

117TH CONGRESS
1ST SESSION

H. R. 4476

To establish the Department of Homeland Security (DHS) Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Mr. MELJER (for himself and Mr. KATKO) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Department of Homeland Security (DHS) Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, 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 “DHS Trade and Eco-
5 nomic Security Council Act of 2021”.

1 **SEC. 2. DHS TRADE AND ECONOMIC SECURITY COUNCIL.**

2 (a) IN GENERAL.—Subtitle H of title VIII of the
3 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)
4 is amended by adding at the end the following new section:

5 **“SEC. 890B. DHS TRADE AND ECONOMIC SECURITY COUN-**
6 **CIL.**

7 “(a) ESTABLISHMENT.—There is established in the
8 Department the DHS Trade and Economic Security
9 Council (referred to in this section as the ‘Council’).

10 “(b) DUTIES OF THE COUNCIL.—The Council shall
11 provide advice and recommendations to the Secretary re-
12 lated to economic security of the homeland. Such advice
13 and recommendations shall include—

14 “(1) identifying concentrated risks for economic
15 security;

16 “(2) setting priorities for securing the nation’s
17 economic security;

18 “(3) coordinating Department-wide activity on
19 economic security matters;

20 “(4) proposing statutory and regulatory
21 changes impacting economic security; and

22 “(5) any other matters the Secretary considers
23 appropriate.

24 “(c) MEMBERSHIP.—

25 “(1) IN GENERAL.—The Council shall be com-
26 posed of the following members:

1 “(A) The Assistant Secretary for Trade
2 and Economic Security of the Office of Strat-
3 egy, Policy, and Plans.

4 “(B) Permanent members from not fewer
5 than nine components or offices of the Depart-
6 ment specified in paragraph (2).

7 “(C) Advisory members from other compo-
8 nents and offices of the Department other than
9 those specified in paragraph (2), as determined
10 by the Assistant Secretary for Trade and Eco-
11 nomic Security in coordination with the heads
12 of such components and offices.

13 “(2) PERMANENT MEMBERS.—The components
14 and offices of the Department specified in this para-
15 graph are the following:

16 “(A) United States Citizenship and Immi-
17 gration Services.

18 “(B) The Coast Guard.

19 “(C) U.S. Customs and Border Protection.

20 “(D) The Cybersecurity and Infrastructure
21 Security Agency.

22 “(E) The Federal Emergency Management
23 Agency.

24 “(F) U.S. Immigration and Customs En-
25 forcement.

1 “(H) The Transportation Security Admin-
2 istration.

3 “(K) The Office of Intelligence and Anal-
4 ysis.

5 “(L) The Office of Strategy, Policy and
6 Plans.

7 “(3) TERMS.—

8 “(A) IN GENERAL.—Each member of the
9 Council shall be appointed by the Assistant Sec-
10 retary for Trade and Economic Security in co-
11 ordination with the heads of relevant compo-
12 nents and offices. Each member shall serve a
13 term of two years.

14 “(B) VACANCIES.—Any member appointed
15 to fill a vacancy occurring before the expiration
16 of the term for which the member’s predecessor
17 was appointed shall be appointed only for the
18 remainder of that term. A member may serve
19 after the expiration of that term until a suc-
20 cessor has been appointed.

21 “(4) CHAIR AND VICE CHAIR.—The Assistant
22 Secretary for Trade and Economic Security shall
23 serve as Chair of the Council and shall designate a
24 Vice Chair of the Council.

25 “(d) MEETINGS AND CHARTER.—

1 “(1) MEETINGS.—The Council shall meet upon
2 the call of the Chair, who shall call meetings not less
3 frequently than quarterly.

4 “(2) CHARTER.—Not later than 120 days after
5 the date of enactment of this section, the Council
6 shall establish a charter that is agreed to by all per-
7 manent members of the Council.

8 “(e) BRIEFINGS.—Not later than 180 days after the
9 date of the enactment of this section and every six months
10 thereafter for four years, the Council shall brief the Com-
11 mittee on Homeland Security of the House of Representa-
12 tives and the Committee on Homeland Security and Gov-
13 ernmental Affairs of the Senate on the actions and activi-
14 ties of the Council.”.

15 (b) ASSISTANT SECRETARY FOR TRADE AND ECO-
16 NOMIC SECURITY.—

17 (1) IN GENERAL.—Section 709 of the Home-
18 land Security Act of 2002 (6 U.S.C. 349) is amend-
19 ed—

20 (A) by redesignating subsection (g) as sub-
21 section (h); and

22 (B) by inserting after subsection (f) the
23 following new subsection:

24 “(g) ASSISTANT SECRETARY FOR TRADE AND ECO-
25 NOMIC SECURITY.—

1 “(1) IN GENERAL.—There is within the Office
2 of Strategy, Policy, and Plans an Assistant Sec-
3 retary for Trade and Economic Security.

4 “(2) DUTIES.—The Assistant Secretary for
5 Trade and Economic Security shall—

6 “(A) advise the Secretary regarding mat-
7 ters relating to United States critical economic
8 security domains; and

9 “(B) oversee activities of the Department
10 relating thereto.

11 “(3) ADDITIONAL RESPONSIBILITIES.—In addi-
12 tion to the duties specified in paragraph (2), the As-
13 sistant Secretary for Trade and Economic Security
14 shall—

15 “(A) oversee—

16 “(i) the development of requirements
17 for supply chain mapping; and

18 “(ii) assessments and reports to Con-
19 gress related to United States critical eco-
20 nomic security domains and other eco-
21 nomic security activities of the Depart-
22 ment;

23 “(B) serve as the executive for the Depart-
24 ment on the Committee on Foreign Investment
25 in the United States (CFIUS), the Committee

1 for the Assessment of Foreign Participation in
2 the United States Telecommunications Services
3 Sector, and the Federal Acquisition Security
4 Council (in addition to any position on such
5 Council occupied by a representative of the Cy-
6 bersecurity and Infrastructure Security Agency
7 of the Department);

8 “(C) coordinate with stakeholders in other
9 Federal departments and agencies and non-gov-
10 ernmental entities with economic security inter-
11 ests, authorities, and responsibilities; and

12 “(D) perform such additional duties as the
13 Secretary may prescribe.

14 “(4) DEFINITION.—In this subsection, the term
15 ‘United States critical economic security domain’
16 means an industry, emerging technology, infrastruc-
17 ture, or combination thereof that is essential for the
18 prosperity and resilience of the economy to function,
19 or with respect to which disruption will have severe
20 negative economic and homeland security con-
21 sequence.”.

22 (2) TRANSITION.—The individual serving as the
23 Assistant Secretary for Trade and Economic Secu-
24 rity of the Office of Strategy, Policy, and Plans of
25 the Department of Homeland Security as of the date

1 of the enactment of this Act may continue to serve
2 as such Assistant Secretary.

3 (3) AMENDMENT RELATING TO LIMITATION ON
4 NUMBERS.—Subsection (a) of section 103 of the
5 Homeland Security Act of 2002 (6 U.S.C. 113) is
6 amended by adding at the end the following new
7 paragraph:

8 “(3) ASSISTANT SECRETARY FOR TRADE AND
9 ECONOMIC SECURITY.—At least one of the Assistant
10 Secretaries referred to under paragraph (1)(I) shall
11 be an Assistant Secretary for Trade and Economic
12 Security within the Office of Strategy, Policy, and
13 Plans.”.

14 (c) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Homeland Security Act of 2002 is
16 amended by inserting after the item relating to section
17 890A the following new item:

“Sec. 890B. DHS Trade and Economic Security Council.”.

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