

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5865
OFFERED BY MR. KINZINGER OF ILLINOIS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “American Manufac-
3 turing Competitiveness Act of 2012”.

**4 SEC. 2. NATIONAL MANUFACTURING COMPETITIVENESS
5 STRATEGY.**

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

12 SEC. 3. MANUFACTURING COMPETITIVENESS BOARD.

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

1 (b) MEMBERS.—Members of the Board shall be ap-
2 pointed as follows:

3 (1) PUBLIC SECTOR MEMBERS.—The President
4 shall appoint to the Board—

5 (A) the Secretary of Commerce;

6 (B) Governors of two States, from dif-
7 ferent political parties, after consulting with the
8 National Governors Association; and

9 (C) two other members who are current or
10 former officials of the executive branch of gov-
11 ernment.

12 (2) PRIVATE SECTOR MEMBERS.—

13 (A) CRITERIA.—Ten individuals from the
14 private sector shall be appointed to the Board
15 in accordance with subparagraph (B) from
16 among individuals with experience in the areas
17 of—

18 (i) managing manufacturing compa-
19 nies, including businesses with fewer than
20 100 employees;

21 (ii) managing supply chain providers;

22 (iii) managing labor organizations;

23 (iv) workforce development;

24 (v) finance;

1 (vi) analyzing manufacturing policy
2 and competitiveness;

3 (vii) conducting manufacturing-related
4 research and development; and

5 (viii) the defense industrial base.

6 (B) APPOINTMENT.—The Speaker of the
7 House of Representatives and the majority
8 leader of the Senate shall each appoint 3 mem-
9 bers to the Board. The minority leader of the
10 House of Representatives and the minority
11 leader of the Senate shall each appoint 2 mem-
12 bers to the Board.

13 (c) TERMINATION.—The Board shall terminate 60
14 days after submitting its final report pursuant to section
15 4(c)(3).

16 (d) CO-CHAIRMEN.—The co-chairmen of the Board
17 shall be the Secretary of Commerce (or the designee of
18 the Secretary) and a member elected by the private sector
19 members of the Board appointed pursuant to subsection
20 (b)(2).

21 (e) SUBGROUPS.—The Board may convene subgroups
22 to address particular industries, policy topics, or other
23 matters and to take advantage of the expertise of other
24 individuals and entities in matters to be addressed by the

1 Board. Such subgroups may include members rep-
2 resenting any of the following:

3 (1) Other Federal agencies, as the co-chairmen
4 determine appropriate.

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

6 (3) The private sector.

7 (f) QUORUM.—Ten members of the Board shall con-
8 stitute a quorum for the transaction of business but a less-
9 er number may hold hearings with the agreement of the
10 co-chairmen.

11 (g) MEETINGS AND HEARINGS.—

12 (1) TIMING AND FREQUENCY OF MEETINGS.—

13 The Board shall meet at the call of the co-chairmen,
14 and not fewer than 2 times.

15 (2) PUBLIC HEARINGS REQUIRED.—The Board
16 shall convene public hearings to solicit views on the
17 Nation's manufacturing sector and recommendations
18 for the national manufacturing competitiveness
19 strategy.

20 (3) LOCATIONS OF PUBLIC HEARINGS.—The lo-
21 cations of public hearings convened under paragraph
22 (2) shall ensure the inclusion of multiple regions and
23 industries of the manufacturing sector.

24 (h) APPLICATION OF FEDERAL ADVISORY COM-
25 MITTEE ACT.—The Federal Advisory Committee Act (5

1 U.S.C. App.), other than section 14 of such Act, shall
2 apply to the Board, including any subgroups established
3 pursuant to subsection (e).

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

5 (a) IN GENERAL.—The Board shall—

6 (1) advise the President on issues affecting the
7 Nation’s manufacturing sector;

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

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

12 (b) COMPREHENSIVE ANALYSIS.—In developing a na-
13 tional manufacturing competitiveness strategy under sub-
14 section (c), the Board shall conduct a comprehensive anal-
15 ysis of the Nation’s manufacturing sector, taking into con-
16 sideration analyses, data, and other information previously
17 compiled, as well as relevant reports, plans, or rec-
18 ommendations issued by Federal agencies, Federal advi-
19 sory boards, and the private sector. Such analysis shall,
20 to the extent feasible, address—

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

23 (2) the current domestic and international envi-
24 ronment for the Nation’s manufacturing sector, and
25 any subsector identified by the Board as warranting

1 special study for competitiveness or for comparison
2 purposes;

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

5 (4) a summary of the manufacturing policies
6 and strategies of the Nation's 10 largest trading
7 partners, to the extent known;

8 (5) new, emerging, or evolving markets, tech-
9 nologies, and products for which the Nation's manu-
10 facturers could compete;

11 (6) the identification of redundant or ineffective
12 government programs related to manufacturing, as
13 well as any programs that have improved manufac-
14 turing competitiveness;

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

19 (8) the manner in which Federal agencies share
20 information and views with respect to the effects of
21 proposed or active regulations or other executive ac-
22 tions on the Nation's manufacturing sector and its
23 workforce;

24 (9) the recommendations of the Department of
25 Commerce Manufacturing Council, whether such rec-

1 ommendations have been implemented, and the ef-
2 fect of such recommendations; and

3 (10) any other matters affecting the growth,
4 stability, and sustainability of the Nation's manufac-
5 turing sector or the competitiveness of the Nation's
6 manufacturing environment, particularly relative to
7 that of other nations, including—

8 (A) workforce skills, gaps, and develop-
9 ment;

10 (B) productivity and the extent to which
11 national economic statistics related to manufac-
12 turing accurately measure manufacturing out-
13 put and productivity growth;

14 (C) trade policy and balance;

15 (D) energy policy, forecasts, and develop-
16 ments;

17 (E) expenditures on basic and applied re-
18 search related to manufacturing technology;

19 (F) programs to help small and mid-sized
20 manufacturers become more competitive;

21 (G) the impact of Federal statutes and
22 regulations;

23 (H) the impact of domestic and inter-
24 national monetary policy;

25 (I) the impact of taxation;

1 (J) financing and investment, including
2 challenges associated with commercialization
3 and scaling up of production;

4 (K) research and development;

5 (L) job creation and employment dispari-
6 ties;

7 (M) levels of domestic production;

8 (N) adequacy of the industrial base for
9 maintaining national security;

10 (O) protections for intellectual property
11 and the related policies, procedures, and law on
12 technology transfer; and

13 (P) customs enforcement and counter-
14 feiting.

15 (c) NATIONAL MANUFACTURING COMPETITIVENESS
16 STRATEGY.—

17 (1) DEVELOPMENT.—The Board shall develop a
18 national manufacturing competitiveness strategy,
19 based on—

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

22 (B) any other information, studies, or per-
23 spectives that the Board determines to be ap-
24 propriate.

25 (2) GOALS AND RECOMMENDATIONS.—

1 (A) GOALS.—The Board shall include in
2 the national manufacturing competitiveness
3 strategy short- and long-term goals for improv-
4 ing the competitiveness conditions of the Na-
5 tion’s manufacturing environment, taking into
6 account the matters addressed in the com-
7 prehensive analysis conducted under subsection
8 (b).

9 (B) RECOMMENDATIONS.—The Board
10 shall include in the national manufacturing
11 competitiveness strategy recommendations for
12 achieving the goals provided under subpara-
13 graph (A). Such recommendations may pro-
14 pose—

15 (i) actions to improve manufacturing
16 competitiveness to be taken by the Presi-
17 dent, Congress, State and local govern-
18 ments, and the private sector;

19 (ii) actions to improve government
20 policies and coordination among entities
21 developing such policies;

22 (iii) the consolidation or elimination of
23 government programs;

24 (iv) actions to improve government
25 interaction with the manufacturing sector

1 and communication regarding the effects
2 of proposed or active government regula-
3 tions or other executive actions on the
4 manufacturing sector and its workforce;

5 (v) the reform or elimination of regu-
6 lations that place the United States manu-
7 facturing sector at a disadvantage relative
8 to other nations; and

9 (vi) actions to reduce business uncer-
10 tainty, including, where appropriate, final-
11 ization of regulations applicable to manu-
12 facturers.

13 (3) REPORT.—

14 (A) DRAFT.—Not later than 150 days be-
15 fore the date on which the President is required
16 to submit to Congress a report containing a na-
17 tional manufacturing competitiveness strategy
18 under section 2, the Board shall publish in the
19 Federal Register and on a public website a
20 draft report containing a national manufac-
21 turing competitiveness strategy. At the same
22 time, the Board shall make available to the
23 public the comprehensive analysis required by
24 subsection (b) and any underlying data or ma-

1 materials necessary to an understanding of the
2 conclusions reached.

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

11 (C) PUBLICATION.—Not later than 60
12 days before the date on which the President is
13 required to submit to Congress a report con-
14 taining a national manufacturing competitive-
15 ness strategy under section 2, the Board shall
16 submit to the President for review and revision
17 a final report containing a national manufac-
18 turing competitiveness strategy, and shall pub-
19 lish such final report on a public website.

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

23 (i) an estimate of the short- and long-
24 term Federal Government outlays and rev-
25 enue changes necessary to implement the

1 national manufacturing competitiveness
2 strategy and an estimate of savings that
3 may be derived from implementation of the
4 national manufacturing competitiveness
5 strategy;

6 (ii) a detailed explanation of the
7 methods and analysis used to determine
8 the estimates included under clause (i);

9 (iii) recommendations regarding how
10 to pay for the cost of implementation esti-
11 mated under clause (i); and

12 (iv) a plan for how the recommenda-
13 tions included in the report will be imple-
14 mented and who is or should be respon-
15 sible for the implementation.

16 (d) CONSULTATION; NONDUPLICATION OF EF-
17 FORTS.—The Board shall consult with and not duplicate
18 the efforts of the Defense Science Board, the President’s
19 Council of Advisors on Science and Technology, the Manu-
20 facturing Council established by the Department of Com-
21 merce, the Economic Security Commission, the Labor Ad-
22 visory Committee for Trade Negotiations and Trade Pol-
23 icy, and other relevant governmental entities conducting
24 any activities related to manufacturing.

1 **SEC. 5. REQUIREMENT TO CONSIDER NATIONAL MANUFAC-**
2 **TURING COMPETITIVENESS STRATEGY IN**
3 **BUDGET.**

4 In preparing the budget for each of the fiscal years
5 from fiscal year 2016 through fiscal year 2022 under sec-
6 tion 1105(a) of title 31, United States Code, the President
7 shall include information regarding the consistency of the
8 budget with the goals and recommendations included in
9 the national manufacturing competitiveness strategy.

10 **SEC. 6. DEFINITIONS.**

11 In this Act:

12 (1) BOARD.—The term “Board” means—

13 (A) during the first Presidential term that
14 begins after the date of enactment of this Act,
15 the American Manufacturing Competitiveness
16 Board established by section 3(a) on the first
17 day of such term; and

18 (B) during the second Presidential term
19 that begins after the date of enactment of this
20 Act, the American Manufacturing Competitive-
21 ness Board established by section 3(a) on the
22 first day of such term.

23 (2) PRIVATE SECTOR.—The term “private sec-
24 tor” includes labor, industry, industry associations,
25 academia, universities, trade associations, nonprofit

1 organizations, and other appropriate nongovern-
2 mental groups.

3 (3) STATE.—The term “State” means each
4 State of the United States, the District of Columbia,
5 and each commonwealth, territory, or possession of
6 the United States.

