

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY _____

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the [“_____ Act
3 of 2023”].

4 SEC. 2. DEFINITIONS.

5 (a) DEFINITIONS.—In this section:

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

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

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

15 (B) does not include—

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

1 (ii) a country of concern.

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

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

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

14 (B) critical infrastructure; and

15 (C) emerging technologies

16 (5) CRITICAL INDUSTRY.—The term “critical
17 industry” means an industry identified under sub-
18 section (f)(1)(A)(i)

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

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

1 (8) CRITICAL SUPPLY CHAIN INFORMATION.—

2 The term “critical supply chain information” means
3 information that is not customarily in the public do-
4 main and relating to—

5 (A) sustaining and adapting supply chains
6 during a supply chain shock;

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

15 (C) operational best practices, planning,
16 and supplier partnerships that enable enhanced
17 resilience of critical supply chains during a sup-
18 ply chain shock, including response, repair, re-
19 covery, reconstruction, insurance, or continuity.

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

24 (10) DOMESTIC MANUFACTURER.—The term
25 “domestic manufacturer” means a business that

1 conducts in the United States the research and de-
2 velopment, engineering, or production activities nec-
3 essary for manufacturing.

4 (11) EMERGING TECHNOLOGY.—The term
5 “emerging technology” means technologies identified
6 under section (4)(e)(1)(A)(ii).

7 (12) INSTITUTION OF HIGHER EDUCATION.—
8 The term “institution of higher education” has the
9 meaning given that term under section 101(a) of the
10 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

11 (13) MANUFACTURE.—The term “manufac-
12 ture” means any activity that is necessary for the
13 development, production, processing, distribution, or
14 delivery of any raw, in process, or manufactured ma-
15 terial (including any mineral, metal, and advanced
16 processed material), article, commodity, supply,
17 product, critical good, or item of supply.

18 (14) MANUFACTURING TECHNOLOGY.—The
19 term “manufacturing technology” means tech-
20 nologies that are necessary for the manufacturing of
21 a critical good.

22 (15) NON-GOVERNMENTAL ORGANIZATION.—
23 The term “non-governmental organization” means a
24 representative of non-Federal governments, the pri-

1 vate sector, industry, retailers, agriculture, and the
2 workforce.

3 (16) PROGRAM.—The term “program” means
4 the critical supply chain resiliency program estab-
5 lished pursuant to section 4(a).

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

9 (A) The Committee on Commerce, Science,
10 and Transportation of the Senate.

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

13 (18) RESILIENT CRITICAL SUPPLY CHAIN.—The
14 term “resilient critical supply chain” means a crit-
15 ical supply chain that—

16 (A) ensures that the United States can
17 sustain critical industry and emerging tech-
18 nology production, critical supply chains, serv-
19 ices, and access to critical goods, and manufac-
20 turing technology during supply chain shocks;
21 and

22 (B) has key components of resilience that
23 include—

24 (i) effective private sector risk man-
25 agement and mitigation planning to sus-

1 tain critical supply chains and supplier
2 networks during a supply chain shock;

3 (ii) minimized or managed exposure to
4 supply chain shocks; and

5 (iii) the financial and operational ca-
6 pacity to—

7 (I) sustain critical supply chains
8 and emerging technology supply
9 chains during shocks; and

10 (II) recover from supply chain
11 shocks.

12 (19) SECRETARY.—The term “Secretary”
13 means the Secretary of Commerce.

14 (20) STATE.—The term “State” means each of
15 the several States, the District of Columbia, each
16 commonwealth, territory, or possession of the United
17 States, and each federally recognized Indian Tribe.

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

20 (A) A natural disaster.

21 (B) A pandemic.

22 (C) A biological threat.

23 (D) A cyber attack.

24 (E) A great power conflict.

25 (F) A terrorist or geopolitical attack.

1 (G) A public health emergency declared by
2 the Secretary of Health and Human Services
3 pursuant to section 319 of the Public Health
4 Service Act (42 U.S.C. 247d).

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

10 (I) Any other critical supply chain disrup-
11 tion or threat that affects the national security
12 or economic security of the United States.

13 **SEC. 3. RESPONSIBILITIES ASSIGNED TO ASSISTANT SEC-**
14 **RETARY.**

15 Chapter 40 of title 15 of United States Code is
16 amended by inserting after section 1707 the following:

17 **“SEC. 1707d. ASSISTANT SECRETARY OF COMMERCE FOR**
18 **INDUSTRY AND ANALYSIS; IDENTIFICATION**
19 **OF RESPONSIBILITIES.**

20 “(a) **ADDITIONAL RESPONSIBILITIES.**—The Assist-
21 ant Secretary shall have the following additional respon-
22 sibilities—

23 “(1) promote the leadership of the United
24 States with respect to critical industries, critical sup-
25 ply chains, and emerging technologies, including

1 emerging technologies included in the American
2 COMPETE Act (Public Law 116–260; 134 Stat.
3 3276), that—

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

6 “(B) have a significant effect on the eco-
7 nomic security of the United States . encourage
8 partnerships with other Federal agencies, non-
9 governmental organizations, industry, institu-
10 tions of higher education, the governments of
11 countries that are allies or key international
12 partner nations of the United States, and State
13 and local governments in order to—

14 “(i) promote resilient critical supply
15 chains; and

16 “(ii) identify, prepare for, and re-
17 spond to supply chain shocks to—

18 “(I) critical industry;

19 “(II) critical supply chains; and

20 “(III) emerging technologies; and

21 “(IV) encourage the growth and
22 competitiveness of United States pro-
23 ductive capacities and manufacturing
24 in the United States of emerging tech-
25 nologies, including emerging tech-

1 nologies included in the American
2 COMEPTE Act (Public Law 116-260;
3 134 Stat. 3276);

4 “(V) monitor the resilience, di-
5 versity, security, and strength of crit-
6 ical supply chains and critical indus-
7 tries;

8 “(VI) support the availability of
9 critical goods from domestic manufac-
10 turers, domestic enterprises, and man-
11 ufacturing operations in the United
12 States and in countries that are allies
13 or key international partner nations;

14 “(VII) assist the Federal Govern-
15 ment in preparing for and responding
16 to critical supply chain shocks, includ-
17 ing by improving the flexible manufac-
18 turing capacities and capabilities in
19 the United States;

20 “(VIII) consistent with United
21 States obligations under international
22 agreements, encourage and incentivize
23 the reduced reliance of domestic enti-
24 ties and domestic manufacturers on

1 critical goods from countries of con-
2 cern;

3 “(IX) encourage the relocation of
4 manufacturing facilities that manufac-
5 ture critical goods from countries of
6 concern to the United States and
7 countries that are allies and key inter-
8 national partner nations to strengthen
9 the resilience, diversity, security, and
10 strength of critical supply chains;

11 “(X) support the creation of jobs
12 with competitive wages in the United
13 States manufacturing sector; **[and]**

14 “(XI) promote the health of the
15 economy of the United States and the
16 competitiveness of manufacturing in
17 the United States.

18 “(b) EXPERTISE AND STAFFING.—In executing the
19 responsibilities under subsection (a), the Assistant Sec-
20 retary—

21 “(1) shall establish capabilities to—

22 “(A) assess the state of technology, innova-
23 tion, and production capacity in the United
24 States and other nations; and

1 “(B) conduct other activities deemed to be
2 critical for the use of analytic capabilities, sta-
3 tistics, datasets, and metrics related to critical
4 technologies and innovation; and

5 “(2) may utilize external organizations, such as
6 federally funded research and development centers
7 and institutions of higher education, to provide inde-
8 pendent and objective technical support.”.

9 **SEC. 4. CRITICAL SUPPLY CHAIN RESILIENCY AND CRISIS**
10 **RESPONSE PROGRAM.**

11 (a) **ESTABLISHMENT.**—Not later than 180 days after
12 the date of enactment of this Act, the Assistant Secretary
13 shall establish in the Department of Commerce a supply
14 chain resiliency program to carry out the activities de-
15 scribed in subsection (b).

16 (b) **ACTIVITIES.**—Under the program, the Assistant
17 Secretary shall carry out activities—

18 (1) in coordination with the coordination group
19 established under subsection (c), to—

20 (A) map, monitor, and model critical sup-
21 ply chains and emerging technology supply
22 chains, which may include—

23 (i) modeling the impact of supply
24 chain shocks on critical industries, critical

1 supply chains, domestic enterprises, and
2 domestic manufacturers;

3 (ii) monitoring the demand for and
4 supply of critical goods and services, and
5 manufacturing technology needed for crit-
6 ical supply chains, including critical goods
7 and services, and manufacturing tech-
8 nology obtained or purchased from a per-
9 son outside of the United States or im-
10 ported into the United States; and

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

14 (B) identify high priority critical supply
15 chain gaps and vulnerabilities, which may in-
16 clude single points of failure, in critical supply
17 chains, critical industries, and emerging tech-
18 nologies that—

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

21 (ii) are anticipated in the future;

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

1 (D) evaluate the capability and capacity of
2 domestic manufacturers or manufacturers lo-
3 cated in countries that are allies or key inter-
4 national partner nations to serve as sources for
5 critical goods, or manufacturing technology
6 needed in critical supply chains;

7 (E) 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 (F) identify investments in critical goods,
14 and manufacturing technology from non-Fed-
15 eral sources;

16 (2) in coordination with the State and local gov-
17 ernments, in coordination with the coordination
18 group established under subsection (c), and, as ap-
19 propriate, in cooperation with the governments of
20 countries that are allies or key international partner
21 nations of the United States, the following—

22 (A) identify opportunities to reduce critical
23 supply chain gaps and vulnerabilities in critical
24 supply chains, critical industries, [and emerg-
25 ing technologies;]

1 (B) encourage partnerships between the
2 Federal Government and industry, non-govern-
3 mental organizations, institutions of higher edu-
4 cation, and State and local governments to—

5 (i) better respond to supply chain
6 shocks to critical supply chains, critical in-
7 dustries, and emerging technologies; and

8 (ii) coordinate response efforts;

9 (C) encourage consultation between the
10 Federal Government and the governments of
11 countries that are allies or key international
12 partner nations of the United States;

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

17 (E) develop or identify opportunities to
18 build the capacity of countries that are allies or
19 key international partner nations of the United
20 States in critical industries and critical supply
21 chains;

22 (F) develop contingency plans and coordi-
23 nation mechanisms to improve critical supply
24 chain, critical industry, and emerging tech-

1 nology supply chain response to supply chain
2 shocks; **[and]**

3 (G) support methods and technologies, in-
4 cluding blockchain technology and other distrib-
5 uted ledger technology as appropriate, for the
6 authentication and traceability of critical goods;

7 (3) acting within the existing authorities of the
8 Department of Commerce, and in consultation with
9 the Secretary of State and the United States Trade
10 Representative, work with governments of countries
11 that are allies or key international partner nations
12 of the United States to promote diversified and resil-
13 ient critical supply chains that ensure the supply of
14 critical goods, and manufacturing technology to the
15 United States and companies of countries that are
16 allies or key international partner nations of the
17 United States;

18 (4) consult with other offices and divisions of
19 the Department of Commerce and other Federal
20 agencies to leverage existing authorities, as of the
21 date of the enactment of this Act, to encourage the
22 resilience of supply chains of critical industries; and

23 (5) to determine what emerging technologies
24 may assist in accomplishing the mission described in
25 subsection (b) and promote emerging technologies.

1 (c) COORDINATION GROUP.—In carrying out the ap-
2 plicable activities under subsection (a), the Assistant Sec-
3 retary shall—

4 (1) establish a unified coordination group led by
5 the Assistant Secretary, which shall include, as ap-
6 propriate, private sector partners, federally funded
7 research and development centers, and non-govern-
8 mental organizations, to serve as a body for con-
9 sultation among agencies described under subsection
10 (g) to plan for and respond to supply chain shocks
11 and support the resilience, diversity, security, and
12 strength of critical supply chains;

13 (2) establish subgroups of the unified coordina-
14 tion group if established under paragraph (1), led by
15 the head of an appropriate agency; and

16 (3) through the unified coordination group es-
17 tablished under paragraph (1)—

18 (A) acquire on a voluntary basis technical,
19 engineering, and operational critical supply
20 chain information from the private sector, in a
21 manner that ensures any critical supply chain
22 information provided by the private sector is
23 kept confidential and is exempt from disclosure
24 under section 552(b)(3) of title 5, United

1 States Code (commonly known as the “Freedom
2 of Information Act”);

3 (B) study the critical supply chain infor-
4 mation acquired under subparagraph (A) to as-
5 sess critical supply chain and emerging tech-
6 nology supply chain resilience and inform plan-
7 ning;

8 (C) convene with relevant private sector
9 entities to share best practices, planning, and
10 capabilities to respond to potential supply chain
11 shocks;

12 (D) develop contingency plans and coordi-
13 nation mechanisms to ensure an effective and
14 coordinated response to potential supply chain
15 shocks; and

16 (E) factor in any relevant findings from
17 the studies required in the American COM-
18 PETE Act (Public Law 116–260; 134 Stat.
19 3276).

20 (d) INTERNATIONAL COOPERATION.—The Secretary,
21 in consultation with other relevant Federal agencies, may
22 consult with governments of countries that are allies or
23 key international partner nations of the United States re-
24 lating to enhancing the security and resilience of critical
25 supply chains in response to supply chain shocks.

1 (e) QUADRENNIAL REVIEW AND NATIONAL STRAT-
2 EGY ON CRITICAL SUPPLY CHAIN RESILIENCY AND MAN-
3 UFACTURING IN THE UNITED STATES.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of the enactment of this section, and not
6 less than once every 2 years thereafter, the Assistant
7 Secretary, in consultation with the head of each rel-
8 evant agency and relevant non-governmental organi-
9 zation, institutions of higher education, and State
10 and local governments, shall submit to the relevant
11 committees of Congress and post on the website of
12 the Assistant Secretary a report that—

13 (A) identifies—

14 (i) industries that are critical for the
15 economic security and national security of
16 the United States, considering emerging
17 technology focus areas and critical infra-
18 structure;

19 (ii) key technologies focus areas that
20 are critical for the economic security of the
21 United States and that may assist in the
22 mission described in subsection (b);

23 (I) artificial intelligence;

24 (II) automated vehicles and un-
25 manned delivery systems;

- 1 (III) blockchain technology and
2 other distributed ledger technologies,
3 data storage, data management, and
4 cybersecurity;
- 5 (IV) quantum computing;
- 6 (V) 5G;
- 7 (VI) additive manufacturing;
- 8 (VII) advanced manufacturing
9 and the Internet of Things;
- 10 (VIII) nano technology;
- 11 (IX) robotics;
- 12 (X) microelectronics, optical fiber
13 ray, and high performance and ad-
14 vanced computer hardware and soft-
15 ware, and
- 16 (XI) semiconductors;
- 17 (iii) critical supply chains and critical
18 goods designated under section 4(d);
- 19 (iv) other goods, supplies, and services
20 that are critical to the crisis preparedness
21 of the United States;
- 22 (v) substitutes for critical goods, and
23 manufacturing technology;
- 24 (vi) methods and technologies, includ-
25 ing blockchain technology and other dis-

1 tributed ledger technology as appropriate,
2 for the authentication and traceability of
3 critical goods; and

4 (vii) countries that are critical to ad-
5 dressing critical supply chain weaknesses
6 and vulnerabilities;

7 (B) describes the matters identified and
8 evaluated pursuant to section 4(b)(1), includ-
9 ing—

10 (i) the manufacturing base and crit-
11 ical supply chains and emerging tech-
12 nologies in the United States, including the
13 manufacturing base and critical supply
14 chains for—

15 (I) essential materials;

16 (II) critical goods, including raw
17 materials, microelectronics and semi-
18 conductors, and rare earth permanent
19 magnets, that are essential to the pro-
20 duction of technologies and supplies
21 for critical industries and emerging
22 technologies; and

23 (III) manufacturing technology;
24 and

1 (ii) the ability of the United States
2 to—

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

6 (II) in response to a supply chain
7 shock—

8 (aa) surge production in
9 critical industries;

10 (bb) surge production of
11 critical goods and; and

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

15 (C) an assessment and description of—

16 (i) demand and supply of critical
17 goods, and manufacturing technology;

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

21 (iii) the capability and capacity of do-
22 mestic manufacturers and manufacturers
23 in countries that are allies or key inter-
24 national partner nations of the United

1 States to manufacture critical goods, 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 and emerging
9 technologies;

10 (E) with regard to any threat identified in
11 subparagraph (D), lists any threat or supply
12 chain shock that may originate from a country,
13 or a company or individual identified in the
14 RANSOMWARE Act (Public Law 117–238:
15 136 Stat. 5564);

16 (F) assesses—

17 (i) the resilience and capacity of the
18 manufacturing base, critical supply chains,
19 and workforce of the United States and al-
20 lies and key international partner nations
21 that can sustain critical industries and
22 emerging technologies through a supply
23 chain shock;

24 (ii) the effect innovation has on do-
25 mestic manufacturing; and

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

4 (G) with respect to countries that are allies
5 or key international partner nations of the
6 United States, review the sourcing of critical
7 goods, and manufacturing technology associated
8 with critical industries from those countries;

9 (H) assesses the flexible manufacturing ca-
10 pacity and capability available in the United
11 States in the case of a supply chain shock;

12 (I) assesses policies, rules, and regulations
13 of the Federal Government and State and local
14 governments that impact domestic manufac-
15 turing operating costs and inhibit the ability for
16 domestic manufacturing to compete with global
17 competitors; and

18 (J) develop a strategy for the Department
19 of Commerce to support the resilience, diver-
20 sity, security, and strength of critical supply
21 chains to—

22 (i) support sufficient access to critical
23 goods by mitigating critical supply chain
24 vulnerabilities, including critical supply

1 chains concentrated in countries of con-
2 cern;

3 (ii) collaborate with other relevant
4 Federal agencies to assist allies or key
5 international partner nations build capac-
6 ity for manufacturing critical goods;

7 (iii) initiate and support translation
8 research in engineering and manufacturing
9 by entering into contracts or making other
10 arrangements (including existing grants,
11 awards, cooperative agreements, loans, and
12 other forms of assistance previously au-
13 thorized) to advance that research and to
14 assess the impact of that research on the
15 economic well-being, climate, environment,
16 public health, and national security of the
17 United States;

18 (iv) recover from supply chain shocks;

19 (v) identify, in coordination with other
20 relevant Federal agencies, actions relating
21 to critical supply chains with which the
22 United States might—

23 (I) raise living standards;

24 (II) increase employment oppor-
25 tunities; and

1 (III) improve response to supply
2 chain shocks;

3 (vi) protect against supply chain
4 shocks from countries of concern relating
5 to critical supply chains.

6 (vii) support methods and emerging
7 technologies, including blockchain tech-
8 nology and other distributed ledger tech-
9 nology as appropriate, for the authentica-
10 tion and traceability of critical goods.

11 (viii) Make specific recommendations
12 to effectuate the strategy under this sec-
13 tion and improve the security and resil-
14 iency of manufacturing capacity and sup-
15 ply chains for critical industries and
16 emerging technologies by—

17 (I) developing long-term strate-
18 gies;

19 (II) increasing visibility into the
20 networks and capabilities of suppliers
21 and domestic manufacturers;

22 (III) identifying industry best
23 practices;

24 (IV) evaluating how diverse sup-
25 plier networks, multi-platform and

1 multi-region production capabilities
2 and sources, and integrated global
3 and regional critical supply chains can
4 enhance the resilience of—

5 (aa) critical industries in the
6 United States;

7 (bb) emerging technologies
8 in the United States;

9 (cc) jobs in the United
10 States;

11 (dd) manufacturing capabilities
12 of the United States; and

13 (ee) the access of the United
14 States to critical goods during a
15 supply chain shock;

16 (V) identifying and mitigating
17 risks, including—

18 (aa) the financial and oper-
19 ational risks of a critical supply
20 chain;

21 (bb) significant
22 vulnerabilities to supply chain
23 shocks; and

24 (cc) exposure to gaps and
25 vulnerabilities in domestic capac-

1 ity or capabilities and sources of
2 imports needed to sustain critical
3 industries or critical supply
4 chains;

5 (VI) identifying enterprise re-
6 source planning systems that are—

7 (aa) compatible across crit-
8 ical supply chain tiers; and

9 (bb) affordable for all sizes
10 of business and for startups;

11 (VII) understanding the total
12 cost of ownership, total value con-
13 tribution, and other best practices
14 that encourage strategic partnerships
15 throughout critical supply chains;

16 (VIII) understanding Federal
17 procurement opportunities to increase
18 resiliency of critical supply chains for
19 goods and services and fill gaps in do-
20 mestic purchasing;

21 (IX) identifying opportunities to
22 work with allies or key international
23 partner nations of the United States
24 to build more resilient critical supply
25 chains and mitigate risks;

1 (X) identifying opportunities to
2 reuse and recycle critical goods, in-
3 cluding raw materials, to increase the
4 resilience of critical supply chains;
5 (XI) consulting with countries
6 on—
7 (aa) sourcing critical goods,
8 and manufacturing technology;
9 and
10 (bb) developing, sustaining,
11 and expanding production and
12 availability of critical goods, ,
13 and manufacturing technology
14 during a supply chain shock;
15 (XII) identifying such other serv-
16 ices as the Assistant Secretary deter-
17 mines necessary; **[and]**
18 (XIII) provides guidance to the
19 Department of Commerce and other
20 relevant agencies with respect to tech-
21 nologies and supplies that should be
22 prioritized to ensure United States
23 leadership in the deployment of such
24 technologies.

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

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

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

7 (C) classified information.

8 (3) FORM.—The report, and any update sub-
9 mitted thereafter, shall be submitted to the Com-
10 mittee on Energy and Commerce of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate in unclas-
13 sified form and may include a classified annex.

14 (4) PUBLIC COMMENT.—The Assistant Sec-
15 retary shall provide for a period of public comment
16 and review in developing the report.

17 (5) ____.—With regard to any threat identified
18 in subparagraph (C), lists any threat that originates
19 from a country, company, or individual identified in
20 the RANSOMWARE Act (Public Law 117–328; 136
21 Stat. 5564).

22 (f) REPORT TO CONGRESS.—Concurrent with the an-
23 nual submission by the President of the budget under sec-
24 tion 1105 of title 31, United States Code, the Secretary
25 shall submit to the Committee on Energy and Commerce

1 of the House of Representatives and the Committee on
2 Commerce, Science, and Transportation of the Senate and
3 post on the website of the Assistant Secretary a report
4 that contains a summary of every activity carried out
5 under this Act during the year covered by the report. Such
6 report shall be submitted in unclassified form and may
7 include a classified annex.

8 (g) CONSULTATION.—

9 (1) IN GENERAL.—In implementing the pro-
10 gram, the Assistant Secretary may, as appropriate,
11 consult with the heads of relevant Federal agencies.

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

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

16 (2) to request assistance from the Secretary or
17 Assistant Secretary; or

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

21 (i) PROTECTIONS.—

22 (1) IN GENERAL.—

23 (A) PROTECTIONS.—Subsections (a)(1),
24 (b), (c), and (d) of section 2224 of the Home-
25 land Security Act of 2002 (6 U.S.C. 673) shall

1 apply to the voluntary submission of critical
2 supply chain information by a private entity
3 under this section in the same manner as those
4 provisions apply to critical infrastructure infor-
5 mation voluntarily submitted to a covered agen-
6 cy for any other informational purpose under
7 that subsection if the voluntary submission is
8 accompanied by an express statement described
9 in paragraph (2) of this subsection.

10 (B) REFERENCES.—For the purpose of
11 this subsection, with respect to section 2224 of
12 the Homeland Security Act of 2002 (6 U.S.C.
13 673)—

14 (i) the express statement described in
15 subsection (a)(1) of that section shall be
16 deemed to refer to the express statement
17 described in paragraph (2) of this sub-
18 section;

19 (ii) references in the subsections de-
20 scribed in subparagraph (A) to “this sub-
21 title” shall be deemed to refer to this sec-
22 tion;

23 (iii) the reference to “protecting crit-
24 ical infrastructure or protected systems” in
25 subsection (a)(1)(E)(iii) of that section

1 shall be deemed to refer to carrying out
2 this section; and

3 (iv) the reference to “critical infra-
4 structure information” in subsections (b)
5 and (c) of that section shall be deemed to
6 refer to critical supply chain information.

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

10 (A) in the case of written information or
11 records, a written marking on the information
12 or records substantially similar to the following:
13 “This information is voluntarily submitted to
14 the Federal Government in expectation of pro-
15 tection from disclosure as provided by the provi-
16 sions of the _____ Act of 2023.”; or

17 (B) in the case of oral information, a writ-
18 ten statement similar to the statement de-
19 scribed in subparagraph (A) submitted within a
20 reasonable period following the oral communica-
21 tion.

22 (3) INAPPLICABILITY TO SEMICONDUCTOR IN-
23 CENTIVE PROGRAM.—This subsection shall not apply
24 to the voluntary submission of critical supply chain
25 information by a private entity in an application for

1 Federal financial assistance under section 9902 of
2 the William M. (Mac) Thornberry National Defense
3 Authorization Act for Fiscal Year 2021 (Public Law
4 116–283).

5 (j) SUNSET.—The program established under this
6 section shall terminate no later than 3 years after the date
7 of enactment of this Act.

8 **SEC. 5. CRITICAL SUPPLY CHAIN INNOVATION AND BEST**
9 **PRACTICES.**

10 (a) IN GENERAL.—Subject to the availability of ap-
11 propriations, the Assistant Secretary, in consultation with
12 the Director of the National Institute of Standards and
13 Technology, shall, on an ongoing basis, facilitate and sup-
14 port the development and dissemination of a voluntary,
15 consensus, and industry-based set of standards, guide-
16 lines, best practices, management strategies, methodolo-
17 gies, procedures, and processes for domestic manufactur-
18 ers and entities manufacturing, purchasing, or using a
19 critical good to—

20 (1) measure the resilience, diversity, security,
21 and strength of the critical supply chains of such
22 manufacturers and entities;

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

1 (3) design and implement measures to reduce
2 the risks of disruption, strain, compromise, or elimi-
3 nation of critical supply chains of such manufactur-
4 ers and entities; and

5 (4) support the authentication and traceability
6 of critical goods using blockchains and other distrib-
7 uted ledger technologies.

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

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

18 (2) Consult with the head of any relevant Fed-
19 eral agency, including those with jurisdiction over
20 critical supply chains, States, local governments,
21 Tribal governments, the governments of other na-
22 tions , and international organizations, 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 and entities pur-
3 chasing or using a critical good to achieve the goals
4 of subsection (a).

5 (4) Facilitate the design of—

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

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

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

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

24 (7) Incorporate relevant voluntary standards
25 and industry best practices.

1 (8) Consider private sector, including small
2 business concerns.

3 (9) Leverage existing mechanisms for the Fed-
4 eral Government to provide critical supply chain so-
5 lutions, including manufacturing technology, to in-
6 clude providing products, tools, and workforce devel-
7 opment solutions related to critical supply chain re-
8 siliance to manufacturers, including for small and
9 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 the voluntary¹, con-
21 sensus, and industry-based² set of standards, guide-
22 lines, best practices, management strategies, meth-
23 odologies, procedures, and processes described in
24 subsection (a).

1 **SEC. 6. DEPARTMENT OF COMMERCE CAPABILITY ASSESS-**
2 **MENT.**

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

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

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

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

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

22 (A) coordination across offices and bureaus
23 identified under paragraph (1); and

24 (B) coordination with Federal agencies im-
25 plementing similar activities related to critical

1 supply chain resilience and manufacturing inno-
2 vation.

3 (b) REPORT.—The Secretary shall provide the report
4 required under subsection (a) to the relevant committees
5 of Congress, along with a strategy to implement, as appro-
6 priate and as determined by the Secretary, the rec-
7 ommendations under the report.

