

119TH CONGRESS
2D SESSION

S. 4592

To establish the Foundation for Digital Opportunity, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2026

Mr. LUJÁN (for himself and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish the Foundation for Digital Opportunity, 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 “Digital Opportunity
5 Foundation Act of 2026”.

6 **SEC. 2. FOUNDATION FOR DIGITAL OPPORTUNITY.**

7 (a) DEFINITIONS.—In this section:

8 (1) ASSISTANT SECRETARY.—The term “Assist-
9 ant Secretary” means the Assistant Secretary of
10 Commerce for Communications and Information.

1 (2) BOARD.—The term “Board” means the
2 Board of Directors described in subsection (d)(1).

3 (3) BUSINESS INCUBATOR.—The term “busi-
4 ness incubator” has the meaning given the term in
5 section 3 of the Native American Business Incuba-
6 tors Program Act (25 U.S.C. 5802).

7 (4) COMMISSION.—The term “Commission”
8 means the Federal Communications Commission.

9 (5) COMMITTEE.—The term “Committee”
10 means the Committee for the Establishment of the
11 Foundation for Digital Opportunity established
12 under subsection (b).

13 (6) COMMUNITY ANCHOR INSTITUTION; COV-
14 ERED POPULATIONS.—The terms “community an-
15 chor institution” and “covered populations” have the
16 meanings given those terms in section 60302 of the
17 Digital Equity Act of 2021 (47 U.S.C. 1721).

18 (7) DEPARTMENT.—The term “Department”
19 means the Department of Commerce.

20 (8) DIGITAL INCLUSION.—The term “digital in-
21 clusion”—

22 (A) means the activities that are necessary
23 to ensure that all individuals in the United
24 States have access to, and the use of, affordable

1 information and communication technologies,
2 such as—

3 (i) reliable fixed and wireless
4 broadband;

5 (ii) internet-enabled and artificial in-
6 telligence-enabled devices that meet the
7 needs of the user for telehealth, remote
8 work, remote schooling, or other purposes;
9 and

10 (iii) digital applications and online
11 content designed to enable and encourage
12 self-sufficiency, participation, and collabo-
13 ration; and

14 (B) includes—

15 (i) obtaining access to digital literacy
16 training, including training relating to arti-
17 ficial intelligence literacy;

18 (ii) the provision of quality technical
19 support; and

20 (iii) obtaining basic awareness of
21 measures to ensure online privacy and cy-
22 bersecurity.

23 (9) DIGITAL LITERACY.—The term “digital lit-
24 eracy”—

1 (A) means the skills associated with using
2 technology to enable a user to securely find,
3 evaluate, organize, create, and communicate in-
4 formation; and

5 (B) includes obtaining a basic awareness
6 of, and the ability to use—

7 (i) technologies that are driven by ar-
8 tificial intelligence; and

9 (ii) measures to protect digital privacy
10 and ensure cybersecurity.

11 (10) EXECUTIVE DIRECTOR.—The term “Exec-
12 utive Director” means the Executive Director of the
13 Foundation described in subsection (f)(1).

14 (11) FOUNDATION.—The term “Foundation”
15 means the Foundation for Digital Opportunity es-
16 tablished under this section.

17 (12) INSTITUTION OF HIGHER EDUCATION.—
18 The term “institution of higher education” means—

19 (A) an institution of higher education, as
20 that term is defined in section 101 of the High-
21 er Education Act of 1965 (20 U.S.C. 1001); or

22 (B) a postsecondary vocational institution,
23 as that term is defined in section 102(c) of the
24 Higher Education Act of 1965 (20 U.S.C.
25 1002(c)).

1 (13) MINORITY-SERVING INSTITUTION.—The
2 term “Minority-serving institution” means an insti-
3 tution described in any of paragraphs (1) through
4 (7) of section 371(a) of the Higher Education Act
5 of 1965 (20 U.S.C. 1067q(a)).

6 (14) NTIA.—The term “NTIA” means the Na-
7 tional Telecommunications and Information Admin-
8 istration.

9 (15) OLDER INDIVIDUAL.—The term “older in-
10 dividual” has the meaning given the term in section
11 102 of the Older Americans Act of 1965 (42 U.S.C.
12 3002).

13 (16) SECRETARY.—The term “Secretary”
14 means the Secretary of Commerce.

15 (17) SMALL BUSINESS INVESTMENT COM-
16 PANY.—The term “small business investment com-
17 pany” has the meaning given the term in section
18 103 of the Small Business Investment Act of 1958
19 (15 U.S.C. 662).

20 (18) STARTUP.—The term “startup” has the
21 meaning given the term “start-up business” in sec-
22 tion 362(f)(5)(C) of the Energy Policy and Con-
23 servation Act (42 U.S.C. 6322(f)(5)(C)).

24 (19) TRIBAL BROADBAND CONNECTIVITY PRO-
25 GRAM.—The term “Tribal Broadband Connectivity

1 Program” means the program implemented pursu-
2 ant to section 905(c) of division N of the Consoli-
3 dated Appropriations Act, 2021 (47 U.S.C. 1305
4 note).

5 (b) COMMITTEE FOR THE ESTABLISHMENT OF THE
6 FOUNDATION FOR DIGITAL OPPORTUNITY.—

7 (1) IN GENERAL.—Not later than 90 days after
8 the date of enactment of this Act, the Secretary
9 shall establish the Committee for the Establishment
10 of the Foundation for Digital Opportunity.

11 (2) MEMBERS.—The Committee shall be com-
12 posed of 5 members—

13 (A) who shall be appointed by the officials
14 described in subsection (d)(2)(B)(i);

15 (B) who may not be employed by the Fed-
16 eral Government while serving on the Com-
17 mittee;

18 (C) each of whom shall be a voting mem-
19 ber of the Committee;

20 (D) not fewer than 3 of whom shall have
21 broad and general experience in matters relat-
22 ing to digital inclusion or digital literacy; and

23 (E) not less than 2 of whom shall have
24 broad and general experience in working with
25 private nonprofit organizations.

1 (3) FUNCTIONS.—The functions of the Com-
2 mittee shall be as follows:

3 (A) To carry out such activities as may be
4 necessary to establish a nonprofit corporation to
5 be known as the “Foundation for Digital Op-
6 portunity”, and to incorporate the Foundation
7 under the laws of a State, including by—

8 (i) serving as the incorporators for the
9 Foundation; and

10 (ii) ensuring that the articles of incor-
11 poration for the Foundation require that
12 the Foundation is operated in accordance
13 with the requirements of this section.

14 (B) To ensure that the Foundation quali-
15 fies for and (during the period in which the
16 Committee is in existence) maintains the status
17 described in subsection (c)(3).

18 (C) To provide for the initial operation of
19 the Foundation, including by ensuring that the
20 Foundation has adequate facilities, equipment,
21 and staff.

22 (D) To appoint initial voting members of
23 the Board who satisfy the requirements under
24 subsection (d)(2)(C) and have such other quali-

1 fications as the Committee determines appro-
2 priate with respect to those members.

3 (4) CHAIR.—The Committee shall, from among
4 the members of the Committee, designate a member
5 of the Committee to serve as Chair of the Com-
6 mittee.

7 (5) TERM.—

8 (A) IN GENERAL.—Each member of the
9 Committee shall serve for the duration of the
10 Committee.

11 (B) VACANCIES.—

12 (i) NO EFFECT ON AUTHORITY.—A
13 vacancy in the membership of the Com-
14 mittee shall not affect the authority of the
15 Committee to carry out the functions of
16 the Committee.

17 (ii) REPLACEMENT.—If a member of
18 the Committee does not serve for the dura-
19 tion of the Committee, the individual ap-
20 pointed to fill that vacancy shall be ap-
21 pointed by the ex officio members of the
22 Board for the remainder of the applicable
23 term.

24 (6) COMPENSATION.—A member of the Com-
25 mittee—

1 (A) shall not receive compensation for
2 service on the Committee; and

3 (B) may be reimbursed for travel, subsist-
4 ence, and other necessary expenses incurred in
5 carrying out the functions of the Committee.

6 (7) TERMINATION.—The Committee shall—

7 (A) complete the functions of the com-
8 mittee described in paragraph (3) not later
9 than 180 days after the date on which the Sec-
10 retary establishes the Committee under para-
11 graph (1); and

12 (B) terminate on the date that is 30 days
13 after the date on which the Secretary deter-
14 mines that the Committee has completed the
15 functions described in paragraph (3).

16 (c) GENERAL PRINCIPLES OF THE FOUNDATION.—

17 (1) MISSION.—The mission of the Foundation
18 shall be—

19 (A) to supplement, but not supplant, the
20 work of the NTIA and the Commission in pro-
21 moting the benefits of technological develop-
22 ment in the United States, and of high-capac-
23 ity, affordable broadband connectivity in par-
24 ticular, for all users of telecommunications and
25 information facilities;

1 (B) to raise, leverage, or match funding
2 from other entities, including philanthropic or-
3 ganizations, the private sector, and State and
4 local governments, to promote digital oppor-
5 tunity and digital literacy for communities with
6 low rates of adoption of broadband and other
7 digital technologies;

8 (C) to develop programs and partnerships
9 to—

10 (i) increase the rates at which covered
11 populations adopt broadband and other
12 digital technologies;

13 (ii) to promote digital literacy among
14 covered populations, upskill, alleviate skills
15 gaps, and prepare for emerging tech-
16 nologies, such as artificial intelligence;

17 (iii) collaborate with State, local, and
18 Tribal governments, Minority-serving insti-
19 tutions, other anchor institutions, and
20 stakeholders in the communications, edu-
21 cation, business, technology, and health
22 fields;

23 (iv) publicize and incentivize the adop-
24 tion of evidence-based programs;

- 1 (v) convene organizations and part-
2 nerships with related goals and interests to
3 establish problem-solving processes;
- 4 (vi) strengthen and share case studies
5 and best practices relating to the impact of
6 digital opportunity on economic develop-
7 ment, including with respect to workforce
8 readiness and development, business reten-
9 tion, and entrepreneurship; and
- 10 (vii) support the goals of—
- 11 (I) the Tribal Broadband
12 Connectivity Program;
- 13 (II) the Broadband Equity, Ac-
14 cess, and Deployment Program;
- 15 (III) the Universal Service Fund
16 under section 254 of the Communica-
17 tions Act of 1934 (47 U.S.C. 254);
18 and
- 19 (IV) any other federally funded
20 program that supports the deployment
21 and adoption of broadband; and
- 22 (D) to promote equitable access to, and the
23 adoption of, digital technologies that support
24 accessibility, telehealth, distance learning, on-

1 line access to governmental benefits and serv-
2 ices, and economic opportunities.

3 (2) LIMITATION.—The Foundation shall not be
4 an agency or instrumentality of the Federal Govern-
5 ment or any State or local government.

6 (3) TAX-EXEMPT STATUS.—The Board shall
7 take all necessary and appropriate steps to ensure
8 that the Foundation is an organization that is de-
9 scribed in section 501(c) of the Internal Revenue
10 Code of 1986 and exempt from taxation under sec-
11 tion 501(a) of that Code.

12 (d) BOARD OF DIRECTORS.—

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

15 (2) COMPOSITION.—

16 (A) IN GENERAL.—The Board shall be
17 composed of the ex officio members described in
18 subparagraph (B) and the appointed voting
19 members described in subparagraph (C).

20 (B) EX OFFICIO MEMBERS.—

21 (i) MEMBERS.—The ex officio mem-
22 bers of the Board shall be the following in-
23 dividuals (or designees of those individ-
24 uals):

25 (I) The Secretary.

1 (II) The Assistant Secretary.

2 (III) The Chairman of the Com-
3 mission.

4 (IV) The Secretary of the Treas-
5 ury.

6 (V) The Under Secretary of Agri-
7 culture for Rural Development.

8 (VI) The Director of the Insti-
9 tute of Museum and Library Services.

10 (ii) NONVOTING MEMBERS.—The ex
11 officio members of the Board shall be non-
12 voting members of the Board.

13 (C) APPOINTED MEMBERS.—

14 (i) IN GENERAL.—The Board shall
15 consist of not fewer than 15 members from
16 the sectors listed in clause (ii).

17 (ii) REPRESENTATION.—The ap-
18 pointed members of the Board shall reflect
19 a broad cross-section of stakeholders and
20 shall include not fewer than 2 members
21 from each of the following:

22 (I) Academia.

23 (II) Industry.

24 (III) Nonprofit and civil rights
25 organizations.

1 (IV) Community-based practi-
2 tioners of efforts to promote digital
3 inclusion.

4 (V) State, local, and Tribal gov-
5 ernments.

6 (VI) Community anchor institu-
7 tions.

8 (VII) The philanthropic commu-
9 nity.

10 (iii) EXPERIENCE.—Each appointed
11 member of the Board shall—

12 (I) have—

13 (aa) experience promoting
14 digital opportunity and digital lit-
15 eracy;

16 (bb) experience in the tech-
17 nology sector;

18 (cc) experience in the tele-
19 communications and broadband
20 sector;

21 (dd) direct experience work-
22 ing with covered populations; or

23 (ee) research experience in
24 foundation operations; and

1 (II) to the extent practicable,
2 represent diverse regions, sectors, and
3 the communities corresponding to the
4 covered populations that are the focus
5 of the activities of the Foundation.

6 (3) CHAIR AND VICE CHAIR.—

7 (A) IN GENERAL.—The Board shall des-
8 ignate, from among the appointed members of
9 the Board—

10 (i) an individual to serve as Chair of
11 the Board; and

12 (ii) an individual to serve as Vice
13 Chair of the Board.

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

17 (i) the date that is 3 years after the
18 date on which the Chair or Vice Chair of
19 the Board, as applicable, is designated for
20 the position; and

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

1 (C) REPRESENTATION.—The Chair and
2 Vice Chair of the Board—

3 (i) shall not be representatives of the
4 same area of subject matter expertise, or
5 entity, as applicable, under paragraph
6 (2)(C)(ii); and

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

12 (4) TERMS AND VACANCIES.—

13 (A) TERMS.—

14 (i) IN GENERAL.—The term of service
15 of each appointed member of the Board
16 shall be not more than 5 years.

17 (ii) INITIAL APPOINTED MEMBERS.—
18 Of the initial members of the Board ap-
19 pointed under subsection (b)(3)(D), $\frac{1}{2}$ of
20 the members shall serve for 4 years and $\frac{1}{2}$
21 of the members shall serve for 5 years, as
22 determined by the Chair of the Board.

23 (iii) LIMITATION.—A member may
24 serve not more than 2 sequential terms.

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

4 (i) shall be filled by a majority vote of
5 the appointed members of the Board in ac-
6 cordance with the bylaws of the Founda-
7 tion;

8 (ii) shall not affect the power of the
9 remaining appointed members to execute
10 the duties of the Board; and

11 (iii) shall be filled by an individual se-
12 lected by the Board.

13 (5) MEETINGS; QUORUM.—

14 (A) INITIAL MEETING.—Not later than 60
15 days after the date on which all of the members
16 of the Board have been appointed, the Sec-
17 retary shall convene a meeting of the ex officio
18 and appointed members of the Board to estab-
19 lish the bylaws of the Foundation in accordance
20 with paragraph (7).

21 (B) QUORUM.—A majority of the ap-
22 pointed members of the Board shall constitute
23 a quorum for purposes of conducting the busi-
24 ness of the Board.

25 (6) DUTIES.—The Board shall—

1 (A) advise the Executive Director on the
2 overall direction for the activities of the Foun-
3 dation and establish priority activities;

4 (B) advise the Executive Director such
5 that the Executive Director may carry out any
6 other necessary activities of the Foundation;

7 (C) evaluate the performance of the Execu-
8 tive Director; and

9 (D) 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 (7) BYLAWS.—

14 (A) IN GENERAL.—The bylaws established
15 under paragraph (5)(A) may include—

16 (i) policies for the selection of Board
17 members and officers, employees, agents,
18 and contractors of the Foundation;

19 (ii) policies, including ethical stand-
20 ards, for—

21 (I) the acceptance, solicitation,
22 and disposition of donations and
23 grants to the Foundation, including
24 appropriate limits on the ability of do-
25 nors to designate, by stipulation or re-

1 striction, the use or recipient of do-
2 nated funds; and

3 (II) the disposition of assets of
4 the Foundation;

5 (iii) policies that subject all employ-
6 ees, fellows, trainees, contractors, consult-
7 ants, and other agents of the Foundation
8 (including ex officio and appointed mem-
9 bers of the Board) to conflict of interest
10 standards; and

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

13 (B) REQUIREMENTS.—The Board shall en-
14 sure that the bylaws of the Foundation and the
15 activities carried out under those bylaws shall
16 not—

17 (i) reflect unfavorably on the ability of
18 the Foundation to carry out activities in a
19 fair and objective manner; or

20 (ii) compromise, or appear to com-
21 promise, the integrity of any Federal agen-
22 cy or program, or any officer or employee
23 employed by, or involved in, such an agen-
24 cy or program.

1 (C) AMENDMENTS TO BYLAWS.—The As-
2 sistant Secretary, by rule in accordance with
3 section 553 of title 5, United States Code, may
4 abrogate, add to, or modify the bylaws of the
5 Foundation in a manner that the Assistant Sec-
6 retary determines necessary or appropriate to—

7 (i) ensure the fair administration of
8 the Foundation;

9 (ii) conform those bylaws to other ap-
10 plicable rules issued by the Assistant Sec-
11 retary; or

12 (iii) otherwise further the purposes of
13 this section.

14 (8) COMPENSATION.—

15 (A) IN GENERAL.—No member of the
16 Board shall receive compensation for serving as
17 a member of the Board.

18 (B) REIMBURSEMENT OF CERTAIN EX-
19 PENSES.—In accordance with the bylaws of the
20 Foundation, members of the Board may be re-
21 imbursed for travel expenses, including per
22 diem in lieu of subsistence, and other necessary
23 expenses incurred in carrying out the duties of
24 the Board.

25 (e) ACTIVITIES.—

1 (1) STUDIES, COMPETITIONS, AND PROJECTS.—
2 The Foundation may conduct and support studies,
3 competitions, projects, and other activities that fur-
4 ther the mission of the Foundation described in sub-
5 section (c)(1).

6 (2) GRANTS.—

7 (A) IN GENERAL.—The Foundation may
8 award grants for activities relating to informa-
9 tion technology capacity and digital literacy and
10 digital adoption in local communities.

11 (B) SELECTION.—In selecting a recipient
12 for a grant awarded under subparagraph (A),
13 the Foundation—

14 (i) shall make the selection based on
15 the comparative merits of—

16 (I) the proposed project of the
17 potential recipient;

18 (II) the impact of the project de-
19 scribed in subclause (I) on promoting
20 digital literacy and digital inclusion in
21 local communities; and

22 (III) the alignment of the project
23 described in subclause (I) with—

1 (aa) the overall goals of the
 2 Foundation relating to diversity
 3 on the basis of geography;

4 (bb) the type of need ad-
 5 dressed by the project;

6 (cc) the relative cost-effec-
 7 tiveness of the proposed activities
 8 or methodology of the project;
 9 and

10 (dd) other factors specified
 11 in the strategic plan and grant
 12 guidelines of the Foundation; and

13 (ii) may consult with a potential re-
 14 cipient regarding the ability of the poten-
 15 tial recipient to carry out various projects
 16 that would further the mission of the
 17 Foundation described in subsection (c)(1).

18 (3) ACCESSING FACILITIES AND EXPERTISE.—

19 The Foundation may work with the Secretary and
 20 the Commission—

21 (A) to leverage the capabilities and facili-
 22 ties of the Department and the Commission;
 23 and

24 (B) to assist with resources, including by
 25 providing information on assets of the Depart-

1 ment and the Commission that may enable the
2 promotion of digital equity, digital inclusion, or
3 digital literacy.

4 (4) TRAINING AND EDUCATION.—The Founda-
5 tion may support programs that provide training to
6 researchers, scientists, and other relevant personnel
7 at the Department, the Commission, and institutions
8 of higher education to help promote full digital par-
9 ticipation in the society and economy of the United
10 States.

11 (5) STAKEHOLDER ENGAGEMENT.—The Foun-
12 dation shall annually convene and consult with rep-
13 resentatives from the Department, the Commission,
14 digital inclusion practitioners, institutions of higher
15 education, the private sector, rural focused practi-
16 tioners, members of Indigenous communities, civil
17 rights advocates, consumer advocates, libraries,
18 school systems or education technology specialists,
19 accessibility advocates or experts, retired or older in-
20 dividuals, public interest stakeholders, and other rel-
21 evant groups with experience addressing the access,
22 adoption, and affordability of the broadband services
23 to develop programs for the mission of the Founda-
24 tion described in subsection (c)(1) and to advance
25 the activities of the Foundation.

1 (6) FOR-PROFIT SUBSIDIARIES.—

2 (A) IN GENERAL.—The Foundation may
3 establish 1 or more for-profit subsidiaries, in-
4 cluding an impact investment fund—

5 (i) to stimulate economic development
6 activities relating to the mission of the
7 Foundation described in subsection (c)(1);
8 and

9 (ii) to attract for-profit investment
10 partners for digital inclusion and digital
11 literacy activities.

12 (B) AUTHORITIES OF THE FOR-PROFIT
13 SUBSIDIARY.—A for-profit subsidiary estab-
14 lished under subparagraph (A) may—

15 (i) enter into a partnership with an
16 economic development corporation, includ-
17 ing a business incubator or a small busi-
18 ness investment company;

19 (ii) pay for the cost of building and
20 administering a facility, including a busi-
21 ness incubator, to support the activities of
22 the Foundation described in this sub-
23 section; and

24 (iii) provide funding to a startup.

1 (7) SUPPLEMENTAL PROGRAMS.—The Founda-
2 tion may carry out supplemental programs—

3 (A) to conduct and support forums, meet-
4 ings, conferences, courses, and training work-
5 shops consistent with the mission of the Foun-
6 dation described in subsection (c)(1);

7 (B) to support and encourage the under-
8 standing and development of—

9 (i) data collection that provides clarity
10 with respect to inequities, digital skill lev-
11 els, and community needs in order to pro-
12 mote digital equity, digital inclusion, and
13 digital literacy; and

14 (ii) policies that make regulation more
15 effective and efficient by leveraging the
16 data collection efforts described in clause
17 (i) for the regulation of relevant technology
18 sectors;

19 (C) for writing, editing, printing, pub-
20 lishing, and selling books and other materials
21 relating to efforts carried out by the Founda-
22 tion, the Department, or the Commission; and

23 (D) to conduct other activities to carry out
24 and support the mission of the Foundation de-
25 scribed in subsection (c)(1).

1 (8) EVALUATIONS.—The Foundation shall sup-
2 port the development of an evaluation methodology,
3 to be used as part of any project or program sup-
4 ported by the Foundation, that shall—

5 (A) consist of qualitative and quantitative
6 metrics;

7 (B) include periodic third party evaluation
8 of the programs and other activities of the
9 Foundation; and

10 (C) be made publicly available.

11 (9) COMMUNICATIONS.—The Foundation shall
12 develop an expertise in communications to—

13 (A) disseminate awareness of funding op-
14 portunities among community-based organiza-
15 tions that serve covered populations;

16 (B) promote the work of grant recipients
17 under paragraph (2), the successes of the
18 Foundation, opportunities for partnership with
19 the Foundation, and other activities; and

20 (C) leverage public awareness campaigns
21 or other efforts by the Department or the Com-
22 mission relating to the activities or opportuni-
23 ties promoted by the Foundation.

24 (10) TRIBAL BROADBAND CONNECTIVITY
25 GRANTS.—The Foundation may support a grant

1 made under the Tribal Broadband Connectivity Pro-
2 gram if there are not adequate appropriations to
3 support such a grant.

4 (f) ADMINISTRATION.—

5 (1) EXECUTIVE DIRECTOR.—The Board shall
6 appoint an Executive Director of the Foundation,
7 who shall serve at the pleasure of the Board.

8 (2) ADMINISTRATIVE CONTROL.—No member
9 of the Board, any officer or employee of the Founda-
10 tion, any officer or employee of any program estab-
11 lished by the Foundation, or any participant in a
12 program established by the Foundation may exercise
13 administrative control over any Federal employee.

14 (3) STRATEGIC PLAN.—Not later than 1 year
15 after the date of enactment of this Act, the Founda-
16 tion shall submit to the Committee on Commerce,
17 Science, and Transportation of the Senate and the
18 Committee on Energy and Commerce of the House
19 of Representatives a strategic plan that contains—

20 (A) a description of the initial focus areas
21 of, and primary purposes for, each program,
22 grant, or award opportunity that the Founda-
23 tion plans to implement during the 2-year pe-
24 riod beginning on the date on which the stra-
25 tegic plan is submitted;

1 (B) a description of the efforts that the
2 Foundation will take to be transparent in the
3 processes of the Foundation, including proc-
4 esses relating to—

5 (i) grant awards, including selection,
6 review, and notification with respect to
7 those awards; and

8 (ii) communication of past, current,
9 and future priorities;

10 (C) a description of the financial goals and
11 benchmarks of the Foundation for the 10-year
12 period beginning on the date on which the re-
13 port is submitted; and

14 (D) a description of the efforts undertaken
15 by the Foundation to ensure maximum
16 complementarity and minimum redundancy
17 with investments made by the Secretary and
18 the Commission.

19 (4) RECURRING REPORT.—Not later than 1
20 year after the date on which the Foundation is es-
21 tablished, and once every 2 years thereafter, the
22 Foundation shall make publicly available, and shall
23 submit to the Committee on Commerce, Science, and
24 Transportation of the Senate, the Committee on
25 Commerce and Energy of the House of Representa-

1 tives, and the Secretary, a report that, for the period
2 covered by the report—

3 (A) describes the activities of the Founda-
4 tion and the progress of the Foundation in fur-
5 thering the mission of the Foundation described
6 in subsection (c)(1);

7 (B) provides a specific accounting of the
8 source and use of all funds made available to
9 the Foundation to carry out the activities de-
10 scribed in subparagraph (A) to ensure trans-
11 parency in the alignment of the missions of the
12 Department and the Commission; and

13 (C) includes a summary of each evaluation
14 regarding the decision to award a grant, as de-
15 termined in accordance with the requirements
16 of subsection (e)(2)(B).

17 (5) EVALUATION BY COMPTROLLER GEN-
18 ERAL.—Not later than 5 years after the date on
19 which the Foundation is established, and once every
20 5 years thereafter, the Comptroller General of the
21 United States shall submit to the Committee on
22 Commerce, Science, and Transportation of the Sen-
23 ate and the Committee on Energy and Commerce of
24 the House of Representatives—

25 (A) an evaluation of—

1 (i) the extent to which the Foundation
2 is achieving the mission of the Foundation;

3 and

4 (ii) the operation of the Foundation;

5 and

6 (B) any recommendations regarding how
7 the Foundation may be improved.

8 (6) AUDITS.—The Foundation shall—

9 (A) provide for annual audits of the condi-
10 tion of the Foundation; and

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

16 (7) INTEGRITY.—

17 (A) IN GENERAL.—To ensure integrity in
18 the operations of the Foundation, the Board
19 shall develop and enforce procedures relating to
20 standards of conduct, financial disclosure state-
21 ments, conflicts of interest (including recusal
22 and waiver rules), audits, and any other mat-
23 ters determined appropriate by the Board.

24 (B) FINANCIAL CONFLICTS OF INTER-
25 EST.—An individual who is an officer, em-

1 employee, or member of the Board may not par-
2 ticipate in deliberations by the Foundation re-
3 garding a matter that would directly or predict-
4 ably affect any financial interest of—

5 (i) the individual;

6 (ii) a relative (as defined in section
7 13101 of title 5, United States Code) of
8 that individual; or

9 (iii) a business organization or other
10 entity in which the individual has an inter-
11 est, including an organization or other en-
12 tity with which the individual is negoti-
13 ating employment.

14 (8) INTELLECTUAL PROPERTY.—The Board
15 shall adopt written standards to govern the owner-
16 ship and licensing of any intellectual property
17 rights—

18 (A) developed by the Foundation through
19 activities funded by a for-profit subsidiary es-
20 tablished under subsection (e)(6); or

21 (B) otherwise derived from the collabo-
22 rative efforts of the Foundation.

23 (9) LIABILITY.—

1 (A) IN GENERAL.—The United States
2 shall not be liable for any debt, default, act, or
3 omission of—

4 (i) the Foundation; or

5 (ii) a Federal entity with respect to an
6 agreement of that Federal entity with the
7 Foundation.

8 (B) FULL FAITH AND CREDIT.—The full
9 faith and credit of the United States shall not
10 extend to any obligations of the Foundation.

11 (10) NONAPPLICABILITY OF PROVISIONS RE-
12 LATING TO FEDERAL ADVISORY COMMITTEES.—
13 Chapter 10 of title 5, United States Code, shall not
14 apply to the Foundation.

15 (g) SUPPORT SERVICES.—The Secretary shall pro-
16 vide facilities, utilities, and support services to the Foun-
17 dation if the Secretary determines that the provision of
18 those items is advantageous to the programs of the De-
19 partment.

20 (h) ANTI-DEFICIENCY ACT.—Section 1341(a)(1) of
21 title 31, United States Code (commonly referred to as the
22 “Anti-Deficiency Act”), shall not apply to any Federal of-
23 ficer or employee carrying out any activity of the Founda-
24 tion using funds of the Foundation.

1 (i) NO PREEMPTION OF AUTHORITY.—This section
2 shall not preempt any authority or responsibility of the
3 Secretary under any other provision of law.

4 (j) TRANSFER FUNDS.—The Foundation may trans-
5 fer funds to the Department, which shall be subject to all
6 applicable Federal limitations relating to federally funded
7 research.

8 (k) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated such sums as may be
10 necessary—

11 (1) to the Secretary for fiscal year 2027 to es-
12 tablish the Committee;

13 (2) to the Foundation for fiscal year 2028 to
14 carry out the activities of the Foundation; and

15 (3) to the Foundation for fiscal year 2029, and
16 each fiscal year thereafter, for administrative and
17 operational costs.

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