

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1956

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## AN ACT

To improve the commercialization of Federal research by  
domestic manufacturers, 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 “Invent Here, Make  
3 Here Act of 2024”.

4 **SEC. 2. IMPROVEMENT OF COMMERCIALIZATION OF FED-  
5 ERAL RESEARCH BY DOMESTIC MANUFAC-  
6 TURERS.**

7 Section 2 of the National Institute of Standards and  
8 Technology Act (15 U.S.C. 272) is amended by adding  
9 at the end the following:

10 “(f) **COMMERCIALIZATION OF FEDERAL RESEARCH**  
11 **BY DOMESTIC MANUFACTURERS.**—In order for the Insti-  
12 tute to meet the need described in section 1(a)(1) and  
13 most effectively carry out the activities under subsection  
14 (c)(1) of this section, the Director shall—

15 “(1) coordinate with the Secretary of Defense,  
16 the Secretary of Energy, the Director of the Na-  
17 tional Science Foundation, and industry organiza-  
18 tions to identify domestic manufacturers that can  
19 develop commercial products based on completed re-  
20 search conducted by Federal agencies;

21 “(2) work with the Administrator of the Small  
22 Business Administration to identify domestic inves-  
23 tors to support the development of commercial prod-  
24 ucts based on research conducted by Federal agen-  
25 cies; and

1           “(3) maintain a publicly accessible and search-  
2           able database of domestic manufacturers and their  
3           capabilities with respect to commercialization of fed-  
4           erally funded research.”.

5 **SEC. 3. STUDY AND COMPREHENSIVE REVIEW OF COMMER-**  
6 **CIALIZATION OF FEDERAL RESEARCH BY DO-**  
7 **MESTIC MANUFACTURERS.**

8           Not later than 540 days after the date of enactment  
9 of this Act, the Director of the National Institute of  
10 Standards and Technology shall—

11           (1) complete a study and comprehensive review  
12 of the commercialization of Federal research by do-  
13 mestic manufacturers that—

14           (A) addresses—

15                   (i) what barriers currently (as of the  
16 date on which the study is completed) exist  
17 for domestic manufacturers to commer-  
18 cialize Federal research; and

19                   (ii) what role investment and the  
20 availability of investors plays in the en-  
21 couragement or discouragement of the  
22 commercialization of Federal research by  
23 domestic manufacturers; and

24           (B) provides recommendations for modi-  
25 fications to the comprehensive strategic plan de-

1           veloped and implemented pursuant to section  
2           107 of the American Innovation and Competi-  
3           tiveness Act (15 U.S.C. 272 note) to ensure  
4           that Federal science, engineering, and tech-  
5           nology research is being transferred to domestic  
6           manufacturers to modernize manufacturing  
7           processes in accordance with section 2(b)(1) of  
8           the National Institute of Standards and Tech-  
9           nology Act (15 U.S.C. 272(b)(1)); and  
10          (2) submit to the Committee on Commerce,  
11          Science, and Transportation of the Senate, the Com-  
12          mittee on the Judiciary of the Senate, the Com-  
13          mittee on Science, Space, and Technology of the  
14          House of Representatives, and the Committee on the  
15          Judiciary of the House of Representatives a report  
16          on the findings of the Director with respect to the  
17          study and review completed under paragraph (1).

18 **SEC. 4. PREFERENCE FOR UNITED STATES INDUSTRY.**

19          Section 204 of title 35, United States Code, is  
20          amended to read as follows:

21 **“§ 204. Preference for United States industry**

22          “(a) DEFINITIONS.—In this section:

23                  “(1) COUNTRY OF CONCERN.—The term ‘coun-  
24          try of concern’ has the meaning given the term ‘cov-  
25          ered nation’ in section 4872(d) of title 10.

1           “(2) RELEVANT CONGRESSIONAL COMMIT-  
2           TEES.—The term ‘relevant congressional commit-  
3           tees’ means—

4                   “(A) the Committee on Commerce,  
5                   Science, and Transportation of the Senate;

6                   “(B) the Committee on the Judiciary of  
7                   the Senate;

8                   “(C) the Committee on Science, Space, and  
9                   Technology of the House of Representatives;  
10                  and

11                  “(D) the Committee on the Judiciary of  
12                  the House of Representatives.

13           “(b) GENERAL PREFERENCE.—Notwithstanding any  
14 other provision of this chapter, and subject to subsection  
15 (c), no small business firm or nonprofit organization which  
16 receives title to any subject invention and no assignee of  
17 any such small business firm or nonprofit organization  
18 shall grant to any person the exclusive right to use or sell  
19 any subject invention in the United States unless such per-  
20 son agrees that any products embodying the subject inven-  
21 tion or produced through the use of the subject invention  
22 will be manufactured substantially in the United States.

23           “(c) WAIVERS.—

24                   “(1) IN GENERAL.—In individual cases, subject  
25                  to paragraphs (2) and (3), the Federal agency under

1 whose funding agreement the applicable subject in-  
2 vention was made may waive the requirement for an  
3 agreement described in subsection (b) upon a show-  
4 ing by the applicable small business firm, nonprofit  
5 organization, or assignee that reasonable but unsuc-  
6 cessful efforts have been made to grant licenses on  
7 similar terms to potential licensees that would be  
8 likely to manufacture substantially in the United  
9 States or that under the circumstances domestic  
10 manufacture is not commercially feasible.

11 “(2) REVIEW TIMELINE.—Not later than 90  
12 days after the date on which a Federal agency re-  
13 ceives a request for a waiver described in paragraph  
14 (1) and with respect to which paragraph (3) does  
15 not apply, the Federal agency shall issue a decision  
16 regarding whether to grant the request.

17 “(3) PROHIBITION ON GRANTING CERTAIN  
18 WAIVERS WITHOUT PRESIDENTIAL AUTHORIZA-  
19 TION.—If granting a waiver under paragraph (1)  
20 would result in products embodying the applicable  
21 subject invention or produced through the use of the  
22 applicable subject invention being manufactured sub-  
23 stantially in a country of concern, the applicable  
24 Federal agency may not grant the waiver without

1 the written authorization of the President (or a des-  
2 ignee of the President).

3 “(4) ANNUAL REPORT TO CONGRESSIONAL  
4 COMMITTEES.—

5 “(A) IN GENERAL.—Not later than 1 year  
6 after the date of enactment of the Invent Here,  
7 Make Here Act of 2024, and annually there-  
8 after, each Federal agency with respect to  
9 which, during the preceding year, a nonprofit  
10 organization or small business firm that is a  
11 party to a funding agreement with the Federal  
12 agency elected to retain title under section 202  
13 to the subject invention that was the subject of  
14 that funding agreement shall submit to the rel-  
15 evant congressional committees a report that  
16 includes the information described in subpara-  
17 graph (B).

18 “(B) CONTENTS.—Each report required  
19 under subparagraph (A) shall include, for the  
20 period covered by the report—

21 “(i) with respect to each request re-  
22 ceived by the applicable Federal agency for  
23 a waiver under this subsection, information  
24 regarding—

1                   “(I) the subject invention that is  
2                   the subject of the request;

3                   “(II) the efforts made by the en-  
4                   tity seeking the waiver to grant the  
5                   exclusive right to use or sell the appli-  
6                   cable subject invention to a person  
7                   that would agree that any products  
8                   embodying the subject invention or  
9                   produced through the use of the sub-  
10                  ject invention would be manufactured  
11                  substantially in the United States;  
12                  and

13                  “(III) in which markets the prod-  
14                  ucts embodying the applicable subject  
15                  invention or produced through the use  
16                  of the applicable subject invention will  
17                  be sold; and

18                  “(ii) with respect to a small business  
19                  firm or nonprofit organization that is  
20                  based in the United States and has elected  
21                  to retain title to a subject invention pursu-  
22                  ant to section 202, whether that firm or  
23                  organization intends to manufacture that  
24                  subject invention in a foreign country for  
25                  a foreign market.



1           “(C) PRESERVATION OF CONFIDEN-  
 2           TIALITY.—Each Federal agency that is required  
 3           to submit a report under this paragraph shall  
 4           preserve the confidentiality or trade sensitive  
 5           nature of all information included in each such  
 6           report.”.

7 **SEC. 5. AMENDMENTS TO THE DIRECTORATE FOR TECH-**  
 8           **NOLOGY, INNOVATION, AND PARTNERSHIPS.**

9           Subtitle G of title III of the Research and Develop-  
 10          ment, Competition, and Innovation Act (42 U.S.C. 19101  
 11          et seq.) is amended—

12           (1) in section 10382—

13           (A) in paragraph (2), by striking “and”  
 14           after the semicolon;

15           (B) in paragraph (3), by striking the pe-  
 16           riod at the end and inserting “; and”; and

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

18           “(4) strongly encourage that products developed  
 19           through research funded by the Directorate will be  
 20           manufactured in the United States.”;

21           (2) in section 10383—

22           (A) in paragraph (2), in the matter pre-  
 23           ceding subparagraph (A), by striking “prod-  
 24           ucts,” and inserting “products that will be  
 25           manufactured in the United States,”;

1 (B) in paragraph (4)(C), by inserting  
2 “producing,” after “capable of”;

3 (C) in paragraph (6), by striking “and”  
4 after the semicolon;

5 (D) in paragraph (7), by striking the pe-  
6 riod at the end and inserting “; and”; and

7 (E) by adding at the end the following:

8 “(8) develop industrial capacity to produce in-  
9 novations competitively in the United States for the  
10 global marketplace.”;

11 (3) in section 10384—

12 (A) in paragraph (1), by striking “and”  
13 after the semicolon;

14 (B) in paragraph (2), by striking the pe-  
15 riod at the end and inserting “; and”; and

16 (C) by adding at the end the following:

17 “(3) maximizes economic benefits by ensuring  
18 that innovations developed from research awards are  
19 produced in the United States.”;

20 (4) in section 10385—

21 (A) in subsection (b)(1), by striking “and  
22 commercialization” and inserting “commer-  
23 cialization, and domestic production”; and

1 (B) in subsection (c)(2), by striking “and  
2 commercialization” and inserting “commer-  
3 cialization, and domestic production”;

4 (5) in section 10386(b)(2), by inserting “with  
5 domestic manufacturing operations” after “private  
6 sector”;

7 (6) in section 10389(a), by striking “and com-  
8 mercialization” and inserting “commercialization,  
9 and domestic production”;

10 (7) in section 10391(a), by striking “and com-  
11 mercialization” and inserting “commercialization,  
12 and domestic production”; and

13 (8) in section 10394(f)(5), by striking “and, as  
14 appropriate, commercializing” and inserting “, com-  
15 mercializing, and producing”.

Passed the Senate December 3, 2024.

Attest:

*Secretary.*

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