

Young
S.L.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require the Secretary of Commerce to establish an online toolkit and database on aggregated demand mapping and supply chains of United States businesses.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 1260

To establish a new Directorate for Technology and Innovation
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AMENDMENT N^o 1983

By *Young*

To: *Amdt No. 1502*

Referred to the Committee on _____

16

Page(s)

AMENDMENT intended to be proposed by Mr. YOUNG to the amendment (No. 1502) proposed by Mr. SCHUMER

Viz:

- 1 At the end of division F, add the following:
- 2 **TITLE IV—AGGREGATED DE-**
- 3 **MAND MAPPING AND SUPPLY**
- 4 **CHAINS**
- 5 **SEC. 6401. DEFINITIONS.**
- 6 In this title:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Finance and the
5 Committee on Commerce, Science, and Trans-
6 portation of the Senate; and

7 (B) the Committee on Ways and Means
8 and the Committee on Energy and Commerce
9 of the House of Representatives.

10 (2) INPUT.—The term “input”—

11 (A) means a natural resource, raw mate-
12 rial, or human resource used to construct a fin-
13 ished product or other good; and

14 (B) may be comprised of one or more com-
15 ponents.

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of Commerce.

18 (4) TARGET INDUSTRY.—The term “target in-
19 dustry” means an industry identified under section
20 6403(a).

21 (5) UNITED STATES BUSINESS.—The term
22 “United States business” means a business that has
23 a primary headquarters located in a State or terri-
24 tory of the United States.

1 **SEC. 6402. PURPOSES.**

2 The purposes of this title are—

3 (1) to reduce reliance on foreign manufac-
4 turing, boost United States job opportunities, and
5 support domestic manufacturing;

6 (2) to provide transparency and assistance to
7 manufacturers in order to divert supply chains from
8 foreign countries and back to the United States; and

9 (3) to facilitate understanding of the implica-
10 tions of economic, public health, and national secu-
11 rity vulnerabilities in the United States supply
12 chain.

13 **SEC. 6403. PILOT PROGRAM ON ONLINE TOOLKIT AND**
14 **DATABASE ON AGGREGATED DEMAND MAP-**
15 **PING AND SUPPLY CHAINS FOR UNITED**
16 **STATES BUSINESSES.**

17 (a) DETERMINATION OF TARGET INDUSTRIES.—

18 (1) IN GENERAL.—Not later than 90 days after
19 the date of the enactment of this Act, the Secretary
20 shall identify 3 industries in the United States in
21 which supply chain vulnerabilities exist related to the
22 national security, economic security, or public health
23 of the United States.

24 (2) CONSULTATIONS.—The Secretary may con-
25 sult with the heads of other agencies in identifying
26 the 3 target industries under paragraph (1).

1 (b) PILOT PROGRAM FOR DEVELOPMENT OF ONLINE
2 TOOLKIT AND DATABASE.—Not later than one year after
3 the date of the enactment of this Act, the Secretary of
4 Commerce shall carry out a pilot program to develop—

5 (1) an online toolkit described in subsection (e);

6 and

7 (2) a private and confidential database de-
8 scribed in subsection (d).

9 (c) ONLINE TOOLKIT.—

10 (1) IN GENERAL.—The online toolkit described
11 in this subsection is a mechanism under which—

12 (A) United States businesses directly re-
13 lated to a target industry voluntarily submit to
14 the Secretary information, subject to subsection
15 (e), on the products produced by such busi-
16 nesses and the inputs required for such prod-
17 ucts, which may include, with respect to such
18 an input—

19 (i) the specific geographic location of
20 the production of the input, including if
21 the input is sourced from the United
22 States or a foreign country;

23 (ii) the business name of a supplier of
24 the input;

1 (iii) information related to perceived
2 or realized challenges in securing the
3 input;

4 (iv) information related to the sus-
5 pected vulnerabilities or implications of a
6 disruption in securing the input, whether
7 related to national security or the effect on
8 the United States business; or

9 (v) in the case of an input sourced
10 from a foreign country, information on—

11 (I) why the input is sourced from
12 a foreign country rather than in the
13 United States; and

14 (II) if the United States business
15 would be interested in identifying an
16 alternative produced in the United
17 States;

18 (B) United States businesses may opt in to
19 requesting and receiving contact information or
20 general information about a United States
21 source or a foreign source for an input; and

22 (C) the Secretary makes information pro-
23 vided under this subsection available, subject to
24 the requirements of subsection (e), to enable
25 other United States businesses to identify in-

1 puts for their products produced in the United
2 States.

3 (2) RESTRICTIONS ON ACCESS TO ONLINE
4 TOOLKIT.—

5 (A) IN GENERAL.—The Secretary—

6 (i) shall ensure that the online toolkit
7 described in paragraph (1) is accessible
8 only by United States businesses registered
9 with the Department of Commerce under
10 subparagraph (B); and

11 (ii) may determine the scope of the
12 access of a United States business de-
13 scribed in subparagraph (A) to the online
14 toolkit.

15 (B) REGISTRATION OF UNITED STATES
16 BUSINESSES.—The Secretary shall establish a
17 process for registering each United States busi-
18 ness that seeks access to the online toolkit. In
19 registering a United States business under this
20 subparagraph, the Secretary shall verify the
21 identity of the business and that the business is
22 not a foreign entity.

23 (3) FORMAT; PUBLIC AVAILABILITY.—The Sec-
24 retary shall ensure that the online toolkit described
25 in paragraph (1) is—

1 (A) searchable and filterable according to
2 the type of information; and

3 (B) presented in a user-friendly format.

4 (d) DATABASE.—

5 (1) IN GENERAL.—The database described in
6 this subsection is a database—

7 (A) containing information—

8 (i) described in subsection (c) volun-
9 tarily submitted by United States busi-
10 nesses directly related to a target industry;
11 and

12 (ii)(I) with respect to which such busi-
13 nesses have specified under subsection
14 (e)(1)(A)(ii) that the information is private
15 and authorized to be shared only with the
16 Department of Commerce for purposes of
17 the analysis of supply chain vulnerabilities
18 under section 6405; or

19 (II) treated as private and confiden-
20 tial under subsection (e)(1)(B); and

21 (B) available only to senior officials of the
22 Department of Commerce for purposes of con-
23 ducting that analysis.

24 (2) PROHIBITION ON ACCESS.—The Secretary
25 shall prohibit any private entity from requesting or

1 receiving information included in the database de-
2 scribed in paragraph (1).

3 (3) SECURITY.—The Secretary shall make every
4 reasonable effort to ensure the security and integrity
5 of all information stored within the database de-
6 scribed in paragraph (1) and to safeguard the data-
7 base against cyberattacks.

8 (e) CONFIDENTIALITY OF INFORMATION.—

9 (1) RESTRICTION OF SHARING OF INFORMA-
10 TION BY UNITED STATES BUSINESSES.—The Sec-
11 retary shall ensure that, in submitting information
12 to the Secretary under this section—

13 (A) a United States business is able to
14 specify—

15 (i) what information may be shared
16 with other United States businesses, in-
17 cluding what information may be search-
18 able by other businesses seeking to obtain
19 information on inputs for their products
20 produced in the United States;

21 (ii) what information should be pri-
22 vate and shared only with the Department
23 of Commerce for purposes of the analysis
24 of supply chain vulnerabilities under sec-
25 tion 6405; and

1 (iii) what information is business con-
2 fidential or otherwise proprietary in nature
3 and may be restricted in its dissemination
4 to Congress in accordance with paragraph
5 (2); and

6 (B) if a United States business does not
7 specify under subparagraph (A) how the infor-
8 mation may be shared, that information is
9 treated as private and confidential.

10 (2) EXEMPTION FROM PUBLIC DISCLOSURE.—

11 Information submitted to the Secretary in relation to
12 the online toolkit and database established under
13 this section—

14 (A) may not be considered public records
15 and shall be exempt from any Federal law relat-
16 ing to public disclosure requirements; and

17 (B) may not be subject to discovery or ad-
18 mission as public information or evidence in ju-
19 dicial or administrative proceedings without the
20 consent of the United States business that sub-
21 mitted the information.

22 (f) VERIFICATION OF INFORMATION.—The Secretary
23 shall establish a process for verifying the accuracy of in-
24 formation submitted to the Secretary under this section.

25 (g) REPORTING.—

1 (1) REPORT TO CONGRESS.—

2 (A) IN GENERAL.—Not later than 18
3 months after the date of the enactment of this
4 Act, and every 180 days thereafter, the Sec-
5 retary shall submit to the appropriate congres-
6 sional committees a report that includes—

7 (i) an assessment of the pilot program
8 carried out under this section, including
9 statistics regarding the number of new en-
10 tries, total businesses involvement, and any
11 change in participation rate in the online
12 toolkit and database during the preceding
13 180-day period;

14 (ii) recommendations for additional
15 actions to improve the online toolkit and
16 database and participation in the online
17 toolkit and database; and

18 (iii) such other information as the
19 Secretary considers appropriate.

20 (B) FORM.—Each report required by sub-
21 paragraph (A) shall be submitted in unclassi-
22 fied form but may include a classified annex.

23 (2) PUBLIC REPORT.—

24 (A) IN GENERAL.—Not later than 18
25 months after the date of the enactment of this

1 Act, and annually thereafter, the Secretary
2 shall post on a publicly available website of the
3 Department of Commerce a report that, except
4 as provided by subparagraph (B), includes—

5 (i) general statistics related to foreign
6 and domestic sourcing of inputs used by
7 United States businesses;

8 (ii) an estimate of the percentage of
9 total inputs used by United States busi-
10 nesses obtained from foreign countries;

11 (iii) data on such inputs
12 disaggregated by industry, geographical lo-
13 cation, and size of operation; and

14 (iv) a description of the methodology
15 used to calculate the statistics and esti-
16 mates described in this subparagraph.

17 (B) INSUFFICIENT INFORMATION.—If the
18 Secretary determines that insufficient informa-
19 tion was submitted by United States businesses
20 under this section to generate the statistics and
21 estimates described in subparagraph (A), the
22 Secretary may (subject to subsection (e)) deter-
23 mine what information is appropriate to make
24 available to the public under this paragraph.

1 (C) CONSULTATIONS.—The Secretary shall
2 consult with the Secretary of Defense, the Sec-
3 retary of Homeland Security, and the Director
4 of National Intelligence in drafting the report
5 required by subparagraph (A) to ensure that no
6 sensitive information will be included in the re-
7 port.

8 (h) APPLICABILITY OF OTHER LAWS.—The Sec-
9 retary shall carry out this section in accordance with the
10 following provisions of law:

11 (1) Subchapter I of chapter 35 of title 44,
12 United States Code (commonly referred to as the
13 “Paperwork Reduction Act”).

14 (2) Section 552a of title 5, United States Code
15 (commonly referred to as the “Privacy Act of
16 1974”).

17 (3) Section 1905 of title 18, United States
18 Code (commonly referred to as the “Trade Secrets
19 Act”).

20 (i) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) INITIAL FUNDING.—There are authorized to
22 be appropriated to the Secretary \$12,000,000 for
23 fiscal year 2022—

24 (A) for the establishment of the online
25 toolkit and database under this section; and

1 (B) for the salaries and expenses of addi-
2 tional staff to carry out this section.

3 (2) ONGOING FUNDING.—There are authorized
4 to be appropriated to the Secretary \$2,000,000 for
5 each of fiscal years 2023 and 2024 to carry out this
6 section.

7 (3) RETURN OF FUNDS.—The Secretary shall
8 return to the Treasury any funds appropriated pur-
9 suant to an authorization of appropriations under
10 this subsection that have not been obligated by the
11 end of the fiscal year for which the funds were ap-
12 propriated.

13 **SEC. 6404. NATIONAL PUBLIC OUTREACH CAMPAIGN.**

14 (a) IN GENERAL.—The Secretary shall carry out a
15 national public outreach campaign—

16 (1) to educate United States businesses about
17 the existence of the online toolkit and database es-
18 tablished under section 6403; and

19 (2) to facilitate and encourage the participation
20 of such businesses in the online toolkit and database.

21 (b) OUTREACH REQUIREMENT.—In carrying out the
22 campaign under subsection (a), the Secretary shall—

23 (1) establish an advertising and outreach pro-
24 gram directed to businesses, industries, State and

1 local agencies, chambers of commerce, and labor or-
2 ganizations—

3 (A) to facilitate understanding of the value
4 of an aggregated demand mapping system; and

5 (B) to advertise that the online toolkit de-
6 scribed in section 6403(c) is available for that
7 purpose;

8 (2) notify appropriate State agencies not later
9 than 10 days after the date of the enactment of this
10 Act regarding the development of the online toolkit;
11 and

12 (3) post a notice on a publicly available website
13 of the Department of Commerce and establish a so-
14 cial media awareness campaign to advertise the on-
15 line toolkit.

16 (e) COORDINATION.—In carrying out the campaign
17 under subsection (a), the Secretary may coordinate with
18 other Federal agencies and State or local agencies as ap-
19 propriate.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Secretary
22 \$8,000,000 for each of fiscal years 2022 through 2024
23 to carry out this section.

24 (e) SEPARATE ACCOUNTING.—

1 under section 6403, and related analytical features,
2 using expertise within the Department of Commerce;
3 and

4 (2) may, as appropriate, adopt new technologies
5 and hire additional employees to carry out this title.

6 (b) MINIMIZATION OF CONTRACTING.—If the activi-
7 ties described in paragraphs (1) and (2) of subsection (a)
8 cannot be completed without the employment of contrac-
9 tors, the Secretary should seek to minimize the number
10 of contractors and the scope of the contract.

11 **SEC. 6407. AUTHORIZATION OF APPROPRIATIONS FOR CY-**
12 **BERSECURITY INFRASTRUCTURE.**

13 There are authorized to be appropriated to the Sec-
14 retary of Commerce \$5,000,000 for each of fiscal years
15 2022 through 2024 for efforts relating to collecting and
16 protecting information, and modernizing the technology
17 infrastructure of the Department of Commerce.

18 **SEC. 6408. TERMINATION.**

19 This title shall terminate on September 30, 2026.