Guidelines and templates**

For the purpose of providing support under clause (ii), the Secretary shall establish suggested guidelines and templates for covered foundations, including—

(I) a standard adaptable organizational design for responsible management;

(II) standard and legally tenable bylaws and money-handling procedures; and

(III) a standard training curriculum to orient and expand the operating expertise of personnel employed by covered foundations.

**(iv) Affiliations**

Nothing in this subparagraph requires—

(I) an existing Individual Laboratory-Associated Foundation to modify current practices or affiliate with the Foundation; or

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

**(H) Supplemental programs**

The Foundation may carry out supplemental programs—

(i) to conduct and support forums, meetings, conferences, courses, and training workshops consistent with the purposes of the Foundation described in paragraph (3);

(ii) to support and encourage the understanding and development of data that promotes the translation of technologies from the research stage, through the development and maturation stage, and ending in the market stage;

(iii) for writing, editing, printing, publishing, and vending books and other ma-

terials relating to research carried out under the Foundation and the Department; and

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

**(I) Evaluations**

The Foundation shall support the development of an evaluation methodology, to be used as part of any program supported by the Foundation, that shall—

(i) consist of qualitative and quantitative metrics; and

(ii) include periodic third party evaluation of those programs and other activities of the Foundation.

**(J) Communications**

The Foundation shall develop an expertise in communications to promote the work of grant and fellowship recipients under subparagraph (B), the commercialization successes of the Foundation, opportunities for partnership with the Foundation, and other activities.

**(K) Solicitation and use of funds**

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

**(L) Authority of the foundation**

The Foundation shall be the sole entity responsible for carrying out the activities described in this paragraph.

**(5) Administration****(A) Executive Director**

The Board shall hire an Executive Director of the Foundation, who shall serve at the pleasure of the Board. Subject to the compliance with the policies and bylaws established pursuant to paragraph (2)(G), the Executive Director shall be responsible for the daily operations of the Foundation in carrying the activities described in paragraph (4).

**(B) Compensation**

The rate of compensation of the Executive Director shall be fixed by the Board.

**(C) Administrative control**

No member of the Board, officer or employee of the Foundation or of any program established by the Foundation, or participant in a program established by the Foundation, shall exercise administrative control over any Federal employee.

**(D) Strategic plan**

Not later than 1 year after August 9, 2022, the Foundation shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a strategic plan that contains—

(i) a plan for the Foundation to become financially self-sustaining in fiscal year 2023 and thereafter (except for the amounts

provided each fiscal year under paragraph (11)(A)(iii));

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

(iii) a description of the efforts that the Foundation will take to be transparent in the processes of the Foundation, including processes relating to—

(I) grant awards, including selection, review, and notification;

(II) communication of past, current, and future research priorities; and

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

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

(v) a description of the efforts undertaken by the Foundation to engage historically underrepresented groups or regions, including through collaborations with historically Black colleges and universities, Tribal Colleges or Universities, minority-serving institutions, and minority-owned and women-owned business, and;<sup>2</sup>

(vi) a description of the efforts undertaken by the Foundation to ensure maximum complementarity and minimum redundancy with investments made by the Department.

#### **(E) Annual report**

Not later than 1 year after the date on which the Foundation is established, and every year<sup>3</sup> thereafter, the Foundation shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Secretary a report that, for the year covered by the report—

(i) describes the activities of the Foundation and the progress of the Foundation in furthering the purposes of the Foundation described in paragraph (3);

(ii) provides a specific accounting of the source and use of all funds made available to the Foundation to carry out those activities to ensure transparency in the alignment of Department missions and policies with national security;

(iii) describes how the results of the activities of the Foundation could be incorporated into the procurement processes of the General Services Administration; and

(iv) includes a summary of each evaluation conducted using the evaluation methodology described in paragraph (4)(I).

#### **(F) Evaluation by Comptroller General**

Not later than 5 years after the date on which the Foundation is established, the

Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Science, Space, and Technology of the House of Representatives—

(i) an evaluation of—

(I) the extent to which the Foundation is achieving the mission of the Foundation; and

(II) the operation of the Foundation; and

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

#### **(G) Audits**

The Foundation shall—

(i) provide for annual audits of the financial condition of the Foundation; and

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

#### **(H) Separate fund accounts**

The Board shall ensure that any funds received under paragraph (11)(A) are held in a separate account from any other funds received by the Foundation.

#### **(I) Integrity**

##### **(i) In general**

To ensure integrity in the operations of the Foundation, the Board shall develop and enforce procedures relating to standards of conduct, financial disclosure statements, conflicts of interest (including recusal and waiver rules), audits, and any other matters determined appropriate by the Board.

##### **(ii) Financial conflicts of interest**

To mitigate conflicts of interest and risks from malign foreign influence, any individual who is an officer, employee, or member of the Board is prohibited from any participation in deliberations by the Foundation of a matter that would directly or predictably affect any financial interest of—

(I) the individual;

(II) a relative (as defined in section 109 of the Ethics in Government Act of 1978 (5 U.S.C. App.)<sup>4</sup>) of that individual; or

(III) a business organization or other entity in which the individual has an interest, including an organization or other entity with which the individual is negotiating employment.

#### **(J) Intellectual property**

The Board shall adopt written standards to govern the ownership and licensing of any intellectual property rights developed by the Foundation or derived from the collaborative efforts of the Foundation.

#### **(K) Liability**

##### **(i) In general**

The United States shall not be liable for any debts, defaults, acts, or omissions of—

<sup>2</sup>So in original. Probably should be “; and”.

<sup>3</sup>So in original.

<sup>4</sup>See References in Text note below.

- (I) the Foundation;
- (II) a Federal entity with respect to an agreement of that Federal entity with the Foundation; or
- (III) an Individual Laboratory-Associated Foundation with respect to an agreement of that Federal entity with the Foundation.

**(ii) Full faith and credit**

The full faith and credit of the United States shall not extend to any obligations of the Foundation.

**(L) Nonapplicability of FACA**

The Federal Advisory Committee Act (5 U.S.C. App.)<sup>4</sup> shall not apply to the Foundation or an Individual Laboratory-Associated Foundation.

**(6) Department collaboration**

**(A) National Laboratories**

The Secretary shall collaborate with the Foundation to develop a process to ensure collaboration and coordination between the Department, the 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

(iii) to permit the director of any National Laboratory or site of a National Laboratory to enter into a cooperative research and development agreement or negotiate a licensing agreement with the Foundation pursuant to section 3710a of title 15.

**(B) Department liaisons**

The Secretary shall appoint liaisons from across the Department to collaborate and coordinate with the Foundation, including not less than 1 liaison from the Office of Technology Transitions, who shall ensure that the Foundation works in conjunction with and does not duplicate existing activities and programs carried out by the Department, including the Technology Commercialization Fund of the Department.

**(C) Administration**

The Secretary shall leverage appropriate arrangements, contracts, and directives to carry out the process developed under subparagraph (A).

**(7) National security**

Nothing in this subsection exempts the Foundation from any national security policy of the Department.

**(8) Support services**

The Secretary may provide facilities, utilities, and support services to the Foundation if it is determined by the Secretary to be advantageous to the research programs of the Department.

**(9) Preemption of authority**

This subsection shall not preempt any authority or responsibility of the Secretary under any other provision of law.

**(10) Transfer funds**

The Foundation may transfer funds to the Department, which shall be subject to all applicable Federal limitations relating to federally funded research.

**(11) Authorization of appropriations**

**(A) In general**

There is authorized to be appropriated—

(i) not less than \$1,500,000 shall be for the Secretary for fiscal year 2023 to establish the Foundation;

(ii) not less than \$30,000,000 shall be for the Foundation for fiscal year 2024 to carry out the activities of the Foundation; and

(iii) not less than \$3,000,000 shall be for the Foundation for each of the fiscal years 2025 through 2027 for administrative and operational costs.

**(B) Limitation**

None of the funds authorized to be appropriated to the Secretary by subparagraph (A)(i) of this paragraph shall be used for construction.

**(C) Cost share**

Funds made available under subparagraph (A)(ii) shall be required to be cost-shared by a partner of the Foundation other than the Department or a National Laboratory.

**(c) National Energy Technology Laboratory-Associated Foundation**

**(1) Establishment**

**(A) In general**

The National Energy Technology Laboratory may establish, or enter into an agreement with a nonprofit organization to establish, a Federal Laboratory-Associated Foundation (referred to in this subsection as a “Laboratory Foundation”) to support the mission of the National Energy Technology Laboratory.

**(B) Not agency or instrumentality**

A Laboratory Foundation shall not be an agency or instrumentality of the Federal Government.

**(C) Governance structure**

A Laboratory Foundation established under subparagraph (A) shall have a separate

governance structure from, and shall be managed independently of, the National Energy Technology Laboratory.

**(2) Activities**

Activities of a Laboratory Foundation may include—

(A) conducting support studies, competitions, projects, research, and other activities that further the purpose of the Laboratory Foundation;

(B) carrying out programs to foster collaboration and partnership among researchers from the Federal Government, State governments, institutions of higher education, federally funded research and development centers, and industry and nonprofit organizations relating to the research, development, and commercialization of federally supported technologies;

(C) carrying out programs to leverage technologies to support new product development that supports regional economic development;

(D) administering prize competitions—

(i) to accelerate private sector competition and investment; and

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

(E) providing fellowships and grants to research and development personnel at, or affiliated with, federally funded centers, in accordance with paragraph (3);

(F) carrying out programs—

(i) that allow scientists from foreign countries to serve in research capacities in the United States or other countries in association with the National Energy Technology Laboratory;

(ii) that provide opportunities for employees of the National Energy Technology Laboratory to serve in research capacities in foreign countries;

(iii) to conduct studies, projects, or research in collaboration with national and international nonprofit and for-profit organizations, which may include the provision of stipends, travel, and other support for personnel;

(iv)(I) to hold forums, meetings, conferences, courses, and training workshops that may include undergraduate, graduate, post-graduate, and post-doctoral accredited courses; and

(II) for the accreditation of those courses by the Laboratory Foundation at the State and national level for college degrees or continuing education credits;

(v) to support and encourage teachers and students of science at all levels of education;

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

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

(viii) for the conduct of other activities to carry out and support the purpose of the Laboratory Foundation; and

(G) receiving, administering, soliciting, accepting, and using funds, gifts, devises, or

bequests, either absolutely or in trust of real or personal property or any income therefrom, or other interest or equity therein for the benefit of, or in connection with, the mission of the applicable Federal laboratory, in accordance with paragraph (4).

**(3) Fellowships and grants**

**(A) Selection**

Recipients of fellowships and grants described in paragraph (2)(E) shall be selected—

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

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

(iii) in the case of a fellowship, based on the recommendation of the employees of the National Energy Technology Laboratory at which the fellow would serve.

**(B) Expenses**

Fellowships and grants described in paragraph (2)(E) may include stipends, travel, health insurance, benefits, and other appropriate expenses.

**(4) Gifts**

An amount of funds, a gift, a devise, or a bequest described in paragraph (2)(G) may be accepted by a Laboratory Foundation regardless of whether it is encumbered, restricted, or subject to a beneficial interest of a private person if any current or future interest of the funds, gift, devise, or bequest is for the benefit of the research and development activities of the National Energy Technology Laboratory.

**(5) Ownership by Federal Government**

A contribution, gift, or any other transfer made to or for the use of a Laboratory Foundation shall be regarded as a contribution, gift, or transfer to or for the use of the Federal Government.

**(6) Liability**

The United States shall not be liable for any debts, defaults, acts, or omissions of a Laboratory Foundation.

**(7) Transfer of funds**

Notwithstanding any other provision of law, a Laboratory Foundation may transfer funds to the National Energy Technology Laboratory and the National Energy Technology Laboratory may accept that transfer of funds.

**(8) Other laws**

This subsection shall not alter or supersede any other provision of law governing the authority, scope, establishment, or use of nonprofit organizations by a Federal agency.

(Pub. L. 117-167, div. B, title VI, §10691, Aug. 9, 2022, 136 Stat. 1688.)

**Editorial Notes**

REFERENCES IN TEXT

Section 109 of the Ethics in Government Act of 1978, referred to in subsec. (b)(5)(I)(ii)(II), is section 109 of Pub. L. 95-521, which was set out in the Appendix to Title 5, Government Organization and Employees, and

was repealed and restated as section 13101 of Title 5 by Pub. L. 117-286, §§3(c), (7), Dec. 27, 2022, 136 Stat. 4266, 4361.

The Federal Advisory Committee Act, referred to in subsec. (b)(5)(L), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

#### PART H—ENERGIZING TECHNOLOGY TRANSFER

### § 19291. Definitions

In this part:

#### (1) Clean energy technology

The term “clean energy technology” means a technology that significantly reduces energy use, increases energy efficiency, reduces greenhouse gas emissions, reduces emissions of other pollutants, or mitigates other negative environmental consequences of energy production, transmission or use.

#### (2) Department

The term “Department” means the Department of Energy.

#### (3) Director

The term “Director” means the Director of each National Laboratory and the Director of each Department of Energy single-purpose research facility.

#### (4) Economically distressed area

The term “economically distressed area” has the meaning described in section 3161(a) of this title.

#### (5) Grant

The term “grant” means a grant award, cooperative agreement award, or any other financial assistance arrangement that the Secretary of Energy determines to be appropriate.

#### (6) Institution of higher education

The term “institution of higher education” has the meaning given such term in section 1001 of title 20.

#### (7) National Laboratory

The term “National Laboratory” has the meaning given that term in section 15801 of this title.

#### (8) Secretary

The term “Secretary” means the Secretary of Energy.

(Pub. L. 117-167, div. B, title VI, §10701, Aug. 9, 2022, 136 Stat. 1701.)

#### Editorial Notes

##### REFERENCES IN TEXT

This part, referred to in text, was in the original “this subtitle”, meaning subtitle J (§§10701-10727) of title VI of div. B of Pub. L. 117-167, which is classified principally to this part. For complete classification of subtitle J to the Code, see Tables.

#### SUBPART 1—NATIONAL CLEAN ENERGY TECHNOLOGY TRANSFER PROGRAMS

### § 19301. National Clean Energy Incubator Program

#### (a) Clean energy incubator defined

In this section, the term “clean energy incubator”—

(1) means any entity that is designed to accelerate the commercial application of clean energy technologies by providing—

(A) physical workspace, labs, and prototyping facilities to support clean energy startups or established clean energy companies; or

(B) companies developing such technologies with support, resources, and services, including—

(i) access to business education and counseling;

(ii) mentorship opportunities; and

(iii) other services rendered for the purpose of aiding the development and commercial application of a clean energy technology; and

(2) may include a program within or established by a National Laboratory, an institution of higher education or a State, territorial, local, or tribal government.

#### (b) Program establishment

Not later than 180 days after the enactment of this Act, the Secretary, acting through the Chief Commercialization Officer established in section 16391(a) of this title, shall establish a Clean Energy Incubator Program (herein referred to as the “program”) to competitively award grants to clean energy incubators.

#### (c) Clean energy incubator selection

In awarding grants to clean energy incubators under subsection (b), the Secretary shall, to the maximum extent practicable, prioritize funding clean energy incubators that—

(1) partner with entities that carry out activities relevant to the activities of such incubator and that operate at the local, State, and regional levels;

(2) support the commercial application activities of startup companies focused on physical hardware, computational, or integrated hardware and software technologies;

(3) are located in geographically diverse regions of the United States, such as the Great Lakes region;

(4) are located in, or partner with entities located in, economically-distressed areas;

(5) support the development of entities focused on expanding clean energy tools and technologies to rural, Tribal, and low-income communities;

(6) support the commercial application of technologies being developed by clean energy entrepreneurs from underrepresented backgrounds; and

(7) have a plan for sustaining activities of the incubator after grant funds received under this program have been expended.

#### (d) Award limits

The Secretary shall not award more than \$4,000,000 to one or more incubators in one given State, per fiscal year.