Blackburn - Substitute (modified)

BAG22482 84V S.L.C.

Marsha Blackburn

AMENDMENT NO._____ Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3290

To establish a National Manufacturing Extension Partnership Supply Chain Database, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mrs. BLACKBURN

Viz:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National MEP Supply Chain Database Act of 2022".

SEC. 2. NATIONAL MANUFACTURING EXTENSION PARTNERSHIP SUPPLY CHAIN DATABASE.

(a) DEFINITIONS.—In this section:

(1) CENTER.—The term "Center" has the meaning given such term in section 25(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(a)).

(2) DATABASE.—The term "Database" means the National Manufacturing Extension Partnership Supply Chain Database established under subsection (b).

(3) DIRECTOR.—The term "Director" means the Director of the National Institute of Standards and Technology.

(4) INSTITUTE.—The term "Institute" means the National Institute of Standards and Technology.

(b) ESTABLISHMENT OF DATABASE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Director shall establish a database to assist the United States in minimizing disruptions in the supply chain by providing a resource for manufacturers in the United States.

(2) DESIGNATION.—The database established under paragraph (1) shall be known as the "National Manufacturing Extension Partnership Supply Chain Database".

(c) CONSIDERATIONS.—In establishing the Database, the Director shall consider the findings and recommendations from the study required under section 9413 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283),

1 including measures to secure and protect the Database
2 from adversarial attacks and vulnerabilities.
3 (d) CONNECTIONS WITH HOLLINGS MANUFAC-
4 TURING EXTENSION PARTNERSHIPS CENTERS.—
5 (1) IN GENERAL.—The Director shall create the
6 infrastructure for the Database through the Hollings
7 Manufacturing Extension Partnership, established
8 under section 25 of the National Institute of Stand-
9 ards and Technology Act (15 U.S.C. 278k), by con-
10 necting information from the Centers through the
11 Database.
12 (2) NATIONAL VIEW.—The Director shall en-
13 sure that connections under paragraph (1)—
14 (A) provide a national overview of the net-
15 works of supply chains of the United States;
16 and
17 (B) support understanding of whether
18 there is a need for some manufacturers to re-
19 tool in some critical areas to meet the urgent
20 need for key products, such as defense supplies,
21 food, and medical devices, including personal
22 protective equipment.
23 (3) INDIVIDUAL HOLLINGS MANUFACTURING
24 EXTENSION PARTNERSHIP CENTER DATABASES.—

(A) IN GENERAL.—The Director shall ensure that—

(i) each Center is connected to the Database; and

(ii) each supply chain database maintained by a Center is interoperable with the Database.

(B) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a State or territory of the United States to establish a new supply chain database through the Hollings Manufacturing Extension Partnership program.

(e) MAINTENANCE OF NATIONAL SUPPLY CHAIN DATABASE.—The Director, acting through the Hollings Manufacturing Extension Partnership program or a designee of the program—

(1) shall maintain the Database as an integration of State-level databases from the Center of each State or territory of the United States; and

(2) may populate the Database with information from past or current clients of Centers.

(f) DATABASE CONTENT.—

(1) IN GENERAL.—The Database may include the following:

1 (A) Basic company information.
2 (B) An overview of capabilities, accredita-
3 tions, and products.
4 (C) Proprietary information.
5 (2) STANDARD CLASSIFICATION SYSTEM.—The
6 Database may, where applicable, use the North
7 American Industry Classification System (NAICS)
8 Codes, including the following:
9 (A) Sector 31-33 – Manufacturing.
10 (B) Sector 54 – Professional, Scientific,
11 and Technical Services.
12 (C) Sector 48-49 – Transportation and
13 Warehousing.
14 (3) LEVELS.—The Database shall be multi-lev-
15 eled as follows:
16 (A) Level 1 shall have the capability to
17 provide basic company information and shall be
18 available to the public.
19 (B) Level 2 shall have the capability to
20 provide a deeper, nonproprietary overview into
21 capabilities, products, and accreditations and
22 shall be available to all companies that con-
23 tribute to the Database and agree to terms of
24 mutual disclosure.

1 (C) Level 3 shall have the capability to
2 hold proprietary information.
3 (4) MATTERS RELATING TO DISCLOSURE AND
4 ACCESS.—
5 (A) FOIA EXEMPTION.—The Database,
6 and any information contained therein that is
7 not publicly released by the Institute, shall be
8 exempt from public disclosure under section
9 552(b)(3) of title 5, United States Code.
10 (B) LIMITATION ON ACCESS TO CON-
11 TENT.—Access to a contributing company's
12 nonpublic content in the Database shall be lim-
13 ited to the contributing company, the Institute,
14 and staff from a Center who sign such non-
15 disclosure agreement as the Director considers
16 appropriate.
17 (C) AGGREGATED INFORMATION.—The Di-
18 rector may make aggregated, de-identified in-
19 formation available to contributing companies,
20 Centers, or the public, as the Director considers
21 appropriate, in support of the purposes of this
22 section.
23 (g) COORDINATION WITH NATIONAL TECHNOLOGY
24 AND INDUSTRIAL BASE.—The Director, acting through
25 the Hollings Manufacturing Extension Partnership pro-

1 gram, may work with the National Defense Technology
2 and Industrial Base Council established by section
3 2502(a) of title 10, United States Code, as the Director
4 considers appropriate, to include in the Database informa-
5 tion regarding the defense manufacturing supply chain.
6 (h) PROTECTIONS.—
7 (1) IN GENERAL.—Supply chain information
8 that is voluntarily and lawfully submitted by a pri-
9 vate entity and accompanied by an express state-
10 ment described in paragraph (2)—
11 (A) shall be exempt from disclosure under
12 section 552(b)(3) of title 5, United States Code;
13 (B) shall not be made available pursuant
14 to any Federal, State, local, or Tribal authority
15 pursuant to any Federal, State, local, or Tribal
16 law requiring public disclosure of information or
17 records; and
18 (C) shall not, without the written consent
19 of the person or entity submitting such infor-
20 mation, be used directly by the Director, or any
21 other Federal, State, or local authority in any
22 civil enforcement action brought by a Federal,
23 State, or local authority.

1 (2) EXPRESS STATEMENT.—The express state-
2 ment described in this paragraph, with respect to in-
3 formation or records, is—
4 (A) in the case of written information or
5 records, a written marking on the information
6 or records substantially similar to the following:
7 "This information is voluntarily submitted to
8 the Federal Government in expectation of pro-
9 tection from disclosure as provided by the provi-
10 sions of section 2(h) of the National MEP Sup-
11 ply Chain Database Act of 2022."; or
12 (B) in the case of oral information, a writ-
13 ten statement similar to the statement de-
14 scribed in subparagraph (A) submitted within a
15 reasonable period following the oral communica-
16 tion.
17 (i) RULES OF CONSTRUCTION.—
18 (1) PRIVATE ENTITIES.—Nothing in this sec-
19 tion shall be construed to require any private entity
20 to share data, including proprietary information,
21 with the Director or the Database.
22 (2) PROHIBITION ON NEW REGULATORY AU-
23 THORITY.—Nothing in this section shall be con-
24 strued to grant the Director, or the head of any
25 other Federal agency, with any authority to promul-

1 gate regulations or set standards on manufacturers,
2 based on data within the Database, that was not in
3 effect on the day before the date of enactment of
4 this section.

5 (j) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated—

7 (1) $31,000,000 for fiscal year 2023 to develop
8 and launch the Database; and

9 (2) $26,000,000 for each of fiscal years 2024
10 through 2027 to maintain, update, and support Fed-
11 eral coordination of the State supply chain databases
12 maintained by the Centers.