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

Page 756, insert after line 12 the following:

SEC. 20209. NATIONAL COMMISSION ON CRITICAL SUPPLY CHAINS.

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

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

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

(2) identify the critical supply chains in which the United States is dependent on materials, products, equipment, or services from foreign countries and in which substantial harm would come to U.S. economic security, national defense, or way of life if
those supply chains were compromised or no longer available;

(3) investigate in depth and report on existing dependencies, limitations, and risks to the United States for each of these critical supply chains, including considerations for medical supplies, equipment, and medications; rare earth materials; precision-integrated circuits and microchips; machine tools and production equipment; defense components and homeland security capabilities; scientific equipment needed for advanced technology research and development; clothing and textiles; and food and agricultural products;

(4) assess and provide guidance on key questions, including—

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

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

(C) what the United States can do to reduce future vulnerabilities and risks;

(D) whether the United States can make the American supply chain resilient enough to protect necessary capabilities and resources;
(E) which manufacturing activities should be performed strictly within the United States to ensure economic and national security;

(F) what actions should be taken by the United States to increase domestic manufacturing to meet critical supply chain needs and improve its terms of trade; and

(G) what would be the effects of a new national manufacturing strategy on employment, growth, innovation, and national security; and

(5) develop and propose specific recommendations, submit a biannual comprehensive report (and intermediate updates as necessary to maintain timely and relevant information), and provide Congressional oversight to Congress to be used as a resource for legislative actions to mitigate the risks of future American supply chain disruptions.

(c) MEMBERSHIP.—

(1) MEMBERS.—The Commission shall be composed of 12 members, of whom ——

(A) three members shall be appointed by the Speaker of the House of Representatives, in consultation with the chairpersons of relevant committees, including the Committee on Ways and Means, Committee on Energy and Com-
merce, Committee on Science, Space, and Technology, Committee on Transportation and Infrastructure, Committee on Armed Services, Committee on Natural Resources, Committee on Small Business, Committee on Homeland Security, and Committee on Agriculture of the House of Representatives;

(B) three members shall be appointed by the minority leader of the House of Representatives, in consultation with the ranking minority Members of relevant committees, including the Committees described in subparagraph (A);

(C) three members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate, in consultation with the chairpersons of relevant committees, including the Committee on Finance, Committee on Commerce, Science, and Technology, Committee on Armed Services, Committee on Energy and Natural Resources, Committee on Small Business and Entrepreneurship, Committee on Homeland Security and Governmental Affairs, Committee on Environment and Public Works,
and Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(D) three members shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate, in consultation with the ranking minority Members of relevant committees, including the Committees described in subparagraph (C).

(2) CHAIR; VICE CHAIR.—

(A) APPOINTMENT.—Not later than 30 days after the initial meeting of the Commission, the Commission shall elect a Chair and Vice Chair from among the Commission’s members by a simple majority vote, and such Chair and Vice Chair shall be members of the Commission who were appointed by appointing authorities from different political parties under paragraph (1).

(B) PRESENCE.—For purposes of appointing the Chair, all 12 members must be present. If all 12 members are not present, appointment of the chair shall be delayed until the next meeting of the Commission at which all 12 members are present.
(C) TIMING.—If a quorum is not present at that initial meeting, the Chair shall be ap- pointed at the first meeting after that at which a quorum is present. If a Vice Chair is elected before the Chair and no Chair is elected, the Vice Chair shall serve as acting Chair until the Chair is elected.

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

(3) QUALIFICATIONS.—

(A) AREAS OF EXPERTISE.—

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

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

(aa) Advanced manufac- turing, with a focus on distrib- uted operations and supply chain management.
(bb) Economics of U.S. manufacturing.

(cc) Supply chain logistics.

(dd) Supplier certification and quality assurance processes.

(ee) Raw materials sourcing and distribution.

(ff) Metrics used by Original Equipment Manufacturer purchasing managers and chief financial officers to make purchasing decisions.

(II) Critical domain expertise, including the following:

(aa) Health care, medical device, and pharmaceutical manufacturing.

(bb) Mining, supply, and usage of rare earth materials.

(cc) Precision-integrated circuits, microchips, and semiconductor manufacturing.

(dd) Defense component manufacturing and homeland security products.
(ee) Advanced machine tools and production equipment.

(ff) Scientific equipment for high-precision research and development.

(gg) Clothing and textiles manufacturing.

(hh) Food production and agricultural products manufacturing.

(III) Industrial policy expertise, including knowledge of industrial organization, development economics, and policy tools that have been used by the United States and other developing or industrial economies in the world.

(ii) COMPOSITION.—The composition of the members of the Commission shall ensure the Commission has substantial expertise in all areas described in clause (i).

(B) NONGOVERNMENT APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government.
(4) APPOINTMENT REQUIREMENTS.—

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

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

(C) APPOINTMENTS WITH EACH CONGRESS.—Appointments to the Commission made after the initial appointments to the Commission under subparagraph (A) shall be made not later than 30 days after the date on which each Congress convenes.

(D) RENEWAL OF APPOINTMENTS.—A member of the Commission may be reappointed for additional terms of service upon mutual agreement between such member and the appointing authority that appointed such member to the Commission.

(E) VACANCIES.—A vacancy in the Commission shall not affect the powers of the Commission and shall be filled by the same appoint-
ing authority that made the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made by not later than 30 days after the date such vacancy occurs.

(F) REMOVAL.—A member of the Commission may be removed from the Commission at any time by the appointing authority that appointed such member to the Commission should the member fail to meet Commission responsibilities.

(5) COMPENSATION; TRAVEL EXPENSES.—Each member of the Commission may be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Commission. Travel ex-
penses of members of the Commission shall be al-
lowed at rates authorized for employees of agencies
under subchapter I of chapter 57 of title 5, United
States Code, except that foreign travel for official
purposes by members of the Commission is not au-
thorized.

(d) MEETING REQUIREMENTS.—

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

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

(3) EXPECTATIONS FOR ATTENDANCE BY MEM-
BERS.—Members are expected to attend all Commis-
ston meetings. In the case of an absence, members
are expected to report to the Chair prior to the
meeting and allowance may be made for an absent
member to participate remotely. Members will still
be responsible for fulfilling prior commitments, re-
gardless of attendance status. If a member is absent
from multiple meetings, the member may be re-
viewed by the Chair and appointing authority that
appointed such member to the Commission and fur-
ther action will be considered, including removal and
replacement on the Commission.

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

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

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

(e) SUBCOMMITTEES AND WORKING GROUPS.—The
Commission may choose, at the discretion of the Chair and
Vice Chair, to establish subcommittees and working
groups for any purpose consistent with the duties of the
Commission. Any findings, conclusions, or recommenda-
tions made by a subcommittee or working group shall be
considered by the full Commission, which shall be respon-
sible for determining any final findings, conclusions, and
recommendations. Each such subcommittee or working
group shall operate only for the Congressional Session
with respect to which such subcommittee or group was es-
established.
(f) Administration and Powers of Commission.—

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

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

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

(2) Obtaining Official Data.—

(A) In general.—The Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or other instrumentality of the Federal Government or a State, local, Tribal, or territorial government any information, suggestions, estimates, and statistics to enable the Commission to carry out this Act. Each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, sugges-
tions, estimates, and statistics directly to the Commission, upon request of the Chair of the Commission and the Vice Chair of the Commission or any member designated by a majority of the Commission.

(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Any information, suggestions, estimates, and statistics submitted under subparagraph (A) shall only be received, handled, stored, and disseminated by members of the Commission and its staff, consistent with applicable Federal law.

(3) PUBLIC HEARINGS AND MEETINGS.—

(A) IN GENERAL.—The Commission shall hold public hearings and meetings as determined appropriate by the Commission.

(B) PROTECTION OF CERTAIN INFORMATION.—Any public hearings and meetings of the Commission shall be conducted in a manner consistent with applicable Federal law regarding the protection of data submitted to the Commission under paragraph (3).

(4) PERSONNEL.—

(A) STAFF.—
(i) APPOINTMENT; COMPENSATION; TRAVEL EXPENSES.—The Chair of the Commission, in consultation with Vice Chair of the Commission, and in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of an executive director and other additional technical and administrative personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this clause may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Travel expenses of the executive director and other additional technical and administrative personnel of the Commission shall be allowed at rates author-
ized for employees of agencies under sub-
chapter I of chapter 57 of title 5, United
States Code, except that foreign travel for
official purposes by such director and per-
sonnel of the Commission is not author-
ized.

(ii) **Technical staff expertise**

requirement.—Technical staff of the
Commission shall be individuals with sub-
stantial expertise in one or more of the
areas described in subsection (c)(2). The
expertise of such technical staff shall aug-
ment the ability of the Commission to have
substantial expertise in all areas so de-
scribed.

(iii) **Personnel as federal em-
ployees.**—

(I) **In general.**—The executive
director and any other personnel of
the Commission shall be treated as
employees under section 2105 of title
5, United States Code, for purposes of
chapters 63, 81, 83, 84, 85, 87, 89,
and 90 of such title.
(II) Members of Commission.—Subclause (I) shall not be construed to apply to members of the Commission.

(iv) Detaillees.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detaillee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(v) Experts and Consultants.—The Commission may procure temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(B) Assistance from Federal Agencies.—

(i) General Services Administration.—The Administrator of General
Services shall provide to the Commission, on a reimbursable basis, administrative support and other services necessary to carry out the duties of the Commission.

(ii) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance described in subparagraph (A), departments and agencies of the Federal Government may provide to the Commission such services, funds, facilities, and staff as such departments and agencies determine appropriate and as authorized by Federal law.

(g) SECURITY CLEARANCES.—The members and staff of the Commission shall obtain, if necessary to carry out the functions of the Commission, appropriate security clearances for access to any classified briefing, records, and materials to be reviewed by such members or staff. The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission security clearances pursuant to existing procedures and requirements, except that no person may be provided with access to classified information under this Act without the appropriate security clearance.

(h) REPORTS.—
(1) **REPORTS.**—Not later than December 1 of each year that the Commission remains active and in operation, the Commission shall submit to the majority and minority leaders of the House of Representatives and Senate a comprehensive report on the findings, conclusions, and recommendations of the Commission with respect to such year and including an executive summary of the Commission’s purposes and activities and any relevant references and materials with respect to such year. Notwithstanding the previous sentence, the Commission shall not be required to submit a report under this paragraph with respect to the first year in which such Commission is active and in operation if the Commission is so active and in operation for fewer than six months of such first year.

(2) **CLASSIFIED INFORMATION.**—In the case that a report submitted under this subsection includes classified information, the Commission shall also submit to the majority and minority leaders of the House of Representatives and Senate a redacted version of such report with such classified information included as a classified annex to such report.

(3) **PUBLIC AVAILABILITY.**—Reports submitted under this subsection, or the redacted versions of
such reports (if applicable), shall be made publicly
available on a centralized Federal internet website.

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

(j) TERMINATION.—

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

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

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