

“(C) In evaluating each application, the Secretary shall consider—

“(i) the number and types of additional businesses that will be assisted under the cooperative agreement;

“(ii) the extent to which the State extension service will demonstrate new methods to increase the use of Federal technology;

“(iii) geographic diversity; and

“(iv) the ability of the State to maintain the extension service after the cooperative agreement has expired.

“(D) States which are party to cooperative agreements under this subsection may provide services directly or may arrange for the provision of any or all of such services by institutions of higher education or other non-profit institutions or organizations.

“(3) In carrying out section 26 of the Act of March 3, 1901 [15 U.S.C. 278f], and this subsection, the Secretary shall coordinate the activities with the Federal Laboratory Consortium; the National Technical Information Service; the National Science Foundation; the Office of Productivity, Technology, and Innovation; the Small Business Administration; and other appropriate Federal agencies.

“(4) There are authorized to be appropriated for the purposes of this subsection \$2,000,000 for each of the fiscal years 1989, 1990, and 1991.

“(c) FEDERAL TECHNOLOGY TRANSFER ACT OF 1986.—Nothing in sections [sic] 25 or 26 of the Act of March 3, 1901 [15 U.S.C. 278k, 278f], or in subsection (b) of this section shall be construed as limiting the authorities contained in the Federal Technology Transfer Act of 1986 (Public Law 99-502) [see Short Title of 1986 Amendments note set out under section 3701 of this title].”

**§ 278m. Repealed. Pub. L. 110-69, title III, § 3013(d), Aug. 9, 2007, 121 Stat. 599**

Section, act Mar. 3, 1901, ch. 872, §27, as added Pub. L. 100-418, title V, §5121(d), Aug. 23, 1988, 102 Stat. 1437, related to the establishment of a program for the evaluation of non-energy inventions.

**§ 278n. Repealed. Pub. L. 114-329, title II, § 205(a)(1), Jan. 6, 2017, 130 Stat. 3000**

Section, act 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, related to the Technology Innovation Program.

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.

**TECHNOLOGY INNOVATION PROGRAM**

Pub. L. 111-240, title IV, §4226(b), Sept. 27, 2010, 124 Stat. 2598, which allowed the Director of NIST to consider the potential for enhancing the competitiveness of small- and medium-sized U.S. businesses in the global marketplace when awarding grants, cooperative agreements, or contracts under this section, was repealed by Pub. L. 114-329, title II, §205(a)(2)(A), Jan. 6, 2017, 130 Stat. 3000.

**§ 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 build-

ings 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-Wylder 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