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118TH CONGRESS
2^D SESSION

H. R. 6571

[Report No. 118–473]

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 HOUSE OF REPRESENTATIVES

DECEMBER 4, 2023

Mr. BUCSHON (for himself and Ms. BLUNT ROCHESTER) introduced the following bill; which was referred to the Committee on Energy and Commerce

APRIL 26, 2024

Additional sponsors: Mr. WALBERG, Ms. KELLY of Illinois, Mr. PENCE, Mrs. DINGELL, Mr. CARTER of Georgia, Ms. WILD, Mr. PFLUGER, and Mrs. FLETCHER

APRIL 26, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on December 4, 2023]

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 “Pro-*
5 *moting Resilient Supply Chains Act of 2023”.*

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 Assistant Secretary of Commerce for Indus-
try and Analysis.

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

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

Sec. 5. Department of Commerce capability assessment.

Sec. 6. Definitions.

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

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

15 (1) *Promote the leadership of the United States*
16 *with respect to critical industries, critical supply*
17 *chains, and emerging technologies that—*

18 (A) *strengthen the national security of the*
19 *United States; and*

20 (B) *have a significant effect on the economic*
21 *security of the United States.*

1 (2) *Encourage consultation with other agencies,*
2 *covered nongovernmental representatives, industry,*
3 *institutions of higher education, and State and local*
4 *governments in order to—*

5 (A) *promote resilient critical supply chains;*

6 *and*

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

9 (i) *critical industries;*

10 (ii) *critical supply chains; and*

11 (iii) *emerging technologies.*

12 (3) *Encourage the growth and competitiveness of*
13 *United States productive capacities and manufac-*
14 *turing in the United States of emerging technologies.*

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

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

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

1 *facturing capacities and capabilities in the United*
2 *States.*

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

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

16 (9) *Support the creation of jobs with competitive*
17 *wages in the United States manufacturing sector.*

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

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

23 (b) *CAPABILITIES AND TECHNICAL SUPPORT.—In car-*
24 *rying out subsection (a), the Assistant Secretary—*

25 (1) *shall establish capabilities to—*

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

4 (B) conduct other activities that the Assist-
5 ant Secretary considers to be critical for the use
6 of analytic capabilities, statistics, datasets, and
7 metrics related to critical technologies and inno-
8 vation; and

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

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

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

18 (b) *ACTIVITIES.*—In carrying out the program, the As-
19 sistant Secretary shall conduct activities—

20 (1) in coordination with the unified coordination
21 group established under subsection (c), to—

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

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

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

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

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

22 (i) exist as of the date of the enactment
23 of this Act; or

24 (ii) are anticipated to occur after the
25 date of the enactment of this Act;

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

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

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

20 (F) evaluate the state of the manufacturing
21 workforce, including by—

22 (i) identifying the needs of domestic
23 manufacturers; and

24 (ii) identifying opportunities to create
25 high-quality manufacturing jobs; and

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

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

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

13 (B) encourage consultation between the Fed-
14 eral Government, industry, covered nongovern-
15 mental representatives, institutions of higher
16 education, and State and local governments to—

17 (i) better respond to supply chain
18 shocks to critical supply chains and critical
19 industries (including critical industries for
20 emerging technologies); and

21 (ii) coordinate response efforts to sup-
22 ply chain shocks;

23 (C) encourage consultation between the Fed-
24 eral Government and the governments of coun-

1 *tries that are an ally or key international part-*
2 *ner nation;*

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

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

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

18 *(G) support methods and technologies, in-*
19 *cluding blockchain technology, distributed ledger*
20 *technology, and other emerging technologies, as*
21 *appropriate, for the authentication and*
22 *traceability of critical goods;*

23 *(3) acting within the authority of the Secretary*
24 *that exists as of the date of the enactment of this Act,*
25 *and in consultation with the Secretary of State and*

1 *the United States Trade Representative, to consult*
2 *with governments of countries that are an ally or key*
3 *international partner nation to promote resilient crit-*
4 *ical supply chains that ensure the supply of critical*
5 *goods, production equipment, and manufacturing*
6 *technology to the United States and companies lo-*
7 *cated in countries that are an ally or key inter-*
8 *national partner nation;*

9 *(4) in consultation with other offices and divi-*
10 *sions of the Department of Commerce and other agen-*
11 *cies, to leverage existing authorities (as of the date of*
12 *the enactment of this Act) to encourage the resilience*
13 *of supply chains of critical industries (including crit-*
14 *ical industries for emerging technologies); and*

15 *(5) to determine which emerging technologies*
16 *may assist in conducting the activities described in*
17 *this subsection and promote such emerging tech-*
18 *nologies.*

19 *(c) UNIFIED COORDINATION GROUP.—In conducting*
20 *the activities described in subsection (b), the Assistant Sec-*
21 *retary shall—*

22 *(1) establish a unified coordination group led by*
23 *the Assistant Secretary, which shall include, as ap-*
24 *propriate, private sector partners and covered non-*
25 *governmental representatives, to serve as a body for*

1 *consultation by agencies described in subsection (g) to*
2 *plan for and respond to supply chain shocks and sup-*
3 *port the resilience, diversity, security, and strength of*
4 *critical supply chains;*

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

8 *(3) through the unified coordination group estab-*
9 *lished under paragraph (1)—*

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

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

24 *(C) convene with relevant private sector en-*
25 *tities to share best practices, planning, and ca-*

1 abilities to respond to potential supply chain
2 shocks; and

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

8 (d) *INTERNATIONAL COOPERATION.*—The Secretary, in
9 consultation with other relevant agencies, may consult with
10 governments of countries that are an ally or key inter-
11 national partner nation relating to enhancing the security
12 and resilience of critical supply chains in response to sup-
13 ply chain shocks.

14 (e) *DESIGNATIONS.*—The Assistant Secretary shall—
15 (1) not later than 270 days after the date of the
16 enactment of this Act, designate—

17 (A) critical industries;

18 (B) critical supply chains; and

19 (C) critical goods;

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

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

1 *in section 6(12)(B) that the Assistant Secretary con-*
2 *siders necessary.*

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

6 *(1) IN GENERAL.—Not later than 1 year after*
7 *the date of the enactment of this Act, and not less fre-*
8 *quently than once every 2 years thereafter, the Assist-*
9 *ant Secretary, in consultation with the head of each*
10 *relevant 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 website*
14 *of the Assistant 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 as-*
20 *sist 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 the*
6 *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 ledger*
12 *technology, and other emerging technologies,*
13 *as appropriate, for the authentication and*
14 *traceability of critical goods; and*

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

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

19 (i) *the manufacturing base, critical*
20 *supply chains, and emerging technologies in*
21 *the United States, including the manufac-*
22 *turing base and critical supply chains for—*

23 (I) *critical goods;*

24 (II) *production equipment; and*

1 (III) *manufacturing technology;*

2 *and*

3 (ii) *the ability of the United States*

4 *to—*

5 (I) *maintain readiness with re-*

6 *spect to preparing for and responding*

7 *to supply chain shocks; and*

8 (II) *in response to a supply chain*

9 *shock—*

10 (aa) *surge production in*

11 *critical industries;*

12 (bb) *surge production of crit-*

13 *ical goods and production equip-*

14 *ment; and*

15 (cc) *maintain access to crit-*

16 *ical goods, production equipment,*

17 *and manufacturing technology;*

18 (C) *assesses and describes—*

19 (i) *the demand and supply of critical*

20 *goods, production equipment, and manufac-*

21 *turing technology;*

22 (ii) *the production of critical goods,*

23 *production equipment, and manufacturing*

24 *technology by domestic manufacturers;*

1 (iii) the capability and capacity of do-
2 mestic manufacturers and manufacturers in
3 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 sup-
17 ply chain shock that may originate from a coun-
18 try, or a company or individual from a country,
19 that is described in clause (i) or (ii) of section
20 6(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 domes-*
6 *tic 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 countries;*

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

18 *(I) develops a strategy for the Department*
19 *of Commerce to support the resilience, diversity,*
20 *security, and strength of critical supply chains*
21 *and emerging technologies to—*

22 *(i) support sufficient access to critical*
23 *goods by mitigating vulnerabilities in crit-*
24 *ical supply chains, including critical sup-*
25 *ply chains concentrated in countries that*

1 are described in clause (i) or (ii) of section
2 6(2)(B);

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

8 (iii) recover from supply chain shocks;

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

14 (I) raise living standards;

15 (II) increase employment opportu-
16 nities; and

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

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

23 (vi) support methods and technologies,
24 including blockchain technology, distributed
25 ledger technologies, and other emerging tech-

1 *nologies, as appropriate, for the authentica-*
2 *tion and traceability of critical goods; and*
3 *(vii) make specific recommendations to*
4 *implement the strategy under this section*
5 *and improve the security and resiliency of*
6 *manufacturing capacity and supply chains*
7 *for critical industries (including critical in-*
8 *dustries for emerging technologies), by—*

9 *(I) developing long-term strate-*
10 *gies;*

11 *(II) increasing visibility into the*
12 *networks and capabilities of domestic*
13 *manufacturers and suppliers of domes-*
14 *tic manufacturers;*

15 *(III) identifying industry best*
16 *practices;*

17 *(IV) evaluating how diverse sup-*
18 *plier networks, multi-platform and*
19 *multi-region production capabilities*
20 *and sources, and integrated global and*
21 *regional critical supply chains can en-*
22 *hance the resilience of—*

23 *(aa) critical industries in the*
24 *United States;*

1 *(bb) emerging technologies in*
2 *the United States;*

3 *(cc) jobs in the United*
4 *States;*

5 *(dd) manufacturing capabili-*
6 *ties of the United States; and*

7 *(ee) the access of the United*
8 *States to critical goods during a*
9 *supply chain shock;*

10 *(V) identifying and mitigating*
11 *risks, including—*

12 *(aa) significant*
13 *vulnerabilities to supply chain*
14 *shocks; and*

15 *(bb) exposure to gaps and*
16 *vulnerabilities in domestic capac-*
17 *ity or capabilities and sources of*
18 *imports needed to sustain critical*
19 *industries (including critical in-*
20 *dustries for emerging technologies)*
21 *or critical supply chains;*

22 *(VI) identifying enterprise re-*
23 *source planning systems that are—*

24 *(aa) compatible across crit-*
25 *ical supply chain tiers; and*

1 *(bb) affordable for all sizes of*
2 *business and for startups;*

3 *(VII) understanding the total cost*
4 *of ownership, total value contribution,*
5 *and other best practices that encourage*
6 *strategic partnerships throughout crit-*
7 *ical supply chains;*

8 *(VIII) understanding Federal pro-*
9 *curement opportunities to increase re-*
10 *silient critical supply chains and fill*
11 *gaps in domestic purchasing;*

12 *(IX) identifying opportunities to*
13 *consult with countries that are an ally*
14 *or key international partner nation to*
15 *build more resilient critical supply*
16 *chains and mitigate risks;*

17 *(X) identifying opportunities to*
18 *reuse and recycle critical goods, includ-*
19 *ing raw materials, to increase resilient*
20 *critical supply chains;*

21 *(XI) consulting with countries*
22 *that are an ally or key international*
23 *partner nation on—*

1 (aa) sourcing critical goods,
2 production equipment, and manu-
3 facturing technology; and

4 (bb) developing, sustaining,
5 and expanding production and
6 availability of critical goods, pro-
7 duction equipment, and manufac-
8 turing technology during a supply
9 chain shock;

10 (XII) identifying such other serv-
11 ices as the Assistant Secretary deter-
12 mines necessary; and

13 (XIII) providing guidance to
14 other relevant agencies with respect to
15 critical goods, supply chains, and crit-
16 ical industries (including critical in-
17 dustries for emerging technologies) that
18 should be prioritized to ensure United
19 States leadership in the deployment of
20 such technologies.

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

23 (A) critical supply chain information that
24 is not aggregated;

1 (B) confidential business information of a
2 private sector entity; or

3 (C) classified information.

4 (3) FORM.—The report submitted under para-
5 graph (1), and any update submitted thereafter, shall
6 be submitted to the relevant committees of Congress in
7 unclassified form and may include a classified annex.

8 (4) PUBLIC COMMENT.—The Assistant Secretary
9 shall provide for a period of public comment and re-
10 view in developing the report submitted under para-
11 graph (1).

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

18 (h) RULE OF CONSTRUCTION.—Nothing in this section
19 may be construed to require any private entity—

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

22 (2) to request assistance from the Secretary or
23 Assistant Secretary; or

1 (3) to implement any measure or recommenda-
2 tion suggested by the Secretary or Assistant Secretary
3 in response to a request by the private entity.

4 (i) *PROTECTION OF VOLUNTARILY SHARED CRITICAL*
5 *SUPPLY CHAIN INFORMATION.*—

6 (1) *PROTECTION.*—

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

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

20 (ii) is not subject to any agency rules
21 or judicial doctrine regarding *ex parte* com-
22 munications with a decision making offi-
23 cial;

24 (iii) may not, without the written con-
25 sent of the person or entity submitting such

1 *information, be used directly by the Depart-*
2 *ment of Commerce, any other Federal,*
3 *State, or local authority, or any third*
4 *party, in any civil action arising under*
5 *Federal or State law if such information is*
6 *submitted in good faith;*

7 *(iv) may not, without the written con-*
8 *sent of the person or entity submitting such*
9 *information, be used or disclosed by any of-*
10 *ficer or employee of the United States for*
11 *purposes other than the purposes of this sec-*
12 *tion, except—*

13 *(I) in furtherance of an investiga-*
14 *tion or the prosecution of a criminal*
15 *act; or*

16 *(II) when disclosure of the infor-*
17 *mation would be—*

18 *(aa) to either House of Con-*
19 *gress, or to the extent of matter*
20 *within its jurisdiction, any com-*
21 *mittee or subcommittee thereof,*
22 *any joint committee thereof, or*
23 *any subcommittee of any such*
24 *joint committee; or*

1 *(bb) to the Comptroller Gen-*
2 *eral of the United States, or any*
3 *authorized representative of the*
4 *Comptroller General, in the course*
5 *of the performance of the duties of*
6 *the Government Accountability*
7 *Office;*

8 *(v) may not, if provided to a State or*
9 *local government or government agency—*

10 *(I) be made available pursuant to*
11 *any State or local law requiring dis-*
12 *closure of information or records;*

13 *(II) otherwise be disclosed or dis-*
14 *tributed to any party by such State or*
15 *local government or government agency*
16 *without the written consent of the per-*
17 *son or entity submitting such informa-*
18 *tion; or*

19 *(III) be used other than for the*
20 *purpose of carrying out this section, or*
21 *in furtherance of an investigation or*
22 *the prosecution of a criminal act; and*

23 *(vi) does not constitute a waiver of any*
24 *applicable privilege or protection provided*
25 *under law, such as trade secret protection.*

1 (B) *EXPRESS STATEMENT.*—*The express*
2 *statement described in this subparagraph, with*
3 *respect to information or records, is—*

4 (i) *in the case of written information*
5 *or records, a written marking on the infor-*
6 *mation or records substantially similar to*
7 *the following: “This information is volun-*
8 *tarily submitted to the Federal Government*
9 *in expectation of protection from disclosure*
10 *as provided by the provisions of the Pro-*
11 *moting Resilient Supply Chains Act of*
12 *2023.”; or*

13 (ii) *in the case of oral information, a*
14 *written statement similar to the statement*
15 *described in clause (i) submitted within a*
16 *reasonable period following the oral commu-*
17 *nication.*

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

23 (3) *INDEPENDENTLY OBTAINED INFORMATION.*—
24 *Nothing in this subsection may be construed to limit*
25 *or otherwise affect the ability of a State, local, or Fed-*

1 *eral Government entity, agency, or authority, or any*
2 *third party, under applicable law, to obtain critical*
3 *supply chain information in a manner not covered by*
4 *paragraph (1), including any information lawfully*
5 *and properly disclosed generally or broadly to the*
6 *public and to use such information in any manner*
7 *permitted by law. For purposes of this subsection a*
8 *permissible use of independently obtained information*
9 *includes the disclosure of such information under sec-*
10 *tion 2302(b)(8) of title 5, United States Code.*

11 *(4) TREATMENT OF VOLUNTARY SUBMITTAL OF*
12 *INFORMATION.—The voluntary submittal to the De-*
13 *partment of Commerce of information or records that*
14 *are protected from disclosure by this section may not*
15 *be construed to constitute compliance with any re-*
16 *quirement to submit such information to an agency*
17 *under any other provision of law.*

18 *(5) INAPPLICABILITY TO SEMICONDUCTOR INCEN-*
19 *TIVE PROGRAM.—This subsection does not apply to*
20 *the voluntary submission of critical supply chain in-*
21 *formation in an application for Federal financial as-*
22 *sistance under section 9902 of the William M. (Mac)*
23 *Thornberry National Defense Authorization Act for*
24 *Fiscal Year 2021 (Public Law 116–283).*

1 (j) *SUNSET.*—*The program shall terminate not later*
2 *than the date that is 7 years after the date of the enactment*
3 *of this Act.*

4 **SEC. 4. CRITICAL SUPPLY CHAIN INNOVATION AND BEST**
5 **PRACTICES.**

6 (a) *IN GENERAL.*—*The Assistant Secretary shall, on*
7 *an ongoing basis, facilitate and support the development*
8 *and dissemination of guidelines, best practices, manage-*
9 *ment strategies, methodologies, procedures, and processes for*
10 *domestic manufacturers, domestic enterprises, and other en-*
11 *tities manufacturing, procuring, or using a critical good*
12 *to—*

13 (1) *measure the resilience, diversity, security,*
14 *and strength of the critical supply chains of such*
15 *manufacturers, enterprises, and entities;*

16 (2) *quantify the value of improved resilience, di-*
17 *versity, security, and strength of critical supply*
18 *chains to such manufacturers, enterprises, and enti-*
19 *ties;*

20 (3) *design and implement measures to reduce the*
21 *risks of disruption, strain, compromise, or elimi-*
22 *nation of critical supply chains of such manufactur-*
23 *ers, enterprises, and entities; and*

24 (4) *support the authentication and traceability*
25 *of critical goods using blockchain technology, distrib-*

1 *uted ledger technologies, and other emerging tech-*
2 *nologies as appropriate.*

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

5 *(1) Consult closely and regularly with relevant*
6 *private sector personnel and entities, manufacturing*
7 *extension centers established as part of the Hollings*
8 *Manufacturing Extension Partnership, Manufac-*
9 *turing USA institutes as described in section 34(d) of*
10 *the National Institute of Standards and Technology*
11 *Act (15 U.S.C. 278s(d)), and other relevant stake-*
12 *holders and incorporate industry expertise.*

13 *(2) Consult with the heads of relevant agencies*
14 *(including agencies with jurisdiction over critical*
15 *supply chains), States, local governments, Tribal Gov-*
16 *ernments, countries that are an ally or key inter-*
17 *national partner nation, and international organiza-*
18 *tions, 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 re-*
22 *silience approaches that may be voluntarily adopted*
23 *by domestic manufacturers, domestic enterprises, and*
24 *other entities manufacturing, procuring, or using a*
25 *critical good to achieve the goals of subsection (a).*

1 (4) *Facilitate the design of—*

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

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

8 (5) *Facilitate the identification or application of*
9 *methods and technologies, including blockchain tech-*
10 *nology, distributed ledger technologies, and other*
11 *emerging technologies as appropriate, for the authen-*
12 *tication and traceability of critical goods.*

13 (6) *Disseminate research and information to as-*
14 *assist domestic manufacturers redesign products, ex-*
15 *pend domestic manufacturing capacity, and improve*
16 *other capabilities as required to improve the resil-*
17 *ience, diversity, security, and strength of critical sup-*
18 *ply chains.*

19 (7) *Incorporate relevant industry best practices.*

20 (8) *Consider the private sector, including small*
21 *businesses.*

22 (9) *Leverage mechanisms that exist as of the date*
23 *of the enactment of this Act for the Federal Govern-*
24 *ment to provide critical supply chain solutions (in-*
25 *cluding manufacturing technology, products, tools,*

1 *and workforce development solutions related to crit-*
2 *ical supply chain resilience) to manufacturers, in-*
3 *cluding small and medium-sized manufacturers.*

4 *(c) RULE OF CONSTRUCTION.—Nothing in this section*
5 *may be construed to—*

6 *(1) require any private entity to share informa-*
7 *tion with the Secretary or Assistant Secretary;*

8 *(2) require any private entity to request assist-*
9 *ance from the Secretary or Assistant Secretary;*

10 *(3) require any private entity to implement any*
11 *measure or recommendation suggested by the Sec-*
12 *retary or Assistant Secretary in response to a request*
13 *by the private entity; or*

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

17 **SEC. 5. DEPARTMENT OF COMMERCE CAPABILITY ASSESS-**
18 **MENT.**

19 *(a) REPORT REQUIRED.—The Secretary shall produce*
20 *a report—*

21 *(1) identifying the duties, responsibilities, re-*
22 *sources, programs, and expertise within the offices*
23 *and bureaus of the Department of Commerce relevant*
24 *to critical supply chain resilience and manufacturing*
25 *innovation;*

1 (2) *identifying and assessing the purpose, legal*
2 *authority, effectiveness, efficiency, and limitations of*
3 *each office or bureau identified under paragraph (1);*
4 *and*

5 (3) *providing recommendations to enhance the*
6 *activities related to critical supply chain resilience*
7 *and manufacturing innovation of the Department of*
8 *Commerce, including—*

9 (A) *improving the effectiveness, efficiency,*
10 *and impact of the offices and bureaus identified*
11 *under paragraph (1);*

12 (B) *coordination across offices and bureaus*
13 *identified under paragraph (1); and*

14 (C) *consultation with agencies imple-*
15 *menting similar activities related to critical sup-*
16 *ply chain resilience and manufacturing innova-*
17 *tion.*

18 (b) *SUBMISSION OF REPORT.—Not later than 2 years*
19 *after the date of the enactment of this Act, the Secretary*
20 *shall submit to the relevant committees of Congress the re-*
21 *port required by subsection (a), along with a strategy to*
22 *implement, as appropriate and as determined by the Sec-*
23 *retary, the recommendations contained in the report.*

24 **SEC. 6. DEFINITIONS.**

25 *In this Act:*

1 (1) *AGENCY*.—*The term “agency” has the mean-*
2 *ing given that term in section 551 of title 5, United*
3 *States Code.*

4 (2) *ALLY OR KEY INTERNATIONAL PARTNER NA-*
5 *TION*.—*The term “ally or key international partner*
6 *nation”—*

7 (A) *means a country that is critical to ad-*
8 *ressing critical supply chain weaknesses and*
9 *vulnerabilities; and*

10 (B) *does not include—*

11 (i) *a country that poses a significant*
12 *risk to the national security or economic se-*
13 *curity of the United States; or*

14 (ii) *a country that is described in sec-*
15 *tion 503(b) of the RANSOMWARE Act*
16 *(title V of division BB of the Consolidated*
17 *Appropriations Act, 2023; Public Law 117–*
18 *328; 136 Stat. 5564).*

19 (3) *ASSISTANT SECRETARY*.—*The term “Assist-*
20 *ant Secretary” means the Assistant Secretary of Com-*
21 *merce assigned by the Secretary to direct the office of*
22 *Industry and Analysis.*

23 (4) *COVERED NONGOVERNMENTAL REPRESENTA-*
24 *TIVE*.—*The term “covered nongovernmental represent-*
25 *ative” means a representative as specified in the sec-*

1 *ond sentence of section 135(b)(1) of the Trade Act of*
2 *1974 (19 U.S.C. 2155(b)(1)), except that such term*
3 *does not include a representative of a non-Federal*
4 *government.*

5 (5) *CRITICAL GOOD.—The term “critical good”*
6 *means any raw, in process, or manufactured material*
7 *(including any mineral, metal, or advanced processed*
8 *material), article, commodity, supply, product, or*
9 *item for which an absence of supply would have a sig-*
10 *nificant effect on—*

11 (A) *the national security or economic secu-*
12 *rity of the United States; and*

13 (B) *either—*

14 (i) *critical infrastructure; or*

15 (ii) *an emerging technology.*

16 (6) *CRITICAL INDUSTRY.—The term “critical in-*
17 *dustry” means an industry that—*

18 (A) *is critical for the national security or*
19 *economic security of the United States; and*

20 (B) *produces or procures a critical good.*

21 (7) *CRITICAL INFRASTRUCTURE.—The term*
22 *“critical infrastructure” has the meaning given that*
23 *term in section 1016 of the Critical Infrastructures*
24 *Protection Act of 2001 (42 U.S.C. 5195c).*

1 (8) *CRITICAL SUPPLY CHAIN.*—*The term “critical*
2 *supply chain” means a supply chain for a critical*
3 *good.*

4 (9) *CRITICAL SUPPLY CHAIN INFORMATION.*—*The*
5 *term “critical supply chain information” means in-*
6 *formation that is not customarily in the public do-*
7 *main and relates to—*

8 (A) *sustaining and adapting a critical sup-*
9 *ply chain during a supply chain shock;*

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

18 (C) *operational best practices, planning,*
19 *and supplier partnerships that enable enhanced*
20 *resilience of a critical supply chain during a*
21 *supply chain shock, including response, repair,*
22 *recovery, reconstruction, insurance, or con-*
23 *tinuity.*

24 (10) *DOMESTIC ENTERPRISE.*—*The term “domes-*
25 *tic enterprise” means an enterprise that conducts*

1 *business in the United States and procures a critical*
2 *good.*

3 (11) *DOMESTIC MANUFACTURER.*—*The term “do-*
4 *mestic manufacturer” means a business that conducts*
5 *in the United States the research and development,*
6 *engineering, or production activities necessary for*
7 *manufacturing a critical good.*

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

12 (A) *Technologies included in the American*
13 *COMPETE Act (title XV of division FF of the*
14 *Consolidated Appropriations Act, 2021; Public*
15 *Law 116–260; 134 Stat. 3276).*

16 (B) *The following technologies:*

17 (i) *Artificial intelligence.*

18 (ii) *Automated vehicles and unmanned*
19 *delivery systems.*

20 (iii) *Blockchain and other distributed*
21 *ledger, data storage, data management, and*
22 *cybersecurity technologies.*

23 (iv) *Quantum computing and quan-*
24 *tum sensing.*

25 (v) *Additive manufacturing.*

1 (vi) *Advanced manufacturing and the*
2 *Internet of Things.*

3 (vii) *Nano technology.*

4 (viii) *Robotics.*

5 (ix) *Microelectronics, optical fiber ray,*
6 *and high performance and advanced com-*
7 *puter hardware and software.*

8 (x) *Semiconductors.*

9 (xi) *Advanced materials science, in-*
10 *cluding composition 2D, other next genera-*
11 *tion materials, and related manufacturing*
12 *technologies.*

13 (13) *INSTITUTION OF HIGHER EDUCATION.—The*
14 *term “institution of higher education” has the mean-*
15 *ing given that term in section 101 of the Higher Edu-*
16 *cation Act of 1965 (20 U.S.C. 1001).*

17 (14) *MANUFACTURE.—The term “manufacture”*
18 *means any activity that is necessary for the develop-*
19 *ment, production, processing, distribution, or delivery*
20 *of any raw, in process, or manufactured material (in-*
21 *cluding any mineral, metal, and advanced processed*
22 *material), article, commodity, supply, product, crit-*
23 *ical good, or item of supply.*

1 (15) *MANUFACTURING TECHNOLOGY.*—*The term*
2 *“manufacturing technology” means a technology that*
3 *is necessary for the manufacturing of a critical good.*

4 (16) *PRODUCTION EQUIPMENT.*—*The term “pro-*
5 *duction equipment” means any component, sub-*
6 *system, system, equipment, tooling, accessory, part, or*
7 *assembly necessary for the manufacturing of a critical*
8 *good.*

9 (17) *PROGRAM.*—*The term “program” means the*
10 *critical supply chain resiliency and crisis response*
11 *program established under section 3(a).*

12 (18) *RELEVANT COMMITTEES OF CONGRESS.*—
13 *The term “relevant committees of Congress” means*
14 *the following:*

15 (A) *The Committee on Commerce, Science,*
16 *and Transportation of the Senate.*

17 (B) *The Committee on Energy and Com-*
18 *merce of the House of Representatives.*

19 (19) *RESILIENT CRITICAL SUPPLY CHAIN.*—*The*
20 *term “resilient critical supply chain” means a crit-*
21 *ical supply chain that—*

22 (A) *ensures that the United States can sus-*
23 *tain critical industry, including emerging tech-*
24 *nologies, production, critical supply chains, serv-*
25 *ices, and access to critical goods, production*

1 *equipment, and manufacturing technology dur-*
2 *ing a supply chain shock; and*

3 *(B) has key components of resilience that*
4 *include—*

5 *(i) effective private sector risk manage-*
6 *ment and mitigation planning to sustain*
7 *critical supply chains and supplier net-*
8 *works during a supply chain shock; and*

9 *(ii) minimized or managed exposure to*
10 *a supply chain shock.*

11 *(20) SECRETARY.—The term “Secretary” means*
12 *the Secretary of Commerce.*

13 *(21) STATE.—The term “State” means each of*
14 *the several States, the District of Columbia, each com-*
15 *monwealth, territory, or possession of the United*
16 *States, and each federally recognized Indian Tribe.*

17 *(22) SUPPLY CHAIN SHOCK.—The term “supply*
18 *chain shock” includes the following:*

19 *(A) A natural disaster.*

20 *(B) A pandemic.*

21 *(C) A biological threat.*

22 *(D) A cyber attack.*

23 *(E) A great power conflict.*

24 *(F) A terrorist or geopolitical attack.*

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 T.*
4 *Stafford Disaster Relief and Emergency Assist-*
5 *ance Act (42 U.S.C. 5170; 42 U.S.C. 5191).*

6 (I) *Any other disruption or threat to a crit-*
7 *ical supply chain that affects the national secu-*
8 *rity or economic security of the United States.*

Union Calendar No. 392

118TH CONGRESS
2^D SESSION

H. R. 6571

[Report No. 118-473]

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.

APRIL 26, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed