

116TH CONGRESS
1ST SESSION

S. 2005

To establish the IMPACT for Energy Foundation.

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

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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