

Executive Documents

EXECUTIVE ORDER NO. 11654

Ex. Ord. No. 11654, Mar. 13, 1972, 37 F.R. 5361, which established in the Department of Commerce the Federal Fire Council and provided for its membership, functions, etc., was revoked by Ex. Ord. No. 12379, §19, Aug. 17, 1982, 47 F.R. 36100, formerly set out as a note under section 1013 of Title 5, Government Organization and Employees.

§ 278g. International activities**(a) Financial assistance to foreign nationals**

The Secretary is authorized, notwithstanding any other provision of law, to expend such sums, within the limit of appropriated funds, as the Secretary may determine desirable through direct support for activities of international organizations and foreign national metrology institutes with which the Institute cooperates to advance measurement methods, technical standards, and related basic technologies, for official representation, to host official receptions, dinners, and similar events, and to otherwise extend official courtesies, including transportation of foreign dignitaries and representatives of foreign national metrology institutes to and from the Institute, for the purpose of maintaining the standing and prestige of the Department of Commerce and the Institute, through the grant of fellowships or other appropriate form of financial or logistical assistance or support to foreign nationals not in service to the Government of the United States while they are performing scientific or engineering work at the Institute or participating in the exchange of scientific or technical information at the Institute.

(b) Foreign assistance and compensation to Institute employees

The Congress consents to the acceptance by employees of the Institute of fellowships, lectureships, or other positions for the performance of scientific or engineering activities or for the exchange of scientific or technical information, offered by a foreign government, and to the acceptance and retention by an employee of the Institute of any form of financial or other assistance provided by a foreign government as compensation for or as a means of defraying expenses associated with the performance of scientific or engineering activities or the exchange of scientific or technical information, in any case where the acceptance of such fellowship, lectureship, or position or the acceptance and retention of such assistance is determined by the Secretary to be appropriate and consistent with the interests of the United States. For the purposes of this subsection, the definitions appearing in section 7342(a) of title 5 apply. Civil actions may be brought and penalties assessed against any employee who knowingly accepts and retains assistance from a foreign government not consented to by this subsection in the same manner as is prescribed by section 7342(h) of title 5.

(c) Prohibition on use of appropriations inapplicable

Provisions of law prohibiting the use of any part of any appropriation for the payment of compensation to any employee or officer of the

Government of the United States who is not a citizen of the United States shall not apply to the payment of compensation to scientific or engineering personnel of the Institute.

(d) Recruitment and employment of resident aliens

For any scientific and engineering disciplines for which there is a shortage of suitably qualified and available United States citizens and nationals, the Secretary is authorized to recruit and employ in scientific and engineering fields at the Institute foreign nationals who have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.] and who intend to become United States citizens. Employment of a person under this paragraph shall not be subject to the provisions of title 5 governing employment in the competitive service, or to any prohibition in any other Act against the employment of aliens, or against the payment of compensation to them.

(Mar. 3, 1901, ch. 872, §17, as added Pub. L. 96-461, §9, Oct. 15, 1980, 94 Stat. 2051; amended Pub. L. 100-418, title V, §5115(a)(1), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 102-245, title I, §104(h)(2), Feb. 14, 1992, 106 Stat. 11; Pub. L. 117-167, div. B, title II, §10246(a)(1), Aug. 9, 2022, 136 Stat. 1491.)

Editorial Notes

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (d), is act June 27, 1952, ch. 477, 66 Stat. 163, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

PRIOR PROVISIONS

A prior section 278g, act Mar. 3, 1901, ch. 872, §17, as added Mar. 1, 1968, Pub. L. 90-259, title I, §102, 82 Stat. 35, related to grants to States, local governments, other non-Federal public agencies, and non-profit institutions, reimbursement of Federal agencies, delegation of powers, advance of public moneys, cooperation of Federal agencies, and issuance of rules and regulations, prior to repeal by Pub. L. 93-498, §18, Oct. 29, 1974, 88 Stat. 1545.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117-167 amended subsec. (a) generally. Prior to amendment, text read as follows: “The Secretary is authorized, notwithstanding any other provision of law, to expend such sums, within the limit of appropriated funds, as the Secretary may deem desirable, through the grant of fellowships or any other form of financial assistance, to defray the expenses of foreign nationals not in service to the Government of the United States while they are performing scientific or engineering work at the Institute or participating in the exchange of scientific or technical information at the Institute.”

1992—Subsec. (d). Pub. L. 102-245 added subsec. (d).

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 96-461, §11, Oct. 15, 1980, 94 Stat. 2052, provided that: “The effective date of sections 8 and 9 of this Act [enacting this section, amending section 278d of this title, and enacting provisions set out below] shall be October 1, 1980.”

CONGRESSIONAL DECLARATION OF PURPOSE

Pub. L. 96-461, §9, Oct. 15, 1980, 94 Stat. 2051, as amended by Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433, provided in part that this section was enacted “[i]n order to develop and strengthen the expertise of the National Institute of Standards and Technology in science and engineering, to enhance the Secretary’s ability to maintain the Institute’s programs at the forefront of worldwide developments in science and engineering, and to cooperate in international scientific activities”.

§ 278g-1. Education and outreach**(a) In general**

The Director is authorized to expend funds appropriated for activities of the Institute in any fiscal year, to support, promote, and coordinate activities and efforts to enhance public awareness and understanding of measurement sciences, standards and technology at the national measurement laboratories and otherwise in fulfillment of the mission of the Institute. The Director shall carry out activities under this subsection, including education and outreach activities to the general public, industry and diverse types of institutions of higher education, including historically Black colleges and universities, Tribal Colleges and Universities, and minority-serving institutions, and community colleges in support of the Institute’s mission.

(b) Hiring

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

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

(c) Volunteers**(1) In general**

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

(2) Acceptance of personnel

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

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

(3) Federal employee status

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

(d) Research fellowships**(1) In general**

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

- (A) students at institutions of higher learning within the United States who show promise as present or future contributors to the mission of the Institute; and
- (B) United States citizens for research and technical activities of the Institute, including programs.

(2) Selection criteria

The selection of persons to receive such fellowships and assistance shall be made on the basis of ability and of the relevance of the proposed work to the mission and programs of the Institute.

(3) Financial and logistical assistance

Notwithstanding section 1345 of title 31 or any other law to the contrary, the Director may include as a form of financial or logistical assistance under this subsection temporary housing and transportation to and from Institute facilities.

(e) Educational outreach activities

The Director may—

- (1) facilitate education programs for undergraduate and graduate students, postdoctoral researchers, and academic and industry employees;
- (2) sponsor summer workshops for STEM kindergarten through grade 12 teachers as appropriate;
- (3) develop programs for graduate student internships and visiting faculty researchers;
- (4) document publications, presentations, and interactions with visiting researchers and sponsoring interns as performance metrics for improving and continuing interactions with those individuals;
- (5) facilitate laboratory tours and provide presentations for educational, industry, and community groups; and¹
- (6) conduct outreach to and develop research collaborations with historically Black colleges and universities, Tribal Colleges or Universities, and minority serving institutions, including through the recruitment of students and faculty at such institutions to participate in programs developed under paragraph (3);
- (7) conduct outreach to and develop research collaborations with community colleges, including through the recruitment of students and faculty at such institutions to participate in programs developed under paragraph (3);
- (8) carry out other activities to increase the participation of persons historically underrepresented in STEM in the Institute’s programs; and
- (9) conduct outreach to and develop collaborations with nontraditional educational organizations, including those that offer training

¹ So in original. The word “and” probably should not appear.