

116TH CONGRESS
1ST SESSION

H. R. 2397

AN ACT

To amend the National Institute of Standards and Technology Act to make changes to the implementation of the Manufacturing USA Network, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Manufac-
3 turing Leadership Act”.

4 **SEC. 2. CHANGES IN IMPLEMENTATION OF MANUFAC-**
5 **TURING USA.**

6 Section 34 of the National Institute of Standards and
7 Technology Act (15 U.S.C. 278s) is amended—

8 (1) in the section heading by striking “**NET-**
9 **WORK FOR MANUFACTURING INNOVATION**” and
10 inserting “**MANUFACTURING USA NETWORK**”;

11 (2) by striking “centers for manufacturing in-
12 novation” each place it appears in subsections
13 (a)(3)(B), (b)(1), (d), (g), and (i) and inserting
14 “Manufacturing USA institutes”;

15 (3) by striking “center for manufacturing inno-
16 vation” each place it appears in subsections (d)(1),
17 (d)(4)(E), (g), and (h)(1) and inserting “Manufac-
18 turing USA institute”;

19 (4) by striking “center” each place it appears
20 in subsection (d)(2), (d)(4)(E), and (d)(5) and in-
21 serting “Manufacturing USA institute”;

22 (5) in subsection (a)—

23 (A) in the subsection heading, by striking
24 “**NETWORK FOR MANUFACTURING INNOVATION**
25 **PROGRAM**” and inserting “**MANUFACTURING**
26 **USA PROGRAM**”;

1 (B) in paragraph (1), by striking “‘Net-
2 work for Manufacturing Innovation Program’”
3 and inserting “‘Manufacturing USA Pro-
4 gram’”;

5 (C) in paragraph (2)—

6 (i) in subparagraph (G), by striking
7 “and” at the end;

8 (ii) in subparagraph (H), by striking
9 the period at the end and inserting “;
10 and”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(I) to contribute to the development of re-
14 gional manufacturing innovation clusters across
15 the Nation.”; and

16 (D) in paragraph (3)(A), by striking “Net-
17 work for Manufacturing Innovation” and insert-
18 ing “Manufacturing USA Network”;

19 (6) in subsection (b)—

20 (A) in the subsection heading, by striking
21 “NETWORK FOR MANUFACTURING INNOVA-
22 TION” and inserting “MANUFACTURING USA
23 NETWORK”; and

1 (B) in paragraph (2), by striking “‘Net-
2 work for Manufacturing Innovation’” and in-
3 sserting “‘Manufacturing USA Network’”;

4 (7) in subsection (c)—

5 (A) in the subsection heading, by striking
6 “CENTERS FOR MANUFACTURING INNOVA-
7 TION” and inserting “MANUFACTURING USA
8 INSTITUTES”;

9 (B) in paragraph (1)—

10 (i) in the matter preceding subpara-
11 graph (A), by striking “‘center for manu-
12 facturing innovation’ is a center” and in-
13 sserting “‘Manufacturing USA institute’ is
14 an institute”;

15 (ii) by striking “Secretary” each place
16 it appears in subparagraph (C) and (D)
17 and inserting “agency head”;

18 (C) in paragraph (2)—

19 (i) in the matter preceding subpara-
20 graph (A), by striking “center for manu-
21 facturing innovation” and inserting “Man-
22 ufacturing USA institute”;

23 (ii) by striking subparagraph (E);

24 (iii) by redesignating subparagraphs
25 (A), (B), (C), and (D) as clauses (i), (ii),

1 (iii), and (iv), respectively, and moving the
2 margins of such clauses (as so redesignated)
3 nated) two ems to the right;

4 (iv) in the matter preceding clause (i)
5 (as so redesignated), by striking “Activities
6 of a Manufacturing USA institute may include”
7 and inserting the following:

8 “(A) REQUIRED ACTIVITIES.—Activities of
9 a Manufacturing USA institute shall include”;

10 (v) in clause (i), as so redesignated,
11 by striking “cost, time, and risk” and inserting
12 “cost, time, or risk”;

13 (vi) in clause (ii), as so redesignated,
14 by inserting before the period at the end
15 the following: “addressing workforce needs
16 through training and education programs
17 at all appropriate education levels, including
18 programs on applied engineering”;

19 (vii) in clause (iii), as so redesignated,
20 by inserting before the period at the end
21 the following: “, as appropriate”;

22 (viii) in clause (iv), as so redesignated,
23 by striking “women and minority
24 owned” and inserting “women, minority,
25 and veteran owned”

1 (ix) by inserting after clause (iv) (as
2 so redesignated) the following:

3 “(v) Development of roadmaps or
4 leveraging of existing roadmaps with re-
5 spect to technology areas being pursued by
6 that Manufacturing USA institute that
7 take into account the research and develop-
8 ment undertaken at other Manufacturing
9 USA institutes and Federal agencies with
10 respect to such areas.”; and

11 (x) by adding at the end the following:

12 “(B) PERMISSIBLE ACTIVITIES.—Activities
13 of a Manufacturing USA institute may include
14 such other activities as the agency head, in con-
15 sultation with Federal departments and agen-
16 cies whose missions contribute to, or are af-
17 fected by, advanced manufacturing, considers
18 consistent with the purposes described in sub-
19 section (a)(2).”; and

20 (D) in paragraph (3)—

21 (i) in subparagraph (A), by striking
22 “centers for manufacturing innovation”
23 and inserting “Manufacturing USA insti-
24 tutes”;

1 (ii) in subparagraph (B), by striking
2 “center for manufacturing innovation” and
3 inserting “Manufacturing USA institute”;
4 and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(C) APPLICATION.—Effective beginning
8 on the date of the enactment of the American
9 Manufacturing Leadership Act, an institute
10 shall be subject to subsections (a)(2), (c), and
11 (d) in the same manner and to the same extent
12 as such provisions apply to a Manufacturing
13 USA institute established pursuant to this sec-
14 tion if such institute—

15 “(i)(I) is, as of such date of enact-
16 ment, considered a Manufacturing USA in-
17 stitute under subparagraph (A) or recog-
18 nized as a Manufacturing USA institute
19 under subparagraph (B); and

20 “(II) as of such date of enactment, re-
21 ceives Federal financial assistance under
22 subsection (d) or otherwise consistent with
23 the purposes of this section; or

1 “(ii) is under pending agency review
2 for such recognition as of such date of en-
3 actment.”;

4 (8) in subsection (d)—

5 (A) in paragraph (1)—

6 (i) by striking “Secretary” and insert-
7 ing “agency head”; and

8 (ii) by inserting “for a period of not
9 less than 5 and not more than 7 years”
10 after “financial assistance”;

11 (B) in paragraph (2), by striking “Sec-
12 retary” each place it appears and inserting
13 “agency head”;

14 (C) by striking paragraph (3);

15 (D) in paragraph (4)—

16 (i) by amending subparagraph (A) to
17 read as follows:

18 “(A) COMPETITIVE, MERIT REVIEW.—In
19 awarding financial assistance under paragraph
20 (1), the agency head shall—

21 “(i) use a competitive, merit review
22 process that includes peer review by a di-
23 verse group of individuals with relevant ex-
24 pertise from both the private and public
25 sectors; and

1 “(ii) ensure that the technology focus
2 of a Manufacturing USA institute does not
3 substantially duplicate the technology focus
4 of any other Manufacturing USA insti-
5 tute.”;

6 (ii) in subparagraph (B)(i), by strik-
7 ing “Secretary” and inserting “agency
8 head”;

9 (iii) by amending subparagraph (C) to
10 read as follows:

11 “(C) PERFORMANCE MEASUREMENT,
12 TRANSPARENCY, AND ACCOUNTABILITY.—For
13 each award of financial assistance under para-
14 graph (1), the agency head shall develop and
15 implement metrics-based performance standards
16 to assess the effectiveness of activities funded in
17 making progress toward the purposes of the
18 Program, including the effectiveness of Manu-
19 facturing USA institutes in advancing tech-
20 nology readiness levels or manufacturing readi-
21 ness levels.”;

22 (iv) in subparagraph (D), by striking
23 “the Secretary shall” and all that follows
24 through “collaborate” and inserting the
25 following: “the agency head, in coordina-

1 tion with the National Program Office, as
2 appropriate, shall collaborate”; and

3 (v) in subparagraph (E)—

4 (I) in the matter preceding clause

5 (i), by striking “Secretary” and in-
6 serting “agency head”; and

7 (II) in clause (x), by striking

8 “center for manufacturing” and in-
9 serting “Manufacturing USA insti-
10 tute”; and

11 (E) in paragraph (5)—

12 (i) by amending subparagraph (A) to
13 read as follows:

14 “(A) TERM OF AWARD.—

15 “(i) IN GENERAL.—Subject to clause
16 (ii), an award made to a Manufacturing
17 USA institute may be renewed for an addi-
18 tional period not to exceed the duration of
19 the original funding award, subject to a
20 rigorous merit review. In awarding addi-
21 tional funds, the agency head shall con-
22 sider the extent to which the institute has
23 made progress in achieving the purposes
24 described in subsection (a) and carrying

1 out the activities specified in subsection
2 (c)(2).

3 “(ii) EXISTING INSTITUTES.—Not-
4 withstanding clause (i), an institute al-
5 ready in existence or undergoing a renewal
6 process on the date of enactment of the
7 American Manufacturing Leadership Act—

8 “(I) may continue to receive sup-
9 port for the duration of the original
10 funding award beginning on the date
11 of establishment of that institute; and

12 “(II) shall be eligible for renewal
13 of that funding pursuant to clause
14 (i).”;

15 (ii) in subparagraph (B), by striking
16 “Secretary” each place it appears and in-
17 serting “agency head”; and

18 (iii) by striking subparagraph (C);

19 (9) by amending subsection (e) to read as fol-
20 lows:

21 “(e) GRANT PROGRAM FOR PUBLIC SERVICE ACTIVI-
22 TIES FOR MANUFACTURING USA INSTITUTES WITHOUT
23 FEDERAL FUNDING.—The Secretary may award grants
24 on a competitive basis to Manufacturing USA institutes
25 that are no longer recognized as such under subsection

1 (c)(3)(C) to carry out workforce development, outreach to
2 small- and medium-sized manufacturers, and other activi-
3 ties that—

4 “(1) are determined by the Secretary to be in
5 the national interest; and

6 “(2) are unlikely to receive private sector finan-
7 cial support.”;

8 (10) in subsection (f)—

9 (A) in paragraph (1), by striking “Net-
10 work for Manufacturing Innovation Program”
11 and inserting “Manufacturing USA Program”;

12 (B) in paragraph (2)—

13 (i) in subparagraph (E), by striking
14 “and” at the end;

15 (ii) in subparagraph (F), by striking
16 the period at the end and inserting a semi-
17 colon; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(G) to work with non-sponsoring Federal
21 agencies to explore and develop options for
22 sponsoring Manufacturing USA institutes at
23 such agencies;

24 “(H) to work with sponsoring Federal
25 agencies to develop and implement network-

1 wide performance goals with measurable targets
2 and timelines;

3 “(I) to help develop pilot programs that
4 may be implemented by the Manufacturing
5 USA institutes to address specific purposes of
6 the Program, including to accelerate technology
7 transfer to the private sector; and

8 “(J) to identify and disseminate best prac-
9 tices for workforce education and training
10 across Manufacturing USA institutes and fur-
11 ther enhance collaboration among Manufac-
12 turing USA institutes in developing and imple-
13 menting such practices.”; and

14 (C) by amending paragraph (5) to read as
15 follows:

16 “(5) HOLLINGS MANUFACTURING EXTENSION
17 PARTNERSHIP.—The Secretary shall ensure that the
18 National Program Office incorporates the Hollings
19 Manufacturing Extension Partnership into Program
20 planning to ensure—

21 “(A) significant outreach to, participation
22 of, and engagement of small- and medium-sized
23 manufacturers in Manufacturing USA insti-
24 tutes across the entirety of the manufacturing
25 supply chain; and

1 “(B) that the results of the Program, in-
2 cluding technologies developed by the Program,
3 reach small- and medium-sized manufacturers
4 and that such entities have access to technical
5 assistance, as appropriate, in deploying those
6 technologies.”;

7 (11) in subsection (g)—

8 (A) in paragraph (1)(A)—

9 (i) by striking “The Secretary” and
10 all that follows through “report to the Sec-
11 retary” and inserting the following: “Each
12 agency head shall require each recipient of
13 financial assistance from that agency
14 under subsection (d)(1) and any other in-
15 stitutes considered to be Manufacturing
16 USA institutes pursuant to subsection
17 (c)(3) to annually submit to the appro-
18 priate agency head a report”; and

19 (ii) by adding at the end the fol-
20 lowing: “Each agency head shall submit
21 such reports to the Secretary.”; and

22 (B) by amending paragraph (3) to read as
23 follows:

24 “(3) ASSESSMENTS BY GAO.—

1 “(A) ASSESSMENTS.—Not less frequently
2 than once every 3 years, the Comptroller Gen-
3 eral shall submit to Congress an assessment of
4 the operation of the Program during the most
5 recent 3-year period, including an assessment of
6 the progress made towards achieving the goals
7 specified in the national strategic plan for ad-
8 vanced manufacturing required under section
9 102(b)(7) of the America COMPETES Reau-
10 thorization Act of 2010 (42 U.S.C. 6622(b)(7)).

11 “(B) ELEMENTS.—Each assessment sub-
12 mitted under subparagraph (A) shall include,
13 for the period covered by the report—

14 “(i) a review of the management, co-
15 ordination, and industry utility of the Pro-
16 gram;

17 “(ii) an assessment of the extent to
18 which the Program has furthered the pur-
19 poses described in subsection (a)(2);

20 “(iii) such recommendations for legis-
21 lative and administrative action as the
22 Comptroller General considers appropriate
23 to improve the Program; and

24 “(iv) an assessment as to whether any
25 prior recommendations for improvement

1 made by the Comptroller General have
2 been implemented or adopted.”;

3 (12) in subsection (h)—

4 (A) in paragraph (2), by striking “sub-
5 section (e)” and inserting “subsection (k)”; and

6 (B) by adding at the end the following:

7 “(7) COLLABORATIONS WITH OTHER FEDERAL
8 AGENCIES.—The Secretary shall collaborate with
9 Federal agencies whose missions contribute to, or
10 are affected by, advanced manufacturing to identify
11 and leverage existing resources at such Federal
12 agencies to assist Manufacturing USA institutes in
13 carrying out the purposes of the program specified
14 in subsection (a)(2). Such existing resources may in-
15 clude programs—

16 “(A) at the Department of Labor relating
17 to labor and apprenticeships;

18 “(B) at the Economic Development Ad-
19 ministration relating to regional innovation,
20 such as the Regional Innovation Strategies pro-
21 gram;

22 “(C) at the Department of Education re-
23 lating to workforce development, education,
24 training, and retraining;

1 “(D) at the Department of Defense relat-
2 ing to procurement and other authorities of the
3 Department of Defense;

4 “(E) at the Food and Drug Administration
5 relating to biopharmaceutical manufacturing;

6 “(F) at the National Science Foundation,
7 including the Advanced Technological Edu-
8 cation program;

9 “(G) at the National Aeronautics and
10 Space Administration relating to procurement,
11 workforce development, education, training, and
12 retraining; and

13 “(H) additional programs that the Sec-
14 retary determines are appropriate to support
15 the activities of existing Manufacturing USA
16 institutes.”; and

17 (13) by adding at the end the following:

18 “(j) DEFINITIONS.—In this section:

19 “(1) AGENCY HEAD.—The term ‘agency head’
20 means the head of any Executive agency (as defined
21 in section 105 of title 5, United States Code), ex-
22 cluding the Department of Defense, that is providing
23 financial assistance for a Manufacturing USA insti-
24 tute, including the Secretary of Commerce and the
25 Secretary of Energy.

1 “(2) REGIONAL INNOVATION CLUSTER.—The
2 term ‘regional innovation cluster’ has the meaning
3 given such term in section 27(f)(1) of the Stevenson-
4 Wydler Technology Innovation Act of 1980 (15
5 U.S.C. 3722(f)(1)).

6 “(k) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) NIST.—There are authorized to be appro-
8 priated to the Secretary to carry out this section
9 \$25,000,000 for each of fiscal years 2020 through
10 2024.

11 “(2) RESERVATION.—Of the amount made
12 available under paragraph (1) the Secretary shall re-
13 serve not less than \$5,000,000 for the National Of-
14 fice of the Manufacturing USA Program established
15 under subsection (f).

16 “(3) DEPARTMENT OF ENERGY.—For Manufac-
17 turing USA institutes operated by the Department
18 of Energy, there are authorized to be appropriated
19 to the Secretary of Energy—

20 “(A) \$70,000,000 for each of fiscal years
21 2020, 2021, and 2022; and

22 “(B) \$84,000,000 for each of fiscal years
23 2023 and 2024.”.

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To amend the National Institute of Standards and Technology Act to make changes to the implementation of the Manufacturing USA Network, and for other purposes.