



THE COMMITTEE ON ENERGY AND COMMERCE

INTERNAL MEMORANDUM

June 4, 2012

To: Members of the Subcommittee on Commerce, Manufacturing, and Trade
From: Majority Committee Staff
Re: Subcommittee Markup of H.R. 5865, the “National Manufacturing Competitiveness Act of 2012”, and H.R. 5859, a bill to repeal an obsolete provision of Title 49

I. Summary

On Wednesday, June 6, 2012, at 4:00 p.m., the Subcommittee on Commerce, Manufacturing, and Trade will hold a subcommittee markup of H.R. 5865, the “National Manufacturing Competitiveness Act of 2012”, and H.R. 5859, a bill to repeal an obsolete provision of Title 49 requiring motor vehicle insurance cost reporting, in 2123 Rayburn House Office Building.

II. Background

H.R. 5865

The Subcommittee has held a series of hearings on jobs and employment. Most recently, the Subcommittee held a hearing on the U.S manufacturing sector on April 19, 2012. Mr. Lipinski and Mr. Kinzinger introduced H.R. 5865 on May 30, 2012. The Subcommittee held a legislative hearing on June 1, 2012, and received testimony from the Administration, the private sector, and one of the bill’s proponents, Rep. Dan Lipinski (IL-03).

H.R. 5859

Mr. Harper and Mr. Owens introduced H.R. 5859 on May 30, 2012. The Subcommittee held a hearing on June 1, 2012, and received testimony from private-sector and consumer advocate witnesses. The Subcommittee also received testimony from Rep. Mike Kelly (PA-03), regarding his relevant experience in the private sector.

III. Section-by-Section Summary of H.R. 5865, the “National Manufacturing Competitiveness Act of 2012”

Section 2. Requires two Presidential reports to Congress outlining a strategy for promoting growth, sustainability, and competitiveness in the manufacturing sector. The reports are due in April 2014 and in April 2018.

Section 3. Establishes the American Manufacturing Competitiveness Board on the first day of the Presidential term following the date of enactment (2013), and then again in the next Presidential term (2017). The Board will consist of 15 Members, five from the public sector (including two Governors) and ten from the private sector. The five public appointments are made by the President and must include the Secretary of Commerce, while the ten private-sector members are appointed by the House and Senate in a 3-2 ratio, majority to minority, for each chamber. The Board would be co-chaired by the Secretary of Commerce and one of the private-sector members elected by the private-sector board members. Each Board terminates 60 days after submitting its final report to the President as required by Section 4. The Board may convene subgroups to address particular industries, topics, or other matters. Section 3 establishes the quorum and minimum meeting requirements.

Section 4. Establishes the duties of the Board as follows: (1) advise the President and Congress on manufacturing issues; (2) conduct a rigorous analysis of the manufacturing sector; and (3) develop a national competitiveness strategy, which will be made available for public comment and submitted to the President. Within 180 days of a quorum of members for each board being nominated, the Board shall issue a preliminary report on the state of manufacturing and identify recommendations made by the Department of Commerce Manufacturing Council that have not been acted upon.

The comprehensive analysis will address a number of enumerated factors. The Board then will develop and publish for public comment a draft manufacturing strategy based on its analysis and any other information the Board determines is appropriate. The competitiveness strategy will include short-term and long-term goals for improving the competitiveness of the U.S. manufacturing environment, and recommendations for action to accomplish the goals. The draft report[s] is [are] due no later than January 1, 2014, and January 1, 2018. Not later than March 1, 2014, and March 1, 2018, each Board shall submit a final report to the President for review and revision containing a national manufacturing strategy and shall publish the final report on a public website. The President will then send a manufacturing strategy to Congress as required by Section 2 of the Act.

To avoid duplication of efforts and gain perspective, the Board must consult on manufacturing issues with the Defense Science Board, the President's Council of Advisors on Science and Technology, the Manufacturing Council established by the Department of Commerce, and the Labor Advisory Committee for Trade Negotiations and Trade Policy, and may consult with any other relevant governmental entities or the private sector.

Section 5. Requires the President to include in each fiscal year's budget request information regarding the consistency of the budget with the goals and recommendations included in the national manufacturing strategy. This requirement sunsets after fiscal year 2020.

IV. Section-by-Section Summary of H.R. 5859

Section 1. Repeals Subsection (c) of section 32302 of Title 49 and its implementing regulations.

V. Anticipated Amendments

A manager's amendment to H.R. 5865 making technical modifications and clarifications will be offered.

Please contact Brian McCullough, Gib Mullan, or Shannon Weinberg Taylor at (202) 225-2927 with any questions.