

**SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO SUBTITLE N
OFFERED BY MR. KINZINGER OF ILLINOIS**

Strike all and insert the following:

1 **SEC. 31401. SHORT TITLE.**

2 This subtitle may be cited as the “Manufacturing
3 Economy And National Security Act” or the “MEANS
4 Act”.

5 **SEC. 31402. STATEMENTS OF POLICY.**

6 It shall be the policy of the United States to—

7 (1) diversify supply chains of covered articles in
8 order to strengthen the security and economies of
9 the United States and eligible countries;

10 (2) maintain an active and leading role in man-
11 ufacturing innovation, global trade, and medical re-
12 search for the benefit of the workforces in the
13 United States and eligible countries;

14 (3) strengthen and increase trade between the
15 United States and eligible countries in order to—

16 (A) mitigate—

17 (i) supply chain vulnerabilities; and

18 (ii) the effects of disruptions to supply
19 chains;

1 (B) raise living standards;

2 (C) increase job opportunities; and

3 (D) mitigate the underlying causes of ir-
4 regular immigration between such countries;

5 (4) in order to safeguard against supply chain
6 disruptions, incentivize the relocation of facilities
7 that manufacture covered articles from countries of
8 concern to eligible countries, with a focus on reloca-
9 tion to the Western Hemisphere;

10 (5) support joint ventures between companies in
11 the United States and domestically owned companies
12 with manufacturing operations located in eligible
13 countries; and

14 (6) harness existing tools to assist eligible coun-
15 tries to develop increased manufacturing capacity.

16 **SEC. 31403. UNITED STATES STRATEGY TO COUNTER**
17 **THREATS TO SUPPLY CHAINS FOR COVERED**
18 **ARTICLES.**

19 (a) IN GENERAL.—In accordance with Executive
20 Order 14017 (86 Fed. Reg. 11849), the President shall
21 develop and implement a strategy, taking a whole-of-gov-
22 ernment approach to execute a unified national effort, to
23 reduce reliance on concentrated supply chains for covered
24 articles and protect against any threats from countries of
25 concern relating to supply chains for covered articles.

1 (b) ELEMENTS.— The strategy required by sub-
2 section (a) shall include the following elements:

3 (1) A plan to provide sufficient access to cov-
4 ered articles by ensuring that supply chains for such
5 articles are not concentrated in a country of concern.

6 (2) A plan to use tools available to the Federal
7 Government to assist eligible countries to build ca-
8 pacity for manufacturing covered articles.

9 (3) A plan to incentivize, through grants, loans,
10 loan guarantees, tax incentives, trade preferences, or
11 other means—

12 (A) United States companies that manu-
13 facture covered articles to—

14 (i) relocate manufacturing facilities,
15 personnel, or operations related to the pro-
16 duction of covered articles from countries
17 of concern to the United States or to other
18 eligible countries; and

19 (ii) to expand such facilities, per-
20 sonnel, or operations to increase the pro-
21 duction of covered articles and meet in-
22 creasing demand for such articles; and

23 (B) United States manufacturing compa-
24 nies that do not manufacture covered articles to
25 make necessary or appropriate modifications to

1 existing manufacturing facilities, personnel, or
2 operations in order to manufacture 1 or more
3 covered articles.

4 (4) A plan to protect against any threats from
5 countries of concern relating to supply chains for
6 covered articles.

7 (5) Legislative recommendations for Congress
8 to consider to effectuate the strategy under this sec-
9 tion.

10 (c) SUBMISSION OF STRATEGY.—

11 (1) IN GENERAL.—Not later than 90 days after
12 the date of enactment of this Act, the President
13 shall submit to Congress a report containing the
14 strategy developed under this section.

15 (2) UPDATE.—Not less than once every 4 years
16 after the date on which the strategy is submitted
17 under paragraph (1), the President shall submit to
18 Congress an update to such strategy.

19 (3) FORM.—The report submitted under para-
20 graph (1), and any update submitted under para-
21 graph (2), shall be submitted in unclassified form
22 and may include a classified annex.

23 (d) DEFINITION.—For purposes of this section, the
24 term “country of concern” means a country described in
25 paragraph (3)(B) of section 31406 of this subtitle.

1 **SEC. 31404. NATIONAL MANUFACTURING SECURITY AND**
2 **RESILIENCE COUNCIL.**

3 (a) ESTABLISHMENT.—There is hereby established
4 within the Executive Office of the President the Manufac-
5 turing Security and Resilience Council (hereinafter re-
6 ferred to as the “Council”).

7 (b) MEMBERS.—The Council shall be composed of—

- 8 (1) The President;
- 9 (2) The Vice President;
- 10 (3) The Secretary of Commerce;
- 11 (4) The Secretary of State;
- 12 (5) The Secretary of Defense;
- 13 (6) The Secretary of Homeland Security;
- 14 (7) The Secretary of Energy;
- 15 (8) The Secretary of Health and Human Serv-
16 ices;
- 17 (9) The Director of National Intelligence; and
- 18 (10) The United States Trade Representative.

19 (c) ADDITIONAL MEMBERS.—The President may also
20 appoint up to ten additional officers of the Federal Gov-
21 ernment to serve on the Council, including but not limited
22 to—

- 23 (1) The National Security Advisor;
- 24 (2) The Director of the National Economic
25 Council;
- 26 (3) The Homeland Security Advisor;

1 (4) The Director of the Office of Science and
2 Technology Policy;

3 (5) The Director of the Cybersecurity and In-
4 frastructure Security Agency;

5 (6) The Director of the Centers for Disease
6 Control and Prevention;

7 (7) The Administrator of the Federal Emer-
8 gency Management Agency;

9 (8) The Director of the National Institute of
10 Standards and Technology; and

11 (9) The Director of the Hollings Manufacturing
12 Extension Partnership.

13 (d) PRESIDING OFFICERS.—At meetings of the
14 Council, the President shall preside or, in the absence of
15 the President, a member of the Council designated by the
16 President shall preside.

17 (e) DESIGNEES.—Each member of the Council from
18 a department or agency of the Federal Government may
19 designate another officer of his department or agency to
20 serve on the Council as his alternate in his unavoidable
21 absence.

22 (f) FUNCTIONS.—The functions of the Council are
23 to—

24 (1) implement the strategy required under sec-
25 tion 31504;

1 (2) determine, through an interagency process
2 in addition to a proposed rulemaking, whether a cov-
3 ered article is essential to the critical infrastructure
4 of the United States or to the ability of the United
5 States to respond to a covered emergency;

6 (3) establish and maintain the database de-
7 scribed in subsection (j);

8 (4) establish, manage, and carry out the manu-
9 facturing resilience grant program established under
10 subsection (k);

11 (5) coordinate, without assuming operational
12 authority, the use of private-sector manufacturing
13 resources to respond to a covered emergency; and

14 (6) not less than once every year, inform Con-
15 gress of the activities of the Council in carrying out
16 the duties and functions described in paragraphs (1)
17 through (5) of this subsection.

18 (g) DIRECTOR.—The Council shall be headed by a ci-
19 vilian Director who shall be appointed by the President
20 by and with the advice and consent of the Senate. In ap-
21 pointing the Director, the President shall choose an indi-
22 vidual who—

23 (1) is a senior executive (as such term is de-
24 fined in section 3132 of title 5, United States Code);
25 and

1 (2) is fit to perform the duties required by the
2 position, without regard to political affiliation.

3 (h) STAFF.—The Council may employ a staff who
4 shall be appointed by the Director. The Director, subject
5 to the direction of the Council, is authorized to appoint
6 and fix the compensation of such personnel consistent with
7 existing civil service statutes and regulations, as may be
8 necessary to perform such duties as may be prescribed by
9 the Council in connection with the performance of its func-
10 tions. The professional staff for which this subsection pro-
11 vides shall not exceed 150 persons, including persons em-
12 ployed by, assigned to, detailed to, under contract to serve
13 on, or otherwise serving or affiliated with the staff. The
14 limitation in this paragraph does not apply to personnel
15 serving substantially in support or administrative posi-
16 tions.

17 (i) AUTHORITIES.—The Director of the Office may—
18 (1) notwithstanding subsections (a) and (b) of
19 section 3324 of title 31, United States Code, enter
20 into and perform such contracts, leases, cooperative
21 agreements, or other transactions as may be nec-
22 essary to carry out the duties of the Council, and on
23 such terms as the Director determines are appro-
24 priate, with—

1 (A) any agency or instrumentality of the
2 Federal Government;

3 (B) any State, territory, or possession of
4 the United States, including any political sub-
5 division thereof; and

6 (C) any person or educational institution;

7 (2) pursuant to subsection (h), employ such
8 personnel as the Director determines are necessary
9 to conduct the business of the Council; and

10 (3) delegate to other employees of the Office
11 such powers and authority as the Director deter-
12 mines may be warranted in the interests of efficiency
13 and sound administration.

14 (j) DATABASE.—

15 (1) IN GENERAL.—The Director shall establish
16 and maintain a database of information on covered
17 manufacturing companies.

18 (2) REQUIREMENTS.—

19 (A) IN GENERAL.—The database estab-
20 lished under paragraph (1) shall include infor-
21 mation that the Director determines is nec-
22 essary to effectively respond to covered emer-
23 gencies, including information related to—

1 (i) the manufacturing facilities and
2 operations of a covered manufacturing
3 company; and

4 (ii) the types of articles manufactured
5 by such company.

6 (B) INFORMATION GATHERING.—To gath-
7 er the information described in subparagraph
8 (A), the Director shall—

9 (i) use existing sources of such infor-
10 mation;

11 (ii) coordinate with the Director of the
12 Census Bureau to gather data on covered
13 manufacturing companies; and

14 (iii) ensure the appropriate protection
15 for any proprietary, confidential, or sen-
16 sitive information related to a covered
17 manufacturing company.

18 (C) REQUESTS FOR INFORMATION DURING
19 EMERGENCY.—During a covered emergency, the
20 Director may request specific information from
21 covered manufacturing companies that the Di-
22 rector determines is necessary to prepare a na-
23 tional response to such emergency.

24 (D) DESIGN.—The Director shall design
25 and maintain the database in a manner that al-

1 lows for the direct input and update of informa-
2 tion in the database.

3 (E) TRANSPARENCY.—The Director shall
4 develop policies for the operation of the data-
5 base that—

6 (i) require the timely and accurate
7 input of information into the database; and

8 (ii) allow a covered manufacturing
9 company to access any information in the
10 database that relates to such company and
11 correct any inaccurate information.

12 (F) ACCESSIBILITY.—The Director shall
13 ensure that the information in the database is
14 available to—

15 (i) appropriate acquisition officials of
16 Federal agencies;

17 (ii) upon request, the Chairman and
18 Ranking Member of each of the appro-
19 priate congressional committees; and

20 (iii) any other government officials
21 that the Director determines are appro-
22 priate, except that the Director shall pro-
23 vide written notice to the appropriate con-
24 gressional committees not later than 14
25 days after the date on which a new govern-

1 ment official is granted access to the data-
2 base.

3 (G) COVERED MANUFACTURING COMPANY
4 DEFINED.—In this subsection, the term “cov-
5 ered manufacturing company” means a com-
6 pany in the United States that—

7 (i) manufactures a covered article; or

8 (ii) maintains facilities that may be
9 converted to manufacture covered articles
10 during a covered emergency.

11 (k) MANUFACTURING SECURITY AND RESILIENCE
12 FINANCE PROGRAM.—

13 (1) ESTABLISHMENT.—The President shall es-
14 tablish a manufacturing security and resilience fi-
15 nance program, to be administered by the Director,
16 to make grants, loans, and loan guarantees available
17 to eligible manufacturing companies to carry out eli-
18 gible projects to—

19 (A) increase the manufacture of covered
20 articles in eligible countries;

21 (B) assist the Federal Government in pre-
22 paring for and responding to covered emer-
23 gencies; and

24 (C) reduce reliance on concentrated supply
25 chains for covered articles.

1 (2) ELIGIBLE MANUFACTURING COMPANIES.—

2 To be eligible to receive a grant, loan, or loan guar-
3 antee under this subsection, a manufacturing com-
4 pany shall—

5 (A) be a domestic corporation that is en-
6 gaged in the business of manufacturing;

7 (B) be capable of manufacturing covered
8 articles to assist the Federal Government in
9 preparing for and responding to a covered
10 emergency, as determined by the Director; and

11 (C) provide all necessary information for
12 inclusion in the database established under sub-
13 section (j), as requested by the Director.

14 (3) ELIGIBLE PROJECTS.—A recipient of a
15 grant, loan, or loan guarantee may use funds award-
16 ed under this subsection for a project that—

17 (A) relocates manufacturing facilities, per-
18 sonnel, or operations related to covered articles
19 out of a country of concern and into the United
20 States or other eligible country, with a priority
21 / focus—

22 (i) those eligible countries in the
23 Western Hemisphere, particularly those
24 whose economies are still developing; and

1 (ii) those eligible countries in the
2 Western Hemisphere which have high rates
3 of irregular migration to the United
4 States;

5 (B) modifies manufacturing facilities or
6 operations related to covered articles to—

7 (i) create new capabilities for such
8 grant recipient to manufacture covered ar-
9 ticles;

10 (ii) expand existing operations to in-
11 crease the manufacture of covered articles;

12 or

13 (iii) accommodate any manufacturing
14 operations or personnel related to covered
15 articles that are relocated to the United
16 States or to an eligible country; or

17 (C) develops tools or processes that relate
18 to procuring, transporting, or storing covered
19 articles.

20 (4) USE OF FUNDS.—

21 (A) IN GENERAL.—Grants, loans, or loan
22 guarantees amounts received for a project
23 under this subsection may be used for any costs
24 associated with such project, including adminis-

1 trative costs and workforce development initia-
2 tives.

3 (B) LIMITATION.—Grants, loans, or loan
4 guarantees amounts received for a project
5 under this subsection may not be used to sup-
6 port manufacturing facilities or operations lo-
7 cated in a country of concern.

8 (5) CONDITIONS.—As a condition on the receipt
9 of a grant, loan, or loan guarantee under this sub-
10 section, the recipient shall—

11 (A) not later than 1 year after receiving a
12 grant, loan, or loan guarantee, agree to manu-
13 facture the amount of covered articles that the
14 Director determines is reasonable, to be made
15 available for purchase by the Federal Govern-
16 ment beneficiary with respect to which such
17 amounts were provided; and

18 (B) coordinate with the Director to assist
19 the United States to prepare for and respond to
20 a covered emergency by manufacturing covered
21 articles when necessary.

22 (6) APPLICATION.—To be eligible for a grant,
23 loan, or loan guarantee under this subsection, an eli-
24 gible manufacturing company shall submit to the Di-
25 rector an application in such form, at such time, and

1 containing such information as the Director deter-
2 mines appropriate, including—

3 (A) a description of the proposed project to
4 be carried out with the grant, loan, or loan
5 guarantee;

6 (B) a description of the type of covered ar-
7 ticles that such company intends to produce in
8 carrying out such project; and

9 (C) an estimation of the total costs for
10 such project.

11 (7) SELECTION OF RECIPIENT.—

12 (A) CONSULTATION REQUIRED.—In
13 awarding grants, loans, and loan guarantees for
14 amounts allocated pursuant to subparagraphs
15 (B) through (J) of subsection (m)(2), the Di-
16 rector shall consult with the applicable Federal
17 Government beneficiary.

18 (B) DIVERSITY OF COVERED ARTICLES.—
19 To the extent practicable, the Director shall en-
20 sure that grants, loans, and loan guarantees are
21 awarded for proposed projects that will result in
22 the production of a diverse type of covered arti-
23 cles.

24 (C) PRIORITY.—In awarding grants, loans,
25 and loan guarantees under this subsection, the

1 Director shall prioritize proposed projects
2 that—

3 (i) will operate within the United
4 States and employ citizens of the United
5 States; and

6 (ii) will result in the production of
7 covered articles that relate to the strategic
8 needs of the Federal Government in pre-
9 paring for and responding to covered emer-
10 gencies.

11 (8) GRANT COST SHARE.—

12 (A) IN GENERAL.—The Federal share of
13 the total cost of a project receiving a grant
14 under this subsection, as estimated under para-
15 graph (6)(C), shall not exceed 80 percent.

16 (B) GRANT LIMITATION.—An eligible man-
17 ufacturing company may not receive more than
18 a total of \$500,000,000 in grant funds in 1 fis-
19 cal year.

20 (C) LOANS AND LOAN GUARANTEES.—

21 (i) IN GENERAL.—The Director may
22 enter into agreements with one or more eli-
23 gible entities to make a loan, the proceeds
24 of which shall be used to finance eligible
25 activities.

1 (ii) MAXIMUM AMOUNT.—The amount
2 of a loan under this section shall not ex-
3 ceed 80 percent of the reasonably antici-
4 pated costs of an activity.

5 (iii) WAIVER.—Upon providing writ-
6 ten justification showing need / cause,
7 which may be submitted in a classified
8 annex to the Committee on Energy and
9 Commerce of the House of Representatives
10 and the Committee on Commerce, Science,
11 and Transportation of the Senate, the Di-
12 rector may waive the requirement under
13 clause (ii)—

14 (I) during a period of a covered
15 emergency; or

16 (II) upon making a determina-
17 tion that a loan or loan guarantee is
18 necessary to avert the disruption,
19 strain, compromise, or elimination of
20 a supply chain that would severely af-
21 fect the economy of the United States.

22 (iv) MAXIMUM FEDERAL INVOLVE-
23 MENT.—The proceeds of a loan under this
24 section may be used to pay any non-Fed-

1 eral share of activity costs required if the
2 loan is repayable from non-Federal funds.

3 (v) LOAN GUARANTEES.—The Direc-
4 tor may provide a loan guarantee to a
5 lender in lieu of making a loan under this
6 subsection.

7 (vi) LOAN GUARANTEE TERMS.—The
8 terms of a loan guarantee provided under
9 this subsection shall be consistent with the
10 terms established in this subsection for a
11 loan.

12 (D) TOTAL AMOUNTS TO SUPPORT FED-
13 ERAL GOVERNMENT BENEFICIARIES.—

14 (i) MINIMUM TOTAL AMOUNT.—Of the
15 amounts allocated for grants, loans, or
16 loan guarantees pursuant to subpara-
17 graphs (B) through (J) of subsection
18 (m)(2), the total amount of funds awarded
19 for the support of a single Federal Govern-
20 ment beneficiary shall be not less than
21 \$500,000,000.

22 (ii) MAXIMUM TOTAL AMOUNT.—Of
23 the amounts allocated for grants, loans, or
24 loan guarantees pursuant to subsection
25 (m)(2)(A), the total amount of funds pro-

1 vided for the support of a single Federal
2 Government beneficiary may not exceed
3 \$2,000,000,000.

4 (9) DEFINITION.—In this subsection, the term
5 “Federal Government beneficiary” means the fol-
6 lowing:

7 (A) The Department of Agriculture.

8 (B) The Department of Defense.

9 (C) The Department of Energy.

10 (D) The Department of Health and
11 Human Services.

12 (E) The Department of Homeland Secu-
13 rity.

14 (F) The Department of the Interior.

15 (G) The Department of the Treasury.

16 (H) The Environmental Protection Agency.

17 (I) ADVISORY BOARD.—

18 (1) ESTABLISHMENT.—There is established an
19 Manufacturing Security and Resilience Advisory
20 Board (hereinafter referred to as the “Advisory
21 Board”).

22 (2) MEMBERS.—The President shall appoint
23 twenty members to the Advisory Board, each having
24 demonstrated expertise relating to, or experience op-

1 erating in, the manufacturing industry and with
2 supply chain management, and consisting of—

3 (A) Eight representatives from United
4 States manufacturing companies;

5 (B) Four representatives from academic
6 institutions;

7 (C) Four representatives from labor orga-
8 nizations; and

9 (D) Four representatives from non-profit
10 organizations.

11 (3) CHAIR.—The Chair of the Advisory Board
12 shall be appointed by the President from one of the
13 eight members representing manufacturing compa-
14 nies.

15 (4) MEETINGS.—The Advisory Board shall
16 meet not less than four times each year at the call
17 of the Chair.

18 (5) FUNCTIONS.—The functions of the Advisory
19 Board are to—

20 (A) review the general policies and oper-
21 ations of the Council and advise the Council
22 with respect to such policies and operations;

23 (B) collaborate with the Hollings Manufac-
24 turing Extension Partnership, established pur-
25 suant to section 25 of the National Institute of

1 Standards and Technology Act (15 U.S.C.
2 278k), and the Manufacturing USA Program,
3 established pursuant to section 34 of such Act
4 (15 U.S.C. 278s), to assist Federal, State, and
5 local governments in identifying industrial re-
6 sources and opportunities to prepare for and re-
7 spond to covered emergencies;

8 (C) commission and conduct research to
9 identify and analyze how to improve the ability
10 of the United States manufacturing sector to
11 assist Federal, State, and local governments in
12 responding to covered emergencies; and

13 (D) identify best practices for federal,
14 State, and local governments and the United
15 States Manufacturing sector to effectively and
16 efficiently respond to covered emergencies;

17 (m) FUNDING FOR OPERATIONS AND ADMINISTRA-
18 TION.—

19 (1) MANUFACTURING SECURITY AND RESIL-
20 IENCE COUNCIL.—To operate the Manufacturing Se-
21 curity and Resilience Council established by this sec-
22 tion, there is authorized to be appropriated
23 \$50,000,000 for each of fiscal years 2021 through
24 2025, to remain available until expended.

1 (2) MANUFACTURING SECURITY AND RESIL-
2 IENCE FINANCE PROGRAM.—For grants, loans, and
3 loan guarantees awarded under subsection (k), there
4 is authorized to be appropriated \$20,500,000,000
5 for each of fiscal years 2022 through 2027, to re-
6 main available until expended. Of the funds made
7 available under the preceding sentence, the Director
8 shall allocate for each fiscal year—

9 (A) 32 percent for grants proposed to sup-
10 port any of the Federal Government bene-
11 ficiaries for the strategic needs of the Federal
12 Government;

13 (B) 4 percent for grants proposed to sup-
14 port the Office of Cybersecurity and Commu-
15 nications within the Department of Homeland
16 Security;

17 (C) 28 percent for grants proposed to sup-
18 port—

19 (i) the Office of Infrastructure Protec-
20 tion within the Department of Homeland
21 Security;

22 (ii) the Transportation Security Ad-
23 ministration;

24 (iii) the United States Coast Guard;
25 and

1 (iv) the Federal Protective Service;

2 (D) 4 percent for grants proposed to sup-
3 port the Department of Agriculture;

4 (E) 12 percent for grants proposed to sup-
5 port the Department of Defense;

6 (F) 8 percent for grants proposed to sup-
7 port the Department of Energy;

8 (G) 6 percent for grants proposed to sup-
9 port the Department of Health and Human
10 Services;

11 (H) 4 percent for grants proposed to sup-
12 port the Environmental Protection Agency;

13 (I) 1 percent for grants proposed to sup-
14 port the Department of the Treasury; and

15 (J) 1 percent for grants proposed to sup-
16 port the Department of the Interior.

17 (n) DEFINITIONS.—In this section:

18 (1) DIRECTOR.—The term “Director” means
19 the Director of the National Manufacturing Security
20 and Resilience Council established by this section.

21 (2) COUNCIL.—The term “Council” means the
22 National Manufacturing Security and Resilience
23 Council established by this section.

1 **SEC. 31405. LIMITATION.**

2 None of the funds made available to carry out this
3 subtitle or the amendments made by this subtitle may be
4 used to support a state-owned enterprise of a country of
5 concern.

6 **SEC. 31406. DEFINITIONS.**

7 In this subtitle:

8 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
9 **TEES.**—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Energy and Com-
12 merce, the Committee on Foreign Affairs, and
13 the Committee on Ways and Means of the
14 House of Representatives; and

15 (B) the Committee on Commerce, Science,
16 and Transportation, the Committee on Foreign
17 Relations, and the Committee on Finance of the
18 Senate.

19 (2) **CONCENTRATED.**—The term “con-
20 centrated” means—

21 (A) a supply chain for a covered article—

22 (i) that is under any form of control
23 or influence by a country of concern;

24 (ii) that is subject to undue manipula-
25 tion by a country of concern; or

1 (iii) for which 30 percent of the pro-
2 duction of such covered article occurs in a
3 single foreign country that is located out-
4 side of the Western Hemisphere; or

5 (B) a covered article for which more than
6 50 percent of the supply of such article in the
7 United States is imported from a foreign coun-
8 try that is located outside of the Western Hemi-
9 sphere.

10 (3) COUNTRY OF CONCERN.—The term “coun-
11 try of concern” means a country—

12 (A) in which a concentrated supply chain
13 for a covered article is located;

14 (B) that poses a significant national secu-
15 rity threat to the United States;

16 (C) that does not have a democratically
17 elected government or a market economy; or

18 (D) that commits crimes against humanity
19 or genocide.

20 (4) COVERED ARTICLE.—The term “covered ar-
21 ticle” means any material (including minerals, met-
22 als, and advanced processed materials), commodity,
23 product, service, process, or manufacturing equip-
24 ment that—

1 (A) the Director of the National Manufac-
2 turing Security and Resiliency Council deter-
3 mines, through an interagency process and in
4 consultation with relevant Risk-Management
5 Sector Specific Agencies / Federal government
6 beneficiaries, and after a public rulemaking is
7 essential—

8 (i) to the critical infrastructure of the
9 United States; or

10 (ii) to the ability of the United States
11 to respond to a covered emergency;

12 (B) is included in the Strategic National
13 Stockpile pursuant to section 319F-2 of the
14 Public Health Service Act (42 U.S.C. 247d-
15 6b);

16 (C) the Secretary of Health and Human
17 Services determines is essential to the National
18 Health Security Strategy described in section
19 2802 of the Public Health Service Act (42
20 U.S.C. 300hh-1); or

21 (D) is a critical component, critical tech-
22 nology item, or material as defined in section
23 702 of the Defense Production Act of 1950 (50
24 U.S.C. 4552).

1 (5) COVERED EMERGENCY.—The term “covered
2 emergency” means—

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

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

12 (C) a national emergency declared by the
13 President under the National Emergencies Act
14 (50 U.S.C. 1601 et seq.).

15 (6) CRITICAL INFRASTRUCTURE.—The term
16 “critical infrastructure” has the meaning given the
17 term in section 1016(e) of the USA PATRIOT Act
18 (42 U.S.C. 5195c(e)).

19 (7) ELIGIBLE COUNTRY.—The term “eligible
20 country” or “eligible countries” means a country
21 designated by the Director, after consultation with
22 other relevant federal entities, and is—

23 (A) a NATO ally;

24 (B) a Major Non-NATO ally, or

1 (C) a country located in the Western
2 Hemisphere, as defined in paragraph (9); and

3 (D) not a country of concern, as defined in
4 paragraph (3).

5 (8) MANUFACTURING FACILITIES.—The term
6 “manufacturing facilities” has the meaning given
7 the term “facilities” in section 702 of the Defense
8 Production Act of 1950 (50 U.S.C. 4552).

9 (9) UNITED STATES.—The term “United
10 States” means the 50 States, the District of Colum-
11 bia, the Commonwealth of Puerto Rico, Guam, the
12 Virgin Islands, and any territory or possession of the
13 United States.

14 (10) WESTERN HEMISPHERE.—The term
15 “Western Hemisphere” means a country—

16 (A) that has a democratically elected gov-
17 ernment and a market economy; and

18 (B) that is one of the following countries:

19 (i) Anguilla.

20 (ii) Antigua and Barbuda.

21 (iii) Argentina.

22 (iv) Aruba.

23 (v) The Bahamas.

24 (vi) Barbados.

25 (vii) Belize.

- 1 (viii) Bermuda.
- 2 (ix) Bolivia.
- 3 (x) Brazil.
- 4 (xi) The British Virgin Islands.
- 5 (xii) Canada.
- 6 (xiii) Chile.
- 7 (xiv) Colombia.
- 8 (xv) Costa Rica.
- 9 (xvi) Dominica.
- 10 (xvii) Dominican Republic.
- 11 (xviii) Ecuador.
- 12 (xix) El Salvador.
- 13 (xx) Grenada.
- 14 (xxi) Guatemala.
- 15 (xxii) Guyana.
- 16 (xxiii) Haiti.
- 17 (xxiv) Honduras.
- 18 (xxv) Jamaica.
- 19 (xxvi) Mexico.
- 20 (xxvii) Montserrat.
- 21 (xxviii) Netherlands Antilles.
- 22 (xxix) Nicaragua.
- 23 (xxx) Panama.
- 24 (xxxi) Paraguay.
- 25 (xxxii) Peru.

- 1 (xxxiii) Saint Kitts and Nevis.
- 2 (xxxiv) Saint Lucia.
- 3 (xxxv) Saint Vincent and the Grena-
- 4 dines.
- 5 (xxxvi) Suriname.
- 6 (xxxvii) Trinidad and Tobago.
- 7 (xxxviii) Turks and Caicos Islands.
- 8 (xxxix) Uruguay.
- 9 (xl) The sovereign government recog-
- 10 nized by the United States in Venezuela.

