

AMENDMENT TO RULES COMM. PRINT 118–36

OFFERED BY MS. STEVENS OF MICHIGAN

Add at the end of subtitle C of title XVII the following:

1 **SEC. 1748. FOUNDATION FOR STANDARDS AND METROL-**
2 **OGY.**

3 (a) ESTABLISHMENT.—The Secretary, acting
4 through the Director, shall establish a nonprofit corpora-
5 tion to be known as the “Foundation for Standards and
6 Metrology”.

7 (b) MISSION.—The mission of the Foundation shall
8 be to—

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

14 (2) advance collaboration with researchers, in-
15 stitutions of higher education, industry, and non-
16 profit and philanthropic organizations to accelerate
17 the development of technical standards, measure-
18 ment science, and the commercialization of emerging
19 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 Institute
11 and researchers, industry, nonprofit and philan-
12 thropic organizations, institutions of higher edu-
13 cation, including historically Black colleges and uni-
14 versities, EPSCoR Institutions, Tribal Colleges or
15 Universities, minority-serving institutions, federally
16 funded research and development centers, and State,
17 Tribal, and local governments.

18 (4) Support the expansion and improvement of
19 research facilities and infrastructure at the Institute
20 to advance the development of emerging tech-
21 nologies.

22 (5) Support the commercialization of federally
23 funded research.

24 (6) Conduct education and outreach activities.

1 (7) Offer direct support to NIST associates, in-
2 cluding through the provision of fellowships, grants,
3 stipends, travel, health insurance, professional devel-
4 opment training, housing, technical and administra-
5 tive assistance, recognition awards for outstanding
6 performance, and occupational safety and awareness
7 training and support, and other appropriate expendi-
8 tures.

9 (8) Conduct such other activities as determined
10 necessary by the Foundation to carry out its mis-
11 sion.

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

15 (e) **STAKEHOLDER ENGAGEMENT.**—The Foundation
16 shall convene, and may consult with, representatives from
17 the Institute, institutions of higher education, the private
18 sector, non-profit organizations, and commercialization or-
19 ganizations to develop activities for the mission of the
20 Foundation under subsection (b) and to advance the ac-
21 tivities of the Foundation under subsection (c).

22 (f) **LIMITATION.**—The Foundation shall not be an
23 agency or instrumentality of the Federal Government.

24 (g) **SUPPORT.**—The Foundation may receive, admin-
25 ister, solicit, accept, and use funds, gifts, devises, or be-

1 quests, either absolutely or in trust of real or personal
2 property or any income therefrom or other interest therein
3 to support activities under subsection (c).

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

9 (i) BOARD OF DIRECTORS.—

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

12 (2) COMPOSITION.—

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

15 (i) Appointed voting members de-
16 scribed in subparagraph (B).

17 (ii) Ex officio nonvoting members de-
18 scribed in subparagraph (C).

19 (B) APPOINTED MEMBERS.—

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

22 (I) seek to enter into an agree-
23 ment with the National Academies of
24 Sciences, Engineering, and Medicine
25 to develop a list of individuals to serve

1 as members of the Board who are well
2 qualified and will meet the require-
3 ments of clauses (ii) and (iii); and

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

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

18 (iii) EXPERIENCE.—The Secretary,
19 acting through the Director, shall ensure
20 the appointed members of the Board have
21 the experience and are qualified to provide
22 advice and information to advance the
23 Foundation's mission, including in science
24 and technology research and development,
25 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 ex
5 officio members of the Board shall be the
6 following individuals or the designees of
7 such individuals:

8 (I) The Director.

9 (II) The Associate Director for
10 Laboratory Programs.

11 (III) The Associate Director for
12 Innovation and Industry Services.

13 (IV) The Associate Director for
14 Management Resources.

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

18 (3) CHAIR AND VICE CHAIR.—

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

21 (i) an individual to serve as the chair
22 of the Board; and

23 (ii) an individual to serve as the vice
24 chair of the Board.

1 (B) TERMS.—The term of service of the
2 Chair and Vice Chair of the Board shall end on
3 the earlier of—

4 (i) the date that is three years after
5 the date on which the Chair or Vice Chair
6 of the Board, as applicable, is designated
7 for the respective position; and

8 (ii) the last day of the term of service
9 of the member, as determined under para-
10 graph (4)(A), who is designated to be
11 Chair or Vice Chair of the Board, as appli-
12 cable.

13 (C) REPRESENTATION.—The Chair and
14 Vice Chair of the Board—

15 (i) may not be representatives of the
16 same area of subject matter expertise, or
17 entity, as applicable; and

18 (ii) may not be representatives of any
19 area of subject matter expertise, or entity,
20 as applicable, represented by the imme-
21 diately preceding Chair and Vice Chair of
22 the Board.

23 (4) TERMS AND VACANCIES.—

24 (A) TERM LIMITS.—Subject to subpara-
25 graph (B), the term of office of each member

1 of the Board shall be not more than five years,
2 except that a member of the Board may con-
3 tinue to serve after the expiration of the term
4 of such member until the expiration of the 180-
5 day period beginning on the date on which the
6 term of such member expires, if no new member
7 is appointed to replace the departing board
8 member.

9 (B) INITIAL APPOINTED MEMBERS.—Of
10 the initial members of the Board appointed
11 under paragraph (4)(A), half of such members
12 shall serve for four years and half of such mem-
13 bers shall serve for five years, as determined by
14 the Chair of the Board.

15 (C) VACANCIES.—Any vacancy in the
16 membership of the appointed members of the
17 Board—

18 (i) shall be filled in accordance with
19 the bylaws of the Foundation by an indi-
20 vidual capable of representing the same
21 area or entity, as applicable, as rep-
22 resented by the vacating board member
23 under paragraph (2)(B)(ii);

1 (ii) shall not affect the power of the
2 remaining appointed members to carry out
3 the duties of the Board; and

4 (iii) shall be filled by an individual se-
5 lected by the Board.

6 (5) QUORUM.—A majority of the members of
7 the Board shall constitute a quorum for the pur-
8 poses of conducting the business of the Board.

9 (6) DUTIES.—The Board shall carry out the
10 following:

11 (A) Establish bylaws for the Foundation in
12 accordance with paragraph (7).

13 (B) Provide overall direction for the activi-
14 ties of the Foundation and establish priority ac-
15 tivities.

16 (C) Coordinate with the Institute the ac-
17 tivities of the Foundation to ensure consistency
18 with the programs and policies of the Institute.

19 (D) Evaluate the performance of the Exec-
20 utive Director of the Foundation.

21 (E) Actively solicit and accept funds, gifts,
22 grants, devises, or bequests of real or personal
23 property to the Foundation, including from pri-
24 vate entities.

1 (F) Carry out any other necessary activi-
2 ties of the Foundation.

3 (7) BYLAWS.—The Board shall establish bylaws
4 for the Foundation. In establishing such bylaws, the
5 Board shall ensure the following:

6 (A) The bylaws of the Foundation include
7 the following:

8 (i) Policies for the selection of the
9 Board members, officers, employees,
10 agents, and contractors of the Foundation.

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

13 (I) The acceptance, solicitation,
14 and disposition of donations and
15 grants to the Foundation, including
16 appropriate limits on the ability of do-
17 nors to designate, by stipulation or re-
18 striction, the use or recipient of do-
19 nated funds.

20 (II) The disposition of assets of
21 the Foundation.

22 (iii) Policies that subject all employ-
23 ees, fellows, trainees, and other agents of
24 the Foundation (including appointed voting

1 members and ex officio members of the
2 Board) to conflict of interest standards.

3 (iv) The specific duties of the Execu-
4 tive Director of the Foundation.

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

7 (i) reflect unfavorably upon the ability
8 of the Foundation to carry out its respon-
9 sibilities or official duties in a fair and ob-
10 jective manner; or

11 (ii) compromise, or appear to com-
12 promise, the integrity of any governmental
13 agency or program, or any officer or em-
14 ployee employed by, or involved in a gov-
15 ernmental agency or program.

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

19 (9) COMPENSATION.—

20 (A) IN GENERAL.—Members of the Board
21 may not receive compensation for serving on
22 the Board.

23 (B) CERTAIN EXPENSES.—In accordance
24 with the bylaws of the Foundation, members of
25 the Board may be reimbursed for travel ex-

1 penses, including per diem in lieu of subsist-
2 ence, and other necessary expenses incurred in
3 carrying out the duties of the Board.

4 (10) LIAISON REPRESENTATIVES.—The Sec-
5 retary, acting through the Director, shall designate
6 representatives from across the Institute to serve as
7 the liaisons to the Board and the Foundation.

8 (j) ADMINISTRATION.—

9 (1) EXECUTIVE DIRECTOR.—

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

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

24 (i) Hire, promote, compensate, and
25 discharge officers and employees of the

1 Foundation, and define the duties of such
2 officers and employees.

3 (ii) Accept and administer donations
4 to the Foundation, and administer the as-
5 sets of the Foundation.

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

10 (iv) Perform such other functions as
11 necessary to operate the Foundation.

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

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

23 (4) STRATEGIC PLAN.—Not later than one year
24 after the establishment of the Foundation, the
25 Foundation shall submit to the Committee on

1 Science, Space, and Technology of the House of
2 Representatives and the Committee on Commerce,
3 Science, and Transportation of the Senate a stra-
4 tegic plan that contains the following:

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

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

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

13 (i) Grant awards, including selection,
14 review, and notification.

15 (ii) Communication of past, current,
16 and future research priorities.

17 (iii) Solicitation of and response to
18 public input on the priorities identified by
19 the Foundation.

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

23 (E) A description of the efforts undertaken
24 by the Foundation to ensure maximum

1 complementarity and minimum redundancy
2 with investments made by the Institute.

3 (5) REPORT.—

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

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

1 (C) PUBLICATION.—The Foundation shall
2 make copies of each report submitted under
3 subparagraph (A) available—

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

8 (ii) to the Committee on Science,
9 Space, and Technology of the House of
10 Representatives and the Committee on
11 Commerce, Science, and Transportation of
12 the Senate.

13 (6) AUDITS AND DISCLOSURE.—The Founda-
14 tion shall—

15 (A) provide for annual audits of the finan-
16 cial condition of the Foundation, including a
17 full list of the Foundation’s donors and any re-
18 strictions on the purposes for which gifts to the
19 Foundation may be used; and

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

1 (7) EVALUATION BY COMPTROLLER GEN-
2 ERAL.—Not later than five years after the date on
3 which the Foundation is established, the Comptroller
4 General of the United States shall submit to the
5 Committee on Science, Space, and Technology of the
6 House of Representatives and the Committee on
7 Commerce, Science, and Transportation of the Sen-
8 ate the following:

9 (A) An evaluation of the following:

10 (i) The extent to which the Founda-
11 tion is achieving the mission of the Foun-
12 dation.

13 (ii) The operation of the Foundation.

14 (B) Any recommendations on how the
15 Foundation may be improved.

16 (k) INTEGRITY.—

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

24 (2) FINANCIAL CONFLICTS OF INTEREST.—To
25 mitigate conflicts of interest and risks from malign

1 foreign influence, any individual who is an officer,
2 employee, or member of the Board is prohibited
3 from any participation in deliberations by the Foun-
4 dation of a matter that would directly or predictably
5 affect any financial interest of any of the following:

6 (A) Such individual.

7 (B) A relative of such individual.

8 (C) A business organization or other entity
9 in which such individual has an interest, includ-
10 ing an organization or other entity with which
11 such individual is negotiating employment.

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

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

22 (n) SUPPORT SERVICES.—The Secretary, acting
23 through the Director, may provide facilities, utilities, and
24 support services to the Foundation if it is determined by

1 the Director to be advantageous to the research programs
2 of the Institute.

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

5 (p) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary
7 \$1,500,000 for each of fiscal years 2025 through 2029
8 to carry out this section.

9 (q) DEFINITIONS.—In this section:

10 (1) BOARD.—The term “Board” means the
11 Board of Directors of the Foundation, established
12 pursuant to subsection (i).

13 (2) DIRECTOR.—The term “Director” means
14 the Director of the National Institute of Standards
15 and Technology.

16 (3) EPSCoR INSTITUTION.—The term
17 “EPSCoR institution” means an institution of high-
18 er education, nonprofit organization, or other insti-
19 tution located in a jurisdiction eligible to participate
20 in the program under section 113 of the National
21 Science Foundation Authorization Act of 1988 (42
22 U.S.C. 1862g).

23 (4) FOUNDATION.—The term “Foundation”
24 means the Foundation for Standards and Metrology
25 established pursuant to subsection (a).

1 (5) HISTORICALLY BLACK COLLEGE AND UNI-
2 VERSITY.—The term “historically Black college and
3 university” has the meaning given the term “part B
4 institution” in section 322 of the Higher Education
5 Act of 1965 (20 U.S.C. 1061).

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

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

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

20 (9) MINORITY-SERVING INSTITUTION.—The
21 term “minority-serving institution” means the enti-
22 ties specified in section 371(a) of the Higher Edu-
23 cation Act of 1965 (20 U.S.C. 1067q(a)).

1 (10) RELATIVE.—The term “relative” has the
2 meaning given such term in section 13101 of title 5,
3 United States Code.

4 (11) SECRETARY.—The term “Secretary”
5 means the Secretary of Commerce.

6 (12) 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 (13) TRIBAL COLLEGE OR UNIVERSITY.—The
12 term “Tribal College or University” has the meaning
13 given in section 316 of the Higher Education Act of
14 1965 (20 U.S.C. 1059e).

