

AMENDMENT TO
RULES COMMITTEE PRINT 117-31
OFFERED BY MR. RYAN OF OHIO

Page 756, insert after line 12 the following:

1 **SEC. 20209. NATIONAL COMMISSION ON CRITICAL SUPPLY**
2 **CHAINS.**

3 (a) ESTABLISHMENT.—Congress shall establish a
4 National Commission on Critical Supply Chains (referred
5 to in this section as the “Commission”).

6 (b) PURPOSES.—The purposes of the Commission
7 shall be to—

8 (1) convene an independent entity that brings
9 together national experts in a highly visible forum to
10 conduct a systematic study and give guidance to
11 Congress on the complex and strategically important
12 issues related to rebuilding critical American supply
13 chains;

14 (2) identify the critical supply chains in which
15 the United States is dependent on materials, prod-
16 ucts, equipment, or services from foreign countries
17 and in which substantial harm would come to U.S.
18 economic security, national defense, or way of life if

1 those supply chains were compromised or no longer
2 available;

3 (3) investigate in depth and report on existing
4 dependencies, limitations, and risks to the United
5 States for each of these critical supply chains, in-
6 cluding considerations for medical supplies, equip-
7 ment, and medications; rare earth materials; preci-
8 sion-integrated circuits and microchips; machine
9 tools and production equipment; defense components
10 and homeland security capabilities; scientific equip-
11 ment needed for advanced technology research and
12 development; clothing and textiles; and food and ag-
13 ricultural products;

14 (4) assess and provide guidance on key ques-
15 tions, including—

16 (A) which driving forces are pushing U.S.
17 companies to offshore their procurement or
18 their manufacturing operations;

19 (B) how the United States can predict and
20 prevent future supply chain disruptions;

21 (C) what the United States can do to re-
22 duce future vulnerabilities and risks;

23 (D) whether the United States can make
24 the American supply chain resilient enough to
25 protect necessary capabilities and resources;

1 (E) which manufacturing activities should
2 be performed strictly within the United States
3 to ensure economic and national security;

4 (F) what actions should be taken by the
5 United States to increase domestic manufac-
6 turing to meet critical supply chain needs and
7 improve its terms of trade; and

8 (G) what would be the effects of a new na-
9 tional manufacturing strategy on employment,
10 growth, innovation, and national security; and

11 (5) develop and propose specific recommenda-
12 tions, submit a biannual comprehensive report (and
13 intermediate updates as necessary to maintain time-
14 ly and relevant information), and provide Congres-
15 sional oversight to Congress to be used as a resource
16 for legislative actions to mitigate the risks of future
17 American supply chain disruptions.

18 (c) MEMBERSHIP.—

19 (1) MEMBERS.—The Commission shall be com-
20 posed of 12 members, of whom —

21 (A) three members shall be appointed by
22 the Speaker of the House of Representatives, in
23 consultation with the chairpersons of relevant
24 committees, including the Committee on Ways
25 and Means, Committee on Energy and Com-

1 merce, Committee on Science, Space, and Tech-
2 nology, Committee on Transportation and In-
3 frastructure, Committee on Armed Services,
4 Committee on Natural Resources, Committee
5 on Small Business, Committee on Homeland
6 Security, and Committee on Agriculture of the
7 House of Representatives;

8 (B) three members shall be appointed by
9 the minority leader of the House of Representa-
10 tives, in consultation with the ranking minority
11 Members of relevant committees, including the
12 Committees described in subparagraph (A);

13 (C) three members shall be appointed by
14 the President pro tempore of the Senate upon
15 the recommendation of the majority leader of
16 the Senate, in consultation with the chair-
17 persons of relevant committees, including the
18 Committee on Finance, Committee on Com-
19 merce, Science, and Technology, Committee on
20 Armed Services, Committee on Energy and
21 Natural Resources, Committee on Small Busi-
22 ness and Entrepreneurship, Committee on
23 Homeland Security and Governmental Affairs,
24 Committee on Environment and Public Works,

1 and Committee on Agriculture, Nutrition, and
2 Forestry of the Senate; and

3 (D) three members shall be appointed by
4 the President pro tempore of the Senate upon
5 the recommendation of the minority leader of
6 the Senate, in consultation with the ranking mi-
7 nority Members of relevant committees, includ-
8 ing the Committees described in subparagraph
9 (C).

10 (2) CHAIR; VICE CHAIR.—

11 (A) APPOINTMENT.—Not later than 30
12 days after the initial meeting of the Commis-
13 sion, the Commission shall elect a Chair and
14 Vice Chair from among the Commission's mem-
15 bers by a simple majority vote, and such Chair
16 and Vice Chair shall be members of the Com-
17 mission who were appointed by appointing au-
18 thorities from different political parties under
19 paragraph (1).

20 (B) PRESENCE.—For purposes of appoint-
21 ing the Chair, all 12 members must be present.
22 If all 12 members are not present, appointment
23 of the chair shall be delayed until the next
24 meeting of the Commission at which all 12
25 members are present.

1 (C) TIMING.—If a quorum is not present
2 at that initial meeting, the Chair shall be ap-
3 pointed at the first meeting after that at which
4 a quorum is present. If a Vice Chair is elected
5 before the Chair and no Chair is elected, the
6 Vice Chair shall serve as acting Chair until the
7 Chair is elected.

8 (D) NEW CHAIR AND VICE CHAIR EACH
9 CONGRESS.—A new Chair and Vice Chair shall
10 be elected with respect to each Congress. Any
11 member that was a Chair or Vice Chair in a
12 Congress may not be elected to be a Chair or
13 Vice Chair in a subsequent Congress.

14 (3) QUALIFICATIONS.—

15 (A) AREAS OF EXPERTISE.—

16 (i) IN GENERAL.—Each individual ap-
17 pointed to the Commission shall have sub-
18 stantial expertise in one or more of the fol-
19 lowing areas:

20 (I) Supply chain expertise, in-
21 cluding the following:

22 (aa) Advanced manufac-
23 turing, with a focus on distrib-
24 uted operations and supply chain
25 management.

- 1 (bb) Economics of U.S.
- 2 manufacturing.
- 3 (cc) Supply chain logistics.
- 4 (dd) Supplier certification
- 5 and quality assurance processes.
- 6 (ee) Raw materials sourcing
- 7 and distribution.
- 8 (ff) Metrics used by Original
- 9 Equipment Manufacturer pur-
- 10 chasing managers and chief fi-
- 11 nancial officers to make pur-
- 12 chasing decisions.
- 13 (II) Critical domain expertise, in-
- 14 cluding the following:
- 15 (aa) Health care, medical
- 16 device, and pharmaceutical man-
- 17 ufacturing.
- 18 (bb) Mining, supply, and
- 19 usage of rare earth materials.
- 20 (cc) Precision-integrated cir-
- 21 cuits, microchips, and semicon-
- 22 ductor manufacturing.
- 23 (dd) Defense component
- 24 manufacturing and homeland se-
- 25 curity products.

1 (ee) Advanced machine tools
2 and production equipment.

3 (ff) Scientific equipment for
4 high-precision research and devel-
5 opment.

6 (gg) Clothing and textiles
7 manufacturing.

8 (hh) Food production and
9 agricultural products manufac-
10 turing.

11 (III) Industrial policy expertise,
12 including knowledge of industrial or-
13 ganization, development economics,
14 and policy tools that have been used
15 by the United States and other devel-
16 oping or industrial economies in the
17 world.

18 (ii) COMPOSITION.—The composition
19 of the members of the Commission shall
20 ensure the Commission has substantial ex-
21 pertise in all areas described in clause (i).

22 (B) NONGOVERNMENT APPOINTEES.—An
23 individual appointed to the Commission may
24 not be an officer or employee of the Federal
25 Government.

1 (4) APPOINTMENT REQUIREMENTS.—

2 (A) INITIAL APPOINTMENTS.—Members of
3 the Commission shall be appointed not later
4 than 45 days after the date of the enactment of
5 this Act.

6 (B) TERM OF APPOINTMENTS.—The term
7 of each member of the Commission shall expire
8 on December 31 of the second session of the
9 Congress in which the member is appointed to
10 the Commission.

11 (C) APPOINTMENTS WITH EACH CON-
12 GRESS.—Appointments to the Commission
13 made after the initial appointments to the Com-
14 mission under subparagraph (A) shall be made
15 not later than 30 days after the date on which
16 each Congress convenes.

17 (D) RENEWAL OF APPOINTMENTS.—A
18 member of the Commission may be reappointed
19 for additional terms of service upon mutual
20 agreement between such member and the ap-
21 pointing authority that appointed such member
22 to the Commission.

23 (E) VACANCIES.—A vacancy in the Com-
24 mission shall not affect the powers of the Com-
25 mission and shall be filled by the same appoint-

1 ing authority that made the original appoint-
2 ment. Any member appointed to fill a vacancy
3 occurring before the expiration of the term for
4 which the member's predecessor was appointed
5 shall be appointed only for the remainder of
6 that term. A member may serve after the expi-
7 ration of that member's term until a successor
8 has taken office. A vacancy in the Commission
9 shall be filled in the manner in which the origi-
10 nal appointment was made by not later than 30
11 days after the date such vacancy occurs.

12 (F) REMOVAL.—A member of the Commis-
13 sion may be removed from the Commission at
14 any time by the appointing authority that ap-
15 pointed such member to the Commission should
16 the member fail to meet Commission respon-
17 sibilities.

18 (5) COMPENSATION; TRAVEL EXPENSES.—Each
19 member of the Commission may be compensated at
20 a rate not to exceed the daily equivalent of the an-
21 nual rate of basic pay in effect for a position at level
22 IV of the Executive Schedule under section 5315 of
23 title 5, United States Code, for each day during
24 which the member is engaged in the actual perform-
25 ance of the duties of the Commission. Travel ex-

1 penses of members of the Commission shall be al-
2 lowed at rates authorized for employees of agencies
3 under subchapter I of chapter 57 of title 5, United
4 States Code, except that foreign travel for official
5 purposes by members of the Commission is not au-
6 thorized.

7 (d) MEETING REQUIREMENTS.—

8 (1) INITIAL MEETING.—The Commission shall
9 convene for an initial meeting not later than 45 days
10 after the initial members of the Commission are all
11 appointed. An initial meeting may be convened so
12 long as at least 10 members are present.

13 (2) SUBSEQUENT MEETINGS.—After the initial
14 meeting under paragraph (1), the Commission shall
15 meet upon the call of the Chair or as determined by
16 a majority of Commission members.

17 (3) EXPECTATIONS FOR ATTENDANCE BY MEM-
18 BERS.—Members are expected to attend all Commis-
19 sion meetings. In the case of an absence, members
20 are expected to report to the Chair prior to the
21 meeting and allowance may be made for an absent
22 member to participate remotely. Members will still
23 be responsible for fulfilling prior commitments, re-
24 gardless of attendance status. If a member is absent
25 from multiple meetings, the member may be re-

1 viewed by the Chair and appointing authority that
2 appointed such member to the Commission and fur-
3 ther action will be considered, including removal and
4 replacement on the Commission.

5 (4) QUORUM.—A majority of the members of
6 the Commission shall constitute a quorum.

7 (5) VOTING.—Each member of the Commission
8 shall be entitled to one vote, which shall be equal to
9 the vote of every other member of the Commission.

10 (6) MEETING NOTES.—Meetings notes shall be
11 made available to the congressional committees of
12 jurisdiction.

13 (e) SUBCOMMITTEES AND WORKING GROUPS.—The
14 Commission may choose, at the discretion of the Chair and
15 Vice Chair, to establish subcommittees and working
16 groups for any purpose consistent with the duties of the
17 Commission. Any findings, conclusions, or recommenda-
18 tions made by a subcommittee or working group shall be
19 considered by the full Commission, which shall be respon-
20 sible for determining any final findings, conclusions, and
21 recommendations. Each such subcommittee or working
22 group shall operate only for the Congressional Session
23 with respect to which such subcommittee or group was es-
24 tablished.

1 (f) ADMINISTRATION AND POWERS OF COMMIS-
2 SION.—

3 (1) HEARINGS.—The Commission may, for the
4 purpose of carrying out this Act—

5 (A) hold such hearings, sit and act at such
6 times and places, take such testimony, receive
7 such evidence, and administer such oaths as the
8 Commission considers appropriate; and

9 (B) subject to paragraph (2), require the
10 attendance and testimony of witnesses and the
11 production of books, records, correspondence,
12 memoranda, papers, and documents.

13 (2) OBTAINING OFFICIAL DATA.—

14 (A) IN GENERAL.—The Commission may
15 secure directly from any executive department,
16 bureau, agency, board, commission, office, inde-
17 pendent establishment, or other instrumentality
18 of the Federal Government or a State, local,
19 Tribal, or territorial government any informa-
20 tion, suggestions, estimates, and statistics to
21 enable the Commission to carry out this Act.
22 Each such department, bureau, agency, board,
23 commission, office, independent establishment,
24 or instrumentality shall, to the extent author-
25 ized by law, furnish such information, sugges-

1 tions, estimates, and statistics directly to the
2 Commission, upon request of the Chair of the
3 Commission and the Vice Chair of the Commis-
4 sion or any member designated by a majority of
5 the Commission.

6 (B) RECEIPT, HANDLING, STORAGE, AND
7 DISSEMINATION.—Any information, sugges-
8 tions, estimates, and statistics submitted under
9 subparagraph (A) shall only be received, han-
10 dled, stored, and disseminated by members of
11 the Commission and its staff, consistent with
12 applicable Federal law.

13 (3) PUBLIC HEARINGS AND MEETINGS.—

14 (A) IN GENERAL.—The Commission shall
15 hold public hearings and meetings as deter-
16 mined appropriate by the Commission.

17 (B) PROTECTION OF CERTAIN INFORMA-
18 TION.—Any public hearings and meetings of the
19 Commission shall be conducted in a manner
20 consistent with applicable Federal law regard-
21 ing the protection of data submitted to the
22 Commission under paragraph (3).

23 (4) PERSONNEL.—

24 (A) STAFF.—

1 (i) APPOINTMENT; COMPENSATION;
2 TRAVEL EXPENSES.—The Chair of the
3 Commission, in consultation with Vice
4 Chair of the Commission, and in accord-
5 ance with rules agreed upon by the Com-
6 mission, may appoint and fix the com-
7 pensation of an executive director and
8 other additional technical and administra-
9 tive personnel as may be necessary to en-
10 able the Commission to carry out its du-
11 ties, without regard to the provisions of
12 title 5, United States Code, governing ap-
13 pointments in the competitive service, and
14 without regard to the provisions of chapter
15 51 and subchapter III of chapter 53 of
16 such title relating to classification and
17 General Schedule pay rates, except that no
18 rate of pay fixed under this clause may ex-
19 ceed the equivalent of that payable for a
20 position at level V of the Executive Sched-
21 ule under section 5316 of title 5, United
22 States Code. Travel expenses of the execu-
23 tive director and other additional technical
24 and administrative personnel of the Com-
25 mission shall be allowed at rates author-

1 ized for employees of agencies under sub-
2 chapter I of chapter 57 of title 5, United
3 States Code, except that foreign travel for
4 official purposes by such director and per-
5 sonnel of the Commission is not author-
6 ized.

7 (ii) TECHNICAL STAFF EXPERTISE
8 REQUIREMENT.—Technical staff of the
9 Commission shall be individuals with sub-
10 substantial expertise in one or more of the
11 areas described in subsection (c)(2). The
12 expertise of such technical staff shall aug-
13 ment the ability of the Commission to have
14 substantial expertise in all areas so de-
15 scribed.

16 (iii) PERSONNEL AS FEDERAL EM-
17 PLOYEES.—

18 (I) IN GENERAL.—The executive
19 director and any other personnel of
20 the Commission shall be treated as
21 employees under section 2105 of title
22 5, United States Code, for purposes of
23 chapters 63, 81, 83, 84, 85, 87, 89,
24 and 90 of such title.

1 (II) MEMBERS OF COMMISS-
2 SION.—Subclause (I) shall not be con-
3 strued to apply to members of the
4 Commission.

5 (iv) DETAILEES.—Any Federal Gov-
6 ernment employee may be detailed to the
7 Commission without reimbursement from
8 the Commission, and such detailee shall re-
9 tain the rights, status, and privileges of his
10 or her regular employment without inter-
11 ruption.

12 (v) EXPERTS AND CONSULTANTS.—
13 The Commission may procure temporary
14 and intermittent services of experts and
15 consultants in accordance with section
16 3109 of title 5, United States Code, but at
17 a rate not to exceed the daily equivalent of
18 the annual rate of basic pay in effect for
19 a position at level IV of the Executive
20 Schedule under section 5315 of title 5,
21 United States Code.

22 (B) ASSISTANCE FROM FEDERAL AGEN-
23 CIES.—

24 (i) GENERAL SERVICES ADMINISTRA-
25 TION.—The Administrator of General

1 Services shall provide to the Commission,
2 on a reimbursable basis, administrative
3 support and other services necessary to
4 carry out the duties of the Commission.

5 (ii) OTHER DEPARTMENTS AND AGEN-
6 CIES.—In addition to the assistance de-
7 scribed in subparagraph (A), departments
8 and agencies of the Federal Government
9 may provide to the Commission such serv-
10 ices, funds, facilities, and staff as such de-
11 partments and agencies determine appro-
12 priate and as authorized by Federal law.

13 (g) SECURITY CLEARANCES.—The members and
14 staff of the Commission shall obtain, if necessary to carry
15 out the functions of the Commission, appropriate security
16 clearances for access to any classified briefing, records,
17 and materials to be reviewed by such members or staff.
18 The appropriate Federal agencies or departments shall co-
19 operate with the Commission in expeditiously providing to
20 the members and staff of the Commission security clear-
21 ances pursuant to existing procedures and requirements,
22 except that no person may be provided with access to clas-
23 sified information under this Act without the appropriate
24 security clearance.

25 (h) REPORTS.—

1 (1) REPORTS.—Not later than December 1 of
2 each year that the Commission remains active and
3 in operation, the Commission shall submit to the
4 majority and minority leaders of the House of Rep-
5 resentatives and Senate a comprehensive report on
6 the findings, conclusions, and recommendations of
7 the Commission with respect to such year and in-
8 cluding an executive summary of the Commission’s
9 purposes and activities and any relevant references
10 and materials with respect to such year. Notwith-
11 standing the previous sentence, the Commission
12 shall not be required to submit a report under this
13 paragraph with respect to the first year in which
14 such Commission is active and in operation if the
15 Commission is so active and in operation for fewer
16 than six months of such first year.

17 (2) CLASSIFIED INFORMATION.—In the case
18 that a report submitted under this subsection in-
19 cludes classified information, the Commission shall
20 also submit to the majority and minority leaders of
21 the House of Representatives and Senate a redacted
22 version of such report with such classified informa-
23 tion included as a classified annex to such report.

24 (3) PUBLIC AVAILABILITY.—Reports submitted
25 under this subsection, or the redacted versions of

1 such reports (if applicable), shall be made publicly
2 available on a centralized Federal internet website.

3 (i) APPLICABILITY OF FACA.—Except as provided in
4 subsection (j), the provisions of the Federal Advisory
5 Committee Act (5 U.S.C. App.) shall apply to the activi-
6 ties of the Commission.

7 (j) TERMINATION.—

8 (1) IN GENERAL.—The Commission, and all the
9 authorities of the Commission under this Act, shall
10 remain active and in operation until the last day of
11 the 10-year period beginning on the date of the en-
12 actment of this Act.

13 (2) ADMINISTRATIVE ACTIVITIES.—The Com-
14 mission may use the 60-day period following the
15 date of termination of the Commission for the pur-
16 pose of concluding its activities, including providing
17 testimony to Congress concerning its results and dis-
18 seminating the final report of the Commission.

19 (k) AUTHORIZATION OF APPROPRIATIONS.—For pur-
20 poses of carrying out this section, there is authorized to
21 be appropriated to the Commission \$6,000,000 for fiscal
22 year 2022 and such sums as may be necessary for each
23 fiscal year thereafter through fiscal year 2032, to be avail-
24 able until expended.

