

within the limit of appropriated funds, as the Secretary may deem desirable, through the grant of fellowships or any other form of financial assistance, to defray the expenses of foreign nationals not in service to the Government of the United States while they are performing scientific or engineering work at the Institute or participating in the exchange of scientific or technical information at the Institute.

**(b) Foreign assistance and compensation to Institute employees**

The Congress consents to the acceptance by employees of the Institute of fellowships, lectureships, or other positions for the performance of scientific or engineering activities or for the exchange of scientific or technical information, offered by a foreign government, and to the acceptance and retention by an employee of the Institute of any form of financial or other assistance provided by a foreign government as compensation for or as a means of defraying expenses associated with the performance of scientific or engineering activities or the exchange of scientific or technical information, in any case where the acceptance of such fellowship, lectureship, or position or the acceptance and retention of such assistance is determined by the Secretary to be appropriate and consistent with the interests of the United States. For the purposes of this subsection, the definitions appearing in section 7342(a) of title 5 apply. Civil actions may be brought and penalties assessed against any employee who knowingly accepts and retains assistance from a foreign government not consented to by this subsection in the same manner as is prescribed by section 7342(h) of title 5.

**(c) Prohibition on use of appropriations inapplicable**

Provisions of law prohibiting the use of any part of any appropriation for the payment of compensation to any employee or officer of the Government of the United States who is not a citizen of the United States shall not apply to the payment of compensation to scientific or engineering personnel of the Institute.

**(d) Recruitment and employment of resident aliens**

For any scientific and engineering disciplines for which there is a shortage of suitably qualified and available United States citizens and nationals, the Secretary is authorized to recruit and employ in scientific and engineering fields at the Institute foreign nationals who have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] and who intend to become United States citizens. Employment of a person under this paragraph shall not be subject to the provisions of title 5 governing employment in the competitive service, or to any prohibition in any other Act against the employment of aliens, or against the payment of compensation to them.

(Mar. 3, 1901, ch. 872, §17, as added Pub. L. 96-461, §9, Oct. 15, 1980, 94 Stat. 2051; amended Pub. L. 100-418, title V, §5115(a)(1), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 102-245, title I, §104(h)(2), Feb. 14, 1992, 106 Stat. 11.)

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (d), is act June 27, 1952, ch. 477, 66 Stat. 163, as amended, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

PRIOR PROVISIONS

A prior section 278g, act Mar. 3, 1901, ch. 872, §17, as added Mar. 1, 1968, Pub. L. 90-259, title I, §102, 82 Stat. 35, related to grants to States, local governments, other non-Federal public agencies, and non-profit institutions, reimbursement of Federal agencies, delegation of powers, advance of public moneys, cooperation of Federal agencies, and issuance of rules and regulations, prior to repeal by Pub. L. 93-498, §18, Oct. 29, 1974, 88 Stat. 1545.

AMENDMENTS

1992—Subsec. (d). Pub. L. 102-245 added subsec. (d).  
1988—Pub. L. 100-418 substituted “Institute” for “National Bureau of Standards” wherever appearing.

EFFECTIVE DATE

Pub. L. 96-461, §11, Oct. 15, 1980, 94 Stat. 2052, provided that: “The effective date of sections 8 and 9 of this Act [enacting this section, amending section 278d of this title, and enacting provisions set out below] shall be October 1, 1980.”

CONGRESSIONAL DECLARATION OF PURPOSE

Pub. L. 96-461, §9, Oct. 15, 1980, 94 Stat. 2051, as amended by Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433, provided in part that this section was enacted “[i]n order to develop and strengthen the expertise of the National Institute of Standards and Technology in science and engineering, to enhance the Secretary’s ability to maintain the Institute’s programs at the forefront of worldwide developments in science and engineering, and to cooperate in international scientific activities”.

**§ 278g-1. Research fellowships and other financial assistance to students at institutes of higher education**

**(a) In general**

The Director is authorized to expend funds appropriated for activities of the Institute in any fiscal year, as the Director may deem desirable, for awards of research fellowships and other forms of financial assistance to students at institutions of higher learning within the United States who show promise as present or future contributors to the mission of the Institute, and to United States citizens for research and technical activities on Institute programs. The selection of persons to receive such fellowships and assistance shall be made on the basis of ability and of the relevance of the proposed work to the mission and programs of the Institute.

**(b) Manufacturing fellowship program**

**(1) Establishment**

To promote the development of a robust research community working at the leading edge of manufacturing sciences, the Director shall establish a program to award—

(A) postdoctoral research fellowships at the Institute for research activities related to manufacturing sciences; and

(B) senior research fellowships to established researchers in industry or at institu-

tions of higher education who wish to pursue studies related to the manufacturing sciences at the Institute.

**(2) Applications**

To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

**(3) Stipend levels**

Under this subsection, the Director shall provide stipends for postdoctoral research fellowships at a level consistent with the National Institute of Standards and Technology Postdoctoral Research Fellowship Program, and senior research fellowships at levels consistent with support for a faculty member in a sabbatical position.

**(c) Underrepresented minorities**

In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.

(Mar. 3, 1901, ch. 872, § 18, as added Pub. L. 99-574, § 6(a), Oct. 28, 1986, 100 Stat. 3237; amended Pub. L. 100-418, title V, § 5115(a)(1), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 102-245, title I, § 104(h)(1), Feb. 14, 1992, 106 Stat. 11; Pub. L. 110-69, title III, §§ 3008, 3013(a), Aug. 9, 2007, 121 Stat. 591, 598; Pub. L. 111-358, title IV, §§ 406(a), § 407(b), Jan. 4, 2011, 124 Stat. 4003, 4004.)

PRIOR PROVISIONS

A prior section 18 of act Mar. 3, 1901, ch. 872, was re-numbered section 32 and is classified to section 278q of this title.

AMENDMENTS

2011—Subsec. (a). Pub. L. 111-358, § 407(b), struck out “up to 1.5 percent of the” after “expend”.

Subsec. (c). Pub. L. 111-358, § 406(a), added subsec. (c).

2007—Pub. L. 110-69 designated existing provisions as subsec. (a), inserted heading, substituted “up to 1.5 percent of the” for “up to 1 per centum of the”, and added subsec. (b).

1992—Pub. L. 102-245 inserted before period at end of first sentence “, and to United States citizens for research and technical activities on Institute programs”.

1988—Pub. L. 100-418 substituted “Institute” for “National Bureau of Standards” the first place appearing, and for “Bureau” wherever subsequently appearing.

EFFECTIVE DATE

Pub. L. 99-574, § 6(b), Oct. 28, 1986, 100 Stat. 3237, provided that: “The amendments made by subsection (a) [enacting this section] shall be effective October 1, 1986.”

**§ 278g-2. Post-doctoral fellowship program**

The Institute shall establish and conduct a post-doctoral fellowship program, subject to the availability of appropriations, which shall be organized and carried out in substantially the same manner as the National Academy of Sciences/National Research Council Post-Doctoral Research Associate Program that was in effect prior to 1986, and which shall include not less than twenty nor more than 120 new fellows per fiscal year. In evaluating applications for fel-

lowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.

(Mar. 3, 1901, ch. 872, § 19, as added Pub. L. 99-574, § 8(a), Oct. 28, 1986, 100 Stat. 3238; amended Pub. L. 100-418, title V, § 5115(a)(1), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 104-113, § 8(3), Mar. 7, 1996, 110 Stat. 779; Pub. L. 110-69, title III, § 3015, Aug. 9, 2007, 121 Stat. 599; Pub. L. 111-358, title IV, §§ 406(b), 407(a), Jan. 4, 2011, 124 Stat. 4004.)

PRIOR PROVISIONS

A prior section 19 of act Mar. 3, 1901, ch. 872, was re-numbered section 32 and is classified to section 278q of this title.

AMENDMENTS

2011—Pub. L. 111-358, § 407(a), struck out “, in conjunction with the National Academy of Sciences,” after “The Institute”.

Pub. L. 111-358, § 406(b), inserted at end “In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.”

2007—Pub. L. 110-69 substituted “nor more than 120 new fellows” for “nor more than 60 new fellows”.

1996—Pub. L. 104-113 inserted “, subject to the availability of appropriations,” after “post-doctoral fellowship program” and substituted “nor more than 60” for “nor more than forty”.

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

EFFECTIVE DATE

Pub. L. 99-574, § 8(b), Oct. 28, 1986, 100 Stat. 3238, provided that: “The amendments made by subsection (a) [enacting this section] shall be effective October 1, 1987.”

**§ 278g-2a. Teacher science and technology enhancement Institute program**

**(a) Establishment**

The Director shall establish within the Institute a teacher science and technology enhancement program to provide for professional development of mathematics and science teachers of elementary, middle, and secondary schools (as those terms are defined by the Director), including providing for the improvement of those teachers with respect to the understanding of science and the impacts of science on commerce.

**(b) Areas of focus**

In carrying out the program under this section, the Director shall focus on the areas of—

- (1) scientific measurements;
- (2) tests and standards development;
- (3) industrial competitiveness and quality;
- (4) manufacturing;
- (5) technology transfer; and
- (6) any other area of expertise of the Institute that the Director determines to be appropriate.

**(c) Procedures and selection criteria**

The Director shall develop and issue procedures and selection criteria for participants in the program. The Director shall give special consideration to an application from a teacher from a high-need school, as defined in section 1021 of title 20.