

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.**

**S.** \_\_\_\_\_

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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

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

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

7 (a) DEFINITIONS.—In this section:

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

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

3           (3) ECONOMIC SECURITY.—The term “eco-  
4 nomic security” means the condition of having se-  
5 cure and resilient domestic production capacity com-  
6 bined with reliable access to the global resources  
7 necessary to maintain an acceptable standard of liv-  
8 ing and protect core national values.

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

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

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

24           (1) identifying concentrated risks for trade and  
25 economic security;

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

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

5           (4) with respect to the development of the con-  
6           tinuity of the economy plan of the President under  
7           section 9603 of the William M. (Mac) Thornberry  
8           National Defense Authorization Act of Fiscal Year  
9           2021 (Public Law 116–283);

10          (5) proposing statutory and regulatory changes  
11          impacting trade and economic security; and

12          (6) any other matters the Secretary considers  
13          appropriate.

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

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

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

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

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

22                (2) at the direction of the Secretary.

23          (f) BRIEFINGS.—Not later than 180 days after the  
24          date of enactment of this Act and every 6 months there-  
25          after for 4 years, the Council shall brief the Committee

1 on Homeland Security and Governmental Affairs of the  
2 Senate and the Committee on Homeland Security of the  
3 House of Representatives on the actions and activities of  
4 the Council.

5 **SEC. 3. ASSISTANT SECRETARY FOR TRADE AND ECONOMIC**  
6 **SECURITY.**

7 Section 709 of the Homeland Security Act of 2002  
8 (6 U.S.C. 349) is amended—

9 (1) by redesignating subsection (g) as sub-  
10 section (h); and

11 (2) by inserting after subsection (f) the fol-  
12 lowing:

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

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

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

1           “(3) ADDITIONAL RESPONSIBILITIES.—In addi-  
2           tion to the duties specified in paragraph (2), the As-  
3           sistant 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 Depart-  
15                   ment on the—

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

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

21                   “(C) coordinate with stakeholders in other  
22                   Federal departments and agencies and non-gov-  
23                   ernmental entities with trade and economic se-  
24                   curity interests, authorities, and responsibilities;  
25                   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 secu-  
10          rity of the United States.

11          “(B) ECONOMIC SECURITY.—The term  
12          ‘economic security’ has the meaning given that  
13          term 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.