

COMMITTEE PRINT

SHOWING THE TEXT OF H.R. 5865 AS FORWARDED BY THE SUBCOMMITTEE
ON COMMERCE, MANUFACTURING, AND TRADE, JUNE 7, 2012

112TH CONGRESS
2D SESSION

H. R. 5865

To promote the growth and competitiveness of American manufacturing.

IN THE HOUSE OF REPRESENTATIVES

MAY 30, 2012

Mr. LIPINSKI (for himself and Mr. KINZINGER of Illinois) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote the growth and competitiveness of American
manufacturing.

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 Competitiveness Act of 2012”.

1 **SEC. 2. NATIONAL MANUFACTURING COMPETITIVENESS**
2 **STRATEGY.**

3 Not later than June 1, 2014, and June 1, 2018, the
4 President shall submit to Congress, and publish on a pub-
5 lic website, a strategy to promote growth, sustainability,
6 and competitiveness in the Nation's manufacturing sector,
7 create well-paid, stable jobs, enable innovation and invest-
8 ment, and support national security.

9 **SEC. 3. MANUFACTURING COMPETITIVENESS BOARD.**

10 (a) **IN GENERAL.**—On the first day of each of the
11 two Presidential terms following the date of enactment of
12 this Act, there is established within the Department of
13 Commerce an American Manufacturing Competitiveness
14 Board.

15 (b) **MEMBERS.**—Members of the Board shall be ap-
16 pointed as follows:

17 (1) **PUBLIC SECTOR MEMBERS.**—The President
18 shall appoint to the Board—

19 (A) the Secretary of Commerce;

20 (B) Governors of two States, from dif-
21 ferent political parties, after consulting with the
22 National Governors Association; and

23 (C) two other members who are current or
24 former officials of the executive branch of gov-
25 ernment.

26 (2) **PRIVATE SECTOR MEMBERS.**—

1 (A) CRITERIA.—Ten individuals from the
2 private sector shall be appointed to the Board
3 in accordance with subparagraph (B) from
4 among individuals with experience in the areas
5 of—

6 (i) managing manufacturing compa-
7 nies, including businesses with fewer than
8 100 employees;

9 (ii) managing supply chain providers;

10 (iii) managing labor organizations;

11 (iv) workforce development;

12 (v) finance;

13 (vi) analyzing manufacturing policy
14 and competitiveness;

15 (vii) conducting manufacturing-related
16 research and development; and

17 (viii) the defense industrial base.

18 (B) APPOINTMENT.—The Speaker of the
19 House of Representatives and the majority
20 leader of the Senate shall each appoint 3 mem-
21 bers to the Board. The minority leader of the
22 House of Representatives and the minority
23 leader of the Senate shall each appoint 2 mem-
24 bers to the Board.

1 (c) TERMINATION.—The Board shall terminate 60
2 days after submitting its final report pursuant to section
3 4(c)(3).

4 (d) CO-CHAIRMEN.—The co-chairmen of the Board
5 shall be the Secretary of Commerce (or the designee of
6 the Secretary) and a member elected by the private sector
7 members of the Board appointed pursuant to subsection
8 (b)(2).

9 (e) SUBGROUPS.—The Board may convene subgroups
10 to address particular industries, policy topics, or other
11 matters and to take advantage of the expertise of other
12 individuals and entities in matters to be addressed by the
13 Board. Such subgroups may include members rep-
14 resenting any of the following:

15 (1) Other Federal agencies, as the co-chairmen
16 determine appropriate.

17 (2) State, tribal, and local governments.

18 (3) The private sector.

19 (f) QUORUM.—Ten members of the Board shall con-
20 stitute a quorum for the transaction of business but a less-
21 er number may hold hearings with the agreement of the
22 co-chairmen.

23 (g) MEETINGS AND HEARINGS.—

1 (1) TIMING AND FREQUENCY OF MEETINGS.—
2 The Board shall meet at the call of the co-chairmen,
3 and not fewer than 2 times.

4 (2) PUBLIC HEARINGS REQUIRED.—The Board
5 shall convene public hearings to solicit views on the
6 Nation’s manufacturing sector and recommendations
7 for the national manufacturing competitiveness
8 strategy.

9 (3) LOCATIONS OF PUBLIC HEARINGS.—The lo-
10 cations of public hearings convened under paragraph
11 (2) shall ensure the inclusion of multiple regions and
12 industries of the manufacturing sector.

13 (h) APPLICATION OF FEDERAL ADVISORY COM-
14 MITTEE ACT.—The Federal Advisory Committee Act (5
15 U.S.C. App.), other than section 14 of such Act, shall
16 apply to the Board, including any subgroups established
17 pursuant to subsection (e).

18 **SEC. 4. DUTIES OF THE BOARD.**

19 (a) IN GENERAL.—The Board shall—

20 (1) advise the President on issues affecting the
21 Nation’s manufacturing sector;

22 (2) conduct a comprehensive analysis in accord-
23 ance with subsection (b); and

24 (3) develop a national manufacturing competi-
25 tiveness strategy in accordance with subsection (c).

1 (b) COMPREHENSIVE ANALYSIS.—In developing a na-
2 tional manufacturing competitiveness strategy under sub-
3 section (c), the Board shall conduct a comprehensive anal-
4 ysis of the Nation’s manufacturing sector, taking into con-
5 sideration analyses, data, and other information previously
6 compiled, as well as relevant reports, plans, or rec-
7 ommendations issued by Federal agencies, Federal advi-
8 sory boards, and the private sector. Such analysis shall,
9 to the extent feasible, address—

10 (1) the value and role of manufacturing in the
11 Nation’s economy, security, and global leadership;

12 (2) the current domestic and international envi-
13 ronment for the Nation’s manufacturing sector, and
14 any subsector identified by the Board as warranting
15 special study for competitiveness or for comparison
16 purposes;

17 (3) Federal, State, tribal, and local policies,
18 programs, and conditions that affect manufacturing;

19 (4) a summary of the manufacturing policies
20 and strategies of the Nation’s 10 largest trading
21 partners, to the extent known;

22 (5) new, emerging, or evolving markets, tech-
23 nologies, and products for which the Nation’s manu-
24 facturers could compete;

1 (6) the identification of redundant or ineffective
2 government programs related to manufacturing, as
3 well as any programs that have improved manufac-
4 turing competitiveness;

5 (7) the short- and long-term forecasts for the
6 Nation's manufacturing sector, and forecasts of ex-
7 pected national and international trends and factors
8 likely to affect such sector in the future;

9 (8) the manner in which Federal agencies share
10 information and views with respect to the effects of
11 proposed or active regulations or other executive ac-
12 tions on the Nation's manufacturing sector and its
13 workforce;

14 (9) the recommendations of the Department of
15 Commerce Manufacturing Council, whether such rec-
16 ommendations have been implemented, and the ef-
17 fect of such recommendations; and

18 (10) any other matters affecting the growth,
19 stability, and sustainability of the Nation's manufac-
20 turing sector or the competitiveness of the Nation's
21 manufacturing environment, particularly relative to
22 that of other nations, including—

23 (A) workforce skills, gaps, and develop-
24 ment;

- 1 (B) productivity and the extent to which
2 national economic statistics related to manufac-
3 turing accurately measure manufacturing out-
4 put and productivity growth;
- 5 (C) trade policy and balance;
- 6 (D) energy policy, forecasts, and develop-
7 ments;
- 8 (E) expenditures on basic and applied re-
9 search related to manufacturing technology;
- 10 (F) programs to help small and mid-sized
11 manufacturers become more competitive;
- 12 (G) the impact of Federal statutes and
13 regulations;
- 14 (H) the impact of domestic and inter-
15 national monetary policy;
- 16 (I) the impact of taxation;
- 17 (J) financing and investment, including
18 challenges associated with commercialization
19 and scaling up of production;
- 20 (K) research and development;
- 21 (L) job creation and employment dispari-
22 ties;
- 23 (M) levels of domestic production;
- 24 (N) adequacy of the industrial base for
25 maintaining national security;

1 (O) protections for intellectual property
2 and the related policies, procedures, and law on
3 technology transfer; and

4 (P) customs enforcement and counter-
5 feiting.

6 (c) NATIONAL MANUFACTURING COMPETITIVENESS
7 STRATEGY.—

8 (1) DEVELOPMENT.—The Board shall develop a
9 national manufacturing competitiveness strategy,
10 based on—

11 (A) the results of the comprehensive anal-
12 ysis conducted under subsection (b); and

13 (B) any other information, studies, or per-
14 spectives that the Board determines to be ap-
15 propriate.

16 (2) GOALS AND RECOMMENDATIONS.—

17 (A) GOALS.—The Board shall include in
18 the national manufacturing competitiveness
19 strategy short- and long-term goals for improv-
20 ing the competitiveness conditions of the Na-
21 tion's manufacturing environment, taking into
22 account the matters addressed in the com-
23 prehensive analysis conducted under subsection
24 (b).

1 (B) RECOMMENDATIONS.—The Board
2 shall include in the national manufacturing
3 competitiveness strategy recommendations for
4 achieving the goals provided under subpara-
5 graph (A). Such recommendations may pro-
6 pose—

7 (i) actions to improve manufacturing
8 competitiveness to be taken by the Presi-
9 dent, Congress, State and local govern-
10 ments, and the private sector;

11 (ii) actions to improve government
12 policies and coordination among entities
13 developing such policies;

14 (iii) the consolidation or elimination of
15 government programs;

16 (iv) actions to improve government
17 interaction with the manufacturing sector
18 and communication regarding the effects
19 of proposed or active government regula-
20 tions or other executive actions on the
21 manufacturing sector and its workforce;

22 (v) the reform or elimination of regu-
23 lations that place the United States manu-
24 facturing sector at a disadvantage relative
25 to other nations; and

1 (vi) actions to reduce business uncer-
2 tainty, including, where appropriate, final-
3 ization of regulations applicable to manu-
4 facturers.

5 (3) REPORT.—

6 (A) DRAFT.—Not later than 150 days be-
7 fore the date on which the President is required
8 to submit to Congress a report containing a na-
9 tional manufacturing competitiveness strategy
10 under section 2, the Board shall publish in the
11 Federal Register and on a public website a
12 draft report containing a national manufac-
13 turing competitiveness strategy. At the same
14 time, the Board shall make available to the
15 public the comprehensive analysis required by
16 subsection (b) and any underlying data or ma-
17 terials necessary to an understanding of the
18 conclusions reached.

19 (B) PUBLIC COMMENT; REVIEW AND REVI-
20 SION.—A draft report published under subpara-
21 graph (A) shall remain available for public com-
22 ment for a period of not less than 30 days from
23 the date of publication. The Board shall review
24 any comments received regarding such draft re-

1 port and may revise the draft report based
2 upon those comments.

3 (C) PUBLICATION.—Not later than 60
4 days before the date on which the President is
5 required to submit to Congress a report con-
6 taining a national manufacturing competitive-
7 ness strategy under section 2, the Board shall
8 submit to the President for review and revision
9 a final report containing a national manufac-
10 turing competitiveness strategy, and shall pub-
11 lish such final report on a public website.

12 (D) CONTENTS OF REPORT.—The final re-
13 port submitted under subparagraph (C) shall,
14 to the extent feasible, include—

15 (i) an estimate of the short- and long-
16 term Federal Government outlays and rev-
17 enue changes necessary to implement the
18 national manufacturing competitiveness
19 strategy and an estimate of savings that
20 may be derived from implementation of the
21 national manufacturing competitiveness
22 strategy;

23 (ii) a detailed explanation of the
24 methods and analysis used to determine
25 the estimates included under clause (i);

1 (iii) recommendations regarding how
2 to pay for the cost of implementation esti-
3 mated under clause (i); and

4 (iv) a plan for how the recommenda-
5 tions included in the report will be imple-
6 mented and who is or should be respon-
7 sible for the implementation.

8 (d) CONSULTATION; NONDUPLICATION OF EF-
9 FORTS.—The Board shall consult with and not duplicate
10 the efforts of the Defense Science Board, the President’s
11 Council of Advisors on Science and Technology, the Manu-
12 facturing Council established by the Department of Com-
13 merce, the Economic Security Commission, the Labor Ad-
14 visory Committee for Trade Negotiations and Trade Pol-
15 icy, and other relevant governmental entities conducting
16 any activities related to manufacturing.

17 **SEC. 5. REQUIREMENT TO CONSIDER NATIONAL MANUFAC-**
18 **TURING COMPETITIVENESS STRATEGY IN**
19 **BUDGET.**

20 In preparing the budget for each of the fiscal years
21 from fiscal year 2016 through fiscal year 2022 under sec-
22 tion 1105(a) of title 31, United States Code, the President
23 shall include information regarding the consistency of the
24 budget with the goals and recommendations included in
25 the national manufacturing competitiveness strategy.

1 **SEC. 6. DEFINITIONS.**

2 In this Act:

3 (1) BOARD.—The term “Board” means—

4 (A) during the first Presidential term that
5 begins after the date of enactment of this Act,
6 the American Manufacturing Competitiveness
7 Board established by section 3(a) on the first
8 day of such term; and

9 (B) during the second Presidential term
10 that begins after the date of enactment of this
11 Act, the American Manufacturing Competitive-
12 ness Board established by section 3(a) on the
13 first day of such term.

14 (2) PRIVATE SECTOR.—The term “private sec-
15 tor” includes labor, industry, industry associations,
16 academia, universities, trade associations, nonprofit
17 organizations, and other appropriate nongovern-
18 mental groups.

19 (3) STATE.—The term “State” means each
20 State of the United States, the District of Columbia,
21 and each commonwealth, territory, or possession of
22 the United States.