

Calendar No. 560117TH CONGRESS
2^D SESSION**S. 4243****[Report No. 117-208]**

To establish the Department of Homeland Security Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 17), 2022

Mr. PORTMAN (for himself, Mr. PETERS, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 17, 2022

Reported by Mr. PETERS, with an amendment

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

A BILL

To establish the Department of Homeland Security Trade and Economic Security Council and the position of Assistant Secretary for Trade and Economic Security within the Department of Homeland Security, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “DHS Trade and Eco-
3 nomic Security Council Act of 2022”.

4 **SEC. 2. DHS TRADE AND ECONOMIC SECURITY COUNCIL.**

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

6 (1) **COUNCIL.**—The term “Council” means the
7 DHS Trade and Economic Security Council estab-
8 lished under subsection (b).

9 (2) **DEPARTMENT.**—The term “Department”
10 refers to the Department of Homeland Security.

11 (3) **ECONOMIC SECURITY.**—The term “eco-
12 nomic security” means the condition of having se-
13 cure and resilient domestic production capacity com-
14 bined with reliable access to the global resources
15 necessary to maintain an acceptable standard of liv-
16 ing and protect core national values.

17 (4) **SECRETARY.**—The term “Secretary” means
18 the Secretary of the Department of Homeland Secu-
19 rity.

20 (b) **DHS TRADE AND ECONOMIC SECURITY COUN-**
21 **CIL.**—In accordance with the mission of the Department
22 under section 101(b) of the Homeland Security Act of
23 2002 (6 U.S.C. 111(b)), and in particular paragraph
24 (1)(F) of that subsection, the Secretary shall establish a
25 standing council of component heads or their designees

1 within the Department known as the “DHS Trade and
2 Economic Security Council”.

3 (c) DUTIES OF THE COUNCIL.—Pursuant to the
4 scope of the Department’s mission as described in sub-
5 section (b), the Council shall provide to the Secretary ad-
6 vice and recommendations on matters of trade and eco-
7 nomic security, including—

8 (1) identifying concentrated risks for trade and
9 economic security;

10 (2) setting priorities for securing the trade and
11 economic security of the United States;

12 (3) coordinating Department-wide activity on
13 trade and economic security matters;

14 (4) with respect to the development of the
15 President’s continuity of the economy plan under
16 section 9603 of the William M. (Mac) Thornberry
17 National Defense Authorization Act of Fiscal Year
18 2021 (Public Law 116–283);

19 (5) proposing statutory and regulatory changes
20 impacting trade and economic security; and

21 (6) any other matters the Secretary considers
22 appropriate.

23 (d) CHAIR AND VICE CHAIR.—The Assistant Sec-
24 retary for Trade and Economic Security of the Depart-
25 ment—

1 (1) shall serve as Chair of the Council; and

2 (2) may designate a Council member as a Vice
3 Chair.

4 (e) MEETINGS.—The Council shall meet not less fre-
5 quently than quarterly, as well as—

6 (1) at the call of the Chair; or

7 (2) at the direction of the Secretary.

8 (f) BRIEFINGS.—Not later than 180 days after the
9 date of enactment of this Act and every 6 months there-
10 after for 4 years, the Council shall brief the Committee
11 on Homeland Security and Governmental Affairs of the
12 Senate and the Committee on Homeland Security of the
13 House of Representatives on the actions and activities of
14 the Council.

15 **SEC. 3. ASSISTANT SECRETARY FOR TRADE AND ECONOMIC**
16 **SECURITY.**

17 Section 709 of the Homeland Security Act of 2002
18 (6 U.S.C. 349) is amended—

19 (1) by redesignating subsection (g) as sub-
20 section (h); and

21 (2) by inserting after subsection (f) the fol-
22 lowing new subsection:

23 “(g) ASSISTANT SECRETARY FOR TRADE AND ECO-
24 NOMIC SECURITY.—

1 “(1) IN GENERAL.—There is established within
2 the Office of Strategy, Policy, and Plans an Assist-
3 ant Secretary for Trade and Economic Security.

4 “(2) DUTIES.—The Assistant Secretary for
5 Trade and Economic Security shall be responsible
6 for policy formulation regarding matters relating to
7 economic security and trade, as such matters relate
8 to the mission and the operations of the Depart-
9 ment.

10 “(3) ADDITIONAL RESPONSIBILITIES.—In addi-
11 tion to the duties specified in paragraph (2), the As-
12 sistant Secretary for Trade and Economic Security
13 shall—

14 “(A) oversee—

15 “(i) coordination of supply chain pol-
16 icy; and

17 “(ii) assessments and reports to Con-
18 gress related to critical economic security
19 domains;

20 “(B) serve as the designee of the Secretary
21 for the purposes of representing the Depart-
22 ment on the Committee on Foreign Investment
23 in the United States, and the Committee for
24 the Assessment of Foreign Participation in the

1 United States Telecommunications Services
2 Sector;

3 “(C) coordinate with stakeholders in other
4 Federal departments and agencies and non-gov-
5 ernmental entities with trade and economic se-
6 curity interests, authorities, and responsibilities;
7 and

8 “(D) perform such additional duties as the
9 Secretary or the Under Secretary of Strategy,
10 Policy, and Plans may prescribe.

11 “(4) DEFINITIONS.—In this subsection:

12 “(A) CRITICAL ECONOMIC SECURITY DO-
13 MAIN.—The term ‘critical economic security do-
14 main’ means any infrastructure, industry, tech-
15 nology, or intellectual property (or combination
16 thereof) that is essential for the economic secu-
17 rity of the United States.

18 “(B) ECONOMIC SECURITY.—The term
19 ‘economic security’ has the meaning given that
20 term in section 890B(e)(2).”.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “DHS Trade and Eco-
23 nomic Security Council Act of 2022”.*

24 **SEC. 2. DHS TRADE AND ECONOMIC SECURITY COUNCIL.**

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

1 (1) *COUNCIL.*—*The term “Council” means the*
2 *DHS Trade and Economic Security Council estab-*
3 *lished under subsection (b).*

4 (2) *DEPARTMENT.*—*The term “Department”*
5 *means the Department of Homeland Security.*

6 (3) *ECONOMIC SECURITY.*—*The term “economic*
7 *security” has the meaning given that term in section*
8 *890B(c)(2) of the Homeland Security Act of 2002 (6*
9 *U.S.C. 474(c)(2)).*

10 (4) *SECRETARY.*—*The term “Secretary” means*
11 *the Secretary of Homeland Security.*

12 (b) *DHS TRADE AND ECONOMIC SECURITY COUN-*
13 *CIL.*—*In accordance with the mission of the Department*
14 *under section 101(b) of the Homeland Security Act of 2002*
15 *(6 U.S.C. 111(b)), and in particular paragraph (1)(F) of*
16 *that section, the Secretary shall establish a standing council*
17 *of component heads or their designees within the Depart-*
18 *ment, which shall be known as the “DHS Trade and Eco-*
19 *nomics Security Council”.*

20 (c) *DUTIES OF THE COUNCIL.*—*Pursuant to the scope*
21 *of the mission of the Department as described in subsection*
22 *(b), the Council shall provide to the Secretary advice and*
23 *recommendations on matters of trade and economic secu-*
24 *rity, including—*

1 (1) *identifying concentrated risks for trade and*
2 *economic security;*

3 (2) *setting priorities for securing the trade and*
4 *economic security of the United States;*

5 (3) *coordinating Department-wide activity on*
6 *trade and economic security matters;*

7 (4) *with respect to the development of the con-*
8 *tinuity of the economy plan of the President under*
9 *section 9603 of the William M. (Mac) Thornberry Na-*
10 *tional Defense Authorization Act of Fiscal Year 2021*
11 *(6 U.S.C. 322);*

12 (5) *proposing statutory and regulatory changes*
13 *impacting trade and economic security; and*

14 (6) *any other matters the Secretary considers ap-*
15 *propriate.*

16 (d) *CHAIR AND VICE CHAIR.—The Under Secretary*
17 *for Strategy, Policy, and Plans of the Department—*

18 (1) *shall serve as Chair of the Council; and*

19 (2) *may designate a Council member as a Vice*
20 *Chair.*

21 (e) *MEETINGS.—The Council shall meet not less fre-*
22 *quently than quarterly, as well as—*

23 (1) *at the call of the Chair; or*

24 (2) *at the direction of the Secretary.*

1 (f) *BRIEFINGS.*—Not later than 180 days after the date
 2 of enactment of this Act and every 180 days thereafter for
 3 4 years, the Council shall brief the Committee on Homeland
 4 Security and Governmental Affairs of the Senate and the
 5 Committee on Homeland Security of the House of Rep-
 6 resentatives on the actions and activities of the Council.

7 **SEC. 3. ASSISTANT SECRETARY FOR TRADE AND ECONOMIC**
 8 **SECURITY.**

9 Section 709 of the Homeland Security Act of 2002 (6
 10 U.S.C. 349) is amended—

11 (1) by redesignating subsection (g) as subsection
 12 (h); and

13 (2) by inserting after subsection (f) the following:

14 “(g) *ASSISTANT SECRETARY FOR TRADE AND ECO-*
 15 *NOMIC SECURITY.*—

16 “(1) *IN GENERAL.*—There is established within
 17 the Office of Strategy, Policy, and Plans an Assistant
 18 Secretary for Trade and Economic Security.

19 “(2) *DUTIES.*—At the direction of the Under
 20 Secretary for Strategy, Policy, and Plans, the Assist-
 21 ant Secretary for Trade and Economic Security shall
 22 be responsible for policy formulation regarding mat-
 23 ters relating to economic security and trade, as such
 24 matters relate to the mission and the operations of the
 25 Department.

1 “(3) *ADDITIONAL RESPONSIBILITIES.*—*In addi-*
2 *tion to the duties specified in paragraph (2), the As-*
3 *stant Secretary for Trade and Economic Security,*
4 *at the direction of the Under Secretary for Strategy,*
5 *Policy, and Plans, may—*

6 “(A) *oversee—*

7 “(i) *coordination of supply chain pol-*
8 *icy; and*

9 “(ii) *assessments and reports to Con-*
10 *gress related to critical economic security*
11 *domains;*

12 “(B) *serve as the representative of the*
13 *Under Secretary for Strategy, Policy, and Plans*
14 *for the purposes of representing the Department*
15 *on—*

16 “(i) *the Committee on Foreign Invest-*
17 *ment in the United States; and*

18 “(ii) *the Committee for the Assessment*
19 *of Foreign Participation in the United*
20 *States Telecommunications Services Sector;*

21 “(C) *coordinate with stakeholders in other*
22 *Federal departments and agencies and non-*
23 *governmental entities with trade and economic*
24 *security interests, authorities, and responsibil-*
25 *ities; and*

1 “(D) perform such additional duties as the
2 Secretary or the Under Secretary of Strategy,
3 Policy, and Plans may prescribe.

4 “(4) DEFINITIONS.—In this subsection:

5 “(A) CRITICAL ECONOMIC SECURITY DO-
6 MAIN.—The term ‘critical economic security do-
7 main’ means any infrastructure, industry, tech-
8 nology, or intellectual property (or combination
9 thereof) that is essential for the economic security
10 of the United States.

11 “(B) ECONOMIC SECURITY.—The term ‘eco-
12 nomic security’ has the meaning given that term
13 in section 890B(c)(2).”.

14 **SEC. 4. RULE OF CONSTRUCTION.**

15 Nothing in this Act or the amendments made by this
16 Act shall be construed to affect or diminish the authority
17 otherwise granted to any other officer of the Department
18 of Homeland Security.

Calendar No. 560

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