AMENDMENT NO.__________ Calendar No._______

Purpose: In the nature of a substitute.


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:

1 Strike all after the enacting clause and insert the follow-

2 ing:

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “National MEP Supply

5 Chain Database Act of 2022”.

6 SEC. 2. NATIONAL MANUFACTURING EXTENSION PARTNER-

7 SHIP SUPPLY CHAIN DATABASE.

8 (a) DEFINITIONS.—In this section:

9 (1) CENTER.—The term “Center” has the

10 meaning given such term in section 25(a) of the Na-

11 tional Institute of Standards and Technology Act

12 (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".

(e) 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),
including measures to secure and protect the Database from adversarial attacks and vulnerabilities.

(d) CONNECTIONS WITH HOLLINGS MANUFACTURING EXTENSION PARTNERSHIPS CENTERS.—

(1) IN GENERAL.—The Director shall create the infrastructure for the Database through the Hollings Manufacturing Extension Partnership, established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k), by connecting information from the Centers through the Database.

(2) NATIONAL VIEW.—The Director shall ensure that connections under paragraph (1)—

(A) provide a national overview of the networks of supply chains of the United States; and

(B) support understanding of whether there is a need for some manufacturers to retool in some critical areas to meet the urgent need for key products, such as defense supplies, food, and medical devices, including personal protective equipment.

(3) INDIVIDUAL HOLLINGS MANUFACTURING 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.

(c) 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:
(A) Basic company information.

(B) An overview of capabilities, accreditations, and products.

(C) Proprietary information.

(2) STANDARD CLASSIFICATION SYSTEM.—The Database may, where applicable, use the North American Industry Classification System (NAICS) Codes, including the following:

(A) Sector 31-33 — Manufacturing.

(B) Sector 54 — Professional, Scientific, and Technical Services.

(C) Sector 48-49 — Transportation and Warehousing.

(3) LEVELS.—The Database shall be multi-leveled as follows:

(A) Level 1 shall have the capability to provide basic company information and shall be available to the public.

(B) Level 2 shall have the capability to provide a deeper, nonproprietary overview into capabilities, products, and accreditations and shall be available to all companies that contribute to the Database and agree to terms of mutual disclosure.
(C) Level 3 shall have the capability to
hold proprietary information.

(4) MATTERS RELATING TO DISCLOSURE AND
ACCESS.—

(A) FOIA EXEMPTION.—The Database,
and any information contained therein that is
not publicly released by the Institute, shall be
exempt from public disclosure under section
552(b)(3) of title 5, United States Code.

(B) LIMITATION ON ACCESS TO CON-
TENT.—Access to a contributing company’s
nonpublic content in the Database shall be lim-
ited to the contributing company, the Institute,
and staff from a Center who sign such non-
disclosure agreement as the Director considers
appropriate.

(C) AGGREGATED INFORMATION.—The Di-
rector may make aggregated, de-identified in-
formation available to contributing companies,
Centers, or the public, as the Director considers
appropriate, in support of the purposes of this
section.

(g) COORDINATION WITH NATIONAL TECHNOLOGY
AND INDUSTRIAL BASE.—The Director, acting through
the Hollings Manufacturing Extension Partnership pro-
gram, may work with the National Defense Technology and Industrial Base Council established by section 2502(a) of title 10, United States Code, as the Director considers appropriate, to include in the Database information regarding the defense manufacturing supply chain.

(h) PROTECTIONS.—

(1) IN GENERAL.—Supply chain information that is voluntarily and lawfully submitted by a private entity and accompanied by an express statement described in paragraph (2)—

(A) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code;

(B) shall not be made available pursuant to any Federal, State, local, or Tribal authority pursuant to any Federal, State, local, or Tribal law requiring public disclosure of information or records; and

(C) shall not, without the written consent of the person or entity submitting such information, be used directly by the Director, or any other Federal, State, or local authority in any civil enforcement action brought by a Federal, State, or local authority.
(2) EXPRESS STATEMENT.—The express statement described in this paragraph, with respect to information or records, is—

(A) in the case of written information or records, a written marking on the information or records substantially similar to the following: "This information is voluntarily submitted to the Federal Government in expectation of protection from disclosure as provided by the provisions of section 2(h) of the National MEP Supply Chain Database Act of 2022."; or

(B) in the case of oral information, a written statement similar to the statement described in subparagraph (A) submitted within a reasonable period following the oral communication.

(i) RULES OF CONSTRUCTION.—

(1) PRIVATE ENTITIES.—Nothing in this section shall be construed to require any private entity to share data, including proprietary information, with the Director or the Database.

(2) PROHIBITION ON NEW REGULATORY AUTHORITY.—Nothing in this section shall be construed to grant the Director, or the head of any other Federal agency, with any authority to promul-
gate regulations or set standards on manufacturers,
based on data within the Database, that was not in
effect on the day before the date of enactment of
this section.

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

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

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