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H. R. 6571

IN THE SENATE OF THE UNITED STATES

MAY 16, 2024

Received; read twice and referred to the Committee on Commerce, Science,
and Transportation

AN ACT

To establish a critical supply chain resiliency and crisis response program in the Department of Commerce, and to secure American leadership in deploying emerging technologies, 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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Promoting Resilient Supply Chains Act of 2023”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Additional responsibilities of Assistant Secretary of Commerce for Industry and Analysis.

Sec. 3. Critical supply chain resiliency and crisis response program.

Sec. 4. Critical supply chain innovation and best practices.

Sec. 5. Department of Commerce capability assessment.

Sec. 6. Definitions.

6 **SEC. 2. ADDITIONAL RESPONSIBILITIES OF ASSISTANT SEC-**
7 **RETARY OF COMMERCE FOR INDUSTRY AND**
8 **ANALYSIS.**

9 (a) ADDITIONAL RESPONSIBILITIES.—In addition to
10 the responsibilities of the Assistant Secretary on the day
11 before the date of the enactment of this Act, the Assistant
12 Secretary shall have the following responsibilities:

13 (1) Promote the leadership of the United States
14 with respect to critical industries, critical supply
15 chains, and emerging technologies 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) Encourage consultation with other agencies,
21 covered nongovernmental representatives, industry,

1 institutions of higher education, and State and local
2 governments in order to—

3 (A) promote resilient critical supply chains;

4 and

5 (B) identify, prepare for, and respond to
6 supply chain shocks to—

7 (i) critical industries;

8 (ii) critical supply chains; and

9 (iii) emerging technologies.

10 (3) Encourage the growth and competitiveness
11 of United States productive capacities and manufac-
12 turing in the United States of emerging tech-
13 nologies.

14 (4) Monitor the resilience, diversity, security,
15 and strength of critical supply chains and critical in-
16 dustries (including critical industries for emerging
17 technologies).

18 (5) Support the availability of critical goods
19 from domestic manufacturers, domestic enterprises,
20 and manufacturing operations in countries that are
21 an ally or key international partner nation.

22 (6) Assist the Federal Government in preparing
23 for and responding to supply chain shocks to critical
24 supply chains, including by improving flexible manu-

1 facturing capacities and capabilities in the United
2 States.

3 (7) Consistent with United States obligations
4 under international agreements, encourage and
5 incentivize the reduced reliance of domestic enter-
6 prises and domestic manufacturers on critical goods
7 from countries that are described in clause (i) or (ii)
8 of section 6(2)(B).

9 (8) Encourage the relocation of manufacturing
10 facilities that manufacture critical goods from coun-
11 tries that are described in clause (i) or (ii) of section
12 6(2)(B) to the United States and countries that are
13 an ally or key international partner nation to
14 strengthen the resilience, diversity, security, and
15 strength of critical supply chains.

16 (9) Support the creation of jobs with competi-
17 tive wages in the United States manufacturing sec-
18 tor.

19 (10) Encourage manufacturing growth and op-
20 portunities in rural and underserved communities.

21 (11) Promote the health of the economy of the
22 United States and the competitiveness of manufac-
23 turing in the United States.

24 (b) CAPABILITIES AND TECHNICAL SUPPORT.—In
25 carrying out subsection (a), the Assistant Secretary—

1 (1) shall establish capabilities to—

2 (A) assess the state of technology, innova-
3 tion, and production capacity in the United
4 States and other countries; and

5 (B) conduct other activities that the As-
6 sistant Secretary considers to be critical for the
7 use of analytic capabilities, statistics, datasets,
8 and metrics related to critical technologies and
9 innovation; and

10 (2) may utilize external organizations to provide
11 independent and objective technical support.

12 **SEC. 3. CRITICAL SUPPLY CHAIN RESILIENCY AND CRISIS**
13 **RESPONSE PROGRAM.**

14 (a) ESTABLISHMENT.—Not later than 180 days after
15 the date of the enactment of this Act, the Assistant Sec-
16 retary shall establish in the Department of Commerce a
17 critical supply chain resiliency and crisis response program
18 to conduct the activities described in subsection (b).

19 (b) ACTIVITIES.—In carrying out the program, the
20 Assistant Secretary shall conduct activities—

21 (1) in coordination with the unified coordina-
22 tion group established under subsection (c), to—

23 (A) map, monitor, and model critical sup-
24 ply chains, including critical supply chains for
25 emerging technologies, which may include—

1 (i) modeling the impact of supply
2 chain shocks on critical industries (includ-
3 ing critical industries for emerging tech-
4 nologies), critical supply chains, domestic
5 enterprises, and domestic manufacturers;

6 (ii) monitoring the demand for and
7 supply of critical goods, production equip-
8 ment, and manufacturing technology need-
9 ed for critical supply chains, including crit-
10 ical goods, production equipment, and
11 manufacturing technology obtained by or
12 purchased from a person outside of the
13 United States or imported into the United
14 States; and

15 (iii) monitoring manufacturing,
16 warehousing, transportation, and distribu-
17 tion related to critical supply chains;

18 (B) identify high priority gaps and
19 vulnerabilities, which may include single points
20 of failure, in critical supply chains and critical
21 industries (including critical industries for
22 emerging technologies) that—

23 (i) exist as of the date of the enact-
24 ment of this Act; or

1 (ii) are anticipated to occur after the
2 date of the enactment of this Act;

3 (C) identify potential supply chain shocks
4 to a critical supply chain that may disrupt,
5 strain, compromise, or eliminate the critical
6 supply chain (including supply chains involving
7 emerging technologies);

8 (D) evaluate the capability and capacity of
9 domestic manufacturers or manufacturers lo-
10 cated in countries that are an ally or key inter-
11 national partner nation to serve as sources for
12 critical goods, production equipment, or manu-
13 facturing technology needed in critical supply
14 chains (including supply chains involving
15 emerging technologies);

16 (E) evaluate the effect on the national se-
17 curity and economic competitiveness of the
18 United States, including on consumer prices,
19 job losses, and wages, that may result from the
20 disruption, strain, compromise, or elimination
21 of a critical supply chain;

22 (F) evaluate the state of the manufac-
23 turing workforce, including by—

24 (i) identifying the needs of domestic
25 manufacturers; and

1 (ii) identifying opportunities to create
2 high-quality manufacturing jobs; and

3 (G) identify investments in critical goods,
4 production equipment, and manufacturing tech-
5 nology from non-Federal sources;

6 (2) in coordination with State and local govern-
7 ments and the unified coordination group established
8 under subsection (c), and, as appropriate, in con-
9 sultation with countries that are an ally or key inter-
10 national partner nation, to—

11 (A) identify opportunities to reduce gaps
12 and vulnerabilities in critical supply chains and
13 critical industries (including critical industries
14 for emerging technologies);

15 (B) encourage consultation between the
16 Federal Government, industry, covered non-
17 governmental representatives, institutions of
18 higher education, and State and local govern-
19 ments to—

20 (i) better respond to supply chain
21 shocks to critical supply chains and critical
22 industries (including critical industries for
23 emerging technologies); and

24 (ii) coordinate response efforts to sup-
25 ply chain shocks;

1 (C) encourage consultation between the
2 Federal Government and the governments of
3 countries that are an ally or key international
4 partner nation;

5 (D) develop or identify opportunities to
6 build the capacity of the United States in crit-
7 ical supply chains, critical industries, and
8 emerging technologies;

9 (E) develop or identify opportunities to
10 build the capacity of countries that are an ally
11 or key international partner nation in critical
12 industries (including critical industries for
13 emerging technologies) and critical supply
14 chains;

15 (F) develop contingency plans and coordi-
16 nation mechanisms to improve the response of
17 critical supply chains and critical industry (in-
18 cluding critical industries for emerging tech-
19 nologies) to supply chain shocks; and

20 (G) support methods and technologies, in-
21 cluding blockchain technology, distributed ledg-
22 er technology, and other emerging technologies,
23 as appropriate, for the authentication and
24 traceability of critical goods;

1 (3) acting within the authority of the Secretary
2 that exists as of the date of the enactment of this
3 Act, and in consultation with the Secretary of State
4 and the United States Trade Representative, to con-
5 sult with governments of countries that are an ally
6 or key international partner nation to promote resil-
7 ient critical supply chains that ensure the supply of
8 critical goods, production equipment, and manufac-
9 turing technology to the United States and compa-
10 nies located in countries that are an ally or key
11 international partner nation;

12 (4) in consultation with other offices and divi-
13 sions of the Department of Commerce and other
14 agencies, to leverage existing authorities (as of the
15 date of the enactment of this Act) to encourage the
16 resilience of supply chains of critical industries (in-
17 cluding critical industries for emerging technologies);
18 and

19 (5) to determine which emerging technologies
20 may assist in conducting the activities described in
21 this subsection and promote such emerging tech-
22 nologies.

23 (c) UNIFIED COORDINATION GROUP.—In conducting
24 the activities described in subsection (b), the Assistant
25 Secretary shall—

1 (1) establish a unified coordination group led by
2 the Assistant Secretary, which shall include, as ap-
3 propriate, private sector partners and covered non-
4 governmental representatives, to serve as a body for
5 consultation by agencies described in subsection (g)
6 to plan for and respond to supply chain shocks and
7 support the resilience, diversity, security, and
8 strength of critical supply chains;

9 (2) establish subgroups of the unified coordina-
10 tion group established under paragraph (1) that
11 shall be led by the head of an appropriate agency;
12 and

13 (3) through the unified coordination group es-
14 tablished under paragraph (1)—

15 (A) acquire on a voluntary basis technical,
16 engineering, and operational critical supply
17 chain information from the private sector, in a
18 manner that ensures any critical supply chain
19 information provided by the private sector is
20 kept confidential and is exempt from disclosure
21 under section 552(b)(3) of title 5, United
22 States Code (commonly known as the “Freedom
23 of Information Act”);

24 (B) study the critical supply chain infor-
25 mation acquired under subparagraph (A) to as-

1 sess critical supply chains, including critical
2 supply chains for emerging technologies, and in-
3 form planning for potential supply chain
4 shocks;

5 (C) convene with relevant private sector
6 entities to share best practices, planning, and
7 capabilities to respond to potential supply chain
8 shocks; and

9 (D) factor in any relevant findings from
10 the studies required by the American COM-
11 PETE Act (title XV of division FF of the Con-
12 solidated Appropriations Act, 2021; Public Law
13 116–260; 134 Stat. 3276).

14 (d) INTERNATIONAL COOPERATION.—The Secretary,
15 in consultation with other relevant agencies, may consult
16 with governments of countries that are an ally or key
17 international partner nation relating to enhancing the se-
18 curity and resilience of critical supply chains in response
19 to supply chain shocks.

20 (e) DESIGNATIONS.—The Assistant Secretary shall—

21 (1) not later than 270 days after the date of
22 the enactment of this Act, designate—

23 (A) critical industries;

24 (B) critical supply chains; and

25 (C) critical goods;

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

3 (3) update the designations made under para-
4 graph (1) not less frequently than once every 4
5 years, including designations for technologies not de-
6 scribed in section 6(12)(B) that the Assistant Sec-
7 retary considers necessary.

8 (f) NATIONAL STRATEGY AND REVIEW ON CRITICAL
9 SUPPLY CHAIN RESILIENCY AND MANUFACTURING IN
10 THE UNITED STATES.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of this Act, and not less
13 frequently than once every 2 years thereafter, the
14 Assistant Secretary, in consultation with the head of
15 each relevant agency, covered nongovernmental rep-
16 resentative, industry, institution of higher education,
17 and State and local government, shall submit to the
18 relevant committees of Congress and post on the
19 website of the Assistant Secretary a report that—

20 (A) identifies—

21 (i) critical infrastructure that may as-
22 sist in fulfilling the responsibilities de-
23 scribed in section 2;

24 (ii) emerging technologies that may
25 assist in fulfilling the responsibilities de-

scribed in section 2 and carrying out the program, including such technologies that may be critical to addressing preparedness, weaknesses, and vulnerabilities relating to critical supply chains;

(iii) critical industries, critical supply chains, and critical goods designated under subsection (e);

(iv) other supplies and services that are critical to the crisis preparedness of the United States;

(v) substitutes for critical goods, production equipment, and manufacturing technology;

(vi) methods and technologies, including blockchain technology, distributed ledger technology, and other emerging technologies, as appropriate, for the authentication and traceability of critical goods; and

(vii) countries that are an ally or key international partner nation;

(B) describes the matters identified and evaluated under subsection (b)(1), including—

1 (i) the manufacturing base, critical
2 supply chains, and emerging technologies
3 in the United States, including the manu-
4 facturing base and critical supply chains
5 for—

6 (I) critical goods;

7 (II) production equipment; and

8 (III) manufacturing technology;

9 and

10 (ii) the ability of the United States
11 to—

12 (I) maintain readiness with re-
13 spect to preparing for and responding
14 to supply chain shocks; and

15 (II) in response to a supply chain
16 shock—

17 (aa) surge production in
18 critical industries;

19 (bb) surge production of
20 critical goods and production
21 equipment; and

22 (cc) maintain access to crit-
23 ical goods, production equipment,
24 and manufacturing technology;

25 (C) assesses and describes—

1 (i) the demand and supply of critical
2 goods, production equipment, and manu-
3 facturing technology;

4 (ii) the production of critical goods,
5 production equipment, and manufacturing
6 technology by domestic manufacturers;

7 (iii) the capability and capacity of do-
8 mestic manufacturers and manufacturers
9 in countries that are an ally or key inter-
10 national partner nation to manufacture
11 critical goods, production equipment, and
12 manufacturing technology; and

13 (iv) how supply chain shocks could af-
14 fect rural, Tribal, and underserved commu-
15 nities;

16 (D) identifies threats and supply chain
17 shocks that may disrupt, strain, compromise, or
18 eliminate critical supply chains, critical goods,
19 and critical industries (including critical indus-
20 tries for emerging technologies);

21 (E) with regard to any threat identified
22 under subparagraph (D), lists any threat or
23 supply chain shock that may originate from a
24 country, or a company or individual from a

country, that is described in clause (i) or (ii) of section 6(2)(B);

(F) assesses—

(i) the resilience and capacity of the manufacturing base, critical supply chains, and workforce of the United States and countries that are an ally or key international partner nation that can sustain critical industries (including critical industries for emerging technologies) through a supply chain shock;

(ii) the effect innovation has on domestic manufacturers; and

(iii) any single points of failure in the critical supply chains described in clause (i);

(G) with respect to countries that are an ally or key international partner nation, reviews the sourcing of critical goods, production equipment, and manufacturing technology associated with critical industries located in such countries;

(H) assesses the flexible manufacturing capacity and capability available in the United States in the case of a supply chain shock; and

1 (I) develops a strategy for the Department
2 of Commerce to support the resilience, diver-
3 sity, security, and strength of critical supply
4 chains and emerging technologies to—

5 (i) support sufficient access to critical
6 goods by mitigating vulnerabilities in crit-
7 ical supply chains, including critical supply
8 chains concentrated in countries that are
9 described in clause (i) or (ii) of section
10 6(2)(B);

11 (ii) consult with other relevant agen-
12 cies to assist countries that are an ally or
13 key international partner nation in build-
14 ing capacity for manufacturing critical
15 goods;

16 (iii) recover from supply chain shocks;

17 (iv) identify, in consultation with
18 other relevant agencies, actions relating to
19 critical supply chains or emerging tech-
20 nologies that the United States may take
21 to—

22 (I) raise living standards;

23 (II) increase employment oppor-
24 tunities; and

1 (III) improve responses to supply
2 chain shocks;

3 (v) protect against supply chain
4 shocks relating to critical supply chains
5 from countries that are described in clause
6 (i) or (ii) of section 6(2)(B);

7 (vi) support methods and technologies,
8 including blockchain technology, distrib-
9 uted ledger technologies, and other emerg-
10 ing technologies, as appropriate, for the
11 authentication and traceability of critical
12 goods; and

13 (vii) make specific recommendations
14 to implement the strategy under this sec-
15 tion and improve the security and resil-
16 iency of manufacturing capacity and sup-
17 ply chains for critical industries (including
18 critical industries for emerging tech-
19 nologies), by—

20 (I) developing long-term strate-
21 gies;

22 (II) increasing visibility into the
23 networks and capabilities of domestic
24 manufacturers and suppliers of do-
25 mestic manufacturers;

1 (III) identifying industry best
2 practices;

3 (IV) evaluating how diverse sup-
4 plier networks, multi-platform and
5 multi-region production capabilities
6 and sources, and integrated global
7 and regional critical supply chains can
8 enhance the resilience of—

9 (aa) critical industries in the
10 United States;

11 (bb) emerging technologies
12 in the United States;

13 (cc) jobs in the United
14 States;

15 (dd) manufacturing capabili-
16 ties of the United States; and

17 (ee) the access of the United
18 States to critical goods during a
19 supply chain shock;

20 (V) identifying and mitigating
21 risks, including—

22 (aa) significant
23 vulnerabilities to supply chain
24 shocks; and

1 (bb) exposure to gaps and
2 vulnerabilities in domestic capac-
3 ity or capabilities and sources of
4 imports needed to sustain critical
5 industries (including critical in-
6 dustries for emerging tech-
7 nologies) or critical supply
8 chains;

9 (VI) identifying enterprise re-
10 source planning systems that are—

11 (aa) compatible across crit-
12 ical supply chain tiers; and

13 (bb) affordable for all sizes
14 of business and for startups;

15 (VII) understanding the total
16 cost of ownership, total value con-
17 tribution, and other best practices
18 that encourage strategic partnerships
19 throughout critical supply chains;

20 (VIII) understanding Federal
21 procurement opportunities to increase
22 resilient critical supply chains and fill
23 gaps in domestic purchasing;

24 (IX) identifying opportunities to
25 consult with countries that are an ally

1 or key international partner nation to
2 build more resilient critical supply
3 chains and mitigate risks;

4 (X) identifying opportunities to
5 reuse and recycle critical goods, in-
6 cluding raw materials, to increase re-
7 silient critical supply chains;

8 (XI) consulting with countries
9 that are an ally or key international
10 partner nation on—

11 (aa) sourcing critical goods,
12 production equipment, and man-
13 ufacturing technology; and

14 (bb) developing, sustaining,
15 and expanding production and
16 availability of critical goods, pro-
17 duction equipment, and manufac-
18 turing technology during a supply
19 chain shock;

20 (XII) identifying such other serv-
21 ices as the Assistant Secretary deter-
22 mines necessary; and

23 (XIII) providing guidance to
24 other relevant agencies with respect to
25 critical goods, supply chains, and crit-

1 ical industries (including critical in-
2 dustries for emerging technologies)
3 that should be prioritized to ensure
4 United States leadership in the de-
5 ployment of such technologies.

6 (2) PROHIBITION.—The report submitted under
7 paragraph (1) may not include—

8 (A) critical supply chain information that
9 is not aggregated;

10 (B) confidential business information of a
11 private sector entity; or

12 (C) classified information.

13 (3) FORM.—The report submitted under para-
14 graph (1), and any update submitted thereafter,
15 shall be submitted to the relevant committees of
16 Congress in unclassified form and may include a
17 classified annex.

18 (4) PUBLIC COMMENT.—The Assistant Sec-
19 retary shall provide for a period of public comment
20 and review in developing the report submitted under
21 paragraph (1).

22 (g) CONSULTATION.—Not later than 1 year after the
23 date of the enactment of this Act, the Assistant Secretary
24 shall enter into an agreement with the head of any rel-
25 evant agency to obtain any information, data, or assist-

1 ance that the Assistant Secretary determines necessary to
2 conduct the activities described in subsection (b).

3 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion may be construed to require any private entity—

5 (1) to share information with the Secretary or
6 Assistant Secretary;

7 (2) to request assistance from the Secretary or
8 Assistant Secretary; or

9 (3) to implement any measure or recommenda-
10 tion suggested by the Secretary or Assistant Sec-
11 retary in response to a request by the private entity.

12 (i) PROTECTION OF VOLUNTARILY SHARED CRIT-
13 ICAL SUPPLY CHAIN INFORMATION.—

14 (1) PROTECTION.—

15 (A) IN GENERAL.—Notwithstanding any
16 other provision of law, critical supply chain in-
17 formation (including the identity of the submit-
18 ting person or entity) that is voluntarily sub-
19 mitted under this section to the Department of
20 Commerce for use by the Department for pur-
21 poses of this section, when accompanied by an
22 express statement specified in subparagraph

23 (B)—

24 (i) shall be exempt from disclosure
25 under section 552(b)(3) of title 5, United

1 States Code (commonly referred to as the
2 “Freedom of Information Act”);

3 (ii) is not subject to any agency rules
4 or judicial doctrine regarding ex parte
5 communications with a decision making of-
6 ficial;

7 (iii) may not, without the written con-
8 sent of the person or entity submitting
9 such information, be used directly by the
10 Department of Commerce, any other Fed-
11 eral, State, or local authority, or any third
12 party, in any civil action arising under
13 Federal or State law if such information is
14 submitted in good faith;

15 (iv) may not, without the written con-
16 sent of the person or entity submitting
17 such information, be used or disclosed by
18 any officer or employee of the United
19 States for purposes other than the pur-
20 poses of this section, except—

21 (I) in furtherance of an investiga-
22 tion or the prosecution of a criminal
23 act; or

24 (II) when disclosure of the infor-
25 mation would be—

1 (aa) to either House of Con-
2 gress, or to the extent of matter
3 within its jurisdiction, any com-
4 mittee or subcommittee thereof,
5 any joint committee thereof, or
6 any subcommittee of any such
7 joint committee; or

8 (bb) to the Comptroller Gen-
9 eral of the United States, or any
10 authorized representative of the
11 Comptroller General, in the
12 course of the performance of the
13 duties of the Government Ac-
14 countability Office;

15 (v) may not, if provided to a State or
16 local government or government agency—

17 (I) be made available pursuant to
18 any State or local law requiring dis-
19 closure of information or records;

20 (II) otherwise be disclosed or dis-
21 tributed to any party by such State or
22 local government or government agen-
23 cy without the written consent of the
24 person or entity submitting such in-
25 formation; or

1 (III) be used other than for the
2 purpose of carrying out this section,
3 or in furtherance of an investigation
4 or the prosecution of a criminal act;
5 and

6 (vi) does not constitute a waiver of
7 any applicable privilege or protection pro-
8 vided under law, such as trade secret pro-
9 tection.

10 (B) EXPRESS STATEMENT.—The express
11 statement described in this subparagraph, with
12 respect to information or records, is—

13 (i) in the case of written information
14 or records, a written marking on the infor-
15 mation or records substantially similar to
16 the following: “This information is volun-
17 tarily submitted to the Federal Govern-
18 ment in expectation of protection from dis-
19 closure as provided by the provisions of the
20 Promoting Resilient Supply Chains Act of
21 2023.”; or

22 (ii) in the case of oral information, a
23 written statement similar to the statement
24 described in clause (i) submitted within a

1 reasonable period following the oral com-
2 munication.

3 (2) LIMITATION.—No communication of critical
4 supply chain information to the Department of Com-
5 merce made pursuant to this section may be consid-
6 ered to be an action subject to the requirements of
7 chapter 10 of title 5, United States Code.

8 (3) INDEPENDENTLY OBTAINED INFORMA-
9 TION.—Nothing in this subsection may be construed
10 to limit or otherwise affect the ability of a State,
11 local, or Federal Government entity, agency, or au-
12 thority, or any third party, under applicable law, to
13 obtain critical supply chain information in a manner
14 not covered by paragraph (1), including any infor-
15 mation lawfully and properly disclosed generally or
16 broadly to the public and to use such information in
17 any manner permitted by law. For purposes of this
18 subsection a permissible use of independently ob-
19 tained information includes the disclosure of such in-
20 formation under section 2302(b)(8) of title 5,
21 United States Code.

22 (4) TREATMENT OF VOLUNTARY SUBMITTAL OF
23 INFORMATION.—The voluntary submittal to the De-
24 partment of Commerce of information or records
25 that are protected from disclosure by this section

1 may not be construed to constitute compliance with
2 any requirement to submit such information to an
3 agency under any other provision of law.

4 (5) INAPPLICABILITY TO SEMICONDUCTOR IN-
5 CENTIVE PROGRAM.—This subsection does not apply
6 to the voluntary submission of critical supply chain
7 information in an application for Federal financial
8 assistance under section 9902 of the William M.
9 (Mac) Thornberry National Defense Authorization
10 Act for Fiscal Year 2021 (Public Law 116–283).

11 (j) SUNSET.—The program shall terminate not later
12 than the date that is 7 years after the date of the enact-
13 ment of this Act.

14 **SEC. 4. CRITICAL SUPPLY CHAIN INNOVATION AND BEST**
15 **PRACTICES.**

16 (a) IN GENERAL.—The Assistant Secretary shall, on
17 an ongoing basis, facilitate and support the development
18 and dissemination of guidelines, best practices, manage-
19 ment strategies, methodologies, procedures, and processes
20 for domestic manufacturers, domestic enterprises, and
21 other entities manufacturing, procuring, or using a critical
22 good to—

23 (1) measure the resilience, diversity, security,
24 and strength of the critical supply chains of such
25 manufacturers, enterprises, and entities;

1 (2) quantify the value of improved resilience, di-
2 versity, security, and strength of critical supply
3 chains to such manufacturers, enterprises, and enti-
4 ties;

5 (3) design and implement measures to reduce
6 the risks of disruption, strain, compromise, or elimi-
7 nation of critical supply chains of such manufactur-
8 ers, enterprises, and entities; and

9 (4) support the authentication and traceability
10 of critical goods using blockchain technology, distrib-
11 uted ledger technologies, and other emerging tech-
12 nologies as appropriate.

13 (b) REQUIREMENTS.—In carrying out subsection (a),
14 the Assistant Secretary shall do the following:

15 (1) Consult closely and regularly with relevant
16 private sector personnel and entities, manufacturing
17 extension centers established as part of the Hollings
18 Manufacturing Extension Partnership, Manufac-
19 turing USA institutes as described in section 34(d)
20 of the National Institute of Standards and Tech-
21 nology Act (15 U.S.C. 278s(d)), and other relevant
22 stakeholders and incorporate industry expertise.

23 (2) Consult with the heads of relevant agencies
24 (including agencies with jurisdiction over critical
25 supply chains), States, local governments, Tribal

1 Governments, countries that are an ally or key inter-
2 national partner nation, and international organiza-
3 tions, as necessary.

4 (3) Collaborate with private sector stakeholders
5 to identify prioritized, flexible, repeatable, perform-
6 ance-based, and cost-effective critical supply chain
7 resilience approaches that may be voluntarily adopt-
8 ed by domestic manufacturers, domestic enterprises,
9 and other entities manufacturing, procuring, or
10 using a critical good to achieve the goals of sub-
11 section (a).

12 (4) Facilitate the design of—

13 (A) voluntary processes for selecting sup-
14 pliers that support the resilience, diversity, se-
15 curity, and strength of critical supply chains;
16 and

17 (B) methodologies to identify and mitigate
18 the effects of a disruption, strain, compromise,
19 or elimination of a critical supply chain.

20 (5) Facilitate the identification or application of
21 methods and technologies, including blockchain tech-
22 nology, distributed ledger technologies, and other
23 emerging technologies as appropriate, for the au-
24 thentication and traceability of critical goods.

1 (6) Disseminate research and information to as-
2 sist domestic manufacturers redesign products, ex-
3 pand domestic manufacturing capacity, and improve
4 other capabilities as required to improve the resil-
5 ience, diversity, security, and strength of critical
6 supply chains.

7 (7) Incorporate relevant industry best practices.

8 (8) Consider the private sector, including small
9 businesses.

10 (9) Leverage mechanisms that exist as of the
11 date of the enactment of this Act for the Federal
12 Government to provide critical supply chain solutions
13 (including manufacturing technology, products,
14 tools, and workforce development solutions related to
15 critical supply chain resilience) to manufacturers, in-
16 cluding small and medium-sized manufacturers.

17 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed to—

19 (1) require any private entity to share informa-
20 tion with the Secretary or Assistant Secretary;

21 (2) require any private entity to request assist-
22 ance from the Secretary or Assistant Secretary;

23 (3) require any private entity to implement any
24 measure or recommendation suggested by the Sec-

1 retary or Assistant Secretary in response to a re-
2 quest by the private entity; or

3 (4) require the adoption of any guideline, best
4 practice, management strategy, methodology, proce-
5 dure, or process described in subsection (a).

6 **SEC. 5. DEPARTMENT OF COMMERCE CAPABILITY ASSESS-**
7 **MENT.**

8 (a) **REPORT REQUIRED.**—The Secretary shall
9 produce a report—

10 (1) identifying the duties, responsibilities, re-
11 sources, programs, and expertise within the offices
12 and bureaus of the Department of Commerce rel-
13 evant to critical supply chain resilience and manu-
14 facturing innovation;

15 (2) identifying and assessing the purpose, legal
16 authority, effectiveness, efficiency, and limitations of
17 each office or bureau identified under paragraph (1);
18 and

19 (3) providing recommendations to enhance the
20 activities related to critical supply chain resilience
21 and manufacturing innovation of the Department of
22 Commerce, including—

23 (A) improving the effectiveness, efficiency,
24 and impact of the offices and bureaus identified
25 under paragraph (1);

1 (B) coordination across offices and bu-
2 reaus identified under paragraph (1); and

3 (C) consultation with agencies imple-
4 menting similar activities related to critical sup-
5 ply chain resilience and manufacturing innova-
6 tion.

7 (b) SUBMISSION OF REPORT.—Not later than 2 years
8 after the date of the enactment of this Act, the Secretary
9 shall submit to the relevant committees of Congress the
10 report required by subsection (a), along with a strategy
11 to implement, as appropriate and as determined by the
12 Secretary, the recommendations contained in the report.

13 **SEC. 6. DEFINITIONS.**

14 In this Act:

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

18 (2) ALLY OR KEY INTERNATIONAL PARTNER
19 NATION.—The term “ally or key international part-
20 ner nation”—

21 (A) means a country that is critical to ad-
22 dressing critical supply chain weaknesses and
23 vulnerabilities; and

24 (B) does not include—

1 (i) a country that poses a significant
2 risk to the national security or economic
3 security of the United States; or

4 (ii) a country that is described in sec-
5 tion 503(b) of the RANSOMWARE Act
6 (title V of division BB of the Consolidated
7 Appropriations Act, 2023; Public Law
8 117–328; 136 Stat. 5564).

9 (3) ASSISTANT SECRETARY.—The term “Assist-
10 ant Secretary” means the Assistant Secretary of
11 Commerce assigned by the Secretary to direct the
12 office of Industry and Analysis.

13 (4) COVERED NONGOVERNMENTAL REPRESENT-
14 ATIVE.—The term “covered nongovernmental rep-
15 resentative” means a representative as specified in
16 the second sentence of section 135(b)(1) of the
17 Trade Act of 1974 (19 U.S.C. 2155(b)(1)), except
18 that such term does not include a representative of
19 a non-Federal government.

20 (5) CRITICAL GOOD.—The term “critical good”
21 means any raw, in process, or manufactured mate-
22 rial (including any mineral, metal, or advanced proc-
23 essed material), article, commodity, supply, product,
24 or item for which an absence of supply would have
25 a significant effect on—

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

3 (B) either—

4 (i) critical infrastructure; or

5 (ii) an emerging technology.

6 (6) CRITICAL INDUSTRY.—The term “critical
7 industry” means an industry that—

8 (A) is critical for the national security or
9 economic security of the United States; and

10 (B) produces or procures a critical good.

11 (7) CRITICAL INFRASTRUCTURE.—The term
12 “critical infrastructure” has the meaning given that
13 term in section 1016 of the Critical Infrastructures
14 Protection Act of 2001 (42 U.S.C. 5195c).

15 (8) CRITICAL SUPPLY CHAIN.—The term “crit-
16 ical supply chain” means a supply chain for a crit-
17 ical good.

18 (9) CRITICAL SUPPLY CHAIN INFORMATION.—
19 The term “critical supply chain information” means
20 information that is not customarily in the public do-
21 main and relates to—

22 (A) sustaining and adapting a critical sup-
23 ply chain during a supply chain shock;

24 (B) critical supply chain risk mitigation
25 and recovery planning with respect to a supply

1 chain shock, including any planned or past as-
2 sessment, projection, or estimate of a vulner-
3 ability within the critical supply chain, includ-
4 ing testing, supplier network assessments, pro-
5 duction flexibility, risk evaluations, risk man-
6 agement planning, or risk audits; or

7 (C) operational best practices, planning,
8 and supplier partnerships that enable enhanced
9 resilience of a critical supply chain during a
10 supply chain shock, including response, repair,
11 recovery, reconstruction, insurance, or con-
12 tinuity.

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

17 (11) DOMESTIC MANUFACTURER.—The term
18 “domestic manufacturer” means a business that
19 conducts in the United States the research and de-
20 velopment, engineering, or production activities nec-
21 essary for manufacturing a critical good.

22 (12) EMERGING TECHNOLOGY.—The term
23 “emerging technology” means a technology that is
24 critical for the national security or economic security
25 of the United States, including the following:

1 (A) Technologies included in the American
2 COMPETE Act (title XV of division FF of the
3 Consolidated Appropriations Act, 2021; Public
4 Law 116–260; 134 Stat. 3276).

5 (B) The following technologies:

6 (i) Artificial intelligence.

7 (ii) Automated vehicles and unmanned
8 delivery systems.

9 (iii) Blockchain and other distributed
10 ledger, data storage, data management,
11 and cybersecurity technologies.

12 (iv) Quantum computing and quan-
13 tum sensing.

14 (v) Additive manufacturing.

15 (vi) Advanced manufacturing and the
16 Internet of Things.

17 (vii) Nano technology.

18 (viii) Robotics.

19 (ix) Microelectronics, optical fiber ray,
20 and high performance and advanced com-
21 puter hardware and software.

22 (x) Semiconductors.

23 (xi) Advanced materials science, in-
24 cluding composition 2D, other next genera-

1 tion materials, and related manufacturing
2 technologies.

3 (13) INSTITUTION OF HIGHER EDUCATION.—

4 The term “institution of higher education” has the
5 meaning given that term in section 101 of the High-
6 er Education Act of 1965 (20 U.S.C. 1001).

7 (14) MANUFACTURE.—The term “manufac-

8 ture” means any activity that is necessary for the
9 development, production, processing, distribution, or
10 delivery of any raw, in process, or manufactured ma-
11 terial (including any mineral, metal, and advanced
12 processed material), article, commodity, supply,
13 product, critical good, or item of supply.

14 (15) MANUFACTURING TECHNOLOGY.—The

15 term “manufacturing technology” means a tech-
16 nology that is necessary for the manufacturing of a
17 critical good.

18 (16) PRODUCTION EQUIPMENT.—The term

19 “production equipment” means any component, sub-
20 system, system, equipment, tooling, accessory, part,
21 or assembly necessary for the manufacturing of a
22 critical good.

23 (17) PROGRAM.—The term “program” means

24 the critical supply chain resiliency and crisis re-
25 sponse program established under section 3(a).

1 (18) RELEVANT COMMITTEES OF CONGRESS.—

2 The term “relevant committees of Congress” means
3 the following:

4 (A) The Committee on Commerce, Science,
5 and Transportation of the Senate.

6 (B) The Committee on Energy and Com-
7 merce of the House of Representatives.

8 (19) RESILIENT CRITICAL SUPPLY CHAIN.—The
9 term “resilient critical supply chain” means a crit-
10 ical supply chain that—

11 (A) ensures that the United States can
12 sustain critical industry, including emerging
13 technologies, production, critical supply chains,
14 services, and access to critical goods, production
15 equipment, and manufacturing technology dur-
16 ing a supply chain shock; and

17 (B) has key components of resilience that
18 include—

19 (i) effective private sector risk man-
20 agement and mitigation planning to sus-
21 tain critical supply chains and supplier
22 networks during a supply chain shock; and

23 (ii) minimized or managed exposure to
24 a supply chain shock.

1 (20) SECRETARY.—The term “Secretary”
2 means the Secretary of Commerce.

3 (21) STATE.—The term “State” means each of
4 the several States, the District of Columbia, each
5 commonwealth, territory, or possession of the United
6 States, and each federally recognized Indian Tribe.

7 (22) SUPPLY CHAIN SHOCK.—The term “supply
8 chain shock” includes the following:

9 (A) A natural disaster.

10 (B) A pandemic.

11 (C) A biological threat.

12 (D) A cyber attack.

13 (E) A great power conflict.

14 (F) A terrorist or geopolitical attack.

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

20 (H) Any other disruption or threat to a
21 critical supply chain that affects the national

1 security or economic security of the United
2 States.

Passed the House of Representatives May 15, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.