

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

**TO H.R. 6571**

**OFFERED BY Ms. Blunt Rochester**

Strike all after the enacting clause and insert the following:

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Additional responsibilities of Assistant Secretary of Commerce for Industry and Analysis.
- Sec. 3. Critical supply chain resiliency and crisis response program.
- Sec. 4. Critical supply chain innovation and best practices.
- Sec. 5. Department of Commerce capability assessment.
- Sec. 6. Definitions.

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

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

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

4 (A) strengthen the national security of the  
5 United States; and

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

8 (2) Encourage consultation with other agencies,  
9 covered nongovernmental representatives, industry,  
10 institutions of higher education, and State and local  
11 governments in order to—

12 (A) promote resilient critical supply chains;

13 and

14 (B) identify, prepare for, and respond to  
15 supply chain shocks to—

16 (i) critical industries;

17 (ii) critical supply chains; and

18 (iii) emerging technologies.

19 (3) Encourage the growth and competitiveness  
20 of United States productive capacities and manufac-  
21 turing in the United States of emerging tech-  
22 nologies.

23 (4) Monitor the resilience, diversity, security,  
24 and strength of critical supply chains and critical in-

1 industries (including critical industries for emerging  
2 technologies).

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

7 (6) Assist the Federal Government in preparing  
8 for and responding to supply chain shocks to critical  
9 supply chains, including by improving flexible manu-  
10 facturing capacities and capabilities in the United  
11 States.

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

18 (8) Encourage the relocation of manufacturing  
19 facilities that manufacture critical goods from coun-  
20 tries that are described in clause (i) or (ii) of section  
21 6(2)(B) to the United States and countries that are  
22 an ally or key international partner nation to  
23 strengthen the resilience, diversity, security, and  
24 strength of critical supply chains.



1 retary shall establish in the Department of Commerce a  
2 critical supply chain resiliency and crisis response program  
3 to conduct the activities described in subsection (b).

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

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

8 (A) map, monitor, and model critical sup-  
9 ply chains, including critical supply chains for  
10 emerging technologies, which may include—

11 (i) modeling the impact of supply  
12 chain shocks on critical industries (includ-  
13 ing critical industries for emerging tech-  
14 nologies), critical supply chains, domestic  
15 enterprises, and domestic manufacturers;

16 (ii) monitoring the demand for and  
17 supply of critical goods, production equip-  
18 ment, and manufacturing technology need-  
19 ed for critical supply chains, including crit-  
20 ical goods, production equipment, and  
21 manufacturing technology obtained by or  
22 purchased from a person outside of the  
23 United States or imported into the United  
24 States; and

1 (iii) monitoring manufacturing,  
2 warehousing, transportation, and distribu-  
3 tion related to critical supply chains;

4 (B) identify high priority gaps and  
5 vulnerabilities, which may include single points  
6 of failure, in critical supply chains and critical  
7 industries (including critical industries for  
8 emerging technologies) that—

9 (i) exist as of the date of the enact-  
10 ment of this Act; or

11 (ii) are anticipated to occur after the  
12 date of the enactment of this Act;

13 (C) identify potential supply chain shocks  
14 to a critical supply chain that may disrupt,  
15 strain, compromise, or eliminate the critical  
16 supply chain (including supply chains involving  
17 emerging technologies);

18 (D) evaluate the capability and capacity of  
19 domestic manufacturers or manufacturers lo-  
20 cated in countries that are an ally or key inter-  
21 national partner nation to serve as sources for  
22 critical goods, production equipment, or manu-  
23 facturing technology needed in critical supply  
24 chains (including supply chains involving  
25 emerging technologies);

1 (E) evaluate the effect on the national se-  
2 curity and economic competitiveness of the  
3 United States, including on consumer prices,  
4 job losses, and wages, that may result from the  
5 disruption, strain, compromise, or elimination  
6 of a critical supply chain;

7 (F) evaluate the state of the manufac-  
8 turing workforce, including by—

9 (i) identifying the needs of domestic  
10 manufacturers; and

11 (ii) identifying opportunities to create  
12 high-quality manufacturing jobs; and

13 (G) identify investments in critical goods,  
14 production equipment, and manufacturing tech-  
15 nology from non-Federal sources;

16 (2) in coordination with State and local govern-  
17 ments and the unified coordination group established  
18 under subsection (c), and, as appropriate, in con-  
19 sultation with countries that are an ally or key inter-  
20 national partner nation, to—

21 (A) identify opportunities to reduce gaps  
22 and vulnerabilities in critical supply chains and  
23 critical industries (including critical industries  
24 for emerging technologies);

1 (B) encourage consultation between the  
2 Federal Government, industry, covered non-  
3 governmental representatives, institutions of  
4 higher education, and State and local govern-  
5 ments to—

6 (i) better respond to supply chain  
7 shocks to critical supply chains and critical  
8 industries (including critical industries for  
9 emerging technologies); and

10 (ii) coordinate response efforts to sup-  
11 ply chain shocks;

12 (C) encourage consultation between the  
13 Federal Government and the governments of  
14 countries that are an ally or key international  
15 partner nation;

16 (D) develop or identify opportunities to  
17 build the capacity of the United States in crit-  
18 ical supply chains, critical industries, and  
19 emerging technologies;

20 (E) develop or identify opportunities to  
21 build the capacity of countries that are an ally  
22 or key international partner nation in critical  
23 industries (including critical industries for  
24 emerging technologies) and critical supply  
25 chains;



1 (F) develop contingency plans and coordi-  
2 nation mechanisms to improve the response of  
3 critical supply chains and critical industry (in-  
4 cluding critical industries for emerging tech-  
5 nologies) to supply chain shocks; and

6 (G) support methods and technologies, in-  
7 cluding blockchain technology, distributed ledg-  
8 er technology, and other emerging technologies,  
9 as appropriate, for the authentication and  
10 traceability of critical goods;

11 (3) acting within the authority of the Secretary  
12 that exists as of the date of the enactment of this  
13 Act, and in consultation with the Secretary of State  
14 and the United States Trade Representative, to con-  
15 sult with governments of countries that are an ally  
16 or key international partner nation to promote resil-  
17 ient critical supply chains that ensure the supply of  
18 critical goods, production equipment, and manufac-  
19 turing technology to the United States and compa-  
20 nies located in countries that are an ally or key  
21 international partner nation;

22 (4) in consultation with other offices and divi-  
23 sions of the Department of Commerce and other  
24 agencies, to leverage existing authorities (as of the  
25 date of the enactment of this Act) to encourage the

1 resilience of supply chains of critical industries (in-  
2 cluding critical industries for emerging technologies);  
3 and

4 (5) to determine which emerging technologies  
5 may assist in conducting the activities described in  
6 this subsection and promote such emerging tech-  
7 nologies.

8 (c) UNIFIED COORDINATION GROUP.—In conducting  
9 the activities described in subsection (b), the Assistant  
10 Secretary shall—

11 (1) establish a unified coordination group led by  
12 the Assistant Secretary, which shall include, as ap-  
13 propriate, private sector partners and covered non-  
14 governmental representatives, to serve as a body for  
15 consultation by agencies described in subsection (g)  
16 to plan for and respond to supply chain shocks and  
17 support the resilience, diversity, security, and  
18 strength of critical supply chains;

19 (2) establish subgroups of the unified coordina-  
20 tion group established under paragraph (1) that  
21 shall be led by the head of an appropriate agency;  
22 and

23 (3) through the unified coordination group es-  
24 tablished under paragraph (1)—

1 (A) acquire on a voluntary basis technical,  
2 engineering, and operational critical supply  
3 chain information from the private sector, in a  
4 manner that ensures any critical supply chain  
5 information provided by the private sector is  
6 kept confidential and is exempt from disclosure  
7 under section 552(b)(3) of title 5, United  
8 States Code (commonly known as the “Freedom  
9 of Information Act”);

10 (B) study the critical supply chain infor-  
11 mation acquired under subparagraph (A) to as-  
12 sess critical supply chains, including critical  
13 supply chains for emerging technologies, and in-  
14 form planning for potential supply chain  
15 shocks;

16 (C) convene with relevant private sector  
17 entities to share best practices, planning, and  
18 capabilities to respond to potential supply chain  
19 shocks; and

20 (D) factor in any relevant findings from  
21 the studies required by the American COM-  
22 PETE Act (title XV of division FF of the Con-  
23 solidated Appropriations Act, 2021; Public Law  
24 116–260; 134 Stat. 3276).

1 (d) INTERNATIONAL COOPERATION.—The Secretary,  
2 in consultation with other relevant agencies, may consult  
3 with governments of countries that are an ally or key  
4 international partner nation relating to enhancing the se-  
5 curity and resilience of critical supply chains in response  
6 to supply chain shocks.

7 (e) DESIGNATIONS.—The Assistant Secretary shall—  
8 (1) not later than 270 days after the date of  
9 the enactment of this Act, designate—

- 10 (A) critical industries;  
11 (B) critical supply chains; and  
12 (C) critical goods;

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

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

20 (f) NATIONAL STRATEGY AND REVIEW ON CRITICAL  
21 SUPPLY CHAIN RESILIENCY AND MANUFACTURING IN  
22 THE UNITED STATES.—

23 (1) IN GENERAL.—Not later than 1 year after  
24 the date of the enactment of this Act, and not less  
25 frequently than once every 2 years thereafter, the

1 Assistant Secretary, in consultation with the head of  
2 each relevant agency, covered nongovernmental rep-  
3 resentative, industry, institution of higher education,  
4 and State and local government, shall submit to the  
5 relevant committees of Congress and post on the  
6 website of the Assistant Secretary a report that—

7 (A) identifies—

8 (i) critical infrastructure that may as-  
9 sist in fulfilling the responsibilities de-  
10 scribed in section 2;

11 (ii) emerging technologies that may  
12 assist in fulfilling the responsibilities de-  
13 scribed in section 2 and carrying out the  
14 program, including such technologies that  
15 may be critical to addressing preparedness,  
16 weaknesses, and vulnerabilities relating to  
17 critical supply chains;

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

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

1 (v) substitutes for critical goods, pro-  
2 duction equipment, and manufacturing  
3 technology;

4 (vi) methods and technologies, includ-  
5 ing blockchain technology, distributed ledg-  
6 er technology, and other emerging tech-  
7 nologies, as appropriate, for the authen-  
8 tication and traceability of critical goods;  
9 and

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

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

14 (i) the manufacturing base, critical  
15 supply chains, and emerging technologies  
16 in the United States, including the manu-  
17 facturing base and critical supply chains  
18 for—

19 (I) critical goods;  
20 (II) production equipment; and  
21 (III) manufacturing technology;

22 and

23 (ii) the ability of the United States  
24 to—

1 (I) maintain readiness with re-  
2 spect to preparing for and responding  
3 to supply chain shocks; and

4 (II) in response to a supply chain  
5 shock—

6 (aa) surge production in  
7 critical industries;

8 (bb) surge production of  
9 critical goods and production  
10 equipment; and

11 (cc) maintain access to crit-  
12 ical goods, production equipment,  
13 and manufacturing technology;

14 (C) assesses and describes—

15 (i) the demand and supply of critical  
16 goods, production equipment, and manu-  
17 facturing technology;

18 (ii) the production of critical goods,  
19 production equipment, and manufacturing  
20 technology by domestic manufacturers;

21 (iii) the capability and capacity of do-  
22 mestic manufacturers and manufacturers  
23 in countries that are an ally or key inter-  
24 national partner nation to manufacture

1 critical goods, production equipment, and  
2 manufacturing technology; and

3 (iv) how supply chain shocks could af-  
4 fect rural, Tribal, and underserved commu-  
5 nities;

6 (D) identifies threats and supply chain  
7 shocks that may disrupt, strain, compromise, or  
8 eliminate critical supply chains, critical goods,  
9 and critical industries (including critical indus-  
10 tries for emerging technologies);

11 (E) with regard to any threat identified  
12 under subparagraph (D), lists any threat or  
13 supply chain shock that may originate from a  
14 country, or a company or individual from a  
15 country, that is described in clause (i) or (ii) of  
16 section 6(2)(B);

17 (F) assesses—

18 (i) the resilience and capacity of the  
19 manufacturing base, critical supply chains,  
20 and workforce of the United States and  
21 countries that are an ally or key inter-  
22 national partner nation that can sustain  
23 critical industries (including critical indus-  
24 tries for emerging technologies) through a  
25 supply chain shock;



1 (ii) the effect innovation has on do-  
2 mestic manufacturers; and

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

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

12 (H) assesses the flexible manufacturing ca-  
13 pacity and capability available in the United  
14 States in the case of a supply chain shock; and

15 (I) develops a strategy for the Department  
16 of Commerce to support the resilience, diver-  
17 sity, security, and strength of critical supply  
18 chains and emerging technologies to—

19 (i) support sufficient access to critical  
20 goods by mitigating vulnerabilities in crit-  
21 ical supply chains, including critical supply  
22 chains concentrated in countries that are  
23 described in clause (i) or (ii) of section  
24 6(2)(B);

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

6 (iii) recover from supply chain shocks;

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

12 (I) raise living standards;

13 (II) increase employment oppor-  
14 tunities; and

15 (III) improve responses to supply  
16 chain shocks;

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

21 (vi) support methods and technologies,  
22 including blockchain technology, distrib-  
23 uted ledger technologies, and other emerg-  
24 ing technologies, as appropriate, for the

1 authentication and traceability of critical  
2 goods; and

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

10 (I) developing long-term strate-  
11 gies;

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

16 (III) identifying industry best  
17 practices;

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

24 (aa) critical industries in the  
25 United States;

1 (bb) emerging technologies  
2 in 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 tech-  
21 nologies) or critical supply  
22 chains;

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

1 (aa) compatible across crit-  
2 ical supply chain tiers; and

3 (bb) affordable for all sizes  
4 of business and for startups;

5 (VII) understanding the total  
6 cost of ownership, total value con-  
7 tribution, and other best practices  
8 that encourage strategic partnerships  
9 throughout critical supply chains;

10 (VIII) understanding Federal  
11 procurement opportunities to increase  
12 resilient critical supply chains and fill  
13 gaps in domestic purchasing;

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

19 (X) identifying opportunities to  
20 reuse and recycle critical goods, in-  
21 cluding raw materials, to increase re-  
22 siliant critical supply chains;

23 (XI) consulting with countries  
24 that are an ally or key international  
25 partner nation on—

1 (aa) sourcing critical goods,  
2 production equipment, and man-  
3 ufacturing 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)  
18 that should be prioritized to ensure  
19 United States leadership in the de-  
20 ployment of 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,  
6 shall be submitted to the relevant committees of  
7 Congress in unclassified form and may include a  
8 classified annex.

9 (4) PUBLIC COMMENT.—The Assistant Sec-  
10 retary shall provide for a period of public comment  
11 and review in developing the report submitted under  
12 paragraph (1).

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

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

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

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

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

4           (i) PROTECTION OF VOLUNTARILY SHARED CRIT-  
5           ICAL 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  
22                   communications with a decision making of-  
23                   ficial;

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



1 such information, be used directly by the  
2 Department of Commerce, any other Fed-  
3 eral, 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  
9 such information, be used or disclosed by  
10 any officer or employee of the United  
11 States for purposes other than the pur-  
12 poses of this section, 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  
5 course of the performance of the  
6 duties of the Government Ac-  
7 countability 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 agen-  
16 cy without the written consent of the  
17 person or entity submitting such in-  
18 formation; or

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

24 (vi) does not constitute a waiver of  
25 any applicable privilege or protection pro-

1           vided under law, such as trade secret pro-  
2           tection.

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

6                   (i) in the case of written information  
7                   or records, a written marking on the infor-  
8                   mation or records substantially similar to  
9                   the following: “This information is volun-  
10                  tarily submitted to the Federal Govern-  
11                  ment in expectation of protection from dis-  
12                  closure as provided by the provisions of the  
13                  Promoting Resilient Supply Chains Act of  
14                  2023.”; or

15                   (ii) in the case of oral information, a  
16                   written statement similar to the statement  
17                   described in clause (i) submitted within a  
18                   reasonable period following the oral com-  
19                   munication.

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

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

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

22          (5) INAPPLICABILITY TO SEMICONDUCTOR IN-  
23          CENTIVE PROGRAM.—This subsection does not apply  
24          to the voluntary submission of critical supply chain  
25          information in an application for Federal financial

1 assistance under section 9902 of the William M.  
2 (Mac) Thornberry National Defense Authorization  
3 Act for Fiscal Year 2021 (Public Law 116–283).

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

7 **SEC. 4. CRITICAL SUPPLY CHAIN INNOVATION AND BEST**  
8 **PRACTICES.**

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

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

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

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, enterprises, and entities; and

3 (4) support the authentication and traceability  
4 of critical goods using blockchain technology, distrib-  
5 uted ledger technologies, and other emerging tech-  
6 nologies as appropriate.

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

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

17 (2) Consult with the heads of relevant agencies  
18 (including agencies with jurisdiction over critical  
19 supply chains), States, local governments, Tribal  
20 Governments, countries that are an ally or key inter-  
21 national partner nation, and international organiza-  
22 tions, as necessary.

23 (3) Collaborate with private sector stakeholders  
24 to identify prioritized, flexible, repeatable, perform-  
25 ance-based, and cost-effective critical supply chain

1 resilience approaches that may be voluntarily adopt-  
2 ed by domestic manufacturers, domestic enterprises,  
3 and other entities manufacturing, procuring, or  
4 using a critical good to achieve the goals of sub-  
5 section (a).

6 (4) Facilitate the design of—

7 (A) voluntary processes for selecting sup-  
8 pliers that support the resilience, diversity, se-  
9 curity, and strength of critical supply chains;  
10 and

11 (B) methodologies to identify and mitigate  
12 the effects of a disruption, strain, compromise,  
13 or elimination of a critical supply chain.

14 (5) Facilitate the identification or application of  
15 methods and technologies, including blockchain tech-  
16 nology, distributed ledger technologies, and other  
17 emerging technologies as appropriate, for the au-  
18 thentication and traceability of critical goods.

19 (6) Disseminate research and information to as-  
20 sist domestic manufacturers redesign products, ex-  
21 pand domestic manufacturing capacity, and improve  
22 other capabilities as required to improve the resil-  
23 ience, diversity, security, and strength of critical  
24 supply chains.

25 (7) Incorporate relevant industry best practices.

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

3           (9) Leverage mechanisms that exist as of the  
4 date of the enactment of this Act for the Federal  
5 Government to provide critical supply chain solutions  
6 (including manufacturing technology, products,  
7 tools, and workforce development solutions related to  
8 critical supply chain resilience) to manufacturers, in-  
9 cluding small and medium-sized manufacturers.

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

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

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

16           (3) require any private entity to implement any  
17 measure or recommendation suggested by the Sec-  
18 retary or Assistant Secretary in response to a re-  
19 quest by the private entity; or

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



1 **SEC. 5. DEPARTMENT OF COMMERCE CAPABILITY ASSESS-**  
2 **MENT.**

3 (a) **REPORT REQUIRED.**—The Secretary shall  
4 produce a report—

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

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

14 (3) providing recommendations to enhance the  
15 activities related to critical supply chain resilience  
16 and manufacturing innovation of the Department of  
17 Commerce, including—

18 (A) improving the effectiveness, efficiency,  
19 and impact of the offices and bureaus identified  
20 under paragraph (1);

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

23 (C) consultation with agencies imple-  
24 menting similar activities related to critical sup-  
25 ply chain resilience and manufacturing innova-  
26 tion.

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

7 **SEC. 6. DEFINITIONS.**

8 In this Act:

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

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

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

18 (B) does not include—

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

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

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

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

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

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

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

22                         (B) either—

23                                 (i) critical infrastructure; or

24                                 (ii) an emerging technology.

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

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

5           (B) produces or procures a critical good.

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

10          (8) CRITICAL SUPPLY CHAIN.—The term “crit-  
11 ical supply chain” means a supply chain for a crit-  
12 ical good.

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

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

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

1           duction flexibility, risk evaluations, risk man-  
2           agement planning, or risk audits; or

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

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

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

18          (12) EMERGING TECHNOLOGY.—The term  
19          “emerging technology” means a technology that is  
20          critical for the national security or economic security  
21          of the United States, including the following:

22                (A) Technologies included in the American  
23                COMPETE Act (title XV of division FF of the  
24                Consolidated Appropriations Act, 2021; Public  
25                Law 116–260; 134 Stat. 3276).

- 1 (B) The following technologies:
- 2 (i) Artificial intelligence.
- 3 (ii) Automated vehicles and unmanned
- 4 delivery systems.
- 5 (iii) Blockchain and other distributed
- 6 ledger, data storage, data management,
- 7 and cybersecurity technologies.
- 8 (iv) Quantum computing and quan-
- 9 tum sensing.
- 10 (v) Additive manufacturing.
- 11 (vi) Advanced manufacturing and the
- 12 Internet of Things.
- 13 (vii) Nano technology.
- 14 (viii) Robotics.
- 15 (ix) Microelectronics, optical fiber ray,
- 16 and high performance and advanced com-
- 17 puter hardware and software.
- 18 (x) Semiconductors.
- 19 (xi) Advanced materials science, in-
- 20 cluding composition 2D, other next genera-
- 21 tion materials, and related manufacturing
- 22 technologies.

23 (13) INSTITUTION OF HIGHER EDUCATION.—

24 The term “institution of higher education” has the

1 meaning given that term in section 101 of the High-  
2 er Education Act of 1965 (20 U.S.C. 1001).

3 (14) 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 (15) MANUFACTURING TECHNOLOGY.—The  
11 term “manufacturing technology” means a tech-  
12 nology that is necessary for the manufacturing of a  
13 critical good.

14 (16) PRODUCTION EQUIPMENT.—The term  
15 “production equipment” means any component, sub-  
16 system, system, equipment, tooling, accessory, part,  
17 or assembly necessary for the manufacturing of a  
18 critical good.

19 (17) PROGRAM.—The term “program” means  
20 the critical supply chain resiliency and crisis re-  
21 sponse program established under section 3(a).

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

1 (A) The Committee on Commerce, Science,  
2 and Transportation of the Senate.

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

5 (19) RESILIENT CRITICAL SUPPLY CHAIN.—The  
6 term “resilient critical supply chain” means a crit-  
7 ical supply chain that—

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

14 (B) has key components of resilience that  
15 include—

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

20 (ii) minimized or managed exposure to  
21 a supply chain shock.

22 (20) SECRETARY.—The term “Secretary”  
23 means the Secretary of Commerce.

24 (21) STATE.—The term “State” means each of  
25 the several States, the District of Columbia, each



1 commonwealth, territory, or possession of the United  
2 States, and each federally recognized Indian Tribe.

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

5 (A) A natural disaster.

6 (B) A pandemic.

7 (C) A biological threat.

8 (D) A cyber attack.

9 (E) A great power conflict.

10 (F) A terrorist or geopolitical attack.

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

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

