

115TH CONGRESS  
2D SESSION

# H. R. 4948

To provide a Federal charter to the Fab Foundation for the National Fab Lab Network, a national network of local digital fabrication facilities providing universal access to advanced manufacturing tools for learning skills, developing inventions, creating businesses, and producing personalized products, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2018

Mr. FOSTER (for himself and Mr. MASSIE) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide a Federal charter to the Fab Foundation for the National Fab Lab Network, a national network of local digital fabrication facilities providing universal access to advanced manufacturing tools for learning skills, developing inventions, creating businesses, and producing personalized products, 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 “National Fab Lab Net-  
5 work Act of 2018”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Scientific discoveries and technical innova-  
4 tions are critical to the economic and national secu-  
5 rity of the United States.

6 (2) Maintaining the leadership of the United  
7 States in science, technology, engineering, and math-  
8 ematics will require a diverse population with the  
9 skills, interest, and access to tools required to ad-  
10 vance these fields.

11 (3) Just as earlier digital revolutions in commu-  
12 nications and computation provided individuals with  
13 the Internet and personal computers, a digital revo-  
14 lution in fabrication will allow anyone to make al-  
15 most anything, anywhere.

16 (4) These creations include communications de-  
17 vices, solar powered housing, consumer products,  
18 and new kinds of machines and tools for advanced  
19 manufacturing.

20 (5) The Center for Bits and Atoms of the Mas-  
21 sachusetts Institute of Technology (CBA) has con-  
22 tributed significantly to the advancement of these  
23 goals through its work in creating and advancing  
24 digital fabrication facilities, or “fab labs” in the  
25 United States and abroad.

1           (6) MakerSpaces, TechShops, and other cre-  
2           ative platforms also facilitate access to digital fab-  
3           rication capabilities.

4           (7) The fab labs of the Center for Bits and  
5           Atoms provide a model for a new kind of national  
6           laboratory that links local facilities for advanced  
7           manufacturing, providing universal access, and em-  
8           powering communities.

9           (8) A coordinated national public-private part-  
10          nership will be the most effective way to accelerate  
11          the provision of this universal infrastructure for  
12          learning skills, developing inventions, creating busi-  
13          nesses, and producing personalized products.

14 **SEC. 3. FEDERAL CHARTER FOR NATIONAL FAB LAB NET-**  
15 **WORK.**

16          (a) IN GENERAL.—Part B of subtitle II of title 36,  
17          United States Code, is amended by adding at the end the  
18          following new chapter:

19           **“CHAPTER 2501—NATIONAL FAB LAB**  
20           **NETWORK**

          “CHAPTER 2501—NATIONAL FAB LAB NETWORK

          “Sec.

          “250101. Definitions.

          “250102. Organization.

          “250103. Purposes and goals.

          “250104. Membership and organization.

          “250105. Governing body.

          “250106. Powers.

          “250107. Restrictions.

          “250108. Records and inspection.

          “250109. Duty to maintain tax exempt status.

“250110. Liability for acts of officers and agents.

“250111. Annual report.

1 **“§ 250101. Definitions**

2 “In this chapter:

3 “(1) CORPORATION.—The term ‘corporation’  
4 means the National Fab Lab Network.

5 “(2) FAB LAB.—The term ‘fab lab’ means a fa-  
6 cility that is—

7 “(A) equipped with a standard integrated  
8 suite of fabrication tools that can convert dig-  
9 ital designs into functional physical things;

10 “(B) equipped with scanning tools to con-  
11 vert physical things into digital designs; and

12 “(C) made accessible to the general public,  
13 allowing for necessary fees.

14 **“§ 250102. Organization**

15 “(a) REDESIGNATION.—The Fab Foundation shall be  
16 known as the National Fab Lab Network.

17 “(b) FEDERAL CHARTER.—The National Fab Lab  
18 Network is a federally chartered corporation.

19 “(c) PERPETUAL EXISTENCE.—Except as otherwise  
20 provided, the corporation shall have perpetual succession.

21 **“§ 250103. Purposes and goals**

22 “The purposes and goals of the corporation are as  
23 follows:

1           “(1) To create a national network of connected  
2 local fab labs to empower individuals and commu-  
3 nities in the United States.

4           “(2) To foster the use of distributed digital fab-  
5 rication tools to promote science, technology, engi-  
6 neering and math skills, increase invention and inno-  
7 vation, create businesses and jobs, and fulfill per-  
8 sonal, professional, and community needs.

9           “(3) To serve as a resource to assist stake-  
10 holders with the effective operation of fab labs.

11           “(4) To provide a platform for education, re-  
12 search, and for catalyzing new methods in science,  
13 technology, engineering, and mathematics education.

14           “(5) To create new ways of educating the work-  
15 force that will enable workers to compete in a 21st  
16 century global marketplace.

17           “(6) To seek to establish at least one fab lab  
18 per every 700,000 individuals in the United States  
19 in the first 10 years of its operation, corresponding  
20 to availability in all 435 Congressional districts and  
21 to provide guidelines for their sustainable operation.

22 **“§ 250104. Membership and organization**

23           “Except as provided in this chapter, eligibility for  
24 membership in the corporation and the rights and privi-

1 leges of members are as provided in the constitution and  
2 bylaws of the corporation.

3 **“§ 250105. Governing body**

4 “Directors, officers, and other staff of the corpora-  
5 tion, and their powers and duties are as provided in the  
6 bylaws of the corporation.

7 **“§ 250106. Powers**

8 “The corporation may—

9 “(1) coordinate the creation of a national net-  
10 work of local fab labs in the United States;

11 “(2) issue guidelines for the sustainable oper-  
12 ation of fab labs;

13 “(3) serve as a resource for organizations and  
14 communities seeking to create fab labs by providing  
15 information, assessing suitability, advising on the lab  
16 lifecycle, and maintaining descriptions of prospective  
17 and operating sites;

18 “(4) accept funds from private individuals, or-  
19 ganizations, government agencies, or other organiza-  
20 tions;

21 “(5) distribute funds to other nonprofit organi-  
22 zations to establish and operate fab labs as members  
23 of the corporation;

24 “(6) facilitate communication between other  
25 nonprofit organizations seeking to join the corpora-

1       tion with operational entities that can source and in-  
2       stall fab labs, provide training, assist with oper-  
3       ations, account for spending, and assess impact;

4           “(7) communicate the benefits available  
5       through membership in the corporation to commu-  
6       nities and the public;

7           “(8) facilitate and participate in synergistic  
8       programs, including workforce training, job creation,  
9       researching the broader impacts of such programs,  
10      and the production of civic infrastructure;

11          “(9) amend a constitution and bylaws for the  
12      management of its property and the regulation of its  
13      affairs;

14          “(10) choose directors, officers, trustees, man-  
15      agers, employees, and agents as the activities of the  
16      corporation require;

17          “(11) make contracts;

18          “(12) acquire, own, lease, encumber, and trans-  
19      fer property as necessary or convenient to carry out  
20      the purposes of the corporation;

21          “(13) borrow money, issue instruments of in-  
22      debtedness, and secure its obligations by granting  
23      security interests in its property;

24          “(14) charge and collect membership dues and  
25      subscription fees; and

1           “(15) sue and be sued.

2   **“§ 250107. Restrictions**

3           “(a) STOCK AND DIVIDENDS.—The corporation may  
4 not issue securities of any kind or declare or pay a divi-  
5 dend.

6           “(b) DISTRIBUTION OF INCOME OR ASSETS.—The in-  
7 come or assets of the corporation may not inure to the  
8 benefit of, or be distributed to, a director, officer, or mem-  
9 ber during the life of the charter of the corporation under  
10 this chapter. This subsection does not prevent the pay-  
11 ment of reasonable compensation to an officer or reim-  
12 bursement for actual necessary expenses in amounts ap-  
13 proved by the board of directors.

14           “(c) LOANS.—The corporation may not make a loan  
15 to a director, officer, or employee.

16           “(d) CLAIM OF GOVERNMENTAL APPROVAL OR AU-  
17 THORITY.—The corporation may not claim congressional  
18 approval or the authority of the United States Govern-  
19 ment for any of its activities.

20   **“§ 250108. Records and inspection**

21           “(a) RECORDS.—The corporation shall keep—

22                   “(1) correct and complete records of account;

23                   “(2) minutes of the proceedings of its members,  
24           board of directors, and committees having any of the  
25           authority of its board of directors; and



1           “(3) at its principal office, a record of the  
2           names and addresses of its members entitled to vote.

3           “(b) INSPECTIONS.—A member entitled to vote, or an  
4           agent or attorney of the member, may inspect the records  
5           of the corporation for any proper purpose, at any reason-  
6           able time.

7           **“§ 250109. Duty to maintain tax exempt status**

8           “The corporation shall maintain its status as an or-  
9           ganization exempt from taxation under the Internal Rev-  
10          enue Code of 1986 (26 U.S.C. 1 et seq.).

11          **“§ 250110. Liability for acts of officers and agents**

12          “The corporation is liable for the acts of its officers  
13          and agents acting within the scope of their authority.

14          **“§ 250111. Annual report**

15          “Not less frequently than once each year, the cor-  
16          poration shall submit to Congress, including specifically  
17          to the Committee on Commerce, Science, and Transpor-  
18          tation of the Senate and the Committee on Science, Space,  
19          and Technology of the House of Representatives, a report  
20          on the activities of the corporation during the prior fiscal  
21          year. The report shall be submitted at the same time as  
22          the report of the audit required by section 10101 of this  
23          title. The report may not be printed as a public docu-  
24          ment.”.

1           (b) CLERICAL AMENDMENT.—The table of chapters  
2 at the beginning of subtitle II of such title is amended  
3 by inserting after the item relating to chapter 2401 the  
4 following new item:

          “2501. National Fab Lab Network ..... 250101”.

