

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To establish a supply chain resiliency and crisis response program in the Department of Commerce, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To establish a supply chain resiliency and crisis response program in the Department of Commerce, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the [“_____ Act
5 of 2023”].

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

7 **PROGRAM.**

8 (a) DEFINITIONS.—In this section:

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

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

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

11 (4) EMERGING TECHNOLOGY.—The term
12 “emerging technology” means technologies identified
13 under subsection (f)(1)(A)(iii).

14 (5) INSTITUTION OF HIGHER EDUCATION.—The
15 term “institution of higher education” has the
16 meaning given that term under section 101(a) of the
17 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

18 (6) PROGRAM.—The term “program” means
19 the supply chain resiliency program established pur-
20 suant to subsection (b).

21 (7) RESILIENT SUPPLY CHAIN.—The term “re-
22 silient supply chain” means a supply chain that—

23 (A) ensures that the United States can
24 sustain critical industry and emerging tech-
25 nology production, supply chains, services, and

1 access to critical goods and services during sup-
2 ply chain shocks; and

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

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

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

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

13 (I) sustain critical industry and
14 emerging technology supply chains
15 during shocks; and

16 (II) recover from supply chain
17 shocks.

18 (8) SECRETARY.—The term “Secretary” means
19 the Secretary of Commerce.

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

24 (10) SUPPLY CHAIN INFORMATION.—The term
25 “supply chain information” means information that

1 is not customarily in the public domain and relating
2 to—

3 (A) sustaining and adapting supply chains
4 during a supply chain shock, including pan-
5 demic and biological threats, cyberattacks, and
6 other threats to economic and national security;

7 (B) the development of supply chain risk
8 mitigation and recovery planning with respect
9 to a supply chain shock, including any planned
10 or past assessment, projection, or estimate of a
11 vulnerability within the supply chain, including
12 testing, supplier network assessments, produc-
13 tion flexibility, risk evaluations, risk manage-
14 ment planning, or risk audits; or

15 (C) operational best practices, planning,
16 and supplier partnerships that enable enhanced
17 supply chain resilience during a supply chain
18 shock, including response, repair, recovery, re-
19 construction, insurance, or continuity.

20 (b) ESTABLISHMENT.—The Secretary shall establish
21 in the Department of Commerce a supply chain resiliency
22 program to carry out the activities described in subsection
23 (d).

24 (c) MISSION.—The mission of the program shall be
25 to—

1 (1) help to promote the leadership of the
2 United States with respect to critical industries and
3 emerging technologies that are essential to the mid-
4 term and long-term economic security of the United
5 States;

6 (2) encourage partnerships between the Federal
7 Government and industry, institutions of higher edu-
8 cation, and State and local governments in order
9 to—

10 (A) promote resilient supply chains; and

11 (B) respond to critical industry and emerg-
12 ing technology supply chain shocks; and

13 (3) encourage the development and competitive-
14 ness of United States productive capacities and
15 manufacturing in the United States of emerging
16 technologies.

17 (d) ACTIVITIES.—Under the program, the Secretary
18 shall carry out activities—

19 (1) in coordination with the private sector, to—

20 (A) map and monitor critical industry and
21 emerging technology supply chains; and

22 (B) identify high priority supply chain
23 gaps and vulnerabilities in critical industries
24 and emerging technologies that—

1 (i) exist as of the date of the enact-
2 ment of this section; or

3 (ii) are anticipated in the future;

4 (2) in coordination with the private sector and
5 State and local governments, to—

6 (A) identify opportunities to reduce supply
7 chain gaps and vulnerabilities in critical indus-
8 tries and emerging technologies;

9 (B) encourage partnerships between the
10 Federal Government and industry, institutions
11 of higher education, and State and local govern-
12 ments to—

13 (i) better respond to supply chain
14 shocks to critical industries and emerging
15 technologies; and

16 (ii) coordinate response efforts;

17 (C) develop or identify opportunities to
18 build the capacity of the United States in crit-
19 ical industries and emerging technologies; and

20 (D) develop contingency plans and coordi-
21 nation mechanisms to improve critical industry
22 and emerging technology supply chain response
23 to supply chain shocks;

24 (3) acting within the authorities of the Depart-
25 ment of Commerce, to consult with other divisions of

1 the Department of Commerce and other agencies to
2 use existing authorities to encourage and promote
3 resilient and diverse supply chains; and

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

7 (e) COORDINATION GROUP.—In carrying out the ac-
8 tivities under subsection (d), the Secretary may—

9 (1) establish a unified coordination group,
10 which may include private sector partners, as appro-
11 priate, to serve as the primary method for coordi-
12 nating between and among agencies to plan for sup-
13 ply chain shocks;

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

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

19 (A) acquire on a voluntary basis technical,
20 engineering, and operational supply chain infor-
21 mation from the private sector, in a manner
22 that ensures any supply chain information pro-
23 vided by the private sector is kept confidential
24 and is exempt from disclosure under section
25 552(b)(3) of title 5, United States Code (com-

1 monly known as the “Freedom of Information
2 Act”);

3 (B) study the supply chain information ac-
4 quired under subparagraph (A) to assess crit-
5 ical industry and emerging technology supply
6 chain resilience and inform planning;

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

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

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

19 (f) REPORT ON SUPPLY CHAIN RESILIENCY AND
20 MANUFACTURING IN THE UNITED STATES.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date of the enactment of this section, and every
23 2 years thereafter, the Secretary, in consultation
24 with the head of each relevant agency and relevant
25 private sector entities, institutions of higher edu-

1 cation, and State and local governments, shall sub-
2 mit to the Committee on Energy and Commerce of
3 the House of Representatives and the Committee on
4 Commerce, Science, and Transportation of the Sen-
5 ate a report that—

6 (A) identifies—

7 (i) industries that are critical for the
8 economic security of the United States,
9 considering emerging technologies and crit-
10 ical infrastructure; and

11 (ii) key technologies that are critical
12 for the economic security of the United
13 States and that may assist in the mission
14 described in subsection (c), including—

15 (I) artificial intelligence;

16 (II) automated vehicles and un-
17 manned delivery systems;

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

22 (IV) quantum computing;

23 (V) 5G;

24 (VI) additive manufacturing;

1 (VII) advanced manufacturing
2 and the Internet of Things;

3 (VIII) nano technology;

4 (IX) robotics;

5 (X) microelectronics, optical fiber
6 ray, and high performance and ad-
7 vanced computer hardware and soft-
8 ware; and

9 (XI) semiconductors;

10 (B) describes—

11 (i) the manufacturing base and supply
12 chains for critical industries and emerging
13 technologies in the United States, includ-
14 ing the manufacturing base and supply
15 chains for—

16 (I) essential materials;

17 (II) production equipment; and

18 (III) other goods, including
19 microelectronics and semiconductors,
20 that are essential to the production of
21 technologies and supplies for critical
22 industries and emerging technologies;
23 and

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

- 1 (I) maintain readiness; and
- 2 (II) in response to a supply chain
- 3 shock—
- 4 (aa) surge production in
- 5 critical industries emerging tech-
- 6 nologies; and
- 7 (bb) maintain access to crit-
- 8 ical goods and services;
- 9 (C) identifies threats that may disrupt,
- 10 strain, compromise, or eliminate the supply
- 11 chain for those critical industries and emerging
- 12 technologies;
- 13 (D) assesses—
- 14 (i) the resiliency and capacity of the
- 15 manufacturing base, supply chains, and
- 16 workforce of the United States, the allies
- 17 of the United States, and the partners of
- 18 the United States that can sustain critical
- 19 industries and emerging technologies
- 20 through a supply chain shock; and
- 21 (ii) any point of failure in the supply
- 22 chains described in clause (i);
- 23 (E) assesses the flexible manufacturing ca-
- 24 pacity and capability available in the United
- 25 States in the case of an emergency;

1 (F) makes specific recommendations to im-
2 prove the security and resiliency of manufac-
3 turing capacity and supply chains for critical
4 industries and emerging technologies by—

5 (i) developing long-term strategies;

6 (ii) increasing visibility into the net-
7 works and capabilities of suppliers;

8 (iii) identifying industry best prac-
9 tices;

10 (iv) evaluating how diverse supplier
11 networks, multi-platform and multi-region
12 production capabilities and sources, and in-
13 tegrated global and regional supply chains
14 can enhance the resilience of—

15 (I) critical industries in the
16 United States;

17 (II) emerging technologies in the
18 United States;

19 (III) jobs in the United States;

20 (IV) capabilities of the United
21 States; and

22 (V) the access of the United
23 States to needed goods and services
24 during a supply chain shock;

1 (v) identifying and mitigating risks,
2 including—

3 (I) the financial and operational
4 risks of a supply chain after a supply
5 chain shock;

6 (II) significant vulnerabilities to
7 cyberattacks, pandemic and biological
8 threats, and other emergencies; and

9 (III) exposure to gaps and
10 vulnerabilities in—

11 (aa) domestic capacity or ca-
12 pabilities; and

13 (bb) sources of imports
14 needed to sustain critical indus-
15 tries;

16 (vi) identifying enterprise resource
17 planning systems that are—

18 (I) compatible across supply
19 chain tiers; and

20 (II) affordable for all sizes of
21 business and for startups;

22 (vii) understanding the total cost of
23 ownership, total value contribution, and
24 other best practices that encourage stra-

1 ategic partnerships throughout supply
2 chains;

3 (viii) understanding Federal procure-
4 ment opportunities to increase resiliency of
5 supply chains for goods and services and
6 fill gaps in domestic purchasing; and

7 (ix) identifying such other services as
8 the Secretary determines necessary;

9 (G) provides guidance to the Department
10 of Commerce and other relevant agencies with
11 respect to technologies and supplies that should
12 be prioritized to ensure United States leader-
13 ship in the deployment of such technologies;

14 (H) monitors and makes recommendations
15 for strengthening the financial and operational
16 health of businesses and startups in supply
17 chains of the United States and ensures diverse
18 and competitive supplier markets that are less
19 vulnerable to any point of failure;

20 (I) assesses policies, rules, and regulations
21 of the Federal Government and State and local
22 governments that impact domestic manufac-
23 turing operating costs and inhibit the ability for
24 domestic manufacturing to compete with global
25 competitors; and

1 (J) with regard to any threat identified in
2 subparagraph (C), lists any threat that origi-
3 nates from—

4 (i) an individual located within Russia
5 or with direct or indirect ties to the Gov-
6 ernment of the Russian Federation;

7 (ii) a company located within Russia
8 or with direct or indirect ties to the Gov-
9 ernment of the Russian Federation;

10 (iii) the Government of the Russian
11 Federation;

12 (iv) an individual located within China
13 or with direct or indirect ties to the Gov-
14 ernment of the People’s Republic of China;

15 (v) a company located within China or
16 with direct or indirect ties to the Govern-
17 ment of the People’s Republic of China;

18 (vi) the Government of the People’s
19 Republic of China;

20 (vii) an individual located within
21 North Korea or with direct or indirect ties
22 to the Government of the Democratic Peo-
23 ple’s Republic of Korea;

24 (viii) a company located within North
25 Korea or with direct or indirect ties to the

1 Government of the Democratic People's
2 Republic of Korea;

3 (ix) the Government of the Demo-
4 cratic People's Republic of Korea;

5 (x) an individual located within Iran
6 or with direct or indirect ties to the Gov-
7 ernment of the Islamic Republic of Iran;

8 (xi) a company located within Iran or
9 with direct or indirect ties to the Govern-
10 ment of the Islamic Republic of Iran; and

11 (xii) the Government of the Islamic
12 Republic of Iran.

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

15 (A) supply chain information that is not
16 aggregated;

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

19 (C) classified information.

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

1 report that contains a summary of every activity carried
2 out under this Act during the year covered by the report.

3 (h) CONSULTATION.—

4 (1) IN GENERAL.—In implementing the pro-
5 gram, the Secretary may, as appropriate, consult
6 with the heads of relevant Federal agencies.

7 (2) SPECIFIC CONSULTATION.—In imple-
8 menting the program, with respect to supply chains
9 involving specific sectors, the Secretary may, as ap-
10 propriate, consult with—

11 (A) the Secretary of Defense;

12 (B) the Secretary of Homeland Security;

13 (C) the Secretary of the Treasury;

14 (D) the Secretary of Energy;

15 (E) the Secretary of Transportation;

16 (F) the Secretary of Agriculture;

17 (G) the Director of National Intelligence;

18 and

19 (H) the heads of other relevant agencies.

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

22 (1) to share information with the Secretary;

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

1 (3) to implement any measure or recommenda-
2 tion suggested by the Secretary in response to a re-
3 quest by the private entity.

4 (j) PROTECTIONS.—

5 (1) IN GENERAL.—

6 (A) PROTECTIONS.—Subsections (a)(1),
7 (b), (c), and (d) of section 2224 of the Home-
8 land Security Act of 2002 (6 U.S.C. 673) shall
9 apply to the voluntary submission of supply
10 chain information by a private entity under this
11 section in the same manner as those provisions
12 apply to critical infrastructure information vol-
13 untarily submitted to a covered agency for any
14 other informational purpose under that sub-
15 section if the voluntary submission is accom-
16 panied by an express statement described in
17 paragraph (2) of this subsection.

18 (B) REFERENCES.—For the purpose of
19 this subsection, with respect to section 2224 of
20 the Homeland Security Act of 2002 (6 U.S.C.
21 673)—

22 (i) the express statement described in
23 subsection (a)(1) of that section shall be
24 deemed to refer to the express statement

1 described in paragraph (2) of this sub-
2 section;

3 (ii) references in the subsections de-
4 scribed in subparagraph (A) to “this sub-
5 title” shall be deemed to refer to this sec-
6 tion;

7 (iii) the reference to “protecting crit-
8 ical infrastructure or protected systems” in
9 subsection (a)(1)(E)(iii) of that section
10 shall be deemed to refer to carrying out
11 this section; and

12 (iv) the reference to “critical infra-
13 structure information” in subsections (b)
14 and (c) of that section shall be deemed to
15 refer to supply chain information.

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

19 (A) in the case of written information or
20 records, a written marking on the information
21 or records substantially similar to the following:
22 “This information is voluntarily submitted to
23 the Federal Government in expectation of pro-
24 tection from disclosure as provided by the provi-
25 sions of the _____ Act of 2023.”; or

1 (B) in the case of oral information, a writ-
2 ten statement similar to the statement de-
3 scribed in subparagraph (A) submitted within a
4 reasonable period following the oral communica-
5 tion.

6 (3) INAPPLICABILITY TO SEMICONDUCTOR IN-
7 CENTIVE PROGRAM.—This subsection shall not apply
8 to the voluntary submission of supply chain informa-
9 tion by a private entity in an application for Federal
10 financial assistance under section 9902 of the Wil-
11 liam M. (Mac) Thornberry National Defense Author-
12 ization Act for Fiscal Year 2021 (Public Law 116–
13 283).

14 **SEC. 3. NATIONAL BLOCKCHAIN PROMOTION AND DEPLOY-**
15 **MENT PROGRAM.**

16 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
17 of Commerce shall establish in the Department of Com-
18 merce a program to be known as the “National Blockchain
19 Promotion and Deployment Program”.

20 (b) FUNCTIONS OF SECRETARY AND PROGRAM.—
21 The Secretary is authorized—

22 (1) to serve as the principal advisor to the
23 President for policy pertaining to the deployment,
24 use, application, and competitiveness of blockchain
25 and other distributed ledger technologies; and

1 (2) to take, acting through the National
2 Blockchain Promotion and Deployment Program, ac-
3 tions necessary and appropriate to promote and as-
4 sist the deployment, use, application, and competi-
5 tiveness of blockchain and other distributed ledger
6 technologies, including by—

7 (A) assisting the private sector in the de-
8 ployment of technologies needed to advance the
9 capabilities of blockchain and other distributed
10 ledger technologies;

11 (B) developing policies and recommenda-
12 tions on issues pertaining to blockchain and
13 other distributed ledger technologies, including
14 the use of blockchain and other distributed
15 ledger technologies with respect to online pri-
16 vacy, data security, cybersecurity, and supply
17 chain resiliency;

18 (C) supporting and promoting the stability,
19 maintenance, improvement, competitiveness, ex-
20 pansion, and security of blockchain and other
21 distributed ledger technologies;

22 (D) helping to promote the leadership of
23 the United States in the application and use of
24 blockchain and other distributed ledger tech-
25 nologies;

1 (E) providing for the collection of com-
2 prehensive and reliable information pertaining
3 to the application and use of, and marketplace
4 for, blockchain and other distributed ledger
5 technologies;

6 (F) providing advisory services to Federal
7 agencies with respect to blockchain and other
8 distributed ledger technologies;

9 (G) enhancing public awareness and under-
10 standing of blockchain and other distributed
11 ledger technologies, including by providing suit-
12 able opportunities for public education;

13 (H) promoting the economic security of the
14 United States with respect to blockchain and
15 other distributed ledger technologies;

16 (I) maintaining a list of Federal resources
17 that exist for consumers and businesses to
18 evaluate and help implement the use of
19 blockchain and other distributed ledger tech-
20 nologies; and

21 (J) coordinating Federal agency actions
22 necessary to carry out subparagraphs (A)
23 through (I).

24 (c) REPORT TO CONGRESS.—Not later than 2 years
25 after the date of the enactment of this Act, and annually

1 thereafter, the Secretary shall make public on the website
2 of the Department and submit to the Committee on En-
3 ergy and Commerce of the House of Representatives and
4 the Committee on Commerce, Science, and Transportation
5 of the Senate a report that includes—

6 (1) a description of the activities of the Na-
7 tional Blockchain Promotion and Deployment Pro-
8 gram during the preceding year;

9 (2) any recommendations for additional legisla-
10 tion to promote the use and adoption of blockchain
11 and other distributed ledger technologies and to
12 strengthen the competitiveness of the United States
13 with respect to blockchain and other distributed
14 ledger technologies; and

15 (3) a description of any emerging risks and
16 long-term trends with respect to blockchain and
17 other distributed ledger technologies.