

PUBLIC LAW 111-358—JAN. 4, 2011

AMERICA COMPETES REAUTHORIZATION ACT  
OF 2010

## TITLE IV—NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

National  
Institute of  
Standards and  
Technology  
Authorization  
Act of 2010.

### SEC. 401. SHORT TITLE.

This title may be cited as the “National Institute of Standards and Technology Authorization Act of 2010”.

### SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

#### (a) FISCAL YEAR 2011.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce \$918,900,000 for the National Institute of Standards and Technology for fiscal year 2011.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) \$584,500,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) \$124,800,000 shall be authorized for the construction and maintenance of facilities; and

(C) \$209,600,000 shall be authorized for industrial technology services activities, of which—

(i) \$141,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l), of which not more than \$5,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(ii) \$10,000,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

#### (b) FISCAL YEAR 2012.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce \$970,800,000 for the National Institute of Standards and Technology for fiscal year 2012.

(2) SPECIFIC ALLOCATIONS.—Of the amount authorized by paragraph (1)—

(A) \$661,100,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) \$84,900,000 shall be authorized for the construction and maintenance of facilities; and

(C) \$224,800,000 shall be authorized for industrial technology services activities, of which—

(i) \$155,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l), of which not more than \$5,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(ii) \$10,300,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

#### (c) FISCAL YEAR 2013.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Commerce \$1,039,709,000 for the National Institute of Standards and Technology for fiscal year 2013.

(2) **SPECIFIC ALLOCATIONS.**—Of the amount authorized by paragraph (1)—

(A) \$676,700,000 shall be authorized for scientific and technical research and services laboratory activities;

(B) \$121,300,000 shall be authorized for the construction and maintenance of facilities; and

(C) \$241,709,000 shall be authorized for industrial technology services activities, of which—

(i) \$165,100,000 shall be authorized for the Manufacturing Extension Partnership program under sections 25 and 26 of such Act (15 U.S.C. 278k and 278l), of which not more than \$5,000,000 shall be for the competitive grant program under section 25(f) of such Act; and

(ii) \$10,609,000 shall be authorized for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

**SEC. 403. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.**

(a) **ESTABLISHMENT.**—The National Institute of Standards and Technology Act is amended by inserting after section 3 the following:

15 USC 273a.

**“SEC. 4. UNDER SECRETARY OF COMMERCE FOR STANDARDS AND TECHNOLOGY.**

“(a) **ESTABLISHMENT.**—There shall be in the Department of Commerce an Under Secretary of Commerce for Standards and Technology (in this section referred to as the ‘Under Secretary’).

President.

“(b) **APPOINTMENT.**—The Under Secretary shall be appointed by the President by and with the advice and consent of the Senate.

“(c) **COMPENSATION.**—The Under Secretary shall be compensated at the rate in effect for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(d) **DUTIES.**—The Under Secretary shall serve as the Director of the Institute and shall perform such duties as required of the Director by the Secretary under this Act or by law.

“(e) **APPLICABILITY.**—The individual serving as the Director of the Institute on the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010 shall also serve as the Under Secretary until such time as a successor is appointed under subsection (b).”

(b) **CONFORMING AMENDMENTS.**—

(1) **TITLE 5, UNITED STATES CODE.**—

(A) **LEVEL III.**—Section 5314 of title 5, United States Code, is amended by inserting before the item “Associate Attorney General” the following:

“Under Secretary of Commerce for Standards and Technology, who also serves as Director of the National Institute of Standards and Technology.”

(B) **LEVEL IV.**—Section 5315 of title 5, United States Code, is amended by striking “Director, National Institute of Standards and Technology, Department of Commerce.”

(2) **NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.**—Section 5 of the National Institute of Standards and Technology Act (15 U.S.C. 274) is amended by striking the first, fifth, and sixth sentences.

**SEC. 404. MANUFACTURING EXTENSION PARTNERSHIP.**

(a) **COMMUNITY COLLEGE SUPPORT.**—Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended—

(1) by striking “and” after the semicolon in paragraph (4);

(2) by striking “Institute.” in paragraph (5) and inserting “Institute; and”; and

(3) by adding at the end the following:

“(6) providing to community colleges information about the job skills needed in small- and medium-sized manufacturing businesses in the regions they serve.”.

(b) **INNOVATIVE SERVICES INITIATIVE.**—Section 25 of such Act (15 U.S.C. 278k) is amended by adding at the end the following:

“(g) **INNOVATIVE SERVICES INITIATIVE.**—

“(1) **ESTABLISHMENT.**—The Director shall establish, within the Centers program under this section, an innovative services initiative to assist small- and medium-sized manufacturers in—

“(A) reducing their energy usage, greenhouse gas emissions, and environmental waste to improve profitability;

“(B) accelerating the domestic commercialization of new product technologies, including components for renewable energy and energy efficiency systems; and

“(C) identification of and diversification to new markets, including support for transitioning to the production of components for renewable energy and energy efficiency systems.

“(2) **MARKET DEMAND.**—The Director may not undertake any activity to accelerate the domestic commercialization of a new product technology under this subsection unless an analysis of market demand for the new product technology has been conducted.”.

(c) **REPORTS.**—Section 25 of such Act (15 U.S.C. 278k), as amended by subsection (b), is further amended by adding at the end the following:

“(h) **REPORTS.**—

“(1) **IN GENERAL.**—In submitting the 3-year programmatic planning document and annual updates under section 23, the Director shall include an assessment of the Director’s governance of the program established under this section.

“(2) **CRITERIA.**—In conducting the assessment, the Director shall use the criteria established pursuant to the Malcolm Baldrige National Quality Award under section 17(d)(1)(C) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(d)(1)(C)).”.

(d) **HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP PROGRAM COST-SHARING.**—Section 25(c) of such Act (15 U.S.C. 278k(c)) is amended by adding at the end the following:

“(7) Not later than 90 days after the date of enactment of the National Institute of Standards and Technology Authorization Act of 2010, the Comptroller General shall submit to Congress a report on the cost share requirements under the program. The report shall—

“(A) discuss various cost share structures, including the cost share structure in place prior to such date of enactment, and the effect of such cost share structures on individual Centers and the overall program; and

Deadline.  
Reports.

“(B) include recommendations for how best to structure the cost share requirement to provide for the long-term sustainability of the program.”

“(8) If consistent with the recommendations in the report transmitted to Congress under paragraph (7), the Secretary shall alter the cost structure requirements specified under paragraph (3)(B) and (5) provided that the modification does not increase the cost share structure in place before the date of enactment of the America COMPETES Reauthorization Act of 2010, or allow the Secretary to provide a Center more than 50 percent of the costs incurred by that Center.”

(e) ADVISORY BOARD.—Section 25(e)(4) of such Act (15 U.S.C. 278k(e)(4)) is amended to read as follows:

“(4) FEDERAL ADVISORY COMMITTEE ACT APPLICABILITY.—

“(A) IN GENERAL.—In discharging its duties under this subsection, the MEP Advisory Board shall function solely in an advisory capacity, in accordance with the Federal Advisory Committee Act.

“(B) EXCEPTION.—Section 14 of the Federal Advisory Committee Act shall not apply to the MEP Advisory Board.”

(f) DESIGNATION OF PROGRAM.—

(1) IN GENERAL.—Section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), as amended by subsection (c), is further amended by adding at the end the following:

“(i) DESIGNATION.—

“(1) HOLLINGS MANUFACTURING EXTENSION PARTNERSHIP.—The program under this section shall be known as the ‘Hollings Manufacturing Extension Partnership’.

“(2) HOLLINGS MANUFACTURING EXTENSION CENTERS.—The Regional Centers for the Transfer of Manufacturing Technology created and supported under subsection (a) shall be known as the ‘Hollings Manufacturing Extension Centers’ (in this Act referred to as the ‘Centers’).”

(2) CONFORMING AMENDMENT TO CONSOLIDATED APPROPRIATIONS ACT, 2005.—Division B of title II of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2879; 15 U.S.C. 278k note) is amended under the heading “INDUSTRIAL TECHNOLOGY SERVICES” by striking “2007: *Provided further, That*” and all that follows through “Extension Centers.” and inserting “2007.”

(3) TECHNICAL AMENDMENTS.—

(A) Section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)) is amended in the matter preceding paragraph (1) by striking “Regional Centers for the Transfer of Manufacturing Technology” and inserting “regional centers for the transfer of manufacturing technology”.

(B) Section 25 of such Act (15 U.S.C. 278k), as amended by subsection (f), is further amended by adding at the end the following:

“(j) COMMUNITY COLLEGE DEFINED.—In this section, the term ‘community college’ means an institution of higher education (as defined under section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) at which the highest degree that is predominantly awarded to students is an associate’s degree.”

(h) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—Section 25 of such Act (15 U.S.C. 278k), as amended by subsection (g), is further amended by adding at the end the following:

“(k) EVALUATION OF OBSTACLES UNIQUE TO SMALL MANUFACTURERS.—The Director shall—

“(1) evaluate obstacles that are unique to small manufacturers that prevent such manufacturers from effectively competing in the global market;

“(2) implement a comprehensive plan to train the Centers to address such obstacles; and Plans.

“(3) facilitate improved communication between the Centers to assist such manufacturers in implementing appropriate, targeted solutions to such obstacles.”.

(i) NIST ACT AMENDMENT.—Section 25(f)(3) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(f)(3)) is amended by striking “Director of the Centers program,” and inserting “Director of the Hollings MEP program,”.

**SEC. 405. EMERGENCY COMMUNICATION AND TRACKING TECHNOLOGIES RESEARCH INITIATIVE.** 15 USC 278n-1.

(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 the date of enactment of this Act, 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.

**SEC. 406. BROADENING PARTICIPATION.**

(a) RESEARCH FELLOWSHIPS.—Section 18 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-1) is amended by adding at the end the following:

“(c) UNDERREPRESENTED MINORITIES.—In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.”.



(b) **POSTDOCTORAL FELLOWSHIP PROGRAM.**—Section 19 of such Act (15 U.S.C. 278g–2) is amended by adding at the end the following: “In evaluating applications for fellowships under this section, the Director shall give consideration to the goal of promoting the participation of underrepresented minorities in research areas supported by the Institute.”.

(c) **TEACHER DEVELOPMENT.**—Section 19A(c) of such Act (15 U.S.C. 278g–2a(c)) is amended by adding at the end the following: “The Director shall give special consideration to an application from a teacher from a high-need school, as defined in section 200 of the Higher Education Act of 1965 (20 U.S.C. 1021).”.

**SEC. 407. NIST FELLOWSHIPS.**

(a) **POST-DOCTORAL FELLOWSHIP PROGRAM.**—Section 19 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–2) is amended by striking “, in conjunction with the National Academy of Sciences,”.

(b) **RESEARCH FELLOWSHIPS.**—Section 18(a) of that Act (15 USC 278g–1(a)) is amended by striking “up to 1.5 percent of the”.

(c) **COMMERCE, SCIENCE, AND TECHNOLOGY FELLOWSHIP PROGRAM.**—Section 5163(d) of the Omnibus Trade and Competition Act of 1988 (15 U.S.C. 1533) is repealed.

15 USC 278n–2.

**SEC. 408. 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.

15 USC 278n–1  
note.

**SEC. 409. DEFINITIONS.**

In 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 (42 U.S.C. 17061(13)).