

Calendar No. 671

117TH CONGRESS
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S. 2525

[Report No. 117–272]

To amend the Homeland Security Act of 2002 to require research and development to identify and evaluate the extent to which critical domain risks within the United States supply chain pose a substantial threat to homeland security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2021

Mr. PORTMAN (for himself and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19, 2022

Reported by Mr. PETERS, without amendment

A BILL

To amend the Homeland Security Act of 2002 to require research and development to identify and evaluate the extent to which critical domain risks within the United States supply chain pose a substantial threat to 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Domains Critical to
3 Homeland Security Act”.

4 **SEC. 2. CRITICAL DOMAIN RESEARCH AND DEVELOPMENT.**

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

8 **“SEC. 890B. HOMELAND SECURITY CRITICAL DOMAIN RE-**
9 **SEARCH AND DEVELOPMENT.**

10 “(a) IN GENERAL.—

11 “(1) RESEARCH AND DEVELOPMENT.—The
12 Secretary is authorized to conduct research and de-
13 velopment to—

14 “(A) identify United States critical do-
15 mains for economic security and homeland se-
16 curity; and

17 “(B) evaluate the extent to which disrup-
18 tion, corruption, exploitation, or dysfunction of
19 any of such domain poses a substantial threat
20 to homeland security.

21 “(2) REQUIREMENTS.—

22 “(A) RISK ANALYSIS OF CRITICAL DO-
23 MAINS.—The research under paragraph (1)
24 shall include a risk analysis of each identified
25 United States critical domain for economic se-
26 curity to determine the degree to which there

1 exists a present or future threat to homeland
2 security in the event of disruption, corruption,
3 exploitation, or dysfunction to such domain.
4 Such research shall consider, to the extent pos-
5 sible, the following:

6 “(i) The vulnerability and resilience of
7 relevant supply chains.

8 “(ii) Foreign production, processing,
9 and manufacturing methods.

10 “(iii) Influence of malign economic ac-
11 tors.

12 “(iv) Asset ownership.

13 “(v) Relationships within the supply
14 chains of such domains.

15 “(vi) The degree to which the condi-
16 tions referred to in clauses (i) through (v)
17 would place such a domain at risk of dis-
18 ruption, corruption, exploitation, or dys-
19 function.

20 “(B) ADDITIONAL RESEARCH INTO HIGH-
21 RISK CRITICAL DOMAINS.—Based on the identi-
22 fication and risk analysis of United States crit-
23 ical domains for economic security pursuant to
24 paragraph (1) and subparagraph (A) of this
25 paragraph, respectively, the Secretary may con-

1 duct additional research into those critical do-
2 mains, or specific elements thereof, with respect
3 to which there exists the highest degree of a
4 present or future threat to homeland security in
5 the event of disruption, corruption, exploitation,
6 or dysfunction to such a domain. For each such
7 high-risk domain, or element thereof, such re-
8 search shall—

9 “(i) describe the underlying infra-
10 structure and processes;

11 “(ii) analyze present and projected
12 performance of industries that comprise or
13 support such domain;

14 “(iii) examine the extent to which the
15 supply chain of a product or service nec-
16 essary to such domain is concentrated, ei-
17 ther through a small number of sources, or
18 if multiple sources are concentrated in one
19 geographic area;

20 “(iv) examine the extent to which the
21 demand for supplies of goods and services
22 of such industries can be fulfilled by
23 present and projected performance of other
24 industries, identify strategies, plans, and
25 potential barriers to expand the supplier

1 industrial base, and identify the barriers to
2 the participation of such other industries;

3 “(v) consider each such domain’s per-
4 formance capacities in stable economic en-
5 vironments, adversarial supply conditions,
6 and under crisis economic constraints;

7 “(vi) identify and define needs and re-
8 quirements to establish supply resiliency
9 within each such domain; and

10 “(vii) consider the effects of sector
11 consolidation, including foreign consolida-
12 tion, either through mergers or acquisi-
13 tions, or due to recent geographic realign-
14 ment, on such industries’ performances.

15 “(3) CONSULTATION.—In conducting the re-
16 search under paragraphs (1) and (2)(B), the Sec-
17 retary shall consult with appropriate Federal agen-
18 cies, including the Bureau of Industry and Security
19 at the Department of Commerce, State agencies,
20 and private sector stakeholders.

21 “(4) PUBLICATION.—Beginning 1 year after
22 the date of the enactment of this section, the Sec-
23 retary shall publish a report containing information
24 relating to the research under paragraphs (1) and
25 (2)(B), including findings, evidence, analysis, and

1 recommendations. Such report shall be updated an-
2 nually through 2026.

3 “(b) SUBMISSION TO CONGRESS.—Not later than 90
4 days after the publication of each report required under
5 subsection (a)(4), the Secretary shall transmit to the Com-
6 mittee on Homeland Security of the House of Representa-
7 tives and the Committee on Homeland Security and Gov-
8 ernmental Affairs of the Senate each such report, together
9 with a description of actions the Secretary, in consultation
10 with appropriate Federal agencies, will undertake or has
11 undertaken in response to each such report.

12 “(c) DEFINITIONS.—In this section:

13 “(1) ECONOMIC SECURITY.—The term ‘eco-
14 nomic security’ means the condition of having secure
15 and resilient domestic production capacity, combined
16 with reliable access to the global resources necessary
17 to maintain an acceptable standard of living and to
18 protect core national values.

19 “(2) UNITED STATES CRITICAL DOMAINS FOR
20 ECONOMIC SECURITY.—The term ‘United States
21 critical domains for economic security’ means the
22 critical infrastructure and other associated indus-
23 tries, technologies, and intellectual property, or any
24 combination thereof, that are essential to the eco-
25 nomic security of the United States.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated \$1,000,000 for each of
3 fiscal years 2022 through 2026 to carry out this section.”.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of the Homeland Security Act of 2002
6 (Public Law 107–296; 116 Stat. 2135) is amended by in-
7 serting after the item relating to section 890A the fol-
8 lowing new item:

“Sec. 890B. Homeland security critical domain research and development.”.

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