

117TH CONGRESS
1ST SESSION

H. R. 5492

To establish an Office of Manufacturing Security and Resilience in the
Department of Commerce, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2021

Mr. KINZINGER (for himself, Mr. MALINOWSKI, and Ms. BLUNT ROCHESTER)
introduced the following bill; which was referred to the Committee on En-
ergy and Commerce

A BILL

To establish an Office of Manufacturing Security and Resilience in the Department of Commerce, 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 “Manufacturing Econ-
5 omy And National Security Act” or the “MEANS Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Resilient supply chains are paramount to
9 our national security and economic security.

1 (2) A coordinated and whole-of-Government ap-
2 proach to safeguarding supply chains will benefit all
3 Americans and ensure disruptions are avoided or
4 mitigated.

5 (3) Establishing an Office of Manufacturing Se-
6 curity and Resilience in the Department of Com-
7 merce will serve as the cornerstone of the Federal
8 Government’s supply chain mission.

9 **SEC. 3. UNITED STATES STRATEGY TO COUNTER THREATS**
10 **TO SUPPLY CHAINS FOR CRITICAL GOODS.**

11 (a) IN GENERAL.—In accordance with Executive
12 Order 14017 (86 Fed. Reg. 11849; relating to America’s
13 supply chains), the Under Secretary shall, not later than
14 180 days after enactment of this Act, develop and imple-
15 ment a strategy taking a whole-of-Government approach
16 to support the resilience, diversity, security, and strength
17 of supply chains.

18 (b) ELEMENTS.—The strategy required under sub-
19 section (a) shall include the following elements:

20 (1) A plan to execute a unified national effort
21 to reduce reliance on concentrated supply chains for
22 critical goods and protect against threats from coun-
23 tries of concern relating to supply chains for critical
24 goods.

1 (2) A plan provide sufficient access to critical
2 goods by ensuring that supply chains are not vulner-
3 able to disruption, strain, compromise, or elimi-
4 nation, including by being concentrated in a country
5 of concern.

6 (3) A plan collaborate with other relevant Fed-
7 eral Government agencies to assist allies or key
8 international partners to build capacity for manufac-
9 turing critical goods.

10 (4) A plan to incentivize, through loans and
11 loan guarantees, and equity investment, and identify
12 tax incentives, trade preferences, or other means, as
13 appropriate—

14 (A) for domestic manufacturers that man-
15 ufacture critical goods to—

16 (i) relocate manufacturing facilities,
17 industrial equipment, or operations related
18 to the production of critical goods from
19 countries of concern to the United States
20 or to other allies or key international part-
21 ners; and

22 (ii) to support manufacturing facili-
23 ties, industrial equipment, or operations to
24 increase the production of critical goods
25 and meet demand for such articles; and

1 (B) for domestic manufacturers that do
2 not manufacture critical goods to make nec-
3 essary or appropriate modifications to existing
4 manufacturing facilities, industrial equipment,
5 manufacturing technology, or operations in
6 order to manufacture 1 or more critical good.

7 (5) A plan describing the manner and processes
8 through which the Under Secretary will implement
9 the program under section 4, including through con-
10 sultation with, or requests for information from, the
11 heads of any relevant Federal agencies, including
12 those with jurisdiction over supply chains, for the
13 purposes of ensuring—

14 (A) the awards serve the greatest needs for
15 the most diverse array of critical industries; and

16 (B) the awards, on the whole, serve the
17 greatest national security and economic security
18 needs.

19 (6) A plan to protect against supply chain
20 shocks from countries of concern relating to supply
21 chains.

22 (7) A plan to strengthen and increase trade and
23 other forms of engagement between the United
24 States and allies or key international partners in
25 order to mitigate—

1 (A) supply chain vulnerabilities; and

2 (B) the effects of supply chain shocks.

3 (8) Identify, in coordination with other relevant
4 Federal agencies, actions relating to supply chains
5 with which the United States might—

6 (A) raise living standards;

7 (B) increase employment opportunities;

8 and

9 (C) address the underlying causes of irreg-
10 ular migration.

11 (9) Recommendations to effectuate the strategy
12 under this section.

13 (c) SUBMISSION OF STRATEGY.—

14 (1) IN GENERAL.—Not later than 270 days
15 after the date of the enactment of this Act, the
16 President shall submit to the Committee on Energy
17 and Commerce of the House of Representatives and
18 the Committee on Commerce, Science, and Trans-
19 portation of the Senate, and publish on the website
20 of the Office of the Under Secretary, a report con-
21 taining the strategy developed under this section.

22 (2) UPDATE.—Not less than once every 4 years
23 after the date on which the strategy is submitted
24 under paragraph (1), the Under Secretary shall sub-
25 mit to Congress an update to such strategy.

1 (3) FORM.—The report submitted under para-
2 graph (1), and any update submitted under para-
3 graph (2), shall be submitted in unclassified form
4 and may include a classified annex.

5 **SEC. 4. CRITICAL SUPPLY CHAIN RESILIENCE PROGRAM.**

6 (a) ESTABLISHMENT.—There is established in the
7 Office of the Secretary of Commerce an Office of Manu-
8 facturing Security and Resilience to carry out the Manu-
9 facturing Security and Resilience Program described in
10 subsection (d).

11 (b) MISSION.—The mission of the Office shall be the
12 following:

13 (1) Help to promote the leadership of the
14 United States with respect to critical industries and
15 supply chains that—

16 (A) strengthen the national security of the
17 United States; and

18 (B) have a significant effect on the eco-
19 nomic security of the United States.

20 (2) Support the availability of critical goods by
21 supporting domestic manufacturers, domestic enter-
22 prises, and manufacturing operations in countries
23 that are allies or key international partners of the
24 United States.

1 (3) Assist the Federal Government in preparing
2 for, and responding to, covered emergencies and
3 supply chain shocks, including by improving the
4 flexible manufacturing capacities and capabilities in
5 the United States in the case of a supply chain
6 shock.

7 (4) Reduce the reliance of domestic entities and
8 domestic manufacturers on critical goods with con-
9 centrated supply chains from countries of concern.

10 (5) Encourage partnerships and collaboration
11 with the Federal Government and the private sector,
12 labor organizations, the governments of countries
13 that are allies or key international partners of the
14 United States, State governments and other political
15 subdivisions of a State, and Tribal governments in
16 order to—

17 (A) promote the resilience of supply
18 chains; and

19 (B) respond to supply chain shocks to—

20 (i) critical industries; and

21 (ii) supply chains.

22 (6) In order to safeguard against supply chain
23 disruptions, encourage the relocation of facilities
24 that manufacture critical goods from countries of
25 concern to allies or key international partners.

1 (7) Support the development, maintenance, im-
2 provement, competitiveness, restoration, and expan-
3 sion of the productive capacities, efficiency, and
4 workforce of critical industries and domestic manu-
5 facturers of critical goods, industrial equipment, and
6 manufacturing technology.

7 (8) Prepare for and take appropriate steps to
8 minimize the effects of supply chain shocks on crit-
9 ical industries and supply chains.

10 (9) Support the creation of jobs with competi-
11 tive wages in the manufacturing sector.

12 (10) Encourage manufacturing growth and op-
13 portunities in economically distressed areas and
14 communities of color.

15 (11) Promoting the health of the economy of
16 the United States and the competitiveness of manu-
17 facturing in the United States.

18 (12) Coordinate executive branch actions nec-
19 essary to carry out the functions described in para-
20 graphs (1) through (11).

21 (c) UNDER SECRETARY OF THE OFFICE.—

22 (1) APPOINTMENT AND TERM.—The head of
23 the Office shall be the Under Secretary of the Office
24 of Supply Chain Resiliency and Crisis Response, ap-
25 pointed by the President, by and with the advice and

1 consent of the Senate, for a term of not more than
2 5 years.

3 (2) PAY.—The Under Secretary shall be com-
4 pensated at the rate in effect for level II of the Ex-
5 ecutive Schedule under section 5313 of title 5,
6 United States Code.

7 (3) ADMINISTRATIVE AUTHORITIES.—The
8 Under Secretary may appoint officers and employees
9 in accordance with chapter 51 and subchapter III of
10 chapter 53 of title 5, United States Code.

11 (d) MANUFACTURING SECURITY AND RESILIENCE
12 PROGRAM.—

13 (1) IN GENERAL.—The Under Secretary shall
14 support the resilience, diversity, security, and
15 strength of supply chains by providing loans and
16 loan guarantees for eligible activities described under
17 subsection (e) to eligible entities described under
18 subsection (f).

19 (2) APPLICATION.—To be eligible for a loan or
20 loan guarantee under this section, an eligible entity
21 described in subsection (e) shall submit to the Under
22 Secretary an application at such time, in such form,
23 and containing such information as the Under Sec-
24 retary may require, including—

1 (A) a description of the proposed activity
2 to be carried out with such a loan or loan guar-
3 antee;

4 (B) a description of the supply chain sup-
5 ported by the proposed activity; and

6 (C) an estimate of the total costs for such
7 activity.

8 (e) ELIGIBLE ACTIVITIES.—The following activities
9 may be carried out with amounts made available under
10 this section:

11 (1) The development, diversification, preserva-
12 tion, improvement, support, restoration, or expan-
13 sion of supply chains and the domestic or proximal
14 manufacturing of critical goods, industrial equip-
15 ment, and manufacturing technology, including ac-
16 tivities that support any of the following:

17 (A) The domestic manufacturing of a crit-
18 ical good or industrial equipment.

19 (B) The commercialization, adoption, de-
20 ployment, or use of manufacturing technology
21 by domestic manufacturers.

22 (C) The design, engineering, construction,
23 expansion, improvement, repair, or maintenance
24 of critical infrastructure or a manufacturing fa-
25 cility in the United States.

1 (D) The purchase, lease, enhancement, or
2 retooling of industrial equipment for use in the
3 United States.

4 (E) The purchase, lease, or acquisition of
5 critical goods, industrial equipment, or manu-
6 facturing technology from reliable sources.

7 (F) The relocation of manufacturing facili-
8 ties, or operations related to the production of
9 critical goods out of a country of concern and
10 into the United States or to an ally or key
11 international partner of the United States, with
12 a priority for those eligible countries listed in
13 subsection (w)(1)(B).

14 (G) The modification of manufacturing fa-
15 cilities, industrial equipment, or operations re-
16 lated to the manufacture of critical goods to—

17 (i) create new capabilities for an eligi-
18 ble entity to manufacture critical goods;

19 (ii) expand existing operations to in-
20 crease the manufacture of critical goods; or

21 (iii) accommodate any manufacturing
22 operations related to critical goods that are
23 being relocated to the United States or to
24 an ally or key international partner.

1 (H) The development of tools or processes
2 that relate to procuring, transporting, or stor-
3 ing critical goods.

4 (2) The manufacture or acquisition of a sub-
5 stitute for a critical good, industrial equipment, or
6 manufacturing technology.

7 (3) The establishment, improvement, develop-
8 ment, expansion, or preservation of surge capacity or
9 stockpiling of a critical good or industrial equip-
10 ment, as appropriate and necessary.

11 (4) The establishment, improvement, or preser-
12 vation of diverse, secure, reliable, and strong sources
13 and locations of a critical good in the United States.

14 (f) ELIGIBLE ENTITIES.—The following entities are
15 eligible to receive loans and loan guarantees under this
16 section:

17 (1) A domestic manufacturer.

18 (2) A domestic enterprise.

19 (3) A State, county, city, or other political sub-
20 division of a State.

21 (4) A Tribal government.

22 (5) A manufacturing extension center estab-
23 lished as part of the Hollings Manufacturing Exten-
24 sion Partnership.

1 (6) A manufacturing USA institute as de-
2 scribed in section 34(d) of the National Institute of
3 Standards and Technology Act (15 U.S.C. 278s(d)).

4 (7) An institution of higher education acting as
5 part of a consortium, partnership, or joint venture
6 with another eligible entity described in paragraphs
7 (1) through (6).

8 (8) A public or private nonprofit organization
9 or association acting as part of a consortium, part-
10 nership, or joint venture with another eligible entity
11 described in paragraphs (1) through (6).

12 (9) A consortium, partnership, or joint venture
13 of two or more eligible entities described under para-
14 graphs (1) through (8).

15 (g) REQUIREMENTS.—The Under Secretary may only
16 make a loan or loan guarantee available to an eligible enti-
17 ty if the Under Secretary makes a determination of the
18 following:

19 (1) The loan or loan guarantee is for an activity
20 described under subsection (e).

21 (2) Without a loan or loan guarantee the eligi-
22 ble entity would not be able to fund or finance the
23 activity under reasonable terms and conditions.

1 (3) A loan or loan guarantee is a cost effective,
2 expedient, and practical financial assistance for the
3 activity.

4 (4) There is a reasonable assurance that—

5 (A) the eligible entity will implement the
6 activity in accordance with the application sub-
7 mitted pursuant to paragraph (2) of subsection
8 (d); and

9 (B) the activity will support—

10 (i) the resilience, diversity, security, or
11 strength of a supply chain; and

12 (ii) the national security or economic
13 security of the United States.

14 (5) The eligible entity agrees to provide the in-
15 formation required under paragraph (3) of sub-
16 section (n).

17 (h) CRITERIA.—The Under Secretary shall establish
18 criteria for the awarding of loan or loan guarantee that
19 meet the requirements under subsection (g), including the
20 following:

21 (1) The extent to which the activity supports
22 the resilience, diversity, security, and strength of
23 supply chains.

24 (2) The extent to which the activity is funded
25 by non-Federal sources.

1 (3) The extent to which the loan or loan guar-
2 antee will assist small and medium-sized domestic
3 manufacturers.

4 (4) The amount of appropriations that are re-
5 quired to fund or finance the loan or loan guarantee
6 made available under this section.

7 (i) LOANS AND LOAN GUARANTEES.—

8 (1) MAXIMUM AMOUNT.—The amount of a loan
9 under this section shall not exceed 80 percent of the
10 reasonably anticipated costs of an activity.

11 (2) WAIVER.—Upon providing written justifica-
12 tion for a determination made pursuant to subpara-
13 graph (B), which may be submitted in a classified
14 annex to the Committee on Energy and Commerce
15 of the House of Representatives and the Committee
16 on Commerce, Science, and Transportation of the
17 Senate, the Under Secretary may waive the require-
18 ment under paragraph (2)—

19 (A) during a period of national emergency
20 declared by an Act of Congress or the Presi-
21 dent; or

22 (B) upon making a determination that a
23 loan or loan guarantee is necessary to avert the
24 disruption, strain, compromise, or elimination

1 of a supply chain that would severely affect the
2 economic security of the United States.

3 (3) MAXIMUM FEDERAL INVOLVEMENT.—The
4 proceeds of a loan under this section may be used
5 to pay any non-Federal share of activity costs re-
6 quired if the loan is repayable from non-Federal
7 funds.

8 (4) LOAN GUARANTEE TERMS.—The terms of a
9 loan guarantee provided under this subsection shall
10 be consistent with the terms established in this sub-
11 section for a loan.

12 (j) MANUFACTURING INVESTMENT COMPANIES.—

13 (1) IN GENERAL.—The Under Secretary may
14 provide a loan or loan guarantee to a manufacturing
15 investment company.

16 (2) EQUITY CAPITAL.—A manufacturing invest-
17 ment company shall use the proceeds of a loan or
18 loan guarantee provided under paragraph (1) to pro-
19 vide a source of equity capital for eligible entities de-
20 scribed under subsection (f) to carry out eligible ac-
21 tivities.

22 (3) APPLICATION.—To be eligible to receive a
23 loan or loan guarantee under this section, a manu-
24 facturing investment company shall submit to the
25 Under Secretary an application, in a form and in-

cluding such documentation as may be prescribed by
the Under Secretary, which shall include:

(A) A plan describing how the manufacturing investment company intends to provide equity capital to eligible entities described under subsection (f) to support the resilience, diversity, security, and strength of supply chains.

(B) Information regarding the relevant qualifications and general reputation of the management of the manufacturing investment company.

(C) A description of how the manufacturing investment company intends to address the unmet capital needs of eligible entities described under subsection (f).

(D) A description of whether and to what extent the manufacturing investment company meets the criteria under paragraph (4) and the objectives of the program established under this Act.

(4) CRITERIA.—The Secretary shall establish criteria for the awarding of a loan or loan guarantee to a manufacturing investment company, including the following:

1 (A) The extent to which the equity capital
2 to be provided pursuant to paragraph (2) sup-
3 ports the resilience, diversity, security, and
4 strength of supply chains.

5 (B) The extent to which the plan described
6 under subparagraph (A) of paragraph (3) will
7 be funded or financed by non-Federal sources.

8 (C) The extent to which the manufacturing
9 investment company will assist small and me-
10 dium-sized domestic manufacturers.

11 (D) The amount of appropriations that are
12 required to fund or finance the loan or loan
13 guarantee made available under this subsection.

14 (5) REQUIREMENTS.—As a condition for pro-
15 viding a loan or loan guarantee under paragraph
16 (1), the Under Secretary shall require that a manu-
17 facturing investment company certifies that—

18 (A) the equity capital is for an activity de-
19 scribed under subsection (e);

20 (B) an eligible entity meets the require-
21 ments under subsection (g);

22 (C) without equity capital, the eligible enti-
23 ty would not be able to fund or finance the ac-
24 tivity under reasonable terms and conditions;

1 (D) equity capital is a cost effective, expe-
2 dient, and practical financial assistance for the
3 activity;

4 (E) there is a reasonable assurance that—

5 (i) the eligible entity will implement
6 the activity; and

7 (ii) the activity will support—

8 (I) the resilience, diversity, secu-
9 rity, or strength of a supply chain;
10 and

11 (II) the national security or eco-
12 nomic security of the United States;
13 and

14 (F) it will provide the information required
15 under paragraph (6).

16 (6) PERFORMANCE MEASURES.—For loans and
17 loan guarantees awarded under this subsection, the
18 Under Secretary shall—

19 (A) develop metrics to assess the extent to
20 which the manufacturing investment company
21 meets the criteria under paragraph (4);

22 (B) evaluate the extent to which each man-
23 ufacturing investment company awarded a loan
24 or loan guarantee is meeting the criteria under
25 paragraph (4); and

1 (C) require that any loan information the
2 Under Secretary determines to be necessary for
3 the evaluation described under subparagraph
4 (B) be provided by manufacturing investment
5 companies.

6 (k) CREDITWORTHINESS.—

7 (1) IN GENERAL.—For a loan or loan guar-
8 antee issued under subsections (d) and (j), the man-
9 ufacturing investment company or eligible activity
10 and eligible entity receiving such loan or loan guar-
11 antee shall be creditworthy, which shall be deter-
12 mined by the Under Secretary.

13 (2) CONSIDERATIONS.—In determining the
14 creditworthiness of a manufacturing investment
15 company or an eligible activity and eligible entity,
16 the Under Secretary shall take into consideration
17 relevant factors, including the following:

18 (A) The terms, conditions, financial struc-
19 ture, and security features of the proposed fi-
20 nancing.

21 (B) The revenue sources that will secure or
22 fund any note, bond, debenture, or other debt
23 obligation issued in connection with the Federal
24 financing.

1 (C) The financial assumptions upon which
2 the loan or loan guarantee is based.

3 (D) The ability of—

4 (i) the manufacturing investment
5 company to provide a source of equity cap-
6 ital for eligible entities; or

7 (ii) the eligible entity to successfully
8 achieve the goal of the activity.

9 (E) The financial soundness and credit his-
10 tory of the manufacturing investment company
11 or eligible entity.

12 (I) CONDITIONS.—The Under Secretary is authorized
13 to prescribe—

14 (1) either specifically or by maximum limits or
15 otherwise, rates of interest, guarantee and commit-
16 ment fees, and other charges which may be made in
17 connection with a loan or loan guarantee made
18 under this section;

19 (2) regulations governing the forms and proce-
20 dures (which shall be uniform to the extent prac-
21 ticable) to be used in connection with such loans and
22 loan guarantees; and

23 (3) language in any contract or agreement gov-
24 erning financial assistance that the eligible entity
25 agrees to coordinate with the Under Secretary to,

1 without yielding operational control, assist the
2 United States in preparing for and responding to a
3 covered emergency, including through the manufac-
4 ture of critical goods, as necessary.

5 (m) SELECTION OF RECIPIENT.—

6 (1) DIVERSITY IN RECIPIENTS.—To the extent
7 practicable, the Under Secretary shall ensure that
8 loans and loan guarantees are awarded in a manner
9 that will serve the greatest needs for the most di-
10 verse array of critical industries.

11 (2) PRIORITY.—In awarding loans and loan
12 guarantees under this subsection, the Under Sec-
13 retary shall prioritize proposed activities that—

14 (A) will operate within the United States
15 and employ citizens of the United States; and

16 (B) will result in the production of critical
17 goods that relate to the strategic needs of the
18 Federal Government in preparing for and re-
19 sponding to covered emergencies and supply
20 chain shocks.

21 (n) PERFORMANCE MEASURES.—For loans and loan
22 guarantees awarded under this section, the Under Sec-
23 retary shall—

1 (1) develop metrics to assess the extent to
2 which the activities meet the criteria under sub-
3 section (h);

4 (2) evaluate the extent to which each eligible
5 entity awarded a loan or loan guarantee is meeting
6 the criteria under subsection (h); and

7 (3) require that any information the Under Sec-
8 retary determines to be necessary for the evaluation
9 described under paragraph (2) be provided by eligi-
10 ble entities receiving a loan or loan guarantee.

11 (o) REVOCATION.—The Under Secretary may revoke
12 a loan or loan guarantee if the eligible entity fails to meet
13 any requirement under this section.

14 (p) CONSTRUCTION PROJECTS.—Section 602 of the
15 Public Works and Economic Development Act of 1965 (42
16 U.S.C. 3212) shall apply to a construction project that
17 receives financial assistance from the Secretary under this
18 section.

19 (q) CRITICAL SUPPLY CHAIN RESILIENCE FUND.—

20 (1) ESTABLISHMENT.—There is established in
21 the Treasury of the United States a fund to be
22 known as the “Supply Chains for Critical Manufac-
23 turing Industries Fund” (referred to in this section
24 as the “Fund”) which shall solely be used by the
25 Under Secretary to carry out this section.

1 (2) REVOLVING LOAN FUND.—The proceeds of
2 any conditions prescribed under subsection (l)(1)
3 shall be deposited into the Fund.

4 (r) PROGRAM EVALUATION.—Not later than 4 years
5 after the date of enactment of this Act, and every 4 years
6 thereafter, the Inspector General of the Department of
7 Commerce shall conduct an audit of the Office of Supply
8 Chain Resiliency and Crisis Response to—

9 (1) evaluate the performance of the activities
10 supported by a loan or loan guarantee under this
11 section;

12 (2) evaluate the extent to which the require-
13 ments and criteria under this section are met; and

14 (3) provide recommendations on any proposed
15 changes to improve the effectiveness of the Office on
16 meeting the mission under subsection (b).

17 (s) REGULATIONS.—The Under Secretary may pro-
18 mulgate such regulations as the Under Secretary deter-
19 mines to be appropriate to carry out this section.

20 (t) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated—

22 (1) to the Fund \$35,000,000,000 for fiscal
23 years 2022 through 2027, to remain available until
24 expended, of which not more than—

1 (A) \$31,000,000,000 may be used for
2 loans and loan guarantees to eligible entities;

3 (B) \$4,000,000,000 may be used for loans
4 and loan guarantees to manufacturing invest-
5 ment companies and eligible entities; and

6 (C) not more than 2 percent per fiscal year
7 may be used for administrative costs; and

8 (2) to the Inspector General of the Department
9 of Commerce \$5,000,000 for fiscal years 2022
10 through 2027, to remain available until expended, to
11 carry out subsection (r).

12 (u) CONSISTENCY WITH INTERNATIONAL AGREE-
13 MENTS.—This Act shall be applied in a manner consistent
14 with United States obligations under international agree-
15 ments.

16 (v) LIMITATION.—None of the funds made available
17 to carry out this Act may be used to support manufac-
18 turing in a country of concern.

19 (w) DEFINITIONS.—In this section:

20 (1) ALLY OR KEY INTERNATIONAL PARTNER.—

21 (A) IN GENERAL.—The term “ally or key
22 international partner” means a country des-
23 ignated by the Under Secretary, after consulta-
24 tion with other relevant Federal agencies,
25 and—

1 (i) is—

2 (I) a member state of North At-
3 lantic Treaty Organization (NATO);

4 (II) a country designated as
5 major non-NATO ally pursuant to
6 section 517(a) of the Foreign Assist-
7 ance Act of 1961 (22 U.S.C.
8 2321k(a)); or

9 (III) a country that is located in
10 the Western Hemisphere and included
11 on the list of countries described in
12 subparagraph (B); and

13 (ii) is not a country of concern.

14 (B) LIST OF COUNTRIES DESCRIBED.—

15 The list of countries described in subparagraph
16 (A) are the following: Anguilla, Antigua and
17 Barbuda, Argentina, Aruba, The Bahamas,
18 Barbados, Belize, Bermuda, Bolivia, Brazil,
19 The British Virgin Islands, Canada, Chile, Co-
20 lombia, Costa Rica, Dominica, Dominican Re-
21 public, Ecuador, El Salvador, Grenada, Guate-
22 mala, Guyana, Haiti, Honduras, Jamaica, Mex-
23 ico, Montserrat, Netherlands Antilles, Panama,
24 Paraguay, Peru, Saint Kitts and Nevis, Saint
25 Lucia, Saint Vincent and the Grenadines,

1 Suriname, Trinidad and Tobago, Turks and
2 Caicos Islands, Uruguay, and the sovereign gov-
3 ernment recognized by the United States in
4 Venezuela.

5 (2) CONCENTRATED.—With respect to a supply
6 chain, the term “concentrated” means—

7 (A) a supply chain—

8 (i) that is under a level of control or
9 influence by the government of a country
10 of concern that presents an unreasonable
11 risk to national security or economic secu-
12 rity;

13 (ii) that is subject to undue manipula-
14 tion by the government of a country of
15 concern; or

16 (iii) for which 30 percent of the pro-
17 duction of such critical good occurs in a
18 single foreign country; or

19 (B) a supply chain for a critical good for
20 which more than 50 percent of the supply of
21 such good in the United States is imported.

22 (3) COUNTRY OF CONCERN.—The term “coun-
23 try of concern” means a country—

24 (A) in which a concentrated supply chain
25 for a critical good is located;

1 (B) that poses a significant national secu-
2 rity or economic security threat to the United
3 States; and

4 (C) whose government, or elements of such
5 government, has proven, or has been credibly
6 alleged to have, committed crimes against hu-
7 manity or genocide.

8 (4) COVERED EMERGENCY.—The term “covered
9 emergency” means any of the following:

10 (A) A public health emergency declared by
11 the Secretary of Health and Human Services
12 pursuant to section 319 of the Public Health
13 Service Act (42 U.S.C. 247d).

14 (B) An event for which the President de-
15 clares a major disaster or an emergency under
16 section 401 or 501, respectively, of the Robert
17 T. Stafford Disaster Relief and Emergency As-
18 sistance Act (42 U.S.C. 5170 and 5191).

19 (C) A national emergency declared by the
20 President under the National Emergencies Act
21 (50 U.S.C. 1601 et seq.).

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

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

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

5 (B) critical infrastructure.

6 (6) CRITICAL INDUSTRY.—The term “critical
7 industry” means an industry that is critical for the
8 national security or economic security of the United
9 States, considering key technology focus areas under
10 this Act and critical infrastructure.

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

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

19 (9) DOMESTIC MANUFACTURER.—The term
20 “domestic manufacturer” means a business that—

21 (A) conducts in the United States the re-
22 search and development, engineering, or pro-
23 duction activities necessary or incidental to
24 manufacturing; or

1 (B) if provided a loan, loan guarantee, or
2 equity investment pursuant to this section, will
3 conduct in the United States the research and
4 development, engineering, or production activi-
5 ties necessary or incidental to manufacturing.

6 (10) INDUSTRIAL EQUIPMENT.—The term “in-
7 dustrial equipment” means any component, sub-
8 system, system, equipment, tooling, accessory, part,
9 or assembly necessary for the manufacturing of a
10 critical good.

11 (11) INSTITUTION OF HIGHER EDUCATION.—
12 The term “institution of higher education” has the
13 meaning given that term under section 101(a) of the
14 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

15 (12) KEY TECHNOLOGY FOCUS AREAS.—The
16 term “key technology focus areas” means—

17 (A) artificial intelligence, machine learning,
18 autonomy, and related advances;

19 (B) high-performance computing, semi-
20 conductors, and advanced computer hardware
21 and software;

22 (C) quantum information science and tech-
23 nology;

24 (D) robotics, automation, and advanced
25 manufacturing;

1 (E) natural and anthropogenic disaster
2 prevention or mitigation;

3 (F) advanced communications technology,
4 including optical transmission components;

5 (G) biotechnology, medical technology,
6 genomics, and synthetic biology;

7 (H) data storage, data management, dis-
8 tributed ledger technologies, and cybersecurity,
9 including biometrics;

10 (I) advanced energy and industrial efficacy
11 technologies, such as batteries, advanced nu-
12 clear technologies, and polysilicon for use in
13 solar photovoltaics, including but not limited to
14 for the purposes of electric generation (con-
15 sistent with section 15 of the National Sciences
16 Foundation Act of 1950 (42 U.S.C. 1874));
17 and

18 (J) advanced materials science, including
19 composites and 2D materials and equipment,
20 aerospace grade metals, and aerospace specific
21 manufacturing enabling chemicals.

22 (13) LENDER.—The term “lender” means any
23 non-Federal qualified institutional buyer (as defined
24 in section 230.144A(a) of title 17, Code of Federal
25 Regulations or a successor regulation).

1 (14) LOAN.—The term “loan” means a direct
2 loan or other debt obligation issued by an eligible en-
3 tity and funded by the Under Secretary in connec-
4 tion with the financing of an activity under this sec-
5 tion.

6 (15) LOAN GUARANTEE.—The term “loan guar-
7 antee” means any guarantee or other pledge by the
8 Under Secretary to pay all or part of the principal
9 of, and interest on, a loan or other debt obligation
10 entered into by an eligible entity and funded by a
11 lender.

12 (16) MANUFACTURE.—The term “manufac-
13 ture” means any activity that is necessary for or in-
14 cidental to the development, production, processing,
15 distribution, or delivery of any raw, in process, or
16 manufactured material (including minerals, metals,
17 and advanced processed materials), article, com-
18 modity, supply, product, critical good, or item of
19 supply.

20 (17) MANUFACTURING FACILITY.—The term
21 “manufacturing facility” means any type of building,
22 structure, or real property necessary or incidental to
23 the manufacturing of a critical good.

24 (18) MANUFACTURING INVESTMENT COM-
25 PANY.—The term “manufacturing investment com-

pany” means an incorporated body, a limited liability company, or a limited partnership, including a consortium of public and private entities, organized and chartered or otherwise existing under State law.

(19) MANUFACTURING TECHNOLOGY.—The term “manufacturing technology” means technologies that are necessary or incidental to the manufacturing of a critical good.

(20) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.

(21) OFFICE.—The term “Office” means the Supply Chain Resiliency and Crisis Response Office established under subsection (a).

(22) STATE.—The term “State” means each State of the United States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and any other territory or possession of the United States.

(23) SUPPLY CHAIN.—The term “supply chain” means a supply chain for a critical good.

1 (24) SUPPLY CHAIN SHOCK.—The term “supply
2 chain shock” includes the following:

3 (A) A natural disaster or extreme weather
4 event.

5 (B) An accidental or human-caused event.

6 (C) An economic disruption.

7 (D) A pandemic.

8 (E) A biological threat.

9 (F) A cyberattack.

10 (G) A great power conflict.

11 (H) A terrorist or geopolitical attack.

12 (I) Any other supply chain disruption or
13 threat that affects the national security or eco-
14 nomic security of the United States.

15 (25) TRIBAL GOVERNMENT.—The term “tribal
16 government” means Indian Tribes, Alaska Native
17 Tribal entities, and Native Hawaiian communities.

18 (26) UNDER SECRETARY.—The term “Under
19 Secretary” means the Under Secretary of the Office
20 of Supply Chain Resiliency and Crisis Response ap-
21 pointed pursuant to subsection (c).

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