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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To direct the Director of the National Institute of Standards and Technology to establish the Foundation for Standards and Metrology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. STEVENS introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Director of the National Institute of Standards and Technology to establish the Foundation for Standards and Metrology, and for other purposes.

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 “Expanding Partner-
5 ships for Innovation and Competitiveness Act”.

6 **SEC. 2. FOUNDATION FOR STANDARDS AND METROLOGY.**

7 (a) IN GENERAL.—Subtitle B of title II of the Re-
8 search and Development, Competition, and Innovation Act

1 (42 U.S.C. 18931 et seq.; relating to measurement re-
2 search of the National Institute of Standards and Tech-
3 nology for the future; enacted as part of division B of Pub-
4 lic Law 117–167) is amended by adding at the end the
5 following new section:

6 **“SEC. 10236. FOUNDATION FOR STANDARDS AND METROL-
7 OGY.**

8 “(a) ESTABLISHMENT.—The Secretary, acting
9 through the Director, shall establish a nonprofit corpora-
10 tion to be known as the ‘Foundation for Standards and
11 Metrology’ (in this section referred to as the ‘Founda-
12 tion’).

13 “(b) MISSION.—The mission of the Foundation shall
14 be to—

15 “(1) support the Institute in carrying out its
16 activities and mission to advance measurement
17 science, technical standards, and technology in ways
18 that enhance the economic security and prosperity of
19 the United States; and

20 “(2) advance collaboration with researchers, in-
21 stitutions of higher education, industry, and non-
22 profit and philanthropic organizations to accelerate
23 the development of technical standards, measure-
24 ment science, and the commercialization of emerging
25 technologies in the United States.

1 “(c) ACTIVITIES.—In carrying out its mission under
2 subsection (b), the Foundation may carry out the fol-
3 lowing:

4 “(1) Support international metrology and tech-
5 nical standards engagement activities.

6 “(2) Support studies, projects, and research on
7 metrology and the development of benchmarks and
8 technical standards infrastructure across the Insti-
9 tute’s mission areas.

10 “(3) Advance collaboration between the Insti-
11 tute and researchers, industry, nonprofit and philan-
12 thropic organizations, institutions of higher edu-
13 cation, federally funded research and development
14 centers, and State, Tribal, and local governments.

15 “(4) Support the expansion and improvement of
16 research facilities and infrastructure at the Institute
17 to advance the development of emerging tech-
18 nologies.

19 “(5) Support the commercialization of federally
20 funded research.

21 “(6) Conduct education and outreach activities.

22 “(7) Offer direct support to NIST associates,
23 including through the provision of fellowships,
24 grants, stipends, travel, health insurance, profes-
25 sional development training, housing, technical and

1 administrative assistance, recognition awards for
2 outstanding performance, and occupational safety
3 and awareness training and support, and other ap-
4 propriate expenditures.

5 “(8) Conduct such other activities as deter-
6 mined necessary by the Foundation to carry out its
7 mission.

8 “(d) AUTHORITY OF THE FOUNDATION.—The Foun-
9 dation shall be the sole entity responsible for carrying out
10 the activities described in subsection (c).

11 “(e) STAKEHOLDER ENGAGEMENT.—The Founda-
12 tion shall convene, and may consult with, representatives
13 from the Institute, institutions of higher education, the
14 private sector, non-profit organizations, and commer-
15 cialization organizations to develop activities for the mis-
16 sion of the Foundation under subsection (b) and to ad-
17 vance the activities of the Foundation under subsection
18 (c).

19 “(f) LIMITATION.—The Foundation shall not be an
20 agency or instrumentality of the Federal Government.

21 “(g) SUPPORT.—The Foundation may receive, ad-
22 minister, solicit, accept, and use funds, gifts, devises, or
23 bequests, either absolutely or in trust of real or personal
24 property or any income therefrom or other interest therein
25 to support activities under subsection (c).

1 “(h) TAX EXEMPT STATUS.—The Board shall take
2 all necessary and appropriate steps to ensure the Founda-
3 tion is an organization described in section 501(c) of the
4 Internal Revenue Code of 1986 and exempt from taxation
5 under section 501(a) of such Code.

6 “(i) BOARD OF DIRECTORS.—

7 “(1) ESTABLISHMENT.—The Foundation shall
8 be governed by a Board of Directors (in this section
9 referred to as the ‘Board’).

10 “(2) COMPOSITION.—

11 “(A) IN GENERAL.—The Board shall be
12 composed of the following:

13 “(i) Eleven appointed voting members
14 described in subparagraph (B).

15 “(ii) Ex officio nonvoting members de-
16 scribed in subparagraph (C).

17 “(B) APPOINTED MEMBERS.—

18 “(i) INITIAL MEMBERS.—The Sec-
19 retary, acting through the Director, shall—

20 “(I) seek to enter into an agree-
21 ment with the National Academies of
22 Sciences, Engineering, and Medicine
23 to develop a list of individuals to serve
24 as members of the Board who are well

1 qualified and will meet the require-
2 ments of clauses (ii) and (iii); and

3 “(II) appoint the initial members
4 of the Board from such list, if appli-
5 cable, in consultation with the Na-
6 tional Academies of Sciences, Engi-
7 neering, and Medicine.

8 “(ii) REPRESENTATION.—The ap-
9 pointed members of the Board shall reflect
10 a broad cross-section of stakeholders
11 across diverse sectors, regions and commu-
12 nities, including from academia, private
13 sector entities, technical standards bodies,
14 the investment community, the philan-
15 thropic community, and other nonprofit or-
16 ganizations.

17 “(iii) EXPERIENCE.—The Secretary,
18 acting through the Director, shall ensure
19 the appointed members of the Board have
20 the experience and are qualified to provide
21 advice and information to advance the
22 Foundation’s mission, including in science
23 and technology research and development,
24 technical standards, education, technology

1 transfer, commercialization, or other as-
2 pects of the Foundation’s mission.

3 “(C) NONVOTING MEMBERS.—

4 “(i) EX OFFICIO MEMBERS.—The Di-
5 rector (or Director’s designee) shall be an
6 ex officio member of the Board.

7 “(ii) NO VOTING POWER.—The Direc-
8 tor (or Director’s designee), as an ex offi-
9 cio member in accordance with clause (i),
10 shall not have voting power on the Board.

11 “(3) CHAIR AND VICE CHAIR.—

12 “(A) IN GENERAL.—The Board shall des-
13 ignate, from among its voting members—

14 “(i) an individual to serve as the chair
15 of the Board; and

16 “(ii) an individual to serve as the vice
17 chair of the Board.

18 “(B) TERMS.—The term of service of the
19 Chair and Vice Chair of the Board shall end on
20 the earlier of—

21 “(i) the date that is three years after
22 the date on which the Chair or Vice Chair
23 of the Board, as applicable, is designated
24 for the respective position; and

1 “(ii) the last day of the term of serv-
2 ice of the member, as determined under
3 paragraph (4)(A), who is designated to be
4 Chair or Vice Chair of the Board, as appli-
5 cable.

6 “(C) REPRESENTATION.—The Chair and
7 Vice Chair of the Board—

8 “(i) may not be representatives of the
9 same area of subject matter expertise, or
10 entity, as applicable; and

11 “(ii) may not be representatives of
12 any area of subject matter expertise, or en-
13 tity, as applicable, represented by the im-
14 mediately preceding Chair and Vice Chair
15 of the Board.

16 “(4) TERMS AND VACANCIES.—

17 “(A) TERM LIMITS.—Subject to subpara-
18 graph (B), the term of office of each member
19 of the Board shall be not more than five years,
20 except that a member of the Board may con-
21 tinue to serve after the expiration of the term
22 of such member until the expiration of the 180-
23 day period beginning on the date on which the
24 term of such member expires, if no new member

1 is appointed to replace the departing board
2 member.

3 “(B) INITIAL APPOINTED MEMBERS.—Of
4 the initial members of the Board appointed
5 under subparagraph (A), half of such members
6 shall serve for four and half years, and half of
7 such members shall serve for five years, as de-
8 termined by the Chair of the Board.

9 “(C) VACANCIES.—Any vacancy in the
10 membership of the appointed members of the
11 Board—

12 “(i) shall be filled in accordance with
13 the bylaws of the Foundation by an indi-
14 vidual capable of representing the same
15 area or entity, as applicable, as rep-
16 resented by the vacating board member
17 under paragraph (2)(B)(ii);

18 “(ii) shall not affect the power of the
19 remaining appointed members to carry out
20 the duties of the Board; and

21 “(iii) shall be filled by an individual
22 selected by the Board.

23 “(5) QUORUM.—A majority of the members of
24 the Board shall constitute a quorum for the pur-
25 poses of conducting the business of the Board.

1 “(6) DUTIES.—The Board shall carry out the
2 following:

3 “(A) Establish bylaws for the Foundation
4 in accordance with paragraph (7).

5 “(B) Provide overall direction for the ac-
6 tivities of the Foundation and establish priority
7 activities.

8 “(C) Coordinate with the Institute the ac-
9 tivities of the Foundation to ensure consistency
10 with the programs and policies of the Institute.

11 “(D) Evaluate the performance of the Ex-
12 ecutive Director of the Foundation.

13 “(E) Actively solicit and accept funds,
14 gifts, grants, devises, or bequests of real or per-
15 sonal property to the Foundation, including
16 from private entities.

17 “(F) Carry out any other necessary activi-
18 ties of the Foundation.

19 “(7) BYLAWS.—The Board shall establish by-
20 laws for the Foundation. In establishing such by-
21 laws, the Board shall ensure the following:

22 “(A) The bylaws of the Foundation include
23 the following:

1 “(i) Policies for the selection of the
2 Board members, officers, employees,
3 agents, and contractors of the Foundation.

4 “(ii) Policies, including ethical and
5 disclosure standards, for the following:

6 “(I) The acceptance, solicitation,
7 and disposition of donations and
8 grants to the Foundation, including
9 appropriate limits on the ability of do-
10 nors to designate, by stipulation or re-
11 striction, the use or recipient of do-
12 nated funds.

13 “(II) The disposition of assets of
14 the Foundation.

15 “(iii) Policies that subject all employ-
16 ees, fellows, trainees, and other agents of
17 the Foundation (including appointed voting
18 members and ex officio members of the
19 Board) to conflict of interest standards.

20 “(iv) The specific duties of the Execu-
21 tive Director of the Foundation.

22 “(B) The bylaws of the Foundation and
23 activities carried out under such bylaws do
24 not—

1 “(i) reflect unfavorably upon the abil-
2 ity of the Foundation to carry out its re-
3 sponsibilities or official duties in a fair and
4 objective manner; or

5 “(ii) compromise, or appear to com-
6 promise, the integrity of any governmental
7 agency or program, or any officer or em-
8 ployee employed by, or involved in a gov-
9 ernmental agency or program.

10 “(8) RESTRICTION ON MEMBERSHIP.—No em-
11 ployee of the Department of Commerce may be ap-
12 pointed as a voting member of the Board of Direc-
13 tors.

14 “(9) COMPENSATION.—

15 “(A) IN GENERAL.—Members of the Board
16 may not receive compensation for serving on
17 the Board.

18 “(B) CERTAIN EXPENSES.—In accordance
19 with the bylaws of the Foundation, members of
20 the Board may be reimbursed for travel ex-
21 penses, including per diem in lieu of subsist-
22 ence, and other necessary expenses incurred in
23 carrying out the duties of the Board.

24 “(10) LIAISON REPRESENTATIVES.—The Sec-
25 retary, acting through the Director, shall designate

1 representatives from across the Institute to serve as
2 the liaisons to the Board and the Foundation.

3 “(11) PERSONAL LIABILITY OF BOARD MEM-
4 BERS.—The members of the Board shall not be per-
5 sonally liable, except in the case of malfeasance.

6 “(j) ADMINISTRATION.—

7 “(1) EXECUTIVE DIRECTOR.—

8 “(A) IN GENERAL.—The Foundation shall
9 have an Executive Director who shall be ap-
10 pointed by the Board, and who shall serve at
11 the pleasure of the Board, and for whom the
12 Board shall establish the rate of compensation.
13 Subject to the bylaws established under sub-
14 section (i)(7), the Executive Director shall be
15 responsible for the daily operations of the
16 Foundation in carrying out the activities of the
17 Foundation under subsection (c).

18 “(B) RESPONSIBILITIES.—In carrying out
19 the daily operations of the Foundation, the Ex-
20 ecutive Director of the Foundation shall carry
21 out the following:

22 “(i) Hire, promote, compensate, and
23 discharge officers and employees of the
24 Foundation, and define the duties of such
25 officers and employees.

1 “(ii) Accept and administer donations
2 to the Foundation, and administer the as-
3 sets of the Foundation.

4 “(iii) Enter into such contracts and
5 execute legal instruments as are appro-
6 priate in carrying out the activities of the
7 Foundation.

8 “(iv) Perform such other functions as
9 necessary to operate the Foundation.

10 “(2) ADMINISTRATIVE CONTROL.—No member
11 of the Board, officer or employee of the Foundation
12 or of any program established by the Foundation, or
13 participant in a program established by the Founda-
14 tion, may exercise administrative control over any
15 Federal employee.

16 “(3) TRANSFER OF FUNDS TO INSTITUTE.—
17 The Foundation may transfer funds and property to
18 the Institute, which the Institute may accept and
19 use and which shall be subject to all applicable Fed-
20 eral limitations relating to federally funded research.

21 “(4) STRATEGIC PLAN.—Not later than one
22 year after the establishment of the Foundation, the
23 Foundation shall submit to the Committee on
24 Science, Space, and Technology of the House of
25 Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate a stra-
2 tegic plan that contains the following:

3 “(A) A plan for the Foundation to become
4 financially self-sustaining in the next five years.

5 “(B) Short- and long-term objectives of the
6 Foundation, as identified by the Board.

7 “(C) A description of the efforts the Foun-
8 dation will take to be transparent in the proc-
9 esses of the Foundation, including processes re-
10 lating to the following:

11 “(i) Grant awards, including selection,
12 review, and notification.

13 “(ii) Communication of past, current,
14 and future research priorities.

15 “(iii) Solicitation of and response to
16 public input on the priorities identified by
17 the Foundation.

18 “(D) A description of the financial goals
19 and benchmarks of the Foundation for the fol-
20 lowing ten years.

21 “(E) A description of the efforts under-
22 taken by the Foundation to ensure maximum
23 complementarity and minimum redundancy
24 with investments made by the Institute.

25 “(5) REPORT.—

1 “(A) IN GENERAL.—Not later than 18
2 months after the establishment of the Founda-
3 tion and not later than February 1 of each year
4 thereafter, the Foundation shall publish a re-
5 port describing the activities of the Foundation
6 during the immediately preceding fiscal year.
7 Each such report shall include with respect to
8 such fiscal year a comprehensive statement of
9 the operations, activities, financial condition,
10 progress, and accomplishments of the Founda-
11 tion.

12 “(B) FINANCIAL CONDITION.—With re-
13 spect to the financial condition of the Founda-
14 tion, each report under subparagraph (A) shall
15 include the source, and a description of, all sup-
16 port under subsection (g) provided to the Foun-
17 dation. Each such report shall identify the per-
18 sons or entities from which such support is re-
19 ceived, and include a specification of any re-
20 strictions on the purposes for which such sup-
21 port may be used.

22 “(C) PUBLICATION.—The Foundation
23 shall make copies of each report submitted
24 under subparagraph (A) available—

1 “(i) for public inspection, and shall
2 upon request provide a copy of the report
3 to any individual for a charge not to ex-
4 ceed the cost of providing such copy; and

5 “(ii) to the Committee on Science,
6 Space, and Technology of the House of
7 Representatives and the Committee on
8 Commerce, Science, and Transportation of
9 the Senate.

10 “(6) AUDITS AND DISCLOSURE.—The Founda-
11 tion shall—

12 “(A) provide for annual audits of the fi-
13 nancial condition of the Foundation, including a
14 full list of the Foundation’s donors and any re-
15 strictions on the purposes for which gifts to the
16 Foundation may be used; and

17 “(B) make such audits, and all other
18 records, documents, and other papers of the
19 Foundation, available to the Secretary and the
20 Comptroller General of the United States for
21 examination or audit.

22 “(7) EVALUATION BY COMPTROLLER GEN-
23 ERAL.—Not later than five years after the date on
24 which the Foundation is established, the Comptroller
25 General of the United States shall submit to the

1 Committee on Science, Space, and Technology of the
2 House of Representatives and the Committee on
3 Commerce, Science, and Transportation of the Sen-
4 ate the following:

5 “(A) An evaluation of the following:

6 “(i) The extent to which the Founda-
7 tion is achieving the mission of the Foun-
8 dation.

9 “(ii) The operation of the Foundation.

10 “(B) Any recommendations on how the
11 Foundation may be improved.

12 “(k) INTEGRITY.—

13 “(1) IN GENERAL.—To ensure integrity in the
14 operations of the Foundation, the Board shall de-
15 velop and enforce procedures relating to standards
16 of conduct, financial disclosure statements, conflicts
17 of interest (including recusal and waiver rules), au-
18 dits, and any other matters determined appropriate
19 by the Board.

20 “(2) FINANCIAL CONFLICTS OF INTEREST.—To
21 mitigate conflicts of interest and risks from malign
22 foreign influence, any individual who is an officer,
23 employee, or member of the Board is prohibited
24 from any participation in deliberations by the Foun-

1 dation of a matter that would directly or predictably
2 affect any financial interest of any of the following:

3 “(A) Such individual.

4 “(B) A relative of such individual.

5 “(C) A business organization or other enti-
6 ty in which such individual or relative of such
7 individual has an interest, including an organi-
8 zation or other entity with which such indi-
9 vidual is negotiating employment.

10 “(l) INTELLECTUAL PROPERTY.—The Board shall
11 adopt written standards to govern the ownership and li-
12 censing of any intellectual property rights developed by the
13 Foundation or derived from the collaborative efforts of the
14 Foundation

15 “(m) FULL FAITH AND CREDIT.—The United States
16 shall not be liable for any debts, defaults, acts, or omis-
17 sions of the Foundation. The full faith and credit of the
18 United States shall not extend to any obligations of the
19 Foundation.

20 “(n) SUPPORT SERVICES.—The Secretary, acting
21 through the Director, may provide facilities, utilities, and
22 support services to the Foundation if it is determined by
23 the Director to be advantageous to the mission of the In-
24 stitute.

1 “(o) NONAPPLICABILITY.—Chapter 10 of title 5,
2 United States Code, shall not apply to the Foundation.

3 “(p) SEPARATE FUND ACCOUNTS.—The Board shall
4 ensure that amounts received pursuant to the authoriza-
5 tion of appropriations under subsection (q) are held in a
6 separate account from any other amounts received by the
7 Foundation.

8 “(q) AUTHORIZATION OF APPROPRIATIONS.—Not-
9 withstanding any other provision of law, from amounts au-
10 thorized to be appropriated for a fiscal year beginning
11 with fiscal year 2026 to the Secretary of Commerce pursu-
12 ant to section 10211, the Director may transfer not less
13 than \$500,000 and not more than \$1,250,000 to the
14 Foundation each such fiscal year.

15 “(r) DEFINITIONS.—In this section:

16 “(1) INSTITUTION OF HIGHER EDUCATION.—
17 The term ‘institution of higher education’ has the
18 meaning given such term in section 101 of the High-
19 er Education Act of 1965 (20 U.S.C. 1001).

20 “(2) NIST ASSOCIATE.—The term ‘NIST asso-
21 ciate’ means any guest researcher, facility user, vol-
22 unteer, or other nonemployee of the National Insti-
23 tute of Standards and Technology who conducts re-
24 search or otherwise engages in an authorized activity
25 with National Institute of Standards and Technology

1 personnel or at a National Institute of Standards
2 and Technology facility.

3 “(3) RELATIVE.—The term ‘relative’ has the
4 meaning given such term in section 13101 of title 5,
5 United States Code.

6 “(4) TECHNICAL STANDARD.—The term ‘tech-
7 nical standard’ has the meaning given such term in
8 section 12(d)(5) of the National Technology Trans-
9 fer and Advancement Act of 1995 (15 U.S.C. 272
10 note).”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 in sections 1 and 10000 of Public Law 117–167 are
13 amended by inserting after the items relating to section
14 10235 the following new items:

“Sec. 10236. Foundation for Standards and Metrology.”.