

4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table.

SA 5154. Mrs. CAPITO (for herself, Mr. WICKER, Mr. TILLIS, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, supra; which was ordered to lie on the table.

SA 5155. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, supra; which was ordered to lie on the table.

SA 5156. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 4346, supra; which was ordered to lie on the table.

SA 5157. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 4346, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5144. Mr. HAGERTY (for himself, Mr. KING, Mr. CORNYN, Mr. WICKER, Mr. YOUNG, Ms. SINEMA, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:
SEC. 10. FEDERAL PERMITTING IMPROVEMENT.

Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended, in the matter preceding clause (i), by inserting “semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, cybersecurity,” after “manufacturing.”

SA 5145. Mr. SANDERS (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:
SEC. 108. TERMS AND CONDITIONS OF ASSISTANCE.

(a) CHIPS ASSISTANCE.—

(1) REQUIRED AGREEMENT.—A covered entity to which the Secretary of Commerce awards Federal financial assistance under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652) or section 102 or 103 of this Act with amounts appropriated under this Act shall enter into an agreement that specifies that, during the 5-year period immediately following the award of the Federal financial assistance—

(A) the covered entity will not—

(i) repurchase an equity security that is listed on a national securities exchange of the covered entity or any parent company of the covered entity, except to the extent required under a contractual obligation that is in effect as of the date of enactment of this Act;

(ii) outsource or offshore jobs to a location outside of the United States; or

(iii) abrogate existing collective bargaining agreements; and

(B) the covered entity will remain neutral in any union organizing effort.

(2) FINANCIAL PROTECTION OF GOVERNMENT.—

(A) IN GENERAL.—The Secretary of Commerce may not award Federal financial assistance to a covered entity under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652) or under section 102 or 103 of this Act with amounts appropriated under this Act, unless—

(i)(I) the covered entity has issued securities that are traded on a national securities exchange; and

(II) the Secretary of the Treasury receives a warrant or equity interest in the covered entity; or

(ii) in the case of any covered entity other than a covered entity described in clause (i), the Secretary of the Treasury receives, in the discretion of the Secretary of the Treasury—

(I) a warrant or equity interest in the covered entity; or

(II) a senior debt instrument issued by the covered entity.

(B) TERMS AND CONDITIONS.—The terms and conditions of any warrant, equity interest, or senior debt instrument received under subparagraph (A) shall be set by the Secretary of Commerce and shall meet the following requirements:

(i) PURPOSES.—Such terms and conditions shall be designed to provide for a reasonable participation by the Secretary of Commerce, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

(ii) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary of Commerce may sell, exercise, or surrender a warrant or any senior debt instrument received under this paragraph. The Secretary of Commerce shall not exercise voting power with respect to any shares of common stock acquired under this paragraph.

(iii) SUFFICIENCY.—If the Secretary of Commerce determines that a covered entity cannot feasibly issue warrants or other equity interests as required by this paragraph, the Secretary of Commerce may accept a senior debt instrument in an amount and on such terms as the Secretary of Commerce determines appropriate.

(b) APPLICATION TO ADVANCED MANUFACTURING INVESTMENT CREDIT.—

(1) FINANCIAL PROTECTION OF GOVERNMENT.—Subsection (c) of section 48D of the Internal Revenue Code of 1986 (as added by this Act) is amended to read as follows:

“(c) ELIGIBLE TAXPAYER.—

“(1) IN GENERAL.—For purposes of this section, the term ‘eligible taxpayer’ means any taxpayer which—

“(A) is not a foreign entity of concern (as defined in section 9901(6) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021),

“(B) has not made an applicable transaction (as defined in section 50(a)) during the taxable year,

“(C) has not performed a prohibited activity (as defined in section 50(a)) for the portion of the taxable year after investment credit property has been placed in service, and

“(D) meets the requirements of paragraph (2).

“(2) FINANCIAL PROTECTION REQUIREMENTS.—

“(A) IN GENERAL.—A taxpayer meets the requirements of this paragraph if—

“(i)(I) the taxpayer has issued securities that are traded on a national securities exchange; and

“(II) the Secretary of the Treasury receives a warrant or equity interest in the covered entity; or

“(ii) in the case of taxpayer other than a taxpayer described in subparagraph (A), the Secretary receives, in the discretion of the Secretary—

“(I) a warrant or equity interest in the taxpayer; or

“(II) a senior debt instrument issued by the taxpayer.

“(B) TERMS AND CONDITIONS.—The terms and conditions of any warrant, equity interest, or senior debt instrument received under subparagraph (A) shall be set by the Secretary, in consultation with the Secretary of Commerce, and shall meet the following requirements:

“(i) PURPOSES.—Such terms and conditions shall be designed to provide for a reasonable participation by the Secretary, for the benefit of taxpayers, in equity appreciation in the case of a warrant or other equity interest, or a reasonable interest rate premium, in the case of a debt instrument.

“(ii) AUTHORITY TO SELL, EXERCISE, OR SURRENDER.—For the primary benefit of taxpayers, the Secretary may sell, exercise, or surrender a warrant or any senior debt instrument received under this clause. The Secretary shall not exercise voting power with respect to any shares of common stock acquired under this subparagraph.

“(iii) SUFFICIENCY.—If the Secretary determines that a taxpayer cannot feasibly issue warrants or other equity interests as required by this paragraph, the Secretary may accept a senior debt instrument in an amount and on such terms as the Secretary determines appropriate.”

(2) RECAPTURE OF CREDIT IN CERTAIN CASES.—

(A) IN GENERAL.—Section 50(a) of the Internal Revenue Code of 1986, as amended by this Act, is amended redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively, and by inserting after paragraph (3) the following new paragraph:

“(4) CERTAIN REQUIREMENTS FOR ADVANCED MANUFACTURING FACILITIES.—If there is a prohibited activity by an applicable taxpayer before the close of the 5-year period beginning on the date such taxpayer placed in service investment credit property which is eligible for the advanced manufacturing investment credit under section 48D(a), then the tax under this chapter for the taxable year in which such transaction occurs shall be increased by 100 percent of the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero any credit determined under section 46 which is attributable to the advanced manufacturing investment credit under section 48D(a) with respect to such property.”

(B) PROHIBITED ACTIVITY.—Section 50(a)(7) of the Internal Revenue Code of 1986, as amended redesignated by the preceding provisions of this Act, is amended adding at the end the following new subparagraph:

“(E) PROHIBITED ACTIVITY.—For purposes of this subsection, the term ‘prohibited activity’ means, with respect to any applicable taxpayer, any of the following:

“(i) the repurchase an equity security that is listed on a national securities exchange of the taxpayer or any parent company of the taxpayer, except to the extent required under a contractual obligation that is in effect as of the date of enactment of this subparagraph;

“(ii) the outsourcing or offshoring of jobs to a location outside of the United States;

“(iii) the abrogation of existing collective bargaining agreements; or

“(iv) the failure of the taxpayer to remain neutral in any union organizing effort.”.

(C) CONFORMING AMENDMENTS.—

(i) Section 50(a)(5) of the Internal Revenue Code of 1986, as redesignated by the preceding provisions of this Act, is amended—

(I) by striking “or any applicable transaction to which paragraph (3)(A) applies” and inserting “any applicable transaction to which paragraph (3)(A) applies, or any prohibited transaction to which paragraph (4) applies”, and

(II) by striking “or applicable transaction” and inserting “, applicable transaction, or prohibited transaction”.

(ii) Section 50(a)(7)(C) of such Code, as amended and redesignated the preceding provisions of this Act, is amended by striking “or (3)” and inserting “(3), or (4)”.

(iii) Section 1371(d)(1) of such Code, as amended by this Act, is amended by striking “section 50(a)(5)” and inserting “section 50(a)(6)”.

SA 5146. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. OFFSET OF COSTS USING UNOBLIGATED FUNDS FROM THE AMERICAN RESCUE PLAN ACT OF 2021 AND THE CARES ACT.

(a) DEFINITION.—In this section, the term “total cost of this Act” means the sum, as determined by the Director of OMB, of the amounts appropriated under any division of this Act or an amendment made by any division of this Act and the amounts authorized to be appropriated under any division of this Act or an amendment made by any division of this Act.

(b) RESCISSIONS.—Effective on the date of enactment of this Act, there is rescinded, on a pro rata basis—

(1) of the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), the amount necessary to reduce the total amount of such unobligated balances by an amount equal to the total cost of this Act; and

(2) if the unobligated balances described in paragraph (1) are less than the total cost of this Act, of the unobligated balances made available under the CARES Act (Public Law 116–136; 134 Stat. 281), the amount necessary to reduce the total amount of such unobligated balances by an amount equal to the difference between the amount rescinded under paragraph (1) and the total cost of this Act.

SA 5147. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

On page 31, lines 9 and 10, strike “or semiconductor manufacturing equipment” and insert “semiconductor manufacturing equipment, or substantial or essential components of semiconductor manufacturing equipment”.

On page 34, lines 5 and 6, strike “or semiconductor manufacturing equipment” and insert “semiconductor manufacturing equip-

ment, or substantial or essential components of semiconductor manufacturing equipment”.

SA 5148. Mr. SCHUMER proposed an amendment to the bill S. 3373, to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant; as follows:

At the end add the following:

SEC. EFFECTIVE DATE

This Act shall take effect on the date that is 1 day after the date of enactment of this Act.

SA 5149. Mr. SCHUMER proposed an amendment to amendment SA 5148 proposed by Mr. SCHUMER to the bill S. 3373, to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant; as follows:

On page 1, line 3, strike “1 day” and insert “2 days”.

SA 5150. Mr. SCHUMER proposed an amendment to the bill S. 3373, to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

SA 5151. Mr. SCHUMER proposed an amendment to amendment SA 5150 proposed by Mr. SCHUMER to the bill S. 3373, to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant; as follows:

On page 1, line 3, strike “3” and insert “4”.

SA 5152. Mr. SCHUMER proposed an amendment to amendment SA 5151 proposed by Mr. SCHUMER to the amendment SA 5150 proposed by Mr. SCHUMER to the bill S. 3373, to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant; as follows:

On page 1, line 3, strike “4” and insert “5”.

SA 5153. Mr. MANCHIN (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

On page 790, on line 4, insert “In selecting recipients, the Secretary shall consider for prioritization severely distressed eligible areas, in addition to other factors.” after “recipients.”

SA 5154. Mrs. CAPITO (for herself, Mr. WICKER, Mr. TILLIS, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 776, strike line 18 and all that follows through page 790, line 4.

SA 5155. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 5135 proposed by Mr. SCHUMER to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 40, strike line 5 and all that follows through line 23 on page 42, and insert the following:

“(ii) UPDATES.—

“(I) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this clause, the term ‘appropriate congressional committees’ means—

“(aa) the Committee on Commerce, Science and Transportation, the Select Committee on Intelligence, and the Committee on Armed Services of the Senate; and

“(bb) the Committee on Energy and Commerce, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives.

“(II) IN GENERAL.—Subject to subclause (III), not later than 2 years after the date of enactment of the CHIPS Act of 2022, and not less frequently than once every 2 years thereafter for the 8-year period after the last award under this section is made, the Secretary, after public notice and an opportunity for comment and if applicable and necessary, shall issue a public notice identifying any additional semiconductor technology included in the meaning of the term ‘legacy semiconductor’ under clause (i).

“(III) NOTICE TO THE APPROPRIATE CONGRESSIONAL COMMITTEES.—

“(aa) NOTICE.—Not later than 10 days after the Secretary determines that any additional semiconductor technology should be included in the meaning of the term ‘legacy semiconductor’ under clause (i) and before the Secretary issues the initial public notice described in subclause (II), the Secretary—

“(AA) shall notify the appropriate congressional committees of that determination; and

“(BB) shall not issue the initial public notice described in subclause (II) unless each of the appropriate congressional committees affirmatively agrees in writing in accordance with item (bb) to the proposed inclusion of the additional semiconductor technology in the meaning of the term ‘legacy semiconductor’.

“(bb) AGREEMENT.—Upon receipt of a notice described in item (aa) by an appropriate congressional committee, the appropriate congressional committee—

“(AA) shall review the notice; and

“(BB) if the appropriate congressional committee agrees to the inclusion, not later than 30 days after the date of receipt of the notice, shall submit to the Secretary a written affirmative agreement that the relevant additional semiconductor technology should be included in the meaning of the term ‘legacy semiconductor’.

“(iii) FUNCTIONS OF THE SECRETARY.—The functions of the Secretary under this paragraph shall not be subject to sections 551, 553 through 559, and 701 through 706 of title 5, United States Code.

“(iv) CONSULTATION.—In carrying out clause (ii), the Secretary shall consult with the Director of National Intelligence and the Secretary of Defense.

“(v) CONSIDERATIONS.—In carrying out clause (ii), the Secretary shall consider—

“(I) state-of-the-art semiconductor technologies in the United States and internationally, including in foreign countries of concern; and

“(II) consistency with export controls relating to semiconductors.

“(B) DEFINITION OF SEMICONDUCTOR MANUFACTURING.—In this paragraph, the term ‘semiconductor manufacturing’—

“(i) has the meaning given the term by the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence; and

“(ii) includes front-end semiconductor fabrication.

“(C) REQUIRED AGREEMENT.—

“(i) IN GENERAL.—On or before the date on which the Secretary awards Federal financial assistance to a covered entity under this section, the covered entity shall enter into an agreement with the Secretary specifying that, during the 10-year period beginning on the date of the award, subject to clause (ii), the covered entity may not engage in any transaction, as defined in the agreement, involving the expansion of semiconductor manufacturing capacity in the People’s Republic of China or any other foreign country of concern.

“(ii) EXCEPTIONS.—

“(I) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this clause, the term ‘appropriate congressional committees’ means—

“(aa) the Committee on Commerce, Science, and Transportation, the Select Committee on Intelligence, and the Committee on Armed Services of the Senate; and

“(bb) the Committee on Energy and Commerce, the Permanent Select Committee on Intelligence, and the Committee on Armed Services of the House of Representatives.

“(II) APPLICATION OF EXCEPTIONS.—The prohibition in the agreement required under clause (i) shall not apply to—

“(aa) existing facilities or equipment of a covered entity for manufacturing legacy semiconductors; or

“(bb) significant transactions involving the material expansion of semiconductor manufacturing capacity that—

“(AA) produces legacy semiconductors; and

“(BB) predominately serves the market of a foreign country of concern.

“(III) NOTIFICATION.—If the Secretary grants an exception or otherwise becomes aware of any facility, equipment, or significant transaction that qualifies for an exception under subclause (II), the Secretary shall submit notice of the exception to the appropriate congressional committees not later than 10 days after the date on which the Secretary grants or becomes aware of the exception.”.

SA 5156. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ADDITIONAL “RIP AND REPLACE” FUNDING.

Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) is amended by striking “\$1,900,000,000” and inserting “\$4,980,000,000”.

SA 5157. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 4346, making appropriations for Legislative Branch for the fiscal year ending September 30, 2022, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. ____ . COUNTERINTELLIGENCE AND NATIONAL SECURITY PROTECTIONS.

(a) COUNTERINTELLIGENCE SCREENING PROCESS.—

(1) ESTABLISHMENT.—The Director of National Intelligence, the Director of the National Counterintelligence and Security Center, and the Director of the Federal Bureau of Investigation shall jointly establish a counterintelligence screening process to protect the United States against efforts of China and other foreign entities to engage in economic espionage and to misappropriate United States intellectual property, research and development, and innovation efforts.

(2) FUNCTIONS.—Subject to the joint direction and control of the Director of National Intelligence, the Director of the National Counterintelligence and Security Center, and the Director of the Federal Bureau of Investigation, the counterintelligence screening process established under paragraph (1) shall assess and screen all funds provided under this Act (including grants awarded under this Act) for potential national security threats.

(3) FUNDING.—Amounts required to carry out the process established under paragraph (1) shall be derived from amounts appropriated to carry out this Act.

(b) PROTECTIONS.—

(1) CERTIFICATION REQUIRED FOR RECEIPT OF AMOUNTS.—Notwithstanding any other provision of this Act, no person may receive any amount (including an amount as part of a grant awarded under this Act) or purchase, lease, or otherwise obtain any intellectual property developed through a grant awarded under this Act, unless the Director of National Intelligence, the Director of the National Counterintelligence and Security Center, and the Director of the Federal Bureau of Investigation jointly certify that the person has sufficient protections in place to protect against misappropriation of United States intellectual property, research and development, and innovation efforts, and other threats from foreign governments and other entities.

(2) CERTIFICATION REQUIREMENTS.—Notwithstanding any other provision of this Act, no certification may be made under paragraph (1) with respect to a person unless such person discloses to the Director of National Intelligence, the Director of the National Counterintelligence and Security Center, and the Director of the Federal Bureau of Investigation the following:

(A) Any funding received by the person from a foreign source during the most recent 10-year period.

(B) Any financial or in-kind support received by the person from any entity—

(i) owned or controlled by the Government of the People’s Republic of China; or

(ii) in which the Government of the People’s Republic of China has an ownership interest.

(C) Any participation of the person in a foreign government talent recruitment program, consistent with sections 10631 and 10632.

AUTHORITY FOR COMMITTEES TO MEET

Mr. CARDIN. Mr. President, I have five requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to Rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, July 21, 2022, at 9:30 a.m., to conduct a hearing on nominations.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, July 21, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, July 21, 2022, at 10 a.m., to conduct a business meeting.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, July 21, 2022, at 10:15 a.m., to conduct a hearing on a nomination.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, July 21, 2022, at 9 a.m., to conduct an executive business meeting.

PRIVILEGES OF THE FLOOR

Mrs. BLACKBURN. Mr. President, I ask unanimous consent that the following interns from my office be granted floor privileges for the remainder of the Congress: Isabella Andrews-Zachry and Eliza Roddy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 25, 2022

Mr. CARDIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, July 25, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of the House message to accompany S. 3373; further, that the cloture motion filed during yesterday’s session ripen at 5:30 p.m. and that the mandatory quorum call be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JULY 25, 2022, AT 3 P.M.

Mr. CARDIN. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 4:21 p.m., adjourned until Monday, July 25, 2022, at 3 p.m.