

proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2228) to amend the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 to clarify the scope of a major Federal action under the National Environmental Policy Act of 1969 with respect to certain projects relating to the production of semiconductors, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the Kelly-Cruz substitute amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The amendment (No. 1378) in the nature of a substitute was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Building Chips in America Act of 2023”.

#### SEC. 2. SEMICONDUCTOR PROGRAM.

Title XCIX of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651 et seq.) is amended—

(1) in section 9902 (15 U.S.C. 4652)—

(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(B) by inserting after subsection (g) the following:

“(h) AUTHORITY RELATING TO ENVIRONMENTAL REVIEW.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the provision by the Secretary of Federal financial assistance for a project described in this section that satisfies the requirements under subsection (a)(2)(C)(i) of this section shall not be considered to be a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (referred to in this subsection as ‘NEPA’) or an undertaking for the purposes of division A of subtitle III of title 54, United States Code, if—

“(A) the activity described in the application for that project has commenced not later than December 31, 2024;

“(B) the Federal financial assistance provided is in the form of a loan or loan guarantee; or

“(C) the Federal financial assistance provided, excluding any loan or loan guarantee, comprises not more than 10 percent of the total estimated cost of the project.

“(2) SAVINGS CLAUSE.—Nothing in this subsection may be construed as altering whether an activity described in subparagraph (A), (B), or (C) of paragraph (1) is considered to be a major Federal action under NEPA, or an undertaking under division A of subtitle III of title 54, United States Code, for a reason other than that the activity is eligible for Federal financial assistance provided under this section.”; and

(2) in section 9909 (15 U.S.C. 4659), by adding at the end the following:

“(c) LEAD FEDERAL AGENCY AND COOPERATING AGENCIES.—

“(1) DEFINITION.—In this subsection, the term ‘lead agency’ has the meaning given

the term in section 111 of NEPA (42 U.S.C. 4336e).

“(2) OPTION TO SERVE AS LEAD AGENCY.—With respect to a covered activity that is a major Federal action under NEPA, and with respect to which the Department of Commerce is authorized or required by law to issue an authorization or take action for or relating to that covered activity, the Department of Commerce shall have the first right to serve as the lead agency with respect to that covered activity under NEPA.

“(d) CATEGORICAL EXCLUSIONS.—

“(1) ESTABLISHMENT OF CATEGORICAL EXCLUSIONS.—Each of the following categorical exclusions is established for the National Institute of Standards and Technology with respect to a covered activity and, beginning on the date of enactment of this subsection, is available for use by the Secretary with respect to a covered activity:

“(A) Categorical exclusion 17.04.d (relating to the acquisition of machinery and equipment) in the document entitled ‘EDA Program to Implement the National Environmental Policy Act of 1969 and Other Federal Environmental Mandates As Required’ (Directive No. 17.02-2; effective date October 14, 1992).

“(B) Categorical exclusion A9 in Appendix A to subpart D of part 1021 of title 10, Code of Federal Regulations, or any successor regulation.

“(C) Categorical exclusions B1.24, B1.31, B2.5, and B5.1 in Appendix B to subpart D of part 1021 of title 10, Code of Federal Regulations, or any successor regulation.

“(D) The categorical exclusions described in paragraphs (4) and (13) of section 50.19(b) of title 24, Code of Federal Regulations, or any successor regulation.

“(E) Categorical exclusion (c)(1) in Appendix B to part 651 of title 32, Code of Federal Regulations, or any successor regulation.

“(F) Categorical exclusions A2.3.8 and A2.3.14 in Appendix B to part 989 of title 32, Code of Federal Regulations, or any successor regulation.

“(2) ADDITIONAL CATEGORICAL EXCLUSIONS.—Notwithstanding any other provision of law, each of the following shall be treated as a category of action categorically excluded from the requirements relating to environmental assessments and environmental impact statements under section 1501.4 of title 40, Code of Federal Regulations, or any successor regulation:

“(A) The provision by the Secretary of any Federal financial assistance for a project described in section 9902, if the facility that is the subject of the project is on or adjacent to a site—

“(i) that is owned or leased by the covered entity to which Federal financial assistance is provided for that project; and

“(ii) on which, as of the date on which the Secretary provides that Federal financial assistance, substantially similar construction, expansion, or modernization is being or has been carried out, such that the facility would not more than double existing developed acreage or on-site supporting infrastructure.

“(B) The provision by the Secretary of Defense of any Federal financial assistance relating to—

“(i) the creation, expansion, or modernization of one or more facilities described in the second sentence of section 9903(a)(1); or

“(ii) carrying out section 9903(b), as in effect on the date of enactment of this subsection.

“(C) Any activity undertaken by the Secretary relating to carrying out section 9906, as in effect on the date of enactment of this subsection.

“(e) INCORPORATION OF PRIOR PLANNING DECISIONS.—

“(1) DEFINITION.—In this subsection, the term ‘prior studies and decisions’ means baseline data, planning documents, studies, analyses, decisions, and documentation that a Federal agency has completed for a project (or that have been completed under the laws and procedures of a State or Indian Tribe), including for determining the reasonable range of alternatives for that project.

“(2) RELIANCE ON PRIOR STUDIES AND DECISIONS.—In completing an environmental review under NEPA for a covered activity, the Secretary may consider and, as appropriate, rely on or adopt prior studies and decisions, if the Secretary determines that—

“(A) those prior studies and decisions meet the standards for an adequate statement, assessment, or determination under applicable procedures of the Department of Commerce implementing the requirements of NEPA;

“(B) in the case of prior studies and decisions completed under the laws and procedures of a State or Indian Tribe, those laws and procedures are of equal or greater rigor than those of each applicable Federal law, including NEPA, implementing procedures of the Department of Commerce; or

“(C) if applicable, the prior studies and decisions are informed by other analysis or documentation that would have been prepared if the prior studies and decisions were prepared by the Secretary under NEPA.

“(f) DEFINITIONS.—In this section:

“(1) COVERED ACTIVITY.—The term ‘covered activity’ means any activity relating to the construction, expansion, or modernization of a facility, the investment in which is eligible for Federal financial assistance under section 9902 or 9906.

“(2) NEPA.—The term ‘NEPA’ means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”

The bill (S. 2228), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### PROVIDING FOR THE REAPPOINTMENT OF MICHAEL GOVAN AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

#### PROVIDING FOR THE APPOINTMENT OF ANTOINETTE BUSH AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

#### PROVIDING FOR THE REAPPOINTMENT OF ROGER W. FERGUSON AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be discharged from further consideration of the following joint resolutions and the Senate proceed to their immediate consideration en bloc: H.J. Res. 62, H.J. Res. 63, H.J. Res. 64.

There being no objection, the committee was discharged, and the Senate proceeded to consider the joint resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent that the joint resolutions be considered read a third time en bloc.

The joint resolutions were ordered to a third reading and were read the third time en bloc.

Mr. SCHUMER. I know of no further debate on the joint resolutions en bloc.

The PRESIDING OFFICER. The joint resolutions having been read the third time, the question is, Shall the joint resolutions pass en bloc?

The joint resolutions (H.J. Res. 62, H.J. Res. 63, and H.J. Res. 64) were passed en bloc.

Mr. SCHUMER. I ask unanimous consent that the motions to reconsider be considered made and laid upon the table en bloc.

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

#### PUYALLUP TRIBE OF INDIANS LAND INTO TRUST CONFIRMATION ACT OF 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 273, S. 382.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 382) to take certain land in the State of Washington into trust for the benefit of the Puyallup Tribe of the Puyallup Reservation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I further ask consent that the bill be considered read a third time and passed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (S. 382) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 382

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Puyallup Tribe of Indians Land Into Trust Confirmation Act of 2023”.

#### SEC. 2. LAND TO BE TAKEN INTO TRUST FOR THE BENEFIT OF THE PUYALLUP TRIBE OF THE PUYALLUP RESERVATION.

(a) IN GENERAL.—The approximately 17,264 acres of land owned in fee by the Puyallup Tribe of the Puyallup Reservation in Pierce County, Washington, and described in subsection (b) is hereby taken into trust by the United States for the benefit of the Puyallup Tribe of the Puyallup Reservation.

(b) LAND DESCRIPTIONS.—

(1) PARCEL 1.—Lots 1 to 4, inclusive, Block 85, Map of Tacoma Tidelands, as surveyed and platted by the Board of Appraisers of Tide and Shore Lands for Pierce County, according to Plat filed for record on September 14, 1895, in the Office of the County Auditor, in Tacoma, Pierce County, Washington.

(2) PARCEL 2.—Lots 5 to 9, inclusive, Block 85, Map of Tacoma Tidelands, as surveyed and platted by the Board of Appraisers of Tide and Shore Lands for Pierce County, according to Plat filed for record on September 14, 1895, in the Office of the County Auditor, in Tacoma, Pierce County, Washington.

(3) PARCEL 3.—Parcel A of City of Tacoma Boundary Line Adjustment MPD2011–

40000166230, recorded October 12, 2011, under Pierce County Auditor Recording No. 201110125009, as corrected by Affidavit of Minor Correction of Map Recorded September 25, 2012, under Pierce County Auditor Recording No. 201209250440.

(c) ADMINISTRATION.—Land taken into trust under subsection (a) shall be—

(1) part of the Reservation of the Puyallup Tribe of the Puyallup Reservation; and

(2) administered in accordance with the laws and regulations generally applicable to property held in trust by the United States for the benefit of an Indian Tribe.

(d) ENVIRONMENTAL LIABILITY.—Notwithstanding any other provision of law, the United States shall not be liable for any environmental contamination that occurred on the land described in subsection (b) on or before the date on which that land is taken into trust under subsection (a).

(e) GAMING PROHIBITED.—Land taken into trust under subsection (a) shall not be used for any class II gaming or class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (as those terms are defined in section 4 of that Act (25 U.S.C. 2703)).

#### CELEBRATING THE 150TH ANNI- VERSARY OF THE FOUNDING OF TEXAS CHRISTIAN UNIVERSITY

#### NATIONAL ATAXIA AWARENESS DAY

#### RECOGNIZING INTERSCHOLASTIC ATHLETIC ADMINISTRATORS’ DAY ON DECEMBER 14, 2023

#### RECOGNIZING THE FIRST COM- MEMORATION OF THE ANTI- LGBTQ+ ATTACK THAT OC- CURRED ON NOVEMBER 19–20, 2022, AT CLUB Q, AN LGBTQ+ BAR IN COLORADO SPRINGS, COLO- RADO

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. Res. 453, and the Senate proceed to the en bloc consideration of the following resolutions: S. Res. 507, S. Res. 508, S. Res. 509, and S. Res. 453.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent that the resolutions be agreed to; that the preambles be agreed to; and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolution (S. Res. 453) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of November 7, 2023, under “Submitted Resolutions.”)

The resolutions (S. Res. 507, S. Res. 508, S. Res. 509) were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today’s RECORD under “Submitted Resolutions.”)

#### ORDERS FOR MONDAY, DECEMBER 18, 2023

Mr. SCHUMER. Finally, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m. on Monday, December 18; 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 proceed to executive session to consider Executive Calendar No. 415, Martin O’Malley to be Commissioner of Social Security, and that the Senate vote on confirmation of the nomination at 5:30 p.m.; further, that on disposition of the O’Malley nomination, the Senate resume consideration of the Fonzzone nomination; finally, that if any nominations are confirmed during Monday’s session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

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

#### ADJOURNMENT UNTIL MONDAY, DECEMBER 18, 2023, AT 3 P.M.

Mr. SCHUMER. 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 6:09 p.m., adjourned until Monday, December 18, 2023, at 3 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. ERICA R. AUSTIN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. KOREY E. AMUNDSON  
COL. AMANDA S. BIRCH  
COL. RANDALL W. CASON, JR.  
COL. RICHARD A. ERREDGE  
COL. ERIKA A. FOSTER  
COL. CHRISTOPHER J. HOBBS  
COL. ROBERT E. JACKSON, JR.  
COL. FRANK R. KINCAID  
COL. CHRISTOPHER T. LAY  
COL. MICHAEL M. MOEDING  
COL. JOSHUA G. PADGETT  
COL. BRETT R. PAOLA  
COL. JANETTE L. THODE  
COL. TIMOTHY M. WELTER  
COL. NATHAN D. YATES  
COL. CHRISTOPHER M. ZIDEK

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. PATRICIA R. WALLACE

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. DOUGLAS K. CLARK