

108TH CONGRESS
1ST SESSION

S. 1884

To assure a healthy American manufacturing sector, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2003

Mr. DASCHLE (for Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To assure a healthy American manufacturing sector, 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 “Enhance Domestic
5 Manufacturing and Worker Assistance Act of 2003”.

6 **TITLE I—EXTENSION AND EX-**
7 **PANSION OF TRADE ADJUST-**
8 **MENT ASSISTANCE**

9 **SEC. 101. EXTENSION FOR WORKERS AND FIRMS.**

10 (a) IN GENERAL.—Section 285(a) and (b)(1) and (2)
11 of the Trade Act of 1974 (19 U.S.C. 2271 note) are

1 amended by striking “September 30, 2007” each place it
2 appears and inserting “September 30, 2012”.

3 (b) AUTHORIZATION.—

4 (1) WORKERS.—Section 245 of the Trade Act
5 of 1974 (19 U.S.C. 2317) is amended by striking
6 “September 30, 2007” and inserting “September
7 30, 2012”.

8 (2) FIRMS.—

9 (A) IN GENERAL.—Section 256(b) of the
10 Trade Act of 1974 (19 U.S.C. 2346(b)) is
11 amended—

12 (i) by striking “\$16,000,000” and in-
13 serting “\$32,000,000”; and

14 (ii) by striking “2007” and inserting
15 “2012”.

16 (B) EXPANSION OF LOANS.—Section
17 255(h) of such Act (19 U.S.C. 2345) is amend-
18 ed—

19 (i) in paragraph (1), by striking
20 “\$3,000,000” and inserting “\$6,000,000”;
21 and

22 (ii) in paragraph (2), by striking
23 “\$1,000,000” and inserting “\$2,000,000”.

1 (3) FARMERS.—Section 298(a) of the Trade
2 Act of 1974 (19 U.S.C. 2401g) is amended by strik-
3 ing “2007” and inserting “2012”.

4 (c) FISHERMEN.—Notwithstanding any other provi-
5 sion of law, for purposes of chapter 2 of title II of the
6 Trade Act of 1974 (19 U.S.C. 2271 et seq.) fishermen
7 who harvest wild stock shall be eligible for adjustment as-
8 sistance to the same extent and in the same manner as
9 a group of workers under such chapter 2.

10 **SEC. 102. TRADE ADJUSTMENT ASSISTANCE FOR COMMU-**
11 **NITIES.**

12 (a) IN GENERAL.—Chapter 4 of title II of the Trade
13 Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read
14 as follows:

15 **“CHAPTER 4—TRADE ADJUSTMENT**
16 **ASSISTANCE FOR COMMUNITIES**

17 **“SEC. 271. DEFINITIONS.**

18 “In this chapter:

19 “(1) AFFECTED DOMESTIC PRODUCER.—The
20 term ‘affected domestic producer’ means any manu-
21 facturer, producer, farmer, rancher, fisherman or
22 worker representative (including associations of such
23 persons) that was affected by a finding under the
24 Antidumping Act of 1921, or by an antidumping or

1 countervailing duty order issued under title VII of
2 the Tariff Act of 1930.

3 “(2) AGRICULTURAL COMMODITY PRODUCER.—
4 The term ‘agricultural commodity producer’ has the
5 same meaning as the term ‘person’ as prescribed by
6 regulations promulgated under section 1001(5) of
7 the Food Security Act of 1985 (7 U.S.C. 1308(5)).

8 “(3) COMMUNITY.—The term ‘community’
9 means a city, county, or other political subdivision of
10 a State or a consortium of political subdivisions of
11 a State that the Secretary certifies as being nega-
12 tively impacted by trade.

13 “(4) COMMUNITY NEGATIVELY IMPACTED BY
14 TRADE.—A community negatively impacted by trade
15 means a community with respect to which a deter-
16 mination has been made under section 273.

17 “(5) ELIGIBLE COMMUNITY.—The term ‘eligible
18 community’ means a community certified under sec-
19 tion 273 for assistance under this chapter.

20 “(6) FISHERMAN.—

21 “(A) IN GENERAL.—The term ‘fisherman’
22 means any person who—

23 “(i) is engaged in commercial fishing;

24 or

25 “(ii) is a United States fish processor.

1 “(B) COMMERCIAL FISHING, FISH, FISH-
2 ERY, FISHING, FISHING VESSEL, PERSON, AND
3 UNITED STATES FISH PROCESSOR.—The terms
4 ‘commercial fishing’, ‘fish’, ‘fishery’, ‘fishing’,
5 ‘fishing vessel’, ‘person’, and ‘United States fish
6 processor’ have the same meanings as such
7 terms have in the Magnuson-Stevens Fishery
8 Conservation and Management Act (16 U.S.C.
9 1802).

10 “(7) JOB LOSS.—The term ‘job loss’ means the
11 total or partial separation of an individual, as those
12 terms are defined in section 247.

13 “(8) SECRETARY.—The term ‘Secretary’ means
14 the Secretary of Commerce.

15 **“SEC. 272. COMMUNITY TRADE ADJUSTMENT ASSISTANCE**
16 **PROGRAM.**

17 “(a) ESTABLISHMENT.—Within 6 months after the
18 date of enactment of the Enhance Domestic Manufac-
19 turing and Worker Assistance Act of 2003, the Secretary
20 shall establish a Trade Adjustment Assistance for Com-
21 munities Program at the Department of Commerce.

22 “(b) PERSONNEL.—The Secretary shall designate
23 such staff as may be necessary to carry out the respon-
24 sibilities described in this chapter.

1 “(c) COORDINATION OF FEDERAL RESPONSE.—The
2 Secretary shall—

3 “(1) provide leadership, support, and coordina-
4 tion for a comprehensive management program to
5 address economic dislocation in eligible communities;

6 “(2) coordinate the Federal response to an eli-
7 gible community—

8 “(A) by identifying all Federal, State, and
9 local resources that are available to assist the
10 eligible community in recovering from economic
11 distress;

12 “(B) by ensuring that all Federal agencies
13 offering assistance to an eligible community do
14 so in a targeted, integrated manner that en-
15 sures that an eligible community has access to
16 all available Federal assistance;

17 “(C) by assuring timely consultation and
18 cooperation between Federal, State, and re-
19 gional officials concerning economic adjustment
20 for an eligible community; and

21 “(D) by identifying and strengthening ex-
22 isting agency mechanisms designed to assist eli-
23 gible communities in their efforts to achieve
24 economic adjustment and workforce reemploy-
25 ment;

1 “(3) provide comprehensive technical assistance
2 to any eligible community in the efforts of that com-
3 munity to—

4 “(A) identify serious economic problems in
5 the community that are the result of negative
6 impacts from trade;

7 “(B) integrate the major groups and orga-
8 nizations significantly affected by the economic
9 adjustment;

10 “(C) access Federal, State, and local re-
11 sources designed to assist in economic develop-
12 ment and trade adjustment assistance;

13 “(D) diversify and strengthen the commu-
14 nity economy; and

15 “(E) develop a community-based strategic
16 plan to address economic development and
17 workforce dislocation, including unemployment
18 among agricultural commodity producers, and
19 fishermen;

20 “(4) establish specific criteria for submission
21 and evaluation of a strategic plan submitted under
22 section 274(d);

23 “(5) establish specific criteria for submitting
24 and evaluating applications for grants under section
25 275; and

1 “(6) administer the grant programs established
2 under sections 274 and 275.

3 **“SEC. 273. CERTIFICATION AND NOTIFICATION.**

4 “(a) CERTIFICATION.—Not later than 45 days after
5 an event described in subsection (c)(1), the Secretary of
6 Commerce shall determine if a community described in
7 subsection (b)(1) is negatively impacted by trade, and if
8 a positive determination is made, shall certify the commu-
9 nity for assistance under this chapter.

10 “(b) DETERMINATION THAT COMMUNITY IS ELIGI-
11 BLE.—

12 “(1) COMMUNITY DESCRIBED.—A community
13 described in this paragraph means a community
14 with respect to which—

15 “(A) the Secretary of Labor certifies a
16 group of workers (or their authorized represent-
17 ative) in the community as eligible for assist-
18 ance pursuant to section 223;

19 “(B) the Secretary of Commerce certifies a
20 firm located in the community as eligible for
21 adjustment assistance under section 251;

22 “(C) the Secretary of Agriculture certifies
23 a group of agricultural commodity producers
24 (or their authorized representative) in the com-

1 munity as eligible for adjustment assistance
2 under section 293;

3 “(D) an affected domestic producer is lo-
4 cated in the community; or

5 “(E) the Secretary determines that a sig-
6 nificant number of fishermen in the community
7 is negatively impacted by trade.

8 “(2) NEGATIVELY IMPACTED BY TRADE.—The
9 Secretary shall determine that a community is nega-
10 tively impacted by trade, after taking into consider-
11 ation—

12 “(A) the number of jobs affected compared
13 to the size of workforce in the community;

14 “(B) the severity of the rates of unemploy-
15 ment in the community and the duration of the
16 unemployment in the community;

17 “(C) the income levels and the extent of
18 underemployment in the community;

19 “(D) the outmigration of population from
20 the community and the extent to which the out-
21 migration is causing economic injury in the
22 community; and

23 “(E) the unique problems and needs of the
24 community.

25 “(c) DEFINITION AND SPECIAL RULES.—

1 “(1) EVENT DESCRIBED.—An event described
2 in this paragraph means one of the following:

3 “(A) A notification described in paragraph
4 (2).

5 “(B) A certification of a firm under section
6 251.

7 “(C) A finding under the Antidumping Act
8 of 1921, or an antidumping or countervailing
9 duty order issued under title VII of the Tariff
10 Act of 1930.

11 “(D) A determination by the Secretary
12 that a significant number of fishermen in a
13 community have been negatively impacted by
14 trade.

15 “(2) NOTIFICATION.—The Secretary of Labor,
16 immediately upon making a determination that a
17 group of workers is eligible for trade adjustment as-
18 sistance under section 223, (or the Secretary of Ag-
19 riculture, immediately upon making a determination
20 that a group of agricultural commodity producers is
21 eligible for adjustment assistance under section 293,
22 as the case may be) shall notify the Secretary of
23 Commerce of the determination.

24 “(d) NOTIFICATION TO ELIGIBLE COMMUNITIES.—
25 Immediately upon certification by the Secretary of Com-

1 merce that a community is eligible for assistance under
2 subsection (b), the Secretary shall notify the community—

3 “(1) of the determination under subsection (b);

4 “(2) of the provisions of this chapter;

5 “(3) how to access the clearinghouse established
6 by the Department of Commerce regarding available
7 economic assistance;

8 “(4) how to obtain technical assistance provided
9 under section 272(c)(3); and

10 “(5) how to obtain grants, tax credits, low in-
11 come loans, and other appropriate economic assist-
12 ance.

13 **“SEC. 274. STRATEGIC PLANS.**

14 “(a) IN GENERAL.—An eligible community may de-
15 velop a strategic plan for community economic adjustment
16 and diversification and shall be eligible for assistance as
17 provided for under section 275.

18 “(b) REQUIREMENTS FOR STRATEGIC PLAN.—A
19 strategic plan shall contain, at a minimum, the following:

20 “(1) A description and justification of the ca-
21 pacity for economic adjustment, including the meth-
22 od of financing to be used.

23 “(2) A description of the commitment of the
24 community to the strategic plan over the long term

1 and the participation and input of groups affected
2 by economic dislocation.

3 “(3) A description of the projects to be under-
4 taken by the eligible community.

5 “(4) A description of how the plan and the
6 projects to be undertaken by the eligible community
7 will lead to job creation and job retention in the
8 community.

9 “(5) A description of how the plan will achieve
10 economic adjustment and diversification.

11 “(6) A description of how the plan and the
12 projects will contribute to establishing or maintain-
13 ing a level of public services necessary to attract and
14 retain economic investment.

15 “(7) A description and justification for the cost
16 and timing of proposed basic and advanced infra-
17 structure improvements in the eligible community.

18 “(8) A description of how the plan will address
19 the occupational and workforce conditions in the eli-
20 gible community.

21 “(9) A description of the educational programs
22 available for workforce training and future employ-
23 ment needs.

24 “(10) A description of how the plan will adapt
25 to changing markets and business cycles.

1 “(11) A description and justification for the
2 cost and timing of the total funds required by the
3 community for economic assistance.

4 “(12) A graduation strategy through which the
5 eligible community demonstrates that the community
6 will terminate the need for Federal assistance.

7 “(c) GRANTS TO DEVELOP STRATEGIC PLANS.—The
8 Secretary, upon receipt of an application from an eligible
9 community, may award a grant to that community to be
10 used to develop and implement the strategic plan.

11 “(d) SUBMISSION OF PLAN.—A strategic plan devel-
12 oped under subsection (a) shall be submitted to the Sec-
13 retary for evaluation and approval.

14 **“SEC. 275. GRANTS FOR ECONOMIC DEVELOPMENT.**

15 “(a) IN GENERAL.—The Secretary, upon approval of
16 a strategic plan from an eligible community, may award
17 a grant to that community to carry out any project or
18 program that is certified by the Secretary to be included
19 in the strategic plan approved under section 274(d), or
20 consistent with that plan.

21 “(b) ADDITIONAL GRANTS.—Subject to paragraph
22 (2), in order to assist eligible communities to obtain funds
23 under Federal grant programs, other than the grants pro-
24 vided for in section 274(c) or subsection (a), the Secretary

1 may, on the application of an eligible community, make
2 a supplemental grant to the community if—

3 “(1) the purpose of the grant program from
4 which the grant is made is to provide technical or
5 other assistance for planning, constructing, or equip-
6 ping public works facilities or to provide assistance
7 for public service projects; and

8 “(2) the grant is 1 for which the community is
9 eligible except for the community’s inability to meet
10 the non-Federal share requirements of the grant
11 program.

12 “(c) RURAL COMMUNITY PREFERENCE.—The Sec-
13 retary shall develop guidelines to ensure that rural com-
14 munities receive preference in the allocation of resources.

15 **“SEC. 276. GENERAL PROVISIONS.**

16 “(a) REGULATIONS.—The Secretary shall prescribe
17 such regulations as are necessary to carry out the provi-
18 sions of this chapter. Not later than 60 days before imple-
19 menting any regulation or guideline proposed by the Sec-
20 retary with respect to this chapter, the Secretary shall
21 submit the regulation or guideline to the Committee on
22 Finance of the Senate and the Committee on Ways and
23 Means of the House of Representatives for approval.

24 “(b) SUPPLEMENT NOT SUPPLANT.—Funds appro-
25 priated under this chapter shall be used to supplement and

1 not supplant other Federal, State, and local public funds
2 expended to provide economic development assistance for
3 communities.

4 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
5 is authorized to be appropriated to the Secretary to carry
6 out this chapter amounts as follows:

7 “(1) For fiscal year 2005, \$350,000,000.

8 “(2) For each of fiscal years 2006 through
9 2015, the amount authorized to be appropriated by
10 this subsection for the preceding fiscal year in-
11 creased by a percentage equal to the percentage by
12 which—

13 “(A) the Consumer Price Index (all items,
14 United States city average) for the 12-month
15 period ending on the August 31 of such pre-
16 ceding fiscal year, exceeds

17 “(B) such Consumer Price Index for the
18 12-month period preceding the 12-month period
19 described in subparagraph (A). Amounts appro-
20 priated pursuant to this subsection shall remain
21 available until expended.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) TERMINATION.—Section 285(b) of the
24 Trade Act of 1974 (19 U.S.C. 2271 note) is amend-

1 ed by adding at the end the following new para-
2 graph:

3 “(3) ASSISTANCE FOR COMMUNITIES.—Tech-
4 nical assistance and other payments may not be pro-
5 vided under chapter 4 after September 30, 2015.”.

6 (2) TABLE OF CONTENTS.—The table of con-
7 tents for title II of the Trade Act of 1974 is amend-
8 ed by striking the items relating to chapter 4 of title
9 II and inserting after the items relating to chapter
10 3 the following new items:

“CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

“Sec. 271. Definitions.

“Sec. 272. Community Trade Adjustment Assistance Program.

“Sec. 273. Certification and notification.

“Sec. 274. Strategic plans.

“Sec. 275. Grants for economic development.

“Sec. 276. General provisions.”.

11 (c) JUDICIAL REVIEW.—Section 284(a) of the Trade
12 Act of 1974 (19 U.S.C. 2395(a)) is amended by striking
13 “section 271” and inserting “section 273”.

14 (d) EFFECTIVE DATE.—The provisions of this sec-
15 tion shall take effect on October 1, 2004.

16 **SEC. 103. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.**

17 (a) IN GENERAL.—Chapter 3 of title II of the Trade
18 Act of 1974 (19 U.S.C. 2341 et seq.) is amended by in-
19 serting after section 255 the following new section:

1 **“SEC. 255A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.**

2 “(a) ESTABLISHMENT.—Not later than 90 days after
3 the date of enactment of the Enhance Domestic Manufac-
4 turing and Worker Assistance Act of 2003, there shall be
5 established in the International Trade Administration of
6 the Department of Commerce an Office of Trade Adjust-
7 ment Assistance.

8 “(b) PERSONNEL.—The Office shall be headed by a
9 Director, and shall have such staff as may be necessary
10 to carry out the responsibilities of the Secretary of Com-
11 merce described in this chapter.

12 “(c) FUNCTIONS.—The Office shall assist the Sec-
13 retary of Commerce in carrying out the Secretary’s re-
14 sponsibilities under this chapter.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
16 tents for the Trade Act of 1974 is amended by inserting
17 after the item relating to section 255, the following new
18 item:

“Sec. 255A. Office of Trade Adjustment Assistance.”.

1 **TITLE II—REAUTHORIZATION OF**
2 **CERTAIN DEPARTMENT OF**
3 **COMMERCE PARTNERSHIP**
4 **PROGRAMS**

5 **SEC. 201. MANUFACTURING EXTENSION PARTNERSHIP**
6 **PROGRAM.**

7 (a) IN GENERAL.—There is authorized to be appro-
8 priated for the National Institute of Standards and Tech-
9 nology for the Manufacturing Extension Partnership Pro-
10 gram amounts as follows:

11 (1) For fiscal year 2005, \$212,000,000.

12 (2) For fiscal year 2006, \$272,000,000.

13 (3) For fiscal year 2007, \$332,000,000.

14 (4) For fiscal year 2008, \$392,000,000.

15 (5) For fiscal year 2009, \$452,000,000.

16 (6) For fiscal year 2010, \$512,000,000.

17 (7) For fiscal year 2011, \$572,000,000.

18 (8) For fiscal year 2012, \$632,000,000.

19 (9) For fiscal year 2013, \$692,000,000.

20 (10) For fiscal year 2014, \$752,000,000.

21 (11) For fiscal year 2015, \$812,000,000.

22 (b) MANUFACTURING EXTENSION PARTNERSHIP
23 PROGRAM DEFINED.—In this section, the term “Manufac-
24 turing Extension Partnership Program” means the pro-
25 gram of Manufacturing Extension Partnership carried out

1 by the National Institute of Standards and Technology
 2 under section 26 of the National Institute of Standards
 3 and Technology Act (15 U.S.C. 278l), as provided in part
 4 292 of title 15, Code of Federal Regulations.

5 **SEC. 202. ADVANCED TECHNOLOGY PROGRAM.**

6 There are authorized to be appropriated for the Na-
 7 tional Institute of Standards and Technology for carrying
 8 out the Advanced Technology Program under section 28
 9 of the National Institute of Standards and Technology Act
 10 (15 U.S.C. 278n), \$400,000,000 for each of fiscal years
 11 2004 through 2013.

12 **TITLE III—SMALL BUSINESS**
 13 **OFFICE**

14 **SEC. 301. ESTABLISHMENT OF OFFICE.**

15 (a) IN GENERAL.—Chapter 4 of title I of the Trade
 16 Act of 1974 (19 U.S.C. 2171) is amended by adding after
 17 section 141, the following new section:

18 **“SEC. 141A. SMALL BUSINESS OFFICE.**

19 “(a) ESTABLISHMENT.—Not later than 90 days after
 20 the date of enactment of the Enhance Domestic Manufac-
 21 turing and Worker Assistance Act of 2003, there shall be
 22 established in the Office of the United States Trade Rep-
 23 resentative an Office of Small Business.

24 “(b) PERSONNEL.—The Office shall be headed by a
 25 Director, and shall have such staff as may be necessary

1 to carry out the functions and responsibilities described
2 in this section.

3 “(c) FUNCTIONS.—The Office shall—

4 “(1) assist the United States Trade Represent-
5 ative in carrying out the Trade Representative’s re-
6 sponsibilities under this chapter; and

7 “(2) ensure that small business manufacturing
8 issues are taken into consideration in carrying out
9 those responsibilities.”.

10 (b) CONFORMING AMENDMENT.—The table of con-
11 tents for the Trade Act of 1974 is amended by inserting
12 after the item relating to section 141, the following new
13 item:

“Sec. 141A. Office of Small Business.”.

○