

§§ 194, 195. Omitted

CODIFICATION

Section 194, act Jan. 5, 1923, ch. 23, §1, 42 Stat. 1109, which transferred to the Department of Commerce from the Department of the Treasury the control and expense of operation of the office known as the Bureau of Customs Statistics under the jurisdiction of the Department of the Treasury, on Jan. 5, 1923, located in the customhouse, City of New York, State of New York, including all officers, clerks, and other employees of that bureau, official records, papers, mechanical and office equipment, furniture, and supplies in use on that date and which authorized the Secretary of Commerce to consolidate the Bureau of Customs Statistics with the Division of Statistics of the Bureau of Foreign and Domestic Commerce into one office, located in either Washington or New York, or partly in either place, in the discretion of the Secretary of Commerce, with the statistical bureau authorized to be located in New York under the jurisdiction and control of the Department of Commerce to continue to occupy the premises in the New York customhouse which were on Jan. 5, 1923, occupied by the Bureau of Customs Statistics, and with additional space as needed to be assigned in the same building for its use by the Secretary of the Treasury upon request of the Secretary of Commerce, has been omitted as executed. Pursuant to the authority vested in the Secretary of Commerce by Reorg. Plan No. 5 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees, the Secretary has reassigned the functions of the Division of Statistics of the Bureau of Foreign and Domestic Commerce to other offices of the Department of Commerce.

Section 195, acts Apr. 18, 1930, ch. 184, 46 Stat. 198; Feb. 23, 1931, ch. 280, 46 Stat. 1334, which provided for the payment of transportation expenses of employees, is covered by section 5701 et seq. of Title 5, Government Organization and Employees.

§ 196. Payments for rent of offices in foreign countries

Section 3324(a) and (b) of title 31 shall not apply to advance payments for rent of offices in foreign countries by the Bureau of Foreign and Domestic Commerce.

(Mar. 4, 1925, ch. 556, §1, 43 Stat. 1327.)

CODIFICATION

“Section 3324(a) and (b) of title 31” substituted in text for “section 3648 of the Revised Statutes” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 531 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

Section is from the Second Deficiency Act for the fiscal year 1925.

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of Commerce and functions of all agencies and employees of such Department, with a few exceptions, transferred to Secretary of Commerce, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 5 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees. Through internal reorganization, functions of former Bureau of Foreign and Domestic Commerce, referred to in text, have been reassigned to other offices of Department of Commerce.

§§ 197 to 197d. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(54), 60 Stat. 1039

Section 197, act Mar. 3, 1927, ch. 365, §1, 44 Stat. 1394, related to establishment of Foreign Commerce Service.

Section 197a, act Mar. 3, 1927, ch. 365, §2, 44 Stat. 1394, related to duties of officers.

Section 197b, acts Mar. 3, 1927, ch. 365, §3, 44 Stat. 1394; Apr. 12, 1930, ch. 142, 46 Stat. 163, related to appointment of officers, assignments for duty, and allowances.

Section 197c, act Mar. 3, 1927, ch. 365, §4, 44 Stat. 1395, related to employment of clerks and assistants.

Section 197d, act Mar. 3, 1927, ch. 365, §5, 44 Stat. 1396, related to status of officer while serving abroad.

EFFECTIVE DATE OF REPEAL

Repeal effective three months from Aug. 13, 1946, see section 1141 of act Aug. 13, 1946.

§ 197e. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 647

Section, act Mar. 3, 1927, ch. 365, §6, 44 Stat. 1396, provided for travel and subsistence allowance to officers, employees, etc., of Bureau of Foreign and Domestic Commerce on duty abroad or away from duty post.

§ 197f. Repealed. Aug. 13, 1946, ch. 957, title XI, § 1131(54), 60 Stat. 1039

Section, act Mar. 3, 1927, ch. 365, §7, 44 Stat. 1396, related to availability of appropriation during fiscal year ending June 30, 1926, and thereafter for the Department of Commerce for commercial attachés in Europe, South or Central America and elsewhere.

EFFECTIVE DATE OF REPEAL

Repeal effective three months from Aug. 13, 1946, see section 1141 of act Aug. 13, 1946.

§ 198. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, acts Jan. 25, 1929, ch. 102, title III, 45 Stat. 1119; Apr. 18, 1930, ch. 184, title III, 46 Stat. 198; Feb. 23, 1931, ch. 280, title III, 46 Stat. 1334; July 1, 1932, ch. 361, title III, 47 Stat. 502; Mar. 1, 1933, ch. 144, title III, 47 Stat. 1393; Apr. 7, 1934, ch. 104, title III, 48 Stat. 551; Mar. 22, 1935, ch. 39, §1, 49 Stat. 90; May 15, 1936, ch. 405, §1, 49 Stat. 1336; June 16, 1937, ch. 359, title III, §1, 50 Stat. 287; Apr. 27, 1938, ch. 180, title III, §1, 52 Stat. 273; June 29, 1939, ch. 248, title III, 53 Stat. 909, related to purchases of supplies and equipment on the open market.

CHAPTER 6—WEIGHTS AND MEASURES AND STANDARD TIME

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SUBCHAPTER I—WEIGHTS, MEASURES, AND STANDARDS GENERALLY

§ 201. Sets of standard weights and measures for agricultural colleges

The Secretary of Commerce is directed to cause a complete set of all the weights and measures adopted as standards to be delivered to the governor of each State in the Union for the use of agricultural colleges in the States, re-

spectively, which have received a grant of lands from the United States, and also one set of the same for the use of the Smithsonian Institution: *Provided*, That the cost of each set shall not exceed \$200.

(Mar. 3, 1881, No. 26, 21 Stat. 521; Feb. 14, 1903, ch. 552, §§ 4, 10, 32 Stat. 826, 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736.)

CHANGE OF NAME

Act Mar. 4, 1913, created Department of Labor, and renamed Department of Commerce and Labor as Department of Commerce.

TRANSFER OF FUNCTIONS

Act Feb. 14, 1903, transferred National Bureau of Standards from Treasury Department to Department of Commerce and Labor.

APPROPRIATION

A sum sufficient to carry out the provisions of this section was appropriated out of any money in the Treasury not otherwise appropriated by act Mar. 3, 1881.

DISTRIBUTION TO STATES

The Secretary of the Treasury was directed to cause a complete set of all the weights and measures adopted as standards to be delivered to the governor of each state for the use of the states by Res. June 14, 1836, No. 7, 5 Stat. 133, which provision was not incorporated into the Revised Statutes.

§ 202. Repairs to standards

Such necessary repairs and adjustments shall be made to the standards furnished to the several States and Territories as may be requested by the governors thereof, and also to standard weights and measures that have been or may be supplied to United States customhouses and other offices of the United States under Act of Congress, when requested by the Secretary of Commerce.

(July 11, 1890, ch. 667, § 1, 26 Stat. 242; Feb. 14, 1903, ch. 552, §§ 4, 10, 32 Stat. 826, 829; Mar. 4, 1913, ch. 141, § 1, 37 Stat. 736.)

CHANGE OF NAME

Act Mar. 4, 1913, created Department of Labor and renamed Department of Commerce and Labor as Department of Commerce.

TRANSFER OF FUNCTIONS

Act Feb. 14, 1903, transferred National Bureau of Standards from Treasury Department to Department of Commerce and Labor.

§ 203. Replacing lost standard weights and measures; cost

The Secretary of Commerce is authorized and directed to furnish precise copies of standard weights and measures, bearing the seal of the National Institute of Standards and Technology and accompanied by a suitable certificate, to any State, Territory, or institution heretofore furnished with the same, upon application in writing by the governor in the case of a State or Territory, or by the official head in the case of an institution, setting forth that the copies of standards applied for are to replace similar ones heretofore furnished, in accordance with law, which have been lost or destroyed: *Provided*,

That the applicant shall, before the said standards are delivered, first deposit with the Secretary of Commerce the amount of money necessary to defray all expenses incurred by the National Institute of Standards and Technology in furnishing the same, which amount shall be covered into the Treasury of the United States to the credit of miscellaneous receipts as soon as the weights or measures are delivered for transportation into the hands of such persons as are designated by the officers ordering the same.

(Aug. 18, 1894, ch. 301, §1, 28 Stat. 383; Mar. 3, 1901, ch. 872, §1, 31 Stat. 1449; 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(c), Aug. 23, 1988, 102 Stat. 1433.)

AMENDMENTS

1988—Pub. L. 100-418 substituted “National Institute of Standards and Technology” for “Bureau of Standards” in two places.

CHANGE OF NAME

Act Mar. 4, 1913, created Department of Labor and renamed Department of Commerce and Labor as Department of Commerce.

Act Mar. 3, 1901, provided that Office of Standard Weights and Measures should thereafter be known as National Bureau of Standards.

TRANSFER OF FUNCTIONS

Act Feb. 14, 1903, transferred National Bureau of Standards from Treasury Department to Department of Commerce and Labor.

§ 204. Metric system authorized

It shall be lawful throughout the United States of America to employ the weights and measures of the metric system; and no contract or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

(R.S. §3569.)

CODIFICATION

R.S. §3569 derived from act July 28, 1866, ch. 301, §1, 14 Stat. 339.

STUDY OF METRIC SYSTEM BY THE SECRETARY OF COMMERCE

Pub. L. 90-472, Aug. 9, 1968, 82 Stat. 693, authorized the Secretary of Commerce to conduct a program of investigation, research, and survey to determine the impact of increasing worldwide use of the metric system on the United States; to appraise the desirability and practicability of increasing the use of metric weights and measures in the United States; to study the feasibility of retaining and promoting by international use of dimensional and other engineering standards based on the customary measurement units of the United States; and to evaluate the costs and benefits of alternative courses of action which might be feasible for the United States. The Secretary was directed to submit to the Congress such interim reports as he deemed desirable, and within three years after Aug. 9, 1968, a full and complete report of the findings made under the study, together with such recommendations as he considered to be appropriate and in the best interests of the United States. By its own terms, the Act expired thirty days after the submission of the final report.

§ 205. Metric system defined

The metric system of measurement shall be defined as the International System of Units as established in 1960, and subsequently maintained, by the General Conference of Weights and Measures, and as interpreted or modified for the United States by the Secretary of Commerce.

(R.S. §3570; Pub. L. 110-69, title III, §3013(c)(1), Aug. 9, 2007, 121 Stat. 598.)

CODIFICATION

R.S. §3570 derived from act July 28, 1866, ch. 301, §2, 14 Stat. 339, 340.

AMENDMENTS

2007—Pub. L. 110-69 amended section generally. Prior to amendment, section read as follows: “The tables in the schedule annexed shall be recognized in the construction of contracts and in all legal proceedings as establishing, in terms of the weights and measures on June 22, 1874, in use in the United States, the equivalents of the weights and measures expressed therein in terms of the metric system; and the tables may lawfully be used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system.”

SUBCHAPTER II—METRIC CONVERSION

§ 205a. Congressional statement of findings

The Congress finds as follows:

(1) The United States was an original signatory party to the 1875 Treaty of the Meter (20 Stat. 709), which established the General Conference of Weights and Measures, the International Committee of Weights and Measures and the International Bureau of Weights and Measures.

(2) Although the use of metric measurement standards in the United States has been authorized by law since 1866 (Act of July 28, 1866; 14 Stat. 339), this Nation today is the only industrially developed nation which has not established a national policy of committing itself and taking steps to facilitate conversion to the metric system.

(3) World trade is increasingly geared towards the metric system of measurement.

(4) Industry in the United States is often at a competitive disadvantage when dealing in international markets because of its non-standard measurement system, and is sometimes excluded when it is unable to deliver goods which are measured in metric terms.

(5) The inherent simplicity of the metric system of measurement and standardization of weights and measures has led to major cost savings in certain industries which have converted to that system.

(6) The Federal Government has a responsibility to develop procedures and techniques to assist industry, especially small business, as it voluntarily converts to the metric system of measurement.

(7) The metric system of measurement can provide substantial advantages to the Federal Government in its own operations.

(Pub. L. 94-168, §2, Dec. 23, 1975, 89 Stat. 1007; Pub. L. 100-418, title V, §5164(a), Aug. 23, 1988, 102 Stat. 1451.)

REFERENCES IN TEXT

Act of July 28, 1866; 14 Stat. 339, referred to in par. (2), is predecessor of R.S. §3569 authorizing use of the metric system, which is classified to section 204 of this title.

AMENDMENTS

1988—Pars. (3) to (7). Pub. L. 100-418 added pars. (3) to (7).

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-289, §1, Oct. 11, 1996, 110 Stat. 3411, provided that: "This Act [enacting section 205l of this title, amending sections 205c and 205l of this title, and enacting provisions set out as notes under this section and section 205c of this title] may be cited as the 'Savings in Construction Act of 1996'."

SHORT TITLE

Pub. L. 94-168, §1, Dec. 23, 1975, 89 Stat. 1007, provided: "That this Act [enacting this subchapter] may be cited as the 'Metric Conversion Act of 1975'."

CONGRESSIONAL STATEMENT OF FINDINGS; METRIC CONVERSION IN FEDERAL CONSTRUCTION PROJECTS

Pub. L. 104-289, §2, Oct. 11, 1996, 110 Stat. 3411, provided that: "The Congress finds the following:

"(1) The Metric Conversion Act of 1975 [15 U.S.C. 205a et seq.] was enacted in order to set forth the policy of the United States to convert to the metric system. Section 3 of that Act [15 U.S.C. 205b] requires that each Federal agency use the metric system of measurements in its procurement, grants, and other business-related activities, unless that use is likely to cause significant cost or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units.

"(2) In accordance with that Act and Executive Order 12770, of July 25, 1991 [set out below], Federal agencies increasingly construct new Federal buildings in round metric dimensions. As a result, companies that wish to bid on Federal construction projects increasingly are asked to supply materials or products in round metric dimensions.

"(3) While the Metric Conversion Act of 1975 currently provides an exemption to metric usage when impractical or when such usage will cause economic inefficiencies, amendments are warranted to ensure that the use of specific metric components in metric construction projects do not increase the cost of Federal buildings to the taxpayers."

EX. ORD. NO. 12770. METRIC USAGE IN FEDERAL GOVERNMENT PROGRAMS

Ex. Ord. No. 12770, July 25, 1991, 56 F.R. 35801, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Metric Conversion Act of 1975, Public Law 94-168 (15 U.S.C. 205a et seq.) ("the Metric Conversion Act"), as amended by section 5164 of the Omnibus Trade and Competitiveness Act of 1988, Public Law 100-418 ("the Trade and Competitiveness Act"), and in order to implement the congressional designation of the metric system of measurement as the preferred system of weights and measures for United States trade and commerce, it is hereby ordered as follows:

SECTION 1. *Coordination by the Department of Commerce.*
(a) The Secretary of Commerce ("Secretary") is designated to direct and coordinate efforts by Federal departments and agencies to implement Government metric usage in accordance with section 3 of the Metric Conversion Act (15 U.S.C. 205b), as amended by section 5164(b) of the Trade and Competitiveness Act.

(b) In furtherance of his duties under this order, the Secretary is authorized:

(1) to charter an Interagency Council on Metric Policy ("ICMP"), which will assist the Secretary in coordi-

nating Federal Government-wide implementation of this order. Conflicts and questions regarding implementation of this order shall be resolved by the ICMP. The Secretary may establish such subcommittees and subchairs within this Council as may be necessary to carry out the purposes of this order.[:]

(2) to form such advisory committees representing other interests, including State and local governments and the business community, as may be necessary to achieve the maximum beneficial effects of this order; and

(3) to issue guidelines, to promulgate rules and regulations, and to take such actions as may be necessary to carry out the purposes of this order. Regulations promulgated by the Secretary shall function as policy guidelines for other agencies and departments.

(c) The Secretary shall report to the President annually regarding the progress made in implementing this order. The report shall include:

(1) an assessment of progress made by individual Federal agencies towards implementing the purposes underlying this order;

(2) an assessment of the effect that this order has had on achieving the national goal of establishing the metric system as the preferred system of weights and measures for United States trade and commerce; and

(3) on October 1, 1992, any recommendations which the Secretary may have for additional measures, including proposed legislation, needed to achieve the full economic benefits of metric usage.

SEC. 2. *Department and Agency Responsibilities.* All executive branch departments and agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of this order. Consistent with this mission, the head of each executive department and agency shall:

(a) use, to the extent economically feasible by September 30, 1992, or by such other date or dates established by the department or agency in consultation with the Secretary of Commerce, the metric system of measurement in Federal Government procurements, grants, and other business-related activities. Other business-related activities include all use of measurement units in agency programs and functions related to trade, industry, and commerce.

(1) Metric usage shall not be required to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms.

(2) Heads of departments and agencies shall establish an effective process for a policy-level and program-level review of proposed exceptions to metric usage. Appropriate information about exceptions granted shall be included in the agency annual report along with recommendations for actions to enable future metric usage.

(b) seek out ways to increase understanding of the metric system of measurement through educational information and guidance and in Government publications. The transition to use of metric units in Government publications should be made as publications are revised on normal schedules or new publications are developed, or as metric publications are required in support of metric usage pursuant to paragraph (a) of this section.

(c) seek the appropriate aid, assistance, and cooperation of other affected parties, including other Federal, State, and local agencies and the private sector, in implementing this order. Appropriate use shall be made of governmental, trade, professional, and private sector metric coordinating groups to secure the maximum benefits of this order through proper communication among affected sectors.

(d) formulate metric transition plans for the department or agency which shall incorporate the requirements of the Metric Conversion Act and this order, and which shall be approved by the department or agency head and be in effect by November 30, 1991. Copies of approved plans shall be forwarded to the Secretary of Commerce. Such metric transition plans shall specify, among other things:

(1) the total scope of the metric transition task for that department or agency, including firm dates for all metric accomplishment milestones for the current and subsequent fiscal year;

(2) plans of the department or agency for specific initiatives to enhance cooperation with industry, especially small business, as it voluntarily converts to the metric system, and with all affected parties in undertaking the requirements of paragraph (a) of this section; and

(3) specific steps and associated schedules through which the department or agency will seek to increase understanding of the metric system through educational information and guidance, and in department or agency publications.

(e) designate a senior-level official as the Metric Executive for the department or agency to assist the head of each executive department or agency in implementing this order. The responsibilities of the Metric Executive shall include, but not be limited to:

(1) acting as the department's or agency's policy-level representative to the ICMP and as a liaison with other government agencies and private sector groups;

(2) management oversight of department or agency outreach and response to inquiries and questions from affected parties during the transition to metric system usage; and

(3) management oversight of preparation of the department's or agency's metric transition plans and progress reports, including the Annual Metric Report required by 15 U.S.C. 205j and OMB Circular A-11.

(4) preparation by June 30, 1992, of an assessment of agency progress and problems, together with recommendations for steps to assure successful implementation of the Metric Conversion Act. The assessment and recommendations shall be approved by the head of the department or agency and provided to the Secretary by June 30, 1992, for inclusion in the Secretary's October 1, 1992, report on implementation of this order.

SEC. 3. *Application of Resources.* The head of each executive department and agency shall be responsible for implementing and applying the necessary resources to accomplish the goals set forth in the Metric Conversion Act and this order.

SEC. 4. *Judicial Review.* This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any other person.

GEORGE BUSH.

§ 205b. Declaration of policy

It is therefore the declared policy of the United States—

(1) to designate the metric system of measurement as the preferred system of weights and measures for United States trade and commerce;

(2) to require that each Federal agency, by a date certain and to the extent economically feasible by the end of the fiscal year 1992, use the metric system of measurement in its procurements, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in non-metric units;

(3) to seek out ways to increase understanding of the metric system of measurement through educational information and guidance and in Government publications; and

(4) to permit the continued use of traditional systems of weights and measures in non-business activities.

(Pub. L. 94-168, §3, Dec. 23, 1975, 89 Stat. 1007; Pub. L. 100-418, title V, §5164(b), Aug. 23, 1988, 102 Stat. 1452.)

AMENDMENTS

1988—Pub. L. 100-418 amended section generally. Prior to amendment, section read as follows: "It is therefore declared that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States and to establish a United States Metric Board to coordinate the voluntary conversion to the metric system."

IMPLEMENTATION OF METRIC USAGE IN FEDERAL GOVERNMENT

Secretary of Commerce designated to direct and coordinate implementation of Government metric usage, see section 1 of Ex. Ord. No. 12770, July 25, 1991, 56 F.R. 35801, set out as a note under section 205a of this title.

§ 205c. Definitions

As used in this subchapter, the term—

(1) "Board" means the United States Metric Board, established under section 205d of this title;

(2) "engineering standard" means a standard which prescribes (A) a concise set of conditions and requirements that must be satisfied by a material, product, process, procedure, convention, or test method; and (B) the physical, functional, performance and/or conformance characteristics thereof;

(3) "international standard or recommendation" means an engineering standard or recommendation which is (A) formulated and promulgated by an international organization and (B) recommended for adoption by individual nations as a national standard;

(4) "metric system of measurement" means the International System of Units as established by the General Conference of Weights and Measures in 1960 and as interpreted or modified for the United States by the Secretary of Commerce;

(5) "full and open competition" has the same meaning as defined in section 107 of title 41;

(6) "total installed price" means the price of purchasing a product or material, trimming or otherwise altering some or all of that product or material, if necessary to fit with other building components, and then installing that product or material into a Federal facility;

(7) "hard-metric" means measurement, design, and manufacture using the metric system of measurement, but does not include measurement, design, and manufacture using English system measurement units which are subsequently reexpressed in the metric system of measurement;

(8) "cost or pricing data or price analysis" has the meaning given such terms in section 3501(a) of title 41; and

(9) "Federal facility" means any public building (as defined under section 3301(a) of title 40¹ and shall include any Federal building or construction project—

(A) on lands in the public domain;

(B) on lands used in connection with Federal programs for agriculture research, recreation, and conservation programs;

¹So in original. Probably should be followed by a closing parenthesis.

(C) on or used in connection with river, harbor, flood control, reclamation, or power projects;

(D) on or used in connection with housing and residential projects;

(E) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense);

(F) on installations of the Department of Veteran² Affairs used for hospital or domiciliary purposes; or

(G) on lands used in connection with Federal prisons,

but does not include (i) any Federal building or construction project the exclusion of which the President deems to be justified in the public interest, or (ii) any construction project or building owned or controlled by a State government, local government, Indian tribe, or any private entity.

(Pub. L. 94-168, § 4, Dec. 23, 1975, 89 Stat. 1007; Pub. L. 104-289, § 3, Oct. 11, 1996, 110 Stat. 3411.)

CODIFICATION

In par. (5), “section 107 of title 41” substituted for “section 403(6) of title 41, United States Code” on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In par. (8), “section 3501(a) of title 41” substituted for “section 304A of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b)” on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In par. (9), “section 3301(a) of title 40” substituted for “section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612)” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

1996—Pars. (5) to (9). Pub. L. 104-289 added pars. (5) to (9).

EFFECTIVE DATE OF 1996 AMENDMENT; SAVINGS PROVISION

Pub. L. 104-289, § 6, Oct. 11, 1996, 110 Stat. 3415, provided that:

“(a) EFFECTIVE DATE.—This Act [See Short Title of 1996 Amendment note set out under section 205a of this title] and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act [Oct. 11, 1996].

“(b) SAVINGS PROVISIONS.—This Act shall not apply to contracts awarded and solicitations issued on or before the effective date of this Act, unless the head of a Federal agency makes a written determination in his or her sole discretion that it would be in the public interest to apply one or more provisions of this Act or its amendments to these existing contracts or solicitations.”

§ 205d. United States Metric Board

(a) Establishment

There is established, in accordance with this section, an independent instrumentality to be known as a United States Metric Board.

(b) Membership; Chairman; appointment of members; term of office; vacancies

The Board shall consist of 17 individuals, as follows:

(1) the Chairman, a qualified individual who shall be appointed by the President, by and with the advice and consent of the Senate;

(2) sixteen members who shall be appointed by the President, by and with the advice and consent of the Senate, on the following basis—

(A) one to be selected from lists of qualified individuals recommended by engineers and organizations representative of engineering interests;

(B) one to be selected from lists of qualified individuals recommended by scientists, the scientific and technical community, and organizations representative of scientists and technicians;

(C) one to be selected from a list of qualified individuals recommended by the National Association of Manufacturers or its successor;

(D) one to be selected from lists of qualified individuals recommended by the United States Chamber of Commerce, or its successor, retailers, and other commercial organizations;

(E) two to be selected from lists of qualified individuals recommended by the American Federation of Labor and Congress of Industrial Organizations or its successor, who are representative of workers directly affected by metric conversion, and by other organizations representing labor;

(F) one to be selected from a list of qualified individuals recommended by the National Governors Conference, the National Council of State Legislatures, and organizations representative of State and local government;

(G) two to be selected from lists of qualified individuals recommended by organizations representative of small business;

(H) one to be selected from lists of qualified individuals representative of the construction industry;

(I) one to be selected from a list of qualified individuals recommended by the National Conference on Weights and Measures and standards making organizations;

(J) one to be selected from lists of qualified individuals recommended by educators, the educational community, and organizations representative of educational interests; and

(K) four at-large members to represent consumers and other interests deemed suitable by the President and who shall be qualified individuals.

As used in this subsection, each “list” shall include the names of at least three individuals for each applicable vacancy. The terms of office of the members of the Board first taking office shall expire as designated by the President at the time of nomination; five at the end of the 2d year; five at the end of the 4th year; and six at the end of the 6th year. The term of office of the Chairman of such Board shall be 6 years. Members, including the Chairman, may be appointed to an additional term of 6 years, in the same manner as the original appointment. Successors to members of such Board shall be appointed in the same manner as the original members and shall have terms of office expiring 6 years from

²So in original. Probably should be “Veterans”.

the date of expiration of the terms for which their predecessors were appointed. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term. Beginning 45 days after the date of incorporation of the Board, six members of such Board shall constitute a quorum for the transaction of any function of the Board.

(c) Compulsory powers

Unless otherwise provided by the Congress, the Board shall have no compulsory powers.

(d) Termination

The Board shall cease to exist when the Congress, by law, determines that its mission has been accomplished.

(Pub. L. 94-168, § 5, Dec. 23, 1975, 89 Stat. 1007.)

§ 205e. Functions and powers of Board

It shall be the function of the Board to devise and carry out a broad program of planning, coordination, and public education, consistent with other national policy and interests, with the aim of implementing the policy set forth in this subchapter. In carrying out this program, the Board shall—

(1) consult with and take into account the interests, views, and conversion costs of United States commerce and industry, including small business; science; engineering; labor; education; consumers; government agencies at the Federal, State, and local level; nationally recognized standards developing and coordinating organizations; metric conversion planning and coordinating groups; and such other individuals or groups as are considered appropriate by the Board to the carrying out of the purposes of this subchapter. The Board shall take into account activities underway in the private and public sectors, so as not to duplicate unnecessarily such activities;

(2) provide for appropriate procedures whereby various groups, under the auspices of the Board, may formulate, and recommend or suggest, to the Board specific programs for coordinating conversion in each industry and segment thereof and specific dimensions and configurations in the metric system and in other measurements for general use. Such programs, dimensions, and configurations shall be consistent with (A) the needs, interests, and capabilities of manufacturers (large and small), suppliers, labor, consumers, educators, and other interested groups, and (B) the national interest;

(3) publicize, in an appropriate manner, proposed programs and provide an opportunity for interested groups or individuals to submit comments on such programs. At the request of interested parties, the Board, in its discretion, may hold hearings with regard to such programs. Such comments and hearings may be considered by the Board;

(4) encourage activities of standardization organizations to develop or revise, as rapidly as practicable, engineering standards on a metric measurement basis, and to take advantage of opportunities to promote (A) rationalization or simplification of relationships, (B)

improvements of design, (C) reduction of size variations, (D) increases in economy, and (E) where feasible, the efficient use of energy and the conservation of natural resources;

(5) encourage the retention, in new metric language standards, of those United States engineering designs, practices, and conventions that are internationally accepted or that embody superior technology;

(6) consult and cooperate with foreign governments, and intergovernmental organizations, in collaboration with the Department of State, and, through appropriate member bodies, with private international organizations, which are or become concerned with the encouragement and coordination of increased use of metric measurement units or engineering standards based on such units, or both. Such consultation shall include efforts, where appropriate, to gain international recognition for metric standards proposed by the United States, and, during the United States conversion, to encourage retention of equivalent customary units, usually by way of dual dimensions, in international standards or recommendations;

(7) assist the public through information and education programs, to become familiar with the meaning and applicability of metric terms and measures in daily life. Such programs shall include—

(A) public information programs conducted by the Board, through the use of newspapers, magazines, radio, television, and other media, and through talks before appropriate citizens' groups, and trade and public organizations;

(B) counseling and consultation by the Secretary of Education; the Secretary of Labor; the Administrator of the Small Business Administration; and the Director of the National Science Foundation, with educational associations, State and local educational agencies, labor education committees, apprentice training committees, and other interested groups, in order to assure (i) that the metric system of measurement is included in the curriculum of the Nation's educational institutions, and (ii) that teachers and other appropriate personnel are properly trained to teach the metric system of measurement;

(C) consultation by the Secretary of Commerce with the National Conference of Weights and Measures in order to assure that State and local weights and measures officials are (i) appropriately involved in metric conversion activities and (ii) assisted in their efforts to bring about timely amendments to weights and measures laws; and

(D) such other public information activities, by any Federal agency in support of this subchapter, as relate to the mission of such agency;

(8) collect, analyze, and publish information about the extent of usage of metric measurements; evaluate the costs and benefits of metric usage; and make efforts to minimize any adverse effects resulting from increasing metric usage;

(9) conduct research, including appropriate surveys; publish the results of such research;

and recommend to the Congress and to the President such action as may be appropriate to deal with any unresolved problems, issues, and questions associated with metric conversion, or usage, such problems, issues, and questions may include, but are not limited to, the impact on workers (such as costs of tools and training) and on different occupations and industries, possible increased costs to consumers, the impact on society and the economy, effects on small business, the impact on the international trade position of the United States, the appropriateness of and methods for using procurement by the Federal Government as a means to effect conversion to the metric system, the proper conversion or transition period in particular sectors of society, and consequences for national defense;

(10) submit annually to the Congress and to the President a report on its activities. Each such report shall include a status report on the conversion process as well as projections for the conversion process. Such report may include recommendations covering any legislation or executive action needed to implement the the¹ programs of conversion accepted by the Board. The Board may also submit such other reports and recommendations as it deems necessary; and

(11) submit to the Congress and to the President, not later than 1 year after the date of enactment of the Act making appropriations for carrying out this subchapter, a report on the need to provide an effective structural mechanism for converting customary units to metric units in statutes, regulations, and other laws at all levels of government, on a coordinated and timely basis, in response to voluntary conversion programs adopted and implemented by various sectors of society under the auspices and with the approval of the Board. If the Board determines that such a need exists, such report shall include recommendations as to appropriate and effective means for establishing and implementing such a mechanism.

(Pub. L. 94-168, § 6, Dec. 23, 1975, 89 Stat. 1008; Pub. L. 96-88, title III, § 301, title V, § 507, Oct. 17, 1979, 93 Stat. 677, 692.)

TRANSFER OF FUNCTIONS

“Secretary of Education” substituted for “Secretary of Health, Education, and Welfare” in par. (7)(B) pursuant to sections 301 and 507 of Pub. L. 96-88, which are classified to sections 3441 and 3507 of Title 20, Education.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in par. (10) of this section relating to annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 194 of House Document No. 103-7.

§ 205f. Duties of Board

In carrying out its duties under this subchapter, the Board may—

- (1) establish an Executive Committee, and such other committees as it deems desirable;
- (2) establish such committees and advisory panels as it deems necessary to work with the

various sectors of the Nation’s economy and with Federal and State governmental agencies in the development and implementation of detailed conversion plans for those sectors. The Board may reimburse, to the extent authorized by law, the members of such committees;

(3) conduct hearings at such times and places as it deems appropriate;

(4) enter into contracts, in accordance with chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties;

(5) delegate to the Executive Director such authority as it deems advisable; and

(6) perform such other acts as may be necessary to carry out the duties prescribed by this subchapter.

(Pub. L. 94-168, § 7, Dec. 23, 1975, 89 Stat. 1011.)

CODIFICATION

In par. (4), “chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.)” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 205g. Gifts, donations and bequests to Board

(a) Authorization; deposit into Treasury and disbursement

The Board may accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, and personal services, for the purpose of aiding or facilitating the work of the Board. Gifts and bequests of money, and the proceeds from the sale of any other property received as gifts or requests, shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Board.

(b) Federal income, estate, and gift taxation of property

For purpose of Federal income, estate, and gift taxation, property accepted under subsection (a) of this section shall be considered as a gift or bequest to or for the use of the United States.

(c) Investment of moneys; disbursement of accrued income

Upon the request of the Board, the Secretary of the Treasury may invest and reinvest, in securities of the United States, any moneys contained in the fund authorized in subsection (a) of this section. Income accruing from such securities, and from any other property accepted to the credit of such fund, shall be dispersed upon the order of the Board.

(d) Reversion to Treasury of unexpended funds

Funds not expended by the Board as of the date when it ceases to exist, in accordance with section 205d(d) of this title, shall revert to the Treasury of the United States as of such date.

(Pub. L. 94-168, § 8, Dec. 23, 1975, 89 Stat. 1011.)

¹ So in original.

§ 205h. Compensation of Board members; travel expenses

Members of the Board who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Board or while otherwise engaged in the business of the Board, be entitled to receive compensation at a rate not to exceed the daily rate currently being paid grade 18 of the General Schedule (under section 5332 of title 5), including traveltime. While so serving, on the business of the Board away from their homes or regular places of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, for persons employed intermittently in the Government service. Payments under this section shall not render members of the Board employees or officials of the United States for any purpose. Members of the Board who are in the employ of the United States shall be entitled to travel expenses when traveling on the business of the Board.

(Pub. L. 94-168, §9, Dec. 23, 1975, 89 Stat. 1011.)

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.

§ 205i. Personnel

(a) Executive Director; appointment; tenure; duties

The Board shall appoint a qualified individual to serve as the Executive Director of the Board at the pleasure of the Board. The Executive Director, subject to the direction of the Board, shall be responsible to the Board and shall carry out the metric conversion program, pursuant to the provisions of this subchapter and the policies established by the Board.

(b) Executive Director; salary

The Executive Director of the Board shall serve full time and be subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5. The annual salary of the Executive Director shall not exceed level III of the Executive Schedule under section 5314 of such title.

(c) Staff personnel; appointment and compensation

The Board may appoint and fix the compensation of such staff personnel as may be necessary to carry out the provisions of this subchapter in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5.

(d) Experts and consultants; employment and compensation; annual review of contracts

The Board may (1) employ experts and consultants or organizations thereof, as authorized by section 3109 of title 5; (2) compensate individuals so employed at rates not in excess of the rate currently being paid grade 18 of the General Schedule under section 5332 of such title, includ-

ing traveltime; and (3) may allow such individuals, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently: *Provided, however*, That contracts for such temporary employment may be renewed annually.

(Pub. L. 94-168, §10, Dec. 23, 1975, 89 Stat. 1012.)

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.

§ 205j. Financial and administrative services; source and reimbursement

Financial and administrative services, including those related to budgeting, accounting, financial reporting, personnel, and procurement, and such other staff services as may be needed by the Board, may be obtained by the Board from the Secretary of Commerce or other appropriate sources in the Federal Government. Payment for such services shall be made by the Board, in advance or by reimbursement, from funds of the Board in such amounts as may be agreed upon by the Chairman of the Board and by the source of the services being rendered.

(Pub. L. 94-168, §11, Dec. 23, 1975, 89 Stat. 1012.)

§ 205j-1. Repealed. Pub. L. 104-66, title III, § 3001(e), Dec. 21, 1995, 109 Stat. 734

Section, Pub. L. 94-168, §12, as added Pub. L. 100-418, title V, §5164(c), Aug. 23, 1988, 102 Stat. 1452, related to agency guidelines to carry out metric conversion policy.

A prior section 12 of Pub. L. 94-168 was renumbered section 13 and is classified to section 205k of this title.

§ 205k. Authorization of appropriations; availability

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter. Appropriations to carry out the provisions of this subchapter may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

(Pub. L. 94-168, §13, formerly §12, Dec. 23, 1975, 89 Stat. 1012, renumbered §13, Pub. L. 100-418, title V, §5164(c), Aug. 23, 1988, 102 Stat. 1452.)

§ 205l. Implementation in acquisition of construction services and materials for Federal facilities

(a) In general

Construction services and materials for Federal facilities shall be procured in accordance with the policies and procedures set forth in chapter 137 of title 10, section 2377 of title 10, division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, and section 205b(2) of this title. Determination

of a design method shall be based upon preliminary market research as required under section 2377(c) of title 10 and section 3307(d) of title 41. If the requirements of this subchapter conflict with the provisions of section 2377 of title 10 or section 3307(b) to (d) of title 41, then the provisions of¹ 2377 or 3307(b) to (d) shall take precedence.

(b) Concrete masonry units

In carrying out the policy set forth in section 205b of this title (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may require that specifications for the acquisition of structures or systems of concrete masonry be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of concrete masonry units, in a solicitation for design or construction of a Federal facility within the United States or its territories, or a portion of said Federal facility, unless the head of the agency determines in writing that—

(1) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

(2) the following 2 criteria are met:

(A) the application requires hard-metric concrete masonry units to coordinate dimensionally into 100 millimeter building modules; and

(B) the total installed price of hard-metric concrete masonry units is estimated to be equal to or less than the total installed price of using non-hard-metric concrete masonry units. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

(c) Recessed lighting fixtures

In carrying out the policy set forth in section 205b of this title (with particular emphasis on the policy set forth in paragraph (2) of that section) a Federal agency may require that specifications for the acquisition of structures or systems of recessed lighting fixtures be expressed under the metric system of measurement, but may not incorporate specifications, that can only be satisfied by hard-metric versions of recessed lighting fixtures, in a solicitation for design or construction of a Federal facility within the United States or its territories unless the head of the agency determines in writing that—

(1) the predominant voluntary industry consensus standards include the use of hard-metric for the items specified; or

(2) hard-metric specifications are necessary in a contract for the repair or replacement of parts of Federal facilities in existence or under construction upon the effective date of the Savings in Construction Act of 1996; or

(3) the following 2 criteria are met:

(A) the application requires hard-metric recessed lighting fixtures to coordinate dimensionally into 100 millimeter building modules; and

(B) the total installed price of hard-metric recessed lighting fixtures is estimated to be equal to or less than the total installed price of using non-hard-metric recessed lighting fixtures. Total installed price estimates shall be based, to the extent available, on cost or pricing data or price analysis, using actual hard-metric and non-hard-metric offers received for comparable existing projects. The head of the agency shall include in the writing required in this subsection an explanation of the factors used to develop the price estimates.

(d) Limitation

The provisions of subsections (b) and (c) of this section shall not apply to Federal contracts to acquire construction products for the construction of facilities outside of the United States and its territories.

(e) Repealed. Pub. L. 108-423, § 6, Nov. 30, 2004, 118 Stat. 2402

(f) Agency ombudsman

(1) The head of each executive agency that awards construction contracts within the United States and its territories shall designate a senior agency official to serve as a construction metrication ombudsman who shall be responsible for reviewing and responding to complaints from prospective bidders, subcontractors, suppliers, or their designated representatives related to—

(A) guidance or regulations issued by the agency on the use of the metric system of measurement in contracts for the construction of Federal buildings; and

(B) the use of the metric system of measurement for services and materials required for incorporation in individual projects to construct Federal buildings.

The construction metrication ombudsman shall be independent of the contracting officer for construction contracts.

(2) The ombudsman shall be responsible for ensuring that the agency is not implementing the metric system of measurement in a manner that is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms in violation of the policy stated in section 205b(2) of this title, or is otherwise inconsistent with guidance issued by the Secretary of Commerce in consultation with the Interagency Council on Metric Policy while ensuring that the goals of this subchapter are observed.

(3) The ombudsman shall respond to each complaint in writing within 60 days and make a recommendation to the head of the executive agency for an appropriate resolution thereto. In such a recommendation, the ombudsman shall consider—

(A) whether the agency is adequately applying the policies and procedures in this section;

(B) whether the availability of hard-metric products and services from United States

¹ So in original. Probably should be followed by "section".

firms is sufficient to ensure full and open competition; and

(C) the total installed price to the Federal Government.

(4) After the head of the agency has rendered a decision regarding a recommendation of the ombudsman, the ombudsman shall be responsible for communicating the decision to all appropriate policy, design, planning, procurement, and notifying personnel in the agency. The ombudsman shall conduct appropriate monitoring as required to ensure the decision is implemented, and may submit further recommendations, as needed. The head of the agency's decision on the ombudsman's recommendations, and any supporting documentation, shall be provided to affected parties and made available to the public in a timely manner.

(5) Nothing in this section shall be construed to supersede the bid protest process established under subchapter V of chapter 35 of title 31.

(Pub. L. 94-168, §14, as added and amended Pub. L. 104-289, §§4(a), 5, Oct. 11, 1996, 110 Stat. 3412, 3414; Pub. L. 108-423, §6, Nov. 30, 2004, 118 Stat. 2402.)

REFERENCES IN TEXT

The effective date of the Savings in Construction Act of 1996, referred to in subsecs. (b)(1) and (c)(2), is 90 days after Oct. 11, 1996. See Effective Date of 1996 Amendment; Savings Provision note set out under section 205c of this title.

CODIFICATION

In subsec. (a), "division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41" substituted for "title III of the Federal Prop-

erty and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)", "section 3307(d) of title 41" substituted for "section 314B(c) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 264b(c))", "section 3307(b) to (d) of title 41" substituted for "section 314B of the Federal Property and Administrative Services Act of 1949", and "or 3307(b) to (d)" substituted for "or 314B" on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

2004—Subsec. (e). Pub. L. 108-423 struck out heading and text of subsec. (e). Text read as follows: "The provisions contained in subsections (b) and (c) of this section shall expire 10 years from the effective date of the Savings in Construction Act of 1996."

1996—Pub. L. 104-289, §5, added subsec. (f).

EFFECTIVE DATE; SAVINGS PROVISION

Section effective 90 days after Oct. 11, 1996, and inapplicable to contracts awarded and solicitations issued on or before that date, unless head of Federal agency makes written determination that it would be in public interest to apply one or more provisions of Pub. L. 104-289 to these existing contracts or solicitations, see section 6(b) of Pub. L. 104-289, set out as an Effective Date of 1996 Amendment; Savings Provision note under section 205c of this title.

SUBCHAPTER III—STANDARD GAUGE FOR IRON AND STEEL

§ 206. Standard gauge for sheet and plate iron and steel

For the purpose of securing uniformity the following is established as the only standard gauge for sheet and plate iron and steel in the United States of America, namely:

Number of gauge	Approximate thickness in fractions of an inch	Approximate thickness in decimal parts of an inch	Approximate thickness in millimeters	Weight per square foot in ounces avoir-dupois	Weight per square foot in pounds avoir-dupois	Weight per square foot in kilograms	Weight per square meter in kilograms	Weight per square meter in pounds avoir-dupois
000000	1/2	.5	12.7	320	20.00	9.072	97.65	215.28
000000	15/32	.46875	11.90625	300	18.75	8.505	91.55	201.82
00000	7/16	.4375	11.1125	280	17.50	7.983	85.44	188.37
0000	13/32	.40625	10.31875	260	16.25	7.371	79.33	174.91
000	3/8	.375	9.525	240	15	6.804	73.24	161.46
00	11/32	.34375	8.73125	220	13.75	6.287	67.13	148.00
0	5/16	.3125	7.9375	200	12.50	5.67	61.03	134.55
1	9/32	.28125	7.14375	180	11.25	5.103	54.93	121.09
2	17/64	.265625	6.746875	170	10.625	4.819	51.98	114.37
3	1/4	.25	6.35	160	10	4.536	48.82	107.64
4	15/64	.234375	5.953125	150	9.375	4.252	45.77	100.91
5	7/32	.21875	5.55625	140	8.75	3.969	42.72	94.18
6	13/64	.203125	5.159375	130	8.125	3.685	39.67	87.45
7	3/16	.1875	4.7625	120	7.5	3.402	36.62	80.72
8	11/64	.171875	4.365625	110	6.875	3.118	33.57	74.00
9	5/32	.15625	3.96875	100	6.25	2.835	30.52	67.27
10	9/64	.140625	3.571875	90	5.625	2.552	27.46	60.55
11	1/8	.125	3.175	80	5	2.268	24.41	53.82
12	7/64	.109375	2.778125	70	4.375	1.984	21.36	47.09
13	3/32	.09375	2.38125	60	3.75	1.701	18.31	40.36
14	5/64	.078125	1.984375	50	3.125	1.417	15.26	33.64
15	9/128	.0703125	1.7859375	45	2.8125	1.276	13.73	30.27
16	1/16	.0625	1.5875	40	2.5	1.134	12.21	26.91
17	9/160	.05625	1.42875	36	2.25	1.021	10.99	24.22
18	1/20	.05	1.27	32	2	.9072	9.765	21.53
19	7/160	.04375	1.11125	28	1.75	.7938	8.544	18.84
20	3/80	.0375	.9525	24	1.50	.6804	7.324	16.15
21	11/320	.034375	.873125	22	1.375	.6237	6.713	14.80
22	1/32	.03125	.793750	20	1.25	.567	6.103	13.46
23	9/320	.028125	.714375	18	1.125	.5103	5.493	12.11
24	1/40	.025	.635	16	1	.4536	4.882	10.76
25	7/320	.021875	.555625	14	.875	.3969	4.272	9.42
26	3/160	.01875	.47625	12	.75	.3402	3.662	8.07
27	11/640	.0171875	.4365625	11	.6875	.3119	3.357	7.40
28	1/64	.015625	.396875	10	.625	.2835	3.052	6.73
29	9/640	.0140625	.3571875	9	.5625	.2551	2.746	6.05
30	1/80	.0125	.3175	8	.5	.2268	2.441	5.38
31	7/640	.0109375	.2778125	7	.4375	.1984	2.136	4.71
32	13/1280	.01015625	.25796875	6½	.40625	.1843	1.993	4.37
33	3/320	.009375	.238125	6	.375	.1701	1.831	4.04
34	11/1280	.00859375	.21828125	5½	.34375	.1559	1.678	3.70
35	5/640	.0078125	.1984375	5	.3125	.1417	1.526	3.36
36	9/1280	.00703125	.17859375	4½	.28125	.1276	1.373	3.03
37	17/2560	.006640625	.168671875	4¼	.265625	.1205	1.297	2.87
38	1/160	.00625	.15875	4	.25	.1134	1.221	2.69

The same and no other shall be used in determining duties and taxes levied by the United States of America on sheet and plate iron and steel. But this subchapter shall not be construed to increase duties upon any articles which may be imported.

(Mar. 3, 1893, ch. 221, §1, 27 Stat. 746.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this act", meaning act Mar. 3, 1893, ch. 221, 27 Stat. 746, which is classified to sections 206 to 208 of this title.

§ 207. Preparation of standards by Secretary of Commerce

The Secretary of Commerce is authorized and required to prepare suitable standards in accordance with section 206 of this title.

(Mar. 3, 1893, ch. 221, §2, 27 Stat. 746; 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, created Department of Labor, and renamed Department of Commerce and Labor as Department of Commerce.

TRANSFER OF FUNCTIONS

Act Feb. 14, 1903, transferred National Bureau of Standards from Treasury Department to Department of Commerce and Labor.

§ 208. Variations

In the practical use and application of the standard gauge established¹ in section 206 of this title a variation of 2½ percent, either way may be allowed.

(Mar. 3, 1893, ch. 221, §3, 27 Stat. 746.)

SUBCHAPTER IV—SCREW THREADS

§§ 208a to 212. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 644, 646

Sections, acts July 18, 1918, ch. 156, §§1-5, 40 Stat. 912, 913; Mar. 3, 1919, ch. 96, 40 Stat. 1291; Apr. 16, 1926, ch. 148, 44 Stat. 297, created Commission for the Standardization of Screw Threads and provided for composition of Commission, its duties, and pay.

SUBCHAPTER V—STANDARDS OF ELECTRICITY

§§ 221, 222. Repealed. July 21, 1950, ch. 484, §13, 64 Stat. 370

Sections, act July 12, 1894, ch. 131, §§1, 2, 28 Stat. 101, 102, related to units of electrical measure.

§§ 223, 224. Repealed. Pub. L. 110-69, title III, § 3013(c)(2), Aug. 9, 2007, 121 Stat. 598

Section 223, acts July 21, 1950, ch. 484, §§1-11, 64 Stat. 369; Pub. L. 88-165, Nov. 4, 1963, 77 Stat. 299, related to units of electrical measure.

Section 224, act July 21, 1950, ch. 484, §12, 64 Stat. 370, related to establishment of values of primary electric and photometric units in absolute measure and legal values for those units.

¹ So in original. Probably should be "established".

SUBCHAPTER VI—STANDARD BARRELS

§ 231. Standard barrel for apples; steel barrels

The standard barrel for apples shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of head, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches outside measurement, representing as nearly as possible seven thousand and fifty-six cubic inches: *Provided*, That steel barrels containing the interior dimensions provided for in this section shall be construed as a compliance therewith.

(Aug. 3, 1912, ch. 273, §1, 37 Stat. 250.)

§ 232. Barrels below standard; marking

All barrels packed with apples shall be deemed to be below standard if the barrel bears any statement, design, or device indicating that the barrel is a standard barrel of apples, as defined in section 231 of this title, and the capacity of the barrel is less than the capacity prescribed by said section, unless the barrel shall be plainly marked on end and side with words or figures showing the fractional relation which the actual capacity of the barrel bears to the capacity prescribed by said section. The marking required by this section shall be in block letters of size not less than seventy-two point (one-inch) gothic.

(Aug. 3, 1912, ch. 273, §4, 37 Stat. 251.)

§ 233. Penalty for violations

Any person, firm, or corporation, or association who shall knowingly pack or cause to be packed apples in barrels, or who shall knowingly sell or offer for sale such barrels in violation of the provisions of this Act shall be liable to a penalty of \$1 and costs for each such barrel so sold or offered for sale, to be recovered at the suit of the United States in any court of the United States having jurisdiction.

(Aug. 3, 1912, ch. 273, §6, 37 Stat. 251.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 3, 1912, ch. 273, §§1-6, 37 Stat. 250, 251, which is classified to sections 231 to 233 of this title and to sections 20 to 23 of Title 21, Food and Drugs.

CODIFICATION

This section is also set out as section 23 of Title 21, Food and Drugs.

§ 234. Standard barrel for fruits or other dry commodity

The standard barrel for fruits, vegetables, and other dry commodities other than cranberries shall be of the following dimensions when measured without distention of its parts: Length of stave, twenty-eight and one-half inches; diameter of heads, seventeen and one-eighth inches; distance between heads, twenty-six inches; circumference of bulge, sixty-four inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch: *Provided*, That any barrel of a different form having a capacity of seven thousand and fifty-six cubic

inches shall be a standard barrel. The standard barrel for cranberries shall be of the following dimensions when measured without distention of its parts: Length of staves, twenty-eight and one-half inches; diameter of head, sixteen and one-fourth inches; distance between heads, twenty-five and one-fourth inches; circumference of bulge, fifty-eight and one-half inches, outside measurement; and the thickness of staves not greater than four-tenths of an inch.

(Mar. 4, 1915, ch. 158, §1, 38 Stat. 1186.)

§ 235. Sale or shipment of barrel of less capacity than standard; punishment

It shall be unlawful to sell, offer, or expose for sale in any State, Territory, or the District of Columbia, or to ship from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia or to a foreign country, a barrel containing fruits or vegetables or any other dry commodity of less capacity than the standard barrels defined in section 234 of this title, known as the third, half, and three-quarters barrel, and any person guilty of a willful violation of any of the provisions of sections 234 to 236 of this title shall be deemed guilty of a misdemeanor and be liable to a fine not to exceed \$500, or imprisonment not to exceed six months, in the court of the United States having jurisdiction: *Provided, however*, That no barrel shall be deemed below standard within the meaning of said sections when shipped to any foreign country and constructed according to the specifications or directions of the foreign purchaser if not constructed in conflict with the laws of the foreign country to which the same is intended to be shipped.

(Mar. 4, 1915, ch. 158, §2, 38 Stat. 1186.)

§ 236. Variations from standard permitted; prosecutions; law not applicable to certain barrels

Reasonable variations shall be permitted and tolerance shall be established by rules and regulations made by the Director of the National Institute of Standards and Technology and approved by the Secretary of Commerce. Prosecutions for offenses under this section or sections 234 or 235 of this title may be begun upon complaint of local sealers of weights and measures or other officers of the several States and Territories appointed to enforce the laws of the said States or Territories, respectively, relating to weights and measures: *Provided, however*, That nothing in this section or sections 234 and 235 of this title shall apply to barrels used in packing or shipping commodities sold exclusively by weight or numerical count.

(Mar. 4, 1915, ch. 158, §3, 38 Stat. 1187; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433.)

AMENDMENTS

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

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of Commerce and functions of all agencies and employees of

such Department, with a few exceptions, transferred to Secretary of Commerce, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 5 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

§ 237. Standard barrels for lime

There is established a large and a small barrel of lime, the large barrel to consist of two hundred and eighty pounds and the small barrel to consist of one hundred and eighty pounds, net weight.

(Aug. 23, 1916, ch. 396, §1, 39 Stat. 530.)

§ 238. Penalty for selling in barrels not marked

It shall be unlawful for any person to sell or offer for sale lime imported in barrels from a foreign country, or to sell or offer for sale lime in barrels for shipment from any State or Territory or the District of Columbia, to any other State or Territory or the District of Columbia, unless there shall be stenciled or otherwise clearly marked on one or both heads of the small barrel the figures “180 lbs. net” and of the large barrel the figures “280 lbs. net” before the importation or shipment, and on either barrel in addition the name of the manufacturer of the lime and where manufactured, and, if imported, the name of the country from which it is imported.

(Aug. 23, 1916, ch. 396, §2, 39 Stat. 530.)

§ 239. Sale in containers of less capacity than barrel

When lime is sold in interstate or foreign commerce in containers of less capacity than the standard small barrel, it shall be sold in fractional parts of said standard small barrel, and the net weight of lime contained in such container shall by stencil or otherwise be clearly marked thereon, together with the name of the manufacturer thereof, and the name of the brand, if any, under which it is sold, and, if imported, the name of the country from which it is imported.

(Aug. 23, 1916, ch. 396, §3, 39 Stat. 530.)

§ 240. Rules and regulations

Rules and regulations for the enforcement of sections 237 to 242 of this title, not inconsistent with the provisions of said sections, shall be made by the Director of the National Institute of Standards and Technology and approved by the Secretary of Commerce, and such rules and regulations shall include reasonable variations or tolerances which may be allowed.

(Aug. 23, 1916, ch. 396, §4, 39 Stat. 531; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433.)

AMENDMENTS

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

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of Commerce and functions of all agencies and employees of

such Department, with a few exceptions, transferred to Secretary of Commerce, with power vested in him to authorize their performance or performance of any of his functions by any of such officers, agencies, and employees, by Reorg. Plan No. 5 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1263, set out in the Appendix to Title 5, Government Organization and Employees.

§ 241. Penalty for selling lime in unmarked barrels and containers

It shall be unlawful to pack, sell, or offer for sale for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any barrels or other containers of lime which are not marked as provided in sections 238 and 239 of this title, or to sell, charge for, or purport to deliver from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, as a large or small barrel or a fractional part of said small barrel of lime, any less weight of lime than is established by the provisions of sections 237 to 242 of this title and any person guilty of a violation of the provisions of said sections shall be deemed guilty of a misdemeanor and be liable to a fine not exceeding \$100.

(Aug. 23, 1916, ch. 396, § 5, 39 Stat. 531.)

§ 242. Duty of United States attorney to enforce law

It shall be the duty of each United States attorney, to whom satisfactory evidence of any violation of sections 237 to 242 of this title is presented, to cause appropriate proceedings to be commenced and prosecuted in the United States court having jurisdiction of such offense.

(Aug. 23, 1916, ch. 396, § 6, 39 Stat. 531; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "district attorney". See section 541 of Title 28, Judiciary and Judicial Procedure.

SUBCHAPTER VII—STANDARD BASKETS AND CONTAINERS

§§ 251 to 256. Repealed. Pub. L. 90-628, § 1(a), Oct. 22, 1968, 82 Stat. 1320

Section 251, acts Aug. 31, 1916, ch. 426, § 1, 39 Stat. 673; June 11, 1934, ch. 447, § 1, 48 Stat. 930, set standards for Climax baskets for grapes and other fruits and vegetables and for mushrooms.

Section 252, act Aug. 31, 1916, ch. 426, § 2, 39 Stat. 673, set standards for standard basket or container for small fruits and vegetables.

Section 253, acts Aug. 31, 1916, ch. 426, § 3, 39 Stat. 674; June 11, 1934, c. 447, § 2, 48 Stat. 930, set penalties for failure to conform to standards.

Section 254, act Aug. 31, 1916, ch. 426, § 4, 39 Stat. 674, provided for examinations and tests by Department of Agriculture and for promulgation of rules and regulations covering allowable tolerances and variations.

Section 255, acts Aug. 31, 1916, ch. 426, § 5, 39 Stat. 674; June 25, 1948, ch. 646, § 1, 62 Stat. 909, made United States attorney responsible for commencing actions to enforce penalties.

Section 256, act Aug. 31, 1916, ch. 426, § 6, 39 Stat. 674, covered guaranty given by manufacturers or sellers of baskets as to correctness of such containers.

EFFECTIVE DATE OF REPEAL

Pub. L. 90-628, § 3, Oct. 22, 1968, 82 Stat. 1320, provided that: "This Act [repealing sections 251 to 257i of this title and amending section 1459 of this title] shall become effective 60 days after enactment [Oct. 22, 1968]."

SUBCHAPTER VIII—STANDARD HAMPERS, ROUND STAVE BASKETS, AND SPLINT BASKETS FOR FRUITS AND VEGETABLES

§§ 257 to 257i. Repealed. Pub. L. 90-628, § 1(b), Oct. 22, 1968, 82 Stat. 1320

Section 257, acts May 21, 1928, ch. 664, § 1, 45 Stat. 685; June 28, 1954, ch. 406, § 1, 68 Stat. 301; Aug. 30, 1964, Pub. L. 88-516, § 1, 78 Stat. 697, set dimensions for standard hampers and round stave baskets.

Section 257a, acts May 21, 1928, ch. 664, § 2, 45 Stat. 685; Aug. 30, 1964, Pub. L. 88-516, § 2, 78 Stat. 697, set dimensions for standard splint baskets.

Section 257b, act May 21, 1928, ch. 664, § 3, 45 Stat. 686, provided for promulgation of regulations allowing reasonable variations in hampers and baskets.

Section 257c, act May 21, 1928, ch. 664, § 4, 45 Stat. 686, required approval by Secretary of Agriculture of manufacturer's dimension specifications for hampers and baskets.

Section 257d, acts May 21, 1928, ch. 664, § 5, 45 Stat. 686; Aug. 30, 1964, Pub. L. 88-516, § 3, 78 Stat. 697, set out penalties for violations and covered guaranty given by manufacturers and sellers of hampers and baskets as to their correctness.

Section 257e, act May 21, 1928, ch. 664, § 6, 45 Stat. 686, provided for seizure of illegal hampers and baskets, and procedure covering their condemnation.

Section 257f, act May 21, 1928, ch. 664, § 7, 45 Stat. 687, allowed manufacture of hampers and baskets for foreign sale in conformity with foreign specifications.

Section 257g, acts May 21, 1928, ch. 664, § 8, 45 Stat. 687; June 25, 1948, ch. 646, § 1, 62 Stat. 909, placed upon the United States Attorney the duty to prosecute for violations of sections 257 to 257i of this title.

Section 257h, act May 21, 1928, ch. 664, § 9, 45 Stat. 687, provided for promulgation of regulations covering examinations and tests by Secretary of Agriculture.

Section 257i, act May 21, 1968, ch. 664, § 10, 45 Stat. 687, authorized Secretary of Agriculture to cooperate with other agencies in carrying out sections 257 to 257i of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 60 days after Oct. 22, 1968, see section 3 of Pub. L. 90-628, set out as a note under section 251 of this title.

SUBCHAPTER IX—STANDARD TIME

§ 260. Congressional declaration of policy; adoption and observance of uniform standard of time; authority of Secretary of Transportation

It is the policy of the United States to promote the adoption and observance of uniform time within the standard time zones prescribed by sections 261 to 264 of this title, as modified by section 265 of this title. To this end the Secretary of Transportation is authorized and directed to foster and promote widespread and uniform adoption and observance of the same standard of time within and throughout each such standard time zone.

(Pub. L. 89-387, § 2, Apr. 13, 1966, 80 Stat. 107; Pub. L. 97-449, § 2(c), Jan. 12, 1983, 96 Stat. 2439.)

AMENDMENTS

1983—Pub. L. 97-449 substituted "Secretary of Transportation" for "Interstate Commerce Commission".

EFFECTIVE DATE

Pub. L. 89-387, § 6, Apr. 13, 1966, 80 Stat. 108, provided that: "This Act [enacting this section and sections 260a, 266, and 267 of this title and amending sections 261 to 263 of this title] shall take effect on April 1, 1967; except that if any State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States, or any political subdivision thereof, observes daylight saving time in the year 1966, such time shall advance the standard time otherwise applicable in such place by one hour and shall commence at 2 o'clock antemeridian on the last Sunday in April of the year 1966 and shall end at 2 o'clock antemeridian on the last Sunday in October of the year 1966."

SHORT TITLE

Pub. L. 89-387, § 1, Apr. 13, 1966, 80 Stat. 107, provided: "That this Act [enacting this section and sections 260a, 266, and 267 of this title and amending sections 261 to 263 of this title] may be cited as the 'Uniform Time Act of 1966'."

§ 260a. Advancement of time or changeover dates**(a) Duration of period; State exemption**

During the period commencing at 2 o'clock antemeridian on the second Sunday of March of each year and ending at 2 o'clock antemeridian on the first Sunday of November of each year, the standard time of each zone established by sections 261 to 264 of this title, as modified by section 265 of this title, shall be advanced one hour and such time as so advanced shall for the purposes of such sections 261 to 264, as so modified, be the standard time of such zone during such period; however, (1) any State that lies entirely within one time zone may by law exempt itself from the provisions of this subsection providing for the advancement of time, but only if that law provides that the entire State (including all political subdivisions thereof) shall observe the standard time otherwise applicable during that period, and (2) any State with parts thereof in more than one time zone may by law exempt either the entire State as provided in (1) or may exempt the entire area of the State lying within any time zone.

(b) State laws superseded

It is hereby declared that it is the express intent of Congress by this section to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for advances in time or changeover dates different from those specified in this section.

(c) Violations; enforcement

For any violation of the provisions of this section the Secretary of Transportation or his duly authorized agent may apply to the district court of the United States for the district in which such violation occurs for the enforcement of this section; and such court shall have jurisdiction to enforce obedience thereto by writ of injunction or by other process, mandatory or otherwise, restraining against further violations of this section and enjoining obedience thereto.

(Pub. L. 89-387, § 3, Apr. 13, 1966, 80 Stat. 107; Pub. L. 92-267, Mar. 30, 1972, 86 Stat. 116; Pub. L. 97-449, § 2(c), Jan. 12, 1983, 96 Stat. 2439; Pub. L. 99-359, § 2(b), July 8, 1986, 100 Stat. 764; Pub. L. 109-58, title I, § 110(a), Aug. 8, 2005, 119 Stat. 615.)

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-58 substituted "second Sunday of March" for "first Sunday of April" and "first Sunday of November" for "last Sunday of October".

1986—Subsec. (a). Pub. L. 99-359 substituted "first Sunday of April" for "last Sunday of April".

1983—Subsec. (c). Pub. L. 97-449 substituted "Secretary of Transportation or his" for "Interstate Commerce Commission or its".

1972—Subsec. (a). Pub. L. 92-267 authorized any State with parts thereof lying in more than one time zone to exempt by law that part of such State lying within any time zone from provisions of this subsection providing for advancement of time.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-58, title I, § 110(b), Aug. 8, 2005, 119 Stat. 615, provided that: "Subsection (a) [amending this section] shall take effect 1 year after the date of enactment of this Act [Aug. 8, 2005] or March 1, 2007, whichever is later."

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-359, § 2(e), July 8, 1986, 100 Stat. 765, provided that: "This section [amending this section and enacting provisions set out as notes below] shall take effect 60 days after the date of enactment of this Act [July 8, 1986], except that if such effective date occurs in any calendar year after March 1, this section shall take effect on the first day of the following calendar year."

STUDY AND REPORT ON ENERGY CONSUMPTION;
REVERSION

Pub. L. 109-58, title I, § 110(c), (d), Aug. 8, 2005, 119 Stat. 615, provided that:

"(c) REPORT TO CONGRESS.—Not later than 9 months after the effective date stated in subsection (b) [set out above], the Secretary [of Energy] shall report to Congress on the impact of this section [amending this section] on energy consumption in the United States.

"(d) RIGHT TO REVERT.—Congress retains the right to revert the Daylight Saving Time back to the 2005 time schedules once the Department [of Energy] study is complete."

CONGRESSIONAL FINDINGS; EXPANSION OF DAYLIGHT
SAVING TIME

Pub. L. 99-359, § 2(a), July 8, 1986, 100 Stat. 764, provided that: "The Congress finds—

"(1) that various studies of governmental and non-governmental agencies indicate that daylight saving time over an expanded period would produce a significant energy savings in electrical power consumption;

"(2) that daylight saving time may yield energy savings in other areas besides electrical power consumption;

"(3) that daylight saving time over an expanded period could serve as an incentive for further energy conservation by individuals, companies, and the various governmental entities at all levels of government, and that such energy conservation efforts could lead to greatly expanded energy savings; and

"(4) that the use of daylight saving time over an expanded period could have other beneficial effects on the public interest, including the reduction of crime, improved traffic safety, more daylight outdoor playtime for the children and youth of our Nation, greater utilization of parks and recreation areas, expanded economic opportunity through extension of daylight hours to peak shopping hours and through extension of domestic office hours to periods of greater overlap with the European Economic Community."

EFFECTIVENESS OF STATE EXEMPTION IN EFFECT ON
JULY 8, 1986

Pub. L. 99-359, § 2(c), July 8, 1986, 100 Stat. 764, provided that: "Any law in effect on the date of the enactment of this Act [July 8, 1986]—

“(1) adopted pursuant to section 3(a)(2) of the Uniform Time Act of 1966 [15 U.S.C. 260a(a)(2)] by a State with parts thereof in more than one time zone, or

“(2) adopted pursuant to section 3(a)(1) of such Act by a State that lies entirely within one time zone, shall be held and considered to remain in effect as the exercise by that State of the exemption permitted by such Act [see 15 U.S.C. 260a(a)] unless that State, by law, provides that such exemption shall not apply.”

ADJUSTMENT BY GENERAL RULES OR INTERIM ACTION WITH RESPECT TO HOURS OF OPERATION OF DAYTIME STANDARD AMPLITUDE MODULATION BROADCAST STATIONS

Pub. L. 99-359, §2(d), July 8, 1986, 100 Stat. 764, provided that:

“(1) Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, with respect to hours of operation of daytime standard amplitude modulation broadcast stations, as may be consistent with the public interest, including the public's interest in receiving interference-free service.

“(2) Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics.

“(3) Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case.”

EMERGENCY DAYLIGHT SAVING TIME ENERGY CONSERVATION

Pub. L. 93-182, Dec. 15, 1973, 87 Stat. 707, as amended by Pub. L. 93-434, Oct. 5, 1974, 88 Stat. 1209, enacted the Emergency Daylight Saving Time Energy Conservation Act of 1973, which extended daylight saving time. The act was effective at 2 a.m. on the fourth Sunday which occurred after Dec. 15, 1973 and terminated at 2 a.m. on the last Sunday of April 1975.

EX. ORD. NO. 11751. EXEMPTIONS FROM DAYLIGHT SAVING TIME AND REALIGNMENTS OF TIME ZONE LIMITS

Ex. Ord. No. 11751, Dec. 15, 1973, 38 F.R. 34725, provided:

By virtue of the authority vested in me by section 3(b) of the Emergency Daylight Savings Time Energy Conservation Act of 1973 (Public Law 93-182) (hereinafter “the Act”) [formerly set out above], section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Transportation (hereinafter “the Secretary”) is hereby designated and empowered to exercise the authority vested in me by section 3(b) of the Act [formerly set out above] to grant an exemption from section 3(a) of the Act (which establishes daylight saving time as standard time), or a realignment of a time zone limit, pursuant to a proclamation of a Governor of a State finding that the exemption or realignment is necessary to avoid undue hardship or to conserve fuel in the State or a part thereof.

SEC. 2. In deciding to grant or deny an exemption or realignment, the Secretary shall consider, among other things, the policy of the United States, as expressed in sections 2 and 4 of the Uniform Time Act of 1966 (80 Stat. 107, 108; 15 U.S.C. 260, 261), to promote the adoption and observance of uniform time within the standard time zones of the United States and the convenience of commerce, as well as possible energy savings, undue hardship to large segments of the population, and the possible impact on the success of and cooperation with the national energy conservation program.

SEC. 3. In carrying out his responsibilities under this order, the Secretary shall, as he deems necessary, consult with the Department of Health, Education, and Welfare, the Federal Energy Office (or any agency which hereafter may succeed to its functions), and any

other interested agency and he may call upon those agencies for information and advice. Each interested department or agency shall assist the Secretary, as necessary, to carry out the provisions of this order.

RICHARD NIXON.

§ 261. Zones for standard time; interstate or foreign commerce

(a) In general

For the purpose of establishing the standard time of the United States, the territory of the United States shall be divided into nine zones in the manner provided in this section. Except as provided in section 260a(a) of this title, the standard time of the first zone shall be Coordinated Universal Time retarded by 4 hours; that of the second zone retarded by 5 hours; that of the third zone retarded by 6 hours; that of the fourth zone retarded by 7 hours; that of the fifth zone retarded¹ 8 hours; that of the sixth zone retarded by 9 hours; that of the seventh zone retarded by 10 hours; that of the eighth zone retarded by 11 hours; and that of the ninth zone shall be Coordinated Universal Time advanced by 10 hours. The limits of each zone shall be defined by an order of the Secretary of Transportation, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce, and any such order may be modified from time to time. As used in sections 261 to 264 of this title, the term “interstate or foreign commerce” means commerce between a State, the District of Columbia, the Commonwealth of Puerto Rico, or any possession of the United States and any place outside thereof.

(b) Coordinated Universal Time defined

In this section, the term “Coordinated Universal Time” means the time scale maintained through the General Conference of Weights and Measures and interpreted or modified for the United States by the Secretary of Commerce in coordination with the Secretary of the Navy.

(Mar. 19, 1918, ch. 24, §1, 40 Stat. 450; Pub. L. 89-387, §4(a), Apr. 13, 1966, 80 Stat. 108; Pub. L. 97-449, §2(c), Jan. 12, 1983, 96 Stat. 2439; Pub. L. 106-564, §1(a), Dec. 23, 2000, 114 Stat. 2811; Pub. L. 110-69, title III, §3013(c)(3), Aug. 9, 2007, 121 Stat. 598.)

AMENDMENTS

2007—Pub. L. 110-69 designated existing provisions as subsec. (a), inserted heading, substituted second sentence for former second sentence which read as follows: “Except as provided in section 260a(a) of this title, the standard time of the first zone shall be based on the mean solar time of the sixtieth degree of longitude west from Greenwich; that of the second zone on the seventy-fifth degree; that of the third zone on the ninety-fifth degree; that of the fourth zone on the one hundred and fifth degree; that of the fifth zone on the one hundred and twentieth degree; that of the sixth zone on the one hundred and thirty-fifth degree; that of the seventh zone on the one hundred and fiftieth degree; that of the eighth zone on the one hundred and sixty-fifth degree; and that of the ninth zone on the one hundred and fiftieth meridian of longitude east from Greenwich..”, and added subsec. (b).

¹ So in original. Probably should be followed by “by”.

2000—Pub. L. 106-564, in first sentence, substituted “nine zones” for “eight zones” and, in second sentence, substituted “; that of the eighth” for “; and that of the eighth” and inserted before period at end “; and that of the ninth zone on the one hundred and fiftieth meridian of longitude east from Greenwich.”

1983—Pub. L. 97-449 substituted “Secretary of Transportation” for “Interstate Commerce Commission”.

1966—Pub. L. 89-387 increased the number of time zones from five for the territory of continental United States to eight for the territory of the United States, inserted the “exception phrase”, substituted “solar” for “astronomical” time, established the first zone on basis of the 60th degree of longitude west from Greenwich, redesignated as the second through the fifth zones based on the 75th, 90th, 105th, and 120th degrees former zones one through four based on such degrees, established the sixth zone based on the 135th degree, redesignated as the seventh zone based on the 150th degree former fifth zone based on such degree, and established the eighth zone based on the 165th degree, substituted “interstate or foreign commerce” for “commerce between the several States and and with foreign nations” and defined “interstate or foreign commerce”.

SHORT TITLE

Act Mar. 19, 1918, ch. 24, 40 Stat. 450, as amended, which is classified to sections 261 to 264 of this title, is popularly known as the “Calder Act”.

REPEALS

Section 5 of act Mar. 19, 1918, repealed all conflicting acts and parts of acts.

DISTRICT OF COLUMBIA

Act Mar. 31, 1949, ch. 43, 63 Stat. 29, authorized the Board of Commissioners [now the Council of the District of Columbia] to establish daylight-saving time in the District of Columbia.

RETURN TO STANDARD TIME

Act Sept. 25, 1945, ch. 388, 59 Stat. 537, provided, that, notwithstanding the provisions of act Jan. 20, 1942, ch. 7, 56 Stat. 9, which provided for war time, the standard time for each zone as provided for in sections 261 to 264 of this title should again become effective as of Sept. 30, 1945, at 2:00 A.M.

§ 262. Duty to observe standard time of zones

Within the respective zones created under the authority of sections 261 to 264 of this title the standard time of the zone shall insofar as practicable (as determined by the Secretary of Transportation) govern the movement of all common carriers engaged in interstate or foreign commerce. In all statutes, orders, rules, and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood and intended that the time shall insofar as practicable (as determined by the Secretary of Transportation) be the United States standard time of the zone within which the act is to be performed.

(Mar. 19, 1918, ch. 24, § 2, 40 Stat. 451; Pub. L. 89-387, § 4(b), Apr. 13, 1966, 80 Stat. 108; Pub. L. 97-449, § 2(c), Jan. 12, 1983, 96 Stat. 2439.)

AMENDMENTS

1983—Pub. L. 97-449 substituted “Secretary of Transportation” for “Interstate Commerce Commission”.

1966—Pub. L. 89-387 inserted “insofar as practicable (as determined by the Interstate Commerce Commission)” in two places and substituted “engaged in interstate or foreign commerce” for “engaged in commerce between the several States or between a State and any one of the Territories of the United States, or between a State or the Territory of Alaska and any one of the insular possessions of the United States or any foreign country”.

§ 263. Designation of zone standard times

The standard time of the first zone shall be known and designated as Atlantic standard time; that of the second zone shall be known and designated as eastern standard time; that of the third zone shall be known and designated as central standard time; that of the fourth zone shall be known and designated as mountain standard time; that of the fifth zone shall be known and designated as Pacific standard time; that of the sixth zone shall be known and designated as Alaska standard time; that of the seventh zone shall be known and designated as Hawaii-Aleutian standard time; that of the eighth zone shall be known and designated as Samoa standard time; and that of the ninth zone shall be known as Chamorro standard time.

(Mar. 19, 1918, ch. 24, § 4, 40 Stat. 451; Pub. L. 89-387, § 4(c), Apr. 13, 1966, 80 Stat. 108; Pub. L. 98-181, title II, § 2003(a), Nov. 30, 1983, 97 Stat. 1297; Pub. L. 106-564, § 1(b), Dec. 23, 2000, 114 Stat. 2811.)

AMENDMENTS

2000—Pub. L. 106-564 struck out “and” before “that of the eighth” and inserted before period at end “; and that of the ninth zone shall be known as Chamorro standard time”.

1983—Pub. L. 98-181 substituted “Alaska” for “Yukon”, “Hawaii-Aleutian” for “Alaska-Hawaii”, and “Samoa” for “Bering”.

1966—Pub. L. 89-387 added Atlantic standard time as first zone designation; redesignated as eastern standard time, central standard time, mountain standard time and Pacific standard time for second through fifth zones former designation of United States standard eastern time, United States standard central time, United States standard mountain time and United States standard Pacific time for former zones one through four; added Yukon standard time as sixth zone designation; redesignated as Alaska-Hawaii standard time for seventh zone former designation of United States standard Alaska time for fifth zone; and added Bering standard time as eighth zone designation.

CONFORMING CHANGES IN TIME ZONE DESIGNATIONS

Pub. L. 98-181, title II, § 2003(b), Nov. 30, 1983, 97 Stat. 1297, provided that:

“(1) Any reference to Yukon standard time in any law, regulation, map, document, record, or other paper of the United States shall be held and considered to be a reference to Alaska standard time.

“(2) Any reference to Alaska-Hawaii standard time in any law, regulation, map, document, record, or other paper of the United States shall be held and considered to be a reference to Hawaii-Aleutian standard time.

“(3) Any reference to Bering standard time in any law, regulation, map, document, record, or other paper of the United States shall be held and considered to be a reference to Samoa standard time.”

§ 264. Part of Idaho in fourth zone

In the division of territory, and in the definition of the limits of each zone, as provided in sections 261 to 264 of this title, so much of the

State of Idaho as lies south of the Salmon River, traversing the State from east to west near forty-five degrees thirty minutes latitude, shall be embraced in the fourth zone: *Provided*, That common carriers within such portion of the State of Idaho may conduct their operations on Pacific time.

(Mar. 19, 1918, ch. 24, §3, as added Mar. 3, 1923, ch. 216, 42 Stat. 1434; amended June 24, 1948, ch. 631, §1, 62 Stat. 646; Pub. L. 110-69, title III, §3013(c)(4), Aug. 9, 2007, 121 Stat. 599.)

PRIOR PROVISIONS

The original section 3 of act Mar. 19, 1918, providing for daylight-savings, was repealed by act Aug. 20, 1919, ch. 51, 41 Stat. 280.

AMENDMENTS

2007—Pub. L. 110-69 substituted “fourth zone” for “third zone”.

1948—Act June 24, 1948, inserted proviso relating to common carriers.

EFFECTIVE DATE OF 1948 AMENDMENT

Act June 24, 1948, ch. 631, §2, 62 Stat. 646, provided that: “This Act [amending this section] shall take effect at 2 o'clock antemeridian of the second Monday following the date of its enactment.”

§ 265. Transfer of certain territory to standard central-time zone

The Panhandle and Plains sections of Texas and Oklahoma are transferred to and placed within the United States standard central-time zone.

The Secretary of Transportation is authorized and directed to issue an order placing the western boundary line of the United States standard central-time zone insofar as the same affect Texas and Oklahoma as follows:

Beginning at a point where such western boundary time zone line crosses the State boundary line between Kansas and Oklahoma; thence westerly along said State boundary line to the northwest corner of the State of Oklahoma; thence in a southerly direction along the west State boundary line of Oklahoma and the west State boundary line of Texas to the southeastern corner of the State of New Mexico; thence in a westerly direction along the State boundary line between the States of Texas and New Mexico to the Rio Grande River; thence down the Rio Grande River as the boundary line between the United States and Mexico: *Provided*, That the Chicago, Rock Island and Gulf Railway Company and the Chicago, Rock Island and Pacific Railway Company may use Tucumcari, New Mexico, as the point at which they change from central to mountain time and vice versa; the Colorado Southern and Fort Worth and Denver City Railway Companies may use Sixela, New Mexico, as such changing point; the Atchison, Topeka and Santa Fe Railway Company and other branches of the Santa Fe system may use Clovis, New Mexico, as such changing point, and those railways running into or through El Paso may use El Paso as such point: *Provided further*, That this section shall not, except as herein provided, interfere with the adjustment of time zones as established by the Secretary of Transportation.

(Mar. 4, 1921, ch. 173, §1, 41 Stat. 1446; Pub. L. 97-449, §2(c), Jan. 12, 1983, 96 Stat. 2439.)

AMENDMENTS

1983—Pub. L. 97-449 substituted “Secretary of Transportation” for “Interstate Commerce Commission”.

REPEALS

Section 2 of act Mar. 4, 1921, repealed all conflicting laws and parts of laws.

TRANSFER OF EL PASO AND HUDSPETH COUNTIES, TEXAS, TO MOUNTAIN STANDARD TIME ZONE

Pub. L. 91-228, Apr. 10, 1970, 84 Stat. 119, provided: “That, notwithstanding the first section of the Act of March 4, 1921 (15 U.S.C. 265), the Secretary of Transportation may, upon the written request of the County Commissioners Court of El Paso County, Texas, change the boundary line between the central standard time zone and the mountain standard time zone, so as to place El Paso County in the mountain standard time zone, in the manner prescribed in section 1 of the Act of March 19, 1918, as amended (15 U.S.C. 261), and section 5 of the Act of April 13, 1966 (15 U.S.C. 266). In the same manner, the Secretary of Transportation may also place Hudspeth County, Texas, in the mountain standard time zone, if the Hudspeth County Commissioners Court so requests in writing and if El Paso County is to be placed in that time zone.”

§ 266. Applicability of administrative procedure provisions

Subchapter II of chapter 5, and chapter 7, of title 5 shall apply to all proceedings under this Act, sections 261 to 264 of this title, and section 265 of this title.

(Pub. L. 89-387, §5, Apr. 13, 1966, 80 Stat. 108.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 89-387, Apr. 13, 1966, 80 Stat. 107, as amended, known as the “Uniform Time Act of 1966”. For complete classification of this Act to the Code, see Short Title note set out under section 260 of this title and Tables.

CODIFICATION

“Subchapter II of chapter 5, and chapter 7, of title 5” substituted in text for “The Administrative Procedure Act (5 U.S.C. 1001-1011)” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

§ 267. “State” defined

As used in this Act, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, or any possession of the United States.

(Pub. L. 89-387, §7, Apr. 13, 1966, 80 Stat. 109; Pub. L. 106-564, §1(c), Dec. 23, 2000, 114 Stat. 2811.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 89-387, Apr. 13, 1966, 80 Stat. 107, known as the “Uniform Time Act of 1966”. For complete classification of this Act to the Code, see Short Title note set out under section 260 of this title and Tables.

AMENDMENTS

2000—Pub. L. 106-564 inserted “Guam, the Commonwealth of the Northern Mariana Islands,” after “Puerto Rico,”.

**CHAPTER 7—NATIONAL INSTITUTE OF
STANDARDS AND TECHNOLOGY**

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§ 271. Findings and purposes

(a) The Congress finds and declares the following:

(1) The future well-being of the United States economy depends on a strong manufacturing base and requires continual improvements in manufacturing technology, quality control, and techniques for ensuring product reliability and cost-effectiveness.

(2) Precise measurements, calibrations, and standards help United States industry and manufacturing concerns compete strongly in world markets.

(3) Improvements in manufacturing and product technology depend on fundamental

scientific and engineering research to develop (A) the precise and accurate measurement methods and measurement standards needed to improve quality and reliability, and (B) new technological processes by which such improved methods may be used in practice to improve manufacturing and to assist industry to transfer important laboratory discoveries into commercial products.

(4) Scientific progress, public safety, and product compatibility and standardization also depend on the development of precise measurement methods, standards, and related basic technologies.

(5) The National Bureau of Standards since its establishment has served as the Federal focal point in developing basic measurement standards and related technologies, has taken a lead role in stimulating cooperative work among private industrial organizations in efforts to surmount technological hurdles, and otherwise has been responsible for assisting in the improvement of industrial technology.

(6) The Federal Government should maintain a national science, engineering, and technology laboratory which provides measurement methods, standards, and associated technologies and which aids United States companies in using new technologies to improve products and manufacturing processes.

(7) Such national laboratory also should serve industry, trade associations, State technology programs, labor organizations, professional societies, and educational institutions by disseminating information on new basic technologies including automated manufacturing processes.

(b) It is the purpose of this chapter—

(1) to rename the National Bureau of Standards as the National Institute of Standards and Technology and to modernize and restructure that agency to augment its unique ability to enhance the competitiveness of American industry while maintaining its traditional function as lead national laboratory for providing the measurements, calibrations, and quality assurance techniques which underpin United States commerce, technological progress, improved product reliability and manufacturing processes, and public safety;

(2) to assist private sector initiatives to capitalize on advanced technology;

(3) to advance, through cooperative efforts among industries, universities, and government laboratories, promising research and development projects, which can be optimized by the private sector for commercial and industrial applications; and

(4) to promote shared risks, accelerated development, and pooling of skills which will be necessary to strengthen America's manufacturing industries.

(Mar. 3, 1901, ch. 872, §1, 31 Stat. 1449; Pub. L. 100-418, title V, §5111, Aug. 23, 1988, 102 Stat. 1427.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act" meaning act Mar. 3, 1901, ch. 872, 31 Stat. 1449, as amended, known as the National Institute