

Calendar No. 598

117TH CONGRESS
2D SESSION**S. 3290**

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

IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2021

Mr. MENENDEZ (for himself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 7, 2022

Reported by Ms. CANTWELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish a National Manufacturing Extension Partnership Supply Chain Database, 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 “National MEP Supply
5 Chain Database Act of 2021”.

1 **SEC. 2. NATIONAL MANUFACTURING EXTENSION PARTNER-**
 2 **SHIP SUPPLY CHAIN DATABASE.**

3 (a) **DEFINITIONS.**—In this section:

4 (1) **CENTER.**—The term “Center” has the
 5 meaning given such term in section 25(a) of the Na-
 6 tional Institute of Standards and Technology Act
 7 (15 U.S.C. 278k(a)).

8 (2) **DATABASE.**—The term “Database” means
 9 the National Manufacturing Extension Partnership
 10 Supply Chain Database established under subsection
 11 (b).

12 (3) **DIRECTOR.**—The term “Director” means
 13 the Director of the National Institute of Standards
 14 and Technology.

15 (4) **INSTITUTE.**—The term “Institute” means
 16 the National Institute of Standards and Technology.
 17 (b) **ESTABLISHMENT OF DATABASE.**—

18 (1) **IN GENERAL.**—Subject to the availability of
 19 appropriations, the Director shall establish a data-
 20 base to assist the United States in minimizing dis-
 21 ruptions in the supply chain by providing a resource
 22 for manufacturers in the United States.

23 (2) **DESIGNATION.**—The database established
 24 under paragraph (1) shall be known as the “Na-
 25 tional Manufacturing Extension Partnership Supply
 26 Chain Database”.

1 (e) ~~CONSIDERATIONS.~~—In establishing the Database,
 2 the Director shall consider the findings and recommenda-
 3 tions from the study required under section ~~9413~~ of the
 4 William M. (Mac) Thornberry National Defense Author-
 5 ization Act for Fiscal Year 2021 (Public Law 116–283),
 6 including measures to secure and protect the Database
 7 from adversarial attacks and vulnerabilities.

8 (d) ~~CONNECTIONS WITH HOLLINGS MANUFACTURING~~
 9 ~~TURING EXTENSION PARTNERSHIPS CENTERS.~~—

10 (1) ~~IN GENERAL.~~—The Director shall create the
 11 infrastructure for the Database through the Hollings
 12 Manufacturing Extension Partnership, established
 13 under section 25 of the National Institute of Stand-
 14 ards and Technology Act (15 U.S.C. 278k), by con-
 15 necting information from the Centers through the
 16 Database.

17 (2) ~~NATIONAL VIEW.~~—The Director shall en-
 18 sure that connections under paragraph (1)—

19 (A) provide a national overview of the net-
 20 works of supply chains of the United States;
 21 and

22 (B) support understanding of whether
 23 there is a need for some manufacturers to re-
 24 tool in some critical areas to meet the urgent
 25 need for key products, such as defense supplies;

1 food, and medical devices, including personal
 2 protective equipment.

3 ~~(3) INDIVIDUAL HOLLINGS MANUFACTURING~~
 4 ~~EXTENSION PARTNERSHIP CENTER DATABASES.—~~

5 (A) IN GENERAL.—The Director shall en-
 6 sure that—

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

9 (ii) each supply chain database main-
 10 tained by a Center is interoperable with
 11 the Database.

12 ~~(B) RULE OF CONSTRUCTION.—~~Nothing in
 13 this section shall be construed to require a
 14 State or territory of the United States to estab-
 15 lish a new supply chain database through the
 16 Hollings Manufacturing Extension Partnership
 17 program.

18 ~~(c) MAINTENANCE OF NATIONAL SUPPLY CHAIN~~
 19 ~~DATABASE.—~~The Director, acting through the Hollings
 20 Manufacturing Extension Partnership program or a des-
 21 ignee of the program—

22 ~~(1)~~ shall maintain the Database as an integra-
 23 tion of State-level databases from the Center of each
 24 State or territory of the United States; and

1 (2) may populate the Database with informa-
 2 tion from past, current, or potential clients of Cen-
 3 ters.

4 (f) DATABASE CONTENT.—

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

7 (A) Basic company information.

8 (B) An overview of capabilities, accredita-
 9 tions, and products.

10 (C) Proprietary information.

11 (D) Such other items as the Director con-
 12 siders necessary.

13 (2) STANDARD CLASSIFICATION SYSTEM.—The
 14 Database shall use the North American Industry
 15 Classification System (NAICS) Codes as follows:

16 (A) Sector 31–33—Manufacturing.

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

19 (C) Sector 48–49—Transportation and
 20 Warehousing.

21 (3) LEVELS.—The Database shall be multi-lev-
 22 eled as follows:

23 (A) Level 1 shall have basic company in-
 24 formation and shall be available to the public.

(B) Level 2 shall have 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 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 CONTENT.—Access to a contributing company's nonpublic content in the Database shall be limited 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 Director may make aggregated, de-identified information available to contributing companies, Centers, or the public, as the Director considers

1 appropriate, in support of the purposes of this
2 section.

3 ~~(g) COORDINATION WITH NATIONAL TECHNOLOGY~~
4 ~~AND INDUSTRIAL BASE.~~—The Director, acting through
5 the Hollings Manufacturing Extension Partnership pro-
6 gram, may work with the National Defense Technology
7 and Industrial Base Council established by section
8 2502(a) of title 10, United States Code, as the Director
9 considers appropriate, to include in the Database informa-
10 tion regarding the defense manufacturing supply chain.

11 ~~(h) PROTECTIONS.~~—

12 ~~(1) IN GENERAL.~~—Supply chain information
13 that is voluntarily and lawfully submitted by a pri-
14 vate entity and accompanied by an express state-
15 ment described in paragraph ~~(2)~~—

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

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

23 ~~(C)~~ shall not, without the written consent
24 of the person or entity submitting such infor-
25 mation, be used directly by the Director, or any

1 other Federal, State, or local authority in any
 2 civil enforcement action brought by a Federal,
 3 State, or local authority.

4 ~~(2) EXPRESS STATEMENT.~~—The express state-
 5 ment described in this paragraph, with respect to in-
 6 formation or records, is—

7 (A) in the case of written information or
 8 records, a written marking on the information
 9 or records substantially similar to the following:
 10 “This information is voluntarily submitted to
 11 the Federal Government in expectation of pro-
 12 tection from disclosure as provided by the provi-
 13 sions of section 2(h) of the National MEP Sup-
 14 ply Chain Database Act of 2021.”; or

15 (B) in the case of oral information, a writ-
 16 ten statement similar to the statement de-
 17 scribed in subparagraph (A) submitted within a
 18 reasonable period following the oral communica-
 19 tion.

20 ~~(i) RULES OF CONSTRUCTION.~~—

21 ~~(1) PRIVATE ENTITIES.~~—Nothing in this sec-
 22 tion shall be construed to require any private entity
 23 to share data with the Director specifically for to the
 24 Database.

1 (2) PROHIBITION ON NEW REGULATORY AU-
 2 THORITY.—Nothing in this section shall be con-
 3 strued to grant the Director, or the head of any
 4 other Federal agency, with any authority to promul-
 5 gate regulations or set standards on manufacturers,
 6 based on data within the Database, that was not in
 7 effect on the day before the date of enactment of
 8 this section.

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

11 (1) \$31,000,000 for fiscal year 2022 to develop
 12 and launch the Database; and

13 (2) \$26,000,000 for each of fiscal years 2023
 14 through 2026 to maintain, update, and support Fed-
 15 eral coordination of the State supply chain databases
 16 maintained by the Centers.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “National MEP Supply*
 19 *Chain Database Act of 2022”.*

20 **SEC. 2. NATIONAL MANUFACTURING EXTENSION PARTNER-**
 21 **SHIP SUPPLY CHAIN DATABASE.**

22 (a) DEFINITIONS.—*In this section:*

23 (1) CENTER.—*The term “Center” has the mean-*
 24 *ing given such term in section 25(a) of the National*

1 *Institute of Standards and Technology Act (15 U.S.C.*
 2 *278k(a)).*

3 (2) *DATABASE.—The term “Database” means the*
 4 *National Manufacturing Extension Partnership Sup-*
 5 *ply Chain Database established under subsection (b).*

6 (3) *DIRECTOR.—The term “Director” means the*
 7 *Director of the National Institute of Standards and*
 8 *Technology.*

9 (4) *INSTITUTE.—The term “Institute” means the*
 10 *National Institute of Standards and Technology.*

11 (b) *ESTABLISHMENT OF DATABASE.—*

12 (1) *IN GENERAL.—Subject to the availability of*
 13 *appropriations, the Director shall establish a database*
 14 *to assist the United States in minimizing disruptions*
 15 *in the supply chain by providing a resource for man-*
 16 *ufacturers in the United States.*

17 (2) *DESIGNATION.—The database established*
 18 *under paragraph (1) shall be known as the “National*
 19 *Manufacturing Extension Partnership Supply Chain*
 20 *Database”.*

21 (c) *CONSIDERATIONS.—In establishing the Database,*
 22 *the Director shall consider the findings and recommenda-*
 23 *tions from the study required under section 9413 of the Wil-*
 24 *liam M. (Mac) Thornberry National Defense Authorization*
 25 *Act for Fiscal Year 2021 (Public Law 116–283), including*

1 *measures to secure and protect the Database from adver-*
 2 *sarial attacks and vulnerabilities.*

3 *(d) CONNECTIONS WITH HOLLINGS MANUFACTURING*
 4 *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 ensure*
 13 *that connections under paragraph (1)—*

14 *(A) provide a national overview of the net-*
 15 *works of supply chains of the United States; and*

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

22 *(3) INDIVIDUAL HOLLINGS MANUFACTURING EX-*
 23 *TENSION PARTNERSHIP CENTER DATABASES.—*

24 *(A) IN GENERAL.—The Director shall en-*
 25 *sure that—*

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

3 (ii) *each supply chain database main-*
 4 *tained by a Center is interoperable with the*
 5 *Database.*

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

11 (e) *MAINTENANCE OF NATIONAL SUPPLY CHAIN DATA-*
 12 *BASE.—The Director, acting through the Hollings Manufac-*
 13 *turing Extension Partnership program or a designee of the*
 14 *program—*

15 (1) *shall maintain the Database as an integra-*
 16 *tion of State-level databases from the Center of each*
 17 *State or territory of the United States; and*

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

20 (f) *DATABASE CONTENT.—*

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

23 (A) *Basic company information.*

24 (B) *An overview of capabilities, accredita-*
 25 *tions, and products.*

1 (C) *Proprietary information.*

2 (2) *STANDARD CLASSIFICATION SYSTEM.—The*
 3 *Database may, where applicable, use the North Amer-*
 4 *ican Industry Classification System (NAICS) Codes,*
 5 *including the following:*

6 (A) *Sector 31-33 – Manufacturing.*

7 (B) *Sector 54 – Professional, Scientific, and*
 8 *Technical Services.*

9 (C) *Sector 48-49 – Transportation and*
 10 *Warehousing.*

11 (3) *LEVELS.—The Database shall be multi-lev-*
 12 *eled as follows:*

13 (A) *Level 1 shall have the capability to pro-*
 14 *vide basic company information and shall be*
 15 *available to the public.*

16 (B) *Level 2 shall have the capability to pro-*
 17 *vide a deeper, nonproprietary overview into ca-*
 18 *pabilities, products, and accreditations and shall*
 19 *be available to all companies that contribute to*
 20 *the Database and agree to terms of mutual dis-*
 21 *closure.*

22 (C) *Level 3 shall have the capability to hold*
 23 *proprietary information.*

24 (4) *MATTERS RELATING TO DISCLOSURE AND AC-*
 25 *CESS.—*

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

6 (B) *LIMITATION ON ACCESS TO CONTENT.*—
 7 *Access to a contributing company’s nonpublic*
 8 *content in the Database shall be limited to the*
 9 *contributing company, the Institute, and staff*
 10 *from a Center who sign such nondisclosure agree-*
 11 *ment as the Director considers appropriate.*

12 (C) *AGGREGATED INFORMATION.*—*The Di-*
 13 *rector may make aggregated, de-identified infor-*
 14 *mation available to contributing companies,*
 15 *Centers, or the public, as the Director considers*
 16 *appropriate, in support of the purposes of this*
 17 *section.*

18 (g) *COORDINATION WITH NATIONAL TECHNOLOGY AND*
 19 *INDUSTRIAL BASE.*—*The Director, acting through the Hol-*
 20 *lings Manufacturing Extension Partnership program, may*
 21 *work with the National Defense Technology and Industrial*
 22 *Base Council established by section 2502(a) of title 10,*
 23 *United States Code, as the Director considers appropriate,*
 24 *to include in the Database information regarding the de-*
 25 *fense manufacturing supply chain.*

1 (h) *PROTECTIONS.*—

2 (1) *IN GENERAL.*—Supply chain information
3 that is voluntarily and lawfully submitted by a pri-
4 vate entity and accompanied by an express statement
5 described in paragraph (2)—

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

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

13 (C) shall not, without the written consent of
14 the person or entity submitting such informa-
15 tion, be used directly by the Director, or any
16 other Federal, State, or local authority in any
17 civil enforcement action brought by a Federal,
18 State, or local authority.

19 (2) *EXPRESS STATEMENT.*—The express state-
20 ment described in this paragraph, with respect to in-
21 formation or records, is—

22 (A) in the case of written information or
23 records, a written marking on the information or
24 records substantially similar to the following:
25 “*This information is voluntarily submitted to*

1 *the Federal Government in expectation of protec-*
 2 *tion from disclosure as provided by the provi-*
 3 *sions of section 2(h) of the National MEP Sup-*
 4 *ply Chain Database Act of 2022.”; or*

5 *(B) in the case of oral information, a writ-*
 6 *ten statement similar to the statement described*
 7 *in subparagraph (A) submitted within a reason-*
 8 *able period following the oral communication.*

9 *(i) RULES OF CONSTRUCTION.—*

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

14 *(2) PROHIBITION ON NEW REGULATORY AUTHOR-*
 15 *ITY.—Nothing in this section shall be construed to*
 16 *grant the Director, or the head of any other Federal*
 17 *agency, with any authority to promulgate regulations*
 18 *or set standards on manufacturers, based on data*
 19 *within the Database, that was not in effect on the day*
 20 *before the date of enactment of this section.*

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

23 *(1) \$31,000,000 for fiscal year 2023 to develop*
 24 *and launch the Database; and*

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3 eral coordination of the State supply chain databases
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