

111TH CONGRESS
2^D SESSION

H. R. 5980

To amend Federal law to encourage the repatriation of jobs to the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2010

Mr. WOLF (for himself, Mr. ROGERS of Kentucky, Mr. WITTMAN, Mrs. MILLER of Michigan, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Ways and Means, Financial Services, Transportation and Infrastructure, and Science 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 amend Federal law to encourage the repatriation of jobs to the United States, 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 shall be cited as the “Bring Jobs Back to
5 America: Strategic Manufacturing & Job Repatriation
6 Act”.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act:

3 (1) **REPATRIATION.**—The term “repatriation”
4 means, with respect to a firm’s job or facility, as the
5 act of returning from a location in a foreign country
6 to a location within the United States of America.

7 (2) **COMPARATIVE ADVANTAGE.**—The term
8 “comparative advantage” means, with respect to a
9 country’s industrial base, an environment in which a
10 country’s private industry may produce a good at a
11 lower opportunity cost than a competitor.

12 (3) **TECHNOLOGY-BASED PLANNING.**—The term
13 “technology-based planning” means the process by
14 which the Government may promote the acquisition
15 and utilization of technology to excel at satisfying a
16 customer need to generate a national competitive ad-
17 vantage.

18 (4) **TECHNOLOGY SPATIAL MAPPING.**—The
19 term “technology spatial mapping” means identi-
20 fying the full set of present and emerging tech-
21 nologies whose dimensions dictate how a technology
22 may be acquired and utilized for a competitive ad-
23 vantage.

1 **SEC. 3. NATIONAL MANUFACTURING & REPATRIATION**
2 **STRATEGY.**

3 (a) **REQUIREMENT.**—Not more than 180 days fol-
4 lowing enactment, the U.S. Secretary of Commerce shall
5 create a comprehensive national manufacturing strategy
6 designed to increase overall domestic production, create
7 private sector jobs, and identify emerging technologies to
8 strengthen American competitiveness and comparative ad-
9 vantages. The strategy shall also include:

10 (1) An analysis of progress made since the re-
11 lease of the Secretary’s 2004 report: “Manufac-
12 turing in America: A Comprehensive Strategy to Ad-
13 dress the Challenges to U.S. Manufacturers”.

14 (2) Targets, established by the Secretary, for
15 manufacturing sector growth, including a subset of
16 targets for repatriated jobs to the United States, for
17 fiscal years 2011, 2012, 2013, 2014, and 2015.

18 (3) A survey of all existing Federal programs
19 supporting manufacturing and recommendations on
20 how the department or the Congress may better
21 align such programs to support the strategy.

22 (b) **REQUIREMENT.**—Not more than 180 days fol-
23 lowing enactment, and every second year thereafter, the
24 Secretary shall conduct a survey of American firms:

25 (1) The survey shall, at a minimum, identify—

1 (A) firms which maintain manufacturing,
2 design or support service facilities outside of
3 the United States; and

4 (B) categories of products manufactured at
5 such facilities and number of jobs located at
6 such overseas facilities.

7 (2) The survey shall provide that any American
8 firms choosing not to complete the survey will be in-
9 eligible to receive Federal contracts or assistance.

10 (3) The Secretary shall create and maintain a
11 database based on the information provided in re-
12 sponse to the annual survey of American firms.

13 (4) The Secretary shall report to Congress on
14 the results of the annual survey, including longitu-
15 dinal trends in American manufacturing and the re-
16 patriation of jobs.

17 (c) Authorizes such sums as necessary.

18 **SEC. 4. REPATRIATION TASK FORCES.**

19 (a) REQUIREMENT.—The U.S. Secretary of Com-
20 merce shall establish multiple “Repatriation Task Forces”
21 to promote repatriation in accordance with the Secretary’s
22 established targets for job repatriation and manufacturing
23 growth. The task forces shall:

1 (1) Proactively and regularly identify American
2 firms interested in repatriating production or serv-
3 ices to the United States.

4 (2) Identify the unique needs of the firm nec-
5 essary to facilitate the repatriation.

6 (3) Identify and assist State governments to fa-
7 cilitate a mutually beneficial repatriation of the
8 firm's facility and/or jobs to the United States.

9 (4) Work with any other Federal agencies on a
10 case-by-case basis to provide technical assistance to
11 the firm or the State necessary to facilitate the repa-
12 triation of the facility and/or jobs to the United
13 States.

14 (5) Serve as a resource to State governments
15 and act as an impartial advocate for all States
16 choosing to compete for a firm's facility as part of
17 its repatriation.

18 (6) Educate firms and States on the National
19 Manufacturing and Repatriation Strategy, the Repa-
20 triation Task Forces, and all Federal assistance
21 available to firms and State and county economic de-
22 velopment agencies.

23 (7) Develop a computer-based program to help
24 firms understand the total cost of ownership of lo-

1 cating facilities inside the United States as com-
2 pared to foreign countries.

3 (b) MEMBERS.—Each task force shall be comprised
4 of, at a minimum, representatives from the Office of the
5 Secretary of Commerce, the Economic Development Ad-
6 ministration, the International Trade Administration, the
7 U.S. Patent and Trademark Office, National Institute of
8 Standards and Technology, and Bureau of Industry and
9 Security.

10 (c) Authorizes such sums as necessary.

11 **SEC. 5. AMERICAN ECONOMIC SECURITY COMMISSION.**

12 (a) ESTABLISHMENT.—There is established a com-
13 mission to be known as the “American Economic Security
14 Commission” (hereinafter in this Act referred to as the
15 “Commission”).

16 (b) DUTIES OF COMMISSION.—

17 (1) IN GENERAL.—The Commission shall study
18 and make recommendations on policy relating to
19 American competitiveness, particularly in the manu-
20 facturing, information technology, energy, and bio-
21 technology sectors of the global economy, as well as
22 study “technology-based planning” policies to bolster
23 American economic competitiveness.

24 (2) REPORTS.—The Commission shall issue
25 periodic reports on issues surrounding “technology-

1 based planning”, emerging technologies, and Amer-
2 ican economic competitiveness, specifically with re-
3 gard to a new trade agreement and the enforcement
4 of existing trade agreements, taxation, cybersecurity,
5 the U.S. patent system, intellectual property laws
6 and enforcement, vocational training, education, re-
7 search and development programs, and infrastruc-
8 ture, and produce reports requested by Members of
9 Congress or congressional committees.

10 (3) REQUIREMENT.—The Commission shall
11 oversee the development and operation of a com-
12 puter-based, accurate, precise and detailed “tech-
13 nology spatial mapping” program. This tool will be
14 used to catalogue, monitor, and anticipate emerging
15 trends in technology to support the commission’s re-
16 porting on developing American comparative advan-
17 tages in a timely manner as new technology devel-
18 ops.

19 (c) MEMBERSHIP.—The Commission shall be com-
20 posed of 12 members, with the majority and minority lead-
21 ers of the Senate, and the Speaker and the minority leader
22 of the House each selecting three commissioners. The
23 Commissioners shall serve two-year terms and may be re-
24 appointed twice.

1 (d) LEADERSHIP OF COMMISSION.—The Commis-
2 sioners shall elect a chairman and a vice-chairman every
3 other year. The chair and vice-chair may not have been
4 appointed by members of the same political party.

5 (e) DIRECTOR AND STAFF OF COMMISSION.—

6 (1) DIRECTOR.—

7 (A) IN GENERAL.—Subject to paragraph
8 (3) and to the extent provided in advance in ap-
9 propriation Acts, the Commission shall appoint
10 and fix the pay of a director.

11 (B) DUTIES.—The director of the Commis-
12 sion shall be responsible for the administration
13 and coordination of the duties of the Commis-
14 sion and shall perform other such duties as the
15 Commission may direct.

16 (2) STAFF.—In accordance with rules agreed
17 upon by the Commission, subject to paragraph (3),
18 and to the extent provided in advance in appropria-
19 tion Acts, the director may appoint and fix the pay
20 of additional personnel.

21 (3) APPLICABILITY OF CERTAIN CIVIL SERVICE
22 LAWS.—The director and staff of the Commission
23 may be appointed without regard to the provisions
24 of title 5, United States Code, governing appoint-
25 ments in the competitive service, and may be paid

1 without regard to the provisions of chapter 51 and
2 subchapter III of chapter 53 of that title relating to
3 classification and General Schedule pay rates, except
4 that pay fixed under paragraph (1) may not exceed
5 \$150,000 per year and pay fixed under paragraph
6 (2) may not exceed a rate equal to the daily equiva-
7 lent of the annual rate of basic pay for level V of
8 the Executive Schedule under section 5316 of title
9 5, United States Code.

10 (4) DETAILEES.—Any Federal Government em-
11 ployee may be detailed to the Commission without
12 reimbursement from the Commission, and such
13 detailee shall retain the rights, status, and privileges
14 of their regular employment without interruption.

15 (5) EXPERTS AND CONSULTANTS.—In accord-
16 ance with rules agreed upon by the Commission and
17 to the extent provided in advance in appropriation
18 Acts, the director may procure the services of ex-
19 perts and consultants under section 3109(b) of title
20 5, United States Code, but at rates not to exceed the
21 daily equivalent of the annual rate of basic pay for
22 level V of the Executive Schedule under section 5316
23 of title 5, United States Code.

24 (f) POWERS OF COMMISSION.—

1 (1) HEARINGS AND EVIDENCE.—The Commis-
2 sion may, for the purpose of carrying out this Act,
3 hold such hearings in addition to the town hall style
4 public hearings, sit and act at such times and
5 places, take such testimony, and receive such evi-
6 dence as the Commission considers appropriate. The
7 Commission may administer oaths or affirmations to
8 witnesses appearing before it.

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

13 (3) MAILS.—The Commission may use the
14 United States mails in the same manner and under
15 the same conditions as other departments and agen-
16 cies of the United States.

17 (4) ADMINISTRATIVE SUPPORT SERVICES.—
18 Upon the request of the Commission, the Adminis-
19 trator of General Services shall provide to the Com-
20 mission, on a reimbursable basis, the administrative
21 support services necessary for the Commission to
22 carry out its responsibilities under this Act.

23 (5) CONTRACT AUTHORITY.—To the extent pro-
24 vided in advance in appropriation Acts, the Commis-

1 sion may enter into contracts to enable the Commis-
2 sion to discharge its duties under this Act.

3 (6) GIFTS.—The Commission may accept, use,
4 and dispose of gifts or donations of services or prop-
5 erty.

6 (g) Authorizes such sums as necessary.

7 **SEC. 6. REPATRIATION TAX INCENTIVE STUDY.**

8 (a) REQUIREMENT.—The U.S. Secretary of Com-
9 merce shall, in conjunction with the Commissioner of the
10 U.S. Internal Revenue Service study the impact and feasi-
11 bility of a tax incentive to encourage firms to repatriate
12 jobs and report back to Congress within 180 days of en-
13 actment.

14 (b) The study shall:

15 (1) Examine the merits of a tax incentive to en-
16 courage repatriation that would waive all Federal
17 taxes on the return of offshore, untaxed profits to a
18 ratio of domestic jobs created.

19 (2) Consider a ratio of \$1 billion in tax relief
20 relative to 14,000 jobs repatriated or created in the
21 United States, as well as other ratios the Secretary
22 and Commissioner may determine.

1 **SEC. 7. AMENDS AUTHORIZED PROGRAMS FOR REPATRI-**
2 **ATION PURPOSES.**

3 (a) **ELIGIBILITY.**—To amend title 42, United States
4 Code, to include a definition of “repatriation” for purposes
5 of public works, economic development planning and local
6 government demonstration programs.

7 (b) **ELIGIBILITY.**—To amend title 15, United States
8 Code, subsection 7506 to include a definition of “repatri-
9 ation” for purposes.

10 **SEC. 8. PATENT PROTECTION AND PRIORITIZATION.**

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

13 (1) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (A)—

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

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

23 (ii) in subparagraph (B), by striking
24 “patent applications” each place it appears
25 and inserting “abstracts included with pat-
26 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: “(f) The
13 term ‘abstract’ shall have the meaning given such
14 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 such
24 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 of
15 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: “(a) **IN GENERAL.**—The Director”;
8 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.”.

20 **SEC. 9. EFFECTIVE DATE.**

21 The amendments made by this Act shall take effect
22 upon enactment of this Act.

○