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

OFFERED BY _____

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the **[**''_____ Act of 2023''**]**.

SEC. 2. DEFINITIONS.

(a) DEFINITIONS.—In this section:

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

(2) ALLY OR KEY INTERNATIONAL PARTNER NATION.—The term ''ally or key international partner nation''—

(A) means countries that are critical to addressing critical supply chain weaknesses and vulnerabilities; and

(B) does not include—

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

(ii) a country of concern.

(3) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce assigned by the Secretary to direct the office of Industry and Analysis.

(4) CRITICAL GOOD.—The term ''critical good'' means any raw, in process, or manufactured material (including any mineral, metal, or advanced processed material), article, commodity, supply, product, or item of supply the absence of which would have a significant effect on—

(A) the national security or economic security of the United States;

(B) critical infrastructure; and

(C) emerging technologies

(5) CRITICAL INDUSTRY.—The term ''critical industry'' means an industry identified under subsection (f)(1)(A)(i)

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

(7) CRITICAL SUPPLY CHAIN.—The term ''critical supply chain'' means a critical supply chain for a critical good.

(8) CRITICAL SUPPLY CHAIN INFORMATION.—The term ''critical supply chain information'' means information that is not customarily in the public domain and relating to—

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

(B) critical supply chain risk mitigation and recovery planning with respect to a supply chain shock, including any planned or past assessment, projection, or estimate of a vulnerability within the critical supply chain, including testing, supplier network assessments, production flexibility, risk evaluations, risk management planning, or risk audits; or

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

(9) DOMESTIC ENTERPRISE.—The term ''domestic enterprise'' means an enterprise that conducts business in the United States and procures a critical good.

(10) DOMESTIC MANUFACTURER.—The term ''domestic manufacturer'' means a business that

conducts in the United States the research and development, engineering, or production activities necessary for manufacturing.

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

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

(13) MANUFACTURE.—The term ''manufacture'' means any activity that is necessary for the development, production, processing, distribution, or delivery of any raw, in process, or manufactured material (including any mineral, metal, and advanced processed material), article, commodity, supply, product, critical good, or item of supply.

(14) MANUFACTURING TECHNOLOGY.—The term ''manufacturing technology'' means technologies that are necessary for the manufacturing of a critical good.

(15) NON-GOVERNMENTAL ORGANIZATION.—The term ''non-governmental organization'' means a representative of non-Federal governments, the pri-

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

(16) PROGRAM.—The term ''program'' means the critical supply chain resiliency program established pursuant to section 4(a).

(17) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means the following:

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

(I) The Committee on Energy and Commerce of the House of Representatives.

(18) RESILIENT CRITICAL SUPPLY CHAIN.—The term ''resilient critical supply chain'' means a critical supply chain that—

(A) ensures that the United States can sustain critical industry and emerging technology production, critical supply chains, services, and access to critical goods, and manufacturing technology during supply chain shocks; and

(B) has key components of resilience that include—

(i) effective private sector risk management and mitigation planning to sus-

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

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

(iii) the financial and operational capacity to—

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

(II) recover from supply chain shocks.

(19) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

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

(21) SUPPLY CHAIN SHOCK.—The term ''supply chain shock'' includes the following:

(A) A natural disaster.

(B) A pandemic.

(C) A biological threat.

(D) A cyber attack.

(E) A great power conflict.

(F) A terrorist or geopolitical attack.

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

(H) An event for which the President declares a major disaster or an emergency under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191).

(I) Any other critical supply chain disruption or threat that affects the national security or economic security of the United States.

SEC. 3. RESPONSIBILITIES ASSIGNED TO ASSISTANT SECRETARY.

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

"SEC. 1707d. ASSISTANT SECRETARY OF COMMERCE FOR INDUSTRY AND ANALYSIS; IDENTIFICATION OF RESPONSIBILITIES.

''(a) ADDITIONAL RESPONSIBILITIES.—The Assistant Secretary shall have the following additional responsibilities—

''(1) promote the leadership of the United States with respect to critical industries, critical supply chains, and emerging technologies, including

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

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

''(B) have a significant effect on the economic security of the United States . encourage partnerships with other Federal agencies, nongovernmental organizations, industry, institutions of higher education, the governments of countries that are allies or key international partner nations of the United States, and State and local governments in order to—

''(i) promote resilient critical supply chains; and

''(ii) identify, prepare for, and respond to supply chain shocks to—

''(I) critical industry;

''(II) critical supply chains; and

''(III) emerging technologies; and

''(IV) encourage the growth and competitiveness of United States productive capacities and manufacturing in the United States of emerging technologies, including emerging tech-

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

''(V) monitor the resilience, diversity, security, and strength of critical supply chains and critical industries;

''(VI) support the availability of critical goods from domestic manufacturers, domestic enterprises, and manufacturing operations in the United States and in countries that are allies or key international partner nations;

''(VII) assist the Federal Government in preparing for and responding to critical supply chain shocks, including by improving the flexible manufacturing capacities and capabilities in the United States;

''(VIII) consistent with United States obligations under international agreements, encourage and incentivize the reduced reliance of domestic entities and domestic manufacturers on

critical goods from countries of concern;

''(IX) encourage the relocation of manufacturing facilities that manufacture critical goods from countries of concern to the United States and countries that are allies and key international partner nations to strengthen the resilience, diversity, security, and strength of critical supply chains;

''(X) support the creation of jobs with competitive wages in the United States manufacturing sector; [and]

''(XI) promote the health of the economy of the United States and the competitiveness of manufacturing in the United States.

''(b) EXPERTISE AND STAFFING.—In executing the responsibilities under subsection (a), the Assistant Secretary—

''(1) shall establish capabilities to—

''(A) assess the state of technology, innovation, and production capacity in the United States and other nations; and

''(B) conduct other activities deemed to be critical for the use of analytic capabilities, statistics, datasets, and metrics related to critical technologies and innovation; and

''(2) may utilize external organizations, such as federally funded research and development centers and institutions of higher education, to provide independent and objective technical support.''.

SEC. 4. CRITICAL SUPPLY CHAIN RESILIENCY AND CRISIS RESPONSE PROGRAM.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Assistant Secretary shall establish in the Department of Commerce a supply chain resiliency program to carry out the activities described in subsection (b).

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

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

(A) map, monitor, and model critical supply chains and emerging technology supply chains, which may include—

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

supply chains, domestic enterprises, and domestic manufacturers;

(ii) monitoring the demand for and supply of critical goods and services, and manufacturing technology needed for critical supply chains, including critical goods and services, and manufacturing technology obtained or purchased from a person outside of the United States or imported into the United States; and

(iii) monitoring manufacturing, warehousing, transportation, and distribution related to critical supply chains; and

(B) identify high priority critical supply chain gaps and vulnerabilities, which may include single points of failure, in critical supply chains, critical industries, and emerging technologies that—

(i) exist as of the date of the enactment of this section; or

(ii) are anticipated in the future;

(C) identify potential supply chain shocks that may disrupt, strain, compromise, or eliminate a critical supply chain;

(D) evaluate the capability and capacity of domestic manufacturers or manufacturers located in countries that are allies or key international partner nations to serve as sources for critical goods, or manufacturing technology needed in critical supply chains;

(E) evaluate the state of the manufacturing workforce, including by—

(i) identifying the needs of domestic manufacturers; and

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

(F) identify investments in critical goods, and manufacturing technology from non-Federal sources;

(2) in coordination with the State and local governments, in coordination with the coordination group established under subsection (c), and, as appropriate, in cooperation with the governments of countries that are allies or key international partner nations of the United States, the following—

(A) identify opportunities to reduce critical supply chain gaps and vulnerabilities in critical supply chains, critical industries, [and emerging technologies;]

(B) encourage partnerships between the Federal Government and industry, non-governmental organizations, institutions of higher education, and State and local governments to—

(i) better respond to supply chain shocks to critical supply chains, critical industries, and emerging technologies; and

(ii) coordinate response efforts;

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

(D) develop or identify opportunities to build the capacity of the United States in critical supply chains, critical industries, and emerging technologies;

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

(F) develop contingency plans and coordination mechanisms to improve critical supply chain, critical industry, and emerging tech-

nology supply chain response to supply chain shocks; [and]

(G) support methods and technologies, including blockchain technology and other distributed ledger technology as appropriate, for the authentication and traceability of critical goods;

(3) acting within the existing authorities of the Department of Commerce, and in consultation with the Secretary of State and the United States Trade Representative, work with governments of countries that are allies or key international partner nations of the United States to promote diversified and resilient critical supply chains that ensure the supply of critical goods, and manufacturing technology to the United States and companies of countries that are allies or key international partner nations of the United States;

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

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

(c) COORDINATION GROUP.—In carrying out the applicable activities under subsection (a), the Assistant Secretary shall—

(1) establish a unified coordination group led by the Assistant Secretary, which shall include, as appropriate, private sector partners, federally funded research and development centers, and non-governmental organizations, to serve as a body for consultation among agencies described under subsection (g) to plan for and respond to supply chain shocks and support the resilience, diversity, security, and strength of critical supply chains;

(2) establish subgroups of the unified coordination group if established under paragraph (1), led by the head of an appropriate agency; and

(3) through the unified coordination group established under paragraph (1)—

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

States Code (commonly known as the ''Freedom of Information Act'');

(B) study the critical supply chain information acquired under subparagraph (A) to assess critical supply chain and emerging technology supply chain resilience and inform planning;

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

(D) develop contingency plans and coordination mechanisms to ensure an effective and coordinated response to potential supply chain shocks; and

(E) factor in any relevant findings from the studies required in the American COMPETE Act (Public Law 116–260; 134 Stat. 3276).

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

(e) QUADRENNIAL REVIEW AND NATIONAL STRATEGY ON CRITICAL SUPPLY CHAIN RESILIENCY AND MANUFACTURING IN THE UNITED STATES.—

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

(A) identifies—

(i) industries that are critical for the economic security and national security of the United States, considering emerging technology focus areas and critical infrastructure;

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

(I) artificial intelligence;

(II) automated vehicles and unmanned delivery systems;

(III) blockchain technology and other distributed ledger technologies, data storage, data management, and cybersecurity;

(IV) quantum computing;

(V) 5G;

(VI) additive manufacturing;

(VII) advanced manufacturing and the Internet of Things;

(VIII) nano technology;

(IX) robotics;

(X) microelectronics, optical fiber ray, and high performance and advanced computer hardware and software, and

(XI) semiconductors;

(iii) critical supply chains and critical goods designated under section 4(d);

(iv) other goods, supplies, and services that are critical to the crisis preparedness of the United States;

(v) substitutes for critical goods, and manufacturing technology;

(vi) methods and technologies, including blockchain technology and other dis-

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

(vii) countries that are critical to addressing critical supply chain weaknesses and vulnerabilities;

(B) describes the matters identified and evaluated pursuant to section 4(b)(1), including—

(i) the manufacturing base and critical supply chains and emerging technologies in the United States, including the manufacturing base and critical supply chains for—

(I) essential materials;

(II) critical goods, including raw materials, microelectronics and semiconductors, and rare earth permanent magnets, that are essential to the production of technologies and supplies for critical industries and emerging technologies; and

(III) manufacturing technology; and

(ii) the ability of the United States to—

(I) maintain readiness with respect to preparing for and responding to supply chain shocks; and

(II) in response to a supply chain shock—

(aa) surge production in critical industries;

(bb) surge production of critical goods and; and

(cc) maintain access to critical goods, and manufacturing technology;

(C) an assessment and description of—

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

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

(iii) the capability and capacity of domestic manufacturers and manufacturers in countries that are allies or key international partner nations of the United

States to manufacture critical goods, and manufacturing technology; and

(iv) how supply chain shocks could affect rural, Tribal, and underserved communities;

(D) identifies threats and supply chain shocks that may disrupt, strain, compromise, or eliminate critical supply chains and emerging technologies;

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

(F) assesses—

(i) the resilience and capacity of the manufacturing base, critical supply chains, and workforce of the United States and allies and key international partner nations that can sustain critical industries and emerging technologies through a supply chain shock;

(ii) the effect innovation has on domestic manufacturing; and

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

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

(H) assesses the flexible manufacturing capacity and capability available in the United States in the case of a supply chain shock;

(I) assesses policies, rules, and regulations of the Federal Government and State and local governments that impact domestic manufacturing operating costs and inhibit the ability for domestic manufacturing to compete with global competitors; and

(J) develop a strategy for the Department of Commerce to support the resilience, diversity, security, and strength of critical supply chains to—

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

chains concentrated in countries of concern;

(ii) collaborate with other relevant Federal agencies to assist allies or key international partner nations build capacity for manufacturing critical goods;

(iii) initiate and support translation research in engineering and manufacturing by entering into contracts or making other arrangements (including existing grants, awards, cooperative agreements, loans, and other forms of assistance previously authorized) to advance that research and to assess the impact of that research on the economic well-being, climate, environment, public health, and national security of the United States;

(iv) recover from supply chain shocks;

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

(I) raise living standards;

(II) increase employment opportunities; and

(III) improve response to supply chain shocks;

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

(vii) support methods and emerging technologies, including blockchain technology and other distributed ledger technology as appropriate, for the authentication and traceability of critical goods.

(viii) Make specific recommendations to effectuate the strategy under this section and improve the security and resiliency of manufacturing capacity and supply chains for critical industries and emerging technologies by—

(I) developing long-term strategies;

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

(III) identifying industry best practices;

(IV) evaluating how diverse supplier networks, multi-platform and

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

(aa) critical industries in the United States;

(bb) emerging technologies in the United States;

(cc) jobs in the United States;

(dd) manufacturing capabilities of the United States; and

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

(V) identifying and mitigating risks, including—

(aa) the financial and operational risks of a critical supply chain;

(bb) significant vulnerabilities to supply chain shocks; and

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

ity or capabilities and sources of imports needed to sustain critical industries or critical supply chains;

(VI) identifying enterprise resource planning systems that are—

(aa) compatible across critical supply chain tiers; and

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

(VII) understanding the total cost of ownership, total value contribution, and other best practices that encourage strategic partnerships throughout critical supply chains;

(VIII) understanding Federal procurement opportunities to increase resiliency of critical supply chains for goods and services and fill gaps in domestic purchasing;

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

(X) identifying opportunities to reuse and recycle critical goods, including raw materials, to increase the resilience of critical supply chains;

(XI) consulting with countries on—

(aa) sourcing critical goods, and manufacturing technology; and

(bb) developing, sustaining, and expanding production and availability of critical goods, , and manufacturing technology during a supply chain shock;

(XII) identifying such other services as the Assistant Secretary determines necessary; [and]

(XIII) provides guidance to the Department of Commerce and other relevant agencies with respect to technologies and supplies that should be prioritized to ensure United States leadership in the deployment of such technologies.

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

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

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

(C) classified information.

(3) FORM.—The report, and any update submitted thereafter, shall be submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate in unclassified form and may include a classified annex.

(4) PUBLIC COMMENT.—The Assistant Secretary shall provide for a period of public comment and review in developing the report.

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

(f) REPORT TO CONGRESS.—Concurrent with the annual submission by the President of the budget under section 1105 of title 31, United States Code, the Secretary shall submit to the Committee on Energy and Commerce

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

(g) CONSULTATION.—

(1) IN GENERAL.—In implementing the program, the Assistant Secretary may, as appropriate, consult with the heads of relevant Federal agencies.

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

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

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

(3) to implement any measure or recommendation suggested by the Secretary or Assistant Secretary in response to a request by the private entity.

(i) PROTECTIONS.—

(1) IN GENERAL.—

(A) PROTECTIONS.—Subsections (a)(1), (b), (c), and (d) of section 2224 of the Homeland Security Act of 2002 (6 U.S.C. 673) shall

apply to the voluntary submission of critical supply chain information by a private entity under this section in the same manner as those provisions apply to critical infrastructure information voluntarily submitted to a covered agency for any other informational purpose under that subsection if the voluntary submission is accompanied by an express statement described in paragraph (2) of this subsection.

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

(i) the express statement described in subsection (a)(1) of that section shall be deemed to refer to the express statement described in paragraph (2) of this subsection;

(ii) references in the subsections described in subparagraph (A) to ''this subtitle'' shall be deemed to refer to this section;

(iii) the reference to ''protecting critical infrastructure or protected systems'' in subsection (a)(1)(E)(iii) of that section

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

(iv) the reference to ''critical infrastructure information'' in subsections (b) and (c) of that section shall be deemed to refer to critical supply chain information.

(2) EXPRESS STATEMENT.—The express statement described in this paragraph, with respect to information or records, is—

(A) in the case of written information or records, a written marking on the information or records substantially similar to the following: ''This information is voluntarily submitted to the Federal Government in expectation of protection from disclosure as provided by the provisions of the _____ Act of 2023.''; or

(B) in the case of oral information, a written statement similar to the statement described in subparagraph (A) submitted within a reasonable period following the oral communication.

(3) INAPPLICABILITY TO SEMICONDUCTOR INCENTIVE PROGRAM.—This subsection shall not apply to the voluntary submission of critical supply chain information by a private entity in an application for

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

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

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

(a) IN GENERAL.—Subject to the availability of appropriations, the Assistant Secretary, in consultation with the Director of the National Institute of Standards and Technology, shall, on an ongoing basis, facilitate and support the development and dissemination of a voluntary, consensus, and industry-based set of standards, guidelines, best practices, management strategies, methodologies, procedures, and processes for domestic manufacturers and entities manufacturing, purchasing, or using a critical good to—

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

(2) quantify the value of improved resilience, diversity, security, and strength of critical supply chains to such manufacturers and entities;

(3) design and implement measures to reduce the risks of disruption, strain, compromise, or elimination of critical supply chains of such manufacturers and entities; and

(4) support the authentication and traceability of critical goods using blockchains and other distributed ledger technologies.

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

(1) Consult closely and regularly with relevant private sector personnel and entities, manufacturing extension centers established as part of the Hollings Manufacturing Extension Partnership, Manufacturing USA institutes as described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)), and other relevant stakeholders and incorporate industry expertise.

(2) Consult with the head of any relevant Federal agency, including those with jurisdiction over critical supply chains, States, local governments, Tribal governments, the governments of other nations , and international organizations, as necessary.

(3) Collaborate with private sector stakeholders to identify prioritized, flexible, repeatable, performance-based, and cost-effective critical supply chain

resilience approaches that may be voluntarily adopted by domestic manufacturers and entities purchasing or using a critical good to achieve the goals of subsection (a).

(4) Facilitate the design of—

(A) voluntary processes for selecting suppliers that support the resilience, diversity, security, and strength of critical supply chains; and

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

(5) Facilitate the identification or application of methods and technologies, including blockchain technology and other distributed ledger technology as appropriate, for the authentication and traceability of critical goods.

(6) Disseminate research and information to assist domestic manufacturers redesign products, expand domestic manufacturing capacity, and improve other capabilities as required to improve the resilience, diversity, security, and strength of critical supply chains.

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

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

(9) Leverage existing mechanisms for the Federal Government to provide critical supply chain solutions, including manufacturing technology, to include providing products, tools, and workforce development solutions related to critical supply chain resilience to manufacturers, including for small and medium sized manufacturers.

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

(1) require any private entity to share information with the Secretary or Assistant Secretary;

(2) require any private entity to request assistance from the Secretary or Assistant Secretary;

(3) require any private entity to implement any measure or recommendation suggested by the Secretary or Assistant Secretary in response to a request by the private entity; or

(4) require the adoption of the voluntary[, consensus, and industry-based] set of standards, guidelines, best practices, management strategies, methodologies, procedures, and processes described in subsection (a).

SEC. 6. DEPARTMENT OF COMMERCE CAPABILITY ASSESSMENT.

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

(1) identifying the duties, responsibilities, resources, programs, and expertise within the offices and bureaus of the Department of Commerce relevant to critical supply chain resilience and manufacturing innovation;

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

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

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

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

(B) coordination with Federal agencies implementing similar activities related to critical

supply chain resilience and manufacturing innovation.

(b) REPORT.—The Secretary shall provide the report required under subsection (a) to the relevant committees of Congress, along with a strategy to implement, as appropriate and as determined by the Secretary, the recommendations under the report.