

117TH CONGRESS
2D SESSION

S. 4243

To establish the Department of Homeland Security 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 SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 17), 2022

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

A BILL

To establish the Department of Homeland Security 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 2022”.

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

7 (a) DEFINITIONS.—In this section:

1 (1) COUNCIL.—The term “Council” means the
2 DHS Trade and Economic Security Council estab-
3 lished under subsection (b).

4 (2) DEPARTMENT.—The term “Department”
5 refers to the Department of Homeland Security.

6 (3) ECONOMIC SECURITY.—The term “eco-
7 nomic security” means the condition of having se-
8 cure and resilient domestic production capacity com-
9 bined with reliable access to the global resources
10 necessary to maintain an acceptable standard of liv-
11 ing and protect core national values.

12 (4) SECRETARY.—The term “Secretary” means
13 the Secretary of the Department of Homeland Secu-
14 rity.

15 (b) DHS TRADE AND ECONOMIC SECURITY COUN-
16 CIL.—In accordance with the mission of the Department
17 under section 101(b) of the Homeland Security Act of
18 2002 (6 U.S.C. 111(b)), and in particular paragraph
19 (1)(F) of that subsection, the Secretary shall establish a
20 standing council of component heads or their designees
21 within the Department known as the “DHS Trade and
22 Economic Security Council”.

23 (c) DUTIES OF THE COUNCIL.—Pursuant to the
24 scope of the Department’s mission as described in sub-
25 section (b), the Council shall provide to the Secretary ad-

1 vice and recommendations on matters of trade and eco-
2 nomic security, including—

3 (1) identifying concentrated risks for trade and
4 economic security;

5 (2) setting priorities for securing the trade and
6 economic security of the United States;

7 (3) coordinating Department-wide activity on
8 trade and economic security matters;

9 (4) with respect to the development of the
10 President's continuity of the economy plan under
11 section 9603 of the William M. (Mac) Thornberry
12 National Defense Authorization Act of Fiscal Year
13 2021 (Public Law 116–283);

14 (5) proposing statutory and regulatory changes
15 impacting trade and economic security; and

16 (6) any other matters the Secretary considers
17 appropriate.

18 (d) CHAIR AND VICE CHAIR.—The Assistant Sec-
19 retary for Trade and Economic Security of the Depart-
20 ment—

21 (1) shall serve as Chair of the Council; and

22 (2) may designate a Council member as a Vice
23 Chair.

24 (e) MEETINGS.—The Council shall meet not less fre-
25 quently than quarterly, as well as—

1 (1) at the call of the Chair; or

2 (2) at the direction of the Secretary.

3 (f) BRIEFINGS.—Not later than 180 days after the
4 date of enactment of this Act and every 6 months there-
5 after for 4 years, the Council shall brief the Committee
6 on Homeland Security and Governmental Affairs of the
7 Senate and the Committee on Homeland Security of the
8 House of Representatives on the actions and activities of
9 the Council.

10 **SEC. 3. ASSISTANT SECRETARY FOR TRADE AND ECONOMIC**
11 **SECURITY.**

12 Section 709 of the Homeland Security Act of 2002
13 (6 U.S.C. 349) is amended—

14 (1) by redesignating subsection (g) as sub-
15 section (h); and

16 (2) by inserting after subsection (f) the fol-
17 lowing new subsection:

18 “(g) ASSISTANT SECRETARY FOR TRADE AND ECO-
19 NOMIC SECURITY.—

20 “(1) IN GENERAL.—There is established within
21 the Office of Strategy, Policy, and Plans an Assist-
22 ant Secretary for Trade and Economic Security.

23 “(2) DUTIES.—The Assistant Secretary for
24 Trade and Economic Security shall be responsible
25 for policy formulation regarding matters relating to

1 economic security and trade, as such matters relate
2 to the mission and the operations of the Depart-
3 ment.

4 “(3) ADDITIONAL RESPONSIBILITIES.—In addi-
5 tion to the duties specified in paragraph (2), the As-
6 sistant Secretary for Trade and Economic Security
7 shall—

8 “(A) oversee—

9 “(i) coordination of supply chain pol-
10 icy; and

11 “(ii) assessments and reports to Con-
12 gress related to critical economic security
13 domains;

14 “(B) serve as the designee of the Secretary
15 for the purposes of representing the Depart-
16 ment on the Committee on Foreign Investment
17 in the United States, and the Committee for
18 the Assessment of Foreign Participation in the
19 United States Telecommunications Services
20 Sector;

21 “(C) coordinate with stakeholders in other
22 Federal departments and agencies and non-gov-
23 ernmental entities with trade and economic se-
24 curity interests, authorities, and responsibilities;
25 and

1 “(D) perform such additional duties as the
2 Secretary or the Under Secretary of Strategy,
3 Policy, and Plans may prescribe.

4 “(4) DEFINITIONS.—In this subsection:

5 “(A) CRITICAL ECONOMIC SECURITY DO-
6 MAIN.—The term ‘critical economic security do-
7 main’ means any infrastructure, industry, tech-
8 nology, or intellectual property (or combination
9 thereof) that is essential for the economic secu-
10 rity of the United States.

11 “(B) ECONOMIC SECURITY.—The term
12 ‘economic security’ has the meaning given that
13 term in section 890B(c)(2).”.

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