

(2) Sector 54 – Professional, Scientific, and Technical Services.

(3) Sector 48-49 – Transportation and Warehousing.

(h) Levels

The National Supply Chain Database shall be multi-leveled as agreed to under terms of mutual disclosure as follows:

(1) Level 1 shall have the capability to provide basic private sector entity information and shall be available to the public.

(2) 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.

(3) Level 3 shall have the capability to hold proprietary information.

(i) Matters relating to disclosure and access

(1) FOIA exemption

The National Supply Chain 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.

(2) Limitation on access to content

Access to a contributing private sector entity's nonpublic content in the National Supply Chain Database shall be limited to—

(A) the contributing private sector entity, the Institute, and staff from a Center who sign a nondisclosure agreement, and

(B) other Federal departments and agencies,

as the Director considers appropriate.

(3) Aggregated information

The Director may make aggregated, de-identified information available to contributing companies, Centers, or the public, as the Director considers appropriate, in support of the purposes of this section.

(j) Coordination with National Technology and Industrial Base Council

The Director, acting through the Hollings Manufacturing Extension Partnership program, may work with the National Defense Technology and Industrial Base Council established under section 4812 of title 10 as the Director considers appropriate, to include in the National Supply Chain Database information regarding the defense manufacturing supply chain.

(k) Protections

(1) In general

Supply chain information that is voluntarily and lawfully submitted to the National Supply Chain Database by a private sector 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;

(B) may 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) may not, without the written consent of the private sector 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, Tribal, 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 10253(k) of the Research and Development, Competition, and Innovation Act.”; 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.

(l) Rules of construction

(1) Private entities

Nothing in this section may be construed to require any private sector entity to share data, including proprietary information, with the Director or the National Supply Chain Database.

(2) Prohibition on new regulatory authority

Nothing in this section may be construed to grant the Director, or the head of any other Federal agency, any authority to promulgate regulations or set standards on manufacturers, based on data within the National Supply Chain Database, that was not in effect on the day before August 9, 2022.

(Pub. L. 117–167, div. B, title II, §10253, Aug. 9, 2022, 136 Stat. 1500.)

Editorial Notes

REFERENCES IN TEXT

Section 9413 of the National Defense Authorization Act for Fiscal Year 2021, referred to in subsec. (c), is section 9413 of Pub. L. 116–283, div. H, title XCIV, Jan. 1, 2021, 134 Stat. 4819, also known as the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021. Section 9413 of the Act is not classified to the Code.

Section 10253(k) of the Research and Development, Competition, and Innovation Act, referred to in subsec. (k)(2)(A), is section 10253(k) of Pub. L. 117–167, div. B, title II, Aug. 9, 2022, 136 Stat. 1500, which is classified to subsec. (k) of this section.

PART D—MANUFACTURING USA PROGRAM

§ 18971. Expanding opportunities through the Manufacturing USA Program

(a) In general

The Secretary of Commerce, in consultation with the Secretary of Energy, the Secretary of Defense, and the heads of such other Federal agencies as the Secretary of Commerce considers relevant, shall coordinate with existing and new Manufacturing USA institutes to integrate covered entities as active members of the

Manufacturing USA institutes, including through the development of preferences in selection criteria for proposals to create new Manufacturing USA institutes or renew existing Manufacturing USA institutes that include one or more covered entities.

(b) Covered entities

For purposes of this subsection, a covered entity is—

- (1) an historically Black college and university;
- (2) a Tribal College or University;
- (3) a minority-serving institution;
- (4) a minority business enterprise (as such term is defined in section 1400.2 of title 15, Code of Federal Regulations, or successor regulation); or
- (5) a rural-serving institution of higher education (as such term is defined in section 1161q of title 20).

(Pub. L. 117–167, div. B, title II, §10262, Aug. 9, 2022, 136 Stat. 1504.)

§ 18972. Promoting domestic production of technologies developed under Manufacturing USA Program

(a) Department of Commerce policies to promote domestic production of technologies developed under Manufacturing USA Network

(1) Policies

(A) In general

Each agency head (as such term is defined in section 278s(a) of title 15) and the Secretary of Defense shall, in consultation with the Secretary of Commerce, establish policies to promote the domestic production of technologies developed by the Manufacturing USA Network.

(B) Elements

The policies established under subparagraph (A) shall include the following:

- (i) Measures to partner domestic developers of goods, services, or technologies by Manufacturing USA Network activities with domestic manufacturers and sources of financing.
- (ii) Measures to develop and provide incentives to promote transfer of intellectual property and goods, services, or technologies developed by Manufacturing USA Network activities to domestic manufacturers.
- (iii) Measures to assist with supplier scouting and other supply chain development, including the use of the Hollings Manufacturing Extension Partnership under section 278k of title 15 to carry out such measures.
- (iv) A process to review and approve or deny membership in a Manufacturing USA institute by foreign-owned entities, especially from countries of concern, including the People’s Republic of China.
- (v) Measures to prioritize Federal procurement of goods, services, or technologies developed by the Manufacturing USA Network activities from domestic sources, as appropriate.

(C) Processes for waivers

The policies established under this paragraph shall include processes to permit waivers, on a case by case basis, for policies that promote domestic production based on cost, availability, severity of technical and mission requirements, emergency requirements, operational needs, other legal or international treaty obligations, or other factors determined important to the success of the Manufacturing USA Program.

(2) Prohibition

(A) In general

A company of the People’s Republic of China may not participate in the Manufacturing USA Program without a waiver, as described in paragraph (1)(C).

(B) Company defined

In this paragraph, the term “company” has the meaning given such term in section 847(a) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 4819 note).

(b) to (d) Omitted

(e) Advice from the United States Manufacturing Council

The Secretary shall seek advice from the United States Manufacturing Council of the International Trade Administration of the Department of Commerce on matters concerning investment in and support of the manufacturing workforce within the Manufacturing USA Program.

(Pub. L. 117–167, div. B, title II, §10263, Aug. 9, 2022, 136 Stat. 1504.)

Editorial Notes

CODIFICATION

Section is comprised of section 10263 of div. B of Pub. L. 117–167. Subsecs. (b) to (d) of section 10263 of div. B of Pub. L. 117–167 amended section 278s of Title 15, Commerce and Trade.

SUBCHAPTER III—NATIONAL SCIENCE FOUNDATION FOR THE FUTURE

PART A—PRELIMINARY MATTERS

§ 18981. Definitions

In this subchapter:

(1) Board

The term “Board” means the National Science Board.

(2) Director

The term “Director” means the Director of the National Science Foundation.

(3) NSF INCLUDES

The term “NSF INCLUDES” means the initiative carried out under section 19012 of this title.

(4) STEM ecosystem

The term “STEM ecosystem” means a local, regional, or statewide network, consortium, or multi-sector partnership, which may be led or