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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. 5479

To establish the Supply Chain Resiliency and Crisis Response Office in
the Department of Commerce, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. BOURDEAUX (for herself, Mr. KINZINGER, and Ms. KELLY of Illinois) in-
troduced the following bill; which was referred to the Committee on

A BILL

To establish the Supply Chain Resiliency and Crisis Response
Office in the Department of Commerce, 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.**

4 This Act may be cited as the “Supply Chain Health
5 and Integrity for the Nation Act” or the “Supply CHAIN
6 Act”.

1 **SEC. 2. SUPPLY CHAIN RESILIENCY AND CRISIS RESPONSE**

2 **OFFICE.**

3 (a) DEFINITIONS.—In this section:

4 (1) CRITICAL GOOD OR SERVICE.—The term
5 “critical good or service” means any raw, in process,
6 or manufactured material (including any mineral,
7 metal, or advanced processed material), article, com-
8 modity, supply, product, or item of supply the ab-
9 sence of which would have a significant effect on—

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

12 (B) critical infrastructure.

13 (2) CRITICAL INDUSTRY.—The term “critical
14 industry” means an industry that is critical for the
15 national security or economic security of the United
16 States, considering key technology focus areas under
17 this section and critical infrastructure.

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

22 (4) DOMESTIC ENTERPRISE.—The term “do-
23 mestic enterprise” means an enterprise that con-
24 ducts business in the United States and procures a
25 critical good or service.

1 (5) DOMESTIC MANUFACTURER.—The term
2 “domestic manufacturer” means a business that—

3 (A) conducts in the United States the re-
4 search and development, engineering, or pro-
5 duction activities necessary or incidental to
6 manufacturing; or

7 (B) if provided financial assistance by the
8 Federal Government, will conduct in the United
9 States the research and development, engineer-
10 ing, or production activities necessary or inci-
11 dental to manufacturing.

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

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

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

1 (9) KEY TECHNOLOGY FOCUS AREAS.—The
2 term “key technology focus areas” means the fol-
3 lowing:

4 (A) Artificial intelligence, machine learn-
5 ing, autonomy, and related advances.

6 (B) High performance computing, semi-
7 conductors, and advanced computer hardware
8 and software.

9 (C) Quantum information science and
10 technology.

11 (D) Robotics, automation, and advanced
12 manufacturing.

13 (E) Natural and anthropogenic disaster
14 prevention or mitigation.

15 (F) Advanced communications technology,
16 including optical transmission components.

17 (G) Biotechnology, medical technology,
18 genomics, and synthetic biology.

19 (H) Data storage, data management, dis-
20 tributed ledger technologies, and cybersecurity,
21 including biometrics.

22 (I) Advanced energy and industrial efficacy
23 technologies, such as batteries, advanced nu-
24 clear technologies, and polysilicon for use in
25 solar photovoltaics, including for the purposes

1 of electric generation (consistent with section
2 15 of the National Science Foundation Act of
3 1950 (42 U.S.C. 1874)).

4 (J) Advanced materials science, including
5 composites and 2D materials and equipment,
6 aerospace grade metals, and aerospace specific
7 manufacturing enabling chemicals.

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

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

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

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

1 (ii) individuals employed by persons
2 subject to the Railway Labor Act (45
3 U.S.C. 151 et seq.); or

4 (iii) individuals employed as agricul-
5 tural laborers.

6 (11) MANUFACTURING TECHNOLOGY.—The
7 term “manufacturing technology” means tech-
8 nologies that are necessary or incidental to the man-
9 ufacturing of a critical good or service.

10 (12) OFFICE.—The term “Office” means the
11 Supply Chain Resiliency and Crisis Response Office
12 established under subsection (b).

13 (13) RELEVANT COMMITTEES OF CONGRESS.—
14 The term “relevant committees of Congress”
15 means—

16 (A) the Committee on Commerce, Science,
17 and Transportation of the Senate;

18 (B) the Committee on Appropriations of
19 the Senate;

20 (C) the Committee on Finance of the Sen-
21 ate;

22 (D) the Committee on Homeland Security
23 and Governmental Affairs of the Senate;

24 (E) the Committee on Armed Services of
25 the Senate;

1 (F) the Committee on Energy and Natural
2 Resources of the Senate;

3 (G) the Select Committee on Intelligence of
4 the Senate;

5 (H) the Committee on Science, Space, and
6 Technology of the House of Representatives;

7 (I) the Committee on Energy and Com-
8 merce of the House of Representatives;

9 (J) the Committee on Appropriations of
10 the House of Representatives;

11 (K) the Committee on Ways and Means of
12 the House of Representatives;

13 (L) the Committee on Homeland Security
14 of the House of Representatives;

15 (M) the Committee on Armed Services of
16 the House of Representatives; and

17 (N) the Permanent Select Committee on
18 Intelligence of the House of Representatives.

19 (14) RESILIENT SUPPLY CHAIN.—The term
20 “resilient supply chain” means a supply chain
21 that—

22 (A) ensures that the United States can
23 sustain critical industry production, supply
24 chains, services, and access to critical goods and
25 services, industrial equipment, and manufac-

1 turing technology during supply chain shocks;
2 and

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

5 (i) effective private sector risk man-
6 agement and mitigation planning to sus-
7 tain supply chains and supplier networks
8 during a supply chain shock;

9 (ii) minimized or managed exposure to
10 supply chain shocks; and

11 (iii) the financial and operational ca-
12 pacity to—

13 (I) sustain supply chains during
14 supply chain shocks; and

15 (II) recover from supply chain
16 shocks.

17 (15) SECRETARY.—The term “Secretary”
18 means the Secretary of Commerce.

19 (16) STATE.—The term “State” means each
20 State of the United States, the District of Columbia,
21 American Samoa, Guam, the Commonwealth of the
22 Northern Mariana Islands, the Commonwealth of
23 Puerto Rico, the Virgin Islands of the United States,
24 and any other territory or possession of the United
25 States.

1 (17) SUPPLY CHAIN.—The term “supply chain”
2 means a supply chain for a critical good or service.

3 (18) SUPPLY CHAIN INFORMATION.—The term
4 “supply chain information” means information that
5 is not customarily in the public domain and relating
6 to—

7 (A) sustaining and adapting supply chains
8 during a supply chain shock;

9 (B) supply chain risk mitigation and recovery
10 planning with respect to a supply chain
11 shock, including any planned or past assess-
12 ment, projection, or estimate of a vulnerability
13 within the supply chain, including testing, sup-
14 plier network assessments, production flexi-
15 bility, risk evaluations thereto, risk manage-
16 ment planning, or risk audits; or

17 (C) operational best practices, planning,
18 and supplier partnerships that enable enhanced
19 resilience of supply chains during a supply
20 chain shock, including response, repair, recovery,
21 reconstruction, insurance, or continuity.

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

24 (A) A natural disaster or extreme weather
25 event.

1 (B) An accidental or human-caused event.

2 (C) An economic disruption.

3 (D) A pandemic.

4 (E) A biological threat.

5 (F) A cyberattack.

6 (G) A great power conflict.

7 (H) A terrorist or geopolitical attack.

8 (I) Any other supply chain disruption or
9 threat that affects the national security or eco-
10 nomic security of the United States.

11 (20) TRIBAL GOVERNMENT.—The term “Tribal
12 government” means Indian Tribes, Alaska Native
13 Tribal entities, and Native Hawaiian communities.

14 (21) UNDER SECRETARY.—The term “Under
15 Secretary” means the Under Secretary of the Office
16 of Supply Chain Resiliency and Crisis Response ap-
17 pointed pursuant to subsection (d).

18 (b) ESTABLISHMENT.—Not later than 180 days after
19 the date of enactment of this Act, the Secretary shall es-
20 tablish a Supply Chain Resiliency and Crisis Response Of-
21 fice to carry out the activities described in subsection (e).

22 (c) MISSION.—The mission of the Office shall be the
23 following:

1 (1) Help to promote the leadership of the
2 United States with respect to critical industries and
3 supply chains 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 partnerships and collaboration
9 with the Federal Government and the private sector,
10 labor organizations, the governments of countries
11 that are allies or key international partners of the
12 United States, State governments and political sub-
13 divisions of a State, and Tribal governments in order
14 to—

15 (A) promote the resilience of supply
16 chains; and

17 (B) respond to supply chain shocks to—

18 (i) critical industries; and

19 (ii) supply chains.

20 (3) Monitor the resilience, diversity, security,
21 and strength of supply chains and critical industries,
22 including by—

23 (A) monitoring the financial and oper-
24 ational conditions of domestic manufacturers
25 and domestic enterprises;

1 (B) performing stress tests for critical in-
2 dustries, supply chains, domestic enterprises,
3 and domestic manufacturers;

4 (C) monitoring the demand and supply of
5 critical goods and services, industrial equip-
6 ment, and manufacturing technology;

7 (D) monitoring manufacturing,
8 warehousing, transportation, and distribution;
9 and

10 (E) working in partnership with the co-
11 ordination group established under subsection
12 (g), as applicable.

13 (4) Support the development, maintenance, im-
14 provement, competitiveness, restoration, and expan-
15 sion of the productive capacities, efficiency, and
16 workforce of critical industries and domestic manu-
17 facturers of critical goods and services, industrial
18 equipment, and manufacturing technology.

19 (5) Prepare for and take appropriate steps to
20 minimize the effects of supply chain shocks on crit-
21 ical industries and supply chains.

22 (6) Support the creation of jobs with competi-
23 tive wages in the manufacturing sector.

1 (7) Encourage manufacturing growth and op-
2 portunities in economically distressed areas and
3 communities of color.

4 (8) Promote the health of the economy of the
5 United States and the competitiveness of manufac-
6 turing in the United States.

7 (9) Coordinate executive branch actions nec-
8 essary to carry out the functions described in para-
9 graphs (1) through (8).

10 (d) UNDER SECRETARY OF THE OFFICE.—

11 (1) APPOINTMENT AND TERM.—The head of
12 the Office shall be the Under Secretary of the Office
13 of Supply Chain Resiliency and Crisis Response, ap-
14 pointed by the President, by and with the advice and
15 consent of the Senate, for a term of not more than
16 5 years.

17 (2) PAY.—The Under Secretary shall be com-
18 pensated at the rate in effect for level II of the Ex-
19 ecutive Schedule under section 5313 of title 5,
20 United States Code.

21 (3) ADMINISTRATIVE AUTHORITIES.—The
22 Under Secretary may appoint officers and employees
23 in accordance with chapter 51 and subchapter III of
24 chapter 53 of title 5, United States Code.

1 (e) ACTIVITIES.—The Under Secretary shall carry
2 out the following activities:

3 (1) In collaboration with the coordination group
4 established under subsection (g)—

5 (A) map, monitor, and model supply
6 chains; and

7 (B) identify high priority supply chain
8 gaps and vulnerabilities in critical industries
9 and supply chains that—

10 (i) exist as of the date of the enact-
11 ment of this section; or

12 (ii) are anticipated in the future.

13 (2) Identify and evaluate—

14 (A) supply chain shocks that may disrupt,
15 strain, compromise, or eliminate a supply chain;

16 (B) short-term, medium-term, and long-
17 term manufacturing needs critical to the na-
18 tional security, economic security, public health,
19 and the environment of the United States;

20 (C) the diversity, security, reliability, and
21 strength of—

22 (i) supply chains, including single
23 point of failure, single producer, or consoli-
24 dated manufacturing; and

1 (ii) the sources of critical goods and
2 services, industrial equipment, or manufac-
3 turing technology, including those obtained
4 or purchased from a person outside of the
5 United States or imported into the United
6 States;

7 (D) the demand and supply of critical
8 goods and services, industrial equipment, and
9 manufacturing technology;

10 (E) the availability, capability, and capaci-
11 ty of domestic manufacturers or manufacturers
12 in allied nations or other key international part-
13 ners to serve as a source of a critical good or
14 service, industrial equipment, or manufacturing
15 technology;

16 (F) the effect on the economic security of
17 the United States, including jobs and wages,
18 that may result from the disruption, strain,
19 compromise, or elimination of any supply chain;

20 (G) the state of the manufacturing work-
21 force, including—

22 (i) the needs of domestic manufactur-
23 ers; and

24 (ii) opportunities to create high-qual-
25 ity manufacturing jobs; and

1 (H) investments in critical goods and serv-
2 ices, industrial equipment, or manufacturing
3 technology from non-Federal sources.

4 (3) In collaboration with the coordination group
5 established under subsection (g), State governments
6 and political subdivisions of a State, and Tribal gov-
7 ernments, and, as appropriate, in cooperation with
8 the governments of countries that are allies or key
9 international partners of the United States—

10 (A) identify opportunities to reduce supply
11 chain gaps and vulnerabilities in critical indus-
12 tries and supply chains;

13 (B) encourage partnerships between the
14 Federal Government and industry, labor organi-
15 zations, State governments and political sub-
16 divisions of a State, and Tribal governments to
17 better respond to supply chain shocks to critical
18 industries and supply chains and coordinate re-
19 sponse efforts;

20 (C) encourage partnerships between the
21 Federal Government and the governments of
22 countries that are allies or key international
23 partners of the United States;

1 (D) develop or identify opportunities to
2 build the capacity of the United States in crit-
3 ical industries and supply chains;

4 (E) develop or identify opportunities to
5 build the capacity of countries that are allies or
6 key international partners of the United States
7 in critical industries and supply chains; and

8 (F) develop contingency plans and coordi-
9 nation mechanisms to improve critical industry
10 supply chain response to supply chain shocks.

11 (4) In coordination with the Secretary of State
12 and the United States Trade Representative—

13 (A) work with governments of countries
14 that are allies or key international partners of
15 the United States to promote diversified and re-
16 siliant supply chains industries that ensure the
17 supply of critical goods and services, industrial
18 equipment, and manufacturing technology to
19 both the United States and companies of coun-
20 tries that are allies or key international part-
21 ners of the United States; and

22 (B) coordinate with other offices and divi-
23 sions of the Department of Commerce and
24 other Federal agencies to use authorities, as of
25 the date of the enactment of this section, to en-

1 courage the resilience of supply chains of crit-
2 ical industries.

3 (5) Develop strategies and plans to recover
4 from supply chain shocks.

5 (f) CONTINUOUS MONITORING.—The Under Sec-
6 retary, in consultation with the head of any relevant Fed-
7 eral agency, including those with jurisdiction over supply
8 chains, shall continuously monitor the resilience, diversity,
9 security, and strength of supply chains.

10 (g) COORDINATION GROUP.—

11 (1) IN GENERAL.—In carrying out the activities
12 under subsection (e), the Under Secretary shall es-
13 tablish a unified coordination group led by the
14 Under Secretary which shall include private sector
15 partners, labor organizations, and, as appropriate,
16 Federally Funded Research and Development Cen-
17 ters, to serve as a method for coordinating between
18 and among Federal agencies described under sub-
19 section (k) to plan for and respond to supply chain
20 shocks and support the resilience, diversity, security,
21 and strength of supply chains.

22 (2) IMPLEMENTATION.—Through the unified
23 coordination group established under paragraph (1),
24 the Under Secretary shall—

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

9 (B) study the supply chain information ac-
10 quired under subparagraph (A) to—

11 (i) identify supply chains;

12 (ii) assess the resilience of supply
13 chains;

14 (iii) identify supply chains vulnerable
15 to disruption, strain, compromise, or elimi-
16 nation; and

17 (iv) inform planning;

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

22 (D) develop contingency plans and coordi-
23 nation mechanisms to ensure an effective and
24 coordinated response to potential supply chain
25 shocks.

1 (3) SUBGROUPS.—In carrying out the activities
2 described in paragraph (2), the Under Secretary
3 may establish subgroups of the unified coordination
4 group established under paragraph (1) led by the
5 head of an appropriate Federal agency.

6 (4) INTERNATIONAL AGREEMENTS.—The
7 Under Secretary, in consultation with the United
8 States Trade Representative and any other relevant
9 Federal agency, may enter into agreements with
10 governments of countries that are allies or key inter-
11 national partners of the United States relating to
12 enhancing the security and resilience of supply
13 chains in response to supply chain shocks.

14 (h) DESIGNATIONS.—Not later than 180 days after
15 the date of enactment of this Act, the Under Secretary
16 shall—

17 (1) designate—

18 (A) critical industries;

19 (B) supply chains; and

20 (C) critical goods and services;

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 four
25 years.

1 (i) QUADRENNIAL REPORT ON SUPPLY CHAIN RE-
2 SILIENCY AND DOMESTIC MANUFACTURING.—

3 (1) IN GENERAL.—Not later than four years
4 after the date on which the final Sectoral Supply
5 Chain Assessments report on supply chains required
6 under section 4(a) of Executive Order 14017 (relat-
7 ing to America’s supply chains) is submitted, and
8 not later than once every four years thereafter, the
9 Under Secretary, in coordination with relevant Fed-
10 eral agencies and relevant private sector entities,
11 labor organizations, State governments and political
12 subdivisions of a State, and Tribal governments,
13 shall submit to the relevant committees of Congress
14 and post on the website of the Under Secretary a re-
15 port on supply chain resilience and domestic manu-
16 facturing (in this subsection referred to as the “re-
17 port”) to strengthen, improve, and preserve the di-
18 versity, security, reliability, and strength of supply
19 chains.

20 (2) ELEMENTS.—In carrying out paragraph
21 (1), the Under Secretary shall—

22 (A) identify—

23 (i) the critical industries, supply
24 chains, and critical goods and services des-
25 ignated under subsection (h);

1 (ii) supplies that are critical to the
2 crisis preparedness of the United States;

3 (iii) substitutes for critical goods and
4 services, industrial equipment, and manu-
5 facturing technology; and

6 (iv) the matters identified and evalu-
7 ated pursuant to subsection (e)(3);

8 (B) provide a description of—

9 (i) the manufacturing base and supply
10 chains in the United States, including the
11 manufacturing base and supply chains
12 for—

13 (I) industrial equipment;

14 (II) critical goods and services,
15 including raw materials and semi-
16 conductors, that are essential to the
17 production of technologies and sup-
18 plies for critical industries; and

19 (III) manufacturing technology;

20 and

21 (ii) the ability of the United States

22 to—

23 (I) maintain readiness with re-
24 spect to preparing for and responding
25 to supply chain shocks; and

1 (II) in response to a supply chain
2 shock—

3 (aa) surge production in
4 critical industries;

5 (bb) surge production of
6 critical goods and services and
7 industrial equipment; and

8 (cc) maintain access to crit-
9 ical goods and services, industrial
10 equipment, and manufacturing
11 technology;

12 (C) provide an assessment and description
13 of—

14 (i) demand and supply of critical
15 goods and services, industrial equipment,
16 and manufacturing technology;

17 (ii) production of critical goods and
18 services, industrial equipment, and manu-
19 facturing technology by domestic manufac-
20 turers; and

21 (iii) the capability and capacity of do-
22 mestic manufacturers and manufacturers
23 in countries that are allies or key inter-
24 national partners of the United States to
25 manufacture critical goods and services, in-

1 industrial equipment, and manufacturing
2 technology;

3 (D) identify defense, intelligence, home-
4 land, economic, domestic labor supply, natural,
5 geopolitical, or other contingencies and other
6 supply chain shocks that may disrupt, strain,
7 compromise, or eliminate a supply chain;

8 (E) provide an assessment of—

9 (i) the resilience and capacity of the
10 manufacturing base, supply chains, and
11 workforce of the United States, the allies
12 of the United States, and the key inter-
13 national partners of the United States that
14 can sustain critical industries through a
15 supply chain shock;

16 (ii) the flexible manufacturing capaci-
17 ty and capabilities available in the United
18 States in the case of a supply chain shock;
19 and

20 (iii) the effect innovation has on do-
21 mestic manufacturing;

22 (F) provide specific recommendations to
23 improve the security and resiliency of manufac-
24 turing capacity and supply chains through—

25 (i) developing long-term strategies;

1 (ii) increasing visibility into the net-
2 works and capabilities of suppliers and do-
3 mestic manufacturers;

4 (iii) identifying industry best prac-
5 tices;

6 (iv) evaluating how diverse supplier
7 networks, multi-platform and multi-region
8 production capabilities and sources, and in-
9 tegrated global and regional supply chains
10 can—

11 (I) enhance the resilience of crit-
12 ical industries in the United States;

13 (II) support and create jobs in
14 the United States;

15 (III) enhance the resilience of
16 manufacturing capabilities of the
17 United States; and

18 (IV) support access of the United
19 States to critical goods and services
20 during a supply chain shock;

21 (v) identifying and mitigating risks,
22 including—

23 (I) the financial and operational
24 risks of a supply chain;

1 (II) significant vulnerabilities to
2 supply chain shocks and other emer-
3 gencies; and

4 (III) exposure to gaps and
5 vulnerabilities in—

6 (aa) domestic capacity or ca-
7 pabilities; and

8 (bb) sources of imports
9 needed to sustain critical indus-
10 tries and supply chains;

11 (vi) identifying enterprise resource
12 planning systems that are—

13 (I) compatible across supply
14 chain tiers; and

15 (II) affordable for small and me-
16 dium-sized businesses;

17 (vii) understanding the total cost of
18 ownership, total value contribution, and
19 other best practices that encourage stra-
20 tegic partnerships throughout supply
21 chains;

22 (viii) understanding Federal procure-
23 ment opportunities to increase resiliency of
24 supply chains and fill gaps in domestic
25 purchasing of critical goods and services;

1 (ix) identifying policies that maximize
2 job retention and creation in the United
3 States, including workforce development
4 programs;

5 (x) identifying opportunities to work
6 with allies or key international partners of
7 the United States in building more resil-
8 ient critical industry supply chains and
9 mitigating risks;

10 (xi) identifying areas requiring further
11 investment in research and development or
12 workforce education; and

13 (xii) identifying such other services as
14 the Under Secretary determines necessary;

15 (G) provide guidance to the Department of
16 Commerce, the National Science Foundation,
17 and other relevant Federal agencies with re-
18 spect to critical goods and services, industrial
19 equipment, and manufacturing technologies
20 that should be prioritized;

21 (H) with respect to countries that are al-
22 lies or key international partners of the United
23 States—

24 (i) review and, if appropriate, provide
25 recommendations for expanding the

1 sourcing of critical goods and services, in-
2 dustrial equipment, and manufacturing
3 technology associated with critical indus-
4 tries from those countries; and

5 (ii) recommend coordination with
6 those countries on—

7 (I) sourcing critical goods and
8 services, industrial equipment, and
9 manufacturing technology; and

10 (II) developing, sustaining, and
11 expanding production and availability
12 of supply chains, critical goods and
13 services, industrial equipment, and
14 manufacturing technology during a
15 supply chain shock;

16 (I) make recommendations for strength-
17 ening the financial and operational health of
18 small and medium-sized businesses in supply
19 chains of the United States and countries that
20 are allies or key international partners of the
21 United States to mitigate risks and ensure di-
22 verse and competitive supplier markets that are
23 less vulnerable to failure;

24 (J) make an assessment of policies, rules,
25 and regulations that impact domestic manufac-

1 turers' operating costs and inhibit the ability
2 for domestic manufacturing to compete with
3 global competitors; and

4 (K) make recommendations regarding
5 freight and logistics necessary to support supply
6 chains.

7 (3) PROHIBITION.—The report may not in-
8 clude—

9 (A) supply chain information that is not
10 aggregated; or

11 (B) confidential business information of a
12 private sector entity.

13 (4) COLLABORATION.—The head of any Fed-
14 eral agency with jurisdiction over any supply chain
15 shall collaborate with the Under Secretary and pro-
16 vide any information, data, or assistance that the
17 Under Secretary determines to be necessary for de-
18 veloping the report.

19 (5) FORM.—The report submitted under this
20 subsection, and any update submitted thereafter,
21 shall be submitted in unclassified form and may in-
22 clude a classified annex.

23 (6) PUBLIC COMMENT.—The Under Secretary
24 shall provide for a period of public comment and re-

1 view in developing the report required under para-
2 graph (1).

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

12 (k) COORDINATION.—

13 (1) IN GENERAL.—In implementing the require-
14 ments under subsection (i), the Under Secretary
15 shall, as appropriate coordinate with—

16 (A) the heads of appropriate Federal agen-
17 cies, including—

18 (i) the Secretary of State; and

19 (ii) the United States Trade Rep-
20 resentative; and

21 (B) the Attorney General and the Federal
22 Trade Commission with respect to—

23 (i) advice on the design and activities
24 of the unified coordination group described
25 in subsection (g)(1); and

1 (ii) ensuring compliance with Federal
2 antitrust law.

3 (2) SPECIFIC COORDINATION.—In carrying out
4 the requirements under this section, with respect to
5 supply chains involving specific sectors, the Under
6 Secretary shall, as appropriate, coordinate with—

- 7 (A) the Secretary of Defense;
8 (B) the Secretary of Homeland Security;
9 (C) the Secretary of the Treasury;
10 (D) the Secretary of Energy;
11 (E) the Secretary of Transportation;
12 (F) the Secretary of Agriculture;
13 (G) the Under Secretary of National Intel-
14 ligence;
15 (H) the Secretary of Health and Human
16 Services;
17 (I) the Small Business Administration;
18 (J) the Secretary of Labor; and
19 (K) the heads of other relevant Federal
20 agencies, as appropriate.

21 (l) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to require any private entity—

23 (1) to share information with the Secretary or
24 Under Secretary;

1 (2) to request assistance from the Secretary or
2 Under Secretary; or

3 (3) that requests assistance from the Secretary
4 or Under Secretary to implement any measure or
5 recommendation suggested by the Secretary or
6 Under Secretary.

7 (m) PROTECTIONS.—

8 (1) IN GENERAL.—Supply chain information
9 that is voluntarily and lawfully submitted by a pri-
10 vate entity and accompanied by an express state-
11 ment described in paragraph (2) of this subsection—

12 (A) shall be exempt from disclosure under
13 section 552(b)(3) of title 5, United States Code;

14 (B) shall not be made available by any
15 Federal, State, local, or Tribal authority pursu-
16 ant to any Federal, State, local, or Tribal law
17 requiring public disclosure of information or
18 records; and

19 (C) shall not, without the written consent
20 of the person or entity submitting such infor-
21 mation, be used directly by the Under Sec-
22 retary, or any other Federal, State, or local au-
23 thority in any civil enforcement action brought
24 by a Federal, State, or local authority.

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

4 (A) in the case of written information or
5 records, a written marking on the information
6 or records substantially similar to the following:
7 “This information is voluntarily submitted to
8 the Federal Government in expectation of pro-
9 tection from disclosure as provided by the provi-
10 sions of section 2(m) of the Supply Chain
11 Health and Integrity for the Nation Act.”; or

12 (B) in the case of oral information, a writ-
13 ten statement similar to the statement de-
14 scribed in subparagraph (A) submitted within a
15 reasonable period following the oral communica-
16 tion.

17 (3) INAPPLICABILITY TO SEMICONDUCTOR IN-
18 CENTIVE PROGRAM.—This subsection shall not apply
19 to the voluntary submission of supply chain informa-
20 tion by a private entity in an application for Federal
21 financial assistance under section 9902 of the Wil-
22 liam M. (Mac) Thornberry National Defense Author-
23 ization Act for Fiscal Year 2021 (Public Law 116–
24 283).

1 (n) NO EFFECT ON DISCOVERY.—Subject to sub-
2 section (m), nothing in this section, nor any rule, regula-
3 tion, or amendment shall be construed to create a defense
4 to a discovery request, or otherwise limit or affect the dis-
5 covery of supply chain information from a private entity
6 arising from a cause of action authorized under any under
7 Federal, State, local, or Tribal law.

8 (o) IMPLEMENTATION REPORT.—

9 (1) IN GENERAL.—Not later than 1 year after
10 the date of enactment of this Act, the Secretary
11 shall submit to the relevant committees of Congress
12 and post on the website of the Under Secretary a re-
13 port on the implementation of this section.

14 (2) ELEMENTS.—In carrying out paragraph
15 (1), the Secretary shall—

16 (A) identify any office or bureau within the
17 Department of Commerce that the Secretary
18 determines has duties, responsibilities, re-
19 sources, or expertise that support or duplicate
20 the mission of the Office;

21 (B) describe the purposes of the offices or
22 bureaus identified under subparagraph (A);

23 (C) identify if the Under Secretary is co-
24 ordinating with the offices and bureaus identi-

1 fied under subparagraph (A) in implementing
2 the requirements of this Act;

3 (D) if the Secretary makes a positive de-
4 termination under subparagraph (C), evaluate
5 the effectiveness and efficiency of the Under
6 Secretary and the offices and bureaus identified
7 under subparagraph (A) at implementing the
8 requirements of this section; and

9 (E) identify if the Secretary will consoli-
10 date functions amongst the Office and the of-
11 fices and bureaus identified under subpara-
12 graph (A).

13 (p) CONSISTENCY WITH INTERNATIONAL AGREE-
14 MENTS.—This section shall be applied in a manner con-
15 sistent with United States obligations under international
16 agreements.

17 (q) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Under Secretary
19 \$500,000,000 for fiscal years 2022 through 2027, to re-
20 main available until expended, to carry out this section,
21 of which not more than 2 percent per fiscal year may be
22 used for administrative costs.