

Suspend the Rules and Pass the Bill, H.R. 2397, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

116TH CONGRESS
1ST SESSION

H. R. 2397

To amend the National Institute of Standards and Technology Act to make changes to the implementation of the network for manufacturing innovation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2019

Ms. STEVENS (for herself, Mr. BALDERSON, Mr. KENNEDY, Mr. REED, Ms. JOHNSON of Texas, and Mr. GONZALEZ of Ohio) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To amend the National Institute of Standards and Technology Act to make changes to the implementation of the network for manufacturing innovation, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Manufac-
5 turing Leadership Act”.

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

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

5 (1) in the section heading by striking “**NET-**
6 **WORK FOR MANUFACTURING INNOVATION**” and
7 inserting “**MANUFACTURING USA NETWORK**”;

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

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

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

19 (5) in subsection (a)—

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

24 (B) in paragraph (1), by striking “‘Net-
25 work for Manufacturing Innovation Program’”

1 and inserting “‘Manufacturing USA Pro-
2 gram’”;

3 (C) in paragraph (2)—

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

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

9 (iii) by adding at the end the fol-
10 lowing:

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

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

17 (6) in subsection (b)—

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

22 (B) in paragraph (2), by striking “‘Net-
23 work for Manufacturing Innovation’” and in-
24 serting “‘Manufacturing USA Network’”;

25 (7) in subsection (c)—

1 (A) in the subsection heading, by striking
2 “CENTERS FOR MANUFACTURING INNOVA-
3 TION” and inserting “MANUFACTURING USA
4 INSTITUTES”;

5 (B) in paragraph (1)—

6 (i) in the matter preceding subpara-
7 graph (A), by striking “‘center for manu-
8 facturing innovation’ is a center” and in-
9 serting “‘Manufacturing USA institute’ is
10 an institute”;

11 (ii) by striking “Secretary” each place
12 it appears in subparagraph (C) and (D)
13 and inserting “agency head”;

14 (C) in paragraph (2)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “center for manu-
17 facturing innovation” and inserting “Man-
18 ufacturing USA institute”;

19 (ii) by striking subparagraph (E);

20 (iii) by redesignating subparagraphs
21 (A), (B), (C), and (D) as clauses (i), (ii),
22 (iii), and (iv), respectively, and moving the
23 margins of such clauses (as so redesign-
24 ated) two ems to the right;

1 (iv) in the matter preceding clause (i)
2 (as so redesignated), by striking “Activities
3 of a Manufacturing USA institute may in-
4 clude” and inserting the following:

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

7 (v) in clause (i), as so redesignated,
8 by striking “cost, time, and risk” and in-
9 serting “cost, time, or risk”;

10 (vi) in clause (ii), as so redesignated,
11 by inserting before the period at the end
12 the following: “addressing workforce needs
13 through training and education programs
14 at all appropriate education levels, includ-
15 ing programs on applied engineering”;

16 (vii) in clause (iii), as so redesignated,
17 by inserting before the period at the end
18 the following: “, as appropriate”;

19 (viii) in clause (iv), as so redesign-
20 ated, by striking “women and minority
21 owned” and inserting “women, minority,
22 and veteran owned”

23 (ix) by inserting after clause (iv) (as
24 so redesignated) the following:

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

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

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

18 (D) in paragraph (3)—

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

23 (ii) in subparagraph (B), by striking
24 “center for manufacturing innovation” and

1 inserting “Manufacturing USA institute”;
2 and

3 (iii) by adding at the end the fol-
4 lowing:

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

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

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

22 “(ii) is under pending agency review
23 for such recognition as of such date of en-
24 actment.”;

25 (8) in subsection (d)—

1 (A) in paragraph (1)—

2 (i) by striking “Secretary” and insert-
3 ing “agency head”; and

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

7 (B) in paragraph (2), by striking “Sec-
8 retary” each place it appears and inserting
9 “agency head”;

10 (C) by striking paragraph (3);

11 (D) in paragraph (4)—

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

14 “(A) COMPETITIVE, MERIT REVIEW.—In
15 awarding financial assistance under paragraph
16 (1), the agency head shall—

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

22 “(ii) ensure that the technology focus
23 of a Manufacturing USA institute does not
24 substantially duplicate the technology focus

1 of any other Manufacturing USA insti-
2 tute.”;

3 (ii) in subparagraph (B)(i), by strik-
4 ing “Secretary” and inserting “agency
5 head”;

6 (iii) by amending subparagraph (C) to
7 read as follows:

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

19 (iv) in subparagraph (D), by striking
20 “the Secretary shall” and all that follows
21 through “collaborate” and inserting the
22 following: “the agency head, in coordina-
23 tion with the National Program Office, as
24 appropriate, shall collaborate”; and

25 (v) in subparagraph (E)—

1 (I) in the matter preceding clause
2 (i), by striking “Secretary” and in-
3 serting “agency head”; and

4 (II) in clause (x), by striking
5 “center for manufacturing” and in-
6 serting “Manufacturing USA insti-
7 tute”; and

8 (E) in paragraph (5)—

9 (i) by amending subparagraph (A) to
10 read as follows:

11 “(A) TERM OF AWARD.—

12 “(i) IN GENERAL.—Subject to clause
13 (ii), an award made to a Manufacturing
14 USA institute may be renewed for an addi-
15 tional period not to exceed the duration of
16 the original funding award, subject to a
17 rigorous merit review. In awarding addi-
18 tional funds, the agency head shall con-
19 sider the extent to which the institute has
20 made progress in achieving the purposes
21 described in subsection (a) and carrying
22 out the activities specified in subsection
23 (c)(2).

24 “(ii) EXISTING INSTITUTES.—Not-
25 withstanding clause (i), an institute al-

1 ready in existence or undergoing a renewal
2 process on the date of enactment of the
3 American Manufacturing Leadership Act—

4 “(I) may continue to receive sup-
5 port for the duration of the original
6 funding award beginning on the date
7 of establishment of that institute; and

8 “(II) shall be eligible for renewal
9 of that funding pursuant to clause
10 (i).”;

11 (ii) in subparagraph (B), by striking
12 “Secretary” each place it appears and in-
13 serting “agency head”; and

14 (iii) by striking subparagraph (C);

15 (9) by amending subsection (e) to read as fol-
16 lows:

17 “(e) GRANT PROGRAM FOR PUBLIC SERVICE ACTIVI-
18 TIES FOR MANUFACTURING USA INSTITUTES WITHOUT
19 FEDERAL FUNDING.—The Secretary may award grants
20 on a competitive basis to Manufacturing USA institutes
21 that are no longer recognized as such under subsection
22 (c)(3)(C) to carry out workforce development, outreach to
23 small- and medium-sized manufacturers, and other activi-
24 ties that—

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

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

5 (10) in subsection (f)—

6 (A) in paragraph (1), by striking “Net-
7 work for Manufacturing Innovation Program”
8 and inserting “Manufacturing USA Program”;

9 (B) in paragraph (2)—

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

12 (ii) in subparagraph (F), by striking
13 the period at the end and inserting a semi-
14 colon; and

15 (iii) by adding at the end the fol-
16 lowing:

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

21 “(H) to work with sponsoring Federal
22 agencies to develop and implement network-
23 wide performance goals with measurable targets
24 and timelines;

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

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

12 (C) by amending paragraph (5) to read as
13 follows:

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

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

24 “(B) that the results of the Program, in-
25 cluding technologies developed by the Program,

1 reach small- and medium-sized manufacturers
2 and that such entities have access to technical
3 assistance, as appropriate, in deploying those
4 technologies.”;

5 (11) in subsection (g)—

6 (A) in paragraph (1)(A)—

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

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

20 (B) by amending paragraph (3) to read as
21 follows:

22 “(3) ASSESSMENTS BY GAO.—

23 “(A) ASSESSMENTS.—Not less frequently
24 than once every 3 years, the Comptroller Gen-
25 eral shall submit to Congress an assessment of

1 the operation of the Program during the most
2 recent 3-year period, including an assessment of
3 the progress made towards achieving the goals
4 specified in the national strategic plan for ad-
5 vanced manufacturing required under section
6 102(b)(7) of the America COMPETES Reau-
7 thorization Act of 2010 (42 U.S.C. 6622(b)(7)).

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

11 “(i) a review of the management, co-
12 ordination, and industry utility of the Pro-
13 gram;

14 “(ii) an assessment of the extent to
15 which the Program has furthered the pur-
16 poses described in subsection (a)(2);

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

21 “(iv) an assessment as to whether any
22 prior recommendations for improvement
23 made by the Comptroller General have
24 been implemented or adopted.”;

25 (12) in subsection (h)—

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

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

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

13 “(A) at the Department of Labor relating
14 to labor and apprenticeships;

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

19 “(C) at the Department of Education re-
20 lating to workforce development, education,
21 training, and retraining;

22 “(D) at the Department of Defense relat-
23 ing to procurement and other authorities of the
24 Department of Defense;

1 “(E) at the Food and Drug Administration
2 relating to biopharmaceutical manufacturing;

3 “(F) at the National Science Foundation,
4 including the Advanced Technological Edu-
5 cation program;

6 “(G) at the National Aeronautics and
7 Space Administration relating to procurement,
8 workforce development, education, training, and
9 retraining; and

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

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

15 “(j) DEFINITIONS.—In this section:

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

23 “(2) REGIONAL INNOVATION CLUSTER.—The
24 term ‘regional innovation cluster’ has the meaning
25 given such term in section 27(f)(1) of the Stevenson-

1 Wydler Technology Innovation Act of 1980 (15
2 U.S.C. 3722(f)(1)).

3 “(k) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) NIST.—There are authorized to be appro-
5 priated to the Secretary to carry out this section
6 \$25,000,000 for each of fiscal years 2020 through
7 2024.

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

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

17 “(A) \$70,000,000 for each of fiscal years
18 2020, 2021, and 2022; and

19 “(B) \$84,000,000 for each of fiscal years
20 2023 and 2024.”.

21 **SEC. 3. INCREASED EMPHASIS ON REGIONAL INNOVATION**
22 **WITHIN AND EXTENSION OF REGIONAL INNO-**
23 **VATION PROGRAM.**

24 Section 27 of the Stevenson-Wydler Technology Inno-
25 vation Act of 1980 (15 U.S.C. 3722) is amended—

1 (1) in subsection (b)(2) by adding at the end
2 the following new subparagraph:

3 “(I) Developing relationships at the local
4 level to build supply chains and use existing ca-
5 pabilities of entities operating on that level to
6 bring economic growth to suburban and rural
7 areas.”; and

8 (2) in subsection (g)(2) by striking “2019” and
9 inserting “2024”.

Amend the title so as to read: “A bill 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.”.