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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To establish in the National Institute of Standards and Technology 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 establish in the National Institute of Standards and Tech-
nology 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) ESTABLISHMENT.—The Secretary, acting
8 through the Director, shall establish a nonprofit corpora-

1 tion to be known as the “Foundation for Standards and
2 Metrology”.

3 (b) MISSION.—The mission of the Foundation shall
4 be to—

5 (1) support the Institute in carrying out its ac-
6 tivities and mission to advance measurement science,
7 technical standards, and technology in ways that en-
8 hance the economic security and prosperity of the
9 United States; and

10 (2) advance collaboration with researchers, in-
11 stitutions of higher education, industry, and non-
12 profit and philanthropic organizations to accelerate
13 the development of technical standards, measure-
14 ment science, and the commercialization of emerging
15 technologies in the United States.

16 (c) ACTIVITIES.—In carrying out its mission under
17 subsection (b), the Foundation may carry out the fol-
18 lowing:

19 (1) Support international metrology and tech-
20 nical standards engagement activities.

21 (2) Support studies, projects, and research on
22 metrology and the development of benchmarks and
23 technical standards infrastructure across the Insti-
24 tute’s mission areas.

1 (3) Advance collaboration between the Institute
2 and researchers, industry, nonprofit and philan-
3 thropic organizations, institutions of higher edu-
4 cation, federally funded research and development
5 centers, and State, Tribal, and local governments.

6 (4) Support the expansion and improvement of
7 research facilities and infrastructure at the Institute
8 to advance the development of emerging tech-
9 nologies.

10 (5) Support the commercialization of federally
11 funded research.

12 (6) Conduct education and outreach activities.

13 (7) Offer direct support to NIST associates, in-
14 cluding through the provision of fellowships, grants,
15 stipends, travel, health insurance, professional devel-
16 opment training, housing, technical and administra-
17 tive assistance, recognition awards for outstanding
18 performance, and occupational safety and awareness
19 training and support, and other appropriate expendi-
20 tures.

21 (8) Conduct such other activities as determined
22 necessary by the Foundation to carry out its mis-
23 sion.

1 (d) AUTHORITY OF THE FOUNDATION.—The Foun-
2 dation shall be the sole entity responsible for carrying out
3 the activities described in subsection (c).

4 (e) STAKEHOLDER ENGAGEMENT.—The Foundation
5 shall convene, and may consult with, representatives from
6 the Institute, institutions of higher education, the private
7 sector, non-profit organizations, and commercialization or-
8 ganizations to develop activities for the mission of the
9 Foundation under subsection (b) and to advance the ac-
10 tivities of the Foundation under subsection (c).

11 (f) LIMITATION.—The Foundation shall not be an
12 agency or instrumentality of the Federal Government.

13 (g) SUPPORT.—The Foundation may receive, admin-
14 ister, solicit, accept, and use funds, gifts, devises, or be-
15 quests, either absolutely or in trust of real or personal
16 property or any income therefrom or other interest therein
17 to support activities under subsection (c).

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

23 (i) BOARD OF DIRECTORS.—

24 (1) ESTABLISHMENT.—The Foundation shall
25 be governed by a Board of Directors.

1 (2) COMPOSITION.—

2 (A) IN GENERAL.—The Board shall be
3 composed of the following:

4 (i) Eleven appointed voting members
5 described in subparagraph (B).

6 (ii) Ex officio nonvoting members de-
7 scribed in subparagraph (C).

8 (B) APPOINTED MEMBERS.—

9 (i) INITIAL MEMBERS.—The Sec-
10 retary, acting through the Director, shall—

11 (I) seek to enter into an agree-
12 ment with the National Academies of
13 Sciences, Engineering, and Medicine
14 to develop a list of individuals to serve
15 as members of the Board who are well
16 qualified and will meet the require-
17 ments of clauses (ii) and (iii); and

18 (II) appoint the initial members
19 of the Board from such list, if appli-
20 cable, in consultation with the Na-
21 tional Academies of Sciences, Engi-
22 neering, and Medicine.

23 (ii) REPRESENTATION.—The ap-
24 pointed members of the Board shall reflect
25 a broad cross-section of stakeholders

1 across diverse sectors, regions and commu-
2 nities, including from academia, private
3 sector entities, technical standards bodies,
4 the investment community, the philan-
5 thropic community, and other nonprofit or-
6 ganizations.

7 (iii) EXPERIENCE.—The Secretary,
8 acting through the Director, shall ensure
9 the appointed members of the Board have
10 the experience and are qualified to provide
11 advice and information to advance the
12 Foundation’s mission, including in science
13 and technology research and development,
14 technical standards, education, technology
15 transfer, commercialization, or other as-
16 pects of the Foundation’s mission.

17 (C) NONVOTING MEMBERS.—

18 (i) EX OFFICIO MEMBERS.—The ex
19 officio members of the Board shall be the
20 following individuals or the designees of
21 such individuals:

22 (I) The Director.

23 (II) The Associate Director for
24 Laboratory Programs.

1 (III) The Associate Director for
2 Innovation and Industry Services.

3 (IV) The Associate Director for
4 Management Resources.

5 (ii) NO VOTING POWER.—The ex offi-
6 cio members described in clause (i) shall
7 not have voting power on the Board.

8 (3) CHAIR AND VICE CHAIR.—

9 (A) IN GENERAL.—The Board shall des-
10 ignate, from among its members—

11 (i) an individual to serve as the chair
12 of the Board; and

13 (ii) an individual to serve as the vice
14 chair of the Board.

15 (B) TERMS.—The term of service of the
16 Chair and Vice Chair of the Board shall end on
17 the earlier of—

18 (i) the date that is three years after
19 the date on which the Chair or Vice Chair
20 of the Board, as applicable, is designated
21 for the respective position; and

22 (ii) the last day of the term of service
23 of the member, as determined under para-
24 graph (4)(A), who is designated to be

1 Chair or Vice Chair of the Board, as appli-
2 cable.

3 (C) REPRESENTATION.—The Chair and
4 Vice Chair of the Board—

5 (i) may not be representatives of the
6 same area of subject matter expertise, or
7 entity, as applicable; and

8 (ii) may not be representatives of any
9 area of subject matter expertise, or entity,
10 as applicable, represented by the imme-
11 diately preceding Chair and Vice Chair of
12 the Board.

13 (4) TERMS AND VACANCIES.—

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

24 (B) INITIAL APPOINTED MEMBERS.—Of
25 the initial members of the Board appointed

1 under paragraph (4)(A), half of such members
2 shall serve for four years and half of such mem-
3 bers shall serve for five years, as determined by
4 the Chair of the Board.

5 (C) VACANCIES.—Any vacancy in the
6 membership of the appointed members of the
7 Board—

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

14 (ii) shall not affect the power of the
15 remaining appointed members to carry out
16 the duties of the Board; and

17 (iii) shall be filled by an individual se-
18 lected by the Board.

19 (5) QUORUM.—A majority of the members of
20 the Board shall constitute a quorum for the pur-
21 poses of conducting the business of the Board.

22 (6) DUTIES.—The Board shall carry out the
23 following:

24 (A) Establish bylaws for the Foundation in
25 accordance with paragraph (7).

1 (B) Provide overall direction for the activi-
2 ties of the Foundation and establish priority ac-
3 tivities.

4 (C) Coordinate with the Institute the ac-
5 tivities of the Foundation to ensure consistency
6 with the programs and policies of the Institute.

7 (D) Evaluate the performance of the Exec-
8 utive Director of the Foundation.

9 (E) Actively solicit and accept funds, gifts,
10 grants, devises, or bequests of real or personal
11 property to the Foundation, including from pri-
12 vate entities.

13 (F) Carry out any other necessary activi-
14 ties of the Foundation.

15 (7) BYLAWS.—The Board shall establish bylaws
16 for the Foundation. In establishing such bylaws, the
17 Board shall ensure the following:

18 (A) The bylaws of the Foundation include
19 the following:

20 (i) Policies for the selection of the
21 Board members, officers, employees,
22 agents, and contractors of the Foundation.

23 (ii) Policies, including ethical and dis-
24 closure standards, for the following:

1 (I) The acceptance, solicitation,
2 and disposition of donations and
3 grants to the Foundation, including
4 appropriate limits on the ability of do-
5 nors to designate, by stipulation or re-
6 striction, the use or recipient of do-
7 nated funds.

8 (II) The disposition of assets of
9 the Foundation.

10 (iii) Policies that subject all employ-
11 ees, fellows, trainees, and other agents of
12 the Foundation (including appointed voting
13 members and ex officio members of the
14 Board) to conflict of interest standards.

15 (iv) The specific duties of the Execu-
16 tive Director of the Foundation.

17 (B) The bylaws of the Foundation and ac-
18 tivities carried out under such bylaws do not—

19 (i) reflect unfavorably upon the ability
20 of the Foundation to carry out its respon-
21 sibilities or official duties in a fair and ob-
22 jective manner; or

23 (ii) compromise, or appear to com-
24 promise, the integrity of any governmental
25 agency or program, or any officer or em-

1 ployee employed by, or involved in a gov-
2 ernmental agency or program.

3 (8) RESTRICTION ON MEMBERSHIP.—No em-
4 ployee of the Department of Commerce may be ap-
5 pointed as a member of the Board of Directors.

6 (9) COMPENSATION.—

7 (A) IN GENERAL.—Members of the Board
8 may not receive compensation for serving on
9 the Board.

10 (B) CERTAIN EXPENSES.—In accordance
11 with the bylaws of the Foundation, members of
12 the Board may be reimbursed for travel ex-
13 penses, including per diem in lieu of subsist-
14 ence, and other necessary expenses incurred in
15 carrying out the duties of the Board.

16 (10) LIAISON REPRESENTATIVES.—The Sec-
17 retary, acting through the Director, shall designate
18 representatives from across the Institute to serve as
19 the liaisons to the Board and the Foundation.

20 (j) ADMINISTRATION.—

21 (1) EXECUTIVE DIRECTOR.—

22 (A) IN GENERAL.—The Foundation shall
23 have an Executive Director who shall be ap-
24 pointed by the Board, and who shall serve at
25 the pleasure of the Board, and for whom the

1 Board shall establish the rate of compensation.
2 Subject to the bylaws established under sub-
3 section (i)(7), the Executive Director shall be
4 responsible for the daily operations of the
5 Foundation in carrying out the activities of the
6 Foundation under subsection (c).

7 (B) RESPONSIBILITIES.—In carrying out
8 the daily operations of the Foundation, the Ex-
9 ecutive Director of the Foundation shall carry
10 out the following:

11 (i) Hire, promote, compensate, and
12 discharge officers and employees of the
13 Foundation, and define the duties of such
14 officers and employees.

15 (ii) Accept and administer donations
16 to the Foundation, and administer the as-
17 sets of the Foundation.

18 (iii) Enter into such contracts and
19 execute legal instruments as are appro-
20 priate in carrying out the activities of the
21 Foundation.

22 (iv) Perform such other functions as
23 necessary to operate the Foundation.

24 (2) ADMINISTRATIVE CONTROL.—No member
25 of the Board, officer or employee of the Foundation

1 or of any program established by the Foundation, or
2 participant in a program established by the Founda-
3 tion, may exercise administrative control over any
4 Federal employee.

5 (3) TRANSFER OF FUNDS TO INSTITUTE.—The
6 Foundation may transfer funds and property to the
7 Institute, which the Institute may accept and use
8 and which shall be subject to all applicable Federal
9 limitations relating to federally funded research.

10 (4) STRATEGIC PLAN.—Not later than one year
11 after the establishment of the Foundation, the
12 Foundation shall submit to the Committee on
13 Science, Space, and Technology of the House of
14 Representatives and the Committee on Commerce,
15 Science, and Transportation of the Senate a stra-
16 tegic plan that contains the following:

17 (A) A plan for the Foundation to become
18 financially self-sustaining in the next five years.

19 (B) Short- and long-term objectives of the
20 Foundation, as identified by the Board.

21 (C) A description of the efforts the Foun-
22 dation will take to be transparent in the proc-
23 esses of the Foundation, including processes re-
24 lating to the following:

1 (i) Grant awards, including selection,
2 review, and notification.

3 (ii) Communication of past, current,
4 and future research priorities.

5 (iii) Solicitation of and response to
6 public input on the priorities identified by
7 the Foundation.

8 (D) A description of the financial goals
9 and benchmarks of the Foundation for the fol-
10 lowing ten years.

11 (E) A description of the efforts undertaken
12 by the Foundation to ensure maximum
13 complementarity and minimum redundancy
14 with investments made by the Institute.

15 (5) REPORT.—

16 (A) IN GENERAL.—Not later than 18
17 months after the establishment of the Founda-
18 tion and not later than February 1 of each year
19 thereafter, the Foundation shall publish a re-
20 port describing the activities of the Foundation
21 during the immediately preceding fiscal year.
22 Each such report shall include with respect to
23 such fiscal year a comprehensive statement of
24 the operations, activities, financial condition,

1 progress, and accomplishments of the Founda-
2 tion.

3 (B) FINANCIAL CONDITION.—With respect
4 to the financial condition of the Foundation,
5 each report under subparagraph (A) shall in-
6 clude the source, and a description of, all sup-
7 port under subsection (g) provided to the Foun-
8 dation. Each such report shall identify the per-
9 sons or entities from which such support is re-
10 ceived, and include a specification of any re-
11 strictions on the purposes for which such sup-
12 port may be used.

13 (C) PUBLICATION.—The Foundation shall
14 make copies of each report submitted under
15 subparagraph (A) available—

16 (i) for public inspection, and shall
17 upon request provide a copy of the report
18 to any individual for a charge not to ex-
19 ceed the cost of providing such copy; and

20 (ii) to the Committee on Science,
21 Space, and Technology of the House of
22 Representatives and the Committee on
23 Commerce, Science, and Transportation of
24 the Senate.

1 (6) AUDITS AND DISCLOSURE.—The Founda-
2 tion shall—

3 (A) provide for annual audits of the finan-
4 cial condition of the Foundation, including a
5 full list of the Foundation’s donors and any re-
6 strictions on the purposes for which gifts to the
7 Foundation may be used; and

8 (B) make such audits, and all other
9 records, documents, and other papers of the
10 Foundation, available to the Secretary and the
11 Comptroller General of the United States for
12 examination or audit.

13 (7) EVALUATION BY COMPTROLLER GEN-
14 ERAL.—Not later than five years after the date on
15 which the Foundation is established, the Comptroller
16 General of the United States shall submit to the
17 Committee on Science, Space, and Technology of the
18 House of Representatives and the Committee on
19 Commerce, Science, and Transportation of the Sen-
20 ate the following:

21 (A) An evaluation of the following:

22 (i) The extent to which the Founda-
23 tion is achieving the mission of the Foun-
24 dation.

25 (ii) The operation of the Foundation.

1 (B) Any recommendations on how the
2 Foundation may be improved.

3 (k) INTEGRITY.—

4 (1) IN GENERAL.—To ensure integrity in the
5 operations of the Foundation, the Board shall de-
6 velop and enforce procedures relating to standards
7 of conduct, financial disclosure statements, conflicts
8 of interest (including recusal and waiver rules), au-
9 dits, and any other matters determined appropriate
10 by the Board.

11 (2) FINANCIAL CONFLICTS OF INTEREST.—To
12 mitigate conflicts of interest and risks from malign
13 foreign influence, any individual who is an officer,
14 employee, or member of the Board is prohibited
15 from any participation in deliberations by the Foun-
16 dation of a matter that would directly or predictably
17 affect any financial interest of any of the following:

18 (A) Such individual.

19 (B) A relative of such individual.

20 (C) A business organization or other entity
21 in which such individual has an interest, includ-
22 ing an organization or other entity with which
23 such individual is negotiating employment.

24 (l) INTELLECTUAL PROPERTY.—The Board shall
25 adopt written standards to govern the ownership and li-

1 censing of any intellectual property rights developed by the
2 Foundation or derived from the collaborative efforts of the
3 Foundation

4 (m) FULL FAITH AND CREDIT.—The United States
5 shall not be liable for any debts, defaults, acts, or omis-
6 sions of the Foundation. The full faith and credit of the
7 United States shall not extend to any obligations of the
8 Foundation.

9 (n) SUPPORT SERVICES.—The Secretary, acting
10 through the Director, may provide facilities, utilities, and
11 support services to the Foundation if it is determined by
12 the Director to be advantageous to the research programs
13 of the Institute.

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

16 (p) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the Secretary
18 \$1,500,000 for each of fiscal years 2025 through 2029
19 to carry out this section.

20 (q) DEFINITIONS.—In this section:

21 (1) BOARD.—The term “Board” means the
22 Board of Directors of the Foundation, established
23 pursuant to subsection (i).

1 (2) DIRECTOR.—The term “Director” means
2 the Director of the National Institute of Standards
3 and Technology.

4 (3) FOUNDATION.—The term “Foundation”
5 means the Foundation for Standards and Metrology
6 established pursuant to subsection (a).

7 (4) INSTITUTE.—The term “Institute” means
8 the National Institute of Standards and Technology.

9 (5) INSTITUTION OF HIGHER EDUCATION.—The
10 term “institution of higher education” has the
11 meaning given such term in section 101 of the High-
12 er Education Act of 1965 (20 U.S.C. 1001).

13 (6) NIST ASSOCIATE.—The term “NIST asso-
14 ciate” means any guest researcher, facility user, vol-
15 unteer, or other nonemployee of the National Insti-
16 tute of Standards and Technology who conducts re-
17 search or otherwise engages in an authorized activity
18 with National Institute of Standards and Technology
19 personnel or at a National Institute of Standards
20 and Technology facility.

21 (7) RELATIVE.—The term “relative” has the
22 meaning given such term in section 13101 of title 5,
23 United States Code.

24 (8) SECRETARY.—The term “Secretary” means
25 the Secretary of Commerce.

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