

REFERENCES IN TEXT

Section 2220(b)(1) of this title, referred to in subsec. (b)(1), was repealed by Pub. L. 106-503, title I, § 110(a)(1)(D), Nov. 13, 2000, 114 Stat. 2302.

PRIOR PROVISIONS

A prior section 16 of act Mar. 3, 1901, as added by act Mar. 1, 1968, Pub. L. 90-259, title I, § 102, 82 Stat. 35, related to fire research and safety programs, prior to repeal by act Oct. 29, 1974.

AMENDMENTS

1979—Subsec. (b). Pub. L. 96-121 substituted provisions authorizing to be appropriated an amount not to exceed \$5,650,000 for the fiscal year ending Sept. 30, 1980, for provisions authorizing appropriations not to exceed \$1,275,000 for the transitional fiscal quarter of July 1, 1976, through Sept. 30, 1976, not to exceed \$5,500,000 for the fiscal year ending Sept. 30, 1977, not to exceed \$6,000,000 for the fiscal year ending Sept. 30, 1978, and not to exceed \$5,600,000 for the fiscal year ending Sept. 30, 1979, and added pars. (1) and (2).

1978—Subsec. (a). Pub. L. 95-422, §§ 2(b), 3(b), in provisions preceding par. (1) substituted “United States Fire Administration” for “National Fire Prevention and Control Administration” and added par. (1)(I).

Subsec. (b). Pub. L. 95-422, § 1(b), inserted provision authorizing appropriation of not to exceed \$5,600,000 for the fiscal year ending Sept. 30, 1979.

1976—Subsec. (b). Pub. L. 94-411 substituted provisions authorizing to be appropriated not to exceed \$1,275,000 for the transitional fiscal quarter of July 1, 1976, through Sept. 30, 1976, not to exceed \$5,500,000 for the fiscal year ending Sept. 30, 1977, and not to exceed \$6,000,000 for the fiscal year ending Sept. 30, 1978, for provisions authorizing to be appropriated not to exceed \$3,500,000 for the fiscal year ending June 30, 1975, and not to exceed \$4,000,000 for the fiscal year ending June 30, 1976.

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

COMBINATION OF FIRE RESEARCH AND BUILDING TECHNOLOGY PROGRAMS

Pub. L. 102-245, title I, § 104(g), Feb. 14, 1992, 106 Stat. 11, provided that: “The fire research and building technology programs of the Institute may be combined for administrative purposes only, and separate budget accounts for fire research and building technology shall be maintained. No later than December 31, 1992, the Secretary, acting through the Director of the Institute, shall report to Congress on the results of the combination, on efforts to preserve the integrity of the fire research and building technology programs, on the long-range basic and applied research plans of the two programs, on procedures for receiving advice on fire and earthquake research priorities from constituencies concerned with public safety, and on the relation between the combined program at the Institute and the United States Fire Administration.”

NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

Pub. L. 90-259, §§ 101, 103, 104, and 201-207, established the National Commission on Fire Prevention and Control, directed the commission to study and investigate measures to reduce the destructive effects of fire

throughout the country, and provided that the commission cease to exist thirty days after the submission of its report which was to be made no later than two years after the commission had been organized.

EXECUTIVE ORDER NO. 11654

Ex. Ord. No. 11654, Mar. 13, 1972, 37 F.R. 5361, which established in the Department of Commerce the Federal Fire Council and provided for its membership, functions, etc., was revoked by Ex. Ord. No. 12379, § 19, Aug. 17, 1982, 47 F.R. 36100, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

§ 278g. International activities

(a) Financial assistance to foreign nationals

The Secretary is authorized, notwithstanding any other provision of law, to expend such sums, 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 na-

tionals, 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. Education and outreach

(a) In general

The Director is authorized to expend funds appropriated for activities of the Institute in any fiscal year, to support, promote, and coordinate activities and efforts to enhance public awareness and understanding of measurement sciences, standards and technology at the national measurement laboratories and otherwise in fulfillment of the mission of the Institute. The Director may carry out activities under this sub-

section, including education and outreach activities to the general public, industry and academia in support of the Institute’s mission.

(b) Hiring

The Director, in coordination with the Director of the Office of Personnel Management, may revise the procedures the Director applies when making appointments to laboratory positions within the competitive service—

- (1) to ensure corporate memory of and expertise in the fundamental ongoing work, and on developing new capabilities in priority areas;
- (2) to maintain high overall technical competence;
- (3) to improve staff diversity;
- (4) to balance emphases on the noncore and core areas; or
- (5) to improve the ability of the Institute to compete in the marketplace for qualified personnel.

(c) Volunteers

(1) In general

The Director may establish a program to use volunteers in carrying out the programs of the Institute.

(2) Acceptance of personnel

The Director may accept, subject to regulations issued by the Office of Personnel Management, voluntary service for the Institute for such purpose if the service—

- (A) is to be without compensation; and
- (B) will not be used to displace any current employee or act as a substitute for any future full-time employee of the Institute.

(3) Federal employee status

Any individual who provides voluntary service under this subsection shall not be considered a Federal employee, except for purposes of chapter 81 of title 5 (relating to compensation for injury), and sections 2671 through 2680 of title 28 (relating to tort claims).

(d) Research fellowships

(1) In general

The Director may expend funds appropriated for activities of the Institute in any fiscal year, as the Director considers appropriate, for awards of research fellowships and other forms of financial and logistical assistance, including direct stipend awards to—

- (A) 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
- (B) United States citizens for research and technical activities of the Institute, including programs.

(2) Selection criteria

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.

(3) Financial and logistical assistance

Notwithstanding section 1345 of title 31 or any other law to the contrary, the Director may include as a form of financial or logistical