

112TH CONGRESS
2^D 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”.

6 **SEC. 2. NATIONAL MANUFACTURING COMPETITIVENESS**
7 **STRATEGY.**

8 Not later than April 1, 2014 and April 1, 2018, the
9 President shall submit to Congress, and publish on a pub-

1 lie website, a strategy to promote growth, sustainability,
2 and competitiveness in the Nation’s manufacturing sector,
3 create well-paid, stable jobs, enable innovation and invest-
4 ment, and support national security.

5 **SEC. 3. MANUFACTURING COMPETITIVENESS BOARD.**

6 (a) IN GENERAL.—There is established on the first
7 day of each of the two Presidential terms following the
8 date of enactment of this Act an American Manufacturing
9 Competitiveness Board (in this Act referred to as “the
10 Board”).

11 (b) MEMBERS.—Members of each Board shall be ap-
12 pointed as follows:

13 (1) PUBLIC SECTOR MEMBERS.—The President
14 shall appoint to the Board—

15 (A) the Secretary of Commerce;

16 (B) Governors of two States, from dif-
17 ferent political parties, after consulting with the
18 National Governors Association; and

19 (C) two other members who are current or
20 former officials of the executive branch of gov-
21 ernment.

22 (2) PRIVATE SECTOR MEMBERS.—

23 (A) CRITERIA.—Ten individuals from the
24 private sector shall be appointed to the Board
25 in accordance with subparagraph (B) from

1 among individuals with experience in the areas
2 of—

3 (i) managing manufacturing compa-
4 nies;

5 (ii) managing supply chain providers;

6 (iii) managing labor organizations;

7 (iv) workforce development;

8 (v) finance;

9 (vi) analyzing manufacturing policy
10 and competitiveness;

11 (vii) conducting manufacturing-related
12 research and development; and

13 (viii) the defense industrial base.

14 (B) APPOINTMENT.—The Speaker of the
15 House of Representatives and the majority
16 leader of the Senate shall each appoint 3 mem-
17 bers to the Board. The minority leader of the
18 House of Representatives and the minority
19 leader of the Senate shall each appoint 2 mem-
20 bers to the Board.

21 (c) TERMINATION.—The Board shall terminate 60
22 days after submitting its final report pursuant to section
23 4(d)(3).

24 (d) CO-CHAIRMEN.—The Secretary of Commerce (or
25 the designee of the Secretary) and a member elected by

1 the private sector members of the Board appointed pursu-
2 ant to subsection (b)(2).

3 (e) SUBGROUPS.—The Board may convene subgroups
4 to address particular industries, policy topics, or other
5 matters. Such subgroups may include members rep-
6 resenting any of the following:

7 (1) Other Federal agencies, as the co-chairmen
8 determine appropriate.

9 (2) State, local, tribal, and Territorial govern-
10 ments.

11 (3) The private sector, including labor, indus-
12 try, academia, trade associations, and other appro-
13 priate groups.

14 (f) QUORUM.—Ten members of the Board shall con-
15 stitute a quorum for the transaction of business but a less-
16 er number may hold hearings with the agreement of the
17 co-chairmen.

18 (g) MEETINGS.—

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

22 (2) PUBLIC MEETINGS REQUIRED.—The Board
23 shall convene public meetings to solicit views on the
24 Nation’s manufacturing sector and recommendations

1 for the national manufacturing competitiveness
2 strategy.

3 (3) LOCATIONS OF PUBLIC MEETINGS.—The lo-
4 cations of public meetings convened under para-
5 graph (2) shall ensure the inclusion of multiple re-
6 gions and industries of the manufacturing sector.

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

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

13 (a) IN GENERAL.—The Board shall—

14 (1) advise the President and Congress on issues
15 affecting the Nation’s manufacturing sector;

16 (2) conduct a comprehensive analysis in accord-
17 ance with subsection (c); and

18 (3) develop a national manufacturing competi-
19 tiveness strategy in accordance with subsection (d).

20 (b) PRELIMINARY REPORT.—Within 180 days of a
21 quorum of each Board being nominated, the Board shall
22 issue a preliminary report on the state of American manu-
23 facturing. The preliminary report shall also identify any
24 recommendations that have been issued by the Depart-
25 ment of Commerce Manufacturing Council that have not

1 been acted upon and a summary and assessment of rec-
2 ommendations that have been issued by other non-govern-
3 mental parties relating to domestic manufacturing.

4 (c) COMPREHENSIVE ANALYSIS.—In developing a na-
5 tional manufacturing competitiveness strategy under sub-
6 section (d), the Board shall conduct a comprehensive anal-
7 ysis of the Nation’s manufacturing sector, taking into con-
8 sideration relevant reports, plans, or recommendations
9 issued by Federal agencies, Federal advisory boards, aca-
10 demia, and the private sector. Such analysis shall ad-
11 dress—

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

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

19 (3) Federal, State, local, and Territorial poli-
20 cies, programs, and conditions that affect manufac-
21 turing;

22 (4) a summary of the manufacturing policies
23 and strategies of the Nation’s 10 largest trading
24 partners, to the extent known;

1 (5) the identification of emerging or evolving
2 markets, technologies, and products for which the
3 Nation’s manufacturers could compete;

4 (6) the identification of redundant or ineffective
5 government programs related to manufacturing;

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

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

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

19 (10) any other matters affecting the competi-
20 tiveness, growth, stability, and sustainability of the
21 Nation’s manufacturing sector relative to those of
22 other nations, including—

23 (A) levels of domestic production;

24 (B) productivity and the extent to which
25 national economic statistics related to manufac-

- 1 turing accurately measure manufacturing out-
2 put and productivity growth;
- 3 (C) trade policy and balance;
- 4 (D) energy policy;
- 5 (E) expenditures on basic and applied re-
6 search related to manufacturing technology;
- 7 (F) programs to help small and mid-sized
8 manufacturers become more competitive;
- 9 (G) the impact of Federal statutes and
10 regulations;
- 11 (H) the impact of Federal monetary policy;
- 12 (I) the impact of taxation;
- 13 (J) financing and investment;
- 14 (K) research and development;
- 15 (L) job creation and employment dispari-
16 ties;
- 17 (M) workforce skills, gaps, and develop-
18 ment;
- 19 (N) adequacy of the industrial base for
20 maintaining national security;
- 21 (O) protections for intellectual property;
- 22 and
- 23 (P) customs enforcement and counter-
24 feiting.

1 (d) NATIONAL MANUFACTURING COMPETITIVENESS
2 STRATEGY.—

3 (1) DEVELOPMENT.—The Board shall develop a
4 national manufacturing competitiveness strategy,
5 based on—

6 (A) the results of the comprehensive anal-
7 ysis conducted under subsection (c); and

8 (B) any other information, studies, or per-
9 spectives that the Board determines to be ap-
10 propriate.

11 (2) GOALS AND RECOMMENDATIONS.—

12 (A) GOALS.—The Board shall include in
13 the national manufacturing competitiveness
14 strategy short- and long-term goals for improv-
15 ing the competitiveness conditions of the Na-
16 tion’s manufacturing sector, taking into account
17 the matters addressed in the comprehensive
18 analysis conducted under subsection (c).

19 (B) RECOMMENDATIONS.—The Board
20 shall include in the national manufacturing
21 competitiveness strategy recommendations for
22 achieving the goals provided under subpara-
23 graph (A). Such recommendations may pro-
24 pose—

1 (i) actions to be taken by the Presi-
2 dent, Congress, State, local, and territorial
3 governments, the private sector, univer-
4 sities, industry associations, and other
5 stakeholders;

6 (ii) actions to improve government
7 policies and coordination among entities
8 developing such policies;

9 (iii) the consolidation or elimination of
10 government programs;

11 (iv) actions to improve government
12 interaction with the manufacturing sector
13 and communication regarding the effects
14 of proposed or active government regula-
15 tions or other executive actions on the
16 manufacturing sector and its workforce;
17 and

18 (v) the elimination or repeal of regula-
19 tions that place the United States manu-
20 facturing sector at a disadvantage relative
21 to other nations.

22 (3) REPORT.—

23 (A) DRAFT.—Not later than 90 days be-
24 fore the date on which the President is required
25 to submit to Congress a report containing a na-

1 tional manufacturing competitiveness strategy
2 under section 2, each Board shall publish in the
3 Federal Register and on a public website a
4 draft report containing a national manufac-
5 turing competitiveness strategy.

6 (B) PUBLIC COMMENT; REVIEW AND REVI-
7 SION.—A draft report published under subpara-
8 graph (A) shall remain available for public com-
9 ment for a period of not less than 30 days from
10 the date of publication. The Board shall review
11 any comments received regarding such draft re-
12 port and may revise the draft report based
13 upon those comments.

14 (C) PUBLICATION.—Not later than 30
15 days before the date on which the President is
16 required to submit to Congress a report con-
17 taining a national manufacturing competitive-
18 ness strategy under section 2, each Board shall
19 submit to the President for review and revision
20 a final report containing a national manufac-
21 turing competitiveness strategy, and shall pub-
22 lish such final report on a public website.

23 (D) REQUIRED CONTENTS OF THE RE-
24 PORT.—The final report submitted under sub-
25 paragraph (C) shall include—

1 (i) when feasible, an estimate of the
2 short- and long-term Federal Government
3 outlays and revenue changes necessary to
4 implement the national manufacturing
5 competitiveness strategy and an estimate
6 of savings that may be derived from imple-
7 mentation of the national manufacturing
8 competitiveness strategy;

9 (ii) a detailed explanation of the
10 methods and analysis used to determine
11 the estimates included under clause (i);

12 (iii) detailed recommendations regard-
13 ing how to pay for the cost of implementa-
14 tion estimated under clause (i), when fea-
15 sible; and

16 (iv) a plan for how the recommenda-
17 tions included in the report will be imple-
18 mented and who is or should be respon-
19 sible for the implementation.

20 (e) CONSULTATION.—In order to gain perspective
21 and avoid duplication of efforts, the Board shall consult
22 on manufacturing issues with the Defense Science Board,
23 the President’s Council of Advisors on Science and Tech-
24 nology, the Manufacturing Council established by the De-
25 partment of Commerce, and the Labor Advisory Com-

1 mittee for Trade Negotiations and Trade Policy, and may
2 consult with other relevant governmental entities or the
3 private sector.

4 **SEC. 5. REQUIREMENT TO CONSIDER NATIONAL MANUFAC-**
5 **TURING COMPETITIVENESS STRATEGY IN**
6 **BUDGET.**

7 In preparing the budget for each fiscal year through
8 fiscal year 2020 under section 1105(a) of title 31, United
9 States Code, the President shall include information re-
10 garding the consistency of the budget with the goals and
11 recommendations included in national manufacturing
12 competitiveness strategy.

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