

Invent Here, Make Here Act

Senators Baldwin and Vance's legislation would require federally-funded inventions to be manufactured in the United States

Background

Current law requires federally-funded inventions to be manufactured in the United States. But the requirement includes a waiver process, which has allowed cutting-edge, taxpayer-funded technologies to be licensed to foreign companies and manufactured abroad.

In a noteworthy example, in August 2022, an investigative report found that a breakthrough battery technology invented in a federal lab had been licensed to a Chinese company and was being manufactured in China ([The U.S. made a breakthrough battery discovery—then gave the technology to China](#)).

In the 2023 National Defense Authorization Act (NDAA), Senators Baldwin and Portman [included](#) a provision to strengthen the waiver process for inventions resulting from federal research at the Department of Homeland Security. These new rules add an additional layer of review for all waivers and prohibit waivers for companies that will manufacture in hostile countries, like China.

What the Bill Does

The Invent Here, Make Here Act expands the newly enhanced waiver requirements from the NDAA to all agencies commercializing federal research. The legislation would subject each request to the new waiver review process established by the Made in America Office as required by the Infrastructure Investment and Jobs Act. Additionally, the legislation would prohibit waivers for license applications that intend to manufacture in a “country of concern” (currently China, Russia, North Korea, and Iran).

Additionally, the legislation requires the National Institute of Standards and Technology to improve coordination with other federal agencies to encourage the commercialization of federal research by domestic manufacturers and clarifies domestic manufacturing goals and priorities for the Technology, Innovation, and Partnerships Directorate at the National Science Foundation.

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