

provide for extended distribution of Standard Reference Materials, Standard Reference Data, calibrations, and related technical services and to help transfer other expertise and technology to the States and to small businesses and other businesses within the States;

(2) evaluate those inventions from small businesses or individuals which have a significant potential for improving competitiveness;

(3) provide support for workshops on technical and entrepreneurial topics and share information developed through the Malcolm Baldrige Quality Award Program; and

(4) work with other Federal agencies to provide technical and related assistance to the States and businesses within the States.

(Pub. L. 100-519, title I, § 109, Oct. 24, 1988, 102 Stat. 2591.)

Editorial Notes

CODIFICATION

Section was enacted as part of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989, and not as part of the National Institute of Standards and Technology Act which comprises this chapter.

§ 272b. Annual budget submission

The National Institute of Standards and Technology shall annually submit to the Congress, at the time of the release of the President's budget, a three year budget estimate for the Institute, including funding estimates for each major account and new initiative.

(Pub. L. 100-519, title I, § 111, Oct. 24, 1988, 102 Stat. 2592.)

Editorial Notes

CODIFICATION

Section was enacted as part of the National Institute of Standards and Technology Authorization Act for Fiscal Year 1989, and not as part of the National Institute of Standards and Technology Act which comprises this chapter.

§ 273. Functions; for whom exercised

The Institute is authorized to exercise its functions for the Government of the United States and for international organizations of which the United States is a member; for governments of friendly countries; for any State or municipal government within the United States; or for any scientific society, educational institution, firm, corporation, or individual within the United States or friendly countries engaged in manufacturing or other pursuits requiring the use of standards or standard measuring instruments: *Provided*, That the exercise of these functions for international organizations, governments of friendly countries and scientific societies, educational institutions, firms, corporations, or individuals therein shall be in coordination with other agencies of the United States Government, in particular the Department of State in respect to foreign entities. All requests for the services of the Institute shall be made in accordance with the rules and regulations here-in established.

(Mar. 3, 1901, ch. 872, § 3, 31 Stat. 1449; Pub. L. 92-317, § 3(c), June 22, 1972, 86 Stat. 235; Pub. L.

100-418, title V, § 5115(a)(1), Aug. 23, 1988, 102 Stat. 1433.)

Editorial Notes

REFERENCES IN TEXT

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

AMENDMENTS

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

1972—Pub. L. 92-317 authorized the Bureau to extend its services to international organizations of which the United States is a member, and for governments of friendly countries in coordination with the Department of State.

§ 273a. Under Secretary of Commerce for Standards and Technology

(a) Establishment

There shall be in the Department of Commerce an Under Secretary of Commerce for Standards and Technology (in this section referred to as the “Under Secretary”).

(b) Appointment

The Under Secretary shall be appointed by the President by and with the advice and consent of the Senate.

(c) Compensation

The Under Secretary shall be compensated at the rate in effect for level III of the Executive Schedule under section 5314 of title 5.

(d) Duties

The Under Secretary shall serve as the Director of the Institute and shall perform such duties as required of the Director by the Secretary under this chapter or by law.

(e) Applicability

The individual serving as the Director of the Institute on January 4, 2011, shall also serve as the Under Secretary until such time as a successor is appointed under subsection (b).

(Mar. 3, 1901, ch. 872, § 4, as added Pub. L. 111-358, title IV, § 403(a), Jan. 4, 2011, 124 Stat. 4000.)

Editorial Notes

PRIOR PROVISIONS

A prior section 4 of act Mar. 3, 1901, ch. 872, 31 Stat. 1449, which was not classified to the Code, was repealed.

§ 274. Director; powers and duties; report; compensation

The Director shall report directly to the Secretary and shall have the general supervision of the Institute, its equipment, and the exercise of its functions. The Director shall make an annual report to the Secretary of Commerce. The Director may issue, when necessary, bulletins for public distribution, containing such information as may be of value to the public or facilitate the exercise of the functions of the Institute.

(Mar. 3, 1901, ch. 872, § 5, 31 Stat. 1449; Pub. L. 99-73, § 6(a), July 29, 1985, 99 Stat. 172; Pub. L. 100-418, title V, § 5112(c)(1), Aug. 23, 1988, 102 Stat.

1431; Pub. L. 110-69, title III, §3002(c)(2)(B), Aug. 9, 2007, 121 Stat. 586; Pub. L. 111-358, title IV, §403(b)(2), Jan. 4, 2011, 124 Stat. 4000.)

Editorial Notes

AMENDMENTS

2011—Pub. L. 111-358 struck out at beginning “The Director shall be appointed by the President, by and with the advice and consent of the Senate.” and struck out at end “The Director shall be compensated at the rate in effect for level IV of the Executive Schedule under section 5315 of title 5. 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.”

2007—Pub. L. 110-69 substituted “The Director shall report directly to the Secretary and shall have the general” for “The Director shall have the general”.

1988—Pub. L. 100-418 amended section generally, substituting provisions relating to appointment, powers and duties, and compensation of, and reports by, Director of the Institute for similar provisions relating to 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.

Statutory Notes and Related Subsidiaries

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. Hiring critical technical experts

(a) In general

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

(b) Hiring critical technical experts

Notwithstanding section 3104 of title 5 or the provisions of any other law relating to the appointment, number, classification, or compensation of employees, the Secretary shall have the authority to make appointments of scientific, engineering, and professional personnel, and to fix the basic pay of such personnel at a rate to be determined by the Secretary at rates not in excess of the highest total annual compensation payable at the rate determined under section 104 of title 3. The Director shall appoint not more than 15 personnel under this section.

(c) Sunset

The authority under section¹ (b) shall expire on the date that is 5 years after August 9, 2022. (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; Pub. L. 117-167, div. B, title II, §10244, Aug. 9, 2022, 136 Stat. 1488.)

¹ So in original. Probably should be “subsection”.

Editorial Notes

CODIFICATION

August 9, 2022, referred to in subsec. (c), was in the original “the date of the enactment of this section”, which was translated as meaning the date of enactment of Pub. L. 117-167, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

2022—Pub. L. 117-167 amended section generally. Prior to amendment, text read as follows: “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.”

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

Statutory Notes and Related Subsidiaries

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