

119TH CONGRESS
1ST SESSION

S. _____

To establish a Foundation for Enabling Biotechnology Innovation.

IN THE SENATE OF THE UNITED STATES

Mr. PADILLA (for himself and Mr. YOUNG) introduced the following bill; which
was read twice and referred to the Committee on _____

A BILL

To establish a Foundation for Enabling Biotechnology
Innovation.

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 “Foundation for Ena-
5 bling Biotechnology Innovation Act”.

6 **SEC. 2. FOUNDATION FOR ENABLING BIOTECHNOLOGY IN-**
7 **NOVATION.**

8 (a) ESTABLISHMENT.—The Director of the National
9 Science Foundation shall establish a nonprofit foundation
10 to be known as the “Foundation for Enabling Bio-
11 technology Innovation”.

1 (b) MISSION.—The mission of the Foundation for
2 Enabling Biotechnology Innovation (referred to in this Act
3 as the “Foundation”) shall be to accelerate commercializa-
4 tion of biotechnology products in the United States by
5 supporting and enhancing the capacity of Federal agencies
6 and fostering collaboration across sectors.

7 (c) ACTIVITIES.—In carrying out its mission under
8 subsection (b), the Foundation may carry out the fol-
9 lowing:

10 (1) Promote public-private partnerships that le-
11 verage expertise and resources across sectors to fos-
12 ter innovation and address challenges in commer-
13 cialization of biotechnology products.

14 (2) Convene relevant stakeholders to develop ex-
15 pert recommendations on biotechnology commer-
16 cialization, including horizon scanning for emerging
17 technologies and regulation of novel products that
18 may be commercialized in the future.

19 (3) Advance collaboration and dialogue between
20 Federal agencies that contribute to commercializa-
21 tion of biotechnology and relevant stakeholders, in-
22 cluding industry, institutions of higher education,
23 and nonprofit and philanthropic organizations.

24 (4) Support and conduct public engagement,
25 education, and outreach activities about innovation,

1 regulation, commercialization, and use of bio-
2 technology products, including to evaluate efficacy of
3 communication methods.

4 (5) Facilitate market access for United States
5 biotechnology products, including through inter-
6 national engagement, commercial and regulatory di-
7 plomacy, and development of shared norms and
8 standards.

9 (6) Support studies, projects, and research on
10 topics such as market acceptance and regulatory
11 process improvement, including through direct fund-
12 ing, grants, competitions, and other methods.

13 (7) Develop and implement education and fel-
14 lowship programs, which may include—

15 (A) short courses on biotechnology product
16 commercialization;

17 (B) shadowing experiences with relevant
18 Federal agencies;

19 (C) capstone projects, in which partici-
20 pants develop ideas to advance biotechnology
21 commercialization; and

22 (D) support for participants such as sti-
23 pends, travel, health insurance, professional de-
24 velopment, and other appropriate expenditures
25 as determined appropriate by the Foundation.

1 (8) Provide direct support to Federal agencies
2 for discrete or ongoing projects.

3 (9) Conduct other activities as determined nec-
4 essary by the Foundation to carry out its mission.

5 (d) LIMITATION.—The Foundation shall not be an
6 agency or instrumentality of the Federal Government and
7 the Foundation shall not conduct any regulation of bio-
8 technology products or any other products.

9 (e) SUPPORT.—The Foundation may receive, admin-
10 ister, solicit, accept, and use funds, gifts, devises, or be-
11 quests, 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), except that this
14 subsection shall not apply if any of such is from a foreign
15 country of concern or a foreign entity of concern.

16 (f) TAX EXEMPT STATUS.—The Board of the Foun-
17 dation for Enabling Biotechnology Innovation shall take
18 all necessary and appropriate steps to ensure the Founda-
19 tion is an organization described in section 501(c) of the
20 Internal Revenue Code of 1986, and exempt from taxation
21 under section 501(a) of such Code.

22 (g) BOARD OF DIRECTORS.—

23 (1) ESTABLISHMENT.—The Foundation for En-
24 abling Biotechnology Innovation shall be governed

1 by a Board of Directors (referred to in this section
2 as the “Board”).

3 (2) COMPOSITION.—The Board shall be com-
4 posed of the following:

5 (A) Not fewer than 5 voting members de-
6 scribed in paragraph (4).

7 (B) Ex officio nonvoting members de-
8 scribed in paragraph (5).

9 (3) INITIAL MEMBERS.—The Director of the
10 National Science Foundation shall—

11 (A) seek to enter into an agreement with
12 the National Academies of Sciences, Engineer-
13 ing, and Medicine to develop a list of individ-
14 uals to serve as members of the Board who are
15 well-qualified and meet the requirements in
16 paragraph (4); and

17 (B) appoint the initial members of the
18 Board from such list not later than 180 days
19 after the date of enactment of this Act.

20 (4) VOTING MEMBERS.—

21 (A) REPRESENTATION.—The voting mem-
22 bers of the Board shall be drawn from a broad
23 cross-section of stakeholders across sectors, re-
24 gions, and communities, including from institu-

1 tions of higher education, industry, and non-
2 profit and philanthropic organizations.

3 (B) EXPERIENCE.—The voting members of
4 the Board shall have the experience and quali-
5 fications to provide advice and information to
6 advance the mission of the Foundation for Ena-
7 bling Biotechnology Innovation.

8 (C) FEDERAL EMPLOYEES.—No employee
9 of the Federal Government may be appointed as
10 a voting member of the Board.

11 (5) NONVOTING MEMBERS.—

12 (A) EX OFFICIO MEMBERS.—The ex officio
13 members of the Board shall be designated by—

14 (i) the Director of the National
15 Science Foundation;

16 (ii) the Secretary of Defense;

17 (iii) the Secretary of Agriculture;

18 (iv) the Secretary of Health and
19 Human Services;

20 (v) the Administrator of the Environ-
21 mental Protection Agency; and

22 (vi) the heads of other agencies, as
23 agreed upon by the Board.

1 (B) NO VOTING POWER.—The ex officio
2 members described in subparagraph (A) shall
3 not have voting power on the Board.

4 (6) CHAIR AND VICE CHAIR.—

5 (A) IN GENERAL.—The Board shall des-
6 ignate, from among its voting 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 3 years after the
15 date on which the Chair or Vice Chair of
16 the Board is designated for the respective
17 position; or

18 (ii) the last day of the term of service
19 of the member, as determined under para-
20 graph (7), who is designated to be Chair or
21 Vice Chair of the Board.

22 (C) REPRESENTATION.—The Chair and
23 Vice Chair of the Board may not be representa-
24 tives of the same area of subject matter exper-
25 tise or entity.

1 (7) TERMS AND VACANCIES.—

2 (A) TERM LIMITS.—The term of office of
3 each voting member of the Board shall be not
4 more than 5 years, except that a member of the
5 Board may continue to serve after the expira-
6 tion of their term, if no new member is ap-
7 pointed to replace the departing Board member.

8 (B) INITIAL MEMBERS.—Of the initial
9 members of the Board appointed under para-
10 graph (3), half of such members shall serve for
11 4 years and half of such members shall serve
12 for 5 years, as determined by the Chair of the
13 Board.

14 (C) VACANCIES.—Any vacancy in the vot-
15 ing membership of the Board—

16 (i) shall be filled in accordance with
17 the bylaws of the Foundation by individ-
18 uals who are well qualified and meet the
19 requirements in paragraph (4);

20 (ii) shall not affect the power of the
21 remaining members to carry out the duties
22 of the Board; and

23 (iii) shall be filled by an individual se-
24 lected by the Board.

1 (D) RENEWAL.—Board members may be
2 renewed for additional terms, as long as the in-
3 dividual continues to meet the requirements in
4 paragraph (4).

5 (8) QUORUM.—A majority of the voting mem-
6 bers of the Board shall constitute a quorum for the
7 purposes of conducting the business of the Board.

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

10 (A) Establish bylaws for the Foundation in
11 accordance with paragraph (10).

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

15 (C) Coordinate with the Director of the
16 National Science Foundation regarding the ac-
17 tivities of the Foundation for Enabling Bio-
18 technology Innovation to ensure consistency
19 with the programs and policies of the National
20 Science Foundation and other Federal agencies.

21 (D) Evaluate the performance of the Chief
22 Executive Officer of the Foundation.

23 (E) Actively solicit and accept funds, gifts,
24 grants, devises, or bequests of real or personal

1 property to the Foundation, including from pri-
2 vate entities.

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

5 (10) BYLAWS.—The Board shall establish by-
6 laws for the Foundation, ensuring that—

7 (A) the bylaws of the Foundation shall in-
8 clude—

9 (i) policies for the selection of the
10 Board members, officers, employees,
11 agents, and contractors of the Foundation;

12 (ii) policies, including ethical and dis-
13 closure standards, including—

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

21 (II) the disposition of assets of
22 the Foundation;

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

1 members and ex officio members of the
2 Board) to conflict-of-interest standards;
3 and

4 (iv) the specific duties of the Chief
5 Executive Officer of the Foundation; and

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

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

12 (ii) compromise, or appear to com-
13 promise, the integrity of any Federal gov-
14 ernmental agency or program, or any offi-
15 cer or employee employed by, or involved in
16 a Federal governmental agency or pro-
17 gram.

18 (11) COMPENSATION.—

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

22 (B) CERTAIN EXPENSES.—In accordance
23 with the bylaws of the Foundation, members of
24 the Board may be reimbursed for travel ex-
25 penses, including per diem in lieu of subsistence

1 and other necessary expenses incurred in car-
2 rying out the duties of the Board.

3 (12) PERSONAL LIABILITY.—The members of
4 the Board shall not be personally liable for carrying
5 out the duties of the Board, except for malfeasance.

6 (h) ADMINISTRATION.—

7 (1) CHIEF EXECUTIVE OFFICER.—

8 (A) IN GENERAL.—The Foundation shall
9 have a Chief Executive Officer who shall be ap-
10 pointed by the Board, and who shall serve at
11 the pleasure of the Board, and for whom the
12 Board shall establish the rate of compensation.

13 (B) DUTIES.—Subject to the bylaws estab-
14 lished under subsection (g)(10), the Chief Exec-
15 utive Officer shall be responsible for—

16 (i) carrying out the activities of the
17 Foundation under subsection (c);

18 (ii) hiring, promoting, compensating,
19 and discharging officers and employees of
20 the Foundation and defining the duties of
21 such officers and employees;

22 (iii) accepting and administering do-
23 nations to the Foundation and admin-
24 istering the assets of the Foundation;

- 1 (iv) entering into contracts and exe-
2 cuting legal instruments as appropriate in
3 carrying out the activities of the Founda-
4 tion; and
- 5 (v) performing other functions as nec-
6 essary to operate the Foundation.

7 (2) STRATEGIC PLAN.—Not later than 1 year
8 after the appointment of the Chief Executive Officer,
9 the Foundation shall submit to the Director of the
10 National Science Foundation, the Committee on
11 Commerce, Science, and Transportation of the Sen-
12 ate, and the Committee on Science, Space, and
13 Technology of the House of Representatives a stra-
14 tegic plan that contains the following:

15 (A) A plan for the Foundation to become
16 financially self-sustaining not later than 5 years
17 after the submission of the strategic plan, aside
18 from regular appropriations.

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

21 (C) The efforts the Foundation will take to
22 be transparent in the processes of the Founda-
23 tion.

1 (D) The financial goals and benchmarks of
2 the Foundation for the 10 years following the
3 submission of the strategic plan.

4 (E) The efforts the Foundation will make
5 to ensure maximum complementarity and min-
6 imum redundancy with Federal activities re-
7 lated to biotechnology commercialization.

8 (3) REPORT.—

9 (A) IN GENERAL.—Not later than 18
10 months after the appointment of the Chief Ex-
11 ecutive Officer, and not later than February 1
12 of each year thereafter, the Foundation shall
13 publish a report describing the activities of the
14 Foundation during the immediately preceding
15 fiscal year that includes the accomplishments,
16 operations, activities, and financial condition of
17 the Foundation.

18 (B) FINANCIAL CONDITION.—Each such
19 report shall include a comprehensive statement
20 of all support provided to the Foundation, in-
21 cluding funds, gifts, grants, devises, or bequests
22 of real or personal property, and describing the
23 amount of support from each person or entity,
24 the persons or entities from which such support

1 is received, and any restrictions on the purposes
2 for which such support may be used.

3 (C) PUBLICATION.—The Foundation shall
4 make copies of each report submitted under
5 this paragraph available—

6 (i) to the Director of the National
7 Science Foundation, the Committee on
8 Commerce, Science, and Transportation of
9 the Senate, and the Committee on Science,
10 Space, and Technology of the House of
11 Representatives; and

12 (ii) for public inspection, and shall
13 upon request, provide a copy of the report
14 to any individual for a charge not to ex-
15 ceed the cost of providing such copy.

16 (4) AUDITS AND DISCLOSURE.—The Founda-
17 tion shall—

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

23 (B) make such audits, and all other
24 records, documents, and other papers of the
25 Foundation, available to the Director of the Na-

1 tional Science Foundation and the Comptroller
2 General of the United States for examination or
3 audit.

4 (5) TRANSFER OF FUNDS.—The Foundation
5 may transfer funds and property to Federal agencies
6 that contribute to commercialization of bio-
7 technology, which those agencies may accept and use
8 to further the mission of the Foundation as de-
9 scribed in subsection (b).

10 (i) INTEGRITY.—

11 (1) IN GENERAL.—To ensure integrity in the
12 operations of the Foundation, the Board shall de-
13 velop and enforce procedures relating to standards
14 of conduct, financial disclosure statements, conflicts
15 of interest (including recusal and waiver rules), au-
16 dits, and any other matters determined appropriate
17 by the Board.

18 (2) CONFLICTS OF INTEREST.—To mitigate
19 conflicts of interest, any individual who is an officer,
20 employee, or member of the Board is prohibited
21 from any participation in deliberations by the Foun-
22 dation of a matter that would directly or predictably
23 affect any financial interest of any of the following:

24 (A) Such individual.

25 (B) A relative of such individual.

1 (C) A business organization or other entity
2 in which such individual has an interest, includ-
3 ing an organization or other entity with which
4 such individual is negotiating employment.

5 (3) CITIZENSHIP.—To mitigate risks from ma-
6 lign foreign influence, any individual who is an offi-
7 cer, employee, or member of the Board shall be—

8 (A) a citizen or national (as defined in sec-
9 tion 101 of the Immigration and Nationality
10 Act (8 U.S.C. 1101(a))) of the United States;

11 (B) an alien admitted to the United States
12 as a refugee under section 207 of the Immigra-
13 tion and Nationality Act (8 U.S.C. 1157); or

14 (C) an alien lawfully admitted for perma-
15 nent residence (as defined in section 101 of the
16 Immigration and Nationality Act (8 U.S.C.
17 1101(a))).

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

23 (k) FULL FAITH AND CREDIT.—The United States
24 shall not be liable for any debts, defaults, acts, or omis-
25 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 (l) SUPPORT SERVICES.—The Director of the Na-
4 tional Science Foundation may provide facilities, utilities,
5 and support services to the Foundation.

6 (m) NON-APPLICABILITY.—Chapters 5 and 10 of title
7 5, United States Code, shall not apply to the Foundation.

8 (n) SEPARATE FUND ACCOUNTS.—The Board shall
9 ensure that amounts received pursuant to the authoriza-
10 tion of appropriations under subsection (o) are held in a
11 separate account from any other funds received by the
12 Foundation.

13 (o) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) NATIONAL SCIENCE FOUNDATION.—There
15 are authorized to be appropriated to the Director of
16 the National Science Foundation \$4,000,000 for fis-
17 cal year 2026, and every subsequent year to carry
18 out this section.

19 (2) FOUNDATION FOR ENABLING BIO-
20 TECHNOLOGY INNOVATION.—From amounts appro-
21 priated to the National Science Foundation for each
22 fiscal year, the Director of the National Science
23 Foundation shall transfer not less than \$4,000,000
24 per year to the Foundation.

25 (p) DEFINITIONS.—In this section:

1 (1) BOARD.—The term “Board” means the
2 Board of Directors of the Foundation, established
3 pursuant to subsection (g).

4 (2) FOREIGN COUNTRY OF CONCERN.—The
5 term “foreign country of concern” has the meaning
6 given such term in section 10638 of the Research
7 and Development, Competition, and Innovation Act
8 (42 U.S.C. 19237; enacted as part of division B of
9 Public Law 117–167).

10 (3) FOREIGN ENTITY OF CONCERN.—The term
11 “foreign entity of concern” has the meaning given
12 such term in section 10638 of the Research and De-
13 velopment, Competition, and Innovation Act (42
14 U.S.C. 19237; enacted as part of division B of Pub-
15 lic Law 117–167).

16 (4) FOUNDATION.—The term “Foundation”
17 means the Foundation for Enabling Biotechnology
18 Innovation established pursuant to subsection (a).

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

23 (6) RELATIVE.—The term “relative” has the
24 meaning given such term in section 13101 of title 5,
25 United States Code.