

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 Institute 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.

(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; Pub. L. 114-329, title II, §§204(a)(1)(B)(ii), 205(a)(2)(C), title IV, §404, Jan. 6, 2017, 130 Stat. 2998, 3001, 3023.)

AMENDMENTS

2017—Subsec. (a). Pub. L. 114-329, §404(1), substituted “not fewer than 9 members appointed by the Director, a majority of whom” for “15 members appointed by the Director, at least 10 of whom” and “National Institute of Standards and Technology” for “National Bureau of Standards”.

Subsec. (h)(1). Pub. L. 114-329, §§205(a)(2)(C), 404(2), made identical amendments, striking out “, including the Program established under section 278n of this title,” after “which affect the Institute”.

Pub. L. 114-329, §204(a)(1)(B)(ii), struck out 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.”

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 subssecs. (a) to (h) relat-

ing 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. 906, §2, 70 Stat. 959; Sept. 2, 1958, Pub. L. 85-890, §2, 72 Stat. 1712, provided for acceptance of gifts and bequests. See sections 1522 and 1523 of this title.

**§ 278b. Working Capital Fund**

**(a) Utilization**

The Institute is authorized to utilize in the performance of its functions the Working Capital Fund established by the Act of June 29, 1950 (64 Stat. 275).

**(b) Availability of Fund**

The working capital of the fund shall be available for obligation and payment for any activities authorized by this chapter, and for any activities for which provision is made in the appropriations which reimburse the fund.

**(c) Reimbursements**

In the performance of authorized activities, the Working Capital Fund shall be available and may be reimbursed for expenses of hire of automobile, hire of consultants, and travel to meetings, to the extent that such expenses are authorized for the appropriations of the Department of Commerce.

**(d) Credits**

The fund may be credited with advances and reimbursements, including receipts from non-Federal sources, for services performed under the authority of section 273 of this title.

**(e) “Cost” defined**

As used in this chapter, the term “cost” shall be construed to include directly related expenses and appropriate charges for indirect and administrative expenses.

**(f) Distribution of earnings; restoration of prior impairment**

The amount of any earned net income resulting from the operation of the fund at the close of each fiscal year shall be paid into the general fund of the Treasury: *Provided*, That such earned net income may be applied to restore any prior impairment of the fund, and to ensure the availability of working capital necessary to replace equipment and inventories.

(Mar. 3, 1901, ch. 872, §12, as added Aug. 3, 1956, ch. 906, §2, 70 Stat. 959; amended Pub. L. 95-322,

§2(a), July 21, 1978, 92 Stat. 395; Pub. L. 99-73, §5(a), July 29, 1985, 99 Stat. 172; Pub. L. 100-418, title V, §5115(a)(1), Aug. 23, 1988, 102 Stat. 1433.)

## REFERENCES IN TEXT

Act of June 29, 1950 (64 Stat. 275), referred to in subsec. (a), was the Deficiency Appropriation Act, 1950. Provisions thereof relating to Working Capital Fund are not classified to the Code.

## PRIOR PROVISIONS

A prior section 12 of act Mar. 3, 1901, ch. 872, as added by act July 22, 1950, ch. 486, §2, 64 Stat. 373, related to equipment purchased by Department of Commerce to carry out investigations, prior to repeal by act Aug. 3, 1956.

## AMENDMENTS

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

1985—Subsec. (f). Pub. L. 99-73 struck out “first” after “may be applied”, and inserted provisions relating to working capital for replacement of equipment and inventories.

1978—Subsec. (a). Pub. L. 95-322 struck out “, and additional amounts as from time to time may be required for the purposes of said fund are authorized to be appropriated” after “(64 Stat. 275)”.

## EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-73 effective Oct. 1, 1984, see section 5(c) of Pub. L. 99-73, set out as an Effective Date note under section 275c of this title.

**§ 278c. Acquisition of land for field sites**

To the extent that funds are specifically appropriated therefor, the Secretary of Commerce is authorized to acquire land for such field sites as are necessary for the proper and efficient conduct of the activities authorized herein.

(Mar. 3, 1901, ch. 872, §13, as added Pub. L. 85-890, §1, Sept. 2, 1958, 72 Stat. 1711.)

## REFERENCES IN TEXT

“Herein”, referred to in text, refers to act Mar. 3, 1901, ch. 872, which is classified generally to this chapter.

## PRIOR PROVISIONS

A prior section 13 of act Mar. 3, 1901, ch. 872, as added July 22, 1950, ch. 486, §2, 64 Stat. 373, related to acceptance of gifts and bequests, prior to repeal by act Aug. 3, 1956. See sections 1522 and 1523 of this title.

**§ 278d. Construction and improvement of buildings and facilities****(a) In general**

Within the limits of funds which are appropriated for the Institute, the Secretary of Commerce is authorized to undertake such construction of buildings and other facilities and to make such improvements to existing buildings, grounds, and other facilities occupied or used by the Institute as are necessary for the proper and efficient conduct of the activities authorized herein.

**(b) Retention of fees**

The Director is authorized to retain all building use and depreciation surcharge fees collected pursuant to OMB Circular A-25. Such fees shall be collected and credited to the Construction of Research Facilities Appropriation Account for

use in maintenance and repair of the Institute’s existing facilities.

(Mar. 3, 1901, ch. 872, §14, as added Pub. L. 85-890, §1, Sept. 2, 1958, 72 Stat. 1711; amended Pub. L. 92-317, §3(d), June 22, 1972, 86 Stat. 235; Pub. L. 96-461, §8, Oct. 15, 1980, 94 Stat. 2051; Pub. L. 100-418, title V, §5115(a)(1), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 102-245, title I, §104(f), Feb. 14, 1992, 106 Stat. 11; Pub. L. 110-69, title III, §3014, Aug. 9, 2007, 121 Stat. 599.)

## REFERENCES IN TEXT

“Herein”, referred to in subsec. (a), refers to act Mar. 3, 1901, ch. 872, which is classified generally to this chapter.

## AMENDMENTS

2007—Pub. L. 110-69 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1992—Pub. L. 102-245 substituted “herein.” for “herein: *Provided*, That no improvement shall be made nor shall any building be constructed under this authority at a cost in excess of \$250,000 unless specific provision is made therefor in the appropriation concerned.”

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

1980—Pub. L. 96-461 substituted “\$250,000” for “\$75,000”.

1972—Pub. L. 92-317 substituted “\$75,000” for “\$40,000”.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-461 effective Oct. 1, 1980, see section 11 of Pub. L. 96-461, set out as an Effective Date note under section 278g of this title.

## FACILITIES FOR COLD NEUTRON RESEARCH

Pub. L. 101-162, title I, §104, Nov. 21, 1989, 103 Stat. 994, provided that: “Hereafter, the National Institute of Standards and Technology is authorized to accept contributions of funds, to remain available until expended, from any public or private source to construct a facility for cold neutron research on materials, notwithstanding the limitations contained in 15 U.S.C. 278d.”

**§ 278e. Functions and activities**

In the performance of the functions of the Institute the Secretary of Commerce is authorized to undertake the following activities: (a) The purchase, repair, and cleaning of uniforms for guards; (b) the care, maintenance, protection, repair, and alteration of Institute buildings and other plant facilities, equipment, and property; (c) the rental of field sites and laboratory, office, and warehouse space; (d) the purchase of reprints from technical journals or other periodicals and the payment of page charges for the publication of research papers and reports in such journals; (e) the furnishing of food and shelter without repayment therefor to employees of the Government at Arctic and Antarctic stations; (f) for the conduct of observations on radio propagation phenomena in the Arctic or Antarctic regions, the appointment of employees at base rates established by the Secretary of Commerce which shall not exceed such maximum rates as may be specified from time to time in the appropriation concerned, and without regard to the civil service and classification laws and sections 5542 to 5546 of title 5; (g) the erection on leased property of specialized facilities and working and living quarters when the Secretary of Commerce determines that this will best serve the interests of the Government;