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H. R. 516

To establish a strategy to encourage manufacturing in the United States and for the repatriation of manufacturing jobs off-shored to other countries, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2011

Mr. WOLF (for himself, Mr. ROGERS of Kentucky, Mr. WITTMAN, Mr. AUSTRIA, Mr. MCKINLEY, Mr. LIPINSKI, Ms. KAPTUR, Mr. RUPPERSBERGER, and Mr. FORBES) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, Financial Services, the Judiciary, Ways and Means, and Science, Space, and Technology, 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 establish a strategy to encourage manufacturing in the United States and for the repatriation of manufacturing jobs off-shored to other countries, and for other purposes.

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 “Bring Jobs Back to
5 America Act”.

1 **SEC. 2. NATIONAL MANUFACTURING AND REPATRIATION**
2 **STRATEGY.**

3 (a) NATIONAL MANUFACTURING STRATEGY.—Not
4 later than 90 days after the date of the enactment of this
5 Act, the Secretary of Commerce (referred to in this Act
6 as the “Secretary”) shall—

7 (1) develop a comprehensive national manufac-
8 turing strategy that aims to—

9 (A) increase overall domestic manufac-
10 turing;

11 (B) create private sector jobs;

12 (C) identify emerging technologies to
13 strengthen American competitiveness in the
14 global marketplace; and

15 (D) identify a strategy for repatriating
16 jobs to the United States;

17 (2) submit a report to Congress summarizing
18 the progress and trends in manufacturing growth
19 since the Secretary’s 2004 report, “Manufacturing
20 in America: A Comprehensive Strategy to Address
21 the Challenges to U.S. Manufacturers”;

22 (3) establish targets for manufacturing growth,
23 including a subset of targets for jobs repatriated to
24 the United States, for each fiscal year 2012 through
25 2016, and report such targets to Congress; and

1 (4) conduct a survey of all existing Federal
2 manufacturing support programs and submit a re-
3 port to Congress that includes recommendations on
4 how each Federal program surveyed can best sup-
5 port the comprehensive national manufacturing
6 strategy.

7 (b) BIENNIAL AMERICAN FIRM SURVEY AND RE-
8 PORT.—

9 (1) SURVEY.—Not later than 1 year after the
10 date of the enactment of this Act and every 2 years
11 thereafter through fiscal year 2016, the Secretary
12 shall conduct a survey of all firms with headquarters
13 in the United States that maintain manufacturing
14 facilities or customer service centers outside of the
15 United States to identify—

16 (A) categories of products manufactured or
17 services provided at such facilities; and

18 (B) the number of jobs located at such fa-
19 cilities.

20 (2) DATABASE.—The Secretary shall create and
21 maintain a database of the information collected
22 through each survey.

23 (3) REPORT.—The Secretary shall report to
24 Congress on the information gathered in each sur-

1 vey, including longitudinal trends in American man-
2 ufacturing and the repatriation of jobs.

3 (4) PENALTY.—Any firm described in para-
4 graph (1) that chooses not to participate in the sur-
5 vey shall not be eligible to receive Federal contracts
6 or to renew existing Federal contracts.

7 **SEC. 3. REPATRIATION TASK FORCES.**

8 (a) ESTABLISHMENT.—The Secretary shall establish
9 such task forces as the Secretary considers necessary to
10 accomplish the established targets for job repatriation and
11 manufacturing growth established under section 2(a)(3).

12 (b) APPOINTMENT.—Each task force established
13 under subsection (a) shall be appointed by the Secretary
14 and include the following members:

15 (1) At least one representative of each of the
16 following components of the Department of Com-
17 merce:

18 (A) Office of the Secretary of Commerce.

19 (B) Economic Development Administra-
20 tion.

21 (C) International Trade Administration.

22 (D) United States Patent and Trademark
23 Office.

24 (E) National Institute of Standards and
25 Technology.

1 (F) Bureau of Industry and Security.

2 (2) At least one representative of the private
3 sector.

4 (c) DUTIES.—Each task force established under sub-
5 section (a) shall—

6 (1) identify United States firms interested in
7 repatriating production or services to the United
8 States;

9 (2) identify the unique needs of each firm nec-
10 essary to facilitate repatriation;

11 (3) advise and assist firms and State and local
12 governments to promote and facilitate repatriation
13 opportunities;

14 (4) act as an impartial advocate for all State
15 and local governments choosing to compete for a re-
16 patriating firm's facility or jobs;

17 (5) to the maximum extent practicable, work
18 with Federal agencies to provide the technical assist-
19 ance necessary to firms and State and local govern-
20 ments to facilitate the repatriation of facilities or
21 jobs to the United States; and

22 (6) educate firms and State and local govern-
23 ments on the National Manufacturing Strategy es-
24 tablished under section (2)(a), the task forces estab-

1 lished under subsection (a), and all Federal assist-
2 ance available to facilitate repatriation.

3 **SEC. 4. AMERICAN ECONOMIC SECURITY COMMISSION.**

4 (a) ESTABLISHMENT.—There is hereby established a
5 commission to be known as the “American Economic Se-
6 curity Commission”.

7 (b) DUTIES.—The Commission shall carry out the
8 following duties:

9 (1) PROGRAM FOR AMERICAN COMPETITIVE-
10 NESS.—The Commission shall establish and carry
11 out a program to improve the competitiveness of the
12 United States in the global economy through tech-
13 nology-based planning. Under the program, the
14 Commission shall, on an ongoing basis—

15 (A) assess the competitiveness of the
16 United States in sectors of the global economy
17 including the manufacturing, aerospace, com-
18 munications, information technology, energy,
19 and biotechnology sectors;

20 (B) identify, including through use of the
21 Technology Database and Mapping Program
22 developed under paragraph (2)—

23 (i) markets (including anticipated
24 markets) for new and developing tech-

1 nologies in such sectors of the global econ-
2 omy; and

3 (ii) new and developing technologies,
4 including manufacturing technologies, that
5 may be used to gain a competitive advan-
6 tage in such sectors of the global economy;
7 and

8 (C) identify measures to take advantage of
9 the markets and technologies identified under
10 clauses (i) and (ii) of subparagraph (B), respec-
11 tively, to give the United States a competitive
12 advantage in such sectors of the global econ-
13 omy, including, as appropriate, measures to en-
14 courage and facilitate the development, acquisi-
15 tion, and use of technologies described in such
16 clauses.

17 (2) TECHNOLOGY DATABASE AND MAPPING
18 PROGRAM.—The Commission shall develop a de-
19 tailed, accurate, and comprehensive computer pro-
20 gram, to be known as the “Technology Database
21 and Mapping Program”, to identify and keep track
22 of new and developing technologies described in
23 clauses (i) and (ii) of paragraph (1)(B).

24 (c) MEMBERSHIP.—

1 (1) NUMBER AND APPOINTMENT.—The Com-
2 mission shall be composed of 12 members appointed
3 as follows:

4 (A) Three members appointed by the ma-
5 jority leader of the Senate.

6 (B) Three members appointed by the mi-
7 nority leader of the Senate.

8 (C) Three members appointed by the
9 Speaker of the House of Representatives.

10 (D) Three members appointed by the mi-
11 nority leader of the House of Representatives.

12 (2) DEADLINE FOR APPOINTMENT.—Each
13 member of the Commission shall be appointed not
14 later than 180 days after the date of the enactment
15 of this Act.

16 (3) TERMS.—Each member of the Commission
17 shall be appointed for a term of 2 years, and may
18 serve no more than 3 terms.

19 (4) VACANCIES.—A vacancy in the Commission
20 shall be filled in the same manner in which the origi-
21 nal appointment was made.

22 (5) SERVICE WITHOUT PAY.—The members of
23 the Commission shall serve without pay.

24 (6) TRAVEL EXPENSES.—Each member shall
25 receive travel expenses, including per diem in lieu of

1 subsistence, in accordance with applicable provisions
2 under subchapter I of chapter 57 of title 5, United
3 States Code.

4 (7) QUORUM.—Eight members of the Commis-
5 sion shall constitute a quorum, except that if a ma-
6 jority of members in the quorum have been ap-
7 pointed by a leader of the same political party, the
8 quorum shall include no fewer than 3 members ap-
9 pointed by a leader of the other political party.

10 (8) CHAIR AND VICE CHAIR.—The Commission
11 shall elect a Chair and Vice Chair from among its
12 members. The term of office of the Chair and vice
13 Chair shall be 2 years.

14 (9) MEETINGS.—The Commission shall meet at
15 least once each month at the call of the Chair or a
16 majority of its members. The Commission shall hold
17 at least one meeting in person in each of 6 months
18 per year.

19 (d) DIRECTOR AND STAFF OF COMMISSION.—

20 (1) DIRECTOR.—

21 (A) IN GENERAL.—Subject to paragraph
22 (3) and to the extent provided in advance in ap-
23 propriation Acts, the Commission shall appoint
24 and fix the compensation of a director.

1 (B) DUTIES.—The director of the Commis-
2 sion shall be responsible for the administration
3 and coordination of the duties of the Commis-
4 sion and shall perform such other duties as the
5 Commission may direct.

6 (2) STAFF.—In accordance with rules agreed
7 upon by the Commission, subject to paragraph (3),
8 and to the extent provided in advance in appropria-
9 tion Acts, the director may appoint and fix the com-
10 pensation of such additional personnel as may be
11 necessary to enable the Commission to carry out its
12 duties.

13 (3) APPLICABILITY OF CERTAIN CIVIL SERVICE
14 LAWS.—The director and staff of the Commission
15 may be appointed without regard to the provisions
16 of title 5, United States Code, governing appoint-
17 ments in the competitive service, and may be com-
18 pensated without regard to the provisions of chapter
19 51 and subchapter III of chapter 53 of such title re-
20 lating to classification and General Schedule pay
21 rates, except that compensation fixed under para-
22 graph (1)(A) may not exceed \$150,000 per year,
23 and compensation fixed under paragraph (2) may
24 not exceed a rate equal to the daily equivalent of the
25 annual rate of basic pay for level V of the Executive

1 Schedule under section 5316 of title 5, United
2 States Code.

3 (4) EXPERTS AND CONSULTANTS.—In accord-
4 ance with rules agreed upon by the Commission and
5 to the extent provided in advance in appropriation
6 Acts, the director may procure the services of ex-
7 perts and consultants under section 3109(b) of title
8 5, United States Code, but at rates for individuals
9 not to exceed the daily equivalent of the annual rate
10 of basic pay for level V of the Executive Schedule
11 under section 5316 of title 5, United States Code.

12 (5) STAFF OF FEDERAL AGENCIES.—Upon re-
13 quest of the Commission, the head of any Federal
14 department or agency may detail, without reim-
15 bursement from the Commission, any of the per-
16 sonnel of that department or agency to the Commis-
17 sion to assist it in carrying out its duties under this
18 section. Such detailee shall retain the rights, status,
19 and privileges of their regular employment without
20 interruption.

21 (e) POWERS OF COMMISSION.—

22 (1) HEARINGS AND EVIDENCE.—The Commis-
23 sion may, for the purpose of carrying out this sec-
24 tion, hold hearings, sit and act at times and places,
25 take testimony, and receive evidence as the Commis-

1 sion considers appropriate. The Commission may ad-
2 minister oaths or affirmations to witnesses appear-
3 ing before it.

4 (2) POWERS OF MEMBERS AND AGENTS.—Any
5 member or agent of the Commission may, if author-
6 ized by the Commission, take any action which the
7 Commission is authorized to take under this section.

8 (3) OBTAINING OFFICIAL DATA.—The Commis-
9 sion may secure directly from any department or
10 agency of the United States information necessary
11 to enable it to carry out this Act. Upon request of
12 the Chair of the Commission, the head of that de-
13 partment or agency shall, to the extent authorized
14 by law, furnish such information to the Commission.

15 (4) GIFTS, BEQUESTS, AND DEVISES.—The
16 Commission may accept, use, and dispose of gifts,
17 bequests, or devises of services or property, both real
18 and personal, for the purpose of aiding or facili-
19 tating the work of the Commission. Gifts, bequests,
20 or devises of money and proceeds from sales of other
21 property received as gifts, bequests, or devises shall
22 be deposited in the Treasury and shall be available
23 for disbursement upon order of the Chair of the
24 Commission.

1 (5) **MAILS.**—The Commission may use the
2 United States mails in the same manner and under
3 the same conditions as other departments and agen-
4 cies of the United States.

5 (6) **ADMINISTRATIVE SUPPORT SERVICES.**—
6 Upon the request of the Commission, the Adminis-
7 trator of General Services shall provide to the Com-
8 mission, on a reimbursable basis, the administrative
9 support services necessary for the Commission to
10 carry out its responsibilities under this section.

11 (7) **CONTRACT AUTHORITY.**—To the extent or
12 in the amounts provided in advance in appropriation
13 Acts, the Commission may contract with and com-
14 pensate government and private agencies or persons
15 to enable the Commission to discharge its duties
16 under this Act.

17 (f) **REPORTS.**—The Commission shall issue to Con-
18 gress periodic reports on the following, as the Commission
19 considers appropriate:

20 (1) The assessment of the competitiveness of
21 the United States under subsection (b)(1)(A).

22 (2) The markets and technologies identified
23 under subsection (b)(1)(B).

1 (3) The measures identified under subsection
2 (b)(1)(C), and any factors affecting the implementa-
3 tion of such measures, including—

4 (A) proposed trade agreements and the en-
5 forcement of existing trade agreements;

6 (B) taxation;

7 (C) cybersecurity;

8 (D) the United States patent system;

9 (E) intellectual property laws and the en-
10 forcement of such laws;

11 (F) education, including vocational train-
12 ing;

13 (G) research and development programs;

14 and

15 (H) infrastructure.

16 (4) Such other reports as are requested by
17 members of Congress or congressional committees.

18 (g) TERMINATION.—The authority for the Commis-
19 sion provided in this section shall terminate and the Com-
20 mission shall be dissolved on September 30, 2016.

21 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$1,000,000 for each of the fiscal years 2012 through
24 2016. No amount is authorized to carry out this section
25 for a fiscal year unless the appropriation for the Economic

1 Development Administration for such fiscal year is re-
2 duced by an amount equal to the amount appropriated to
3 carry out this section for such fiscal year.

4 **SEC. 5. PUBLIC WORKS AND ECONOMIC DEVELOPMENT**
5 **ACT OF 1965 ASSISTANCE ELIGIBILITY.**

6 (a) GRANTS FOR PUBLIC WORKS AND ECONOMIC
7 DEVELOPMENT.—Section 201(a) of the Public Works and
8 Economic Development Act of 1965 (42 U.S.C. 3141(a))
9 is amended—

10 (1) in paragraph (1) by striking “and” at the
11 end;

12 (2) in paragraph (2) by striking the period at
13 the end and inserting a semicolon; and

14 (3) by adding at the end the following:

15 “(3) projects to facilitate the relocation, to the
16 United States, of a source of employment located
17 outside the United States; and

18 “(4) projects to facilitate the growth of the
19 manufacturing sector or the customer service sec-
20 tor.”.

21 (b) BASE CLOSINGS AND REALIGNMENTS.—Section
22 202 of the Public Works and Economic Development Act
23 of 1965 (42 U.S.C. 3142) is amended by inserting after
24 “or realignment” the following: “, including a project to
25 facilitate the relocation, to the United States, of a source

1 of employment located outside the United States or to fa-
2 cilitate the growth of the manufacturing sector or the cus-
3 tomer service sector,”.

4 (c) GRANTS FOR PLANNING AND GRANTS FOR AD-
5 MINISTRATIVE EXPENSES.—Section 203(a) of the Public
6 Works and Economic Development Act of 1965 (42
7 U.S.C. 3143(a)) is amended by inserting after “economic
8 development planning” the following: “, including plan-
9 ning with respect to projects to facilitate the relocation,
10 to the United States, of a source of employment located
11 outside the United States or to facilitate the growth of
12 the manufacturing sector or the customer service sector,”.

13 (d) GRANTS FOR TRAINING, RESEARCH, AND TECH-
14 NICAL ASSISTANCE.—Section 207(a)(2) of the Public
15 Works and Economic Development Act of 1965 (42
16 U.S.C. 3147(a)(2)) is amended—

17 (1) by striking subparagraph (H);

18 (2) by redesignating subparagraph (I) as sub-
19 paragraph (K); and

20 (3) by inserting after subparagraph (G) the fol-
21 lowing:

22 “(H) assessment, marketing, and establish-
23 ment of business clusters;

1 (B) the potential effectiveness of other tax
2 provisions which would encourage the repatri-
3 ation foreign earnings, and

4 (2) an estimate of the loss in tax revenue asso-
5 ciated with any provision for each job created.

6 (b) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the Secretary of the Treasury
8 shall submit to Congress a report of such study.

9 **SEC. 7. PATENT PROTECTION AND PRIORITIZATION.**

10 (a) PRE-PUBLICATION OF ABSTRACTS ONLY.—Sec-
11 tion 122 of title 35, United States Code, is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (A)—

15 (I) by striking “, each application
16 for a patent” and inserting “and with
17 respect to an application for a patent,
18 the abstract included with such appli-
19 cation”; and

20 (II) by striking “an application”
21 and inserting “an abstract”;

22 (ii) in subparagraph (B), by striking
23 “patent applications” each place it appears
24 and inserting “abstracts included with pat-
25 ent applications”; and

1 (iii) in subparagraph (C), by striking
2 “patent application” each place it appears
3 and inserting “abstract included with a
4 patent application”; and

5 (B) in paragraph (2)—

6 (i) in subparagraph (A), by striking
7 “An application” and inserting “An ab-
8 stract included with an application”;

9 (ii) in subparagraph (B)—

10 (I) in clause (i), by striking “the
11 application” and inserting “the ab-
12 stract included with the application”;
13 and

14 (II) in clause (iv), by striking
15 “the application” and inserting “the
16 abstract included with the applica-
17 tion”; and

18 (iii) by striking clause (v);

19 (2) by striking subsection (c);

20 (3) by redesignating subsection (d) as sub-
21 section (c); and

22 (4) in subsection (c), as so redesignated, by
23 striking “No application” and inserting “No ab-
24 stract included with an application”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) TABLE OF CONTENTS.—The table of con-
2 tents for chapter 11 of part 2 of title 35, United
3 States Code, is amended in the item relating to sec-
4 tion 122 by inserting before “patent applications”
5 the following: “abstracts included with”.

6 (2) PUBLICATIONS.—Section 10 of title 35,
7 United States Code, is amended by striking “pub-
8 lished applications” and inserting “published ab-
9 stracts included with applications”.

10 (3) ABSTRACT DEFINITION.—Section 100 of
11 title 35, United States Code, is amended by adding
12 at the end the following new subsection:

13 “(f) The term ‘abstract’ shall have the meaning given
14 such term, by regulation, by the Director.”.

15 (4) CONDITIONS FOR PATENTABILITY.—Section
16 102(e) of title 35, United States Code, is amended
17 to read as follows:

18 “(e) the invention was described in—

19 “(1) a patent granted on an application for pat-
20 ent by another in an international application filed
21 under the treaty defined in section 351(a); and

22 “(2) such application designated the United
23 States and was published under Article 21(2) of
24 such treaty in the English language; or”.

1 (5) INTERFERENCES.—Section 135(b) of title
2 35, United States Code, is amended to read as fol-
3 lows:

4 “(b) A claim which is the same as, or for the same
5 or substantially the same subject matter as, a claim of
6 an issued patent may not be made in any application un-
7 less such a claim is made prior to one year from the date
8 on which the patent was granted.”.

9 (6) PROVISIONAL RIGHTS.—Section 154(d)(1)
10 of title 35, United States Code, is amended—

11 (A) by striking “publication of the applica-
12 tion for such patent under section 122(b), or in
13 the case of”; and

14 (B) by striking “, the date of publication
15 of the application”.

16 (7) SECRECY OF CERTAIN INVENTIONS.—Sec-
17 tion 181 of title 35, United States Code, is amend-
18 ed—

19 (A) by striking “publication of an applica-
20 tion” each place it appears and inserting “pub-
21 lication of an abstract included with an applica-
22 tion”; and

23 (B) by striking “publication of the applica-
24 tion” each place it appears and inserting “pub-

1 lication of the abstract included with the appli-
2 cation”.

3 (c) **PRIORITIZATION FOR HIGHER EDUCATION INSTI-**
4 **TUTIONS.**—Section 131 of title 35, United States Code,
5 is amended—

6 (1) by striking “The Director” and inserting
7 the following:

8 “(a) **IN GENERAL.**—The Director”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(b) **PRIORITY OF EXAMINATION FOR CERTAIN AP-**
12 **PLICATIONS.**—The Director shall give priority to the ex-
13 amination of an application made by an applicant that
14 is—

15 “(1) an institution of higher education, as such
16 term is defined under section 101(a) of the Higher
17 Education Act of 1965 (20 U.S.C. 1001(a)); or

18 “(2) a patent holding company affiliated with
19 such an institution.”.

○