

## 117TH CONGRESS 1ST SESSION

# H. R. 5492

To establish an Office of Manufacturing Security and Resilience in the Department of Commerce, and for other purposes.

#### IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2021

Mr. Kinzinger (for himself, Mr. Malinowski, and Ms. Blunt Rochester) introduced the following bill; which was referred to the Committee on Energy and Commerce

### A BILL

To establish an Office of Manufacturing Security and Resilience 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 "Manufacturing Econ-
- 5 omy And National Security Act" or the "MEANS Act".
- 6 SEC. 2. FINDINGS.
- 7 Congress finds the following:
- 8 (1) Resilient supply chains are paramount to
- 9 our national security and economic security.

1	(2) A coordinated and whole-of-Government ap-
2	proach to safeguarding supply chains will benefit all
3	Americans and ensure disruptions are avoided or
4	mitigated.
5	(3) Establishing an Office of Manufacturing Se-
6	curity and Resilience in the Department of Com-
7	merce will serve as the cornerstone of the Federal
8	Government's supply chain mission.
9	SEC. 3. UNITED STATES STRATEGY TO COUNTER THREATS
10	TO SUPPLY CHAINS FOR CRITICAL GOODS.
11	(a) In General.—In accordance with Executive
12	Order 14017 (86 Fed. Reg. 11849; relating to America's
13	supply chains), the Under Secretary shall, not later than
14	180 days after enactment of this Act, develop and imple-
15	ment a strategy taking a whole-of-Government approach
16	to support the resilience, diversity, security, and strength
17	of supply chains.
18	(b) Elements.—The strategy required under sub-
19	section (a) shall include the following elements:
20	(1) A plan to execute a unified national effort
21	to reduce reliance on concentrated supply chains for
22	critical goods and protect against threats from coun-
23	tries of concern relating to supply chains for critical

goods.

1	(2) A plan provide sufficient access to critical
2	goods by ensuring that supply chains are not vulner-
3	able to disruption, strain, compromise, or elimi-
4	nation, including by being concentrated in a country
5	of concern.
6	(3) A plan collaborate with other relevant Fed-
7	eral Government agencies to assist allies or key
8	international partners to build capacity for manufac-
9	turing critical goods.
10	(4) A plan to incentivize, through loans and
11	loan guarantees, and equity investment, and identify
12	tax incentives, trade preferences, or other means, as
13	appropriate—
14	(A) for domestic manufacturers that man-
15	ufacture critical goods to—
16	(i) relocate manufacturing facilities,
17	industrial equipment, or operations related
18	to the production of critical goods from
19	countries of concern to the United States
20	or to other allies or key international part-
21	ners; and
22	(ii) to support manufacturing facili-
23	ties, industrial equipment, or operations to
24	increase the production of critical goods

and meet demand for such articles; and

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1	(B) for domestic manufacturers that do
2	not manufacture critical goods to make nec-
3	essary or appropriate modifications to existing
4	manufacturing facilities, industrial equipment,
5	manufacturing technology, or operations in
6	order to manufacture 1 or more critical good.
7	(5) A plan describing the manner and processes
8	through which the Under Secretary will implement
9	the program under section 4, including through con-
10	sultation with, or requests for information from, the
11	heads of any relevant Federal agencies, including
12	those with jurisdiction over supply chains, for the
13	purposes of ensuring—
14	(A) the awards serve the greatest needs for
15	the most diverse array of critical industries; and
16	(B) the awards, on the whole, serve the
17	greatest national security and economic security
18	needs.
19	(6) A plan to protect against supply chain
20	shocks from countries of concern relating to supply
21	chains.
22	(7) A plan to strengthen and increase trade and
23	other forms of engagement between the United
24	States and allies or key international partners in

order to mitigate—

1	(A) supply chain vulnerabilities; and
2	(B) the effects of supply chain shocks.
3	(8) Identify, in coordination with other relevant
4	Federal agencies, actions relating to supply chains
5	with which the United States might—
6	(A) raise living standards;
7	(B) increase employment opportunities;
8	and
9	(C) address the underlying causes of irreg-
10	ular migration.
11	(9) Recommendations to effectuate the strategy
12	under this section.
13	(c) Submission of Strategy.—
14	(1) In general.—Not later than 270 days
15	after the date of the enactment of this Act, the
16	President shall submit to the Committee on Energy
17	and Commerce of the House of Representatives and
18	the Committee on Commerce, Science, and Trans-
19	portation of the Senate, and publish on the website
20	of the Office of the Under Secretary, a report con-
21	taining the strategy developed under this section.
22	(2) UPDATE.—Not less than once every 4 years
23	after the date on which the strategy is submitted
24	under paragraph (1), the Under Secretary shall sub-
25	mit to Congress an update to such strategy.

1	(3) Form.—The report submitted under para-
2	graph (1), and any update submitted under para-
3	graph (2), shall be submitted in unclassified form
4	and may include a classified annex.
5	SEC. 4. CRITICAL SUPPLY CHAIN RESILIENCE PROGRAM.
6	(a) Establishment.—There is established in the
7	Office of the Secretary of Commerce an Office of Manu-
8	facturing Security and Resilience to carry out the Manu-
9	facturing Security and Resilience Program described in
10	subsection (d).
11	(b) Mission.—The mission of the Office shall be the
12	following:
13	(1) Help to promote the leadership of the
14	United States with respect to critical industries and
15	supply chains that—
16	(A) strengthen the national security of the
17	United States; and
18	(B) have a significant effect on the eco-
19	nomic security of the United States.
20	(2) Support the availability of critical goods by
21	supporting domestic manufacturers, domestic enter-
22	prises, and manufacturing operations in countries
23	that are allies or key international partners of the
24	United States.

1	(3) Assist the Federal Government in preparing
2	for, and responding to, covered emergencies and
3	supply chain shocks, including by improving the
4	flexible manufacturing capacities and capabilities in
5	the United States in the case of a supply chain
6	shock.
7	(4) Reduce the reliance of domestic entities and
8	domestic manufacturers on critical goods with con-
9	centrated supply chains from countries of concern.
10	(5) Encourage partnerships and collaboration
11	with the Federal Government and the private sector,
12	labor organizations, the governments of countries
13	that are allies or key international partners of the
14	United States, State governments and other political
15	subdivisions of a State, and Tribal governments in
16	order to—
17	(A) promote the resilience of supply
18	chains; and
19	(B) respond to supply chain shocks to—
20	(i) critical industries; and
21	(ii) supply chains.
22	(6) In order to safeguard against supply chain
23	disruptions, encourage the relocation of facilities
24	that manufacture critical goods from countries of

concern to allies or key international partners.

- 1 (7) Support the development, maintenance, im2 provement, competitiveness, restoration, and expan3 sion of the productive capacities, efficiency, and
  4 workforce of critical industries and domestic manu5 facturers of critical goods, industrial equipment, and
  6 manufacturing technology.
  - (8) Prepare for and take appropriate steps to minimize the effects of supply chain shocks on critical industries and supply chains.
  - (9) Support the creation of jobs with competitive wages in the manufacturing sector.
  - (10) Encourage manufacturing growth and opportunities in economically distressed areas and communities of color.
  - (11) Promoting the health of the economy of the United States and the competitiveness of manufacturing in the United States.
  - (12) Coordinate executive branch actions necessary to carry out the functions described in paragraphs (1) through (11).
  - (c) Under Secretary of the Office.—
    - (1) APPOINTMENT AND TERM.—The head of the Office shall be the Under Secretary of the Office of Supply Chain Resiliency and Crisis Response, appointed by the President, by and with the advice and

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- 1 consent of the Senate, for a term of not more than 2 5 years.
- 3 (2) PAY.—The Under Secretary shall be com-4 pensated at the rate in effect for level II of the Ex-5 ecutive Schedule under section 5313 of title 5, 6 United States Code.
- 7 (3) ADMINISTRATIVE AUTHORITIES.—The 8 Under Secretary may appoint officers and employees 9 in accordance with chapter 51 and subchapter III of 10 chapter 53 of title 5, United States Code.
- 11 (d) Manufacturing Security and Resilience 12 Program.—
- 13 (1) IN GENERAL.—The Under Secretary shall
  14 support the resilience, diversity, security, and
  15 strength of supply chains by providing loans and
  16 loan guarantees for eligible activities described under
  17 subsection (e) to eligible entities described under
  18 subsection (f).
  - (2) APPLICATION.—To be eligible for a loan or loan guarantee under this section, an eligible entity described in subsection (e) shall submit to the Under Secretary an application at such time, in such form, and containing such information as the Under Secretary may require, including—

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1	(A) a description of the proposed activity
2	to be carried out with such a loan or loan guar-
3	antee;
4	(B) a description of the supply chain sup-
5	ported by the proposed activity; and
6	(C) an estimate of the total costs for such
7	activity.
8	(e) Eligible Activities.—The following activities
9	may be carried out with amounts made available under
10	this section:
11	(1) The development, diversification, preserva-
12	tion, improvement, support, restoration, or expan-
13	sion of supply chains and the domestic or proximal
14	manufacturing of critical goods, industrial equip-
15	ment, and manufacturing technology, including ac-
16	tivities that support any of the following:
17	(A) The domestic manufacturing of a crit-
18	ical good or industrial equipment.
19	(B) The commercialization, adoption, de-
20	ployment, or use of manufacturing technology
21	by domestic manufacturers.
22	(C) The design, engineering, construction,
23	expansion, improvement, repair, or maintenance
24	of critical infrastructure or a manufacturing fa-
25	cility in the United States

1	(D) The purchase, lease, enhancement, or
2	retooling of industrial equipment for use in the
3	United States.
4	(E) The purchase, lease, or acquisition of
5	critical goods, industrial equipment, or manu-
6	facturing technology from reliable sources.
7	(F) The relocation of manufacturing facili-
8	ties, or operations related to the production of
9	critical goods out of a country of concern and
10	into the United States or to an ally or key
11	international partner of the United States, with
12	a priority for those eligible countries listed in
13	subsection $(w)(1)(B)$ .
14	(G) The modification of manufacturing fa-
15	cilities, industrial equipment, or operations re-
16	lated to the manufacture of critical goods to—
17	(i) create new capabilities for an eligi-
18	ble entity to manufacture critical goods;
19	(ii) expand existing operations to in-
20	crease the manufacture of critical goods; or
21	(iii) accommodate any manufacturing
22	operations related to critical goods that are
23	being relocated to the United States or to
24	an ally or key international partner.

1	(H) The development of tools or processes
2	that relate to procuring, transporting, or stor-
3	ing critical goods.
4	(2) The manufacture or acquisition of a sub-
5	stitute for a critical good, industrial equipment, or
6	manufacturing technology.
7	(3) The establishment, improvement, develop-
8	ment, expansion, or preservation of surge capacity or
9	stockpiling of a critical good or industrial equip-
10	ment, as appropriate and necessary.
11	(4) The establishment, improvement, or preser-
12	vation of diverse, secure, reliable, and strong sources
13	and locations of a critical good in the United States.
14	(f) Eligible Entities.—The following entities are
15	eligible to receive loans and loan guarantees under this
16	section:
17	(1) A domestic manufacturer.
18	(2) A domestic enterprise.
19	(3) A State, county, city, or other political sub-
20	division of a State.
21	(4) A Tribal government.
22	(5) A manufacturing extension center estab-
23	lished as part of the Hollings Manufacturing Exten-
24	sion Partnership.

1	(6) A manufacturing USA institute as de-
2	scribed in section 34(d) of the National Institute of
3	Standards and Technology Act (15 U.S.C. 278s(d)).
4	(7) An institution of higher education acting as
5	part of a consortium, partnership, or joint venture
6	with another eligible entity described in paragraphs
7	(1) through (6).
8	(8) A public or private nonprofit organization
9	or association acting as part of a consortium, part-
10	nership, or joint venture with another eligible entity
11	described in paragraphs (1) through (6).
12	(9) A consortium, partnership, or joint venture
13	of two or more eligible entities described under para-
14	graphs (1) through (8).
15	(g) REQUIREMENTS.—The Under Secretary may only
16	make a loan or loan guarantee available to an eligible enti-
17	ty if the Under Secretary makes a determination of the
18	following:
19	(1) The loan or loan guarantee is for an activity
20	described under subsection (e).
21	(2) Without a loan or loan guarantee the eligi-
22	ble entity would not be able to fund or finance the

activity under reasonable terms and conditions.

1	(3) A loan or loan guarantee is a cost effective
2	expedient, and practical financial assistance for the
3	activity.
4	(4) There is a reasonable assurance that—
5	(A) the eligible entity will implement the
6	activity in accordance with the application sub-
7	mitted pursuant to paragraph (2) of subsection
8	(d); and
9	(B) the activity will support—
10	(i) the resilience, diversity, security, or
11	strength of a supply chain; and
12	(ii) the national security or economic
13	security of the United States.
14	(5) The eligible entity agrees to provide the in-
15	formation required under paragraph (3) of sub-
16	section (n).
17	(h) Criteria.—The Under Secretary shall establish
18	criteria for the awarding of loan or loan guarantee that
19	meet the requirements under subsection (g), including the
20	following:
21	(1) The extent to which the activity supports
22	the resilience, diversity, security, and strength of
23	supply chains.
24	(2) The extent to which the activity is funded
25	by non-Federal sources.

1	(3) The extent to which the loan or loan guar-
2	antee will assist small and medium-sized domestic
3	manufacturers.
4	(4) The amount of appropriations that are re-
5	quired to fund or finance the loan or loan guarantee
6	made available under this section.
7	(i) Loans and Loan Guarantees.—
8	(1) MAXIMUM AMOUNT.—The amount of a loan
9	under this section shall not exceed 80 percent of the
10	reasonably anticipated costs of an activity.
11	(2) Waiver.—Upon providing written justifica-
12	tion for a determination made pursuant to subpara-
13	graph (B), which may be submitted in a classified
14	annex to the Committee on Energy and Commerce
15	of the House of Representatives and the Committee
16	on Commerce, Science, and Transportation of the
17	Senate, the Under Secretary may waive the require-
18	ment under paragraph (2)—
19	(A) during a period of national emergency
20	declared by an Act of Congress or the Presi-
21	dent; or
22	(B) upon making a determination that a
23	loan or loan guarantee is necessary to avert the

disruption, strain, compromise, or elimination

- of a supply chain that would severely affect the economic security of the United States.
  - (3) Maximum federal involvement.—The proceeds of a loan under this section may be used to pay any non-Federal share of activity costs required if the loan is repayable from non-Federal funds.
    - (4) Loan guarantee terms.—The terms of a loan guarantee provided under this subsection shall be consistent with the terms established in this subsection for a loan.
    - (j) Manufacturing Investment Companies.—
      - (1) In General.—The Under Secretary may provide a loan or loan guarantee to a manufacturing investment company.
        - (2) Equity capital.—A manufacturing investment company shall use the proceeds of a loan or loan guarantee provided under paragraph (1) to provide a source of equity capital for eligible entities described under subsection (f) to carry out eligible activities.
      - (3) APPLICATION.—To be eligible to receive a loan or loan guarantee under this section, a manufacturing investment company shall submit to the Under Secretary an application, in a form and in-

- 1 cluding such documentation as may be prescribed by 2 the Under Secretary, which shall include: 3 (A) A plan describing how the manufac-
  - (A) A plan describing how the manufacturing investment company intends to provide equity capital to eligible entities described under subsection (f) to support the resilience, diversity, security, and strength of supply chains.
  - (B) Information regarding the relevant qualifications and general reputation of the management of the manufacturing investment company.
  - (C) A description of how the manufacturing investment company intends to address the unmet capital needs of eligible entities described under subsection (f).
  - (D) A description of whether and to what extent the manufacturing investment company meets the criteria under paragraph (4) and the objectives of the program established under this Act.
  - (4) CRITERIA.—The Secretary shall establish criteria for the awarding of a loan or loan guarantee to a manufacturing investment company, including the following:

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1	(A) The extent to which the equity capital
2	to be provided pursuant to paragraph (2) sup-
3	ports the resilience, diversity, security, and
4	strength of supply chains.
5	(B) The extent to which the plan described
6	under subparagraph (A) of paragraph (3) will
7	be funded or financed by non-Federal sources.
8	(C) The extent to which the manufacturing
9	investment company will assist small and me-
10	dium-sized domestic manufacturers.
11	(D) The amount of appropriations that are
12	required to fund or finance the loan or loan
13	guarantee made available under this subsection.
14	(5) Requirements.—As a condition for pro-
15	viding a loan or loan guarantee under paragraph
16	(1), the Under Secretary shall require that a manu-
17	facturing investment company certifies that—
18	(A) the equity capital is for an activity de-
19	scribed under subsection (e);
20	(B) an eligible entity meets the require-
21	ments under subsection (g);
22	(C) without equity capital, the eligible enti-
23	ty would not be able to fund or finance the ac-
24	tivity under reasonable terms and conditions;

1	(D) equity capital is a cost effective, expe-
2	dient, and practical financial assistance for the
3	activity;
4	(E) there is a reasonable assurance that—
5	(i) the eligible entity will implement
6	the activity; and
7	(ii) the activity will support—
8	(I) the resilience, diversity, secu-
9	rity, or strength of a supply chain;
10	and
11	(II) the national security or eco-
12	nomic security of the United States;
13	and
14	(F) it will provide the information required
15	under paragraph (6).
16	(6) Performance measures.—For loans and
17	loan guarantees awarded under this subsection, the
18	Under Secretary shall—
19	(A) develop metrics to assess the extent to
20	which the manufacturing investment company
21	meets the criteria under paragraph (4);
22	(B) evaluate the extent to which each man-
23	ufacturing investment company awarded a loan
24	or loan guarantee is meeting the criteria under
25	paragraph (4); and

1	(C) require that any loan information the
2	Under Secretary determines to be necessary for
3	the evaluation described under subparagraph
4	(B) be provided by manufacturing investment
5	companies.
6	(k) Creditworthiness.—
7	(1) In general.—For a loan or loan guar-
8	antee issued under subsections (d) and (j), the man-
9	ufacturing investment company or eligible activity
10	and eligible entity receiving such loan or loan guar-
11	antee shall be creditworthy, which shall be deter-
12	mined by the Under Secretary.
13	(2) Considerations.—In determining the
14	creditworthiness of a manufacturing investment
15	company or an eligible activity and eligible entity
16	the Under Secretary shall take into consideration
17	relevant factors, including the following:
18	(A) The terms, conditions, financial struc-
19	ture, and security features of the proposed fi-
20	nancing.
21	(B) The revenue sources that will secure or
22	fund any note, bond, debenture, or other debt
23	obligation issued in connection with the Federal

financing.

1	(C) The financial assumptions upon which
2	the loan or loan guarantee is based.
3	(D) The ability of—
4	(i) the manufacturing investment
5	company to provide a source of equity cap-
6	ital for eligible entities; or
7	(ii) the eligible entity to successfully
8	achieve the goal of the activity.
9	(E) The financial soundness and credit his-
10	tory of the manufacturing investment company
11	or eligible entity.
12	(l) Conditions.—The Under Secretary is authorized
13	to prescribe—
14	(1) either specifically or by maximum limits or
15	otherwise, rates of interest, guarantee and commit-
16	ment fees, and other charges which may be made in
17	connection with a loan or loan guarantee made
18	under this section;
19	(2) regulations governing the forms and proce-
20	dures (which shall be uniform to the extent prac-
21	ticable) to be used in connection with such loans and
22	loan guarantees; and
23	(3) language in any contract or agreement gov-
24	erning financial assistance that the eligible entity
25	agrees to coordinate with the Under Secretary to,

without yielding operational control, assist the
United States in preparing for and responding to a
covered emergency, including through the manufacture of critical goods, as necessary.

#### (m) Selection of Recipient.—

- (1) DIVERSITY IN RECIPIENTS.—To the extent practicable, the Under Secretary shall ensure that loans and loan guarantees are awarded in a manner that will serve the greatest needs for the most diverse array of critical industries.
- (2) Priority.—In awarding loans and loan guarantees under this subsection, the Under Secretary shall prioritize proposed activities that—
  - (A) will operate within the United States and employ citizens of the United States; and
- (B) will result in the production of critical goods that relate to the strategic needs of the Federal Government in preparing for and responding to covered emergencies and supply chain shocks.
- 21 (n) Performance Measures.—For loans and loan 22 guarantees awarded under this section, the Under Sec-23 retary shall—

- 1 (1) develop metrics to assess the extent to 2 which the activities meet the criteria under sub-3 section (h);
- 4 (2) evaluate the extent to which each eligible 5 entity awarded a loan or loan guarantee is meeting 6 the criteria under subsection (h); and
- 7 (3) require that any information the Under Sec-8 retary determines to be necessary for the evaluation 9 described under paragraph (2) be provided by eligi-10 ble entities receiving a loan or loan guarantee.
- 11 (o) REVOCATION.—The Under Secretary may revoke 12 a loan or loan guarantee if the eligible entity fails to meet 13 any requirement under this section.
- 14 (p) Construction Projects.—Section 602 of the 15 Public Works and Economic Development Act of 1965 (42 16 U.S.C. 3212) shall apply to a construction project that 17 receives financial assistance from the Secretary under this 18 section.
- (q) Critical Supply Chain Resilience Fund.—
  (1) Establishment.—There is established in the Treasury of the United States a fund to be known as the "Supply Chains for Critical Manufacturing Industries Fund" (referred to in this section as the "Fund") which shall solely be used by the

Under Secretary to carry out this section.

1	(2) REVOLVING LOAN FUND.—The proceeds of
2	any conditions prescribed under subsection (l)(1)
3	shall be deposited into the Fund.
4	(r) Program Evaluation.—Not later than 4 years
5	after the date of enactment of this Act, and every 4 years
6	thereafter, the Inspector General of the Department of
7	Commerce shall conduct an audit of the Office of Supply
8	Chain Resiliency and Crisis Response to—
9	(1) evaluate the performance of the activities
10	supported by a loan or loan guarantee under this
11	section;
12	(2) evaluate the extent to which the require-
13	ments and criteria under this section are met; and
14	(3) provide recommendations on any proposed
15	changes to improve the effectiveness of the Office or
16	meeting the mission under subsection (b).
17	(s) REGULATIONS.—The Under Secretary may pro-
18	mulgate such regulations as the Under Secretary deter-
19	mines to be appropriate to carry out this section.
20	(t) Authorization of Appropriations.—There is
21	authorized to be appropriated—
22	(1) to the Fund \$35,000,000,000 for fiscal
23	years 2022 through 2027, to remain available until
24	expended, of which not more than—

1	(A) $$31,000,000,000$ may be used for
2	loans and loan guarantees to eligible entities;
3	(B) $\$4,000,000,000$ may be used for loans
4	and loan guarantees to manufacturing invest-
5	ment companies and eligible entities; and
6	(C) not more than 2 percent per fiscal year
7	may be used for administrative costs; and
8	(2) to the Inspector General of the Department
9	of Commerce \$5,000,000 for fiscal years 2022
10	through 2027, to remain available until expended, to
11	carry out subsection (r).
12	(u) Consistency With International Agree-
13	MENTS.—This Act shall be applied in a manner consistent
14	with United States obligations under international agree-
15	ments.
16	(v) Limitation.—None of the funds made available
17	to carry out this Act may be used to support manufac-
18	turing in a country of concern.
19	(w) Definitions.—In this section:
20	(1) Ally or key international partner.—
21	(A) IN GENERAL.—The term "ally or key
22	international partner" means a country des-
23	ignated by the Under Secretary, after consulta-
24	tion with other relevant Federal agencies,
25	and—

1	(i) is—
2	(I) a member state of North At-
3	lantic Treaty Organization (NATO);
4	(II) a country designated as
5	major non-NATO ally pursuant to
6	section 517(a) of the Foreign Assist-
7	ance Act of 1961 (22 U.S.C.
8	2321k(a)); or
9	(III) a country that is located in
10	the Western Hemisphere and included
11	on the list of countries described in
12	subparagraph (B); and
13	(ii) is not a country of concern.
14	(B) List of countries described.—
15	The list of countries described in subparagraph
16	(A) are the following: Anguilla, Antigua and
17	Barbuda, Argentina, Aruba, The Bahamas,
18	Barbados, Belize, Bermuda, Bolivia, Brazil,
19	The British Virgin Islands, Canada, Chile, Co-
20	lombia, Costa Rica, Dominica, Dominican Re-
21	public, Ecuador, El Salvador, Grenada, Guate-
22	mala, Guyana, Haiti, Honduras, Jamaica, Mex-
23	ico, Montserrat, Netherlands Antilles, Panama,
24	Paraguay, Peru, Saint Kitts and Nevis, Saint
25	Lucia, Saint Vincent and the Grenadines,

1	Suriname, Trinidad and Tobago, Turks and
2	Caicos Islands, Uruguay, and the sovereign gov-
3	ernment recognized by the United States in
4	Venezuela.
5	(2) Concentrated.—With respect to a supply
6	chain, the term "concentrated" means—
7	(A) a supply chain—
8	(i) that is under a level of control or
9	influence by the government of a country
10	of concern that presents an unreasonable
11	risk to national security or economic secu-
12	rity;
13	(ii) that is subject to undue manipula-
14	tion by the government of a country of
15	concern; or
16	(iii) for which 30 percent of the pro-
17	duction of such critical good occurs in a
18	single foreign country; or
19	(B) a supply chain for a critical good for
20	which more than 50 percent of the supply of
21	such good in the United States is imported.
22	(3) Country of concern.—The term "coun-
23	try of concern' means a country—
24	(A) in which a concentrated supply chain
25	for a critical good is located:

1	(B) that poses a significant national secu-
2	rity or economic security threat to the United
3	States; and
4	(C) whose government, or elements of such
5	government, has proven, or has been credibly
6	alleged to have, committed crimes against hu-
7	manity or genocide.
8	(4) COVERED EMERGENCY.—The term "covered
9	emergency" means any of the following:
10	(A) A public health emergency declared by
11	the Secretary of Health and Human Services
12	pursuant to section 319 of the Public Health
13	Service Act (42 U.S.C. 247d).
14	(B) An event for which the President de-
15	clares a major disaster or an emergency under
16	section 401 or 501, respectively, of the Robert
17	T. Stafford Disaster Relief and Emergency As-
18	sistance Act (42 U.S.C. 5170 and 5191).
19	(C) A national emergency declared by the
20	President under the National Emergencies Act
21	(50 U.S.C. 1601 et seq.).
22	(5) Critical good.—The term "critical good"
23	means any raw, in process, or manufactured mate-
24	rial (including any mineral, metal, or advanced proc-
25	essed material), article, commodity, supply, product,

1	or item of supply that the absence of which would
2	have a significant effect on—
3	(A) the national security or economic secu-
4	rity of the United States; and
5	(B) critical infrastructure.
6	(6) Critical industry.—The term "critical
7	industry" means an industry that is critical for the
8	national security or economic security of the United
9	States, considering key technology focus areas under
10	this Act and critical infrastructure.
11	(7) Critical infrastructure.—The term
12	"critical infrastructure" has the meaning given to
13	that term in the Critical Infrastructures Protection
14	Act of 2001 (42 U.S.C. 5195c(e)).
15	(8) Domestic enterprise.—The term "do-
16	mestic enterprise" means an enterprise that con-
17	ducts business in the United States and procures a
18	critical good.
19	(9) Domestic Manufacturer.—The term
20	"domestic manufacturer" means a business that—
21	(A) conducts in the United States the re-
22	search and development, engineering, or pro-
23	duction activities necessary or incidental to
24	manufacturing: or

1	(B) if provided a loan, loan guarantee, or
2	equity investment pursuant to this section, will
3	conduct in the United States the research and
4	development, engineering, or production activi-
5	ties necessary or incidental to manufacturing.
6	(10) Industrial equipment.—The term "in-
7	dustrial equipment" means any component, sub-
8	system, system, equipment, tooling, accessory, part,
9	or assembly necessary for the manufacturing of a
10	critical good.
11	(11) Institution of higher education.—
12	The term "institution of higher education" has the
13	meaning given that term under section 101(a) of the
14	Higher Education Act of 1965 (20 U.S.C. 1001(a)).
15	(12) Key technology focus areas.—The
16	term "key technology focus areas" means—
17	(A) artificial intelligence, machine learning,
18	autonomy, and related advances;
19	(B) high-performance computing, semi-
20	conductors, and advanced computer hardware
21	and software;
22	(C) quantum information science and tech-
23	nology;
24	(D) robotics, automation, and advanced
25	manufacturing:

1	(E) natural and anthropogenic disaster
2	prevention or mitigation;
3	(F) advanced communications technology,
4	including optical transmission components;
5	(G) biotechnology, medical technology,
6	genomics, and synthetic biology;
7	(H) data storage, data management, dis-
8	tributed ledger technologies, and cybersecurity,
9	including biometrics;
10	(I) advanced energy and industrial efficacy
11	technologies, such as batteries, advanced nu-
12	clear technologies, and polysilicon for use in
13	solar photovoltaics, including but not limited to
14	for the purposes of electric generation (con-
15	sistent with section 15 of the National Sciences
16	Foundation Act of 1950 (42 U.S.C. 1874));
17	and
18	(J) advanced materials science, including
19	composites and 2D materials and equipment,
20	aerospace grade metals, and aerospace specific
21	manufacturing enabling chemicals.
22	(13) Lender.—The term "lender" means any
23	non-Federal qualified institutional buyer (as defined
24	in section 230.144A(a) of title 17, Code of Federal
25	Regulations or a successor regulation).

- 1 (14) Loan.—The term "loan" means a direct 2 loan or other debt obligation issued by an eligible en-3 tity and funded by the Under Secretary in connec-4 tion with the financing of an activity under this sec-5 tion.
  - (15) Loan guarantee.—The term "loan guarantee" means any guarantee or other pledge by the Under Secretary to pay all or part of the principal of, and interest on, a loan or other debt obligation entered into by an eligible entity and funded by a lender.
    - (16) Manufacture.—The term "manufacture" means any activity that is necessary for or incidental to the development, production, processing, distribution, or delivery of any raw, in process, or manufactured material (including minerals, metals, and advanced processed materials), article, commodity, supply, product, critical good, or item of supply.
    - (17) Manufacturing facility" means any type of building, structure, or real property necessary or incidental to the manufacturing of a critical good.
- 24 (18) Manufacturing investment com-25 Pany.—The term "manufacturing investment com-

- pany" means an incorporated body, a limited liability company, or a limited partnership, including a consortium of public and private entities, organized and chartered or otherwise existing under State law.
  - (19) Manufacturing technology.—The term "manufacturing technology" means technologies that are necessary or incidental to the manufacturing of a critical good.
  - (20) Nonprofit organization" means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code.
  - (21) Office.—The term "Office" means the Supply Chain Resiliency and Crisis Response Office established under subsection (a).
  - (22) STATE.—The term "State" means each State of the United States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and any other territory or possession of the United States.
- 24 (23) SUPPLY CHAIN.—The term "supply chain" 25 means a supply chain for a critical good.

1	(24) Supply Chain Shock.—The term "supply
2	chain shock" includes the following:
3	(A) A natural disaster or extreme weather
4	event.
5	(B) An accidental or human-caused event.
6	(C) An economic disruption.
7	(D) A pandemic.
8	(E) A biological threat.
9	(F) A cyberattack.
10	(G) A great power conflict.
11	(H) A terrorist or geopolitical attack.
12	(I) Any other supply chain disruption or
13	threat that affects the national security or eco-
14	nomic security of the United States.
15	(25) Tribal Government.—The term "tribal
16	government" means Indian Tribes, Alaska Native
17	Tribal entities, and Native Hawaiian communities.
18	(26) Under Secretary.—The term "Under
19	Secretary" means the Under Secretary of the Office
20	of Supply Chain Resiliency and Crisis Response ap-
21	pointed pursuant to subsection (c).