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2D SESSION

S. 4375

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.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2024

Ms. CANTWELL (for herself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Promoting Resilient Supply Chains Act of 2024”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Additional responsibilities of Secretary of Commerce.

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. Early warning mechanism for detecting potential supply chain shocks to critical supply chains.

Sec. 7. Definitions.

1 **SEC. 2. ADDITIONAL RESPONSIBILITIES OF SECRETARY OF**
 2 **COMMERCE.**

3 (a) **ADDITIONAL RESPONSIBILITIES.**—In addition to
 4 the responsibilities of the Secretary on the day before the
 5 date of the enactment of this Act, the Secretary shall have
 6 the following responsibilities:

7 (1) Promote the leadership of the United States
 8 with respect to critical industries, critical supply
 9 chains, and emerging technologies that—

10 (A) strengthen the national security of the
 11 United States; and

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

14 (2) Encourage consultation with other agencies,
 15 covered nongovernmental representatives, industry,
 16 institutions of higher education, and State and local
 17 governments in order to—

18 (A) promote resilient critical supply chains;
 19 and

20 (B) identify, prepare for, and respond to
 21 supply chain shocks to—

22 (i) critical industries;

1 (ii) critical supply chains; and

2 (iii) emerging technologies.

3 (3) Encourage the growth and competitiveness
4 of United States productive capacities and manufac-
5 turing in the United States of emerging tech-
6 nologies.

7 (4) Monitor the resilience, diversity, security,
8 and strength of critical supply chains and critical in-
9 dustries (including critical industries for emerging
10 technologies).

11 (5) Support the availability of critical goods
12 from domestic manufacturers, domestic enterprises,
13 and manufacturing operations in countries that are
14 an ally or key international partner nation.

15 (6) Assist the Federal Government in preparing
16 for and responding to supply chain shocks to critical
17 supply chains, including by improving flexible manu-
18 facturing capacities and capabilities in the United
19 States.

20 (7) Consistent with United States obligations
21 under international agreements, encourage and
22 incentivize the reduced reliance of domestic enter-
23 prises and domestic manufacturers on critical goods
24 from countries that are described in clause (i) or (ii)
25 of section 7(2)(B).

1 (8) Encourage the relocation of manufacturing
2 facilities that manufacture critical goods from coun-
3 tries that are described in clause (i) or (ii) of section
4 7(2)(B) to the United States and countries that are
5 an ally or key international partner nation to
6 strengthen the resilience, diversity, security, and
7 strength of critical supply chains.

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

11 (10) Encourage manufacturing growth and op-
12 portunities in rural and underserved communities.

13 (11) Promote the health of the economy of the
14 United States and the competitiveness of manufac-
15 turing in the United States.

16 (b) CAPABILITIES AND TECHNICAL SUPPORT.—In
17 carrying out subsection (a), the Secretary—

18 (1) shall establish capabilities to—

19 (A) assess the state of technology, innova-
20 tion, and production capacity in the United
21 States and other countries; and

22 (B) conduct other activities that the Sec-
23 retary considers to be critical for the use of
24 analytic capabilities, statistics, datasets, and

1 metrics related to critical technologies and inno-
2 vation; and

3 (2) may utilize external organizations to provide
4 independent and objective technical support.

5 **SEC. 3. CRITICAL SUPPLY CHAIN RESILIENCY AND CRISIS**
6 **RESPONSE PROGRAM.**

7 (a) ESTABLISHMENT.—Not later than 180 days after
8 the date of the enactment of this Act, the Secretary shall
9 establish in the Department of Commerce a critical supply
10 chain resiliency and crisis response program to conduct
11 the activities described in subsection (b).

12 (b) ACTIVITIES.—In carrying out the program, the
13 Secretary shall conduct activities—

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

16 (A) map, monitor, and model critical sup-
17 ply chains, including critical supply chains for
18 emerging technologies, which may include—

19 (i) modeling the impact of supply
20 chain shocks on critical industries (includ-
21 ing critical industries for emerging tech-
22 nologies), critical supply chains, domestic
23 enterprises, and domestic manufacturers;

24 (ii) monitoring the demand for and
25 supply of critical goods, production equip-

1 ment, and manufacturing technology need-
2 ed for critical supply chains, including crit-
3 ical goods, production equipment, and
4 manufacturing technology obtained by or
5 purchased from a person outside of the
6 United States or imported into the United
7 States; and

8 (iii) monitoring manufacturing,
9 warehousing, transportation, and distribu-
10 tion related to critical supply chains;

11 (B) identify high priority gaps and
12 vulnerabilities, which may include single points
13 of failure, in critical supply chains and critical
14 industries (including critical industries for
15 emerging technologies) that—

16 (i) exist as of the date of the enact-
17 ment of this Act; or

18 (ii) are anticipated to occur after the
19 date of the enactment of this Act;

20 (C) identify potential supply chain shocks
21 to a critical supply chain that may disrupt,
22 strain, compromise, or eliminate the critical
23 supply chain (including supply chains involving
24 emerging technologies);

1 (D) evaluate the capability and capacity of
2 domestic manufacturers or manufacturers lo-
3 cated in countries that are an ally or key inter-
4 national partner nation to serve as sources for
5 critical goods, production equipment, or manu-
6 facturing technology needed in critical supply
7 chains (including supply chains involving
8 emerging technologies);

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

15 (F) evaluate the state of the manufac-
16 turing workforce, including by—

17 (i) identifying the needs of domestic
18 manufacturers; and

19 (ii) identifying opportunities to create
20 high-quality manufacturing jobs; and

21 (G) identify investments in critical goods,
22 production equipment, and manufacturing tech-
23 nology from non-Federal sources;

24 (2) in coordination with State and local govern-
25 ments and the unified coordination group established

1 under subsection (c), and, as appropriate, in con-
2 sultation with countries that are an ally or key inter-
3 national partner nation, to—

4 (A) identify opportunities to reduce gaps
5 and vulnerabilities in critical supply chains and
6 critical industries (including critical industries
7 for emerging technologies);

8 (B) encourage consultation between the
9 Federal Government, industry, covered non-
10 governmental representatives, institutions of
11 higher education, and State and local govern-
12 ments to—

13 (i) better respond to supply chain
14 shocks to critical supply chains and critical
15 industries (including critical industries for
16 emerging technologies); and

17 (ii) coordinate response efforts to sup-
18 ply chain shocks;

19 (C) encourage consultation between the
20 Federal Government and the governments of
21 countries that are an ally or key international
22 partner nation;

23 (D) develop or identify opportunities to
24 build the capacity of the United States in crit-

1 ical supply chains, critical industries, and
2 emerging technologies;

3 (E) develop or identify opportunities to
4 build the capacity of countries that are an ally
5 or key international partner nation in critical
6 industries (including critical industries for
7 emerging technologies) and critical supply
8 chains;

9 (F) develop contingency plans and coordi-
10 nation mechanisms to improve the response of
11 critical supply chains and critical industry (in-
12 cluding critical industries for emerging tech-
13 nologies) to supply chain shocks; and

14 (G) support methods and technologies, in-
15 cluding blockchain technology, distributed ledg-
16 er technology, and other emerging technologies,
17 as appropriate, for the authentication and
18 traceability of critical goods;

19 (3) acting within the authority of the Secretary
20 that exists as of the date of the enactment of this
21 Act, and in coordination and consultation with the
22 Secretary of State and the United States Trade
23 Representative, to consult with governments of coun-
24 tries that are an ally or key international partner
25 nation to promote resilient critical supply chains

1 that ensure the supply of critical goods, production
2 equipment, and manufacturing technology to the
3 United States and companies located in countries
4 that are an ally or key international partner nation;

5 (4) in consultation with other offices and divi-
6 sions of the Department of Commerce and other
7 agencies, to leverage existing authorities (as of the
8 date of the enactment of this Act) to encourage the
9 resilience of supply chains of critical industries (in-
10 cluding critical industries for emerging technologies);
11 and

12 (5) to determine which emerging technologies
13 may assist in conducting the activities described in
14 this subsection and promote such emerging tech-
15 nologies.

16 (c) UNIFIED COORDINATION GROUP.—In conducting
17 the activities described in subsection (b), the Secretary,
18 in coordination and consultation with the heads of other
19 relevant agencies, shall—

20 (1) establish a unified coordination group led by
21 the Secretary, which shall include, as appropriate,
22 private sector partners and covered nongovernmental
23 representatives, to serve as a body for consultation
24 by agencies described in subsection (g) to plan for
25 and respond to supply chain shocks and support the

1 resilience, diversity, security, and strength of critical
2 supply chains;

3 (2) establish subgroups of the unified coordina-
4 tion group established under paragraph (1) that
5 shall be led by the head of an appropriate agency;
6 and

7 (3) through the unified coordination group es-
8 tablished under paragraph (1)—

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

18 (B) study the critical supply chain infor-
19 mation acquired under subparagraph (A) to as-
20 sess critical supply chains, including critical
21 supply chains for emerging technologies, and in-
22 form planning for potential supply chain
23 shocks;

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; and

3 (D) factor in any relevant findings from
4 the studies required by the American COM-
5 PETE Act (title XV of division FF of the Con-
6 solidated Appropriations Act, 2021; Public Law
7 116–260; 134 Stat. 3276).

8 (d) INTERNATIONAL COOPERATION.—The Secretary,
9 in coordination and consultation with the Secretary of
10 State and the heads of other relevant agencies, may con-
11 sult with governments of countries that are an ally or key
12 international partner nation relating to enhancing the se-
13 curity and resilience of critical supply chains in response
14 to supply chain shocks.

15 (e) DESIGNATIONS.—The Secretary shall—

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

18 (A) critical industries;

19 (B) critical supply chains; and

20 (C) critical goods;

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

23 (3) update the designations made under para-
24 graph (1) not less frequently than once every 4
25 years, including designations for technologies not de-

1 scribed in section 7(12)(B) that the Secretary con-
2 siders necessary.

3 (f) NATIONAL STRATEGY AND REVIEW ON CRITICAL
4 SUPPLY CHAIN RESILIENCY AND MANUFACTURING IN
5 THE UNITED STATES.—

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of the enactment of this Act, and not less
8 frequently than once every 2 years thereafter, the
9 Secretary, in consultation with the head of each rel-
10 evant agency, covered nongovernmental representa-
11 tive, industry, institution of higher education, and
12 State and local government, shall submit to the rel-
13 evant committees of Congress and post on the
14 website of the Secretary a report that—

15 (A) identifies—

16 (i) critical infrastructure that may as-
17 sist in fulfilling the responsibilities de-
18 scribed in section 2;

19 (ii) emerging technologies that may
20 assist in fulfilling the responsibilities de-
21 scribed in section 2 and carrying out the
22 program, including such technologies that
23 may be critical to addressing preparedness,
24 weaknesses, and vulnerabilities relating to
25 critical supply chains;

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

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

7 (v) substitutes for critical goods, pro-
8 duction equipment, and manufacturing
9 technology;

10 (vi) methods and technologies, includ-
11 ing blockchain technology, distributed ledg-
12 er technology, and other emerging tech-
13 nologies, as appropriate, for the authen-
14 tication and traceability of critical goods;
15 and

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

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

20 (i) the manufacturing base, critical
21 supply chains, and emerging technologies
22 in the United States, including the manu-
23 facturing base and critical supply chains
24 for—

25 (I) critical goods;

1 (II) production equipment; and
2 (III) manufacturing technology;
3 and

4 (ii) the ability of the United States
5 to—

6 (I) maintain readiness with re-
7 spect to preparing for and responding
8 to supply chain shocks; and

9 (II) in response to a supply chain
10 shock—

11 (aa) surge production in
12 critical industries;

13 (bb) surge production of
14 critical goods and production
15 equipment; and

16 (cc) maintain access to crit-
17 ical goods, production equipment,
18 and manufacturing technology;

19 (C) assesses and describes—

20 (i) the demand and supply of critical
21 goods, production equipment, and manu-
22 facturing technology;

23 (ii) the production of critical goods,
24 production equipment, and manufacturing
25 technology by domestic manufacturers;

1 (iii) the capability and capacity of do-
2 mestic manufacturers and manufacturers
3 in countries that are an ally or key inter-
4 national partner nation to manufacture
5 critical goods, production equipment, and
6 manufacturing technology; and

7 (iv) how supply chain shocks could af-
8 fect rural, Tribal, and underserved commu-
9 nities;

10 (D) identifies threats and supply chain
11 shocks that may disrupt, strain, compromise, or
12 eliminate critical supply chains, critical goods,
13 and critical industries (including critical indus-
14 tries for emerging technologies);

15 (E) with regard to any threat identified
16 under subparagraph (D), lists any threat or
17 supply chain shock that may originate from a
18 country, or a company or individual from a
19 country, that is described in clause (i) or (ii) of
20 section 7(2)(B);

21 (F) assesses—

22 (i) the resilience and capacity of the
23 manufacturing base, critical supply chains,
24 and workforce of the United States and
25 countries that are an ally or key inter-

1 national partner nation that can sustain
2 critical industries (including critical indus-
3 tries for emerging technologies) through a
4 supply chain shock;

5 (ii) the effect innovation has on do-
6 mestic manufacturers; and

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

10 (G) with respect to countries that are an
11 ally or key international partner nation, reviews
12 the sourcing of critical goods, production equip-
13 ment, and manufacturing technology associated
14 with critical industries located in such coun-
15 tries;

16 (H) assesses the flexible manufacturing ca-
17 pacity and capability available in the United
18 States in the case of a supply chain shock; and

19 (I) develops a strategy for the Department
20 of Commerce to support the resilience, diver-
21 sity, security, and strength of critical supply
22 chains and emerging technologies to—

23 (i) support sufficient access to critical
24 goods by mitigating vulnerabilities in crit-
25 ical supply chains, including critical supply

1 chains concentrated in countries that are
2 described in clause (i) or (ii) of section
3 7(2)(B);

4 (ii) consult with other relevant agen-
5 cies to assist countries that are an ally or
6 key international partner nation in build-
7 ing capacity for manufacturing critical
8 goods;

9 (iii) recover from supply chain shocks;

10 (iv) identify, in consultation with
11 other relevant agencies, actions relating to
12 critical supply chains or emerging tech-
13 nologies that the United States may take
14 to—

15 (I) raise living standards;

16 (II) increase employment oppor-
17 tunities; and

18 (III) improve responses to supply
19 chain shocks;

20 (v) protect against supply chain
21 shocks relating to critical supply chains
22 from countries that are described in clause
23 (i) or (ii) of section 7(2)(B);

24 (vi) support methods and technologies,
25 including blockchain technology, distrib-

1 uted ledger technologies, and other emerg-
2 ing technologies, as appropriate, for the
3 authentication and traceability of critical
4 goods; and

5 (vii) make specific recommendations
6 to implement the strategy under this sec-
7 tion and improve the security and resil-
8 iency of manufacturing capacity and sup-
9 ply chains for critical industries (including
10 critical industries for emerging tech-
11 nologies), by—

12 (I) developing long-term strate-
13 gies;

14 (II) increasing visibility into the
15 networks and capabilities of domestic
16 manufacturers and suppliers of do-
17 mestic manufacturers;

18 (III) identifying industry best
19 practices;

20 (IV) evaluating how diverse sup-
21 plier networks, multi-platform and
22 multi-region production capabilities
23 and sources, and integrated global
24 and regional critical supply chains can
25 enhance the resilience of—

- 1 (aa) critical industries in the
2 United States;
- 3 (bb) emerging technologies
4 in the United States;
- 5 (cc) jobs in the United
6 States;
- 7 (dd) manufacturing capabili-
8 ties of the United States; and
- 9 (ee) the access of the United
10 States to critical goods during a
11 supply chain shock;
- 12 (V) identifying and mitigating
13 risks, including—
- 14 (aa) significant
15 vulnerabilities to supply chain
16 shocks; and
- 17 (bb) exposure to gaps and
18 vulnerabilities in domestic capac-
19 ity or capabilities and sources of
20 imports needed to sustain critical
21 industries (including critical in-
22 dustries for emerging tech-
23 nologies) or critical supply
24 chains;

- 1 (VI) identifying enterprise re-
2 source planning systems that are—
3 (aa) compatible across crit-
4 ical supply chain tiers; and
5 (bb) affordable for all sizes
6 of business and for startups;
- 7 (VII) understanding the total
8 cost of ownership, total value con-
9 tribution, and other best practices
10 that encourage strategic partnerships
11 throughout critical supply chains;
- 12 (VIII) understanding Federal
13 procurement opportunities to increase
14 resilient critical supply chains and fill
15 gaps in domestic purchasing;
- 16 (IX) identifying opportunities to
17 consult with countries that are an ally
18 or key international partner nation to
19 build more resilient critical supply
20 chains and mitigate risks;
- 21 (X) identifying opportunities to
22 reuse and recycle critical goods, in-
23 cluding raw materials, to increase re-
24 silient critical supply chains;

1 (XI) in coordination with the
2 Secretary of State, consulting with
3 countries that are an ally or key inter-
4 national partner nation on—

5 (aa) sourcing critical goods,
6 production equipment, and man-
7 ufacturing technology; and

8 (bb) developing, sustaining,
9 and expanding production and
10 availability of critical goods, pro-
11 duction equipment, and manufac-
12 turing technology during a supply
13 chain shock;

14 (XII) identifying such other serv-
15 ices as the Secretary determines nec-
16 essary; and

17 (XIII) providing guidance to
18 other relevant agencies with respect to
19 critical goods, supply chains, and crit-
20 ical industries (including critical in-
21 dustries for emerging technologies)
22 that should be prioritized to ensure
23 United States leadership in the de-
24 ployment of such technologies.

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

3 (A) critical supply chain information that
4 is not aggregated;

5 (B) confidential business information of a
6 private sector entity; or

7 (C) classified information.

8 (3) FORM.—The report submitted under para-
9 graph (1), and any update submitted thereafter,
10 shall be submitted to the relevant committees of
11 Congress in unclassified form and may include a
12 classified annex.

13 (4) PUBLIC COMMENT.—The Secretary shall
14 provide for a period of public comment and review
15 in developing the report submitted under paragraph
16 (1).

17 (g) CONSULTATION.—Not later than 1 year after the
18 date of the enactment of this Act, the Secretary shall enter
19 into an agreement with the head of any relevant agency
20 to obtain any information, data, or assistance that the
21 Secretary determines necessary to conduct the activities
22 described in subsection (b).

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

25 (1) to share information with the Secretary;

1 (2) to request assistance from the Secretary; or
2 (3) to implement any measure or recommenda-
3 tion suggested by the Secretary in response to a re-
4 quest by the private entity.

5 (i) PROTECTION OF VOLUNTARILY SHARED CRIT-
6 ICAL SUPPLY CHAIN INFORMATION.—

7 (1) PROTECTION.—

8 (A) IN GENERAL.—Notwithstanding any
9 other provision of law, critical supply chain in-
10 formation (including the identity of the submit-
11 ting person or entity) that is voluntarily sub-
12 mitted under this section to the Department of
13 Commerce for use by the Department for pur-
14 poses of this section, when accompanied by an
15 express statement specified in subparagraph

16 (B)—

17 (i) shall be exempt from disclosure
18 under section 552(b)(3) of title 5, United
19 States Code (commonly referred to as the
20 “Freedom of Information Act”);

21 (ii) may not be made available to any
22 Federal, State, local, or Tribal authority
23 pursuant to any Federal, State, local, or
24 Tribal law requiring public disclosure of in-
25 formation or records; and

1 (iii) may not, without the written con-
2 sent of the person or entity submitting the
3 information, be used directly by the De-
4 partment of Commerce, or any other Fed-
5 eral, State, or local authority in any civil
6 enforcement action brought by a Federal,
7 State, or local authority.

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

11 (i) in the case of written information
12 or records, a written marking on the infor-
13 mation or records substantially similar to
14 the following: “This information is volun-
15 tarily submitted to the Federal Govern-
16 ment in expectation of protection from dis-
17 closure as provided by section 3(i)(1) of
18 the Promoting Resilient Supply Chains Act
19 of 2024.”; or

20 (ii) in the case of oral information, a
21 written statement similar to the statement
22 described in clause (i) submitted within a
23 reasonable period following the oral com-
24 munication.

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

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

20 (4) TREATMENT OF VOLUNTARY SUBMITTAL OF
21 INFORMATION.—The voluntary submittal to the De-
22 partment of Commerce of information or records
23 that are protected from disclosure by this section
24 may not be construed to constitute compliance with

1 any requirement to submit such information to an
2 agency under any other provision of law.

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

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

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

15 (a) IN GENERAL.—The Secretary shall, on an ongo-
16 ing basis, facilitate and support the development and dis-
17 semination of guidelines, best practices, management
18 strategies, methodologies, procedures, and processes for
19 domestic manufacturers, domestic enterprises, and other
20 entities manufacturing, procuring, or using a critical good
21 to—

22 (1) measure the resilience, diversity, security,
23 and strength of the critical supply chains of such
24 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 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;

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

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

1 retary in response to a request by the private entity;
2 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. EARLY WARNING MECHANISM FOR DETECTING PO-**
14 **TENTIAL SUPPLY CHAIN SHOCKS TO CRIT-**
15 **ICAL SUPPLY CHAINS.**

16 (a) ARTIFICIAL INTELLIGENCE DEFINED.—In this
17 section, the term “artificial intelligence” has the meaning
18 given that term in section 5002 of the National Artificial
19 Intelligence Initiative Act of 2020 (15 U.S.C. 9401).

20 (b) DEVELOPMENT OF MECHANISM.—The Secretary,
21 in collaboration with the officials specified in subsection
22 (g), shall develop an early warning mechanism designed
23 to detect potential supply chain shocks to critical supply
24 chains.

1 (c) ELEMENTS.—The mechanism required by sub-
2 section (b) shall—

3 (1) where practicable, use artificial intelligence
4 or quantum hybrid computing—

5 (A) to identify potential supply chain
6 shocks to critical supply chains; and

7 (B) to support industry to identify alter-
8 native suppliers and supplies, and develop other
9 methods, to mitigate the effects of such supply
10 chain shocks, in coordination with the National
11 Economic Council, the National Security Coun-
12 cil, and other relevant agencies; and

13 (2) include measures to protect any business
14 proprietary and trade secret information obtained by
15 the Secretary in the event of public disclosure.

16 (d) COLLECTION AND ANALYSIS OF DATA.—

17 (1) IN GENERAL.—In implementing the mecha-
18 nism required by subsection (b), the Secretary may
19 collect and analyze data from across the United
20 States Government and from the private sector.

21 (2) PUBLIC SECTOR DATA.—The Secretary is
22 encouraged to develop partnerships or collaborations
23 with other Federal agencies and with State and local
24 governments to share information relating to critical
25 supply chains—

1 (A) to better respond to supply chain
2 shocks to such supply chains, including by co-
3 ordinating response efforts; and

4 (B) to facilitate efforts to identify potential
5 disruptions in such supply chains.

6 (3) PRIVATE SECTOR DATA.—The Secretary
7 may collect data under paragraph (1)—

8 (A) from a private sector entity only with
9 the consent of the entity; and

10 (B) about a private sector entity using
11 publicly available information or analysis.

12 (4) DATA PROTECTION.—

13 (A) IN GENERAL.—Notwithstanding any
14 other provision of law, information about supply
15 chain shocks to critical supply chains, including
16 the identity of a person voluntarily submitting
17 the information to the Department of Com-
18 merce for use by the Department under this
19 section, when accompanied by an express state-
20 ment specified in subparagraph (B)—

21 (i) shall be exempt from disclosure
22 under subsection (b)(3) of section 552 of
23 title 5, United States Code (commonly re-
24 ferred to as the “Freedom of Information
25 Act”);

1 (ii) may not be made available to any
2 Federal, State, local, or Tribal authority
3 pursuant to any Federal, State, local, or
4 Tribal law requiring public disclosure of in-
5 formation or records; and

6 (iii) may not, without the written con-
7 sent of the person submitting the informa-
8 tion, be used directly by the Department of
9 Commerce, or any other Federal, State, or
10 local authority in any civil enforcement ac-
11 tion brought by a Federal, State, or local
12 authority.

13 (B) EXPRESS STATEMENT.—The express
14 statement described in this subparagraph, with
15 respect to information, is—

16 (i) in the case of written information
17 or records, a written marking on the infor-
18 mation or records substantially similar to
19 the following: “This information is volun-
20 tarily submitted to the Federal Govern-
21 ment in expectation of protection from dis-
22 closure as provided by section 6(d)(4) of
23 the Promoting Resilient Supply Chains Act
24 of 2024.”; or

1 (ii) in the case of oral information, a
2 written statement similar to the statement
3 described in clause (i) submitted within a
4 reasonable period following the oral com-
5 munication.

6 (e) PRIVATE SECTOR CONSULTATION.—In devel-
7 oping and implementing the mechanism required by sub-
8 section (b), the Secretary shall consult with representa-
9 tives of the private sector, including industry, civil society,
10 and institutions of higher education.

11 (f) ANNUAL REPORTS.—Not later than one year after
12 the date of the enactment of this Act, and annually there-
13 after, the Secretary shall submit to Congress a report
14 on—

15 (1) the status of the mechanism required by
16 subsection (b); and

17 (2) potential supply chain shocks to critical
18 supply chains detected using that mechanism.

19 (g) OFFICIALS SPECIFIED.—The officials specified in
20 this subsection are the following:

21 (1) The Secretary of State.

22 (2) The Secretary of Defense.

23 (3) The Secretary of Homeland Security.

24 (4) The Secretary of Transportation.

25 (5) The Secretary of Energy.

1 (6) The Secretary of Agriculture.

2 (7) The Secretary of the Interior.

3 (8) The Secretary of Health and Human Serv-
4 ices.

5 (9) The United States Trade Representative.

6 (10) The Administrator of the Small Business
7 Administration.

8 **SEC. 7. DEFINITIONS.**

9 In this Act:

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

13 (2) ALLY OR KEY INTERNATIONAL PARTNER
14 NATION.—The term “ally or key international part-
15 ner nation”—

16 (A) means a country that is critical to ad-
17 dressing critical supply chain weaknesses and
18 vulnerabilities; and

19 (B) does not include—

20 (i) a country that poses a significant
21 risk to the national security or economic
22 security of the United States; or

23 (ii) a country that is described in sec-
24 tion 503(b) of the RANSOMWARE Act
25 (title V of division BB of the Consolidated

1 Appropriations Act, 2023; Public Law
2 117–328; 136 Stat. 5564).

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

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

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

18 (B) either—

19 (i) critical infrastructure; or

20 (ii) an emerging technology.

21 (5) CRITICAL INDUSTRY.—The term “critical
22 industry” means an industry that—

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

25 (B) produces or procures a critical good.

1 (6) CRITICAL INFRASTRUCTURE.—The term
2 “critical infrastructure” has the meaning given that
3 term in section 1016 of the Critical Infrastructures
4 Protection Act of 2001 (42 U.S.C. 5195c).

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

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

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

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

22 (C) operational best practices, planning,
23 and supplier partnerships that enable enhanced
24 resilience of a critical supply chain during a
25 supply chain shock, including response, repair,

1 recovery, reconstruction, insurance, or con-
2 tinuity.

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

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

12 (11) EMERGING TECHNOLOGY.—The term
13 “emerging technology” means a technology that is
14 critical for the national security or economic security
15 of the United States, including the following:

16 (A) Technologies included in the American
17 COMPETE Act (title XV of division FF of the
18 Consolidated Appropriations Act, 2021; Public
19 Law 116–260; 134 Stat. 3276).

20 (B) The following technologies:

21 (i) Artificial intelligence.

22 (ii) Automated vehicles and unmanned
23 delivery systems.

1 (iii) Blockchain and other distributed
2 ledger, data storage, data management,
3 and cybersecurity technologies.

4 (iv) Quantum computing and quan-
5 tum sensing.

6 (v) Additive manufacturing.

7 (vi) Advanced manufacturing and the
8 Internet of Things.

9 (vii) Nano technology.

10 (viii) Robotics.

11 (ix) Microelectronics, optical fiber ray,
12 and high performance and advanced com-
13 puter hardware and software.

14 (x) Semiconductors.

15 (xi) Advanced materials science, in-
16 cluding composition 2D, other next genera-
17 tion materials, and related manufacturing
18 technologies.

19 (12) INSTITUTION OF HIGHER EDUCATION.—

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

23 (13) MANUFACTURE.—The term “manufac-
24 ture” means any activity that is necessary for the
25 development, production, processing, distribution, or

1 delivery of any raw, in process, or manufactured ma-
2 terial (including any mineral, metal, and advanced
3 processed material), article, commodity, supply,
4 product, critical good, or item of supply.

5 (14) MANUFACTURING TECHNOLOGY.—The
6 term “manufacturing technology” means a tech-
7 nology that is necessary for the manufacturing of a
8 critical good.

9 (15) PRODUCTION EQUIPMENT.—The term
10 “production equipment” means any component, sub-
11 system, system, equipment, tooling, accessory, part,
12 or assembly necessary for the manufacturing of a
13 critical good.

14 (16) PROGRAM.—The term “program” means
15 the critical supply chain resiliency and crisis re-
16 sponse program established under section 3(a).

17 (17) 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 Energy and Com-
23 merce of the House of Representatives.

1 (18) RESILIENT CRITICAL SUPPLY CHAIN.—The
2 term “resilient critical supply chain” means a crit-
3 ical supply chain that—

4 (A) ensures that the United States can
5 sustain critical industry, including emerging
6 technologies, production, critical supply chains,
7 services, and access to critical goods, production
8 equipment, and manufacturing technology dur-
9 ing a supply chain shock; and

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

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

16 (ii) minimized or managed exposure to
17 a supply chain shock.

18 (19) SECRETARY.—The term “Secretary”
19 means the Secretary of Commerce or a designee of
20 the Secretary.

21 (20) STATE.—The term “State” means each of
22 the several States, the District of Columbia, each
23 commonwealth, territory, or possession of the United
24 States, and each federally recognized Indian Tribe.

1 (21) SUPPLY CHAIN SHOCK.—The term “supply
2 chain shock” includes the following:

3 (A) A natural disaster.

4 (B) A pandemic.

5 (C) A biological threat.

6 (D) A cyber attack.

7 (E) A geopolitical conflict.

8 (F) A terrorist or geopolitical attack.

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

14 (H) Any other disruption or threat to a
15 critical supply chain that affects the national
16 security or economic security of the United
17 States.

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