

118TH CONGRESS
2D SESSION

H. R. 8673

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

JUNE 7, 2024

Ms. STEVENS (for herself and Mr. OBERNOLTE) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To establish in the National Institute of Standards and Technology 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-
9 tion to be known as the “Foundation for Standards and
10 Metrology”.

1 (b) MISSION.—The mission of the Foundation shall
2 be to—

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

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

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

17 (1) Support international metrology and tech-
18 nical standards engagement activities.

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

23 (3) Advance collaboration between the Institute
24 and researchers, industry, nonprofit and philan-
25 thropic organizations, institutions of higher edu-

1 cation, federally funded research and development
2 centers, and State, Tribal, and local governments.

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

7 (5) Support the commercialization of federally
8 funded research.

9 (6) Conduct education and outreach activities.

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

18 (8) Conduct such other activities as determined
19 necessary by the Foundation to carry out its mis-
20 sion.

21 (d) **AUTHORITY OF THE FOUNDATION.**—The Foun-
22 dation shall be the sole entity responsible for carrying out
23 the activities described in subsection (c).

24 (e) **STAKEHOLDER ENGAGEMENT.**—The Foundation
25 shall convene, and may consult with, representatives from

1 the Institute, institutions of higher education, the private
2 sector, non-profit organizations, and commercialization or-
3 ganizations to develop activities for the mission of the
4 Foundation under subsection (b) and to advance the ac-
5 tivities of the Foundation under subsection (c).

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

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

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

18 (i) BOARD OF DIRECTORS.—

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

21 (2) COMPOSITION.—

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

24 (i) Eleven appointed voting members
25 described in subparagraph (B).

1 (ii) Ex officio nonvoting members de-
2 scribed in subparagraph (C).

3 (B) APPOINTED MEMBERS.—

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

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

13 (II) appoint the initial members
14 of the Board from such list, if appli-
15 cable, in consultation with the Na-
16 tional Academies of Sciences, Engi-
17 neering, and Medicine.

18 (ii) REPRESENTATION.—The ap-
19 pointed members of the Board shall reflect
20 a broad cross-section of stakeholders
21 across diverse sectors, regions and commu-
22 nities, including from academia, private
23 sector entities, technical standards bodies,
24 the investment community, the philan-

1 thropic community, and other nonprofit or-
2 ganizations.

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

13 (C) NONVOTING MEMBERS.—

14 (i) EX OFFICIO MEMBERS.—The ex
15 officio members of the Board shall be the
16 following individuals or the designees of
17 such individuals:

18 (I) The Director.

19 (II) The Associate Director for
20 Laboratory Programs.

21 (III) The Associate Director for
22 Innovation and Industry Services.

23 (IV) The Associate Director for
24 Management Resources.

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

4 (3) CHAIR AND VICE CHAIR.—

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

7 (i) an individual to serve as the chair
8 of the Board; and

9 (ii) an individual to serve as the vice
10 chair of the Board.

11 (B) TERMS.—The term of service of the
12 Chair and Vice Chair of the Board shall end on
13 the earlier of—

14 (i) the date that is three years after
15 the date on which the Chair or Vice Chair
16 of the Board, as applicable, is designated
17 for the respective position; and

18 (ii) the last day of the term of service
19 of the member, as determined under para-
20 graph (4)(A), who is designated to be
21 Chair or Vice Chair of the Board, as appli-
22 cable.

23 (C) REPRESENTATION.—The Chair and
24 Vice Chair of the Board—

1 (i) may not be representatives of the
2 same area of subject matter expertise, or
3 entity, as applicable; and

4 (ii) may not be representatives of any
5 area of subject matter expertise, or entity,
6 as applicable, represented by the imme-
7 diately preceding Chair and Vice Chair of
8 the Board.

9 (4) TERMS AND VACANCIES.—

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

20 (B) INITIAL APPOINTED MEMBERS.—Of
21 the initial members of the Board appointed
22 under paragraph (4)(A), half of such members
23 shall serve for four years and half of such mem-
24 bers shall serve for five years, as determined by
25 the Chair of the Board.

1 (C) VACANCIES.—Any vacancy in the
2 membership of the appointed members of the
3 Board—

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

10 (ii) shall not affect the power of the
11 remaining appointed members to carry out
12 the duties of the Board; and

13 (iii) shall be filled by an individual se-
14 lected by the Board.

15 (5) QUORUM.—A majority of the members of
16 the Board shall constitute a quorum for the pur-
17 poses of conducting the business of the Board.

18 (6) DUTIES.—The Board shall carry out the
19 following:

20 (A) Establish bylaws for the Foundation in
21 accordance with paragraph (7).

22 (B) Provide overall direction for the activi-
23 ties of the Foundation and establish priority ac-
24 tivities.

1 (C) Coordinate with the Institute the ac-
2 tivities of the Foundation to ensure consistency
3 with the programs and policies of the Institute.

4 (D) Evaluate the performance of the Exec-
5 utive Director of the Foundation.

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

10 (F) Carry out any other necessary activi-
11 ties of the Foundation.

12 (7) BYLAWS.—The Board shall establish bylaws
13 for the Foundation. In establishing such bylaws, the
14 Board shall ensure the following:

15 (A) The bylaws of the Foundation include
16 the following:

17 (i) Policies for the selection of the
18 Board members, officers, employees,
19 agents, and contractors of the Foundation.

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

22 (I) The acceptance, solicitation,
23 and disposition of donations and
24 grants to the Foundation, including
25 appropriate limits on the ability of do-

1 nors to designate, by stipulation or re-
2 striction, the use or recipient of do-
3 nated funds.

4 (II) The disposition of assets of
5 the Foundation.

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

11 (iv) The specific duties of the Execu-
12 tive Director of the Foundation.

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

15 (i) reflect unfavorably upon the ability
16 of the Foundation to carry out its respon-
17 sibilities or official duties in a fair and ob-
18 jective manner; or

19 (ii) compromise, or appear to com-
20 promise, the integrity of any governmental
21 agency or program, or any officer or em-
22 ployee employed by, or involved in a gov-
23 ernmental agency or program.

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

4 (9) COMPENSATION.—

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

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

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

18 (j) ADMINISTRATION.—

19 (1) EXECUTIVE DIRECTOR.—

20 (A) IN GENERAL.—The Foundation shall
21 have an Executive Director who shall be ap-
22 pointed by the Board, and who shall serve at
23 the pleasure of the Board, and for whom the
24 Board shall establish the rate of compensation.
25 Subject to the bylaws established under sub-

1 section (i)(7), the Executive Director shall be
2 responsible for the daily operations of the
3 Foundation in carrying out the activities of the
4 Foundation under subsection (c).

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

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

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

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

20 (iv) Perform such other functions as
21 necessary to operate the Foundation.

22 (2) ADMINISTRATIVE CONTROL.—No member
23 of the Board, officer or employee of the Foundation
24 or of any program established by the Foundation, or
25 participant in a program established by the Founda-

1 tion, may exercise administrative control over any
2 Federal employee.

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

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

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

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

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

23 (i) Grant awards, including selection,
24 review, and notification.

1 (ii) Communication of past, current,
2 and future research priorities.

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

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

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

13 (5) REPORT.—

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

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

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

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

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

23 (6) AUDITS AND DISCLOSURE.—The Founda-
24 tion shall—

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

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

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

19 (A) An evaluation of the following:

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

23 (ii) The operation of the Foundation.

24 (B) Any recommendations on how the
25 Foundation may be improved.

1 (k) INTEGRITY.—

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

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

16 (A) Such individual.

17 (B) A relative of such individual.

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

22 (l) INTELLECTUAL PROPERTY.—The Board shall
23 adopt written standards to govern the ownership and li-
24 censing of any intellectual property rights developed by the

1 Foundation or derived from the collaborative efforts of the
2 Foundation.

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

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

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

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

19 (q) DEFINITIONS.—In this section:

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

23 (2) DIRECTOR.—The term “Director” means
24 the Director of the National Institute of Standards
25 and Technology.

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

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

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

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

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

21 (8) SECRETARY.—The term “Secretary” means
22 the Secretary of Commerce.

23 (9) TECHNICAL STANDARD.—The term “tech-
24 nical standard” has the meaning given such term in
25 section 12(d)(5) of the National Technology Trans-

1 fer and Advancement Act of 1995 (15 U.S.C. 272
2 note).

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