

117TH CONGRESS
1ST SESSION

H. R. 5479

To establish the Supply Chain Resiliency and Crisis Response Office in the Department of Commerce, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2021

Ms. BOURDEAUX (for herself, Ms. KELLY of Illinois, and Mr. KINZINGER) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish the Supply Chain Resiliency and Crisis Response Office 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 “Supply Chain Health
5 And Integrity for the Nation Act” or the “Supply CHAIN
6 Act”.

7 **SEC. 2. SUPPLY CHAIN RESILIENCY AND CRISIS RESPONSE**
8 **OFFICE.**

9 (a) DEFINITIONS.—In this section:

1 (1) CRITICAL GOOD OR SERVICE.—The term
2 “critical good or service” means any raw, in process,
3 or manufactured material (including any mineral,
4 metal, or advanced processed material), article, com-
5 modity, supply, product, or item of supply the ab-
6 sence of which would have a significant effect on—

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

9 (B) critical infrastructure.

10 (2) CRITICAL INDUSTRY.—The term “critical
11 industry” means an industry that is critical for the
12 national security or economic security of the United
13 States, considering key technology focus areas under
14 this section and critical infrastructure.

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

19 (4) DOMESTIC ENTERPRISE.—The term “do-
20 mestic enterprise” means an enterprise that con-
21 ducts business in the United States and procures a
22 critical good or service.

23 (5) DOMESTIC MANUFACTURER.—The term
24 “domestic manufacturer” means a business that—

1 (A) conducts in the United States the re-
2 search and development, engineering, or pro-
3 duction activities necessary or incidental to
4 manufacturing; or

5 (B) if provided financial assistance by the
6 Federal Government, will conduct in the United
7 States the research and development, engineer-
8 ing, or production activities necessary or inci-
9 dental to manufacturing.

10 (6) ECONOMICALLY DISTRESSED AREA.—The
11 term “economically distressed area” means an area
12 that meets 1 or more of the requirements described
13 in section 301(a) of the Public Works and Economic
14 Development Act of 1965 (42 U.S.C. 3161(a)).

15 (7) FEDERAL AGENCY.—The term “Federal
16 agency” has the meaning given the term “agency”
17 in section 551 of title 5, United States Code.

18 (8) INDUSTRIAL EQUIPMENT.—The term “in-
19 dustrial equipment” means any component, sub-
20 system, system, equipment, tooling, accessory, part,
21 or assembly necessary for the manufacturing of a
22 critical good or service.

23 (9) KEY TECHNOLOGY FOCUS AREAS.—The
24 term “key technology focus areas” means the fol-
25 lowing:

1 (A) Artificial intelligence, machine learn-
2 ing, autonomy, and related advances.

3 (B) High-performance computing, semi-
4 conductors, and advanced computer hardware
5 and software.

6 (C) Quantum information science and
7 technology.

8 (D) Robotics, automation, and advanced
9 manufacturing.

10 (E) Natural and anthropogenic disaster
11 prevention or mitigation.

12 (F) Advanced communications technology,
13 including optical transmission components.

14 (G) Biotechnology, medical technology,
15 genomics, and synthetic biology.

16 (H) Data storage, data management, dis-
17 tributed ledger technologies, and cybersecurity,
18 including biometrics.

19 (I) Advanced energy and industrial efficacy
20 technologies, such as batteries, advanced nu-
21 clear technologies, and polysilicon for use in
22 solar photovoltaics, including for the purposes
23 of electric generation (consistent with section
24 15 of the National Science Foundation Act of
25 1950 (42 U.S.C. 1874)).

1 (J) Advanced materials science, including
2 composites and 2D materials and equipment,
3 aerospace grade metals, and aerospace specific
4 manufacturing enabling chemicals.

5 (10) LABOR ORGANIZATION.—The term “labor
6 organization” has the meaning given the term in
7 section 2(5) of the National Labor Relations Act (29
8 U.S.C. 152(5)), except that such term shall also in-
9 clude—

10 (A) any organization composed of labor or-
11 ganizations, such as a labor union federation or
12 a State or municipal labor body; and

13 (B) any organization which would be in-
14 cluded in the definition for such term under
15 such section 2(5) but for the fact that the orga-
16 nization represents—

17 (i) individuals employed by the United
18 States, any wholly owned Government cor-
19 poration, any Federal Reserve Bank, or
20 any State or political subdivision thereof;

21 (ii) individuals employed by persons
22 subject to the Railway Labor Act (45
23 U.S.C. 151 et seq.); or

24 (iii) individuals employed as agricul-
25 tural laborers.

1 (11) MANUFACTURING TECHNOLOGY.—The
2 term “manufacturing technology” means tech-
3 nologies that are necessary or incidental to the man-
4 ufacturing of a critical good or service.

5 (12) OFFICE.—The term “Office” means the
6 Supply Chain Resiliency and Crisis Response Office
7 established under subsection (b).

8 (13) RELEVANT COMMITTEES OF CONGRESS.—
9 The term “relevant committees of Congress”
10 means—

11 (A) the Committee on Commerce, Science,
12 and Transportation of the Senate;

13 (B) the Committee on Appropriations of
14 the Senate;

15 (C) the Committee on Finance of the Sen-
16 ate;

17 (D) the Committee on Homeland Security
18 and Governmental Affairs of the Senate;

19 (E) the Committee on Armed Services of
20 the Senate;

21 (F) the Committee on Energy and Natural
22 Resources of the Senate;

23 (G) the Select Committee on Intelligence of
24 the Senate;

1 (H) the Committee on Science, Space, and
2 Technology of the House of Representatives;

3 (I) the Committee on Energy and Com-
4 merce of the House of Representatives;

5 (J) the Committee on Appropriations of
6 the House of Representatives;

7 (K) the Committee on Ways and Means of
8 the House of Representatives;

9 (L) the Committee on Homeland Security
10 of the House of Representatives;

11 (M) the Committee on Armed Services of
12 the House of Representatives; and

13 (N) the Permanent Select Committee on
14 Intelligence of the House of Representatives.

15 (14) RESILIENT SUPPLY CHAIN.—The term
16 “resilient supply chain” means a supply chain
17 that—

18 (A) ensures that the United States can
19 sustain critical industry production, supply
20 chains, services, and access to critical goods and
21 services, industrial equipment, and manufac-
22 turing technology during supply chain shocks;
23 and

24 (B) has key components of resilience that
25 include—

1 (i) effective private sector risk man-
2 agement and mitigation planning to sus-
3 tain supply chains and supplier networks
4 during a supply chain shock;

5 (ii) minimized or managed exposure to
6 supply chain shocks; and

7 (iii) the financial and operational ca-
8 pacity to—

9 (I) sustain supply chains during
10 supply chain shocks; and

11 (II) recover from supply chain
12 shocks.

13 (15) SECRETARY.—The term “Secretary”
14 means the Secretary of Commerce.

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

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

24 (18) SUPPLY CHAIN INFORMATION.—The term
25 “supply chain information” means information that

1 is not customarily in the public domain and relating
2 to—

3 (A) sustaining and adapting supply chains
4 during a supply chain shock;

5 (B) supply chain risk mitigation and recovery
6 planning with respect to a supply chain
7 shock, including any planned or past assessment,
8 projection, or estimate of a vulnerability
9 within the supply chain, including testing, supplier
10 network assessments, production flexibility,
11 risk evaluations thereto, risk management
12 planning, or risk audits; or

13 (C) operational best practices, planning,
14 and supplier partnerships that enable enhanced
15 resilience of supply chains during a supply
16 chain shock, including response, repair, recovery,
17 reconstruction, insurance, or continuity.

18 (19) SUPPLY CHAIN SHOCK.—The term “supply
19 chain shock” includes the following:

20 (A) A natural disaster or extreme weather
21 event.

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

23 (C) An economic disruption.

24 (D) A pandemic.

25 (E) A biological threat.

1 (F) A cyberattack.

2 (G) A great power conflict.

3 (H) A terrorist or geopolitical attack.

4 (I) Any other supply chain disruption or
5 threat that affects the national security or eco-
6 nomic security of the United States.

7 (20) TRIBAL GOVERNMENT.—The term “Tribal
8 government” means Indian Tribes, Alaska Native
9 Tribal entities, and Native Hawaiian communities.

10 (21) UNDER SECRETARY.—The term “Under
11 Secretary” means the Under Secretary of the Office
12 of Supply Chain Resiliency and Crisis Response ap-
13 pointed pursuant to subsection (d).

14 (b) ESTABLISHMENT.—Not later than 180 days after
15 the date of enactment of this Act, the Secretary shall es-
16 tablish a Supply Chain Resiliency and Crisis Response Of-
17 fice to carry out the activities described in subsection (e).

18 (c) MISSION.—The mission of the Office shall be the
19 following:

20 (1) Help to promote the leadership of the
21 United States with respect to critical industries and
22 supply chains that—

23 (A) strengthen the national security of the
24 United States; and

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

3 (2) Encourage partnerships and collaboration
4 with the Federal Government and the private sector,
5 labor organizations, the governments of countries
6 that are allies or key international partners of the
7 United States, State governments and political sub-
8 divisions of a State, and Tribal governments in order
9 to—

10 (A) promote the resilience of supply
11 chains; and

12 (B) respond to supply chain shocks to—

13 (i) critical industries; and

14 (ii) supply chains.

15 (3) Monitor the resilience, diversity, security,
16 and strength of supply chains and critical industries,
17 including by—

18 (A) monitoring the financial and oper-
19 ational conditions of domestic manufacturers
20 and domestic enterprises;

21 (B) performing stress tests for critical in-
22 dustries, supply chains, domestic enterprises,
23 and domestic manufacturers;

1 (C) monitoring the demand and supply of
2 critical goods and services, industrial equip-
3 ment, and manufacturing technology;

4 (D) monitoring manufacturing, warehous-
5 ing, transportation, and distribution; and

6 (E) working in partnership with the co-
7 ordination group established under subsection
8 (g), as applicable.

9 (4) Support the development, maintenance, im-
10 provement, competitiveness, restoration, and expan-
11 sion of the productive capacities, efficiency, and
12 workforce of critical industries and domestic manu-
13 facturers of critical goods and services, industrial
14 equipment, and manufacturing technology.

15 (5) Prepare for and take appropriate steps to
16 minimize the effects of supply chain shocks on crit-
17 ical industries and supply chains.

18 (6) Support the creation of jobs with competi-
19 tive wages in the manufacturing sector.

20 (7) Encourage manufacturing growth and op-
21 portunities in economically distressed areas and
22 communities of color.

23 (8) Promote the health of the economy of the
24 United States and the competitiveness of manufac-
25 turing in the United States.

1 (9) Coordinate executive branch actions nec-
2 essary to carry out the functions described in para-
3 graphs (1) through (8).

4 (d) UNDER SECRETARY OF THE OFFICE.—

5 (1) APPOINTMENT AND TERM.—The head of
6 the Office shall be the Under Secretary of the Office
7 of Supply Chain Resiliency and Crisis Response, ap-
8 pointed by the President, by and with the advice and
9 consent of the Senate, for a term of not more than
10 5 years.

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

15 (3) ADMINISTRATIVE AUTHORITIES.—The
16 Under Secretary may appoint officers and employees
17 in accordance with chapter 51 and subchapter III of
18 chapter 53 of title 5, United States Code.

19 (e) ACTIVITIES.—The Under Secretary shall carry
20 out the following activities:

21 (1) In collaboration with the coordination group
22 established under subsection (g)—

23 (A) map, monitor, and model supply
24 chains; and

1 (B) identify high priority supply chain
2 gaps and vulnerabilities in critical industries
3 and supply chains that—

4 (i) exist as of the date of the enact-
5 ment of this section; or

6 (ii) are anticipated in the future.

7 (2) Identify and evaluate—

8 (A) supply chain shocks that may disrupt,
9 strain, compromise, or eliminate a supply chain;

10 (B) short-term, medium-term, and long-
11 term manufacturing needs critical to the na-
12 tional security, economic security, public health,
13 and the environment of the United States;

14 (C) the diversity, security, reliability, and
15 strength of—

16 (i) supply chains, including single
17 point of failure, single producer, or consoli-
18 dated manufacturing; and

19 (ii) the sources of critical goods and
20 services, industrial equipment, or manufac-
21 turing technology, including those obtained
22 or purchased from a person outside of the
23 United States or imported into the United
24 States;

1 (D) the demand and supply of critical
2 goods and services, industrial equipment, and
3 manufacturing technology;

4 (E) the availability, capability, and capac-
5 ity of domestic manufacturers or manufacturers
6 in allied nations or other key international part-
7 ners to serve as a source of a critical good or
8 service, industrial equipment, or manufacturing
9 technology;

10 (F) the effect on the economic security of
11 the United States, including jobs and wages,
12 that may result from the disruption, strain,
13 compromise, or elimination of any supply chain;

14 (G) the state of the manufacturing work-
15 force, including—

16 (i) the needs of domestic manufactur-
17 ers; and

18 (ii) opportunities to create high-qual-
19 ity manufacturing jobs; and

20 (H) investments in critical goods and serv-
21 ices, industrial equipment, or manufacturing
22 technology from non-Federal sources.

23 (3) In collaboration with the coordination group
24 established under subsection (g), State governments
25 and political subdivisions of a State, and Tribal gov-

ernments, and, as appropriate, in cooperation with the governments of countries that are allies or key international partners of the United States—

(A) identify opportunities to reduce supply chain gaps and vulnerabilities in critical industries and supply chains;

(B) encourage partnerships between the Federal Government and industry, labor organizations, State governments and political subdivisions of a State, and Tribal governments to better respond to supply chain shocks to critical industries and supply chains and coordinate response efforts;

(C) encourage partnerships between the Federal Government and the governments of countries that are allies or key international partners of the United States;

(D) develop or identify opportunities to build the capacity of the United States in critical industries and supply chains;

(E) develop or identify opportunities to build the capacity of countries that are allies or key international partners of the United States in critical industries and supply chains; and

1 (F) develop contingency plans and coordi-
2 nation mechanisms to improve critical industry
3 supply chain response to supply chain shocks.

4 (4) In coordination with the Secretary of State
5 and the United States Trade Representative—

6 (A) work with governments of countries
7 that are allies or key international partners of
8 the United States to promote diversified and re-
9 silient supply chains industries that ensure the
10 supply of critical goods and services, industrial
11 equipment, and manufacturing technology to
12 both the United States and companies of coun-
13 tries that are allies or key international part-
14 ners of the United States; and

15 (B) coordinate with other offices and divi-
16 sions of the Department of Commerce and
17 other Federal agencies to use authorities, as of
18 the date of the enactment of this section, to en-
19 courage the resilience of supply chains of crit-
20 ical industries.

21 (5) Develop strategies and plans to recover
22 from supply chain shocks.

23 (f) CONTINUOUS MONITORING.—The Under Sec-
24 retary, in consultation with the head of any relevant Fed-
25 eral agency, including those with jurisdiction over supply

1 chains, shall continuously monitor the resilience, diversity,
2 security, and strength of supply chains.

3 (g) COORDINATION GROUP.—

4 (1) IN GENERAL.—In carrying out the activities
5 under subsection (e), the Under Secretary shall es-
6 tablish a unified coordination group led by the
7 Under Secretary which shall include private sector
8 partners, labor organizations, and, as appropriate,
9 Federally Funded Research and Development Cen-
10 ters, to serve as a method for coordinating between
11 and among Federal agencies described under sub-
12 section (k) to plan for and respond to supply chain
13 shocks and support the resilience, diversity, security,
14 and strength of supply chains.

15 (2) IMPLEMENTATION.—Through the unified
16 coordination group established under paragraph (1),
17 the Under Secretary shall—

18 (A) acquire on a voluntary basis technical,
19 engineering, and operational supply chain infor-
20 mation from the private sector in a manner
21 that ensures any supply chain information pro-
22 vided by the private sector is kept confidential
23 as required under section 552(b)(3) of title 5,
24 United States Code (commonly known as the
25 “Freedom of Information Act”);

1 (B) study the supply chain information ac-
2 quired under subparagraph (A) to—

3 (i) identify supply chains;

4 (ii) assess the resilience of supply
5 chains;

6 (iii) identify supply chains vulnerable
7 to disruption, strain, compromise, or elimi-
8 nation; and

9 (iv) inform 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; and

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

18 (3) SUBGROUPS.—In carrying out the activities
19 described in paragraph (2), the Under Secretary
20 may establish subgroups of the unified coordination
21 group established under paragraph (1) led by the
22 head of an appropriate Federal agency.

23 (4) INTERNATIONAL AGREEMENTS.—The
24 Under Secretary, in consultation with the United
25 States Trade Representative and any other relevant

1 Federal agency, may enter into agreements with
2 governments of countries that are allies or key inter-
3 national partners of the United States relating to
4 enhancing the security and resilience of supply
5 chains in response to supply chain shocks.

6 (h) DESIGNATIONS.—Not later than 180 days after
7 the date of enactment of this Act, the Under Secretary
8 shall—

9 (1) designate—

10 (A) critical industries;

11 (B) supply chains; and

12 (C) critical goods and services;

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

15 (3) update the designations made under para-
16 graph (1) not less frequently than once every four
17 years.

18 (i) QUADRENNIAL REPORT ON SUPPLY CHAIN RE-
19 SILIENCY AND DOMESTIC MANUFACTURING.—

20 (1) IN GENERAL.—Not later than four years
21 after the date on which the final Sectoral Supply
22 Chain Assessments report on supply chains required
23 under section 4(a) of Executive Order 14017 (relat-
24 ing to America’s supply chains) is submitted, and
25 not later than once every four years thereafter, the

1 Under Secretary, in coordination with relevant Fed-
2 eral agencies and relevant private sector entities,
3 labor organizations, State governments and political
4 subdivisions of a State, and Tribal governments,
5 shall submit to the relevant committees of Congress
6 and post on the website of the Under Secretary a re-
7 port on supply chain resilience and domestic manu-
8 facturing (in this subsection referred to as the “re-
9 port”) to strengthen, improve, and preserve the di-
10 versity, security, reliability, and strength of supply
11 chains.

12 (2) ELEMENTS.—In carrying out paragraph
13 (1), the Under Secretary shall—

14 (A) identify—

15 (i) the critical industries, supply
16 chains, and critical goods and services des-
17 ignated under subsection (h);

18 (ii) supplies that are critical to the
19 crisis preparedness of the United States;

20 (iii) substitutes for critical goods and
21 services, industrial equipment, and manu-
22 facturing technology; and

23 (iv) the matters identified and evalu-
24 ated pursuant to subsection (e)(3);

25 (B) provide a description of—

1 (i) the manufacturing base and supply
2 chains in the United States, including the
3 manufacturing base and supply chains
4 for—

5 (I) industrial equipment;

6 (II) critical goods and services,
7 including raw materials and semi-
8 conductors, that are essential to the
9 production of technologies and sup-
10 plies for critical industries; and

11 (III) manufacturing technology;

12 and

13 (ii) the ability of the United States
14 to—

15 (I) maintain readiness with re-
16 spect to preparing for and responding
17 to supply chain shocks; and

18 (II) in response to a supply chain
19 shock—

20 (aa) surge production in
21 critical industries;

22 (bb) surge production of
23 critical goods and services and
24 industrial equipment; and

1 (cc) maintain access to crit-
2 ical goods and services, industrial
3 equipment, and manufacturing
4 technology;

5 (C) provide an assessment and description
6 of—

7 (i) demand and supply of critical
8 goods and services, industrial equipment,
9 and manufacturing technology;

10 (ii) production of critical goods and
11 services, industrial equipment, and manu-
12 facturing technology by domestic manufac-
13 turers; and

14 (iii) the capability and capacity of do-
15 mestic manufacturers and manufacturers
16 in countries that are allies or key inter-
17 national partners of the United States to
18 manufacture critical goods and services, in-
19 dustrial equipment, and manufacturing
20 technology;

21 (D) identify defense, intelligence, home-
22 land, economic, domestic labor supply, natural,
23 geopolitical, or other contingencies and other
24 supply chain shocks that may disrupt, strain,
25 compromise, or eliminate a supply chain;

1 (E) provide an assessment of—

2 (i) the resilience and capacity of the
3 manufacturing base, supply chains, and
4 workforce of the United States, the allies
5 of the United States, and the key inter-
6 national partners of the United States that
7 can sustain critical industries through a
8 supply chain shock;

9 (ii) the flexible manufacturing capac-
10 ity and capabilities available in the United
11 States in the case of a supply chain shock;
12 and

13 (iii) the effect innovation has on do-
14 mestic manufacturing;

15 (F) provide specific recommendations to
16 improve the security and resiliency of manufac-
17 turing capacity and supply chains through—

18 (i) developing long-term strategies;

19 (ii) increasing visibility into the net-
20 works and capabilities of suppliers and do-
21 mestic manufacturers;

22 (iii) identifying industry best prac-
23 tices;

24 (iv) evaluating how diverse supplier
25 networks, multi-platform and multi-region

1 production capabilities and sources, and in-
2 tegrated global and regional supply chains
3 can—

4 (I) enhance the resilience of crit-
5 ical industries in the United States;

6 (II) support and create jobs in
7 the United States;

8 (III) enhance the resilience of
9 manufacturing capabilities of the
10 United States; and

11 (IV) support access of the United
12 States to critical goods and services
13 during a supply chain shock;

14 (v) identifying and mitigating risks,
15 including—

16 (I) the financial and operational
17 risks of a supply chain;

18 (II) significant vulnerabilities to
19 supply chain shocks and other emer-
20 gencies; and

21 (III) exposure to gaps and
22 vulnerabilities in—

23 (aa) domestic capacity or ca-
24 pabilities; and

1 (bb) sources of imports
2 needed to sustain critical indus-
3 tries and supply chains;

4 (vi) identifying enterprise resource
5 planning systems that are—

6 (I) compatible across supply
7 chain tiers; and

8 (II) affordable for small- and me-
9 dium-sized businesses;

10 (vii) understanding the total cost of
11 ownership, total value contribution, and
12 other best practices that encourage stra-
13 tegic partnerships throughout supply
14 chains;

15 (viii) understanding Federal procure-
16 ment opportunities to increase resiliency of
17 supply chains and fill gaps in domestic
18 purchasing of critical goods and services;

19 (ix) identifying policies that maximize
20 job retention and creation in the United
21 States, including workforce development
22 programs;

23 (x) identifying opportunities to work
24 with allies or key international partners of
25 the United States in building more resil-

1 ient critical industry supply chains and
2 mitigating risks;

3 (xi) identifying areas requiring further
4 investment in research and development or
5 workforce education; and

6 (xii) identifying such other services as
7 the Under Secretary determines necessary;

8 (G) provide guidance to the Department of
9 Commerce, the National Science Foundation,
10 and other relevant Federal agencies with re-
11 spect to critical goods and services, industrial
12 equipment, and manufacturing technologies
13 that should be prioritized;

14 (H) with respect to countries that are al-
15 lies or key international partners of the United
16 States—

17 (i) review and, if appropriate, provide
18 recommendations for expanding the
19 sourcing of critical goods and services, in-
20 dustrial equipment, and manufacturing
21 technology associated with critical indus-
22 tries from those countries; and

23 (ii) recommend coordination with
24 those countries on—

1 (I) sourcing critical goods and
2 services, industrial equipment, and
3 manufacturing technology; and

4 (II) developing, sustaining, and
5 expanding production and availability
6 of supply chains, critical goods and
7 services, industrial equipment, and
8 manufacturing technology during a
9 supply chain shock;

10 (I) make recommendations for strength-
11 ening the financial and operational health of
12 small- and medium-sized businesses in supply
13 chains of the United States and countries that
14 are allies or key international partners of the
15 United States to mitigate risks and ensure di-
16 verse and competitive supplier markets that are
17 less vulnerable to failure;

18 (J) make an assessment of policies, rules,
19 and regulations that impact domestic manufac-
20 turers' operating costs and inhibit the ability
21 for domestic manufacturing to compete with
22 global competitors; and

23 (K) make recommendations regarding
24 freight and logistics necessary to support supply
25 chains.

1 (3) PROHIBITION.—The report may not in-
2 clude—

3 (A) supply chain information that is not
4 aggregated; or

5 (B) confidential business information of a
6 private sector entity.

7 (4) COLLABORATION.—The head of any Fed-
8 eral agency with jurisdiction over any supply chain
9 shall collaborate with the Under Secretary and pro-
10 vide any information, data, or assistance that the
11 Under Secretary determines to be necessary for de-
12 veloping the report.

13 (5) FORM.—The report submitted under this
14 subsection, and any update submitted thereafter,
15 shall be submitted in unclassified form and may in-
16 clude a classified annex.

17 (6) PUBLIC COMMENT.—The Under Secretary
18 shall provide for a period of public comment and re-
19 view in developing the report required under para-
20 graph (1).

21 (j) REPORT TO CONGRESS.—Concurrent with the an-
22 nual submission by the President of the budget under sec-
23 tion 1105 of title 31, United States Code, the Secretary
24 shall submit to the relevant committees of Congress and
25 post on the website of the Under Secretary a report that

1 contains a summary of the activities required under sub-
2 section (e) carried out under this section during the fiscal
3 year covered by the report. Such report shall be submitted
4 in unclassified form and may include a classified annex.

5 (k) COORDINATION.—

6 (1) IN GENERAL.—In implementing the require-
7 ments under subsection (i), the Under Secretary
8 shall, as appropriate coordinate with—

9 (A) the heads of appropriate Federal agen-
10 cies, including—

11 (i) the Secretary of State; and

12 (ii) the United States Trade Rep-
13 resentative; and

14 (B) the Attorney General and the Federal
15 Trade Commission with respect to—

16 (i) advice on the design and activities
17 of the unified coordination group described
18 in subsection (g)(1); and

19 (ii) ensuring compliance with Federal
20 antitrust law.

21 (2) SPECIFIC COORDINATION.—In carrying out
22 the requirements under this section, with respect to
23 supply chains involving specific sectors, the Under
24 Secretary shall, as appropriate, coordinate with—

25 (A) the Secretary of Defense;

- 1 (B) the Secretary of Homeland Security;
- 2 (C) the Secretary of the Treasury;
- 3 (D) the Secretary of Energy;
- 4 (E) the Secretary of Transportation;
- 5 (F) the Secretary of Agriculture;
- 6 (G) the Under Secretary of National Intel-
- 7 ligence;
- 8 (H) the Secretary of Health and Human
- 9 Services;
- 10 (I) the Small Business Administration;
- 11 (J) the Secretary of Labor; and
- 12 (K) the heads of other relevant Federal
- 13 agencies, as appropriate.

14 (l) RULE OF CONSTRUCTION.—Nothing in this sec-

15 tion shall be construed to require any private entity—

16 (1) to share information with the Secretary or

17 Under Secretary;

18 (2) to request assistance from the Secretary or

19 Under Secretary; or

20 (3) that requests assistance from the Secretary

21 or Under Secretary to implement any measure or

22 recommendation suggested by the Secretary or

23 Under Secretary.

24 (m) PROTECTIONS.—

1 (1) IN GENERAL.—Supply chain information
2 that is voluntarily and lawfully submitted by a pri-
3 vate entity and accompanied by an express state-
4 ment described in paragraph (2) of this subsection—

5 (A) shall be exempt from disclosure under
6 section 552(b)(3) of title 5, United States Code;

7 (B) shall not be made available by any
8 Federal, State, local, or Tribal authority pursu-
9 ant to any Federal, State, local, or Tribal law
10 requiring public disclosure of information or
11 records; and

12 (C) shall not, without the written consent
13 of the person or entity submitting such infor-
14 mation, be used directly by the Under Sec-
15 retary, or any other Federal, State, or local au-
16 thority in any civil enforcement action brought
17 by a Federal, State, or local authority.

18 (2) EXPRESS STATEMENT.—The express state-
19 ment described in this paragraph, with respect to in-
20 formation or records, is—

21 (A) in the case of written information or
22 records, a written marking on the information
23 or records substantially similar to the following:
24 “This information is voluntarily submitted to
25 the Federal Government in expectation of pro-

1 tection from disclosure as provided by the provi-
 2 sions of section 2(m) of the Supply Chain
 3 Health And Integrity for the Nation Act.”; or

4 (B) in the case of oral information, a writ-
 5 ten statement similar to the statement de-
 6 scribed in subparagraph (A) submitted within a
 7 reasonable period following the oral communica-
 8 tion.

9 (3) INAPPLICABILITY TO SEMICONDUCTOR IN-
 10 CENTIVE PROGRAM.—This subsection shall not apply
 11 to the voluntary submission of supply chain informa-
 12 tion by a private entity in an application for Federal
 13 financial assistance under section 9902 of the Wil-
 14 liam M. (Mac) Thornberry National Defense Author-
 15 ization Act for Fiscal Year 2021 (Public Law 116–
 16 283).

17 (n) NO EFFECT ON DISCOVERY.—Subject to sub-
 18 section (m), nothing in this section, nor any rule, regula-
 19 tion, or amendment shall be construed to create a defense
 20 to a discovery request, or otherwise limit or affect the dis-
 21 covery of supply chain information from a private entity
 22 arising from a cause of action authorized under any under
 23 Federal, State, local, or Tribal law.

24 (o) IMPLEMENTATION REPORT.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall submit to the relevant committees of Congress
4 and post on the website of the Under Secretary a re-
5 port on the implementation of this section.

6 (2) ELEMENTS.—In carrying out paragraph
7 (1), the Secretary shall—

8 (A) identify any office or bureau within the
9 Department of Commerce that the Secretary
10 determines has duties, responsibilities, re-
11 sources, or expertise that support or duplicate
12 the mission of the Office;

13 (B) describe the purposes of the offices or
14 bureaus identified under subparagraph (A);

15 (C) identify if the Under Secretary is co-
16 ordinating with the offices and bureaus identi-
17 fied under subparagraph (A) in implementing
18 the requirements of this Act;

19 (D) if the Secretary makes a positive de-
20 termination under subparagraph (C), evaluate
21 the effectiveness and efficiency of the Under
22 Secretary and the offices and bureaus identified
23 under subparagraph (A) at implementing the
24 requirements of this section; and

1 (E) identify if the Secretary will consoli-
2 date functions amongst the Office and the of-
3 fices and bureaus identified under subpara-
4 graph (A).

5 (p) CONSISTENCY WITH INTERNATIONAL AGREE-
6 MENTS.—This section shall be applied in a manner con-
7 sistent with United States obligations under international
8 agreements.

9 (q) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Under Secretary
11 \$500,000,000 for fiscal years 2022 through 2027, to re-
12 main available until expended, to carry out this section,
13 of which not more than 2 percent per fiscal year may be
14 used for administrative costs.

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