

118TH CONGRESS
1ST SESSION

H. R. 763

To establish an Office of Manufacturing Security and Resilience in the Department of Commerce, to provide for a Department of Commerce assessment and strategy to counter threats to critical supply chains, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Ms. BLUNT ROCHESTER (for herself, Mrs. DINGELL, Ms. KELLY of Illinois, and Ms. WILD) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish an Office of Manufacturing Security and Resilience in the Department of Commerce, to provide for a Department of Commerce assessment and strategy to counter threats to critical supply chains, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Supply Chain Health And Integrity for the Nation’s Suc-
6 cess Act” or the “Supply CHAINS Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Office of Manufacturing Security and Resilience.
- Sec. 3. Department of Commerce assessment and strategy to counter threats to critical supply chains.
- Sec. 4. Critical supply chain monitoring program.
- Sec. 5. Manufacturing security and resilience program.
- Sec. 6. Critical supply chain innovation and best practices.
- Sec. 7. Program evaluation by the Inspector General of the Department of Commerce.
- Sec. 8. Agriculture and food system critical supply chain monitoring and assessment.
- Sec. 9. Department of Commerce capability assessment.
- Sec. 10. Definitions.

3 **SEC. 2. OFFICE OF MANUFACTURING SECURITY AND RESIL-**
4 **IENCE.**

5 (a) ESTABLISHMENT.—Not later than 180 days after
6 the date of the enactment of this Act, the Secretary shall
7 establish or designate an Office of Manufacturing Security
8 and Resilience.

9 (b) MISSION.—The mission of the Office shall be the
10 following:

11 (1) Help to promote the leadership of the
12 United States with respect to critical industries and
13 critical supply chains that—

14 (A) strengthen the national security of the
15 United States; and

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

18 (2) Encourage partnerships and collaboration
19 with the private sector, labor organizations, the gov-

1 ernments of countries that are allies or key inter-
2 national partner nations of the United States, States
3 or political subdivisions thereof, and Tribal govern-
4 ments in order to—

5 (A) promote the resilience of critical supply
6 chains; and

7 (B) identify, prepare for, and respond to
8 supply chain shocks to—

9 (i) critical industries; and

10 (ii) critical supply chains.

11 (3) Monitor the resilience, diversity, security,
12 and strength of critical supply chains and critical in-
13 dustries.

14 (4) Support the availability of critical goods
15 from domestic manufacturers, domestic enterprises,
16 and manufacturing operations in the United States
17 and in countries that are allies or key international
18 partner nations.

19 (5) Assist the Federal Government in preparing
20 for and responding to critical supply chain shocks,
21 including by improving the flexible manufacturing
22 capacities and capabilities in the United States.

23 (6) Consistent with United States obligations
24 under international agreements, encourage and
25 incentivize the reduced reliance of domestic entities

1 and domestic manufacturers on critical goods from
2 countries of concern.

3 (7) Encourage the relocation of manufacturing
4 facilities that manufacture critical goods from coun-
5 tries of concern to the United States and countries
6 that are allies and key international partner nations
7 to strengthen the resilience, diversity, security, and
8 strength of critical supply chains.

9 (8) Support the creation of jobs with competi-
10 tive wages in the United States manufacturing sec-
11 tor.

12 (9) Encourage manufacturing growth and op-
13 portunities in economically distressed areas and un-
14 derserved communities.

15 (10) Promote the health of the economy of the
16 United States and the competitiveness of manufac-
17 turing in the United States.

18 (c) ASSISTANT SECRETARY OF THE OFFICE.—

19 (1) APPOINTMENT AND TERM.—The head of
20 the Office shall be the Assistant Secretary of Manu-
21 facturing Security and Resilience, appointed by the
22 President, by and with the advice and consent of the
23 Senate.

24 (2) PAY.—The Assistant Secretary shall be
25 compensated at the rate in effect for level IV of the

1 Executive Schedule under section 5315 of title 5,
2 United States Code.

3 (3) ADMINISTRATIVE AUTHORITIES.—The As-
4 sistant Secretary may appoint officers and employ-
5 ees in accordance with chapter 51 and subchapter
6 III of chapter 53 of title 5, United States Code.

7 (4) USE OF EXISTING DEPARTMENT PER-
8 SONNEL AND RESOURCES.—The Assistant Secretary
9 shall, to the extent practicable, utilize existing per-
10 sonnel, resources, and expertise of the Department
11 of Commerce.

12 (d) EXPERTISE AND STAFFING.—In executing the
13 mission under subsection (b), the Assistant Secretary—

14 (1) shall establish capabilities to—

15 (A) assess the state of technology, innova-
16 tion, and production capacity in the United
17 States and other nations; and

18 (B) conduct other activities deemed to be
19 critical for the use of analytic capabilities, sta-
20 tistics, datasets, and metrics related to critical
21 technologies and innovation;

22 (2) may utilize external organizations, such as
23 federally funded research and development centers
24 and institutions of higher education, to provide inde-
25 pendent and objective technical support; and

1 (3) shall evaluate and implement, when avail-
2 able and as appropriate, recommendations from the
3 Department of Commerce capability assessment pro-
4 duced under section 9.

5 **SEC. 3. DEPARTMENT OF COMMERCE ASSESSMENT AND**
6 **STRATEGY TO COUNTER THREATS TO CRIT-**
7 **ICAL SUPPLY CHAINS.**

8 (a) IN GENERAL.—In accordance with Executive
9 Order No. 14017 (86 Fed. Reg. 11849; relating to Amer-
10 ica’s supply chains), the Assistant Secretary shall, not
11 later than 1 year after the date of the enactment of this
12 Act, develop a strategy for the Department of Commerce
13 to support the resilience, diversity, security, and strength
14 of critical supply chains.

15 (b) STRATEGY.—The strategy required under sub-
16 section (a) shall include a plan to do the following:

17 (1) Support sufficient access to critical goods
18 by mitigating critical supply chain vulnerabilities, in-
19 cluding critical supply chains concentrated in coun-
20 tries of concern.

21 (2) Collaborate with other relevant Federal
22 agencies to assist allies or key international partner
23 nations build capacity for manufacturing critical
24 goods.

1 (3) Initiate and support translation research in
2 engineering and manufacturing by entering into con-
3 tracts or making other arrangements (including
4 grants, awards, cooperative agreements, loans, and
5 other forms of assistance) to advance that research
6 and to assess the impact of that research on the eco-
7 nomic well-being, climate, environment, public
8 health, and national security of the United States.

9 (4) Recover from supply chain shocks.

10 (5) Identify, in coordination with other relevant
11 Federal agencies, actions relating to critical supply
12 chains with which the United States might—

13 (A) raise living standards;

14 (B) increase employment opportunities;

15 and

16 (C) improve response to supply chain
17 shocks.

18 (6) Protect against supply chain shocks from
19 countries of concern relating to critical supply
20 chains.

21 (7) Provide recommendations to effectuate the
22 strategy under this section, including recommenda-
23 tions to—

1 (A) increase visibility into the networks
2 and capabilities of suppliers and domestic man-
3 ufacturers;

4 (B) identify industry best practices;

5 (C) evaluate how diverse supplier networks,
6 multi-platform and multi-region production ca-
7 pabilities and sources, and integrated global
8 and regional critical supply chains can—

9 (i) enhance the resilience of critical in-
10 dustries and manufacturing capabilities in
11 the United States;

12 (ii) support and create jobs in the
13 United States; and

14 (iii) support access of the United
15 States to critical goods during a supply
16 chain shock;

17 (D) identify and mitigate risks, includ-
18 ing—

19 (i) the financial and operational risks
20 of a critical supply chain;

21 (ii) significant vulnerabilities to crit-
22 ical supply chain shocks including extreme
23 weather events, cyberattacks, pandemic
24 and biological threats, terrorist and geo-

1 political attacks, and other emergencies;
2 and

3 (iii) exposure to gaps and
4 vulnerabilities in domestic capacity or ca-
5 pabilities and sources of imports needed to
6 sustain critical industries and critical sup-
7 ply chains;

8 (E) identify enterprise resource planning
9 systems that are—

10 (i) compatible across critical supply
11 chain tiers; and

12 (ii) affordable for small and medium-
13 sized businesses;

14 (F) understand the total cost of ownership,
15 total value contribution, and other best prac-
16 tices that encourage strategic partnerships
17 throughout critical supply chains;

18 (G) identify opportunities to work with al-
19 lies or key international partner nations of the
20 United States to build more resilient critical in-
21 dustry supply chains and mitigate risks;

22 (H) identify opportunities to reuse and re-
23 cycle critical goods, including raw materials, to
24 increase the resilience of critical supply chains;

1 (I) strengthen the financial and oper-
2 ational health of small and medium-sized busi-
3 nesses in critical supply chains of the United
4 States and countries that are allies or key inter-
5 national partner nations of the United States to
6 mitigate risks and ensure diverse and competi-
7 tive supplier markets that are less vulnerable to
8 failure;

9 (J) coordinate with countries on—

10 (i) sourcing critical goods, industrial
11 equipment, and manufacturing technology;
12 and

13 (ii) developing, sustaining, and ex-
14 panding production and availability of crit-
15 ical goods, industrial equipment, and man-
16 ufacturing technology during a supply
17 chain shock; and

18 (K) identify such other services as the As-
19 sistant Secretary determines necessary.

20 (c) SUBMISSION OF STRATEGY.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this Act, the Assistant Sec-
23 retary shall submit to the Committee on Energy and
24 Commerce of the House of Representatives and the
25 Committee on Commerce, Science, and Transpor-

1 tation of the Senate, and publish on the website of
2 the Department of Commerce, a report containing
3 the strategy developed under subsection (a).

4 (2) UPDATE.—Not less than once every 4 years
5 after the date on which the strategy is submitted
6 under paragraph (1), the Assistant Secretary shall
7 submit to Congress and publish on the website of
8 the Department of Commerce an update to such
9 strategy.

10 (3) FORM.—The report submitted under para-
11 graph (1), and any update submitted under para-
12 graph (2), shall be submitted in unclassified form
13 and may include a classified annex.

14 (d) ASSESSMENT.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of enactment of this Act, and not later than
17 once every four years thereafter, the Assistant Sec-
18 retary, in coordination with the head of each rel-
19 evant Federal agency and relevant private sector en-
20 tities, labor organizations, States and political sub-
21 divisions thereof, and territorial and Tribal govern-
22 ments, shall submit to the relevant committees of
23 Congress and post on the website of the Assistant
24 Secretary a report on critical supply chain resilience
25 and domestic manufacturing (in this subsection re-

1 ferred to as the “report”) to strengthen, improve,
2 and preserve the resilience, diversity, security, and
3 strength of critical supply chains.

4 (2) CONTENTS OF ASSESSMENT.—The assess-
5 ment shall include the following:

6 (A) An identification of—

7 (i) industries that are critical for the
8 national security of the United States, con-
9 sidering the key technology focus areas
10 and critical infrastructure;

11 (ii) supply chains and critical goods
12 designated under section 4(d);

13 (iii) other goods, supplies, and serv-
14 ices that are critical to the crisis prepared-
15 ness of the United States;

16 (iv) substitutes for critical goods, in-
17 dustrial equipment, and manufacturing
18 technology; and

19 (v) countries that are critical to ad-
20 dressing critical supply chain weaknesses
21 and vulnerabilities.

22 (B) A description of the matters identified
23 and evaluated pursuant to section 4(b)(1), in-
24 cluding—

1 (i) the manufacturing base and crit-
2 ical supply chains in the United States, in-
3 cluding the manufacturing base and crit-
4 ical supply chains for—

5 (I) industrial equipment;

6 (II) critical goods, including raw
7 materials, semiconductors, and rare
8 earth permanent magnets, that are es-
9 sential to the production of tech-
10 nologies and supplies for critical in-
11 dustries; and

12 (III) manufacturing technology;

13 and

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

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

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

21 (aa) surge production in
22 critical industries;

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

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

4 (C) An assessment and description of—

5 (i) demand and supply of critical
6 goods, industrial equipment, and manufac-
7 turing technology;

8 (ii) production of critical goods, indus-
9 trial equipment, and manufacturing tech-
10 nology by domestic manufacturers;

11 (iii) the capability and capacity of do-
12 mestic manufacturers and manufacturers
13 in countries that are allies or key inter-
14 national partner nations of the United
15 States to manufacture critical goods, in-
16 dustrial equipment, and manufacturing
17 technology; and

18 (iv) how supply chain shocks could af-
19 fect rural, Tribal, and underserved commu-
20 nities.

21 (D) An identification of defense, intel-
22 ligence, homeland, economic, domestic labor
23 supply, natural, geopolitical, or other contin-
24 gencies and other supply chain shocks that may

1 disrupt, strain, compromise, or eliminate critical
2 supply chains.

3 (E) An assessment of—

4 (i) the resilience and capacity of the
5 manufacturing base, critical supply chains,
6 and workforce of the United States and al-
7 lies and key international partner nations
8 that can sustain critical industries through
9 a supply chain shock;

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

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

15 (iv) any single points of failure in the
16 critical supply chains described in clause
17 (i).

18 (F) With respect to countries that are al-
19 lies or key international partner nations of the
20 United States, a review of the sourcing of crit-
21 ical goods, industrial equipment, and manufac-
22 turing technology associated with critical indus-
23 tries from those countries.

24 (G) An assessment of policies, rules, and
25 regulations that impact the operating costs of

1 domestic manufacturers and inhibit the ability
2 for domestic manufacturers to compete with
3 global competitors.

4 (3) PROHIBITION.—The report may not in-
5 clude—

6 (A) critical supply chain information that
7 is not aggregated; or

8 (B) confidential business information of a
9 private sector entity.

10 (4) COLLABORATION.—The head of any Fed-
11 eral agency with jurisdiction over any critical supply
12 chain shall collaborate with the Assistant Secretary
13 and provide any information, data, or assistance
14 that the Assistant Secretary determines to be nec-
15 essary for developing the report. Such assistance
16 may include the use of services, equipment, per-
17 sonnel, and facilities of other Federal agencies with
18 or without reimbursement upon agreement between
19 the Secretary and the head of such other Federal
20 agency.

21 (5) FORM.—The report, and any update sub-
22 mitted thereafter, shall be submitted in unclassified
23 form and may include a classified annex.

1 (6) PUBLIC COMMENT.—The Assistant Sec-
2 retary shall provide for a period of public comment
3 and review in developing the report.

4 **SEC. 4. CRITICAL SUPPLY CHAIN MONITORING PROGRAM.**

5 (a) ESTABLISHMENT.—The Assistant Secretary shall
6 establish in the Department of Commerce a supply chain
7 resiliency and crisis program to carry out the following
8 activities described in subsection (b).

9 (b) ACTIVITIES.—Under the program, the Assistant
10 Secretary, shall carry out the following activities:

11 (1) In coordination with the private sector and
12 consultation with the coordination group established
13 under subsection (c)—

14 (A) map, monitor, and model the diversity,
15 security, reliability, and strength of critical sup-
16 ply chains, which may include—

17 (i) understanding the financial and
18 operational conditions of domestic manu-
19 facturers and domestic enterprises involved
20 in critical supply chains;

21 (ii) modeling the impact of supply
22 chain shocks on critical industries, critical
23 supply chains, domestic enterprises, and
24 domestic manufacturers;

1 (iii) monitoring the demand for and
2 supply of critical goods and services, indus-
3 trial equipment, and manufacturing tech-
4 nology needed for critical supply chains, in-
5 cluding critical goods and services, indus-
6 trial equipment, and manufacturing tech-
7 nology obtained or purchased from a per-
8 son outside of the United States or im-
9 ported into the United States; and

10 (iv) monitoring manufacturing,
11 warehousing, transportation, and distribu-
12 tion related to critical supply chains;

13 (B) identify high priority critical supply
14 chain gaps and vulnerabilities, which may in-
15 clude single points of failure, single producers,
16 and consolidated manufacturing, in critical in-
17 dustries and critical supply chains that—

18 (i) exist as of the date of the enact-
19 ment of this section; or

20 (ii) are anticipated in the future;

21 (C) identify potential supply chain shocks
22 that may disrupt, strain, compromise, or elimi-
23 nate a critical supply chain;

24 (D) evaluate the capability and capacity of
25 domestic manufacturers or manufacturers lo-

1 cated in countries that are allies or key inter-
2 national partner nations to serve as sources for
3 critical goods, industrial equipment, or manu-
4 facturing technology needed in critical supply
5 chains;

6 (E) evaluate the effect on the national se-
7 curity and economic competitiveness of the
8 United States, including on consumer prices,
9 job losses, and wages, that may result from the
10 disruption, strain, compromise, or elimination
11 of a critical supply chain;

12 (F) evaluate the state of the manufac-
13 turing workforce, including by—

14 (i) identifying the needs of domestic
15 manufacturers; and

16 (ii) identifying opportunities to create
17 high-quality manufacturing jobs; and

18 (G) identify investments in critical goods,
19 industrial equipment, and manufacturing tech-
20 nology from non-Federal sources.

21 (2) In coordination with the private sector,
22 States or political subdivisions thereof, and Tribal
23 governments, in consultation with the coordination
24 group established under subsection (c), and, as ap-
25 propriate, in cooperation with the governments of

1 countries that are allies or key international partner
2 nations of the United States, the following:

3 (A) Identify opportunities to reduce critical
4 supply chain gaps and vulnerabilities in critical
5 industries and critical supply chains.

6 (B) Encourage partnerships between the
7 Federal Government and industry, labor organi-
8 zations, States and political subdivisions there-
9 of, territorial and Tribal governments, to better
10 respond to supply chain shocks to critical indus-
11 tries and critical supply chains and coordinate
12 response efforts.

13 (C) Encourage partnerships between the
14 Federal Government and the governments of
15 countries that are allies or key international
16 partner nations of the United States.

17 (D) Develop or identify opportunities to
18 build the capacity of the United States in crit-
19 ical industries and critical supply chains.

20 (E) Develop or identify opportunities to
21 build the capacity of countries that are allies or
22 key international partner nations of the United
23 States in critical industries and critical supply
24 chains.

1 (F) Develop coordination mechanisms to
2 improve critical supply chain response to supply
3 chain shocks.

4 (3) Acting within existing authorities of the De-
5 partment of Commerce and in coordination with the
6 Secretary of State and the United States Trade
7 Representative, work with governments of countries
8 that are allies or key international partner nations
9 of the United States to promote diversified and resil-
10 ient critical supply chains that ensure the supply of
11 critical goods, industrial equipment, and manufac-
12 turing technology to the United States and compa-
13 nies of countries that are allies or key international
14 partner nations of the United States.

15 (4) Coordinate with other offices and divisions
16 of the Department of Commerce and other Federal
17 agencies to leverage existing authorities, as of the
18 date of the enactment of this Act, to encourage the
19 resilience of supply chains of critical industries.

20 (c) COORDINATION GROUP.—

21 (1) IN GENERAL.—In carrying out the applica-
22 ble activities under subsection (a), the Assistant Sec-
23 retary shall establish a unified coordination group
24 led by the Assistant Secretary which may include, as
25 appropriate, private sector partners, labor organiza-

1 tions, and federally funded research and develop-
2 ment centers, to serve as a body for consultation and
3 coordination between and among Federal agencies
4 described under subsection (f) to plan for and re-
5 spond to supply chain shocks and support the resil-
6 ience, diversity, security, and strength of critical
7 supply chains.

8 (2) IMPLEMENTATION.—Through the unified
9 coordination group established under paragraph (1),
10 the Assistant Secretary shall do the following:

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

20 (B) Study the critical supply chain infor-
21 mation acquired under subparagraph (A) to as-
22 sess critical supply chain resilience and inform
23 planning.

24 (C) Convene with relevant private sector
25 entities to share best practices, planning, and

1 capabilities to respond to potential supply chain
2 shocks.

3 (D) Develop contingency plans and coordi-
4 nation mechanisms to ensure an effective and
5 coordinated response to potential supply chain
6 shocks.

7 (3) SUBGROUPS.—In carrying out the activities
8 described in paragraph (2), the Assistant Secretary
9 may establish subgroups of the unified coordination
10 group established under paragraph (1) led by the
11 head of an appropriate Federal agency.

12 (4) INTERNATIONAL COOPERATION.—The Sec-
13 retary, in consultation with other relevant Federal
14 agencies, may cooperate or enter into agreements
15 with governments of countries that are allies or key
16 international partner nations of the United States
17 relating to enhancing the security and resilience of
18 critical supply chains in response to supply chain
19 shocks.

20 (d) 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) 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 four
5 years.

6 (e) REPORT TO CONGRESS.—Concurrent with the an-
7 nual submission by the Secretary of the budget under sec-
8 tion 1105 of title 31, United States Code, the Secretary
9 shall submit to the relevant committees of Congress and
10 post on the website of the Assistant Secretary a report
11 that contains a summary of the activities carried out
12 under this section during the fiscal year covered by the
13 report. Such report shall be submitted in unclassified form
14 and may include a classified annex.

15 (f) COORDINATION.—

16 (1) IN GENERAL.—In implementing the require-
17 ments under this section, the Assistant Secretary
18 shall, as appropriate coordinate with—

19 (A) the heads of appropriate Federal agen-
20 cies, including—

21 (i) the Secretary of State; and

22 (ii) the United States Trade Rep-
23 resentative; and

24 (B) the Attorney General and the Federal
25 Trade Commission with respect to—

1 (i) advice on the design and activities
2 of the unified coordination group described
3 in subsection (c)(1); and

4 (ii) ensuring compliance with Federal
5 antitrust law.

6 (2) SPECIFIC COORDINATION.—In carrying out
7 the requirements under this section, with respect to
8 critical supply chains involving specific sectors, the
9 Assistant Secretary shall, as appropriate, coordinate
10 with—

11 (A) the Secretary of Defense;

12 (B) the Secretary of Homeland Security;

13 (C) the Secretary of the Treasury;

14 (D) the Secretary of Energy;

15 (E) the Secretary of Transportation;

16 (F) the Secretary of Agriculture;

17 (G) the Director of National Intelligence;

18 (H) the Secretary of Health and Human

19 Services;

20 (I) the Small Business Administration;

21 (J) the Secretary of Labor; and

22 (K) the head of any other relevant Federal
23 agency, as appropriate.

24 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed to require any private entity—

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

3 (2) to request assistance from the Secretary or
4 Assistant Secretary; or

5 (3) that requests assistance from the Secretary
6 or Assistant Secretary to implement any measure or
7 recommendation suggested by the Secretary or As-
8 sistant Secretary.

9 (h) PROTECTIONS.—

10 (1) IN GENERAL.—

11 (A) PROTECTIONS.—Subsections (a)(1),
12 (b), and (d) of section 2224 of the Homeland
13 Security Act of 2002 (6 U.S.C. 673) shall apply
14 to the voluntary submission of critical supply
15 chain information by a private entity under this
16 section in the same manner as those provisions
17 apply to critical infrastructure information vol-
18 untarily submitted to a covered agency for an-
19 other informational purpose under that sub-
20 section if the voluntary submission is accom-
21 panied by an express statement described in
22 paragraph (2) of this subsection.

23 (B) REFERENCES.—For the purpose of
24 this subsection, with respect to section 2224 of

1 the Homeland Security Act of 2002 (6 U.S.C.
2 673)—

3 (i) the express statement described in
4 subsection (a)(1) of that section shall be
5 deemed to refer to the express statement
6 described in paragraph (2) of this sub-
7 section;

8 (ii) references in the subsections de-
9 scribed in subparagraph (A) to “this sub-
10 title” shall be deemed to refer to this sec-
11 tion;

12 (iii) the reference to “protecting crit-
13 ical infrastructure or protected systems” in
14 subsection (a)(1)(E)(iii) of that section
15 shall be deemed to refer to carrying out
16 this section; and

17 (iv) the reference to “critical infra-
18 structure information” in subsections (b)
19 and (c) of that section shall be deemed to
20 refer to critical supply chain information.

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

24 (A) in the case of written information or
25 records, a written marking on the information

1 or records substantially similar to the following:
2 “This information is voluntarily submitted to
3 the Federal Government in expectation of pro-
4 tection from disclosure as provided by the provi-
5 sions of section 4(h) of the Supply Chain
6 Health And Integrity for the Nation’s Success
7 Act.”; or

8 (B) in the case of oral information, a writ-
9 ten statement similar to the statement de-
10 scribed in subparagraph (A) submitted within a
11 reasonable period following the oral communica-
12 tion.

13 (3) INAPPLICABILITY TO SEMICONDUCTOR IN-
14 CENTIVE PROGRAM.—This subsection shall not apply
15 to the voluntary submission of critical supply chain
16 information by a private entity in an application for
17 Federal financial assistance under section 9902 of
18 the William M. (Mac) Thornberry National Defense
19 Authorization Act for Fiscal Year 2021 (Public Law
20 116–283).

21 (i) PROTECTIONS SAVINGS CLAUSE.—Nothing in
22 subsection (h) shall be construed to limit or otherwise af-
23 fect the ability of a State, local, or Federal Government
24 entity, agency, or authority, or any third party, under ap-
25 plicable law, to obtain supply chain information in a man-

1 ner not covered by subsection (h), including any informa-
2 tion lawfully and properly disclosed generally or broadly
3 to the public and to use such information in any manner
4 permitted by law. For purposes of subsection (h), a per-
5 missible use of independently obtained supply chain infor-
6 mation includes the disclosure of such information under
7 section 2302(b)(8) of title 5, United States Code.

8 (j) CONSISTENCY WITH INTERNATIONAL AGREE-
9 MENTS.—This section shall be applied in a manner con-
10 sistent with United States obligations under international
11 agreements.

12 **SEC. 5. MANUFACTURING SECURITY AND RESILIENCE PRO-**
13 **GRAM.**

14 (a) IN GENERAL.—Not later than 270 days after the
15 date of enactment of this Act, the Secretary shall enter
16 into a contract with an independent entity to conduct a
17 study evaluating the economic and national security bene-
18 fits and detriments of establishing a program within the
19 Office to provide and incentivize, as applicable, grants,
20 loans, loan guarantees, and equity investment to support
21 the resilience, diversity, security, and strength of supply
22 chains.

23 (b) REPORT.—Not later than 2 years after the date
24 of enactment of this Act, the Secretary shall submit to
25 the Committee on Commerce, Science, and Transportation

1 of the Senate, the Committee on Energy and Commerce
2 of the House of Representatives, and publish on the
3 website of the Office, a report that contains the results
4 of the study conducted by the entity described under sub-
5 section (a).

6 **SEC. 6. CRITICAL SUPPLY CHAIN INNOVATION AND BEST**
7 **PRACTICES.**

8 (a) IN GENERAL.—Subject to the availability of ap-
9 propriations, the Assistant Secretary, in consultation with
10 the Director of the National Institute of Standards and
11 Technology, shall, on an ongoing basis, facilitate and sup-
12 port the development and dissemination of a voluntary set
13 of standards, guidelines, best practices, management
14 strategies, methodologies, procedures, and processes for
15 domestic manufacturers and entities manufacturing, pur-
16 chasing, or using a critical good to—

17 (1) measure the resilience, diversity, security,
18 and strength of the critical supply chains of such
19 manufacturers and entities;

20 (2) quantify the value of improved resilience, di-
21 versity, security, and strength of critical supply
22 chains to such manufacturers and entities; and

23 (3) design and implement measures to reduce
24 the risks of disruption, strain, compromise, or elimi-

1 nation of critical supply chains of such manufactur-
2 ers and entities.

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

5 (1) Coordinate closely and regularly with rel-
6 evant private sector personnel and entities, manufac-
7 turing extension centers established as part of the
8 Hollings Manufacturing Extension Partnership,
9 Manufacturing USA institutes as described in sec-
10 tion 34(d) of the National Institute of Standards
11 and Technology Act (15 U.S.C. 278s(d)), and other
12 relevant stakeholders and incorporate industry ex-
13 pertise.

14 (2) Consult with the head of any relevant Fed-
15 eral agency, including those with jurisdiction over
16 critical supply chains, States, local governments,
17 Tribal governments, the governments of other na-
18 tions, and international organizations, as necessary.

19 (3) Collaborate with private sector stakeholders
20 to identify prioritized, flexible, repeatable, perform-
21 ance-based, and cost-effective critical supply chain
22 resilience approaches that may be voluntarily adopt-
23 ed by domestic manufacturers and entities pur-
24 chasing or using a critical good to achieve the goals
25 of subsection (a).

1 (4) Facilitate the design of—

2 (A) voluntary processes for selecting sup-
3 pliers that support the resilience, diversity, se-
4 curity, and strength of critical supply chains;
5 and

6 (B) methodologies to identify and mitigate
7 the effects of a disruption, strain, compromise,
8 or elimination of a critical supply chain.

9 (5) Disseminate research and information to as-
10 sist domestic manufacturers redesign products, ex-
11 pand domestic manufacturing capacity, and improve
12 other capabilities as required to improve the resil-
13 ience, diversity, security, and strength of critical
14 supply chains.

15 (6) Incorporate relevant voluntary standards
16 and industry best practices.

17 (7) Consider small business concerns.

18 (8) Leverage existing mechanisms for the Fed-
19 eral Government to provide critical supply chain so-
20 lutions, including manufacturing technology, to in-
21 clude providing products, tools, and workforce devel-
22 opment solutions related to critical supply chain re-
23 silience to small and medium-sized manufacturers.

1 **SEC. 7. PROGRAM EVALUATION BY THE INSPECTOR GEN-**
2 **ERAL OF THE DEPARTMENT OF COMMERCE.**

3 (a) PROGRAM EVALUATION.—Not later than 4 years
4 after the date of the enactment of this Act, and every 4
5 years thereafter, the Inspector General of the Department
6 of Commerce shall conduct an audit of the Office to—

7 (1) evaluate the extent to which the require-
8 ments under this Act are met; and

9 (2) provide recommendations on any proposed
10 changes to improve the effectiveness of the Office on
11 meeting the mission described under section 2(b).

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Inspector General of
14 the Department of Commerce \$5,000,000 for fiscal years
15 2024 through 2028, to remain available until expended,
16 to carry out subsection (a).

17 **SEC. 8. AGRICULTURE AND FOOD SYSTEM CRITICAL SUP-**
18 **PLY CHAIN MONITORING AND ASSESSMENT.**

19 (a) ACTIVITIES.—Subject to the availability of appro-
20 priations, not later than 270 days after the date of the
21 enactment of this Act, the Assistant Secretary, in con-
22 sultation with the Secretary of Agriculture, shall identify
23 and evaluate the stability and reliability of the agriculture
24 and food system critical supply chain, including—

25 (1) the state of the agriculture and food system
26 workforce and any critical supply chain

1 vulnerabilities related to the agriculture and food
2 system workforce;

3 (2) transportation bottlenecks in the distribu-
4 tion of agricultural inputs, processed and unproc-
5 essed food and food input products, and consumer-
6 ready food products; and

7 (3) opportunities to create training and edu-
8 cation programs focused on high-quality jobs in the
9 agriculture and food system that—

10 (A) increase the stability of the agriculture
11 and food system; and

12 (B) alleviate critical supply chain bottle-
13 necks in the distribution of agricultural inputs,
14 processed and unprocessed food and food input
15 products, and consumer-ready food products.

16 (b) REPORT TO CONGRESS.—In carrying out sub-
17 section (a), the Assistant Secretary shall submit to the
18 Committee on Energy and Commerce and the Committee
19 on Agriculture of the House of Representatives and the
20 Committee on Commerce, Science, and Transportation
21 and the Committee on Agriculture, Nutrition, and For-
22 estry of the Senate a report that contains the following:

23 (1) An identification of the strengths, weak-
24 nesses, critical bottlenecks, workforce challenges and
25 opportunities, and overall stability and reliability of

1 the agriculture and food system critical supply
2 chain.

3 (2) An assessment of Federal, State, and local
4 laws and regulations that—

5 (A) increase the stability and reliability of
6 the agriculture and food system critical supply
7 chain; or

8 (B) decrease or otherwise negatively im-
9 pact, both in the present moment and in the fu-
10 ture, the stability and reliability of the agri-
11 culture and food system critical supply chain.

12 (3) Specific recommendations to improve the se-
13 curity, safety, and resilience of the agriculture and
14 food system critical supply chain. The recommenda-
15 tions shall contain—

16 (A) long-term strategies;

17 (B) industry best practices;

18 (C) risk mitigation actions to prevent fu-
19 ture bottlenecks and vulnerabilities at all levels
20 of the agriculture and food system critical sup-
21 ply chain; and

22 (D) legislative and regulatory actions that
23 would positively impact the security and resil-
24 ience of the agriculture and food system critical
25 supply chain.

1 **SEC. 9. DEPARTMENT OF COMMERCE CAPABILITY ASSES-**
2 **MENT.**

3 (a) ASSESSMENT.—The Secretary shall, not later
4 than one year after the date of the enactment of this Act,
5 produce a report—

6 (1) identifying the duties, responsibilities, re-
7 sources, programs, and expertise within the offices
8 and bureaus of the Department of Commerce rel-
9 evant to critical supply chain resilience and manu-
10 facturing and industrial innovation;

11 (2) identifying and assessing the purpose, legal
12 authority, effectiveness, efficiency, and limitations of
13 each office and bureau identified under paragraph
14 (1); and

15 (3) providing recommendations to improve the
16 effectiveness, efficiency, and impact of the offices
17 and bureaus identified under paragraph (1), which
18 may include recommendations to coordinate—

19 (A) across offices and bureaus identified
20 under paragraph (1); and

21 (B) with Federal agencies implementing
22 similar activities related to critical supply chain
23 resilience and manufacturing and industrial in-
24 novation.

25 (b) EXTERNAL ORGANIZATION.—In producing the
26 report required under subsection (a), the Secretary may

1 contract with an appropriate external organization, such
2 as the National Academy of Public Administration.

3 (c) REPORT.—The Secretary shall provide the report
4 required under subsection (a) to the appropriate commit-
5 tees of Congress, along with a strategy to implement, as
6 appropriate and as determined by the Secretary, the rec-
7 ommendations under the report.

8 **SEC. 10. DEFINITIONS.**

9 In this Act:

10 (1) ALLY OR KEY INTERNATIONAL PARTNER
11 NATION.—The term “ally or key international part-
12 ner nation”—

13 (A) means countries that are critical to ad-
14 dressing critical supply chain weaknesses and
15 vulnerabilities; and

16 (B) does not include—

17 (i) a country that poses a significant
18 national security or economic security risk
19 to the United States; or

20 (ii) a country of concern.

21 (2) ASSISTANT SECRETARY.—The term “Assist-
22 ant Secretary” means the Assistant Secretary of
23 Manufacturing Security and Resilience appointed
24 pursuant to section 2.

1 (3) COUNTRY OF CONCERN.—The term “country of concern” means a country in which a concentrated critical supply chain is located and—

2
3
4 (A) that poses a significant national security or economic security threat to the United States;

5
6
7 (B) is a covered nation (as defined under section 4872 of title 10, United States Code); or

8
9
10 (C) whose government, or elements of such government, has proven to have, or has been credibly alleged to have, committed crimes against humanity or genocide.

11
12
13
14 (4) CRITICAL GOOD.—The term “critical good” means any raw, in process, or manufactured material (including any mineral, metal, or advanced processed material), article, commodity, supply, product, or item of supply the absence of which would have a significant effect on—

15
16
17
18 (A) the national security or economic security of the United States; and

19
20 (B) critical infrastructure.

21
22
23 (5) CRITICAL INDUSTRY.—The term “critical industry” means an industry that is critical for the national security or economic security of the United

1 States, considering key technology focus areas and
2 critical infrastructure.

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

7 (7) CRITICAL SUPPLY CHAIN.—The term “crit-
8 ical supply chain” means a critical supply chain for
9 a critical good.

10 (8) CRITICAL SUPPLY CHAIN INFORMATION.—
11 The term “critical supply chain information” means
12 information that is not customarily in the public do-
13 main and relating to—

14 (A) sustaining and adapting critical supply
15 chains during a supply chain shock;

16 (B) critical supply chain risk mitigation
17 and recovery planning with respect to a supply
18 chain shock, including any planned or past as-
19 sessment, projection, or estimate of a vulner-
20 ability within the critical supply chain, includ-
21 ing testing, supplier network assessments, pro-
22 duction flexibility, risk evaluations thereto, risk
23 management planning, or risk audits; or

24 (C) operational best practices, planning,
25 and supplier partnerships that enable enhanced

1 resilience of critical supply chains during a sup-
2 ply chain shock, including response, repair, re-
3 covery, reconstruction, insurance, or continuity.

4 (9) DOMESTIC ENTERPRISE.—The term “do-
5 mestic enterprise” means an enterprise that con-
6 ducts business in the United States and procures a
7 critical good.

8 (10) DOMESTIC MANUFACTURER.—The term
9 “domestic manufacturer” means a business that
10 conducts in the United States the research and de-
11 velopment, engineering, or production activities nec-
12 essary for manufacturing.

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

18 (12) FEDERAL AGENCY.—The term “Federal
19 agency” has the meaning given the term “agency”
20 in section 551 of title 5, United States Code.

21 (13) INDUSTRIAL EQUIPMENT.—The term “in-
22 dustrial equipment” means any component, sub-
23 system, system, equipment, tooling, accessory, part,
24 or assembly necessary for the manufacturing of a
25 critical good.

1 (14) KEY TECHNOLOGY FOCUS AREAS.—The
2 term “key technology focus areas” means the key
3 technology focus areas identified under section
4 10387 of the Research and Development, Competi-
5 tion, and Innovation Act (42 U.S.C. 19107; Public
6 Law 117–167).

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

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

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

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

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

1 (iii) individuals employed as agricul-
2 tural laborers.

3 (16) MANUFACTURE.—The term “manufac-
4 ture” means any activity that is necessary for the
5 development, production, processing, distribution, or
6 delivery of any raw, in process, or manufactured ma-
7 terial (including any mineral, metal, and advanced
8 processed material), article, commodity, supply,
9 product, critical good, or item of supply.

10 (17) MANUFACTURING TECHNOLOGY.—The
11 term “manufacturing technology” means tech-
12 nologies that are necessary for the manufacturing of
13 a critical good.

14 (18) OFFICE.—The term “Office” means the
15 Office of Manufacturing Security and Resilience es-
16 tablished under section 2.

17 (19) RELEVANT COMMITTEES OF CONGRESS.—
18 The term “relevant committees of Congress” means
19 the following:

20 (A) The Committee on Commerce, Science,
21 and Transportation of the Senate.

22 (B) The Committee on Appropriations of
23 the Senate.

24 (C) The Committee on Finance of the Sen-
25 ate.

1 (D) The Committee on Homeland Security
2 and Governmental Affairs of the Senate.

3 (E) The Committee on Armed Services of
4 the Senate.

5 (F) The Committee on Energy and Nat-
6 ural Resources of the Senate.

7 (G) The Select Committee on Intelligence
8 of the Senate.

9 (H) The Committee on Science, Space, and
10 Technology of the House of Representatives.

11 (I) The Committee on Energy and Com-
12 merce of the House of Representatives.

13 (J) The Committee on Appropriations of
14 the House of Representatives.

15 (K) The Committee on Ways and Means of
16 the House of Representatives.

17 (L) The Committee on Homeland Security
18 of the House of Representatives.

19 (M) The Committee on Armed Services of
20 the House of Representatives.

21 (N) The Permanent Select Committee on
22 Intelligence of the House of Representatives.

23 (O) The Committee on Agriculture of the
24 House of Representatives.

1 (P) The Committee on Agriculture, Nutri-
2 tion, and Forestry of the Senate.

3 (20) RESILIENT CRITICAL SUPPLY CHAIN.—The
4 term “resilient critical supply chain” means a crit-
5 ical supply chain that—

6 (A) ensures that the United States can
7 sustain critical industry production, critical sup-
8 ply chains, services, and access to critical goods,
9 industrial equipment, and manufacturing tech-
10 nology during supply chain shocks; and

11 (B) has key components of resilience that
12 include—

13 (i) effective private sector risk man-
14 agement and mitigation planning to sus-
15 tain critical supply chains and supplier
16 networks during a supply chain shock;

17 (ii) minimized or managed exposure to
18 supply chain shocks; and

19 (iii) the financial and operational ca-
20 pacity to—

21 (I) sustain critical supply chains
22 during supply chain shocks; and

23 (II) recover from supply chain
24 shocks.

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

3 (22) SMALL BUSINESS CONCERN.—The term
4 “small business concern” has the meaning given
5 that term in section 3(a) of the Small Business Act
6 (15 U.S.C. 632(a)).

7 (23) STATE.—The term “State” means each
8 State of the United States, the District of Columbia,
9 American Samoa, Guam, the Commonwealth of the
10 Northern Mariana Islands, Puerto Rico, the Virgin
11 Islands of the United States, and any other territory
12 of the United States.

13 (24) SUPPLY CHAIN SHOCK.—The term “supply
14 chain shock” includes the following:

15 (A) A natural disaster or extreme weather
16 event.

17 (B) A pandemic.

18 (C) A biological threat.

19 (D) A cyber attack.

20 (E) A great power conflict.

21 (F) A terrorist or geopolitical attack.

22 (G) A public health emergency declared by
23 the Secretary of Health and Human Services
24 pursuant to section 319 of the Public Health
25 Service Act (42 U.S.C. 247d).

1 (H) An event for which the President de-
2 clares a major disaster or an emergency under
3 section 401 or 501, respectively, of the Robert
4 T. Stafford Disaster Relief and Emergency As-
5 sistance Act (42 U.S.C. 5170 and 5191).

6 (I) Any other critical supply chain disrup-
7 tion or threat that affects the national security
8 or economic security of the United States.

○