

§ 150302. Powers

- (a) GENERAL.—The corporation may—
- (1) make its own organization, including adopting a constitution, bylaws, and regulations;
  - (2) provide for the election of domestic and foreign members, their division into classes, and other matters needful or usual in such an institution;
  - (3) fill vacancies; and
  - (4) report its actions under this subsection to Congress.
- (b) PROPERTY.—(1) The corporation may—
- (A) receive property by devise, bequest, donation, or otherwise;
  - (B) hold the property absolutely or in trust;
  - (C) manage and invest the property as provided in the constitution of the corporation; and
  - (D) use the property and income from the property to carry out the purposes of the corporation, subject to instructions of donors.
- (2) Congress at any time may limit the amount of real estate the corporation may acquire and the amount of time it may be held.  
(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1388.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
150302(a) .....	36:252.	Mar. 3, 1863, ch. 111, § 2, 12 Stat. 806; July 14, 1870, ch. 264, 16 Stat. 277.
150302(b) .....	36:254.	June 20, 1884, ch. 107, 23 Stat. 50; May 27, 1914, ch. 101, § 1, 38 Stat. 383.

In subsection (a)(1), the word “rules” is omitted as included in “regulations”.

In subsection (a)(2), the words “their division” are substituted for “the division” for clarity.

In subsection (a)(3), the words “created by death, resignation, or otherwise” are omitted as unnecessary.

In subsection (a)(4), the words “its actions under this subsection” are substituted for “the same” for clarity.

In subsection (b)(1), before clause (A), the word “may” is substituted for “be, and the same is, authorized and empowered to” for consistency in the revised title and to eliminate unnecessary words. In clause (A), the words “either real or personal” are omitted as unnecessary and for consistency in the revised title. In clause (C), the word “reinvest” is omitted as unnecessary.

§ 150303. Services to United States Government

On request of the United States Government, the corporation shall investigate, examine, experiment, and report on any subject of science or art. The corporation may not receive compensation for services to the Government, but the actual expense of the investigation, examination, experimentation, and report shall be paid by the Government from an appropriation for that purpose.  
(Pub. L. 105–225, Aug. 12, 1998, 112 Stat. 1389.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
150303 .....	36:253 (words after 1st comma).	Mar. 3, 1863, ch. 111, § 3 (words after 1st comma), 12 Stat. 806.

The words “any department of” are omitted as unnecessary.

KEY NATIONAL INDICATORS

Pub. L. 111–148, title V, § 5605, Mar. 23, 2010, 124 Stat. 680, provided that:

- “(a) DEFINITIONS.—In this section:
- “(1) ACADEMY.—The term ‘Academy’ means the National Academy of Sciences.
- “(2) COMMISSION.—The term ‘Commission’ means the Commission on Key National Indicators established under subsection (b).
- “(3) INSTITUTE.—The term ‘Institute’ means a Key National Indicators Institute as designated under subsection (c)(3).
- “(b) COMMISSION ON KEY NATIONAL INDICATORS.—
- “(1) ESTABLISHMENT.—There is established a ‘Commission on Key National Indicators’.
- “(2) MEMBERSHIP.—
- “(A) NUMBER AND APPOINTMENT.—The Commission shall be composed of 8 members, to be appointed equally by the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives.
- “(B) PROHIBITED APPOINTMENTS.—Members of the Commission shall not include Members of Congress or other elected Federal, State, or local government officials.

“(C) QUALIFICATIONS.—In making appointments under subparagraph (A), the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives shall appoint individuals who have shown a dedication to improving civic dialogue and decision-making through the wide use of scientific evidence and factual information.

“(D) PERIOD OF APPOINTMENT.—Each member of the Commission shall be appointed for a 2-year term, except that 1 initial appointment shall be for 3 years. Any vacancies shall not affect the power and duties of the Commission but shall be filled in the same manner as the original appointment and shall last only for the remainder of that term.

“(E) DATE.—Members of the Commission shall be appointed by not later than 30 days after the date of enactment of this Act [Mar. 23, 2010].

“(F) INITIAL ORGANIZING PERIOD.—Not later than 60 days after the date of enactment of this Act, the Commission shall develop and implement a schedule for completion of the review and reports required under subsection (d).

“(G) CO-CHAIRPERSONS.—The Commission shall select 2 Co-Chairpersons from among its members.

“(c) DUTIES OF THE COMMISSION.—

“(1) IN GENERAL.—The Commission shall—

“(A) conduct comprehensive oversight of a newly established key national indicators system consistent with the purpose described in this subsection;

“(B) make recommendations on how to improve the key national indicators system;

“(C) coordinate with Federal Government users and information providers to assure access to relevant and quality data; and

“(D) enter into contracts with the Academy.

“(2) REPORTS.—

“(A) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the selection of the 2 Co-Chairpersons of the Commission, and each subsequent year thereafter, the Commission shall prepare and submit to the appropriate Committees of Congress and the President a report that contains a detailed statement of the recommendations, findings, and conclusions of the Commission on the activities of the Academy and a designated Institute related to the establishment of a Key National Indicator System.

“(B) ANNUAL REPORT TO THE ACADEMY.—

“(i) IN GENERAL.—Not later than 6 months after the selection of the 2 Co-Chairpersons of the Com-

mission, and each subsequent year thereafter, the Commission shall prepare and submit to the Academy and a designated Institute a report making recommendations concerning potential issue areas and key indicators to be included in the Key National Indicators.

“(ii) LIMITATION.—The Commission shall not have the authority to direct the Academy or, if established, the Institute, to adopt, modify, or delete any key indicators.

“(3) CONTRACT WITH THE NATIONAL ACADEMY OF SCIENCES.—

“(A) IN GENERAL.—As soon as practicable after the selection of the 2 Co-Chairpersons of the Commission, the Co-Chairpersons shall enter into an arrangement with the National Academy of Sciences under which the Academy shall—

“(i) review available public and private sector research on the selection of a set of key national indicators;

“(ii) determine how best to establish a key national indicator system for the United States, by either creating its own institutional capability or designating an independent private nonprofit organization as an Institute to implement a key national indicator system;

“(iii) if the Academy designates an independent Institute under clause (ii), provide scientific and technical advice to the Institute and create an appropriate governance mechanism that balances Academy involvement and the independence of the Institute; and

“(iv) provide an annual report to the Commission addressing scientific and technical issues related to the key national indicator system and, if established, the Institute, and governance of the Institute’s budget and operations.

“(B) PARTICIPATION.—In executing the arrangement under subparagraph (A), the National Academy of Sciences shall convene a multi-sector, multi-disciplinary process to define major scientific and technical issues associated with developing, maintaining, and evolving a Key National Indicator System and, if an Institute is established, to provide it with scientific and technical advice.

“(C) ESTABLISHMENT OF A KEY NATIONAL INDICATOR SYSTEM.—

“(i) IN GENERAL.—In executing the arrangement under subparagraph (A), the National Academy of Sciences shall enable the establishment of a key national indicator system by—

“(I) creating its own institutional capability;

or  
“(II) partnering with an independent private nonprofit organization as an Institute to implement a key national indicator system.

“(ii) INSTITUTE.—If the Academy designates an Institute under clause (i)(II), such Institute shall be a non-profit entity (as defined for purposes of section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(3)]) with an educational mission, a governance structure that emphasizes independence, and characteristics that make such entity appropriate for establishing a key national indicator system.

“(iii) RESPONSIBILITIES.—Either the Academy or the Institute designated under clause (i)(II) shall be responsible for the following:

“(I) Identifying and selecting issue areas to be represented by the key national indicators.

“(II) Identifying and selecting the measures used for key national indicators within the issue areas under subclause (I).

“(III) Identifying and selecting data to populate the key national indicators described under subclause (II).

“(IV) Designing, publishing, and maintaining a public website that contains a freely accessible database allowing public access to the key national indicators.

“(V) Developing a quality assurance framework to ensure rigorous and independent processes and the selection of quality data.

“(VI) Developing a budget for the construction and management of a sustainable, adaptable, and evolving key national indicator system that reflects all Commission funding of Academy and, if an Institute is established, Institute activities.

“(VII) Reporting annually to the Commission regarding its selection of issue areas, key indicators, data, and progress toward establishing a web-accessible database.

“(VIII) Responding directly to the Commission in response to any Commission recommendations and to the Academy regarding any inquiries by the Academy.

“(iv) GOVERNANCE.—Upon the establishment of a key national indicator system, the Academy shall create an appropriate governance mechanism that incorporates advisory and control functions. If an Institute is designated under clause (i)(II), the governance mechanism shall balance appropriate Academy involvement and the independence of the Institute.

“(v) MODIFICATION AND CHANGES.—The Academy shall retain the sole discretion, at any time, to alter its approach to the establishment of a key national indicator system or, if an Institute is designated under clause (i)(II), to alter any aspect of its relationship with the Institute or to designate a different non-profit entity to serve as the Institute.

“(vi) CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of the Academy or the Institute designated under clause (i)(II) to receive private funding for activities related to the establishment of a key national indicator system.

“(D) ANNUAL REPORT.—As part of the arrangement under subparagraph (A), the National Academy of Sciences shall, not later than 270 days after the date of enactment of this Act [Mar. 23, 2010], and annually thereafter, submit to the Co-Chairpersons of the Commission a report that contains the findings and recommendations of the Academy.

“(d) GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.—

“(1) GAO STUDY.—The Comptroller General of the United States shall conduct a study of previous work conducted by all public agencies, private organizations, or foreign countries with respect to best practices for a key national indicator system. The study shall be submitted to the appropriate authorizing committees of Congress.

“(2) GAO FINANCIAL AUDIT.—If an Institute is established under this section, the Comptroller General shall conduct an annual audit of the financial statements of the Institute, in accordance with generally accepted government auditing standards and submit a report on such audit to the Commission and the appropriate authorizing committees of Congress.

“(3) GAO PROGRAMMATIC REVIEW.—The Comptroller General of the United States shall conduct programmatic assessments of the Institute established under this section as determined necessary by the Comptroller General and report the findings to the Commission and to the appropriate authorizing committees of Congress.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out the purposes of this section, \$10,000,000 for fiscal year 2010, and \$7,500,000 for each of fiscal year [sic] 2011 through 2018.

“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available until expended.”

EX. ORD. NO. 2859, NATIONAL RESEARCH COUNCIL OF NATIONAL ACADEMY OF SCIENCES

Ex. Ord. No. 2859, May 11, 1918, as amended by Ex. Ord. No. 10668, May 10, 1956, 21 F.R. 3155; Ex. Ord. No. 12832, Jan. 19, 1993, 58 F.R. 5905, provided:

National Research Council of the National Academy of Sciences

WHEREAS (1) the congressional charter of the National Academy of Sciences ("Academy") charges it, upon call from any U.S. Government Department, to investigate, examine, experiment, and report upon any subject of science or art and (2) the actual expenses of the Academy for such investigations, examinations, experiments, and reports shall be paid to the Academy through one or more of the following: private gifts and bequests; appropriations for the benefit of the Academy; grants-in-aid, contracts, and other forms of financial agreement with executive departments and agencies, provided that the Academy shall receive no compensation whatever for any services to the Government of the United States; and

WHEREAS the National Research Council ("Council") was organized in 1916 at the request of the President by the National Academy of Sciences, under its congressional charter, as a measure of national preparedness; and

WHEREAS the Council is the principal operating agency of the National Academy of Sciences and the National Academy of Engineering, the latter having been established in 1964 under the charter of the National Academy of Sciences; and

WHEREAS the Institute of Medicine of the National Academy of Sciences, established in 1970 under the Academy's charter, conducts its programs and activities under the approval, operating, and review procedures of the Council; and

WHEREAS in recognition of the work accomplished through the Council in organizing research, in furthering science, and in securing cooperation of government and nongovernment agencies in the solution of their problems, the Council has been perpetuated by the Academy as requested by the President in Executive Order No. 2859 of May 11, 1918; and

WHEREAS the effective prosecution of the Council's work may require the close cooperation of the scientific and technical branches of the Government, both military and civil, and makes participation by officers and employees of the Government in the work of the Council desirable; and

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is ordered as follows:

1. The functions of the Council shall be as follows:

(a) To stimulate research in the mathematical, physical, biological, environmental, and social sciences, and in the application of these sciences to engineering, agriculture, medicine, and other useful arts, with the object of increasing knowledge, of strengthening the national security including the contribution of science and engineering to economic growth, of ensuring the health of the American people, of aiding in the attainment of environmental goals, and of contributing in other ways to the public welfare.

(b) To survey the broad possibilities of science, to formulate comprehensive projects of research, and to develop effective means of utilizing the scientific and technical resources of the country for dealing with such projects.

(c) To promote cooperation in research, at home and abroad, in order to secure concentration of effort, minimize duplication, and stimulate progress; but in all cooperative undertakings to give encouragement to individual initiative, as fundamentally important to the advancement of science.

(d) To serve as a means of bringing American and foreign investigators into active cooperation with the scientific and technical services of the Federal Government.

(e) To direct the attention of scientific and technical investigators to the importance of military and industrial problems in connection with national security, to the importance of environmental problems in connection with public health and the economy, and to aid in the solution of these problems by organizing specific research.

(f) To gather and collate scientific and technical information, at home and abroad, in cooperation with governmental and other agencies, and to disseminate such information to duly accredited persons and the public.

2. Scientists, engineers, and other technically qualified professionals who are officers or employees of departments and agencies of the executive branch of the Government are encouraged to participate in the work of the Council as requested by the Council to the extent authorized by the head of the officer's or employee's agency or department and permitted by law.

3. To the extent permitted by law and regulation, and in accordance with the congressional charter of the Academy, the actual expense of investigations, examinations, experiments, and reports by the Academy for the executive branch of the Government shall be paid to the Academy through one or more of the following: private gifts and bequests; appropriations for the benefit of the Academy; grants-in-aid, contracts, and other forms of financial agreement with executive departments and agencies. The Academy shall receive no compensation whatever for any services to the Government of the United States. Further, the Academy shall be subject to all provisions of OMB Circular A-122, "Cost Principles for Non-Profit Organizations," and to such other requirements regarding or limiting the Academy's recovery of costs as the Director of the Office of Management and Budget may specify from time to time in writing to the Academy and to agencies and departments of the Government.

4. When a department or agency of the executive branch of the Government determines that the Academy, because of its unique qualifications, is the only source that can provide the measure of expertise, independence, objectivity, and audience acceptance necessary to meet the department's or agency's program requirements, acquisition of services by the Academy may be obtained on a noncompetitive basis if otherwise in accordance with applicable law and regulations.

§ 150304. Annual meeting

The corporation shall hold an annual meeting at a place designated by the corporation.

(Pub. L. 105-225, Aug. 12, 1998, 112 Stat. 1389.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
150304 .....	36:253 (words before 1st comma).	Mar. 3, 1863, ch. 111, §3 (words before 1st comma), 12 Stat. 806.

CHAPTER 1505—NATIONAL CONFERENCE OF STATE SOCIETIES, WASHINGTON, DISTRICT OF COLUMBIA

- Sec.
- 150501. Definition.
- 150502. Organization.
- 150503. Purposes.
- 150504. Membership.
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- 150506. Powers.
- 150507. Exclusive right to name, seals, emblems, and badges.
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