

Director of the Bureau of Standards, striking out requirement that the annual report include an abstract of the work done during the year and a financial statement, and inserting provision that until such time as the Director assumes office under this section, the most recent Director of the National Bureau of Standards shall serve as Director.

1985—Pub. L. 99-73 substituted “The Director” for “He” at beginning of second, third, and fourth sentences, and inserted provisions relating to compensation for the Director.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-73 effective Oct. 1, 1985, see section 6(c) of Pub. L. 99-73, set out as a note under section 5315 of Title 5, Government Organization and Employees.

### § 275. Appointment of officers and employees

The officers and employees of the Institute, except the director, shall be appointed by the Secretary of Commerce at such time as their respective services may become necessary.

(Mar. 3, 1901, ch. 872, § 6, 31 Stat. 1450; Feb. 14, 1903, ch. 552, § 10, 32 Stat. 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736; Pub. L. 100-418, title V, § 5115(a)(1), Aug. 23, 1988, 102 Stat. 1433.)

#### AMENDMENTS

1988—Pub. L. 100-418 substituted “Institute” for “bureau”.

#### 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.

#### PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES

Pub. L. 110-69, title III, § 3009, Aug. 9, 2007, 121 Stat. 592, permitted the Director of the National Institute of Standards and Technology, until Sept. 30, 2010, to procure the temporary or intermittent services of no more than 200 experts or consultants per year to assist with urgent or short-term research projects and required the Comptroller General to submit to Congress, no later than 2 years after Aug. 9, 2007, a report on possible additional safeguards needed should the authority under this section be made permanent.

#### DEMONSTRATION PROJECT RELATING TO PERSONNEL MANAGEMENT

Pub. L. 99-574, § 10, Oct. 28, 1986, 100 Stat. 3238, as amended by Pub. L. 100-418, title V, § 5115(c), Aug. 23, 1988, 102 Stat. 1433, directed the Office of Personnel Management and the National Institute of Standards and Technology to jointly design an alternative personnel management system demonstration project to be commenced not later than Jan. 1, 1988, and to be conducted by the Director of the Institute in accordance with section 4703 of Title 5, Government Organization and Employees, with the Director of the Office of Personnel Management to provide that the project be evaluated annually by a contractor, and a report of the contractor’s findings submitted to the Office, and, along with any comments of the Office and the Institute, submitted to the Congress, and a final report to be submitted to the Congress by the Comptroller General not later than 4 years after the date on which the project commences, such report to include any recommendations for legislation or other action considered appropriate by the Comptroller General.

[Pub. L. 104-113, § 10, Mar. 7, 1996, 110 Stat. 779, provided that: “The personnel management demonstration project established under section 10 of the National Bureau of Standards Authorization Act for Fiscal Year 1987 [Pub. L. 99-574] (15 U.S.C. 275 note) is extended indefinitely.”]

### § 275a. Service charges

The Secretary shall charge for services performed under the authority of section 273 of this title, except in cases where he determines that the interest of the Government would be best served by waiving the charge. Such charges may be based upon fixed prices or costs. The appropriation or fund bearing the cost of the services may be reimbursed, or the Secretary may require advance payment subject to such adjustment on completion of the work as may be agreed upon.

(Mar. 3, 1901, ch. 872, § 7, as added Aug. 3, 1956, ch. 906, § 1, 70 Stat. 959.)

#### CODIFICATION

Provisions relating to fees were formerly contained in section 276 of this title.

### § 275b. Charges for activities performed for other agencies

The Secretary of Commerce shall charge for any service performed by the Institute, at the request of another Government agency, in compliance with any statute, enacted before, on, or after October 6, 1982, which names the Secretary or the Institute as a consultant to another Government agency, or calls upon the Secretary or the Institute to support or perform any activity for or on behalf of another Government agency, or to cooperate with any Government agency in the performance by that agency of any activity, regardless of whether the statute specifically requires reimbursement to the Secretary or the Institute by such other Government agency for such service, unless funds are specifically appropriated to the Secretary or the Institute to perform such service. The Secretary may, however, waive any charge where the service rendered by the Institute is such that the Institute will incur only nominal costs in performing it. Costs shall be determined in accordance with section 278b(e) of this title.

(Pub. L. 97-286, § 8, Oct. 6, 1982, 96 Stat. 1223; Pub. L. 100-418, title V, § 5115(c), Aug. 23, 1988, 102 Stat. 1433.)

#### CODIFICATION

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

#### AMENDMENTS

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

### § 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 re-

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

covered 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, pt. II, 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.

(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 not fewer than 9 members appointed by the Director, a majority of whom shall be from United States industry. The Director shall appoint as original members of the Committee any final members of the National Institute of Standards and Technology 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