

118TH CONGRESS
1ST SESSION

H. R. 6571

To establish a critical supply chain resiliency and crisis response program in the Department of Commerce, and to secure American leadership in deploying emerging technologies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2023

Mr. BUCSHON (for himself and Ms. BLUNT ROCHESTER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a critical supply chain resiliency and crisis response program in the Department of Commerce, and to secure American leadership in deploying emerging technologies, 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 “Promoting Resilient
5 Supply Chains Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 (a) **DEFINITIONS.**—In this section:

1 (1) AGENCY.—The term “agency” has the
2 meaning given that term in section 551 of title 5,
3 United States Code.

4 (2) ALLY OR KEY INTERNATIONAL PARTNER
5 NATION.—The term “ally or key international part-
6 ner nation”—

7 (A) means countries that are critical to ad-
8 dressing critical supply chain weaknesses and
9 vulnerabilities; and

10 (B) does not include—

11 (i) a country that poses a significant
12 national security or economic security risk
13 to the United States; or

14 (ii) a country that is described in sec-
15 tion 503(b) of the RANSOMWARE Act
16 (Public Law 117–238: 136 Stat. 5564).

17 (3) ASSISTANT SECRETARY.—The term “Assist-
18 ant Secretary” means the Assistant Secretary of
19 Commerce assigned by the Secretary to direct the
20 office of Industry and Analysis.

21 (4) CRITICAL GOOD.—The term “critical good”
22 means any raw, in process, or manufactured mate-
23 rial (including any mineral, metal, or advanced proc-
24 essed material), article, commodity, supply, product,

1 or item of supply the absence of which would have
2 a significant effect on—

3 (A) the national security or economic secu-
4 rity of the United States; and

5 (B) either

6 (i) critical infrastructure; or

7 (ii) emerging technologies

8 (5) CRITICAL INDUSTRY.—The term “critical
9 industry” means an industry that is critical for the
10 national security or economic security of the United
11 States, considering critical goods.

12 (6) CRITICAL INFRASTRUCTURE.—The term
13 “critical infrastructure” has the meaning given to
14 that term in the Critical Infrastructures Protection
15 Act of 2001 (42 U.S.C. 5195c).

16 (7) CRITICAL SUPPLY CHAIN.—The term “crit-
17 ical supply chain” means a critical supply chain for
18 a critical good.

19 (8) CRITICAL SUPPLY CHAIN INFORMATION.—
20 The term “critical supply chain information” means
21 information that is not customarily in the public do-
22 main and relating to—

23 (A) sustaining and adapting supply chains
24 during a supply chain shock;

1 (B) critical supply chain risk mitigation
2 and recovery planning with respect to a supply
3 chain shock, including any planned or past as-
4 sessment, projection, or estimate of a vulner-
5 ability within the critical supply chain, includ-
6 ing testing, supplier network assessments, pro-
7 duction flexibility, risk evaluations, risk man-
8 agement planning, or risk audits; or

9 (C) operational best practices, planning,
10 and supplier partnerships that enable enhanced
11 resilience of critical supply chains during a sup-
12 ply chain shock, including response, repair, re-
13 covery, reconstruction, insurance, or continuity.

14 (9) DOMESTIC ENTERPRISE.—The term “do-
15 mestic enterprise” means an enterprise that con-
16 ducts business in the United States and procures a
17 critical good.

18 (10) DOMESTIC MANUFACTURER.—The term
19 “domestic manufacturer” means a business that
20 conducts in the United States the engineering, or
21 production activities necessary for manufacturing.

22 (11) EMERGING TECHNOLOGY.—The term
23 “emerging technology” means technologies that are
24 critical for the national security and economic secu-
25 rity of the United States, including—

1 (A) technologies included in the American
2 COMPETE Act (Public Law 116–260; 134
3 Stat. 3276); and

4 (B) the following technologies:

5 (i) artificial intelligence;

6 (ii) automated vehicles and unmanned
7 delivery systems;

8 (iii) blockchain and other distributed
9 ledger, data storage, data management,
10 and cybersecurity technologies;

11 (iv) quantum computing and quantum
12 sensing;

13 (v) additive manufacturing;

14 (vi) advanced manufacturing and the
15 Internet of Things;

16 (vii) nano technology;

17 (viii) robotics;

18 (ix) microelectronics, optical fiber ray,
19 and high performance and advanced com-
20 puter hardware and software;

21 (x) semiconductors;

22 (xi) Advanced materials science, in-
23 cluding composition 2D, other next gen
24 materials, and related manufacturing tech-
25 nologies.

1 (12) INSTITUTION OF HIGHER EDUCATION.—

2 The term “institution of higher education” has the
3 meaning given that term under section 101(a) of the
4 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

5 (13) MANUFACTURE.—The term “manufac-
6 ture” means any activity that is necessary for the
7 development, production, processing, distribution, or
8 delivery of any raw, in process, or manufactured ma-
9 terial (including any mineral, metal, and advanced
10 processed material), article, commodity, supply,
11 product, critical good, or item of supply.

12 (14) MANUFACTURING TECHNOLOGY.—The
13 term “manufacturing technology” means tech-
14 nologies that are necessary for the manufacturing of
15 a critical good.

16 (15) NON-GOVERNMENTAL ORGANIZATION.—
17 The term “non-governmental organization” means
18 organizations that are described in section 2155(b)
19 of title 19 of U.S. Code, excluding non-federal gov-
20 ernments.

21 (16) PRODUCTION EQUIPMENT.—The term
22 “production equipment” means any component, sub-
23 system, system, equipment, tooling, accessory, part,
24 or assembly necessary for the manufacturing of a
25 critical good.

1 (17) PROGRAM.—The term “program” means
2 the critical supply chain resiliency program estab-
3 lished pursuant to section 4.

4 (18) RELEVANT COMMITTEES OF CONGRESS.—
5 The term “relevant committees of Congress” means
6 the following:

7 (A) The Committee on Commerce, Science,
8 and Transportation of the Senate.

9 (B) The Committee on Energy and Com-
10 merce of the House of Representatives.

11 (19) RESILIENT CRITICAL SUPPLY CHAIN.—The
12 term “resilient critical supply chain” means a crit-
13 ical supply chain that—

14 (A) ensures that the United States can
15 sustain critical industry (including critical in-
16 dustries for emerging technologies), production,
17 critical supply chains, services, and access to
18 critical goods, production equipment, and man-
19 ufacturing technology during supply chain
20 shocks; and

21 (B) has key components of resilience that
22 include—

23 (i) effective private sector risk man-
24 agement and mitigation planning to sus-

1 tain critical supply chains and supplier
2 networks during a supply chain shock;

3 (ii) minimized or managed exposure to
4 supply chain shocks; and

5 (20) SECRETARY.—The term “Secretary”
6 means the Secretary of Commerce.

7 (21) STATE.—The term “State” means each of
8 the several States, the District of Columbia, each
9 commonwealth, territory, or possession of the United
10 States, and each federally recognized Indian Tribe.

11 (22) SUPPLY CHAIN SHOCK.—The term “supply
12 chain shock” includes the following:

13 (A) A natural disaster.

14 (B) A pandemic.

15 (C) A biological threat.

16 (D) A cyber attack.

17 (E) A great power conflict.

18 (F) A terrorist or geopolitical attack.

19 (G) An event for which the President de-
20 clares a major disaster or an emergency under
21 section 401 or 501, respectively, of the Robert
22 T. Stafford Disaster Relief and Emergency As-
23 sistance Act (42 U.S.C. 5170 and 5191).

1 (H) Any other critical supply chain disruption
2 tion or threat that affects the national security
3 or economic security of the United States.

4 **SEC. 3. RESPONSIBILITIES ASSIGNED TO ASSISTANT SEC-**
5 **RETARY.**

6 (a) **ADDITIONAL RESPONSIBILITIES.**—The Assistant
7 Secretary shall have the following additional responsibil-
8 ities:

9 (1) Promote the leadership of the United States
10 with respect to critical industries, critical supply
11 chains, and emerging technologies that—

12 (A) Strengthen the national security of the
13 United States; and

14 (B) Have a significant effect on the eco-
15 nomic security of the United States.

16 (2) Encourage consultation with other Federal
17 agencies, and partnerships with non-governmental
18 organizations, industry, institutions of higher edu-
19 cation, and State and local governments in order
20 to—

21 (A) promote resilient critical supply chains;
22 and

23 (B) identify, prepare for, and respond to
24 supply chain shocks to—

25 (i) critical industry;

1 (ii) critical supply chains; and

2 (iii) emerging technologies.

3 (3) encourage the growth and competitiveness
4 of United States productive capacities and manufac-
5 turing in the United States of emerging tech-
6 nologies.

7 (4) Monitor the resilience, diversity, security,
8 and strength of critical supply chains, critical indus-
9 tries and emerging technologies.

10 (5) Support the availability of critical goods
11 from domestic manufacturers, domestic enterprises,
12 and manufacturing operations in the United States
13 and in countries that are allies or key international
14 partner nations.

15 (6) Assist the Federal Government in preparing
16 for and responding to critical supply chain shocks,
17 including by improving the flexible manufacturing
18 capacities and capabilities in the United States.

19 (7) Consistent with United States obligations
20 under international agreements, encourage and
21 incentivize the reduced reliance of domestic entities
22 and domestic manufacturers on critical goods from
23 countries of concern.

24 (8) Encourage the relocation of manufacturing
25 facilities that manufacture critical goods from coun-

1 tries of concern to the United States and countries
2 that are allies and key international partner nations
3 to strengthen the resilience, diversity, security, and
4 strength of critical supply chains.

5 (9) Support the creation of jobs with competi-
6 tive wages in the United States manufacturing sec-
7 tor.

8 (10) Encourage manufacturing growth and op-
9 portunities in rural and underserved communities.

10 (11) Promote the health of the economy of the
11 United States and the competitiveness of manufac-
12 turing in the United States.

13 (b) EXPERTISE AND STAFFING.—In executing the re-
14 sponsibilities under subsection (a), the Assistant Sec-
15 retary—

16 (1) shall establish capabilities to—

17 (A) assess the state of technology, innova-
18 tion, and production capacity in the United
19 States and other nations; and

20 (B) conduct other activities deemed to be
21 critical for the use of analytic capabilities, sta-
22 tistics, datasets, and metrics related to critical
23 technologies and innovation; and

24 (2) may utilize external organizations to provide
25 independent and objective technical support.

1 **SEC. 4. CRITICAL SUPPLY CHAIN RESILIENCY AND CRISIS**
2 **RESPONSE PROGRAM.**

3 (a) ESTABLISHMENT.—Not later than 180 days after
4 the date of enactment of this Act, the Assistant Secretary
5 shall establish in the Department of Commerce a supply
6 chain resiliency program to carry out the activities de-
7 scribed in subsection (b).

8 (b) ACTIVITIES.—Under the program, the Assistant
9 Secretary shall carry out activities—

10 (1) in coordination with the coordination group
11 established under subsection (c), to—

12 (A) map, monitor, and model critical sup-
13 ply chains, including emerging technology sup-
14 ply chains, which may include—

15 (i) modeling the impact of supply
16 chain shocks on critical industries (includ-
17 ing critical industries for emerging tech-
18 nologies), critical supply chains, domestic
19 enterprises, and domestic manufacturers;

20 (ii) monitoring the demand for and
21 supply of critical goods and services, pro-
22 duction equipment, and manufacturing
23 technology needed for critical supply
24 chains, including critical goods and serv-
25 ices, production equipment, and manufac-
26 turing technology obtained or purchased

1 from a person outside of the United States
2 or imported into the United States; and

3 (iii) monitoring manufacturing,
4 warehousing, transportation, and distribu-
5 tion related to critical supply chains; and

6 (B) identify high priority critical supply
7 chain gaps and vulnerabilities, which may in-
8 clude single points of failure in critical supply
9 chains, critical industries, and emerging tech-
10 nologies that—

11 (i) exist as of the date of the enact-
12 ment of this section; or

13 (ii) are anticipated in the future;

14 (C) identify potential supply chain shocks
15 that may disrupt, strain, compromise, or elimi-
16 nate a critical supply chain, including emerging
17 technology supply chains;

18 (D) evaluate the capability and capacity of
19 domestic manufacturers or manufacturers lo-
20 cated in countries that are allies or key inter-
21 national partner nations to serve as sources for
22 critical goods, production equipment, or manu-
23 facturing technology needed in critical supply
24 chains, including emerging technology supply
25 chains;

1 (E) evaluate the effect on the national se-
2 curity and economic competitiveness of the
3 United States, including on consumer prices,
4 job losses, and wages, that may result from the
5 disruption, strain, compromise, or elimination
6 of a critical supply chain;

7 (F) evaluate the state of the manufac-
8 turing workforce, including by—

9 (i) identifying the needs of domestic
10 manufacturers; and

11 (ii) identifying opportunities to create
12 high-quality manufacturing jobs; and

13 (G) identify investments in critical goods,
14 production equipment, and manufacturing tech-
15 nology from non-Federal sources.

16 (2) in coordination with the State and local gov-
17 ernments, and the coordination group established
18 under subsection (c), and, as appropriate, in co-
19 operation with the governments of countries that are
20 allies or key international partner nations of the
21 United States, to—

22 (A) identify opportunities to reduce critical
23 supply chain gaps and vulnerabilities in critical
24 supply chains, critical industries, and emerging
25 technologies;

1 (B) encourage consultation between the
2 Federal Government, and partnerships between
3 industry, non-governmental organizations, insti-
4 tutions of higher education, and State and local
5 governments to—

6 (i) better respond to supply chain
7 shocks to critical supply chains, critical in-
8 dustries, and emerging technologies; and

9 (ii) coordinate response efforts;

10 (C) encourage consultation between the
11 Federal Government and the governments of
12 countries that are allies or key international
13 partner nations of the United States;

14 (D) develop or identify opportunities to
15 build the capacity of the United States in crit-
16 ical supply chains, critical industries, and
17 emerging technologies;

18 (E) develop or identify opportunities to
19 build the capacity of countries that are allies or
20 key international partner nations of the United
21 States in critical industries (including critical
22 industries for emerging technologies), and crit-
23 ical supply chains;

24 (F) develop contingency plans and coordi-
25 nation mechanisms to improve critical supply

1 chain, critical industry, and emerging tech-
2 nology supply chain response to supply chain
3 shocks; and

4 (G) support methods and technologies, in-
5 cluding blockchain technology, distributed ledg-
6 er technology, and other emerging technologies
7 as appropriate, for the authentication and
8 traceability of critical goods;

9 (3) acting within the existing authorities of the
10 Department of Commerce, and in consultation with
11 the Secretary of State and the United States Trade
12 Representative, consult with governments of coun-
13 tries that are allies or key international partner na-
14 tions of the United States to promote diversified and
15 resilient critical supply chains that ensure the supply
16 of critical goods, production equipment, and manu-
17 facturing technology to the United States and com-
18 panies of countries that are allies or key inter-
19 national partner nations of the United States;

20 (4) consult with other offices and divisions of
21 the Department of Commerce and other Federal
22 agencies to leverage existing authorities, as of the
23 date of the enactment of this Act, to encourage the
24 resilience of supply chains of critical industries and
25 emerging technologies; and

1 (5) to determine what emerging technologies
2 may assist in accomplishing the activities described
3 in this subsection and promote emerging tech-
4 nologies.

5 (c) COORDINATION GROUP.—In carrying out the ap-
6 plicable activities under subsection (a), the Assistant Sec-
7 retary shall—

8 (1) establish a unified coordination group led by
9 the Assistant Secretary, which shall include, as ap-
10 propriate, private sector partners, and non-govern-
11 mental organizations, to serve as a body for con-
12 sultation among agencies described under subsection
13 (g) to plan for and respond to supply chain shocks
14 and support the resilience, diversity, security, and
15 strength of critical supply chains;

16 (2) establish subgroups of the unified coordina-
17 tion group if established under paragraph (1), led by
18 the head of an appropriate agency; and

19 (3) through the unified coordination group es-
20 tablished under paragraph (1)—

21 (A) acquire on a voluntary basis technical,
22 engineering, and operational critical supply
23 chain information from the private sector, in a
24 manner that ensures any critical supply chain
25 information provided by the private sector is

1 kept confidential and is exempt from disclosure
2 under section 552(b)(3) of title 5, United
3 States Code (commonly known as the “Freedom
4 of Information Act”);

5 (B) study the critical supply chain infor-
6 mation acquired under subparagraph (A) to as-
7 sess critical supply chain, including emerging
8 technology supply chain resilience, and inform
9 planning;

10 (C) convene with relevant private sector
11 entities to share best practices, planning, and
12 capabilities to respond to potential supply chain
13 shocks;

14 (D) develop contingency plans and coordi-
15 nation mechanisms to ensure an effective and
16 coordinated response to potential supply chain
17 shocks; and

18 (E) factor in any relevant findings from
19 the studies required in the American COM-
20 PETE Act (Public Law 116–260; 134 Stat.
21 3276).

22 (4) INTERNATIONAL COOPERATION.—The Sec-
23 retary, in consultation with other relevant Federal
24 agencies, may consult with governments of countries
25 that are allies or key international partner nations

1 of the United States relating to enhancing the secu-
2 rity and resilience of critical supply chains in re-
3 sponse to supply chain shocks.

4 (d) DESIGNATIONS.—The Assistant Secretary shall—

5 (1) not later than 270 days after the date of
6 the enactment of this Act, designate—

7 (A) critical industries;

8 (B) critical supply chains; and

9 (C) critical goods;

10 (2) provide for a period of public comment and
11 review in carrying out paragraph (1); and

12 (3) update the designations made under para-
13 graph (1) not less frequently than once every four
14 years, including designations for technologies not
15 provided in the initial list described in section
16 2(a)(11)(B) that the Assistant Secretary deems nec-
17 essary.

18 (e) NATIONAL STRATEGY AND REVIEW ON CRITICAL
19 SUPPLY CHAIN RESILIENCY AND MANUFACTURING IN
20 THE UNITED STATES.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of the enactment of this section, and not
23 less than once every 2 years thereafter, the Assistant
24 Secretary, in consultation with the head of each rel-
25 evant agency, non-governmental organization, indus-

1 try, institutions of higher education, and State and
2 local governments, shall submit to the relevant com-
3 mittees of Congress and post on the website of the
4 Assistant Secretary a report that—

5 (A) identifies—

6 (i) critical infrastructure that may as-
7 sist in fulfilling the responsibilities de-
8 scribed in section 3;

9 (ii) emerging technologies that may
10 assist in fulfilling the responsibilities de-
11 scribed in section 3 and the program de-
12 scribed in subsection (a), and such tech-
13 nologies that may be critical to addressing
14 critical supply chain preparedness, weak-
15 nesses, and vulnerabilities;

16 (iii) critical industries, critical supply
17 chains, and critical goods designated under
18 section 4(d);

19 (iv) other goods, supplies, and services
20 that are critical to the crisis preparedness
21 of the United States;

22 (v) substitutes for critical goods, pro-
23 duction equipment, and manufacturing
24 technology;

1 (vi) methods and technologies, includ-
2 ing blockchain technology, distributed ledg-
3 er technology, and other emerging tech-
4 nologies as appropriate, for the authentica-
5 tion and traceability of critical goods; and

6 (vii) countries that are critical to ad-
7 dressing critical supply chain weaknesses
8 and vulnerabilities;

9 (B) describes the matters identified and
10 evaluated pursuant to section 4(b)(1), includ-
11 ing—

12 (i) the manufacturing base and crit-
13 ical supply chains and emerging tech-
14 nologies in the United States, including the
15 manufacturing base and critical supply
16 chains for—

17 (I) essential materials;

18 (II) production equipment;

19 (III) critical goods, including raw
20 materials, microelectronics and semi-
21 conductors, and rare earth permanent
22 magnets, that are essential to the pro-
23 duction of technologies and supplies
24 for critical industries, including
25 emerging technologies; and

1 (IV) manufacturing technology;
2 (ii) the ability of the United States

3 to—

4 (I) maintain readiness with re-
5 spect to preparing for and responding
6 to supply chain shocks; and

7 (II) in response to a supply chain
8 shock—

9 (aa) surge production in
10 critical industries;

11 (bb) surge production of
12 critical goods and production
13 equipment; and

14 (cc) maintain access to crit-
15 ical goods, production equipment,
16 and manufacturing technology;

17 (C) an assessment and description of—

18 (i) demand and supply of critical
19 goods, production equipment, and manu-
20 facturing technology;

21 (ii) production of critical goods, pro-
22 duction equipment, and manufacturing
23 technology by domestic manufacturers;

24 (iii) the capability and capacity of do-
25 mestic manufacturers and manufacturers

1 in countries that are allies or key inter-
2 national partner nations of the United
3 States to manufacture critical goods, pro-
4 duction equipment, and manufacturing
5 technology; and

6 (iv) how supply chain shocks could af-
7 fect rural, Tribal, and underserved commu-
8 nities;

9 (D) identifies threats and supply chain
10 shocks that may disrupt, strain, compromise, or
11 eliminate critical supply chains, critical goods,
12 and critical industries, including emerging tech-
13 nologies;

14 (E) with regard to any threat identified in
15 subparagraph (D), lists any threat or supply
16 chain shock that may originate from a country,
17 company, or individual from such country
18 that—

19 (i) is described in section 503(b) of
20 the RANSOMWARE Act (Public Law
21 117-238: 136 Stat. 5564); or

22 (ii) poses a significant national secu-
23 rity or economic security threat to the
24 United States;

25 (F) assesses—

1 (i) the resilience and capacity of the
2 manufacturing base, critical supply chains,
3 and workforce of the United States and al-
4 lies and key international partner nations
5 that can sustain critical industries, includ-
6 ing emerging technologies, through a sup-
7 ply chain shock;

8 (ii) the effect innovation has on do-
9 mestic manufacturing; and

10 (iii) any single points of failure in the
11 critical supply chains described in clause
12 (i);

13 (G) with respect to countries that are allies
14 or key international partner nations of the
15 United States, review the sourcing of critical
16 goods, production equipment, and manufac-
17 turing technology associated with critical indus-
18 tries from those countries;

19 (H) assesses the flexible manufacturing ca-
20 pacity and capability available in the United
21 States in the case of a supply chain shock;

22 (I) develop a strategy for the Department
23 of Commerce to support the resilience, diver-
24 sity, security, and strength of critical supply
25 chains and emerging technologies to:

1 (i) Support sufficient access to critical
2 goods by mitigating critical supply chain
3 vulnerabilities, including critical supply
4 chains concentrated in countries of con-
5 cern.

6 (ii) Collaborate with other relevant
7 Federal agencies to assist allies or key
8 international partner nations build capac-
9 ity for manufacturing critical goods.

10 (iii) Recover from supply chain
11 shocks.

12 (iv) Identify, in consultation with
13 other relevant Federal agencies, actions re-
14 lating to critical supply chains with which
15 the United States might—

16 (I) raise living standards;

17 (II) increase employment oppor-
18 tunities; and

19 (III) improve response to supply
20 chain shocks.

21 (v) Protect against supply chain
22 shocks from countries of concern relating
23 to critical supply chains.

24 (vi) Support methods and tech-
25 nologies, including blockchain technology,

1 distributed ledger technologies, and other
2 emerging technologies as appropriate, for
3 the authentication and traceability of crit-
4 ical goods.

5 (vii) Make specific recommendations
6 to effectuate the strategy under this sec-
7 tion and improve the security and resil-
8 iency of manufacturing capacity and sup-
9 ply chains for critical industries, including
10 emerging technologies, by—

11 (I) developing long-term strate-
12 gies;

13 (II) increasing visibility into the
14 networks and capabilities of suppliers
15 and domestic manufacturers;

16 (III) identifying industry best
17 practices;

18 (IV) evaluating how diverse sup-
19 plier networks, multi-platform and
20 multi-region production capabilities
21 and sources, and integrated global
22 and regional critical supply chains can
23 enhance the resilience of—

24 (aa) critical industries in the
25 United States;

1 (bb) emerging technologies
2 in the United States;

3 (cc) jobs in the United
4 States;

5 (dd) manufacturing capabili-
6 ties of the United States; and

7 (ee) the access of the United
8 States to critical goods during a
9 supply chain shock;

10 (V) identifying and mitigating
11 risks, including—

12 (aa) significant
13 vulnerabilities to supply chain
14 shocks; and

15 (bb) exposure to gaps and
16 vulnerabilities in domestic capac-
17 ity or capabilities and sources of
18 imports needed to sustain critical
19 industries (including critical in-
20 dustries for emerging tech-
21 nologies), or critical supply
22 chains;

23 (VI) identifying enterprise re-
24 source planning systems that are—

1 (aa) compatible across crit-
2 ical supply chain tiers; and

3 (bb) affordable for all sizes
4 of business and for startups;

5 (VII) understanding the total
6 cost of ownership, total value con-
7 tribution, and other best practices
8 that encourage strategic partnerships
9 throughout critical supply chains;

10 (VIII) understanding Federal
11 procurement opportunities to increase
12 resiliency of critical supply chains for
13 goods and services and fill gaps in do-
14 mestic purchasing;

15 (IX) identifying opportunities to
16 consult with allies or key international
17 partner nations of the United States
18 to build more resilient critical supply
19 chains and mitigate risks;

20 (X) identifying opportunities to
21 reuse and recycle critical goods, in-
22 cluding raw materials, to increase the
23 resilience of critical supply chains;

24 (XI) consulting with countries
25 on—

1 (aa) sourcing critical goods,
2 production equipment, and man-
3 ufacturing technology; and

4 (bb) developing, sustaining,
5 and expanding production and
6 availability of critical goods, pro-
7 duction equipment, and manufac-
8 turing technology during a supply
9 chain shock;

10 (XII) identifying such other serv-
11 ices as the Assistant Secretary deter-
12 mines necessary;

13 (XIII) provides guidance to the
14 Department of Commerce and other
15 relevant agencies with respect to tech-
16 nologies and supplies that should be
17 prioritized to ensure United States
18 leadership in the deployment of such
19 technologies.

20 (2) PROHIBITION.—The report submitted under
21 paragraph (1) may not include—

22 (A) critical supply chain information that
23 is not aggregated;

24 (B) confidential business information of a
25 private sector entity; or

1 (C) classified information.

2 (3) CONSULTATION.—Not later than 1 year
3 after the date of enactment of this Act, the Assist-
4 ant Secretary shall enter into agreements with the
5 head of any relevant Federal agency to obtain any
6 information, data, or assistance that the Assistant
7 Secretary determines to be necessary for developing
8 the report.

9 (4) FORM.—The report, and any update sub-
10 mitted thereafter, shall be submitted to the Com-
11 mittee on Energy and Commerce of the House of
12 Representatives and the Committee on Commerce,
13 Science, and Transportation of the Senate in unclas-
14 sified form and may include a classified annex.

15 (5) PUBLIC COMMENT.—The Assistant Sec-
16 retary shall provide for a period of public comment
17 and review in developing the report.

18 (6) With regard to any threat identified in sub-
19 paragraph (C), lists any threat that may originate
20 from a country, company, or individual from such
21 country that—

22 (A) is described in section 503(b) of the
23 RANSOMWARE Act (Public Law 117–238:
24 136 Stat. 5564); or

1 (B) poses a significant national security or
2 economic security threat to the United States.

3 (f) REPORT TO CONGRESS.—Concurrent with the an-
4 nual submission by the President of the budget under sec-
5 tion 1105 of title 31, United States Code, the Secretary
6 shall submit to the Committee on Energy and Commerce
7 of the House of Representatives and the Committee on
8 Commerce, Science, and Transportation of the Senate and
9 post on the website of the Assistant Secretary a report
10 that contains a summary of every activity carried out
11 under this Act during the year covered by the report. Such
12 report shall be submitted in unclassified form and may
13 include a classified annex.

14 (g) CONSULTATION.—In implementing the program,
15 the Assistant Secretary may, as appropriate, consult with
16 the heads of relevant Federal agencies.

17 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed to require any private entity—

19 (1) to share information with the Secretary or
20 Assistant Secretary;

21 (2) to request assistance from the Secretary or
22 Assistant Secretary; or

23 (3) to implement any measure or recommenda-
24 tion suggested by the Secretary or Assistant Sec-
25 retary in response to a request by the private entity.

1 (i) PROTECTION OF VOLUNTARILY SHARED CRIT-
2 ICAL SUPPLY CHAIN INFORMATION.—

3 (1) PROTECTION.—

4 (A) IN GENERAL.—Notwithstanding any
5 other provision of law, critical supply chain in-
6 formation (including the identity of the submit-
7 ting entity) that is voluntarily submitted by a
8 private entity under this section to the Depart-
9 ment of Commerce for use by the Department
10 for purposes of this section, when accompanied
11 by an express statement specified in subpara-
12 graph (B)—

13 (i) shall be exempt from disclosure
14 under section 552(b)(3) of title 5, United
15 States Code (commonly referred to as the
16 “Freedom of Information Act”);

17 (ii) is not subject to any agency rules
18 or judicial doctrine regarding ex parte
19 communications with a decision making of-
20 ficial;

21 (iii) may not, without the written con-
22 sent of the entity submitting such informa-
23 tion, be used directly by the Department of
24 Commerce, any other Federal, State, or
25 local authority, or any third party, in any

1 civil action arising under Federal or State
2 law if such information is submitted in
3 good faith;

4 (iv) may not, without the written con-
5 sent of the entity submitting such informa-
6 tion, be used or disclosed by any officer or
7 employee of the United States for purposes
8 other than the purposes of this section, ex-
9 cept—

10 (I) in furtherance of an investiga-
11 tion or the prosecution of a criminal
12 act; or

13 (II) when disclosure of the infor-
14 mation would be—

15 (aa) to either House of Con-
16 gress, or to the extent of matter
17 within its jurisdiction, any com-
18 mittee or subcommittee thereof,
19 any joint committee thereof, or
20 any subcommittee of any such
21 joint committee; or

22 (bb) to the Comptroller Gen-
23 eral of the United States, or any
24 authorized representative of the
25 Comptroller General, in the

1 course of the performance of the
2 duties of the Government Ac-
3 countability Office;

4 (v) may not, if provided to a State or
5 local government or government agency—

6 (I) be made available pursuant to
7 any State or local law requiring dis-
8 closure of information or records;

9 (II) otherwise be disclosed or dis-
10 tributed to any party by such State or
11 local government or government agen-
12 cy without the written consent of the
13 entity submitting such information; or

14 (III) be used other than for the
15 purpose of carrying out this section,
16 or in furtherance of an investigation
17 or the prosecution of a criminal act;
18 and

19 (vi) does not constitute a waiver of
20 any applicable privilege or protection pro-
21 vided under law, such as trade secret pro-
22 tection.

23 (B) EXPRESS STATEMENT.—The express
24 statement described in this subparagraph, with
25 respect to information or records, is—

1 (i) in the case of written information
2 or records, a written marking on the infor-
3 mation or records substantially similar to
4 the following: “This information is volun-
5 tarily submitted to the Federal Govern-
6 ment in expectation of protection from dis-
7 closure as provided by the provisions of the
8 _____ Act of 2023.”; or

9 (ii) in the case of oral information, a
10 written statement similar to the statement
11 described in clause (i) submitted within a
12 reasonable period following the oral com-
13 munication.

14 (2) LIMITATION.—No communication of critical
15 supply chain information to the Department of Com-
16 merce made pursuant to this section may be consid-
17 ered to be an action subject to the requirements of
18 chapter 10 of title 5, United States Code.

19 (3) INDEPENDENTLY OBTAINED INFORMA-
20 TION.—Nothing in this subsection may be construed
21 to limit or otherwise affect the ability of a State,
22 local, or Federal Government entity, agency, or au-
23 thority, or any third party, under applicable law, to
24 obtain critical supply chain information in a manner
25 not covered by paragraph (1), including any infor-

1 mation lawfully and properly disclosed generally or
2 broadly to the public and to use such information in
3 any manner permitted by law. For purposes of this
4 subsection a permissible use of independently ob-
5 tained information includes the disclosure of such in-
6 formation under section 2302(b)(8) of title 5,
7 United States Code.

8 (4) TREATMENT OF VOLUNTARY SUBMITTAL OF
9 INFORMATION.—The voluntary submittal to the De-
10 partment of Commerce of information or records
11 that are protected from disclosure by this section
12 may not be construed to constitute compliance with
13 any requirement to submit such information to an
14 agency under any other provision of law.

15 (5) INAPPLICABILITY TO SEMICONDUCTOR IN-
16 CENTIVE PROGRAM.—This subsection does not apply
17 to the voluntary submission of critical supply chain
18 information by a private entity in an application for
19 Federal financial assistance under section 9902 of
20 the William M. (Mac) Thornberry National Defense
21 Authorization Act for Fiscal Year 2021 (Public Law
22 116–283).

23 (j) SUNSET.—the program established under this sec-
24 tion shall terminate no later than 7 years after the date
25 of enactment of this Act.

1 **SEC. 5. CRITICAL SUPPLY CHAIN INNOVATION AND BEST**
2 **PRACTICES.**

3 (a) IN GENERAL.—Subject to the availability of ap-
4 propriations, the Assistant Secretary shall, on an ongoing
5 basis, facilitate and support the development and dissemi-
6 nation of guidelines, best practices, management strate-
7 gies, methodologies, procedures, and processes for domes-
8 tic manufacturers and entities manufacturing, purchasing,
9 or using a critical good to—

10 (1) measure the resilience, diversity, security,
11 and strength of the critical supply chains of such
12 manufacturers and entities;

13 (2) quantify the value of improved resilience, di-
14 versity, security, and strength of critical supply
15 chains to such manufacturers and entities;

16 (3) design and implement measures to reduce
17 the risks of disruption, strain, compromise, or elimi-
18 nation of critical supply chains of such manufactur-
19 ers and entities; and

20 (4) support the authentication and traceability
21 of critical goods using blockchain technology, distrib-
22 uted ledger technologies, and other emerging tech-
23 nologies as appropriate.

24 (b) REQUIREMENTS.—In carrying out subsection (a),
25 the Assistant Secretary shall do the following:

1 (1) Consult closely and regularly with relevant
2 private sector personnel and entities, manufacturing
3 extension centers established as part of the Hollings
4 Manufacturing Extension Partnership, Manufac-
5 turing USA institutes as described in section 34(d)
6 of the National Institute of Standards and Tech-
7 nology Act (15 U.S.C. 278s(d)), and other relevant
8 stakeholders and incorporate industry expertise.

9 (2) Consult with the head of any relevant Fed-
10 eral agency, including those with jurisdiction over
11 critical supply chains, States, local governments,
12 Tribal governments, allied and key international
13 partner nations, and international organizations, as
14 necessary.

15 (3) Collaborate with private sector stakeholders
16 to identify prioritized, flexible, repeatable, perform-
17 ance-based, and cost-effective critical supply chain
18 resilience approaches that may be voluntarily adopt-
19 ed by domestic manufacturers and entities pur-
20 chasing or using a critical good to achieve the goals
21 of subsection (a).

22 (4) Facilitate the design of—

23 (A) voluntary processes for selecting sup-
24 pliers that support the resilience, diversity, se-

1 curity, and strength of critical supply chains;
2 and

3 (B) methodologies to identify and mitigate
4 the effects of a disruption, strain, compromise,
5 or elimination of a critical supply chain.

6 (5) Facilitate the identification or application of
7 methods and technologies, including blockchain tech-
8 nology, distributed ledger technologies, and other
9 emerging technologies as appropriate, for the au-
10 thentication and traceability of critical goods.

11 (6) Disseminate research and information to as-
12 sist domestic manufacturers redesign products, ex-
13 pand domestic manufacturing capacity, and improve
14 other capabilities as required to improve the resil-
15 ience, diversity, security, and strength of critical
16 supply chains.

17 (7) Incorporate relevant industry best practices.

18 (8) Consider private sector, including small
19 business concerns.

20 (9) Leverage existing mechanisms for the Fed-
21 eral Government to provide critical supply chain so-
22 lutions, including manufacturing technology, to in-
23 clude providing products, tools, and workforce devel-
24 opment solutions related to critical supply chain re-

1 silience to manufacturers, including for small and
2 medium sized manufacturers.

3 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion may be construed to—

5 (1) require any private entity to share informa-
6 tion with the Secretary or Assistant Secretary;

7 (2) require any private entity to request assist-
8 ance from the Secretary or Assistant Secretary;

9 (3) require any private entity to implement any
10 measure or recommendation suggested by the Sec-
11 retary or Assistant Secretary in response to a re-
12 quest by the private entity; or

13 (4) require the adoption of the guidelines, best
14 practices, management strategies, methodologies,
15 procedures, and processes described in subsection
16 (a).

17 **SEC. 6. DEPARTMENT OF COMMERCE CAPABILITY ASSESS-**
18 **MENT.**

19 (a) **ASSESSMENT.**—The Secretary shall, not later
20 than two year after the date of the enactment of this Act,
21 produce a report—

22 (1) identifying the duties, responsibilities, re-
23 sources, programs, and expertise within the offices
24 and bureaus of the Department of Commerce rel-

1 evant to critical supply chain resilience and manu-
2 facturing innovation;

3 (2) identifying and assessing the purpose, legal
4 authority, effectiveness, efficiency, and limitations of
5 each office and bureau identified under paragraph
6 (1); and

7 (3) providing recommendations to enhance the
8 activities related to critical supply chain resilience
9 and manufacturing innovation of the Department of
10 Commerce including—

11 (A) improving the effectiveness, efficiency,
12 and impact of the offices and bureaus identified
13 under paragraph (1);

14 (B) coordination across offices and bu-
15 reaus identified under paragraph (1); and

16 (C) consult with Federal agencies imple-
17 menting similar activities related to critical sup-
18 ply chain resilience and manufacturing innova-
19 tion.

20 (b) REPORT.—The Secretary shall provide the report
21 required under subsection (a) to the relevant committees
22 of Congress, along with a strategy to implement, as appro-
23 priate and as determined by the Secretary, the rec-
24 ommendations under the report.

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