

112TH CONGRESS
2D SESSION

S. 3479

To strengthen manufacturing in the United States through improved training, retention, and recruitment of workers, to deter evasion of antidumping and countervailing duty orders, and to promote United States exports, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2012

Mr. PRYOR (for himself, Mr. BLUNT, Mr. BROWN of Ohio, Ms. SNOWE, Mr. WYDEN, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To strengthen manufacturing in the United States through improved training, retention, and recruitment of workers, to deter evasion of antidumping and countervailing duty orders, and to promote United States exports, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Building a Stronger America Act of 2012”.

- 1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Findings.
 Sec. 3. Sense of Congress.

TITLE I—STRENGTHENING THE UNITED STATES MANUFACTURING SECTOR

Subtitle A—Strengthening Employment Clusters To Organize Regional Success

- Sec. 101. Strengthening employment clusters to organize regional success.

Subtitle B—Workforce Innovation for New Jobs and Applied Education

- Sec. 111. Innovation in investment pilot program.
 Sec. 112. Registered apprenticeship programs.

Subtitle C—Attracting Jobs and Certification and Training Standards

- Sec. 121. Inbound investment program to recruit jobs to the United States.
 Sec. 122. Utilization of industry-approved certification assessments and standards to improve education and training program performance.

TITLE II—LEVELING THE PLAYING FIELD IN INTERNATIONAL TRADE

Subtitle A—Investigating Claims of Evasion of Antidumping and Countervailing Duty Orders

PART I—PROCEDURES

- Sec. 201. Procedures for investigating claims of evasion of antidumping and countervailing duty orders.
 Sec. 202. Application to Canada and Mexico.

PART II—OTHER MATTERS

- Sec. 211. Definitions.
 Sec. 212. Allocation of U.S. Customs and Border Protection personnel.
 Sec. 213. Regulations.
 Sec. 214. Annual report on prevention of evasion of antidumping and countervailing duty orders.
 Sec. 215. Government Accountability Office report on reliquidation authority.

Subtitle B—Foreign Direct Investment

- Sec. 221. Report on enhancing competitiveness of United States in attracting foreign direct investment.

TITLE III—EXPORT PROMOTION

- Sec. 301. Improved coordination of export promotion activities of Federal agencies by the Trade Promotion Coordinating Committee.
 Sec. 302. Effective deployment of resources of the United States and Foreign Commercial Service.

Sec. 303. Strengthened commercial diplomacy to increase United States exports.

Sec. 304. Reports on distortive or discriminatory economic policies and practices of foreign countries.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Between 1971 and 2011, the United States
4 share of manufacturing output as a percentage of
5 the world total has dropped by almost 10 percent,
6 with 50 percent of this decline occurring during the
7 last decade.

8 (2) Manufacturing has been a source of good
9 jobs and has historically provided wages and benefits
10 nine percent above the average for workers in the
11 United States.

12 (3) The number of manufacturing sites in the
13 United States fell from 397,552 in 2001 to 344,352
14 by June 2010, leaving more than 50,000 factories
15 far below capacity or vacant.

16 (4) In 2010, the trade deficit of the United
17 States in manufactured products with advanced
18 technology was over \$81,000,000,000.

19 (5) The percentage of people in the United
20 States working in manufacturing fell from 12.5 per-
21 cent in 1998 to 8.9 percent in 2008, and is expected
22 to decline to 7.4 percent by 2018.

1 (6) United States service industries, including
2 information technology, financial services, profes-
3 sional and business services, transportation and lo-
4 gistcs, utilities, and others employ more than
5 90,000,000 people in the United States and have en-
6 joyed significant growth over the last decade.

7 (7) The unemployment rate in the United
8 States has been greater than 8 percent since Janu-
9 ary 2009.

10 (8) Exports currently support more than $\frac{1}{3}$ of
11 United States manufacturing jobs and more than
12 \$500,000,000,000 in services exports. The earnings
13 of people in the United States who work for firms
14 that export are more than 15 percent higher than
15 those of similar workers at firms that do not export.

16 (9) Ninety-five percent of the world's con-
17 sumers of goods and services live outside the United
18 States.

19 (10) To create the next generation of high-value
20 jobs and to be competitive in the global marketplace,
21 we need to expand the capacity of the manufac-
22 turing and traded services sectors to support ex-
23 ports.

24 **SEC. 3. SENSE OF CONGRESS.**

25 It is the sense of Congress that—

1 (1) the ability of the United States to attract
2 foreign investment is directly linked to the long-term
3 economic prosperity, competitiveness, and security of
4 the United States;

5 (2) in order to remain the most attractive loca-
6 tion for global investment, Congress and Federal
7 agencies should consider the potential impact upon
8 the ability of the United States to attract foreign di-
9 rect investment when evaluating proposed legislation
10 or regulatory policy; and

11 (3) it is a top national priority to enhance the
12 competitiveness, prosperity, and security of the
13 United States by—

14 (A) removing unnecessary barriers to glob-
15 al investment in the United States and the jobs
16 that it creates throughout the United States;
17 and

18 (B) promoting policies to ensure the
19 United States remains the premier destination
20 for global companies to invest, hire, innovate,
21 and manufacture their products.

1 **TITLE I—STRENGTHENING THE**
 2 **UNITED STATES MANUFAC-**
 3 **TURING SECTOR**

4 **Subtitle A—Strengthening Employ-**
 5 **ment Clusters To Organize Re-**
 6 **gional Success**

7 **SEC. 101. STRENGTHENING EMPLOYMENT CLUSTERS TO**
 8 **ORGANIZE REGIONAL SUCCESS.**

9 The Stevenson-Wydler Technology Innovation Act of
 10 1980 (15 U.S.C. 3701 et seq.) is amended by adding at
 11 the end the following:

12 **“SEC. 28. INDUSTRY OR SECTOR PARTNERSHIP GRANT**
 13 **PROGRAM.**

14 “(a) PURPOSE.—It is the purpose of this section to
 15 promote industry or sector partnerships that lead collabo-
 16 rative planning, resource alignment, and training efforts
 17 across multiple firms for a range of workers employed or
 18 potentially employed by a targeted industry cluster, in
 19 order to encourage industry growth and competitiveness
 20 and to improve worker training, retention, and advance-
 21 ment in targeted industry clusters, including by devel-
 22 oping—

23 “(1) immediate strategies for regions and com-
 24 munities to fulfill pressing skilled workforce needs;

1 “(2) long-term plans to grow targeted industry
2 clusters with better training and a more productive
3 workforce;

4 “(3) core competencies and competitive advan-
5 tages for regions and communities undergoing struc-
6 tural economic redevelopment; and

7 “(4) skill standards, career ladders, job re-
8 definitions, employer practices, and shared training
9 and support capacities that facilitate the advance-
10 ment of workers at all skill levels.

11 “(b) DEFINITIONS.—In this section:

12 “(1) CAREER LADDER.—The term ‘career lad-
13 der’ means an identified series of positions, work ex-
14 periences, and educational benchmarks or credentials
15 that offer occupational and financial advancement
16 within a specified career field or related fields over
17 time.

18 “(2) ECONOMIC SELF-SUFFICIENCY.—The term
19 ‘economic self-sufficiency’ means, with respect to a
20 worker, earning a wage sufficient to support a fam-
21 ily adequately over time, based on factors such as—

22 “(A) family size;

23 “(B) the number and ages of children in
24 the family;

1 “(C) the cost of living in the worker’s com-
2 munity; and

3 “(D) other factors that may vary by re-
4 gion.

5 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
6 tity’ means—

7 “(A) an industry or sector partnership; or

8 “(B) an eligible State agency.

9 “(4) ELIGIBLE STATE AGENCY.—The term ‘eli-
10 gible State agency’ means a State agency designated
11 by the Governor of the State in which the State
12 agency is located for the purposes of the grant pro-
13 gram under this section.

14 “(5) HIGH-PRIORITY OCCUPATION.—The term
15 ‘high-priority occupation’ means an occupation
16 that—

17 “(A) has a significant presence in an in-
18 dustry cluster;

19 “(B) is in demand by employers;

20 “(C) pays family-sustaining wages that en-
21 able workers to achieve economic self-suffi-
22 ciency, or can reasonably be expected to lead to
23 such wages;

24 “(D) has or is in the process of developing
25 a documented career ladder; and

1 “(E) has a significant impact on a region’s
2 economic development strategy.

3 “(6) INDUSTRY CLUSTER.—The term ‘industry
4 cluster’ means a concentration of interconnected
5 businesses, suppliers, research and development enti-
6 ties, service providers, and associated institutions in
7 a particular field that are linked by common work-
8 force needs.

9 “(7) INDUSTRY OR SECTOR PARTNERSHIP.—
10 The term ‘industry or sector partnership’ means a
11 workforce collaborative that is described as follows:

12 “(A) MANDATORY PARTNERS.—

13 “(i) IN GENERAL.—An industry or
14 sector partnership is a workforce collabo-
15 rative that organizes key stakeholders in a
16 targeted industry cluster into a working
17 group that focuses on the workforce needs
18 of the targeted industry cluster and in-
19 cludes, at the appropriate stage of develop-
20 ment of the partnership—

21 “(I) representatives of multiple
22 firms or employers in the targeted in-
23 dustry cluster, including small- and
24 medium-sized employers when prac-
25 ticable;

1 “(II) one or more representatives
 2 of State labor organizations, central
 3 labor coalitions, or other labor organi-
 4 zations, except in instances where no
 5 labor representation exists;

6 “(III) one or more representa-
 7 tives of local boards;

8 “(IV) one or more representa-
 9 tives of postsecondary educational in-
 10 stitutions or other training providers;
 11 and

12 “(V) one or more representatives
 13 of State workforce agencies or other
 14 entities providing employment serv-
 15 ices.

16 “(ii) DIVERSE AND DISTINCT REP-
 17 RESENTATION.—No individual may serve
 18 as a member in an industry or sector part-
 19 nership, as defined in this paragraph, for
 20 more than one of the required categories
 21 described in subclauses (I) through (V) of
 22 clause (i).

23 “(B) AUTHORIZED MEMBERS.—An indus-
 24 try or sector partnership may include represent-
 25 atives of—

- 1 “(i) State or local government;
 2 “(ii) State or local economic develop-
 3 ment agencies;
 4 “(iii) other State or local agencies;
 5 “(iv) chambers of commerce;
 6 “(v) nonprofit organizations;
 7 “(vi) philanthropic organizations;
 8 “(vii) economic development organiza-
 9 tions;
 10 “(viii) industry associations; and
 11 “(ix) other organizations, as deter-
 12 mined necessary by the members com-
 13 prising the industry or sector partnership.
- 14 “(8) INDUSTRY-RECOGNIZED.—The term ‘in-
 15 dustry-recognized’, used with respect to a credential,
 16 means a credential that—
- 17 “(A) is sought or accepted by businesses
 18 within the industry or sector involved as a rec-
 19 ognized, preferred, or required credential for re-
 20 cruitment, screening, or hiring purposes; and
- 21 “(B) is endorsed by a nationally recognized
 22 trade association or organization representing a
 23 significant part of the industry or sector, where
 24 appropriate.

1 “(9) **NATIONALLY PORTABLE.**—The term ‘na-
 2 tionally portable’, used with respect to a credential,
 3 means a credential that is sought or accepted by
 4 businesses within the industry sector involved, across
 5 multiple States, as a recognized, preferred, or re-
 6 quired credential for recruitment, screening, or hir-
 7 ing purposes.

8 “(10) **TARGETED INDUSTRY CLUSTER.**—The
 9 term ‘targeted industry cluster’ means an industry
 10 cluster that has—

11 “(A) economic impact in a local area or re-
 12 gional area, such as advanced manufacturing,
 13 clean energy technology, and health care;

14 “(B) immediate workforce development
 15 needs, such as advanced manufacturing, clean
 16 energy, technology, and health care; and

17 “(C) documented career opportunities.

18 “(11) **WORKFORCE INVESTMENT TERMS.**—For
 19 purposes of this section and section 29, the terms
 20 ‘dislocated worker’, ‘economic development agencies’,
 21 ‘local area’, ‘local board’, ‘local educational agency’,
 22 ‘low-income individual’, ‘nontraditional employment’,
 23 ‘postsecondary educational institution’, ‘secondary
 24 school’, ‘State’, ‘State board’, ‘supportive services’,
 25 ‘unemployed individual’, ‘vocational education’,

1 ‘workforce investment activity’, and ‘youth council’,
 2 shall have the meanings given the terms in section
 3 101 of the Workforce Investment Act of 1998 (29
 4 U.S.C. 2801), except that a reference in section
 5 101(46) of such Act (29 U.S.C. 2801(46)) to ‘this
 6 title’ shall be considered to be a reference to this
 7 section.

8 “(c) GRANTS AUTHORIZED.—

9 “(1) IN GENERAL.—From amounts appro-
 10 priated to carry out this section, the Secretary shall
 11 award, on a competitive basis, grants described in
 12 paragraph (3) to eligible entities to enable the eligi-
 13 ble entities to implement the eligible entities’ stra-
 14 tegic objectives in accordance with subsection
 15 (d)(2)(D).

16 “(2) MAXIMUM AMOUNT.—

17 “(A) MAXIMUM FOR IMPLEMENTATION
 18 GRANTS.—A grant awarded under paragraph
 19 (3)(A) may not exceed a total of \$2,500,000 for
 20 a 3-year period.

21 “(B) MAXIMUM FOR RENEWED GRANTS.—
 22 A grant renewed under paragraph (3)(C) may
 23 not exceed a total of \$1,500,000 for a 3-year
 24 period.

25 “(3) REQUIREMENTS; DURATION; RENEWAL.—

1 “(A) IN GENERAL.—The Secretary may
2 award a grant under this section to an eligible
3 entity that has established, or is in the process
4 of establishing, an industry or sector partner-
5 ship.

6 “(B) DURATION.—A grant under subpara-
7 graph (A) shall be for a duration of not more
8 than 3 years, and may be renewed in accord-
9 ance with subparagraph (C).

10 “(C) RENEWAL.—The Secretary may
11 renew a grant under this section for not more
12 than 3 years. A renewal of such grant shall be
13 subject to the requirements of this section, ex-
14 cept that the Secretary shall—

15 “(i) prioritize renewals to eligible enti-
16 ties that can demonstrate the long-term
17 sustainability of an industry or sector part-
18 nership funded under this section; and

19 “(ii) require assurances that the eligi-
20 ble entity will leverage, in accordance with
21 subparagraph (D)(ii) and for each year of
22 the renewal period, additional funding
23 sources for the non-Federal share of the
24 grant which shall—

1 “(I) be in an amount greater
2 than—

3 “(aa) the non-Federal share
4 requirement required in accord-
5 ance with subparagraph
6 (D)(i)(III); and

7 “(bb) for the second and
8 third year of the renewal period,
9 the non-Federal share amount
10 the eligible entity provided for
11 the preceding year of the grant;
12 and

13 “(II) include at least a 50 per-
14 cent cash match from the State, the
15 industry cluster, the eligible entity, or
16 some combination thereof.

17 “(D) FEDERAL AND NON-FEDERAL
18 SHARE.—

19 “(i) FEDERAL SHARE.—Except as
20 provided in clause (iii) and subparagraph
21 (C)(ii), the Federal share of a grant under
22 this section shall be—

23 “(I) 90 percent of the costs of
24 the activities described in subsection
25 (f) in the first year of the grant;

1 “(II) 80 percent of such costs in
2 the second year of the grant; and

3 “(III) 70 percent of such costs in
4 the third year of the grant.

5 “(ii) NON-FEDERAL.—The non-Fed-
6 eral share of a grant under this section
7 may be in cash or in-kind, and may come
8 from State, local, philanthropic, private, or
9 other sources.

10 “(iii) EXCEPTION.—The Secretary
11 may require the Federal share of a grant
12 under this section to be 100 percent if an
13 eligible entity receiving such grant is lo-
14 cated in a State or local area that is re-
15 ceiving a national emergency grant under
16 section 173 of the Workforce Investment
17 Act of 1998 (29 U.S.C. 2918).

18 “(4) FISCAL AGENT.—Each eligible entity re-
19 ceiving a grant under this section that is an industry
20 or sector partnership shall designate an entity in the
21 partnership as the fiscal agent for purposes of this
22 grant.

23 “(5) USE OF GRANT FUNDS DURING GRANT PE-
24 RIODS.—An eligible entity receiving a grant under
25 this section shall expend grant funds, or obligate

1 grant funds to be expended, by the last day of the
2 grant period.

3 “(d) APPLICATION PROCESS.—

4 “(1) IDENTIFICATION OF A TARGETED INDUS-
5 TRY CLUSTER.—In order to qualify for a grant
6 under this section, an eligible entity shall identify a
7 targeted industry cluster that could benefit from
8 such grant by—

9 “(A) working with businesses, industry as-
10 sociations and organizations, labor organiza-
11 tions, State boards, local boards, economic de-
12 velopment agencies, and other organizations
13 that the eligible entity determines necessary, to
14 identify an appropriate targeted industry clus-
15 ter based on criteria that include, at a min-
16 imum—

17 “(i) data showing the competitiveness
18 of the industry cluster;

19 “(ii) the importance of the industry
20 cluster to the economic development of the
21 area served by the eligible entity, including
22 estimation of jobs created or preserved;

23 “(iii) the identification of supply and
24 distribution chains within the industry
25 cluster; and

1 “(iv) research studies on industry
2 clusters; and

3 “(B) working with appropriate employment
4 agencies, workforce investment boards, eco-
5 nomic development agencies, community organi-
6 zations, and other organizations that the eligi-
7 ble entity determines necessary to ensure that
8 the targeted industry cluster identified under
9 subparagraph (A) should be targeted for invest-
10 ment, based primarily on the following criteria:

11 “(i) Demonstrated demand for job
12 growth potential.

13 “(ii) Employment base.

14 “(iii) Wages and benefits.

15 “(iv) Demonstrated importance of the
16 targeted industry cluster to the area’s
17 economy.

18 “(v) Workforce development needs.

19 “(2) APPLICATION.—An eligible entity desiring
20 to receive a grant under this section shall submit an
21 application to the Secretary at such time, in such
22 manner, and containing such information as the Sec-
23 retary may require. An application submitted under
24 this paragraph shall contain, at a minimum, the fol-
25 lowing:

1 “(A) A description of the eligible entity,
2 evidence of the eligible entity’s capacity to carry
3 out activities in support of the strategic objec-
4 tives identified in the application under sub-
5 paragraph (D), and a description of the ex-
6 pected participation and responsibilities of each
7 of the mandatory partners described in sub-
8 section (b)(7)(A).

9 “(B) A description of the targeted industry
10 cluster for which the eligible entity intends to
11 carry out activities through a grant under this
12 section, and a description of how such targeted
13 industry cluster was identified in accordance
14 with paragraph (1).

15 “(C) A description of the workers that will
16 be targeted or recruited by the partnership, in-
17 cluding an analysis of the existing labor market,
18 a description of potential barriers to employ-
19 ment for targeted workers, and a description of
20 strategies that will be employed to help workers
21 overcome such barriers.

22 “(D) A description of the strategic objec-
23 tives that the eligible entity intends to carry out
24 for the targeted industry cluster, which objec-
25 tives shall include—

1 “(i) recruiting key stakeholders in the
2 targeted industry cluster, such as multiple
3 businesses and employers, labor organiza-
4 tions, local boards, and education and
5 training providers, and regularly convening
6 the stakeholders in a collaborative struc-
7 ture that supports the sharing of informa-
8 tion, ideas, and challenges common to the
9 targeted industry cluster;

10 “(ii) identifying the training needs of
11 multiple businesses, especially skill gaps
12 critical to competitiveness and innovation
13 to the targeted industry cluster;

14 “(iii) facilitating economies of scale by
15 aggregating training and education needs
16 of multiple employers;

17 “(iv) helping postsecondary edu-
18 cational institutions, training institutions,
19 apprenticeship programs, and all other
20 training programs authorized under the
21 Workforce Investment Act of 1998 (29
22 U.S.C. 2801 et seq.), align curricula, en-
23 trance requirements, and programs to in-
24 dustry demand and nationally portable, in-
25 dustry-recognized credentials (or, if not

1 available for the targeted industry, other
2 credentials, as determined appropriate by
3 the Secretary), particularly for higher skill,
4 high-priority occupations validated by the
5 industry;

6 “(v) ensuring that the State agency
7 carrying out the State program under the
8 Wagner-Peyser Act (29 U.S.C. 49 et seq.),
9 including staff of the agency that provide
10 services under such Act, shall inform re-
11 cipients of unemployment insurance of the
12 job and training opportunities that may re-
13 sult from the implementation of this grant;

14 “(vi) informing and collaborating with
15 organizations such as youth councils, busi-
16 ness-education partnerships, apprenticeship
17 programs, secondary schools, and postsec-
18 ondary educational institutions, and with
19 parents and career counselors, for the pur-
20 pose of addressing the challenges of con-
21 necting disadvantaged adults as defined in
22 section 132(b)(1)(B)(v) of the Workforce
23 Investment Act of 1998 (29 U.S.C.
24 2862(b)(1)(B)(v)) and disadvantaged
25 youth as defined in section 127(b)(2) of

1 such Act (29 U.S.C. 2852(b)(2)) to ca-
2 reers;

3 “(vii) helping companies identify, and
4 work together to address, common organi-
5 zational and human resource challenges,
6 such as—

7 “(I) recruiting new workers;

8 “(II) implementing effective
9 workplace practices;

10 “(III) retraining dislocated and
11 incumbent workers;

12 “(IV) implementing a high-per-
13 formance work organization;

14 “(V) recruiting and retaining
15 women in nontraditional employment;

16 “(VI) adopting new technologies;
17 and

18 “(VII) fostering experiential and
19 contextualized on-the-job learning;

20 “(viii) developing and strengthening
21 career ladders within and across compa-
22 nies, in order to enable dislocated, incum-
23 bent, and entry-level workers to improve
24 skills and advance to higher-wage jobs;

1 “(ix) improving job quality through
2 improving wages, benefits, and working
3 conditions;

4 “(x) helping partner companies in in-
5 dustry or sector partnerships to attract po-
6 tential employees from a diverse job seeker
7 base, including individuals with barriers to
8 employment (such as job seekers who are
9 low-income individuals, youth, older work-
10 ers, and individuals who have completed a
11 term of imprisonment), by identifying such
12 barriers through analysis of the existing
13 labor market and implementing strategies
14 to help such workers overcome such bar-
15 riers; and

16 “(xi) strengthening connections
17 among businesses in the targeted industry
18 cluster, leading to cooperation beyond
19 workforce issues that will improve competi-
20 tiveness and job quality, such as joint pur-
21 chasing, market research, or centers for
22 technology and innovation.

23 “(E) A description of the nationally port-
24 able, industry-recognized credentials or, if not
25 available, other credentials, related to the tar-

geted industry cluster that the eligible entity proposes to support, develop, or use as a performance measure, in order to carry out the strategic objectives described in subparagraph (D).

“(F) A description of the manner in which the eligible entity intends to make sustainable progress toward the strategic objectives.

“(G) Performance measures for measuring progress toward the strategic objectives. Such performance measures—

“(i) may consider the benefits provided by the grant activities funded under this section for workers employed in the targeted industry cluster, disaggregated by gender and race, such as—

“(I) the number of workers receiving nationally portable, industry-recognized credentials (or, if not available for the targeted industry, other credentials) described in the application under subparagraph (E);

“(II) the number of workers with increased wages, the percentage of

1 workers with increased wages, and the
2 average wage increase; and

3 “(III) for dislocated or non-
4 incumbent workers, the number of
5 workers placed in sector-related jobs;
6 and

7 “(ii) may consider the benefits pro-
8 vided by the grant activities funded under
9 this section for firms and industries in the
10 targeted industry cluster, such as—

11 “(I) the creation or updating of
12 an industry plan to meet current and
13 future workforce demand;

14 “(II) the creation or updating of
15 published industry-wide skill stand-
16 ards or career pathways;

17 “(III) the creation or updating of
18 nationally portable, industry-recog-
19 nized credentials, or where there is
20 not such a credential, the creation or
21 updating of a training curriculum that
22 can lead to the development of such a
23 credential;

24 “(IV) the number of firms, and
25 the percentage of the local industry,

1 participating in the industry or sector
 2 partnership; and

3 “(V) the number of firms, and
 4 the percentage of the local industry,
 5 receiving workers or services through
 6 the grant funded under this section.

7 “(H) A timeline for achieving progress to-
 8 ward the strategic objectives.

9 “(I) An assurance that the eligible entity
 10 will leverage other funding sources, in addition
 11 to the amount required for the non-Federal
 12 share under subsection (c)(3)(D), to provide
 13 training or supportive services to workers under
 14 the grant program. Such additional funding
 15 sources may include—

16 “(i) funding under title I of the Work-
 17 force Investment Act of 1998 (29 U.S.C.
 18 2801 et seq.) used for such training and
 19 supportive services;

20 “(ii) funding under the Adult Edu-
 21 cation and Family Literacy Act of 1998
 22 (20 U.S.C. 9201 et seq.);

23 “(iii) economic development funding;

24 “(iv) employer contributions to train-
 25 ing initiatives; or

1 “(v) providing employees with em-
2 ployee release time for such training or
3 supportive services.

4 “(e) AWARD BASIS.—

5 “(1) GEOGRAPHIC DISTRIBUTION.—The Sec-
6 retary shall award grants under this section in a
7 manner that ensures geographic diversity.

8 “(2) PRIORITIES.—In awarding grants under
9 this section, the Secretary shall give priority to eligi-
10 ble entities that—

11 “(A) work with employers within a tar-
12 geted industry cluster to retain and expand em-
13 ployment in high-wage, high-growth areas;

14 “(B) focus on helping workers move to-
15 ward economic self-sufficiency and ensuring the
16 workers have access to adequate supportive
17 services;

18 “(C) address the needs of firms with lim-
19 ited human resources or in-house training ca-
20 pacity, including small- and medium-sized
21 firms; and

22 “(D) coordinate with entities carrying out
23 State and local workforce investment activities,
24 economic development, and education activities.

25 “(f) ACTIVITIES.—

1 “(1) IN GENERAL.—An eligible entity receiving
 2 a grant under this section shall carry out the activi-
 3 ties necessary to meet the strategic objectives, in-
 4 cluding planning activities if applicable, described in
 5 the entity’s application in a manner that—

6 “(A) integrates services and funding
 7 sources in a way that enhances the effectiveness
 8 of the activities; and

9 “(B) uses grant funds awarded under this
 10 section efficiently.

11 “(2) PLANNING ACTIVITIES.—Planning activi-
 12 ties may only be carried out by an eligible entity re-
 13 ceiving a grant under this section during the first
 14 year of the initial grant period. Not more than
 15 \$250,000 of the grant funds may be used to carry
 16 out such activities.

17 “(3) ADMINISTRATIVE COSTS.—An eligible enti-
 18 ty may retain not more than 5 percent of the grant
 19 funds awarded under this section for a fiscal year to
 20 carry out the administration of this section.

21 “(g) EVALUATION AND PROGRESS REPORTS.—

22 “(1) ANNUAL ACTIVITY REPORT AND EVALUA-
 23 TION.—Not later than 1 year after receiving a grant
 24 under this section, and annually thereafter for the
 25 duration of the grant, an eligible entity shall—

1 “(A) report to the Secretary, and to the
 2 Governor of the State that the eligible entity
 3 serves, on the activities funded pursuant to a
 4 grant under this section; and

5 “(B) evaluate the progress the eligible enti-
 6 ty has made toward the strategic objectives
 7 identified in the application under subsection
 8 (d)(2)(D), and measure the progress using the
 9 performance measures identified in the applica-
 10 tion under subsection (d)(2)(G).

11 “(2) REPORT TO THE SECRETARY.—An eligible
 12 entity receiving a grant under this section shall sub-
 13 mit to the Secretary a report containing the results
 14 of the evaluation described in paragraph (1)(B) at
 15 such time and in such manner as the Secretary may
 16 require.

17 “(h) ADMINISTRATION BY THE SECRETARY.—

18 “(1) ADMINISTRATIVE COSTS.—The Secretary
 19 may retain not more than 10 percent of the funds
 20 appropriated to carry out this section for each fiscal
 21 year to administer this section.

22 “(2) TECHNICAL ASSISTANCE AND OVER-
 23 SIGHT.—The Secretary shall provide technical assist-
 24 ance and oversight to assist the eligible entities in
 25 applying for and administering grants awarded

1 under this section. The Secretary shall also provide
 2 technical assistance to eligible entities in the form of
 3 conferences and through the collection and dissemi-
 4 nation of information on best practices. The Sec-
 5 retary may award a grant or contract to one or more
 6 national or State organizations to provide technical
 7 assistance to foster the planning, formation, and im-
 8 plementation of industry or sector partnerships.

9 “(3) PERFORMANCE MEASURES.—The Sec-
 10 retary shall issue a range of performance measures,
 11 with quantifiable benchmarks, and methodologies
 12 that eligible entities may use to evaluate the effec-
 13 tiveness of each type of activity in making progress
 14 toward the strategic objectives described in sub-
 15 section (d)(2)(D). Such measures shall consider the
 16 benefits of the industry or sector partnership and its
 17 activities for workers, firms, industries, and commu-
 18 nities.

19 “(4) DISSEMINATION OF INFORMATION.—The
 20 Secretary shall—

21 “(A) coordinate the annual review of each
 22 eligible entity receiving a grant under this sec-
 23 tion and produce an overview report that, at a
 24 minimum, includes—

1 “(i) the critical learning of each in-
2 dustry or sector partnership, such as—

3 “(I) the training that was most
4 effective;

5 “(II) the human resource chal-
6 lenges that were most common;

7 “(III) how technology is changing
8 the targeted industry cluster; and

9 “(IV) the changes that may im-
10 pact the targeted industry cluster over
11 the next 5 years; and

12 “(ii) a description of what eligible en-
13 tities serving similar targeted industry
14 clusters consider exemplary practices, such
15 as—

16 “(I) how to work effectively with
17 postsecondary educational institutions;

18 “(II) the use of internships;

19 “(III) coordinating with appren-
20 ticeships and cooperative education
21 programs;

22 “(IV) how to work effectively
23 with schools providing vocational edu-
24 cation;

1 “(V) how to work effectively with
2 adult populations, including—
3 “(aa) dislocated workers;
4 “(bb) women in nontradi-
5 tional employment; and
6 “(cc) individuals with bar-
7 riers to employment, such as job
8 seekers who—
9 “(AA) are economically
10 disadvantaged;
11 “(BB) have limited
12 English proficiency;
13 “(CC) require remedial
14 education;
15 “(DD) are older work-
16 ers;
17 “(EE) are individuals
18 who have completed a sen-
19 tence for a criminal offense;
20 or
21 “(FF) have other bar-
22 riers to employment;
23 “(VI) employer practices that are
24 most effective;

1 “(VII) the types of training that
2 are most effective;

3 “(VIII) other areas where indus-
4 try or sector partnerships can assist
5 each other; and

6 “(IX) alignment of curricula to
7 nationally portable, industry-recog-
8 nized credentials in the sectors where
9 they are available or, if not available
10 for the sector, other credentials, as
11 described in the application under
12 subsection (d)(2)(E);

13 “(B) make resource materials, including all
14 reports published and all data collected under
15 this section, available on the Internet; and

16 “(C) conduct conferences and seminars
17 to—

18 “(i) disseminate information on best
19 practices developed by eligible entities re-
20 ceiving a grant under this section; and

21 “(ii) provide information to the com-
22 munities of eligible entities.

23 “(5) REPORT.—Not later than 18 months after
24 the date of enactment of the Building a Stronger
25 America Act of 2012 and on an annual basis there-

1 after, the Secretary shall transmit a report to Con-
 2 gress on the industry or sector partnership grant
 3 program established by this section. The report shall
 4 include a description of—

5 “(A) the eligible entities receiving funding;

6 “(B) the activities carried out by the eligi-
 7 ble entities;

8 “(C) how the eligible entities were selected
 9 to receive funding under this section; and

10 “(D) an assessment of the results achieved
 11 by the grant program including findings from
 12 the annual reviews described in paragraph
 13 (4)(A).

14 “(i) RULE OF CONSTRUCTION.—Nothing in this sec-
 15 tion shall be construed to permit the reporting or sharing
 16 of personally identifiable information collected or made
 17 available under this section.”.

18 **Subtitle B—Workforce Innovation** 19 **for New Jobs and Applied Edu-** 20 **cation**

21 **SEC. 111. INNOVATION IN INVESTMENT PILOT PROGRAM.**

22 The Stevenson-Wydler Technology Innovation Act of
 23 1980 (15 U.S.C. 3701 et seq.), as amended by section
 24 101, is further amended by adding at the end the fol-
 25 lowing:

1 **“SEC. 29. INNOVATION IN INVESTMENT PILOT PROGRAM.**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish and carry out a pilot program, to be known as the
4 Innovation in Investment pilot program, through which
5 the Secretary shall make grants as described in subsection
6 (b), in order to facilitate the provision of workforce devel-
7 opment activities through public-private partnerships.

8 “(b) GRANTS TO ELIGIBLE CONSORTIA.—

9 “(1) IN GENERAL.—In carrying out the pilot
10 program, the Secretary shall make grants on a com-
11 petitive basis to eligible consortia in covered States
12 to enable the consortia to establish and support
13 State Innovation in Investment pilot programs.

14 “(2) NUMBER AND RENEWABILITY OF
15 GRANTS.—The Secretary shall make the grants to
16 not more than 5 consortia and in amounts of not
17 more than \$3,500,000 per grant. The Secretary
18 shall not renew a grant made to a consortium under
19 this subsection.

20 “(c) ELIGIBLE CONSORTIA.—

21 “(1) ELIGIBLE CONSORTIUM.—

22 “(A) IN GENERAL.—To be eligible to re-
23 ceive a grant under this section, a consortium
24 shall include—

25 “(i) an eligible institution, which shall
26 serve as the lead applicant for the grant;

1 “(ii) 1 or more businesses that are
 2 representative of a local area in which the
 3 training will be provided;

4 “(iii) 1 or more representatives of the
 5 State or local workforce investment sys-
 6 tem; and

7 “(iv) 1 or more secondary schools,
 8 area career and technical education schools
 9 (as defined in section 3 of the Carl D. Per-
 10 kins Career and Technical Education Act
 11 of 2006 (20 U.S.C. 2302)), or institutions
 12 of higher education (as defined in section
 13 101(a) of the Higher Education Act of
 14 1965 (20 U.S.C. 1001(a))) that provide a
 15 2-year program described in section
 16 101(a)(3) of such Act (20 U.S.C.
 17 1001(a)(3)).

18 “(B) MULTIPLE REPRESENTATIVES.—To
 19 the maximum extent practicable, the eligible in-
 20 stitution shall ensure that the eligible consor-
 21 tium includes more than one representative—

22 “(i) of entities described in subpara-
 23 graph (A)(ii);

24 “(ii) of entities described in subpara-
 25 graph (A)(iii); and

1 “(iii) of entities described in subpara-
 2 graph (A)(iv).

3 “(2) COMMUNITY COLLEGE.—In this section
 4 the term ‘community college’ means a community
 5 college, as defined in section 3301 of the Elementary
 6 and Secondary Education Act of 1965 (20 U.S.C.
 7 7011).

8 “(3) COVERED STATES.—

9 “(A) IN GENERAL.—In this section, the
 10 term ‘covered State’ means a State—

11 “(i) for which the percentage of indi-
 12 viduals in the State in households with
 13 household incomes at or below the poverty
 14 line, is greater than the percentage of indi-
 15 viduals in the United States in such house-
 16 holds, as determined on the basis of data
 17 from the Bureau of the Census;

18 “(ii) in which the percentage of the
 19 adult population with a baccalaureate de-
 20 gree is not more than 25 percent; and

21 “(iii) that meets such other measures
 22 as the Secretary may determine to be ap-
 23 propriate.

24 “(B) DEFINITION.—In this paragraph, the
 25 term ‘poverty line’ has the meaning given the

1 term in section 673 of the Community Services
2 Block Grant Act (42 U.S.C. 9902).

3 “(4) ELIGIBLE INSTITUTION.—In this section,
4 the term ‘eligible institution’ means—

5 “(A) a local board, in partnership with 1
6 or more community colleges, at which training
7 programs will occur under a grant described in
8 subsection (b);

9 “(B) a community college district, estab-
10 lished by a State as a separate entity or gov-
11 erned by a community education board;

12 “(C) a State community college system; or

13 “(D) a community college.

14 “(d) APPLICATIONS.—In order for a consortium to
15 be eligible to receive a grant under this section, an eligible
16 institution shall submit an application to the Secretary on
17 behalf of the consortium at such time, in such manner,
18 and containing such information as the Secretary shall re-
19 quire, including—

20 “(1) a description of the training program to be
21 carried out;

22 “(2) a description of clear, relevant, and prac-
23 tical objectives for the program, including how the
24 program will ensure integration of Federal, State,
25 and local activities, train workers for high-wage and

1 high-skill employment, maximize the return on pub-
2 lic investment in the program, involve the private
3 sector, and integrate external learning opportunities
4 with classroom education;

5 “(3) a description of how the consortium will
6 facilitate development of a 21st century workforce in
7 the State in which the consortium operates; and

8 “(4)(A) standards, agreed on by all members of
9 the consortium, for data collection on and evaluation
10 of the performance of the program and participants
11 in the program; and

12 “(B) assurances that the consortium will par-
13 ticipate in evaluations of that performance by the
14 Secretary.

15 “(e) USE OF FUNDS.—

16 “(1) TRAINING PROGRAM.—A consortium that
17 receives a grant under this section shall use the
18 funds made available under the grant—

19 “(A) to support the development or expan-
20 sion of a training program that is designed to
21 enable participants to obtain employment (in-
22 cluding pre-employment training, career coun-
23 seling, or training that leads to skill certifi-
24 cation, as determined by the Secretary);

1 “(B) to provide educational assistance de-
 2 scribed in paragraph (3)(B) through an eligible
 3 institution in the consortium for such a pro-
 4 gram; and

5 “(C) to otherwise support participation
 6 in—

7 “(i) internship or cooperative activi-
 8 ties approved by the consortium and de-
 9 scribed in an application submitted under
 10 subsection (d); or

11 “(ii) a registered apprenticeship pro-
 12 gram carried out under the Act of August
 13 16, 1937 (commonly known as the ‘Na-
 14 tional Apprenticeship Act’; 50 Stat. 664,
 15 chapter 663; 29 U.S.C. 50 et seq.).

16 “(2) PARTICIPANTS.—The consortium shall
 17 provide training to unemployed individuals, or to
 18 postsecondary students who are not seeking a bacca-
 19 laureate degree.

20 “(3) ELIGIBLE INSTITUTIONS.—An eligible in-
 21 stitution that is part of the consortium shall provide,
 22 for a participant whose participation in the program
 23 leads to a degree, or to the extent practicable, to in-
 24 dustry or professional certification or licensure—

1 “(A) course credit for the training pro-
2 vided through such program; and

3 “(B) reimbursement, in the form of edu-
4 cational assistance within the meaning of sec-
5 tion 127(c)(1) of the Internal Revenue Code of
6 1986, for part or all of the expenses covered by
7 subparagraph (A) of that section, at the institu-
8 tion and related to the program.

9 “(f) LIMIT ON ADMINISTRATIVE COSTS.—Not more
10 than 10 percent of the funds made available through
11 grants received under this section shall be used to pay for
12 administrative costs.

13 “(g) ASSESSMENT AND REPORTS.—

14 “(1) ASSESSMENT.—The eligible institution in
15 an eligible consortium that receives a grant under
16 this section for a program shall carry out data col-
17 lection concerning and assessment of the program.

18 “(2) REPORTS.—The eligible institution shall
19 submit interim and final reports to the State in
20 which the consortium operates, to the Secretary, and
21 to the appropriate committees of Congress, con-
22 taining a summary of the data and the results of the
23 assessment. The reports shall include a description
24 of the program, the stated objectives of the program,
25 information on best practices and lessons learned

1 from the program, information that describes how
 2 the businesses in the consortium helped to develop
 3 the program and curriculum for the program, infor-
 4 mation that describes the education gained by and
 5 employment outcomes of participants, recommenda-
 6 tions regarding incentives for business and edu-
 7 cational institutions to participate in similar pro-
 8 grams and to carry out programs that complement
 9 and incorporate successful programs and resources
 10 to the extent practicable, and other relevant data
 11 that may be required by the Secretary. The eligible
 12 institution shall submit the interim report not later
 13 than 3 years after the date on which the grant is
 14 made, and the final report not later than 18 months
 15 after the end of the program.”.

16 **SEC. 112. REGISTERED APPRENTICESHIP PROGRAMS.**

17 The Act of August 16, 1937 (commonly known as
 18 the “National Apprenticeship Act”; 50 Stat. 664, chapter
 19 663; 29 U.S.C. 50 et seq.) is amended by inserting after
 20 section 3 the following:

21 **“SEC. 3A. REGISTERED APPRENTICESHIP PROGRAMS.**

22 “(a) DEFINITION.—In this section:

23 “(1) INSTITUTION OF HIGHER EDUCATION.—

24 The term ‘institution of higher education’ has the

1 meaning given the term in section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 “(2) NATIONAL APPRENTICESHIP SYSTEM.—

4 The term ‘national apprenticeship system’ means the
5 organizations, including State apprenticeship agen-
6 cies described in the first section of this Act, that
7 carry out activities under this Act.

8 “(3) REGISTERED APPRENTICESHIP PRO-

9 GRAM.—The term ‘registered apprenticeship pro-
10 gram’ means a program registered under this Act.

11 “(b) DISSEMINATION OF INFORMATION.—

12 “(1) DISSEMINATION BY SECRETARY OF

13 LABOR.—The Secretary of Labor, acting through the
14 Administrator of the Office of Apprenticeship of the
15 Department of Labor, shall disseminate information
16 on the national apprenticeship system (referred to in
17 this paragraph as ‘apprenticeship information’)
18 widely and publicly, and make every reasonable ef-
19 fort to increase awareness of that system. The infor-
20 mation disseminated shall contain, at a minimum,
21 information on regionally available registered ap-
22 prenticeship programs carried out through the sys-
23 tem, requirements and benefits of each registered
24 apprenticeship program, and the application and se-
25 lection process for each such program.

1 “(2) DISSEMINATION BY SECRETARY OF EDU-
2 CATION.—

3 “(A) ELECTRONIC INFORMATION.—When
4 disseminating any electronic information de-
5 signed to help students prepare for graduation
6 from secondary school, the Secretary of Edu-
7 cation shall include apprenticeship information.

8 “(B) PRINT INFORMATION.—The Sec-
9 retary of Education shall disseminate appren-
10 ticeship information to State educational agen-
11 cies, local educational agencies, institutions of
12 higher education, and relevant State agencies.
13 The agencies and institutions described in this
14 subparagraph shall, as a condition of receiving
15 funding directly or indirectly from the Depart-
16 ment of Education, distribute the information
17 to students preparing for graduation from a
18 secondary school or such an institution.

19 “(c) EXPANSION PILOT PROGRAM.—

20 “(1) IN GENERAL.—The Secretary of Labor,
21 acting through the Administrator of the Office of
22 Apprenticeship, and in consultation with the Sec-
23 retary of Education (referred to in this subsection as
24 the ‘Secretaries’) shall establish a pilot program to
25 expand the national apprenticeship system, by evalu-

1 ating additional programs, in additional sectors, for
2 approval as registered apprenticeship programs car-
3 ried out through the system. The pilot program shall
4 be designed to expand the sectors with registered ap-
5 prenticeship programs, to include new and evolving
6 sectors, such as green technology, engineering, com-
7 munications, health care, information technology, en-
8 ergy, and disaster and emergency preparedness. The
9 Secretary of Labor shall carry out the pilot program
10 for a period of not less than 5 years.

11 “(2) EVALUATIONS.—The Secretary of Labor
12 shall establish and use clear, consistent, and relevant
13 measures for evaluation of the quality and effective-
14 ness of programs proposed for registration under the
15 pilot program. The measures shall include measures
16 for evaluating the quality and effectiveness of the
17 curriculum and training associated with a proposed
18 program, and the performance of the program with
19 respect to performance standards, completion rates
20 for program participants (for the program and re-
21 lated education), number of participants entering
22 employment, credentials and certifications granted,
23 and the transferability of the credentials and certifi-
24 cations.

25 “(3) STUDY AND REPORTS.—

1 “(A) STUDY.—In addition to collecting
 2 data in connection with the evaluations, the
 3 Secretary of Labor shall study the pilot pro-
 4 gram. In conducting the study, the Secretary of
 5 Labor shall collect data to determine the extent
 6 to which the programs registered under the
 7 pilot program efficiently and effectively pre-
 8 pared participants for employment, and shall
 9 examine how to encourage more individuals,
 10 partners, and sponsors to participate in pro-
 11 grams carried out through the national appren-
 12 ticeship system.

13 “(B) REPORTS.—Not later than 3 years
 14 after the date of the establishment of the pilot
 15 program, and not later than 18 months after
 16 the end of the pilot program, the Secretary of
 17 Labor shall submit a report to Congress con-
 18 taining the results of the study.”.

19 **Subtitle C—Attracting Jobs and**
 20 **Certification and Training**
 21 **Standards**

22 **SEC. 121. INBOUND INVESTMENT PROGRAM TO RECRUIT**
 23 **JOBS TO THE UNITED STATES.**

24 (a) DEFINITIONS.—In this section:

1 (1) DISTRESSED.—The term “distressed”, with
2 respect to an area, means an area in the United
3 States that, on the date on which the program is es-
4 tablished under subsection (a)—

5 (A) is included in the most recent classi-
6 fication of labor surplus areas by the Secretary
7 of Labor; and

8 (B) has an unemployment rate equal to or
9 great than 110 percent of the unemployment
10 rate of the United States.

11 (2) ELIGIBLE ENTITY.—The term “eligible enti-
12 ty” means an entity that employs not fewer than 50
13 full-time equivalent employees in high-value jobs.

14 (3) ELIGIBLE FACILITY.—The term “eligible fa-
15 cility” means a facility at which—

16 (A) an eligible entity employs not fewer
17 than 50 full-time equivalent employees in high-
18 value jobs;

19 (B) with respect to a rural or distressed
20 area, the mean of the wages provided by the eli-
21 gible entity to individuals employed at such fa-
22 cility is greater than the mean wage for the
23 county in which the rural or distressed area is
24 located; and

1 (C) derives at least the majority of its rev-
 2 enues from—

3 (i) goods production; or

4 (ii) providing product design, engi-
 5 neering, marketing, or information tech-
 6 nology services.

7 (4) HIGH-VALUE JOB DEFINED.—The term
 8 “high-value job” means a job that—

9 (A) exists within an eligible facility; and

10 (B) has a North American Industrial Clas-
 11 sification that corresponds with manufacturing,
 12 software publishers, computer systems design,
 13 or related codes, and is higher than the mean
 14 hourly wage in the country.

15 (5) RURAL.—The term “rural”, with respect to
 16 an area, means any area in the United States which,
 17 as confirmed by the latest decennial census, is not
 18 located within—

19 (A) a city, town, or incorporated area that
 20 has a population of greater than 20,000 inhab-
 21 itants; or

22 (B) an urbanized area contiguous and ad-
 23 jacent to a city or town that has a population
 24 of greater than 50,000 inhabitants.

1 (b) PROGRAM REQUIRED.—Not later than 180 days
2 after the date of the enactment of this Act, the Secretary
3 of Commerce shall establish a program to award grants
4 to States that are recruiting high-value jobs. Grants
5 awarded under this section may be used to issue forgivable
6 loans to eligible entities that are deciding whether to locate
7 eligible facilities in foreign countries or in the United
8 States to assist such entities in locating such facilities in
9 rural or distressed areas.

10 (c) FEDERAL GRANTS TO STATES.—

11 (1) IN GENERAL.—The Secretary shall carry
12 out the program through the award of grants to
13 States to provide loans described in subsection (d).

14 (2) APPLICATION.—

15 (A) IN GENERAL.—A State seeking a
16 grant under the program shall submit an appli-
17 cation to the Secretary in such manner and
18 containing such information as the Secretary
19 may require. Once the program is operational,
20 any State may apply for a grant on an ongoing
21 basis, until funds are exhausted. The Secretary
22 may also establish a process for pre-clearing ap-
23 plications from States. The Secretary shall no-
24 tify all States of this grant opportunity once the
25 program is operational. All information about

1 the program and the State application process
2 must be online and must be in a format that
3 is easily understood and is widely accessible.

4 (B) ELEMENTS.—Each application sub-
5 mitted by a State under subparagraph (A) shall
6 include—

7 (i) a description of the eligible entity
8 the State proposes to assist in locating an
9 eligible facility in a rural or distressed area
10 of the State;

11 (ii) a description of such facility, in-
12 cluding the number of high-value jobs re-
13 lating to such facility;

14 (iii) a description of such rural or dis-
15 tressed area;

16 (iv) a description of the resources of
17 the State that the State has committed to
18 assisting such corporation in locating such
19 facility, including tax incentives provided,
20 bonding authority exercised, and land
21 granted; and

22 (v) such other elements as the Sec-
23 retary considers appropriate.

24 (C) NOTICE.—As soon as practicable after
25 establishing the program under subsection (b),

1 the Secretary shall notify all States of the
2 grants available under the program and the
3 process for applying for such grants.

4 (D) ONLINE SUBMISSION OF APPLICA-
5 TIONS.—The Secretary shall establish a mecha-
6 nism for the electronic submission of applica-
7 tions under subparagraph (A). Such mechanism
8 shall utilize an Internet website and all infor-
9 mation on such website shall be in a format
10 that is easily understood and widely accessible.

11 (E) CONFIDENTIALITY.—The Secretary
12 may not make public any information submitted
13 by a State to the Secretary under this para-
14 graph regarding the efforts of such State to as-
15 sist an eligible entity in locating an eligible fa-
16 cility in such State without the express consent
17 of the State.

18 (3) SELECTION.—The Secretary shall award
19 grants under the program on a competitive basis to
20 States that—

21 (A) the Secretary determines are most
22 likely to succeed with a grant under the pro-
23 gram in assisting an eligible entity in locating
24 an eligible facility in a rural or distressed area;

1 (B) if successful in assisting an eligible en-
 2 tity as described in subparagraph (A), will cre-
 3 ate the greatest number of high-value jobs in
 4 rural or distressed areas;

5 (C) have committed significant resources,
 6 to the extent of their ability as determined by
 7 the Secretary, to assisting eligible entities in lo-
 8 cating eligible facilities in a rural or distressed
 9 areas; or

10 (D) meet such other criteria as the Sec-
 11 retary considers appropriate, including criteria
 12 relating to marketing plans, benefits to ongoing
 13 regional or State strategies for economic devel-
 14 opment, and job growth.

15 (4) LIMITATION ON COMPETITION BETWEEN
 16 STATES.—The Secretary may not award a grant to
 17 a State under the program to assist an eligible enti-
 18 ty in locating an eligible facility in such State if an-
 19 other State is seeking to assist such eligible entity
 20 in locating such eligible facility in such other State.

21 (5) AVAILABILITY OF GRANT AMOUNTS.—For
 22 each grant awarded to a State under the program,
 23 the Secretary shall make available to such State the
 24 amount of such grant not later than 30 days after
 25 the date on which the Secretary awarded the grant.

1 The total amount of grants awarded under this pro-
2 gram may not exceed \$100,000,000.

3 (d) LOANS FROM STATES TO CORPORATIONS.—

4 (1) IN GENERAL.—Amounts received by a State
5 under the program shall be used to provide assist-
6 ance to an eligible entity to locate an eligible facility
7 in a rural or distressed area of the State.

8 (2) LOANS.—A State receiving a grant under
9 the program shall provide assistance under para-
10 graph (1) in the form of a single loan to a single
11 eligible entity as described in paragraph (1) to cover
12 the costs incurred by the eligible entity in locating
13 the eligible facility as described in such paragraph.

14 (3) LOAN TERMS AND CONDITIONS.—Each loan
15 provided under paragraph (2) shall have a term of
16 5 years and shall bear interest at rates equal to the
17 Federal long-term rate under section 1274(d)(1)(C)
18 of the Internal Revenue Code of 1986.

19 (4) AMOUNT.—The amount of a loan issued to
20 an eligible entity under the program for the location
21 of an eligible facility shall be an amount equal to not
22 more than \$5,000 per full-time equivalent employee
23 to be employed at such facility.

24 (5) REPAYMENT.—Repayment of a loan issued
25 by a State to an eligible entity under the program

1 shall be repaid in accordance with such schedule as
 2 the State shall establish in accordance with such
 3 rules as the Secretary shall prescribe for purposes of
 4 the program. Such rules shall provide for the fol-
 5 lowing:

6 (A) Forgiveness of all or a portion of the
 7 loan, the amount of such forgiveness depending
 8 upon the following:

9 (i) The performance of the borrower.

10 (ii) The number or quality of the jobs
 11 at the facility located under the program.

12 (B) Repayment of principal or interest, if
 13 any, at the end of the term of the loan.

14 (e) EXISTING OFFICE.—To the degree practicable,
 15 the Secretary shall carry out the program through an of-
 16 fice of the Department of Commerce that existed on the
 17 day before the date of the enactment of this Act.

18 (f) ASSESSMENT AND RECOMMENDATIONS.—

19 (1) ONGOING ASSESSMENT.—The Secretary
 20 shall conduct an ongoing assessment of the program.

21 (2) RECOMMENDATIONS.—The Secretary may
 22 submit to Congress recommendations for such legis-
 23 lative action as the Secretary considers appropriate
 24 to improve the program, including with respect to
 25 any findings of the Secretary derived by comparing

1 the program established under subsection (b) with
2 the programs and policies of governments of other
3 countries used to recruit high-value jobs.

4 **SEC. 122. UTILIZATION OF INDUSTRY-APPROVED CERTIFI-**
5 **CATION ASSESSMENTS AND STANDARDS TO**
6 **IMPROVE EDUCATION AND TRAINING PRO-**
7 **GRAM PERFORMANCE.**

8 (a) IN GENERAL.—The Secretary of Commerce, in
9 cooperation with the Secretary of Labor, the Secretary of
10 Education, and the heads of other relevant Federal agen-
11 cies and industry partners, shall take such actions as may
12 be necessary to ensure that industry-approved certification
13 assessments and standards are established and available
14 to providers of education and training programs in manu-
15 facturing and information technology not later than 2
16 years after the date of the enactment of this Act in order
17 to improve the performance of training programs and to
18 ensure that individuals who complete such training have
19 the skills necessary to enter high-skill, high-demand occu-
20 pations in manufacturing and information technology.

21 (b) ACTIVITIES.—To ensure that education and
22 training providers have access to industry-approved certifi-
23 cation assessments and standards pursuant to subsection
24 (a), the Secretary of Commerce shall—

1 (1) create an initial list of high-skill, high-de-
2 mand manufacturing and information technology oc-
3 cupations where academically accredited degrees are
4 not required for job entrance;

5 (2) catalogue existing current, industry-ap-
6 proved training and education program standards
7 that have accompanying objective certification as-
8 sessments, which may be the products of Federal
9 agencies, State agencies, local workforce investment
10 boards, community and technical colleges, appren-
11 ticeships, industry associations, or localized industry
12 formations within or across States or education or-
13 ganizations, or any other institution the Secretary
14 considers appropriate;

15 (3) identify industry-approved training and edu-
16 cation program standards that do not have a certifi-
17 cation assessment to measure the competency of
18 those completing training, and where such assess-
19 ments do not exist, work with relevant Federal agen-
20 cies, State agencies, education and training organi-
21 zations, and representatives of affected industries
22 and industry-approved skills standards accrediting
23 bodies to create objective certification assessments
24 for industries that have substantial current or future
25 employment, as determined by the Secretary;

1 (4) identify training and education programs
2 that do not implement industry-approved standards
3 and accompanying certification assessments, and
4 where neither standards nor assessments exist, work
5 with relevant Federal agencies, State agencies, edu-
6 cation and training organizations, and representa-
7 tives of the affected industries and industry-ap-
8 proved skills standards accrediting bodies to create
9 industry-recognized standards and objective certifi-
10 cation assessments for industries that have substan-
11 tial current or future employment, as determined by
12 the Secretary;

13 (5) include within the catalogue required by
14 paragraph (2) any training or education program
15 standards or certification assessments created under
16 paragraph (3) or (4); and

17 (6) not less frequently than once every 3 years,
18 review the catalogue required by paragraph (2) to
19 ensure training and education programs and accom-
20 panying certification assessments are current and
21 continue to have industry-approval, and in any case
22 in which training and education programs have lost
23 industry-approval, work with the effected industries,
24 related Federal agencies, and education and training
25 organizations—

1 (A) to identify existing standards and as-
2 sessments that are appropriate; or

3 (B) to create them.

4 (c) PERFORMANCE EVALUATIONS.—

5 (1) IN GENERAL.—The Secretary shall evaluate
6 the assessments and standards described in sub-
7 section (a) by assessing—

8 (A) how accurately the assessments de-
9 scribed in such subsection measure the com-
10 petency of workers who have completed edu-
11 cation and training programs described in such
12 subsection; and

13 (B) the satisfaction of manufacturing and
14 information technology companies with the
15 quality of such assessments and standards.

16 (2) COLLECTION OF DATA.—In evaluating as-
17 sessments and standards under paragraph (1), the
18 Secretary shall work with relevant agencies and in-
19 dustry organizations to collect the following data:

20 (A) The number of students taking each
21 occupational assessment annually.

22 (B) The number of students demonstrating
23 competency on each assessment on the first,
24 second, or third attempt, annually.

1 (C) The number of assessed students em-
2 ployed in the occupation for which they were
3 trained.

4 (3) ANNUAL SURVEY.—Not less frequently than
5 once each year, the Secretary shall carry out a sur-
6 vey, through an existing annual industry survey if
7 practicable, of a sample of manufacturing and infor-
8 mation technology firms to assess—

9 (A) satisfaction with the assessments and
10 standards described in subsection (a); and

11 (B) labor shortages by each high-skill,
12 high-demand occupation.

13 (4) PUBLICATION OF RESULTS.—Not less fre-
14 quently than once each year, the Secretary shall
15 publish the results of the evaluations carried out
16 under paragraph (1) and the surveys carried out
17 under paragraph (3). In publishing such results, the
18 Secretary shall disaggregate data by State and
19 where possible by county, State and local workforce
20 investment board, and training or education pro-
21 vider.

22 (d) SEAL.—In carrying out subsection (a), the Sec-
23 retary shall establish a Department of Commerce Certifi-
24 cation of Excellence that the Secretary shall make avail-
25 able to education and training providers that use the as-

1 assessments and standards described in such subsection and
2 who show strong evidence of success in placing students
3 in the occupations for which they were trained. If the Sec-
4 retary establishes a seal or indicator under this subsection,
5 the Secretary shall establish a process for revocation of
6 the seal if the quality of the assessment is not maintained.

7 (e) INNOVATION AWARDS.—In carrying out this sec-
8 tion, the Secretary may collaborate with relevant Federal
9 agencies to issue awards to providers of training and edu-
10 cation programs described in subsection (a) to encourage
11 innovative and promising practices for the purpose of de-
12 veloping, improving, and implementing the most successful
13 methods for addressing the education and training needs
14 of participants in career and technical education pro-
15 grams, including through existing programs at such agen-
16 cies.

1 **TITLE II—LEVELING THE PLAY-**
 2 **ING FIELD IN INTER-**
 3 **NATIONAL TRADE**

4 **Subtitle A—Investigating Claims of**
 5 **Evasion of Antidumping and**
 6 **Countervailing Duty Orders**

7 **PART I—PROCEDURES**

8 **SEC. 201. PROCEDURES FOR INVESTIGATING CLAIMS OF**
 9 **EVASION OF ANTIDUMPING AND COUNTER-**
 10 **VAILING DUTY ORDERS.**

11 (a) IN GENERAL.—The Tariff Act of 1930 is amend-
 12 ed by inserting after section 516A (19 U.S.C. 1516a) the
 13 following:

14 **“SEC. 516B. PROCEDURES FOR INVESTIGATING CLAIMS OF**
 15 **EVASION OF ANTIDUMPING AND COUNTER-**
 16 **VAILING DUTY ORDERS.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) ADMINISTERING AUTHORITY.—The term
 19 ‘administering authority’ has the meaning given that
 20 term in section 771(1).

21 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
 22 TEES.—The term ‘appropriate congressional com-
 23 mittees’ means—

1 “(A) the Committee on Finance and the
2 Committee on Appropriations of the Senate;
3 and

4 “(B) the Committee on Ways and Means
5 and the Committee on Appropriations of the
6 House of Representatives.

7 “(3) COMMISSIONER.—The term ‘Commis-
8 sioner’ means the Commissioner responsible for U.S.
9 Customs and Border Protection.

10 “(4) COVERED MERCHANDISE.—The term ‘cov-
11 ered merchandise’ means merchandise that is subject
12 to—

13 “(A) an antidumping duty order issued
14 under section 736;

15 “(B) a finding issued under the Anti-
16 dumping Act, 1921; or

17 “(C) a countervailing duty order issued
18 under section 706.

19 “(5) ENTER; ENTRY.—The terms ‘enter’ and
20 ‘entry’ refer to the entry, or withdrawal from ware-
21 house for consumption, in the customs territory of
22 the United States.

23 “(6) EVADE; EVASION.—The terms ‘evade’ and
24 ‘evasion’ refer to entering covered merchandise into
25 the customs territory of the United States by means

1 of any document or electronically transmitted data
 2 or information, written or oral statement, or act that
 3 is material and false, or any omission that is mate-
 4 rial, and that results in any cash deposit or other se-
 5 curity or any amount of applicable antidumping or
 6 countervailing duties being reduced or not being ap-
 7 plied with respect to the merchandise.

8 “(7) INTERESTED PARTY.—The term ‘inter-
 9 ested party’ has the meaning given that term in sec-
 10 tion 771(9).

11 “(b) PROCEDURES FOR INVESTIGATING ALLEGA-
 12 TIONS OF EVASION.—

13 “(1) INITIATION BY PETITION OR REFERRAL.—

14 “(A) IN GENERAL.—Not later than 10
 15 days after the date on which the Commissioner
 16 receives a petition described in subparagraph
 17 (B) or a referral described in subparagraph (C),
 18 the Commissioner shall initiate an investigation
 19 pursuant to this paragraph.

20 “(B) PETITION DESCRIBED.—A petition
 21 described in this subparagraph is a petition
 22 that—

23 “(i) is filed with the Commissioner by
 24 any party who is an interested party with
 25 respect to covered merchandise;

1 “(ii) alleges that a person has entered
2 covered merchandise into the customs ter-
3 ritory of the United States through eva-
4 sion; and

5 “(iii) is accompanied by information
6 reasonably available to the petitioner sup-
7 porting the allegation.

8 “(C) REFERRAL DESCRIBED.—A referral
9 described in this subparagraph is information
10 submitted to the Commissioner by any other
11 Federal agency, including the Department of
12 Commerce or the United States International
13 Trade Commission, indicating that a person has
14 entered covered merchandise into the customs
15 territory of the United States through evasion.

16 “(2) DETERMINATIONS.—

17 “(A) PRELIMINARY DETERMINATION.—

18 “(i) IN GENERAL.—Not later than 90
19 days after the date on which the Commis-
20 sioner initiates an investigation under
21 paragraph (1), the Commissioner shall
22 issue a preliminary determination, based
23 on information available to the Commis-
24 sioner at the time of the determination,
25 with respect to whether there is a reason-

1 able basis to believe or suspect that the
2 covered merchandise was entered into the
3 customs territory of the United States
4 through evasion.

5 “(ii) EXTENSION.—The Commissioner
6 may extend by not more than 45 days the
7 time period specified in clause (i) if the
8 Commissioner determines that sufficient
9 information to make a preliminary deter-
10 mination under that clause is not available
11 within that time period or the inquiry is
12 unusually complex.

13 “(B) FINAL DETERMINATION.—

14 “(i) IN GENERAL.—Not later than
15 120 days after making a preliminary deter-
16 mination under subparagraph (A), the
17 Commissioner shall make a final deter-
18 mination, based on substantial evidence,
19 with respect to whether covered merchan-
20 dise was entered into the customs territory
21 of the United States through evasion.

22 “(ii) EXTENSION.—The Commissioner
23 may extend by not more than 60 days the
24 time period specified in clause (i) if the
25 Commissioner determines that sufficient

1 information to make a final determination
2 under that clause is not available within
3 that time period or the inquiry is unusually
4 complex.

5 “(iii) OPPORTUNITY FOR COMMENT;
6 HEARING.—After making a preliminary de-
7 termination under subparagraph (A) and
8 before issuing a final determination under
9 this subparagraph with respect to whether
10 covered merchandise was entered into the
11 customs territory of the United States
12 through evasion, the Commissioner shall—

13 “(I) provide any person alleged
14 to have entered the merchandise into
15 the customs territory of the United
16 States through evasion, and any per-
17 son that is an interested party with
18 respect to the merchandise, with an
19 opportunity to be heard;

20 “(II) upon request, hold a hear-
21 ing with respect to whether the cov-
22 ered merchandise was entered into the
23 customs territory of the United States
24 through evasion; and

1 “(III) provide an opportunity for
2 public comment.

3 “(C) AUTHORITY TO COLLECT AND VERIFY
4 ADDITIONAL INFORMATION.—In making a pre-
5 liminary determination under subparagraph (A)
6 or a final determination under subparagraph
7 (B), the Commissioner—

8 “(i) shall exercise all existing authori-
9 ties to collect information needed to make
10 the determination; and

11 “(ii) may collect such additional infor-
12 mation as is necessary to make the deter-
13 mination through such methods as the
14 Commissioner considers appropriate, in-
15 cluding by—

16 “(I) issuing a questionnaire with
17 respect to covered merchandise to—

18 “(aa) a person that filed a
19 petition under paragraph (1)(B);

20 “(bb) a person alleged to
21 have entered covered merchan-
22 dise into the customs territory of
23 the United States through eva-
24 sion; or

1 “(cc) any other person that
2 is an interested party with re-
3 spect to the covered merchandise;
4 or

5 “(II) conducting verifications, in-
6 cluding on-site verifications, of any
7 relevant information.

8 “(D) ADVERSE INFERENCE.—

9 “(i) IN GENERAL.—If the Commis-
10 sioner finds that a person that filed a peti-
11 tion under paragraph (1)(B), a person al-
12 leged to have entered covered merchandise
13 into the customs territory of the United
14 States through evasion, or a foreign pro-
15 ducer or exporter, has failed to cooperate
16 by not acting to the best of the person’s
17 ability to comply with a request for infor-
18 mation, the Commissioner may, in making
19 a preliminary determination under sub-
20 paragraph (A) or a final determination
21 under subparagraph (B), use an inference
22 that is adverse to the interests of that per-
23 son in selecting from among the facts oth-
24 erwise available to determine whether eva-
25 sion has occurred.

1 “(ii) ADVERSE INFERENCE DE-
 2 SCRIBED.—An adverse inference used
 3 under clause (i) may include reliance on in-
 4 formation derived from—

5 “(I) the petition, if any, sub-
 6 mitted under paragraph (1)(B) with
 7 respect to the covered merchandise;

8 “(II) a determination by the
 9 Commissioner in another investigation
 10 under this section;

11 “(III) an investigation or review
 12 by the administering authority under
 13 title VII; or

14 “(IV) any other information
 15 placed on the record.

16 “(E) NOTIFICATION AND PUBLICATION.—
 17 Not later than 7 days after making a prelimi-
 18 nary determination under subparagraph (A) or
 19 a final determination under subparagraph (B),
 20 the Commissioner shall—

21 “(i) provide notification of the deter-
 22 mination to—

23 “(I) the administering authority;
 24 and

1 “(II) the person that submitted
2 the petition under paragraph (1)(B)
3 or the Federal agency that submitted
4 the referral under paragraph (1)(C);
5 and

6 “(ii) provide the determination for
7 publication in the Federal Register.

8 “(3) BUSINESS PROPRIETARY INFORMATION.—

9 “(A) ESTABLISHMENT OF PROCEDURES.—
10 For each investigation initiated under para-
11 graph (1), the Commissioner shall establish
12 procedures for the submission of business pro-
13 prietary information under an administrative
14 protective order that—

15 “(i) protects against public disclosure
16 of such information; and

17 “(ii) for purposes of submitting com-
18 ments to the Commissioner, provides lim-
19 ited access to such information for—

20 “(I) the person that submitted
21 the petition under paragraph (1)(B)
22 or the Federal agency that submitted
23 the referral under paragraph (1)(C);
24 and

1 “(II) the person alleged to have
2 entered covered merchandise into the
3 customs territory of the United States
4 through evasion.

5 “(B) ADMINISTRATION IN ACCORDANCE
6 WITH OTHER PROCEDURES.—The procedures
7 established under subparagraph (A) shall be ad-
8 ministered, to the maximum extent practicable,
9 in accordance with administrative protective
10 order procedures under section 777 by the ad-
11 ministering authority.

12 “(C) DISCLOSURE OF BUSINESS PROPRI-
13 ETARY INFORMATION.—The Commissioner
14 shall, in accordance with the procedures estab-
15 lished under subparagraph (A), make all busi-
16 ness proprietary information presented to, or
17 obtained by, the Commissioner during an inves-
18 tigation available to the persons specified in
19 subparagraph (A)(ii) under an administrative
20 protective order, regardless of when such infor-
21 mation is submitted during an investigation.

22 “(4) REFERRALS TO OTHER FEDERAL AGEN-
23 CIES.—

24 “(A) AFTER PRELIMINARY DETERMINA-
25 TION.—Notwithstanding section 777 and sub-

1 ject to subparagraph (C), when the Commis-
2 sioner makes an affirmative preliminary deter-
3 mination under paragraph (2)(A), the Commis-
4 sioner shall, at the request of the head of an-
5 other Federal agency, transmit the administra-
6 tive record to the head of that agency.

7 “(B) AFTER FINAL DETERMINATION.—
8 Notwithstanding section 777 and subject to
9 subparagraph (C), when the Commissioner
10 makes an affirmative final determination under
11 paragraph (2)(B), the Commissioner shall, at
12 the request of the head of another Federal
13 agency, transmit the complete administrative
14 record to the head of that agency.

15 “(C) PROTECTIVE ORDERS.—Before trans-
16 mitting an administrative record to the head of
17 another Federal agency under subparagraph
18 (A) or (B), the Commissioner shall verify that
19 the other agency has in effect with respect to
20 the administrative record a protective order
21 that provides the same or a similar level of pro-
22 tection for the information in the administrative
23 record as the protective order in effect with re-
24 spect to such information under this subsection.

25 “(c) EFFECT OF DETERMINATIONS.—

1 “(1) EFFECT OF AFFIRMATIVE PRELIMINARY
2 DETERMINATION.—If the Commissioner makes a
3 preliminary determination in accordance with sub-
4 section (b)(2)(A) that there is a reasonable basis to
5 believe or suspect that covered merchandise was en-
6 tered into the customs territory of the United States
7 through evasion, the Commissioner shall—

8 “(A) suspend the liquidation of each unliq-
9 uidated entry of the covered merchandise that
10 is subject to the preliminary determination and
11 that entered on or after the date of the initi-
12 ation of the investigation under paragraph (1)
13 and, pursuant to the Commissioner’s authority
14 under section 504(b), extend liquidation of each
15 unliquidated entry of the covered merchandise
16 that is subject to the preliminary determination
17 and that entered prior to the date of the initi-
18 ation of the investigation under paragraph (1);

19 “(B) review and reassess the amount of
20 bond or other security the importer is required
21 to post for each entry of merchandise described
22 in subparagraph (A);

23 “(C) require the posting of a cash deposit
24 with respect to each entry of merchandise de-
25 scribed in subparagraph (A); and

1 “(D) take such other measures as the
2 Commissioner determines appropriate to ensure
3 the collection of any duties that may be owed
4 with respect to merchandise described in sub-
5 paragraph (A) as a result of a final determina-
6 tion under subsection (b)(2)(B).

7 “(2) EFFECT OF NEGATIVE PRELIMINARY DE-
8 TERMINATION.—If the Commissioner makes a pre-
9 liminary determination in accordance with sub-
10 section (b)(2)(A) that there is not a reasonable basis
11 to believe or suspect that covered merchandise was
12 entered into the customs territory of the United
13 States through evasion, the Commissioner shall con-
14 tinue the investigation and notify the administering
15 authority pending a final determination under sub-
16 section (b)(2)(B).

17 “(3) EFFECT OF AFFIRMATIVE FINAL DETER-
18 MINATION.—If the Commissioner makes a final de-
19 termination in accordance with subsection (b)(2)(B)
20 that covered merchandise was entered into the cus-
21 toms territory of the United States through evasion,
22 the Commissioner shall—

23 “(A) suspend or continue to suspend, as
24 the case may be, the liquidation of each entry
25 of the covered merchandise that is subject to

1 the determination and that enters on or after
2 the date of the determination and, pursuant to
3 the Commissioner's authority under section
4 504(b), extend or continue to extend, as the
5 case may be, the liquidation of each entry of
6 the covered merchandise that is subject to the
7 determination and that entered prior to the
8 date of the determination;

9 “(B) notify the administering authority of
10 the determination and request that the admin-
11 istering authority—

12 “(i) identify the applicable anti-
13 dumping or countervailing duty assessment
14 rate for the entries for which liquidation is
15 suspended under paragraph (1)(A) or sub-
16 paragraph (A) of this paragraph; or

17 “(ii) if no such assessment rates are
18 available at the time, identify the applica-
19 ble cash deposit rate to be applied to the
20 entries described in subparagraph (A),
21 with the applicable antidumping or coun-
22 tervailing duty assessment rates to be pro-
23 vided as soon as such rates become avail-
24 able;

1 “(C) require the posting of cash deposits
2 and assess duties on each entry of merchandise
3 described in subparagraph (A) in accordance
4 with the instructions received from the admin-
5 istering authority under paragraph (5);

6 “(D) review and reassess the amount of
7 bond or other security the importer is required
8 to post for merchandise described in subpara-
9 graph (A) to ensure the protection of revenue
10 and compliance with the law; and

11 “(E) take such additional enforcement
12 measures as the Commissioner determines ap-
13 propriate, such as—

14 “(i) initiating proceedings under sec-
15 tion 592 or 596;

16 “(ii) implementing, in consultation
17 with the relevant Federal agencies, rule
18 sets or modifications to rules sets for iden-
19 tifying, particularly through the Auto-
20 mated Targeting System and the Auto-
21 mated Commercial Environment, import-
22 ers, other parties, and merchandise that
23 may be associated with evasion;

24 “(iii) requiring, with respect to mer-
25 chandise for which the importer has re-

1 peatedly provided incomplete or erroneous
2 entry summary information in connection
3 with determinations of evasion, the im-
4 porter to submit entry summary docu-
5 mentation and to deposit estimated duties
6 at the time of entry;

7 “(iv) referring the record in whole or
8 in part to U.S. Immigration and Customs
9 Enforcement for civil or criminal investiga-
10 tion; and

11 “(v) transmitting the administrative
12 record to the administering authority for
13 further appropriate proceedings.

14 “(4) EFFECT OF NEGATIVE FINAL DETERMINA-
15 TION.—If the Commissioner makes a final deter-
16 mination in accordance with subsection (b)(2)(B)
17 that covered merchandise was not entered into the
18 customs territory of the United States through eva-
19 sion, the Commissioner shall terminate the suspen-
20 sion of liquidation pursuant to paragraph (1)(A) and
21 refund any cash deposits collected pursuant to para-
22 graph (1)(C) that are in excess of the cash deposit
23 rate that would otherwise have been applicable the
24 merchandise.

1 “(5) COOPERATION OF ADMINISTERING AU-
2 THORITY.—

3 “(A) IN GENERAL.—Upon receiving a noti-
4 fication from the Commissioner under para-
5 graph (3)(B), the administering authority shall
6 promptly provide to the Commissioner the ap-
7 plicable cash deposit rates and antidumping or
8 countervailing duty assessment rates and any
9 necessary liquidation instructions.

10 “(B) SPECIAL RULE FOR CASES IN WHICH
11 THE PRODUCER OR EXPORTER IS UNKNOWN.—
12 If the Commissioner and administering author-
13 ity are unable to determine the producer or ex-
14 porter of the merchandise with respect to which
15 a notification is made under paragraph (3)(B),
16 the administering authority shall identify, as
17 the applicable cash deposit rate or antidumping
18 or countervailing duty assessment rate, the cash
19 deposit or duty (as the case may be) in the
20 highest amount applicable to any producer or
21 exporter, including the ‘all-others’ rate of the
22 merchandise subject to an antidumping order or
23 countervailing duty order under section 736 or
24 706, respectively, or a finding issued under the

1 Antidumping Act, 1921, or any administrative
2 review conducted under section 751.

3 “(d) SPECIAL RULES.—

4 “(1) EFFECT ON OTHER AUTHORITIES.—Nei-
5 ther the initiation of an investigation under sub-
6 section (b)(1) nor a preliminary determination or a
7 final determination under subsection (b)(2) shall af-
8 fect the authority of the Commissioner—

9 “(A) to pursue such other enforcement
10 measures with respect to the evasion of anti-
11 dumping or countervailing duties as the Com-
12 missioner determines necessary, including en-
13 forcement measures described in clauses (i)
14 through (iv) of subsection (c)(3)(E); or

15 “(B) to assess any penalties or collect any
16 applicable duties, taxes, and fees, including pur-
17 suant to section 592.

18 “(2) EFFECT OF DETERMINATIONS ON FRAUD
19 ACTIONS.—Neither a preliminary determination nor
20 a final determination under subsection (b)(2) shall
21 be determinative in a proceeding under section 592.

22 “(3) NEGLIGENCE OR INTENT.—The Commis-
23 sioner shall investigate and make a preliminary de-
24 termination or a final determination under this sec-
25 tion with respect to whether a person has entered

covered merchandise into the customs territory of the United States through evasion without regard to whether the person—

“(A) intended to violate an antidumping duty order or countervailing duty order under section 736 or 706, respectively, or a finding issued under the Antidumping Act, 1921; or

“(B) exercised reasonable care with respect to avoiding a violation of such an order or finding.”.

(b) TECHNICAL AMENDMENT.—Clause (ii) of section 777(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1677f(b)(1)(A)) is amended to read as follows:

“(ii) to an officer or employee of U.S. Customs and Border Protection who is directly involved in conducting an investigation regarding fraud under this title or claims of evasion under section 516B.”.

(c) JUDICIAL REVIEW.—Section 516A(a)(2) of the Tariff Act of 1930 (19 U.S.C. 1516a(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)(III), by striking “or” at the end;

(B) in clause (ii), by adding “or” at the end; and

1 (C) by inserting after clause (ii) the fol-
 2 lowing:

3 “(iii) the date of publication in the
 4 Federal Register of a determination de-
 5 scribed in clause (ix) of subparagraph
 6 (B),”; and

7 (2) in subparagraph (B), by adding at the end
 8 the following new clause:

9 “(ix) A determination by the Commis-
 10 sioner responsible for U.S. Customs and
 11 Border Protection under section 516B that
 12 merchandise has been entered into the cus-
 13 toms territory of the United States
 14 through evasion.”.

15 (d) FINALITY OF DETERMINATIONS.—Section 514(b)
 16 of the Tariff Act of 1930 (19 U.S.C. 1514(b)) is amended
 17 by striking “section 303” and all that follows through
 18 “which are reviewable” and inserting “section 516B or
 19 title VII that are reviewable”.

20 **SEC. 202. APPLICATION TO CANADA AND MEXICO.**

21 Pursuant to article 1902 of the North American Free
 22 Trade Agreement and section 408 of the North American
 23 Free Trade Agreement Implementation Act (19 U.S.C.
 24 3438), the amendments made by this part shall apply with
 25 respect to goods from Canada and Mexico.

PART II—OTHER MATTERS**SEC. 211. DEFINITIONS.**

In this part, the terms “appropriate congressional committees”, “Commissioner”, “covered merchandise”, “enter” and “entry”, and “evade” and “evasion” have the meanings given those terms in section 516B(a) of the Tariff Act of 1930 (as added by section 201 of this Act).

SEC. 212. ALLOCATION OF U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) REASSIGNMENT AND ALLOCATION.—The Commissioner shall, to the maximum extent possible, ensure that U.S. Customs and Border Protection—

(1) employs sufficient personnel who have expertise in, and responsibility for, preventing the entry of covered merchandise into the customs territory of the United States through evasion; and

(2) on the basis of risk assessment metrics, assigns sufficient personnel with primary responsibility for preventing the entry of covered merchandise into the customs territory of the United States through evasion to the ports of entry in the United States at which the Commissioner determines potential evasion presents the most substantial threats to the revenue of the United States.

(b) COMMERCIAL ENFORCEMENT OFFICERS.—Not later than 30 days after the date of the enactment of this

1 Act, the Secretary of Homeland Security, the Commis-
2 sioner, and the Assistant Secretary for U.S. Immigration
3 and Customs Enforcement shall assess and properly allo-
4 cate the resources of U.S. Customs and Border Protection
5 and U.S. Immigration and Customs Enforcement—

6 (1) to effectively implement the provisions of,
7 and amendments made by, this subtitle; and

8 (2) to improve efforts to investigate and combat
9 evasion.

10 **SEC. 213. REGULATIONS.**

11 (a) IN GENERAL.—Not later than 240 days after the
12 date of the enactment of this Act, the Commissioner shall
13 issue regulations to carry out the provisions of, and
14 amendments made by, this subtitle.

15 (b) COOPERATION BETWEEN U.S. CUSTOMS AND
16 BORDER PROTECTION, U.S. IMMIGRATION AND CUSTOMS
17 ENFORCEMENT, AND DEPARTMENT OF COMMERCE.—Not
18 later than 240 days after the date of the enactment of
19 this Act, the Commissioner, the Assistant Secretary for
20 U.S. Immigration and Customs Enforcement, and the Sec-
21 retary of Commerce shall establish procedures to ensure
22 maximum cooperation and communication between U.S.
23 Customs and Border Protection, U.S. Immigration and
24 Customs Enforcement, and the Department of Commerce
25 in order to quickly, efficiently, and accurately investigate

1 allegations of evasion under section 516B of the Tariff
2 Act of 1930 (as added by section 201 of this Act).

3 **SEC. 214. ANNUAL REPORT ON PREVENTION OF EVASION**
4 **OF ANTIDUMPING AND COUNTERVAILING**
5 **DUTY ORDERS.**

6 (a) IN GENERAL.—Not later than February 28 of
7 each year, beginning in 2013, the Commissioner, in con-
8 sultation with the Secretary of Commerce, shall submit to
9 the appropriate congressional committees a report on the
10 efforts being taken pursuant to section 516B of the Tariff
11 Act of 1930 (as added by section 201 of this Act) to pre-
12 vent the entry of covered merchandise into the customs
13 territory of the United States through evasion.

14 (b) CONTENTS.—Each report required under sub-
15 section (a) shall include—

16 (1) for the fiscal year preceding the submission
17 of the report—

18 (A) the number and a brief description of
19 petitions and referrals received pursuant to sec-
20 tion 516B(b)(1) of the Tariff Act of 1930 (as
21 added by section 201 of this Act);

22 (B) the results of the investigations initi-
23 ated under such section, including any related
24 enforcement actions, and the amount of anti-

1 dumping and countervailing duties collected as
2 a result of those investigations; and

3 (C) to the extent appropriate, a summary
4 of the efforts of U.S. Customs and Border Pro-
5 tection, other than efforts initiated pursuant
6 section 516B of the Tariff Act of 1930 (as
7 added by section 201 of this Act), to prevent
8 the entry of covered merchandise into the cus-
9 toms territory of the United States through
10 evasion; and

11 (2) for the 3 fiscal years preceding the submis-
12 sion of the report, an estimate of—

13 (A) the amount of covered merchandise
14 that entered the customs territory of the United
15 States through evasion; and

16 (B) the amount of duties that could not be
17 collected on such merchandise because the Com-
18 missioner did not have the authority to reliq-
19 uidate the entries of such merchandise.

20 **SEC. 215. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
21 **ON RELIQUIDATION AUTHORITY.**

22 Not later than 60 days after the date of the enact-
23 ment of this Act, the Comptroller General of the United
24 States shall submit to the appropriate congressional com-
25 mittees, and make available to the public, a report esti-

1 mating the amount of duties that could not be collected
 2 on covered merchandise that entered the customs territory
 3 of the United States through evasion during fiscal years
 4 2010 and 2011 because the Commissioner did not have
 5 the authority to reliquidate the entries of such merchan-
 6 dise.

7 **Subtitle B—Foreign Direct** 8 **Investment**

9 **SEC. 221. REPORT ON ENHANCING COMPETITIVENESS OF** 10 **UNITED STATES IN ATTRACTING FOREIGN DI-** 11 **RECT INVESTMENT.**

12 Section 3 of the Foreign Direct Investment and
 13 International Financial Data Improvements Act of 1990
 14 (22 U.S.C. 3142) is amended by adding at the end the
 15 following:

16 “(d) REVIEW OF UNITED STATES LAWS AND POLI-
 17 CIES ON FOREIGN DIRECT INVESTMENT IN THE UNITED
 18 STATES.—

19 “(1) REVIEW.—The Secretary of Commerce, in
 20 coordination with the heads of other relevant Fed-
 21 eral departments and agencies, shall conduct an
 22 interagency review of United States laws and policies
 23 on foreign direct investment in the United States
 24 and develop recommendations to make the United

1 States more competitive in attracting and retaining
2 strong investment flows from abroad.

3 “(2) ADDITIONAL MATTERS TO BE IN-
4 CLUDED.—The review conducted pursuant to para-
5 graph (1) shall include the following:

6 “(A) A review of the current economic im-
7 pact of foreign direct investment in the United
8 States and broader trends in global cross-border
9 investment flows, including an assessment of
10 the current United States competitive position
11 as an investment location for companies
12 headquartered abroad.

13 “(B) A review of United States laws and
14 policies that uniquely apply to foreign direct in-
15 vestment in the United States, with particular
16 focus on those laws and policies that may have
17 the effect of diminishing the ability of the
18 United States to attract and retain foreign di-
19 rect investment.

20 “(C) A review of ongoing efforts of the
21 Federal Government to reduce investment bar-
22 riers and facilitate greater levels of foreign di-
23 rect investment in the United States.

24 “(D) Recommendations based on an as-
25 sessment of United States laws and policies, in-

cluding a comparative analysis of efforts of other competing countries, to make the United States more competitive in attracting global investment.

“(3) COMMENT PERIOD.—The review conducted under paragraph (1) shall include an open comment period to solicit input from experts and industry stakeholders on matters covered by the review.

“(4) INCLUSION IN REPORT.—The Secretary of Commerce shall include the results of the review conducted pursuant to paragraph (1) in the first report prepared under subsection (a) of this section on or after the date of the enactment of the Building a Stronger America Act of 2012.”.

TITLE III—EXPORT PROMOTION

SEC. 301. IMPROVED COORDINATION OF EXPORT PROMOTION ACTIVITIES OF FEDERAL AGENCIES BY THE TRADE PROMOTION COORDINATING COMMITTEE.

(a) DUTIES OF TPCC.—Section 2312(b) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(b)) is amended—

(1) in paragraph (4), by inserting “, including by identifying opportunities to consolidate or co-

1 locate offices or agencies involved in such activities”
2 after “export financing activities”;

3 (2) by redesignating paragraph (6) as para-
4 graph (8); and

5 (3) by striking paragraph (5) and inserting the
6 following:

7 “(5) assess the appropriate levels and allocation
8 of resources, including the use and coordination of
9 electronic databases, among agencies in support of
10 export promotion and export financing and provide
11 recommendations, including a recommendation for
12 the unified Federal trade promotion budget required
13 by subsection (c)(4), to the President based on its
14 assessment;

15 “(6) in conducting assessments under para-
16 graph (5), review the proposed trade promotion
17 budget for a fiscal year of each agency with respon-
18 sibility for export promotion and export financing
19 activities before the agency submits that budget to
20 the Office of Management and Budget and the
21 President for inclusion in the budget of the Presi-
22 dent for that fiscal year submitted to Congress
23 under section 1105(a) of title 31, United States
24 Code;

1 “(7) to the maximum extent practicable, make
 2 available on Federal agency websites related to trade
 3 and export promotion, including Export.gov, a de-
 4 tailed listing of ongoing and anticipated trade mis-
 5 sions, trade fairs, and related Federal and State ex-
 6 port promotion and export financing activities to en-
 7 sure better delivery of services to United States busi-
 8 nesses; and”.

9 (b) STRATEGIC PLAN.—Section 2312(c) of the Ex-
 10 port Enhancement Act of 1988 (15 U.S.C. 4727(c)) is
 11 amended—

12 (1) by redesignating paragraphs (3), (4), (5),
 13 and (6) as paragraphs (4), (6), (7), and (8), respec-
 14 tively;

15 (2) in paragraph (2), by inserting “, based on
 16 consultations with, and recommendations from, a
 17 representative number of United States exporters
 18 and other types of export-related businesses” after
 19 “coordination of such activities”;

20 (3) by inserting after paragraph (2) the fol-
 21 lowing:

22 “(3) identify countries with which the United
 23 States could negotiate trade agreements to increase
 24 United States exports;”;

1 (4) by inserting after paragraph (4), as redesign-
2 nated by paragraph (1), the following:

3 “(5) identify areas in which the TPCC can
4 partner and maximize existing partnerships with
5 agencies by granting the TPCC the ability to part-
6 ner with a partner of an agency that is a member
7 of the TPCC without requiring an additional memo-
8 randum of understanding between the TPCC and
9 that partner;”;

10 (5) in paragraph (7), as redesignated by para-
11 graph (1), by striking “; and” and inserting a semi-
12 colon;

13 (6) in paragraph (8), as redesignated by para-
14 graph (1), by striking the period and inserting a
15 semicolon; and

16 (7) by adding at the end the following:

17 “(9) review and propose means to improve edu-
18 cational outreach to small- and medium-sized busi-
19 nesses with respect to the resources available
20 through the TPCC and agencies that are members
21 of the TPCC, including by consulting with, and con-
22 sidering recommendations from, United States ex-
23 porters and the Small Business Administration with
24 respect to improving outreach by the TPCC; and

1 “(10) clearly describe the role of each agency
2 that is a member of the TPCC and the responsibility
3 of each such agency for export promotion and export
4 financing.”.

5 (c) REPRESENTATIVE OF STATE AGENCIES ON
6 TPCC.—Section 2312(d) of the Export Enhancement Act
7 of 1988 (15 U.S.C. 4727(d)) is amended—

8 (1) by redesignating paragraph (2) as para-
9 graph (3); and

10 (2) by inserting after paragraph (1) the fol-
11 lowing:

12 “(2) REPRESENTATIVE OF STATE AGENCIES.—
13 In addition to the members specified in paragraph
14 (1), there shall be one member of the TPCC that
15 represents State agencies with responsibility for ex-
16 port promotion and export financing.”.

17 (d) REPORTS.—Section 2312(f) of the Export En-
18 hancement Act of 1988 (15 U.S.C. 4727(f)) is amended
19 to read as follows:

20 “(f) REPORTING REQUIREMENTS.—

21 “(1) TPCC REPORT.—Not later than 18
22 months after the date of the enactment of the Build-
23 ing a Stronger America Act of 2012, and March 30
24 of each year thereafter, the chairperson of the TPCC
25 shall submit to Congress a report that—

1 “(A) describes the strategic plan developed
2 by the TPCC pursuant to subsection (c), the
3 implementation of the plan, and any revisions
4 to the plan;

5 “(B) describe the goals of and activities
6 carried out by each agency that is a member of
7 the TPCC with respect to Federal export pro-
8 motion and export financing activities, including
9 efforts to increase efficiency, decrease dupli-
10 cation, increase interagency coordination, and
11 meet the goals of each such agency;

12 “(C) reviews the proposed annual trade
13 promotion budgets for each such agency and
14 provides recommendations with respect to those
15 budgets based on the strategic plan developed
16 pursuant to subsection (c) and any anticipated
17 revisions to the plan; and

18 “(D) describes the implementation of sec-
19 tions 303 and 304 of the FREEDOM Support
20 Act (22 U.S.C. 5823 and 5824) concerning
21 funding for export promotion activities and the
22 interagency working groups on energy of the
23 TPCC.

24 “(2) GOVERNMENT ACCOUNTABILITY OFFICE
25 REPORT.—

1 “(A) IN GENERAL.—Not later than 18
2 months after the date of the enactment of the
3 Building a Stronger America Act of 2012, and
4 every 2 years thereafter, the Comptroller Gen-
5 eral of the United States shall submit to Con-
6 gress a report that assesses the effectiveness of
7 the TPCC.

8 “(B) ELEMENTS.—The report required by
9 subparagraph (A) shall include an assessment
10 of the following:

11 “(i) The operational efficiency and ef-
12 fectiveness of the TPCC.

13 “(ii) The performance of each agency
14 that is a member of the TPCC with re-
15 spect to Federal export promotion and ex-
16 port financing activities, including efforts
17 to increase efficiency, decrease duplication,
18 increase interagency coordination, and
19 meet the goals of each such agency. The
20 efforts of the TPCC to coordinate Federal
21 export promotion and export financing ac-
22 tivities, including efforts to coordinate the
23 trade promotion budgets of the agencies
24 that are members of the TPCC.

1 “(iii) Duplication of administrative
 2 functions, client management functions,
 3 and resources among those agencies and
 4 measures to decrease such duplication, in-
 5 cluding by reducing the office space or
 6 other resources available to those agencies.

7 “(iv) Improvements in efficiency and
 8 decreases in duplication of efforts among
 9 those agencies realized by the TPCC.

10 “(v) Other relevant information on
 11 the overall effectiveness of the TPCC.

12 “(C) CONSIDERATION OF CHANGING
 13 STRATEGY.—In preparing the report required
 14 by subparagraph (A), the Comptroller General
 15 shall take into account that the strategic plan
 16 of the TPCC is subject to change.”.

17 (e) EXPORT.GOV; REGULATIONS.—Section 2312 of
 18 the Export Enhancement Act of 1988 (15 U.S.C. 4727)
 19 is amended by adding at the end the following:

20 “(g) INFORMATION AVAILABLE ON EXPORT.GOV.—
 21 The TPCC shall coordinate with the agencies that are
 22 members of the TPCC to publish information relevant to
 23 export promotion and export financing on Export.gov (or
 24 a successor website), including the information described
 25 in subsections (b)(7) and (c)(10).

1 “(h) REGULATIONS.—Not later than 18 months after
 2 the date of the enactment of the Building a Stronger
 3 America Act of 2012, the President shall prescribe such
 4 regulations as are necessary to provide the chairperson of
 5 the TPCC with the authority to ensure that the TPCC
 6 carries out each of its duties under subsection (b) and de-
 7 velops and implements the strategic plan under subsection
 8 (c).”.

9 (f) REPORT ON IMPROVEMENTS TO EXPORT.GOV AS
 10 A SINGLE WINDOW FOR EXPORT INFORMATION.—

11 (1) IN GENERAL.—Not later than 180 days
 12 after the date of the enactment of this Act, the Di-
 13 rector of International Trade of the Small Business
 14 Administration shall, after consultation with the en-
 15 tities specified in paragraph (2), submit to Congress
 16 a report that includes the recommendations of the
 17 Director for improving the experience provided by
 18 the website Export.gov (or a successor website) as—

19 (A) a comprehensive resource for informa-
 20 tion about exporting articles from the United
 21 States; and

22 (B) a single website for exporters to sub-
 23 mit all information required by the Federal
 24 Government with respect to the exportation of
 25 articles from the United States.

1 (2) ENTITIES SPECIFIED.—The entities speci-
2 fied in this paragraph are—

3 (A) small business concerns (as defined in
4 section 3 of the Small Business Act (15 U.S.C.
5 632)) that are exporters; and

6 (B) the President’s Export Council, State
7 agencies with responsibility for export pro-
8 motion or export financing, district export coun-
9 cils, and trade associations.

10 (g) REPORT ON DEVELOPING A SINGLE WINDOW
11 FOR INFORMATION ABOUT EXPORT CONTROL COMPLI-
12 ANCE.—Not later than 180 days after the date of the en-
13 actment of this Act, the Chief Counsel for Advocacy of
14 the Small Business Administration shall submit to Con-
15 gress a report assessing the benefits of developing a
16 website to serve as—

17 (1) a comprehensive resource for complying
18 with and information about the export control laws
19 and regulations of the United States; and

20 (2) a single website for exporters to submit all
21 information required by the Federal Government
22 with respect to export controls.

1 **SEC. 302. EFFECTIVE DEPLOYMENT OF RESOURCES OF THE**
2 **UNITED STATES AND FOREIGN COMMERCIAL**
3 **SERVICE.**

4 Section 2301(c)(4) of the Export Enhancement Act
5 of 1988 (15 U.S.C. 4721(c)(4)) is amended—

6 (1) by redesignating subparagraphs (B)
7 through (F) as subparagraphs (C) through (G), re-
8 spectively;

9 (2) by striking “(4) FOREIGN OFFICES.—(A)
10 The Secretary may” and inserting the following:

11 “(4) FOREIGN OFFICES.—(A)(i) The Secretary
12 shall conduct a global assessment of overseas mar-
13 kets to identify the countries to which the United
14 States could increase exports through Federal export
15 promotion activities and redeploy Commercial Serv-
16 ice personnel and other resources on the basis of the
17 global assessment.

18 “(ii) The assessment conducted under clause (i)
19 shall take into consideration recommendations from
20 a representative number of United States exporters.

21 “(iii) Not later than 180 days after the date of
22 the enactment of the Building a Stronger America
23 Act of 2012, the Secretary shall submit to Congress
24 a report on the results of the first global assessment
25 conducted under clause (i) and a plan for the rede-

1 ployment of Commercial Service personnel and other
2 resources on the basis of the global assessment.

3 “(iv) The Secretary shall conduct a global as-
4 sessment and redeployment described in clause (i)
5 not less frequently than once in every 5-year period.

6 “(B) The Secretary may”; and

7 (3) in subparagraph (F), as redesignated, by
8 striking “is authorized, upon the request of the Sec-
9 retary, to provide” and inserting “shall, upon the re-
10 quest of the Secretary, provide”.

11 **SEC. 303. STRENGTHENED COMMERCIAL DIPLOMACY TO**
12 **INCREASE UNITED STATES EXPORTS.**

13 (a) DEVELOPMENT OF PLAN.—Section 207(c) of the
14 Foreign Service Act of 1980 (22 U.S.C. 3927(c)) is
15 amended—

16 (1) by inserting “(1)” after “(c)”; and

17 (2) by adding at the end the following:

18 “(2)(A) Each chief of mission to a foreign country
19 shall develop a plan for effective diplomacy to remove or
20 reduce obstacles to exports of United States goods and
21 services, in consultation with—

22 “(i) the ambassador of the United States to the
23 country;

24 “(ii) the Assistant Secretary of Commerce and
25 Director General of the Commercial Service (estab-

1 lished by section 2301(a)(2) of the Export Enhance-
2 ment Act of 1988 (15 U.S.C. 4721(a)(2));

3 “(iii) the heads of other Federal agencies with
4 export promotion programs, acting through the
5 Trade Promotion Coordinating Committee (estab-
6 lished by section 2312 of the Export Enhancement
7 Act of 1988 (15 U.S.C. 4727)); and

8 “(iv) the trade advisory committees authorized
9 by paragraphs (1) and (2) of section 135(c) of the
10 Trade Act of 1974 (19 U.S.C. 2155(c)), if those
11 committees request consultation.

12 “(B) The chief of mission shall submit the plan re-
13 quired by subparagraph (A) to the Secretary for review
14 by the Secretary before implementing the plan.”.

15 (b) ASSESSMENTS AND PROMOTIONS.—Section
16 603(a) of the Foreign Service Act of 1980 (22 U.S.C.
17 4003(a)) is amended, in the second sentence, by inserting
18 after “disciplinary actions,” the following: “assessments
19 (with respect to members of the Service with responsibil-
20 ities relating to economic affairs) of the effectiveness of
21 efforts to promote the exportation of United States goods
22 and services in accordance with the plan developed pursu-
23 ant to section 207(c)(2),”.

1 (c) INSPECTOR GENERAL.—Section 209(b) of the
2 Foreign Service Act of 1980 (22 U.S.C. 3929(b)) is
3 amended—

4 (1) in paragraph (4), by striking “; and” and
5 inserting a semicolon;

6 (2) by redesignating paragraph (5) as para-
7 graph (6); and

8 (3) by inserting after paragraph (4) the fol-
9 lowing new paragraph:

10 “(5) the effectiveness of diplomacy relating to the
11 promotion of exports of United States goods and services;
12 and”.

13 **SEC. 304. REPORTS ON DISTORTIVE OR DISCRIMINATORY**
14 **ECONOMIC POLICIES AND PRACTICES OF**
15 **FOREIGN COUNTRIES.**

16 (a) REPORTS BY UNITED STATES INTERNATIONAL
17 TRADE COMMISSION.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of the enactment of this Act, and not less
20 frequently than once every 2 years thereafter, the
21 United States International Trade Commission (in
22 this section referred to as the “Commission”) shall
23 submit to Congress and the President a report
24 that—

1 (A) identifies distortive or discriminatory
2 economic policies and practices of foreign coun-
3 tries; and

4 (B) estimates, for the 10 years following
5 the submission of the report, the effects of such
6 policies and practices on businesses and work-
7 ers in the United States.

8 (2) DISTORTIVE AND DISCRIMINATORY ECO-
9 NOMIC POLICIES AND PRACTICES.—For purposes of
10 paragraph (1), distortive or discriminatory economic
11 policies or practices of foreign countries include poli-
12 cies and practices that adversely affect the economic
13 or commercial interests of businesses or workers in
14 the United States, such as policies and practices
15 that discriminate against United States persons,
16 policies and practices permitting trading monopolies,
17 restrictive government procurement policies or prac-
18 tices, discriminatory tax policies or preferences, for-
19 eign direct investment policies or practices, stand-
20 ards, or subsidies, restrictive domestic financial poli-
21 cies, and policies and practices that permit violations
22 of intellectual property rights.

23 (3) ELEMENTS.—Each report submitted under
24 paragraph (1) shall include the following:

1 (A) Qualitative indicators of specific poli-
2 cies and practices that may be distortive or dis-
3 criminatory of specific foreign countries and an
4 assessment of the relative significance of such
5 policies and practices.

6 (B) An assessment of resources expended
7 in foreign countries that are being used to pre-
8 clude exports of United States goods and serv-
9 ices, to harm United States economic interests,
10 or to support the development of technologies,
11 manufacturing base, and businesses that com-
12 pete directly with United States businesses.

13 (4) FACILITATION.—To assist in the prepara-
14 tion of each report required by paragraph (1), the
15 Commission shall facilitate the reporting by inter-
16 ested persons of distortive or discriminatory eco-
17 nomic policies and practices of foreign countries, to
18 the extent possible.

19 (5) OTHER REPORTS.—In the National Trade
20 Estimate submitted under section 181(b) of the
21 Trade Act of 1974 (19 U.S.C. 2241(b)) and any
22 other report of the Commission relating to trade
23 submitted after the date of the enactment of this
24 Act, the Commission shall assess the effects of dis-
25 tortive and discriminatory policies and practices of

1 foreign countries that are commercially significant
2 and pose the greatest potential opportunity or threat
3 to businesses and workers in the United States dur-
4 ing the 10-year period following submission of the
5 report.

6 (b) REPORT BY COMPTROLLER GENERAL OF THE
7 UNITED STATES.—Not later than 1 year after the Com-
8 mission submits the first report required by subsection
9 (a)(1), the Comptroller General of the United States shall
10 submit to Congress a report that—

11 (1) assesses the effectiveness of actions taken
12 by Federal agencies with responsibility relating to
13 trade to mitigate the effects of distortive or discrimi-
14 natory economic policies and practices of foreign
15 countries, with emphasis on the most egregious of
16 such policies and practices;

17 (2) makes recommendations for additional ac-
18 tions that may be taken by such agencies to mitigate
19 the effects of such policies and practices;

20 (3) identifies gaps in the trade or foreign eco-
21 nomic policies of the United States that should be
22 addressed by the President or Congress; and

23 (4) identifies agencies or programs that have
24 successfully implemented policies to discourage dis-

1 tortive and discriminatory economic policies and
2 practices of foreign countries, including—

3 (A) specific steps taken by each such agen-
4 cies and programs to reduce such policies and
5 practices;

6 (B) recommendations on how such agen-
7 cies and programs can improve awareness and
8 monitoring of such policies and practices and
9 develop programs to discourage the use of such
10 policies and practices; and

11 (C) other information that may help in-
12 form efforts to develop programs to combat
13 such policies and practices.

○