

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8673
OFFERED BY MS. STEVENS OF MICHIGAN**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Expanding Partner-
3 ships for Innovation and Competitiveness Act”.

4 SEC. 2. FOUNDATION FOR STANDARDS AND METROLOGY.

5 (a) IN GENERAL.—Subtitle B of title II of the Re-
6 search and Development, Competition, and Innovation Act
7 (42 U.S.C. 18931 et seq.; relating to measurement re-
8 search of the National Institute of Standards and Tech-
9 nology for the future; enacted as part of division B of Pub-
10 lic Law 117–167) is amended by adding at the end the
11 following new section:

**12 “SEC. 10236. FOUNDATION FOR STANDARDS AND METROL-
13 OGY.**

14 “(a) ESTABLISHMENT.—The Secretary, acting
15 through the Director, shall establish a nonprofit corpora-
16 tion to be known as the ‘Foundation for Standards and
17 Metrology’.

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

3 “(1) support the Institute in carrying out its
4 activities and mission to advance measurement
5 science, technical standards, and technology in ways
6 that enhance the economic security and prosperity of
7 the 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 Insti-
24 tute 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,
11 including through the provision of fellowships,
12 grants, stipends, travel, health insurance, profes-
13 sional development training, housing, technical and
14 administrative assistance, recognition awards for
15 outstanding performance, and occupational safety
16 and awareness training and support, and other ap-
17 propriate expenditures.

18 “(8) Conduct such other activities as deter-
19 mined necessary by the Foundation to carry out its
20 mission.

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 Founda-
25 tion shall convene, and may consult with, representatives

1 from the Institute, institutions of higher education, the
2 private sector, non-profit organizations, and commer-
3 cialization organizations to develop activities for the mis-
4 sion of the Foundation under subsection (b) and to ad-
5 vance the activities of the Foundation under subsection
6 (c).

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

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

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

19 “(i) BOARD OF DIRECTORS.—

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

22 “(2) COMPOSITION.—

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

1 “(i) Eleven appointed voting members
2 described in subparagraph (B).

3 “(ii) Ex officio nonvoting members de-
4 scribed in subparagraph (C).

5 “(B) APPOINTED MEMBERS.—

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

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

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

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

1 the investment community, the philan-
2 thropic community, and other nonprofit or-
3 ganizations.

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

14 “(C) NONVOTING MEMBERS.—

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

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

22 “(3) CHAIR AND VICE CHAIR.—

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

1 “(i) an individual to serve as the chair
2 of the Board; and

3 “(ii) an individual to serve as the vice
4 chair of the Board.

5 “(B) TERMS.—The term of service of the
6 Chair and Vice Chair of the Board shall end on
7 the earlier of—

8 “(i) the date that is three years after
9 the date on which the Chair or Vice Chair
10 of the Board, as applicable, is designated
11 for the respective position; and

12 “(ii) the last day of the term of serv-
13 ice of the member, as determined under
14 paragraph (4)(A), who is designated to be
15 Chair or Vice Chair of the Board, as appli-
16 cable.

17 “(C) REPRESENTATION.—The Chair and
18 Vice Chair of the Board—

19 “(i) may not be representatives of the
20 same area of subject matter expertise, or
21 entity, as applicable; and

22 “(ii) may not be representatives of
23 any area of subject matter expertise, or en-
24 tity, as applicable, represented by the im-

1 mediately preceding Chair and Vice Chair
2 of the Board.

3 “(4) TERMS AND VACANCIES.—

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

14 “(B) INITIAL APPOINTED MEMBERS.—Of
15 the initial members of the Board appointed
16 under paragraph (4)(A), half of such members
17 shall serve for four years and half of such mem-
18 bers shall serve for five years, as determined by
19 the Chair of the Board.

20 “(C) VACANCIES.—Any vacancy in the
21 membership of the appointed members of the
22 Board—

23 “(i) shall be filled in accordance with
24 the bylaws of the Foundation by an indi-
25 vidual capable of representing the same

1 area or entity, as applicable, as rep-
2 resented by the vacating board member
3 under paragraph (2)(B)(ii);

4 “(ii) shall not affect the power of the
5 remaining appointed members to carry out
6 the duties of the Board; and

7 “(iii) shall be filled by an individual
8 selected by the Board.

9 “(5) QUORUM.—A majority of the members of
10 the Board shall constitute a quorum for the pur-
11 poses of conducting the business of the Board.

12 “(6) DUTIES.—The Board shall carry out the
13 following:

14 “(A) Establish bylaws for the Foundation
15 in accordance with paragraph (7).

16 “(B) Provide overall direction for the ac-
17 tivities of the Foundation and establish priority
18 activities.

19 “(C) Coordinate with the Institute the ac-
20 tivities of the Foundation to ensure consistency
21 with the programs and policies of the Institute.

22 “(D) Evaluate the performance of the Ex-
23 ecutive Director of the Foundation.

24 “(E) Actively solicit and accept funds,
25 gifts, grants, devises, or bequests of real or per-

1 sonal property to the Foundation, including
2 from private entities.

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

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

8 “(A) The bylaws of the Foundation include
9 the following:

10 “(i) Policies for the selection of the
11 Board members, officers, employees,
12 agents, and contractors of the Foundation.

13 “(ii) Policies, including ethical and
14 disclosure standards, for the following:

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

22 “(II) The disposition of assets of
23 the Foundation.

24 “(iii) Policies that subject all employ-
25 ees, fellows, trainees, and other agents of

1 the Foundation (including appointed voting
2 members and ex officio members of the
3 Board) to conflict of interest standards.

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

6 “(B) The bylaws of the Foundation and
7 activities carried out under such bylaws do
8 not—

9 “(i) reflect unfavorably upon the abil-
10 ity of the Foundation to carry out its re-
11 sponsibilities or official duties in a fair and
12 objective manner; or

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

18 “(8) RESTRICTION ON MEMBERSHIP.—No em-
19 ployee of the Department of Commerce may be ap-
20 pointed as a voting member of the Board of Direc-
21 tors.

22 “(9) COMPENSATION.—

23 “(A) IN GENERAL.—Members of the Board
24 may not receive compensation for serving on
25 the Board.

1 “(B) CERTAIN EXPENSES.—In accordance
2 with the bylaws of the Foundation, members of
3 the Board may be reimbursed for travel ex-
4 penses, including per diem in lieu of subsist-
5 ence, and other necessary expenses incurred in
6 carrying out the duties of the Board.

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

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

14 “(j) ADMINISTRATION.—

15 “(1) EXECUTIVE DIRECTOR.—

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

1 “(B) RESPONSIBILITIES.—In carrying out
2 the daily operations of the Foundation, the Ex-
3 ecutive Director of the Foundation shall carry
4 out the following:

5 “(i) Hire, promote, compensate, and
6 discharge officers and employees of the
7 Foundation, and define the duties of such
8 officers and employees.

9 “(ii) Accept and administer donations
10 to the Foundation, and administer the as-
11 sets of the Foundation.

12 “(iii) Enter into such contracts and
13 execute legal instruments as are appro-
14 priate in carrying out the activities of the
15 Foundation.

16 “(iv) Perform such other functions as
17 necessary to operate the Foundation.

18 “(2) ADMINISTRATIVE CONTROL.—No member
19 of the Board, officer or employee of the Foundation
20 or of any program established by the Foundation, or
21 participant in a program established by the Founda-
22 tion, may exercise administrative control over any
23 Federal employee.

24 “(3) TRANSFER OF FUNDS TO INSTITUTE.—
25 The Foundation may transfer funds and property to

1 the Institute, which the Institute may accept and
2 use and which shall be subject to all applicable Fed-
3 eral limitations relating to federally funded research.

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

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

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

15 “(C) A description of the efforts the Foun-
16 dation will take to be transparent in the proc-
17 esses of the Foundation, including processes re-
18 lating to the following:

19 “(i) Grant awards, including selection,
20 review, and notification.

21 “(ii) Communication of past, current,
22 and future research priorities.

23 “(iii) Solicitation of and response to
24 public input on the priorities identified by
25 the Foundation.

1 “(D) A description of the financial goals
2 and benchmarks of the Foundation for the fol-
3 lowing ten years.

4 “(E) A description of the efforts under-
5 taken by the Foundation to ensure maximum
6 complementarity and minimum redundancy
7 with investments made by the Institute.

8 “(5) REPORT.—

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

20 “(B) FINANCIAL CONDITION.—With re-
21 spect to the financial condition of the Founda-
22 tion, each report under subparagraph (A) shall
23 include the source, and a description of, all sup-
24 port under subsection (g) provided to the Foun-
25 dation. Each such report shall identify the per-

1 sons or entities from which such support is re-
2 ceived, and include a specification of any re-
3 strictions on the purposes for which such sup-
4 port may be used.

5 “(C) PUBLICATION.—The Foundation
6 shall make copies of each report submitted
7 under subparagraph (A) available—

8 “(i) for public inspection, and shall
9 upon request provide a copy of the report
10 to any individual for a charge not to ex-
11 ceed the cost of providing such copy; and

12 “(ii) to the Committee on Science,
13 Space, and Technology of the House of
14 Representatives and the Committee on
15 Commerce, Science, and Transportation of
16 the Senate.

17 “(6) AUDITS AND DISCLOSURE.—The Founda-
18 tion shall—

19 “(A) provide for annual audits of the fi-
20 nancial condition of the Foundation, including a
21 full list of the Foundation’s donors and any re-
22 strictions on the purposes for which gifts to the
23 Foundation may be used; and

24 “(B) make such audits, and all other
25 records, documents, and other papers of the

1 Foundation, available to the Secretary and the
2 Comptroller General of the United States for
3 examination or audit.

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

12 “(A) An evaluation of the following:

13 “(i) The extent to which the Founda-
14 tion is achieving the mission of the Foun-
15 dation.

16 “(ii) The operation of the Foundation.

17 “(B) Any recommendations on how the
18 Foundation may be improved.

19 “(k) INTEGRITY.—

20 “(1) IN GENERAL.—To ensure integrity in the
21 operations of the Foundation, the Board shall de-
22 velop and enforce procedures relating to standards
23 of conduct, financial disclosure statements, conflicts
24 of interest (including recusal and waiver rules), au-

1 dits, and any other matters determined appropriate
2 by the Board.

3 “(2) FINANCIAL CONFLICTS OF INTEREST.—To
4 mitigate conflicts of interest and risks from malign
5 foreign influence, any individual who is an officer,
6 employee, or member of the Board is prohibited
7 from any participation in deliberations by the Foun-
8 dation of a matter that would directly or predictably
9 affect any financial interest of any of the following:

10 “(A) Such individual.

11 “(B) A relative of such individual.

12 “(C) A business organization or other enti-
13 ty in which such individual or relative of such
14 individual has an interest, including an organi-
15 zation or other entity with which such indi-
16 vidual is negotiating employment.

17 “(1) INTELLECTUAL PROPERTY.—The Board shall
18 adopt written standards to govern the ownership and li-
19 censing of any intellectual property rights developed by the
20 Foundation or derived from the collaborative efforts of the
21 Foundation

22 “(m) FULL FAITH AND CREDIT.—The United States
23 shall not be liable for any debts, defaults, acts, or omis-
24 sions of the Foundation. The full faith and credit of the

1 United States shall not extend to any obligations of the
2 Foundation.

3 “(n) SUPPORT SERVICES.—The Secretary, acting
4 through the Director, may provide facilities, utilities, and
5 support services to the Foundation if it is determined by
6 the Director to be advantageous to the mission of the In-
7 stitute.

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

10 “(p) SEPARATE FUND ACCOUNTS.—The Board shall
11 ensure that amounts received pursuant to the authoriza-
12 tion of appropriations under subsection (q) are held in a
13 separate account from any other amounts received by the
14 Foundation.

15 “(q) AUTHORIZATION OF APPROPRIATIONS.—Not-
16 withstanding any other provision of law, from amounts au-
17 thorized to be appropriated for a fiscal year beginning
18 with fiscal year 2025 to the Secretary of Commerce pursu-
19 ant to section 10211, the Director may transfer not less
20 than \$500,000 and not more than \$1,250,000 to the
21 Foundation each such fiscal year.

22 “(r) DEFINITIONS.—In this section:

23 “(1) BOARD.—The term ‘Board’ means the
24 Board of Directors of the Foundation, established
25 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.—
10 The 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).”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 in section 1 of Public Law 117–167 is amended by insert-
8 ing after the item relating to section 10235 the following
9 new item:

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

