

S. 4375 – Promoting Resilient Supply Chains Act of 2023

Sec. 401. Short title; table of contents.

This section provides that the Act may be cited as the “Promoting Resilient Supply Chains Act of 2023” and includes a table of contents.

Sec. 402. Additional Responsibilities of Assistant Secretary of Commerce for Industry and Analysis.

Additional Responsibilities

This Section of the Act gives the Assistant Secretary of Commerce for Industry and Analysis responsibility to promote the stability and resilience of critical supply chains and critical emerging technologies, with a focus on those that strengthen U.S. national security.

Lead the Interagency Working Group

The Act requires the Assistant Secretary to lead the Interagency working group established in Section 403. Additionally, this section requires the Assistant Secretary to consult NGOs, industry, academia, and state and local governments while promoting resilient supply chains and identifying and preparing for supply chain shocks to critical industries, critical supply chains, and critical and emerging technology.

Under this section of the Act, the assistant secretary is also required to encourage growth of U.S. production and manufacturing in the U.S. of emerging technologies; assess resilience, diversity, and strength of critical supply chains and critical emerging technology; support availability of critical goods from domestic manufacturers and U.S. allies; assist the Federal Government in preparing for supply chain shocks; and encourage reduced reliance from certain foreign countries.

Sec. 403. Critical supply chain resilience and crisis response working group.

Establishment of the Working Group

The Act requires the Assistant Secretary to establish a working group known as the “Supply Chain Resilience Working Group” within 120 days of the enactment of the Act, consisting of various federal agencies that rely on Industry and Analysis Business unit’s data.

Activities of the Working Group

The Act requires the Assistant Secretary to carry out the responsibilities of the Act within one year of its enactment. The first responsibility of the Assistant Secretary is to assess, map, and model critical supply chains, including those for critical and emerging technologies. The Assistant Secretary must also identify high priority gaps and vulnerabilities in critical supply chains and critical industries, as well as identify potential supply chain shocks that may cause disruption. The Assistant Secretary is further required to evaluate the capability and capacity of

domestic manufacturers located in allied countries to serve as sources for critical goods, production equipment, or manufacturing technology. The Assistant Secretary must also evaluate the effect on market stability that may result from the disruption, strain, or elimination of a critical supply chain.

The Assistant Secretary is also required, in subsection (b)(1)(F), to evaluate the state of the manufacturing workforce, including by identifying the needs of domestic manufactures and opportunities to create high quality manufacturing jobs. Subsection (b)(1) concludes with the requirements that the Assistant Secretary identify and describe federal agencies with responsibilities described in the previous subsections, and to identify federal agencies, programs, and bureaus that have duplicative purposes to fulfill these authorities.

Subsection (b)(2) requires the Assistant Secretary, in consultation with State and local governments, the Working Group, and allied countries (as appropriate), to identify opportunities to reduce gaps and vulnerabilities in critical supply chains and critical industries; to better respond to supply chain shocks; and to coordinate efforts to respond to supply chain shocks. It further requires the Assistant Secretary to identify opportunities to build US capacity in critical supply chains, and to build the capacity of allies or key international partners.

The act denotes the Working Group Membership as one representative from each federal agency which relies on the analysis of the Industry and Analysis business unit.

Implementation Report

Subsection (e) requires the Assistant Secretary to submit a report to Congress that details supply chain activities within one year of the enactment of the Act. This report must detail supply chain activities, describe data collected, retained, and analyzed, identify tools that provide insight into critical supply chain vulnerabilities.

National strategy and review on critical supply chain resiliency and manufacturing in the United States.

The bill requires the Assistant Secretary, with proper consultation, to submit a report to Congress on an annual basis. The requirements of the report are outlined in subsections (g)(1)(A-H), which, broadly, require descriptions of supply chain vulnerabilities, weaknesses, U.S. manufacturing technology and ability to maintain readiness to respond to supply chain shocks.

The Act prohibits this report from including any critical information that is not aggregated, confidential business information, or classified information. Further, no private entity is required to share information or implement any measure suggested by the secretary.

Under this Act, critical supply chain information voluntarily submitted is exempt from Freedom of Information Act disclosure (552(b)(3) of title 5, U.S. Code. Further, this Act ensures voluntarily disclosed information is not subject to any agency rules or judicial doctrine regarding ex parte communications with a decision making official, and may not, without the written

consent of the person or entity submitting such information, be used directly by the Department of Commerce, any other Federal, State, or local authority, or any third party, in any civil action arising under Federal or State law if such information is submitted in good faith. Such information may not, without the written consent of the person or entity submitting such information, be used or disclosed by any officer or employee of the U.S. for purposes other than the purpose of this section, with certain limited exceptions. This provision may not be construed to limit or otherwise affect the ability of persons, under applicable law, to independently obtain critical supply chain information. Section 3 also clarifies that the protections for voluntarily provided critical supply chain information are inapplicable to the submission of critical supply chain information in an application for financial assistance under PL 116–283.

SEC. 404. Department of Commerce capability assessment.

Section 404 of the Act requires the Secretary of Commerce to produce a report 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. This section additionally requires the Secretary of Commerce to identify and assess the purpose, legal authority, effectiveness, and limitations of each office or bureau identified previously. The secretary must also provide recommendations to enhance activities related to critical supply chain resilience and manufacturing. This report must be submitted by the Secretary of Commerce within two years of this bill’s enactment.

Sec. 405. No Additional Funds

This section of the Act states that no additional funds are authorized to carry out this Act.

Sec. 406. Sunset.

This section requires that the Act terminates within 10 years of its enactment.

Sec. 407. Definitions.

This section of the Act defines key terms within the Act.