

(Mar. 3, 1901, ch. 872, §28, as added Pub. L. 110-69, title III, §3012(b), Aug. 9, 2007, 121 Stat. 593; amended Pub. L. 113-188, title II, §201(d), (e), Nov. 26, 2014, 128 Stat. 2018.)

#### REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (j)(4), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### PRIOR PROVISIONS

A prior section 278n, act Mar. 3, 1901, ch. 872, §28, as added Pub. L. 100-418, title V, §5131(a), Aug. 23, 1988, 102 Stat. 1439; amended Pub. L. 102-245, title II, §201(c), Feb. 14, 1992, 106 Stat. 16, related to the Advanced Technology Program, prior to repeal by Pub. L. 110-69, title III, §3012(a), Aug. 9, 2007, 121 Stat. 593.

#### AMENDMENTS

2014—Subsecs. (g) to (j). Pub. L. 113-188, §201(d)(1), (2), redesignated subsecs. (h) to (k) as (g) to (j), respectively, and struck out former subsec. (g) which required annual reports describing the Technology Innovation Program's activities.

Subsec. (j)(5). Pub. L. 113-188, §201(e), struck out par. (5) which related to annual Technology Innovation Program status reports transmitted by the TIP Advisory Board.

Subsec. (k). Pub. L. 113-188, §201(d)(2), redesignated subsec. (l) as (k). Former subsec. (k) redesignated (j).

Subsec. (k)(5). Pub. L. 113-188, §201(d)(3), substituted “under subsection (j)” for “under subsection (k)”.

Subsec. (l). Pub. L. 113-188, §201(d)(2), redesignated subsec. (l) as (k).

#### TECHNOLOGY INNOVATION PROGRAM

Pub. L. 111-240, title IV, §4226(b), Sept. 27, 2010, 124 Stat. 2598, provided that: “In awarding grants, cooperative agreements, or contracts under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), in addition to the award criteria set forth in subsection (c) of that section, the Director of the National Institute of Standards and Technology may take into consideration whether an application has significant potential for enhancing the competitiveness of small- and medium-sized businesses in the United States in the global marketplace. The Director shall consult with the Technology Innovation Program Advisory Board and the Secretary of Commerce in implementing this subsection.”

#### TRANSITION

Pub. L. 110-69, title III, §3012(c), Aug. 9, 2007, 121 Stat. 598, provided that: “Notwithstanding the repeal made by subsection (a) [repealing former section 278n of this title], the Director shall carry out section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) as such section was in effect on the day before the date of the enactment of this Act [Aug. 9, 2007], with respect to applications for grants under such section submitted before such date, until the earlier of—

“(1) the date that the Director promulgates the regulations required under section 28(f) of the National Institute of Standards and Technology Act [15 U.S.C. 278n(f)], as added by subsection (b) [Final regulations implementing the Technology Innovation Program issued June 25, 2008. See 73 F.R. 35913.]; or

“(2) December 31, 2007.”

#### NATIONAL ACADEMIES OF SCIENCES AND ENGINEERING STUDY OF GOVERNMENT-INDUSTRY COOPERATION IN CIVILIAN TECHNOLOGY

Pub. L. 100-418, title V, §5131(c), Aug. 23, 1988, 102 Stat. 1443, directed the Secretary of Commerce, within 90 days after Aug. 23, 1988, to enter into contracts with the National Academies of Sciences and Engineering to review the various types of cooperative arrangements

between the private sector and the Federal Government and required a report based on the review to be submitted to the Secretary, the President, and Congress within 18 months after the contracts were signed.

#### § 278n-1. Emergency communication and tracking technologies research initiative

##### (a) Establishment

The Director shall establish a research initiative to support the development of emergency communication and tracking technologies for use in locating trapped individuals in confined spaces, such as underground mines, and other shielded environments, such as high-rise buildings or collapsed structures, where conventional radio communication is limited.

##### (b) Activities

In order to carry out this section, the Director shall work with the private sector and appropriate Federal agencies to—

(1) perform a needs assessment to identify and evaluate the measurement, technical standards, and conformity assessment needs required to improve the operation and reliability of such emergency communication and tracking technologies;

(2) support the development of technical standards and conformance architecture to improve the operation and reliability of such emergency communication and tracking technologies; and

(3) incorporate and build upon existing reports and studies on improving emergency communications.

##### (c) Report

Not later than 18 months after January 4, 2011, the Director shall submit to Congress and make publicly available a report describing the assessment performed under subsection (b)(1) and making recommendations about research priorities to address gaps in the measurement, technical standards, and conformity assessment needs identified by the assessment.

(Pub. L. 111-358, title IV, §405, Jan. 4, 2011, 124 Stat. 4003.)

#### CODIFICATION

Section was enacted as part of the America COMPETES Reauthorization Act of 2010, also known as the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010, and as part of the National Institute of Standards and Technology Authorization Act of 2010, and not as part of the National Institute of Standards and Technology Act which comprises this chapter.

#### DEFINITIONS

Pub. L. 111-358, title IV, §409, Jan. 4, 2011, 124 Stat. 4004, provided that: “In this title [enacting this section and sections 273a and 278n-2 of this title, amending sections 274, 278g-1, 278g-2, 278g-2a, and 278k of this title and sections 5314 and 5315 of Title 5, Government Organization and Employees, and repealing section 1533 of this title and provisions set out as a note under section 278k of this title]:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the National Institute of Standards and Technology.

“(2) FEDERAL AGENCY.—The term ‘Federal agency’ has the meaning given such term in section 4 of the

Stevenson-Wydlar Technology Innovation Act of 1980 (15 U.S.C. 3703).

“(3) HIGH PERFORMANCE GREEN BUILDING.—The term ‘high performance green building’ has the meaning given that term by section 401(13) of the Energy Independence and Security Act of 2009 [probably should be ‘2007’] (42 U.S.C. 17061(13)).”

### § 278n-2. Green manufacturing and construction

The Director shall carry out a green manufacturing and construction initiative—

(1) to develop accurate sustainability metrics and practices for use in manufacturing;

(2) to advance the development of standards, including high performance green building standards, and the creation of an information infrastructure to communicate sustainability information about suppliers; and

(3) to move buildings toward becoming high performance green buildings, including improving energy performance, service life, and indoor air quality of new and retrofitted buildings through validated measurement data.

(Pub. L. 111-358, title IV, § 408, Jan. 4, 2011, 124 Stat. 4004.)

#### CODIFICATION

Section was enacted as part of the America COMPETES Reauthorization Act of 2010, also known as the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010, and as part of the National Institute of Standards and Technology Authorization Act of 2010, and not as part of the National Institute of Standards and Technology Act which comprises this chapter.

#### DEFINITIONS

For definitions of “Director” and “high performance green building” as used in this section, see section 409 of Pub. L. 111-358, set out as a note under section 278n-1 of this title.

### § 278o. User fees

The Institute shall not implement a policy of charging fees with respect to the use of Institute research facilities by research associates in the absence of express statutory authority to charge such fees.

(Mar. 3, 1901, ch. 872, § 30, as added Pub. L. 100-418, title V, § 5161, Aug. 23, 1988, 102 Stat. 1450.)

### § 278p. Notice to Congress

#### (a) Notice of reprogramming

If any funds authorized for carrying out this chapter are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

#### (b) Notice of reorganization

##### (1) Requirement

The Secretary shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Com-

mittees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Institute.

#### (2) “Major reorganization” defined

For purposes of this subsection, the term “major reorganization” means any reorganization of the Institute that involves the reassignment of more than 25 percent of the employees of the Institute.

(Mar. 3, 1901, ch. 872, § 31, as added Pub. L. 105-309, § 4(b), Oct. 30, 1998, 112 Stat. 2935.)

#### CHANGE OF NAME

Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

### § 278q. Appropriations; availability

Appropriations to carry out the provisions of this chapter may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

(Mar. 3, 1901, ch. 872, § 32, formerly § 18, as added Pub. L. 92-317, § 3(a), June 22, 1972, 86 Stat. 235; amended Pub. L. 95-322, § 2(b), July 21, 1978, 92 Stat. 395; Pub. L. 96-461, § 10, Oct. 15, 1980, 94 Stat. 2052; renumbered § 19, Pub. L. 99-574, § 6(a), Oct. 28, 1986, 100 Stat. 3237; renumbered § 20, Pub. L. 99-574, § 8(a), Oct. 28, 1986, 100 Stat. 3238; renumbered § 22, Pub. L. 100-235, § 3(2), Jan. 8, 1988, 101 Stat. 1724; renumbered § 32, Pub. L. 107-305, § 8(a)(1), Nov. 27, 2002, 116 Stat. 2375.)

#### CODIFICATION

Section was formerly classified to section 278h of this title prior to renumbering by Pub. L. 107-305.

Another section 32 of act Mar. 3, 1901, ch. 872, was renumbered section 35 and is set out as a Short Title note under section 271 of this title.

#### AMENDMENTS

1980—Pub. L. 96-461 substituted “Appropriations” for “(a) Appropriations” and struck out subsec. (b) which authorized appropriations to carry out provisions of this chapter, including the Working Capital Fund referred to in section 278b(a) of this title, but excluding section 278f of this title, of such sums as may be necessary for each of the fiscal years 1979 and 1980.

1978—Pub. L. 95-322 designated existing provisions as subsec. (a) and added subsec. (b).

### § 278r. Collaborative manufacturing research pilot grants

#### (a) Authority

##### (1) Establishment

The Director shall establish a pilot program of awards to partnerships among participants described in paragraph (2) for the purposes described in paragraph (3). Awards shall be made on a peer-reviewed, competitive basis.

##### (2) Participants

Such partnerships shall include at least—