

**§ 275c. Cost recovery authority**

Fees for calibration services, standard reference materials, and other comparable services provided by the National Institute of Standards and Technology shall be at least sufficient to meet the requirements set forth in the amendments made by subsection (a),<sup>1</sup> and any funds recovered in excess of such requirements shall be returned to the Treasury of the United States.

(Pub. L. 99-73, §5(b), July 29, 1985, 99 Stat. 172; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433.)

## REFERENCES IN TEXT

The amendments made by subsection (a), referred to in text, mean the amendments made by subsec. (a) of section 5 of Pub. L. 99-73, which amended section 278b(f) of this title.

## CODIFICATION

Section was not enacted as part of the National Institute and Technology Act which comprises this chapter.

## AMENDMENTS

1988—Pub. L. 100-418 substituted “National Institute of Standards and Technology” for “National Bureau of Standards”.

## EFFECTIVE DATE

Pub. L. 99-73, §5(c), July 29, 1985, 99 Stat. 172, provided that: “The amendments made by subsection (a) [amending section 278b of this title] (and the provisions of subsection (b) [enacting this section]) shall be effective October 1, 1984.”

**§ 276. Ownership of facilities**

In the absence of specific agreement to the contrary, additional facilities, including equipment, purchased pursuant to the performance of services authorized by section 273 of this title shall become the property of the Department of Commerce.

(Mar. 3, 1901, ch. 872, §8, 31 Stat. 1450; June 30, 1932, ch. 314, title III, §312, 47 Stat. 410; Aug. 3, 1956, ch. 906, §1, 70 Stat. 959.)

## AMENDMENTS

1956—Act Aug. 3, 1956, substituted provisions relating to ownership of additional facilities by the Department of Commerce (formerly contained in section 278b of this title) for those relating to fees, see section 275a of this title.

1932—Act June 30, 1932, inserted provision for payment of moneys into the Treasury, among other changes.

## EFFECTIVE DATE OF 1932 AMENDMENT

Amendment by act June 30, 1932, effective July 1, 1932, see section 314 of that act.

**§ 277. Regulations**

The Secretary of Commerce shall, from time to time, make regulations regarding the payment of fees, the limits of tolerance to be attained in standards submitted for verification, the sealing of standards, the disbursement and receipt of moneys, and such other matters as he may deem necessary for carrying this chapter into effect.

<sup>1</sup> See References in Text note below.

(Mar. 3, 1901, ch. 872, §9, 31 Stat. 1450; Feb. 14, 1903, ch. 552, §10, 32 Stat. 829; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736.)

## CHANGE OF NAME

Act Mar. 4, 1913, substituted “Secretary of Commerce” for “Secretary of Commerce and Labor”.

## TRANSFER OF FUNCTIONS

Act Feb. 14, 1903, transferred power and authority of Secretary of the Treasury over Bureau of Standards to Secretary of Commerce and Labor.

**§ 278. Visiting Committee on Advanced Technology****(a) Establishment; appointment; membership and composition; review and recommendations**

There is established within the Institute a Visiting Committee on Advanced Technology (hereafter in this chapter referred to as the “Committee”). The Committee shall consist of 15 members appointed by the Director, at least 10 of whom shall be from United States industry. The Director shall appoint as original members of the Committee any final members of the National Bureau of Standards Visiting Committee who wish to serve in such capacity. In addition to any powers and functions otherwise granted to it by this chapter, the Committee shall review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress.

**(b) Qualifications; recommendations for appointment**

The persons appointed as members of the Committee—

(1) shall be eminent in fields such as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations;

(2) shall be selected solely on the basis of established records of distinguished service;

(3) shall not be employees of the Federal Government; and

(4) shall be so selected as to provide representation of a cross-section of the traditional and emerging United States industries.

The Director is requested, in making appointments of persons as members of the Committee, to give due consideration to any recommendations which may be submitted to the Director by the National Academies, professional societies, business associations, labor associations, and other appropriate organizations.

**(c) Terms of office; eligibility**

(1) The term of office of each member of the Committee, other than the original members, shall be 3 years; except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. Any person who has completed two consecutive full terms of service on the Committee shall thereafter be ineligible for appointment during the one-year period following the expiration of the second such term.

(2) The original members of the Committee shall be elected to three classes of three members each; one class shall have a term of one year, one a term of two years, and the other a term of three years.

**(d) Meetings; quorum; notice**

The Committee shall meet at least twice each year at the call of the Chairman or whenever one-third of the members so request in writing. A majority of the members of the Committee not having a conflict of interest in the matter being considered by the Committee shall constitute a quorum. Each member shall be given appropriate notice, whenever possible, not less than 15 days prior to any meeting, of the call of such meeting.

**(e) Appointment by Committee of executive and other committees**

The Committee shall have an executive committee, and may delegate to it or to the Secretary such of the powers and functions granted to the Committee by this chapter as it deems appropriate. The Committee is authorized to appoint from among its members such other committees as it deems necessary, and to assign to committees so appointed such survey and advisory functions as the Committee deems appropriate to assist it in exercising its powers and functions under this chapter.

**(f) Chairman; Vice Chairman**

The election of the Chairman and Vice Chairman of the Committee shall take place at each annual meeting occurring in an even-numbered year. The Vice Chairman shall perform the duties of the Chairman in his absence. In case a vacancy occurs in the chairmanship or vice chairmanship, the Committee shall elect a member to fill such vacancy.

**(g) Professional and clerical staff**

The Committee may, with the concurrence of a majority of its members, permit the appointment of a staff consisting of not more than four professional staff members and such clerical staff members as may be necessary. Such staff shall be appointed by the Director, after consultation with the Chairman of the Committee, and assigned at the direction of the Committee. The professional members of such staff may be appointed without regard to the provisions of title 5 governing appointments in the competitive service and the provisions of chapter 51 of title 5 relating to classification, and compensated at a rate not exceeding the appropriate rate provided for individuals in grade GS-18 of the General Schedule under section 5332 of title 5, as may be necessary to provide for the performance of such duties as may be prescribed by the Committee in connection with the exercise of its powers and functions under this chapter.

**(h) Annual and other reports to Secretary and Congress**

(1) The Committee shall render an annual report to the Secretary for submission to the Congress not later than 30 days after the submittal to Congress of the President's annual budget request in each year. Such report shall deal essentially, though not necessarily exclusively, with policy issues or matters which affect the Insti-

tute, including the Program established under section 278n<sup>1</sup> of this title, or with which the Committee in its official role as the private sector policy advisor of the Institute is concerned. Each such report shall identify areas of research and research techniques of the Institute of potential importance to the long-term competitiveness of United States industry, in which the Institute possesses special competence, which could be used to assist United States enterprises and United States industrial joint research and development ventures. Such report also shall comment on the programmatic planning document and updates thereto submitted to Congress by the Director under subsections (c) and (d) of section 278i of this title.

(2) The Committee shall render to the Secretary and the Congress such additional reports on specific policy matters as it deems appropriate.

(Mar. 3, 1901, ch. 872, §10, 31 Stat. 1450; Pub. L. 100-418, title V, §§5115(a)(1), 5131(b), Aug. 23, 1988, 102 Stat. 1433, 1441; Pub. L. 104-113, §8(1), Mar. 7, 1996, 110 Stat. 779; Pub. L. 110-69, title III, §§3005, 3006, Aug. 9, 2007, 121 Stat. 590.)

REFERENCES IN TEXT

Section 278n of this title, referred to in subsec. (h)(1), was repealed and a new section 278n enacted by Pub. L. 110-69, title III, §3012(a), (b), Aug. 9, 2007, 121 Stat. 593, and, as so enacted, section 278n no longer relates to the Advanced Technology Program, to which the term "Program" referred in this chapter.

AMENDMENTS

2007—Subsec. (d). Pub. L. 110-69, §3006, substituted "twice each year" for "quarterly".

Subsec. (h)(1). Pub. L. 110-69, §3005, substituted "not later than 30 days after the submittal to Congress of the President's annual budget request in each year" for "on or before January 31 in each year" and inserted at end "Such report also shall comment on the programmatic planning document and updates thereto submitted to Congress by the Director under subsections (c) and (d) of section 278i of this title."

1996—Subsec. (a). Pub. L. 104-113 substituted "15 members" for "nine members" and "at least 10" for "at least five".

1988—Pub. L. 100-418, §5131(b), amended section generally, substituting provisions of subsecs. (a) to (h) relating to Visiting Committee on Advanced Technology for provisions of former single undesignated paragraph which related to a visiting committee which was to visit bureau at least once a year and report to Secretary of Commerce upon efficiency of its scientific work and condition of its equipment.

Pub. L. 100-418, §5115(a)(1), substituted "Institute" for "bureau".

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

**§ 278a. Repealed. Pub. L. 88-611, § 4(a)(1), Oct. 2, 1964, 78 Stat. 991**

Section, act Mar. 3, 1901, ch. 872, §11, as added July 22, 1950, ch. 486, §2, 64 Stat. 373; amended Aug. 3, 1956, ch.

<sup>1</sup> See References in Text note below.