

- (4) a representative of the Department of Homeland Security;
- (5) a representative of the Federal Bureau of Investigation;
- (6) the Director of the National Counterintelligence and Security Center; and
- (7) any other members the Director of National Intelligence determines appropriate.

(d) Security clearances

Each member of the Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall have a security clearance at the top secret level and be able to access sensitive compartmented information.

(e) Annual report

The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall submit to the appropriate congressional committees an annual report that describes the activities of the Task Force during the previous year, including identification of the supply chain, cybersecurity, and counterintelligence risks shared with the acquisition community of the United States Government by the intelligence community.

(Pub. L. 116-92, div. E, title LXIII, § 6306, Dec. 20, 2019, 133 Stat. 2188.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

DEFINITIONS

For definitions of “congressional intelligence committees” and “intelligence community” as used in this section, see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.

§ 3370a. Repealed. Pub. L. 118-159, div. F, title LXIX, § 6901(d), Dec. 23, 2024, 138 Stat. 2517

Section, Pub. L. 116-92, div. E, title LXVII, § 6716, Dec. 20, 2019, 133 Stat. 2227, related to a biennial report on foreign investment risks.

§ 3370b. Collaboration between intelligence community and Department of Commerce to counter foreign commercial threats

(a) Definitions

In this section:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the congressional intelligence committees;
- (B) the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and
- (C) the Committee on Energy and Commerce, the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) Foreign commercial threat

(A) In general

The term “foreign commercial threat” means a rare commercial item or service that is produced by, offered by, sold by, licensed by, or otherwise distributed under the control of a strategic competitor or foreign adversary in a manner that may provide the strategic competitor or foreign adversary leverage over an intended recipient.

(B) Determinations by Working Group

In determining whether an item or service is a foreign commercial threat, the Working Group shall consider whether the strategic competitor or foreign adversary could—

- (i) withhold, or threaten to withhold, the rare commercial item or service;
- (ii) create reliance on the rare commercial item or service as essential to the safety, health, or economic wellbeing of the intended recipient; or
- (iii) have its rare commercial item or service easily replaced by a United States entity or an entity of an ally or partner of the United States.

(3) Rare commercial item or service

The term “rare commercial item or service” means a good, service, or intellectual property that is not widely available for distribution.

(b) Working Group

(1) Establishment

Unless the Director of National Intelligence and the Secretary of Commerce make the joint determination specified in subsection (c), the Director and the Secretary, in consultation with the Secretary of State, shall jointly establish a working group to counter foreign commercial threats (in this section referred to as the “Working Group”).

(2) Membership

The composition of the Working Group may include any officer or employee of a department or agency of the United States Government determined appropriate by the Director or the Secretary.

(3) Duties

The duties of the Working Group shall be the following:

- (A) To identify current foreign commercial threats.
- (B) To identify probable future foreign commercial threats.
- (C) To identify goods, services, or intellectual property that, if produced by entities within the United States, or allies or partners of the United States, would mitigate foreign commercial threats.

(4) Meetings

Not later than 30 days after December 23, 2022, and on a regular basis that is not less frequently than quarterly thereafter until the date of termination under paragraph (5), the Working Group shall meet.

(5) Termination

Beginning on the date that is 2 years after the date of the establishment under paragraph