

118TH CONGRESS  
1ST SESSION

# S. 3425

To authorize the Secretary of Commerce to establish a Resilient Communities Program to provide communities impacted by trade with grants for economic development, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2023

Ms. BALDWIN (for herself and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To authorize the Secretary of Commerce to establish a Resilient Communities Program to provide communities impacted by trade with grants for economic development, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Resilient Communities  
5 Act of 2023”.

6 **SEC. 2. RESILIENT COMMUNITIES PROGRAM.**

7 (a) AWARD OF GRANTS.—The Secretary of Com-  
8 merce shall establish a program to be known as the Resil-

1 ient Communities Program under which the Secretary  
2 may award grants to eligible recipients representing af-  
3 fected communities—

4 (1) to encourage the continued production of  
5 certain goods in those communities, including the  
6 employment of individuals involved in the production  
7 of those goods; or

8 (2) for the conduct of economic development in  
9 those communities.

10 (b) USES OF FUNDS.—

11 (1) SUBSEQUENT GRANTS.—An eligible recipi-  
12 ent awarded a grant under subsection (a) may use  
13 the amount of the grant to award subsequent grants  
14 to covered domestic producers in affected commu-  
15 nities.

16 (2) PRIORITY.—An eligible recipient in an af-  
17 fected community shall prioritize the award of subse-  
18 quent grants under paragraph (1) to covered domes-  
19 tic producers that are determined by the eligible re-  
20 cipient to be most likely to increase production and  
21 employment at a facility of the covered domestic pro-  
22 ducer located within the affected community as a re-  
23 sult of the grant provided.

24 (3) ECONOMIC DEVELOPMENT.—If there is no  
25 covered domestic producer in an affected community,

1 an eligible recipient representing that community  
2 that is in receipt of a grant under subsection (a)  
3 shall use the amounts awarded under that grant for  
4 economic development within that community.

5 (c) RESILIENT COMMUNITIES FUND.—

6 (1) ESTABLISHMENT.—There is established in  
7 the Treasury of the United States a trust fund (to  
8 be known as the “Resilient Communities Fund”),  
9 consisting of—

10 (A) amounts transferred to the trust fund  
11 under paragraph (2); and

12 (B) any amounts that may be credited to  
13 the trust fund under paragraph (3).

14 (2) TRANSFER OF AMOUNTS.—

15 (A) IN GENERAL.—The Secretary of the  
16 Treasury shall transfer to the trust fund estab-  
17 lished under paragraph (1), from the general  
18 fund of the Treasury, for fiscal year 2024 and  
19 each fiscal year thereafter, an amount equiva-  
20 lent to the amount received into the general  
21 fund during that fiscal year and attributable to  
22 duties collected pursuant to an antidumping or  
23 countervailing duty order under title VII of the  
24 Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

1           (B) FREQUENCY OF TRANSFERS.—The  
2           Secretary of the Treasury shall transfer  
3           amounts required by subparagraph (A) to be  
4           transferred to the trust fund established under  
5           paragraph (1) not less frequently than quar-  
6           terly.

7           (3) INVESTMENT OF AMOUNTS.—

8           (A) INVESTMENT OF AMOUNTS.—The Sec-  
9           retary of the Treasury shall invest such portion  
10          of the trust fund established under paragraph  
11          (1) as is not required to meet current with-  
12          drawals in interest-bearing obligations of the  
13          United States or in obligations guaranteed as to  
14          both principal and interest by the United  
15          States.

16          (B) INTEREST AND PROCEEDS.—The in-  
17          terest on, and the proceeds from the sale or re-  
18          demption of, any obligations held in the trust  
19          fund established under paragraph (1) shall be  
20          credited to and form a part of the trust fund.

21          (4) AVAILABILITY OF AMOUNTS IN TRUST  
22          FUND.—Amounts in the trust fund established  
23          under paragraph (1) shall be available to the Sec-  
24          retary of Commerce, as provided in advance in an

1 appropriations Act, to award grants to eligible re-  
2 cipients under subsection (a).

3 (d) DEFINITIONS.—In this section:

4 (1) AFFECTED COMMUNITY.—The term “af-  
5 fected community” means an area in which a domes-  
6 tic producer or worker located in that area has expe-  
7 rienced an injury from trade.

8 (2) COVERED DOMESTIC PRODUCER.—The term  
9 “covered domestic producer” means a domestic pro-  
10 ducer who can provide recent evidence of any of the  
11 following:

12 (A) A significant idling of production fa-  
13 cilities, plant closings, or underutilization of  
14 productive capacity of the producer.

15 (B) The inability of the producer to carry  
16 out production operations in the United States  
17 at a reasonable level of profit.

18 (C) A decline in sales or market share,  
19 higher or growing inventory, or a downward  
20 trend in production, profits, wages, produc-  
21 tivity, or employment of the producer.

22 (D) Difficulty of the producer in gener-  
23 ating adequate capital to finance the mod-  
24 ernization of plants, property, or equipment in  
25 the United States.

1           (E) The inability of the producer to main-  
2           tain existing levels for research and develop-  
3           ment.

4           (3) DOMESTIC PRODUCER.—The term “domes-  
5           tic producer” means a United States person that  
6           produces a good within the United States.

7           (4) ECONOMIC DEVELOPMENT.—The term  
8           “economic development” means—

9                   (A) improving workforce development;

10                   (B) building public infrastructure;

11                   (C) improving access to health care, social  
12           services, healthy food, or education;

13                   (D) complying with environmental stand-  
14           ards set forth by the Federal Government;

15                   (E) building affordable housing; or

16                   (F) expanding access to broadband.

17           (5) ELIGIBLE RECIPIENT.—The term “eligible  
18           recipient” means a political subdivision of a State in  
19           which an affected community is located.

20           (6) INJURY FROM TRADE.—The term “injury  
21           from trade” means—

22                   (A) an injury that has been determined to  
23           have occurred by the United States Inter-  
24           national Trade Commission—

1 (i) in the course of an investigation by  
2 the Commission into dumping or subsidiza-  
3 tion under section 701 or 731 of the Tariff  
4 Act of 1930 (19 U.S.C. 1671 and 1673);  
5 or

6 (ii) under section 202(b) of the Trade  
7 Act of 1974 (19 U.S.C. 2252(b));

8 (B) with respect to a domestic producer or  
9 a worker at a workplace of that producer, the  
10 Secretary of Commerce determines that—

11 (i) a significant number or proportion  
12 of the workers at that workplace have be-  
13 come totally or partially separated, or are  
14 threatened to become totally or partially  
15 separated; and

16 (ii)(I)(aa) the sales or production, or  
17 both, of that producer have decreased ab-  
18 solutely at that workplace;

19 (bb)(AA) imports of articles or serv-  
20 ices like or directly competitive with arti-  
21 cles produced or services supplied by that  
22 producer at that workplace have increased;

23 (BB) imports of articles like or di-  
24 rectly competitive with articles into which  
25 one or more component parts produced by

1 that producer at that workplace are incor-  
2 porated have increased;

3 (CC) imports of articles like or di-  
4 rectly competitive with articles that are  
5 produced using services supplied by that  
6 producer at that workplace have increased;  
7 or

8 (DD) imports of articles incorporating  
9 one or more component parts produced  
10 outside the United States that are like or  
11 directly competitive with imports of articles  
12 incorporating one or more component parts  
13 produced by that producer at that work-  
14 place have increased; and

15 (cc) the increase in imports described  
16 in item (bb) contributed importantly to the  
17 separation or threat of separation by work-  
18 ers at that workplace and to the decline in  
19 the sales or production of that producer at  
20 that workplace; or

21 (II)(aa)(AA) there has been a shift by  
22 that producer to a foreign country in the  
23 production of articles or the supply of serv-  
24 ices like or directly competitive with arti-  
25 cles that are produced or services that are



1 supplied by that producer at that work-  
2 place; or

3 (BB) that producer has acquired from  
4 a foreign country articles or services that  
5 are like or directly competitive with articles  
6 that are produced or services that are sup-  
7 plied by that producer at that workplace;  
8 and

9 (bb) the shift described in item  
10 (aa)(AA) or the acquisition of articles or  
11 services described in item (aa)(BB) con-  
12 tributed importantly to the separation or  
13 threat of separation by workers at that  
14 workplace; or

15 (C) any other trade-related injury to a do-  
16 mestic producer or worker as determined by the  
17 Secretary of Commerce.

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