

**(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.)

**Editorial Notes**

## 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.

**Statutory Notes and Related Subsidiaries**

## 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-Wydler 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.)

**Editorial Notes**

## 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.

**Statutory Notes and Related Subsidiaries**

## 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 Committees 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.)

**Statutory Notes and Related Subsidiaries**

## 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.)

#### Editorial Notes

##### 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—

- (A) 1 manufacturing industry partner; and
- (B) 1 nonindustry partner.

###### (3) Purpose

The purpose of the program under this section is to foster cost-shared collaborations among firms, educational institutions, research institutions, State agencies, and non-profit organizations to encourage the development of innovative, multidisciplinary manufacturing technologies. Partnerships receiving awards under this section shall conduct applied research to develop new manufacturing processes, techniques, or materials that would contribute to improved performance, productivity, and competitiveness of United States manufacturing, and build lasting alliances among collaborators.

##### (b) Program contribution

Awards under this section shall provide for not more than one-third of the costs of a partnership. Not more than an additional one-third of such costs may be obtained directly or indirectly from other Federal sources.

##### (c) Applications

Applications for awards under this section shall be submitted in such manner, at such

time, and containing such information as the Director shall require. Such applications shall describe at a minimum—

(1) how each partner will participate in developing and carrying out the research agenda of the partnership;

(2) the research that the grant would fund; and

(3) how the research to be funded with the award would contribute to improved performance, productivity, and competitiveness of the United States manufacturing industry.

##### (d) Selection criteria

In selecting applications for awards under this section, the Director shall consider at a minimum—

(1) the degree to which projects will have a broad impact on manufacturing;

(2) the novelty and scientific and technical merit of the proposed projects; and

(3) the demonstrated capabilities of the applicants to successfully carry out the proposed research.

##### (e) Distribution

In selecting applications under this section the Director shall ensure, to the extent practicable, a distribution of overall awards among a variety of manufacturing industry sectors and a range of firm sizes.

##### (f) Duration

In carrying out this section, the Director shall run a single pilot competition to solicit and make awards. Each award shall be for a 3-year period.

(Mar. 3, 1901, ch. 872, §33, as added Pub. L. 110-69, title III, §3007(2), Aug. 9, 2007, 121 Stat. 591.)

#### § 278s. Manufacturing USA

##### (a) Definitions

In this section:

###### (1) Agency head

The term “agency head” means the head of any Executive agency (as defined in section 105 of title 5), other than the Department of Defense.

###### (2) Regional innovation initiative

The term “regional innovation initiative” has the meaning given such term in section 3722(f)(1) of this title.

##### (b) Establishment of Manufacturing USA Program

###### (1) In general

The Secretary shall establish within the Institute a program to be known as the “Manufacturing United States of America Program” or the “Manufacturing USA Program” (referred to in this section as the “Program”).

###### (2) Purposes of Program

The purposes of the Program are—

(A) to improve the competitiveness of United States manufacturing and to increase the production of goods manufactured predominantly within the United States;

(B) to stimulate United States leadership in advanced manufacturing research, innovation, and technology;