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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, July 26, 2022, at 12 p.m.

Senate

MONDAY, JULY 25, 2022

The Senate met at 3 p.m. and was called to order by the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the judge of our desires and faults, You have withheld nothing we need. Today, continue to meet the needs of our lawmakers. Give them so much more than they expect that they will rejoice because of Your goodness. May their rejoicing and gratitude empower them to face the challenges and seize the opportunities of these turbulent times. Provide them with faith, courage, and good will to make the world a better place. Lord, use our Senators as Your servants to bring healing to our Nation and world.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 25, 2022.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MAZIE K. HIRONO, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. HIRONO thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

SERGEANT FIRST CLASS HEATH ROBINSON HONORING OUR PROMISE TO ADDRESS COMPREHENSIVE TOXICS ACT OF 2022

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message to accompany S. 3373, which the clerk will report.

The legislative clerk read as follows:

House message to accompany S. 3373, a bill to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant.

Pending:

Schumer motion to concur in the House amendment to the bill.

Schumer motion to concur in the House amendment to the bill, with Schumer amendment No. 5148 (to the House amendment to the Senate amendment), to add an effective date.

Schumer amendment No. 5149 (to Schumer amendment No. 5148), to modify the effective date.

Schumer motion to refer the bill to the Committee on Veterans' Affairs, with instructions, Schumer amendment No. 5150, to add an effective date.

Schumer amendment No. 5151 (to the instructions (Schumer amendment No. 5150) of the motion to refer), to modify the effective date.

Schumer amendment No. 5152 (to amendment No. 5151), to modify the effective date.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Madam President, the Senate gavels back in for another busy week of an exceedingly busy work period. There is a lot we must continue working on to lower costs for the American people; strengthen healthcare and prescription drug costs, make sure they are low; confirm highly qualified nominees; protect our fundamental rights; and fortify U.S. national security interests. None of this is easy, but we are moving ahead.

In a few hours, the Senate will take another important step towards finally passing our bipartisan chips and innovation bill by voting to invoke cloture.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

After more than a year of hard work on fixing U.S. chip supplies and boosting American scientific innovation, we are on the brink of closing the book and passing these critical investments into law.

If cloture is invoked, Members should plan to vote on final passage as early as tomorrow evening or Wednesday.

When signed into law, the impacts of this bipartisan chips and innovation bill will last years, if not decades. It will mean an increase in American jobs, increased manufacturing here at home, relief for our supply chains, and lower costs for the American people.

Of course, we will also preserve America's security interests. One of the most important struggles of this century will be the fight for global semiconductor supply. Sadly, America is lagging behind. A recent article from the Wall Street Journal revealed that the Chinese Communist Party is planning 31 major semiconductor fabs planned over the next few years in a bid to become the world's leader in new chip factories. American chip producers are working hard to match this output, but they are waiting for Congress to finish work on this bill. Tens of billions of dollars and countless good-paying jobs are at stake. For that reason, I am glad we are close to pushing this bill over the goal line.

Of course, there is a lot more to celebrate about this bill. The bipartisan science provisions—many of which I authored in partnership with Senator YOUNG under the Endless Frontier Act more than 2 years ago—will unleash a new wave of American scientific innovation that will last and create millions of good-paying jobs for decades to come.

We will invest tens of billions to strengthen the National Science Foundation and plant seeds to cultivate the tech hubs of tomorrow in regions of the country that have tremendous potential but have long been overlooked. When we invest in science jobs, that will keep America No. 1.

For decades, the United States was consistently the world leader in innovation and scientific research because we made the investments necessary to stay on top, and the result was millions and millions of good-paying jobs that made us the strongest economy on Earth, the envy of the world. In the last decade, unfortunately, we have slipped from our place on the mountaintop. This bill will help us recapture that goal and that dream.

The 21st century will be won or lost on the battleground of technological innovation. This is perhaps the most competitive era in human history. Will American workers, will American tech, will American ingenuity shape the world over the next hundred years in the same way that we have shaped it in the last hundred?

I believe we can. I believe we must. When we pass this bill, I believe we will. Let's move forward today.

HEALTHCARE

Madam President, now on healthcare reforms and reconciliation: Senate Democrats continue our work to advance legislation that will lower costs and improve the lives of tens of millions of American families.

Last week, Democrats and Republicans held our bipartisan prescription drugs Byrd bath meetings with the Parliamentarian. As a reminder, this important preliminary step will clear the way for passing our reforms through the reconciliation process. I want to thank Chairs WYDEN, SANDERS, and MURRAY and the tireless work of their Finance, Budget, and HELP Committee staffs for working around the clock on this important effort.

If you want to fight inflation, then you should support passing this much needed proposal on lowering prescription drug costs. Here is why: For the first time ever, we will empower Medicare to negotiate the price of many expensive and vital prescription drugs, directly lowering what patients and taxpayers pay for these drugs. We will cap Americans' out-of-pocket drug expenses to $2,000 a year. Medicare will offer free vaccines and additional support for the low-income elderly. And, crucially, we will ensure that millions don't see their healthcare premiums skyrocket in the coming months.

Let me say it again because it is key, and I say it to our Republican colleagues across the aisle. If you want to help Americans better afford their healthcare and medications, then you should support passing this bill.

United States citizens pay more, on average, for prescription drugs than any other people on Earth, all for the exact same medicines that other countries use. The Democratic plan will finally help change that.

Too many in this country find themselves in the confounding indignity of having to choose between getting their prescription drugs filled or putting food on the table for their families. The Democrats' plan will finally help change that.

And even as working Americans struggle to afford high-quality healthcare and medications, the Nation's largest pharmaceutical companies face little accountability for jacking up prices on consumers. Again, the Democrats' plan will help change that.

For months, we have heard Republicans complain and complain about the need to lower costs for the American people. Well, Democrats will present the Senate with a proposal that will do precisely that in a very big way. What will they choose on the other side of the aisle? Will they work with us to lower the costs for prescription medications? Will they shore up our healthcare system and prevent devastating price hikes? Will they finally join us holding Big Pharma accountable?

This isn't complicated. Senators can vote to lower costs, or they can vote for higher costs. The American people will be watching.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

INFLATION

Mr. MCCONNELL. Madam President, for the past year and a half, Washington Democrats have continually found new ways to be wrong about the U.S. economy. Last springtime, Democrats insisted their plan to dump $1.9 trillion onto the economy would not cause inflation.

Here was the Democratic leader in March of 2021:

I do not think the dangers of inflation, at least in the near term, are very real.

And here was President Biden:

The biggest risk is not going too big . . . it's if we go too small.''

Well, obviously, they were entirely wrong. Their reckless spending fueled the worst inflation in 40 years. As Ms. Alvarado, a teacher and mother of three, explained to a reporter—here is what she said:

When I say, ''OK, we cannot buy anything this week or else we'll go into overdraft,'' [my husband] says, ''No, what are you talking about? We're both working. That shouldn't happen.''

Well, it shouldn't have happened, but it is exactly what Democrats' policies have inflicted on working families in this country.

Every time I fill up our van, I'm flabbergasted—

Ms. Alvarado explains—

I'm always worrying. . . . I can postpone the mortgage by two weeks, but then it becomes two more weeks, and then all of a sudden they're calling you.

After Democrats' policies that did cause inflation, they moved on to their next wrong prediction. President Biden admitted inflation did, in fact, exist but said it was ''expected to be temporary.'' That one didn't work out either. That was over a year ago.

Then, 7 months ago, in early December, President Biden promised inflation had peaked—wrong again. It didn't peak in December. It just kept getting worse. Inflation set a fresh new 40-year high just last month.

These same folks are preparing for yet another battle against reality. In advance of the GDP numbers coming out later this week, the Biden administration has begun their latest project: a frantic effort to redefine the word ''recession.'' The White House published a whole explanation insisting that even if the new data suggested our country is in recession, we actually won't be.

It is almost beyond satire. The White House isn't focusing their energies on

correcting their mistakes and making the economy better for working families who are hurting. Instead, their priority is telling everybody things aren't as bad as they look or feel. They want working Americans like Ms. Alvarado to believe Democrats' spin instead of their own lying eyes.

I guess the whopping 42 percent of Americans who say they are struggling to stay where they are financially are supposed to read the White House press release and cheer up. The same people who said inflation wouldn't happen and then said it would be transitory and then said it had peaked last year are now insisting we aren't heading into a recession. Well, draw your own conclusions.

PRESCRIPTION DRUG COSTS

Madam President, on another matter, staring down the barrel of the economic disaster they have created, Washington Democrats still don't appear to be pumping the brakes on their reckless agenda. For example, the same Democrats who spent our country into inflation are now angling to regulate our medical cures industry into fewer new cures and fewer lifesaving treatments.

American researchers and manufacturers are the driving force behind cutting-edge treatments that the entire world relies on. American innovators are leading the races to cure terminal illnesses like Parkinson's and Alzheimer's.

The entire world benefits from our genius, but, in particular, the American people get first and fastest access to the latest new treatments, cures, and medical marvels. But the Democrats' pursuit of prescription drug socialism could put all of this at risk.

Arbitrary, top-down, government price controls would dry out the wells of American innovation to the tune of hundreds of billions of dollars in lost research and development, and American patients would feel the pain. The cost of breakthrough cures is measured in dollars, but the cost of neglecting them would be measured in lost years of American life.

One academic analysis pegged that true cost at a cumulative 331.5 million years.

Let me say that again: One expert says the negative effects of Democrats' proposal on medical research would cost a collective total of 331.5 million cumulative years of life.

In other words, their proposal would eventually destroy as many years of Americans' lives as there are Americans to live them.

Just 2 years ago, Democrats were lining up with Republicans and the rest of the country to cheer the American researchers and innovators who were driving the race for a COVID–19 vaccine—a race they finished in record time.

The American people know what it looks like when lifesaving advances happen right here at home. Unfortunately, they may be about to find what happens when they don't.

BURMA

Madam President, now, on one final matter, over the weekend, Burma's long and difficult struggle toward democracy and freedom took another dark step backward. The brutal military junta controlling Burma executed—executed—four political prisoners, including the well-known activist Ko Jimmy and Phyo Zeya Thaw, a former elected official and protest musician—yet more innocent bloodshed for the crime of dissenting against the junta's illegitimate rule.

This is yet another atrocity in a long list of horrors committed by the junta with no legitimacy, no regard for the sanctity of human life, and no respect for its fellow citizens. It provides even further evidence that the junta does not fear any consequences for its actions—not from internal chaos, not from civil war, not from its neighbors, not from the so-called international community.

The United States has led efforts to support Burma's people and to impose costs and consequences on the junta. Clearly, it is time for Burma's neighbors to shoulder a larger burden as well. It is time for ASEAN states to step up, individually and collectively.

As the junta plunges Burma deeper into chaos and civil war, the turmoil will affect the entire region. It is Burma's neighbors who have the most economic influence over the junta, and it is Burma's neighbors who have the most at stake.

Do they want a failed state wracked by civil war like Syria on their borders? Do they want a Russian- or Chinese-backed client state in their midst?

If they will not step up and impose meaningful costs on the junta, the Biden administration should use authorities already given to it by Congress to sanction Burma's energy sector, including Myanmar Oil and Gas Enterprise, notwithstanding the concerns of those neighbors.

The people of Burma are risking their lives and, in some cases, losing their lives to defend their freedom. The Biden administration claims to prioritize democracy and human rights in its foreign policy. Here is an opportunity to demonstrate that it means what it says.

So in sum, it is time for Burma's neighbors to act. If they do not, the Biden administration should sanction Burma's energy and other major sources of revenue for the junta.

The ACTING PRESIDENT pro tempore. The majority whip.

JANUARY 6 HEARINGS

Mr. DURBIN. Madam President, like 17 million other Americans, I watched the January 6 committee in its latest session last Thursday night. For 2 hours, I was there watching closely as they presented witnesses and evidence of the obvious. It reminded me that our committee—the Senate Judiciary Committee—last October released a report that showed in alarming detail how former President Donald Trump tried to bully the Justice Department into overturning an election which he lost.

Our report showed just how aggressively the defeated President tried to hold on to power, how some with the Justice Department were actually conspiring to help him, and how hard the Department's leadership had to work to prevent Trump's illegal scheme from succeeding.

We knew when we produced our report that it was just one chapter in an intricate plot to subvert America's democracy.

In eight public hearings over the last 6 weeks, the House Select Committee to Investigate the January 6 Attack on the U.S. Capitol has laid out in clear and chilling detail more chapters in the plot to overturn the 2020 Presidential election.

The facts are damning. What makes them even more shocking and credible is that they have been revealed, under oath, not by former President Trump's political foes but by people who once believed in him—people who worked with him for years, close aides, advisers, even his own family members.

I am sure you remember January 6, 2021. Those of us who were in this Chamber will never forget it.

We were here in the Senate to count the electoral ballots forwarded from the States to the Senate and the House to confirm the results of the 2020 Presidential election. We heard the furious mob outside. They attacked Capitol Police officers with hockey sticks, iron bars, toxic bear spray, flagpoles—whatever weapons they could find. The Trump mob was on the march. They smashed windows and doors, broke into this Capitol Building.

Capitol Police officers ordered the Senators to evacuate the Chamber immediately. I remember it well. They first told us: Well, wait here. This will be a safe room. Ten minutes later, they said: Leave through these back doors as quickly as you can; the mob has taken over the Capitol. We rushed to a secure location.

For hours, as the Capitol Police and DC Metropolitan Police battled the mob in brutal hand-to-hand combat, we asked the same questions: Where is the protection? Where is the National Guard? Where is the President? Donald Trump set this carnage in motion by riling up his supporters with the Big Lie and ordering them to march on the Capitol. We thought to ourselves, Why won't he tell them to stop? This has gone too far.

The public hearings of the January 6 Committee have answered the question in frightening detail. Where was the President? We now know from last Thursday's hearing, Donald Trump knew within 15 minutes of finishing his remarks that the mob was on its way to attack this building and the people inside. What did he do? What did Donald Trump do for 3 hours 7 minutes? He sat in his private dining room next to the Oval Office watching the violence

on TV. He refused to contact his national security leaders to defend the Capitol of the United States of America. He refused pleas from congressional leaders of both parties, from his own staff and family, from his allies in the media at FOX News to call off the mob. He refused to walk less than 60 seconds to the White House briefing room to make a simple statement asking for the violence to stop. He was silent, and he watched FOX News every second of that 3 hours 7 minutes.

We learned that members of Vice President Pence's Secret Service detail actually thought that they might die as they confronted this mob. As some of those agents made what they feared might be their last calls to their families to tell them that they loved them, President Donald Trump sent out a tweet telling the mob Vice President Pence had betrayed them. Instead of calming the riot, Donald Trump poured gasoline on the fire.

Illinois Representative ADAM KINZINGER, a Republican member of the January 6 Committee, summed it up well. He said:

Trump didn't fail to act . . . he chose not to act.

Only when it was clear that his coup had failed did Donald Trump reluctantly record a video telling his supporters to leave the Capitol and go home. And he carefully chose his words—we can tell from the outtakes—not to concede the Big Lie. There was not a word of condemnation about the violence, not a word of concern for the police officers who battled that mob to protect our safety and our democracy. More than 140 police officers—Capitol Police, DC Metropolitan Police—suffered serious injuries on January 6. Where is this President who loved law and order? Silently watching on FOX.

Over the next few days and weeks, sadly, several officers who defended the Capitol died. Not a word from former President Trump.

In the committee's earlier hearings, we learned how the President had ignored his own aides and advisers and relentlessly pressed false claims of voter fraud, listening to his ''gifted'' legal counsel, Rudy Giuliani, even when he was told repeatedly that these claims were wrong.

We learned how he pressured Vice President Pence to go along with the plan to overturn his loss even after he was told by the experts around him: President Trump, it would be illegal.

We learned how President Trump pressed elected leaders in key States to change the vote totals in their States. When that failed, he pressed allies to send false slates of electors that would make him the winner.

He learned how to summon a mob to Washington and turned them loose on this building, even after being told the mob was carrying weapons. And even after all the harm his Big Lie has done to our democracy, he is still relentlessly peddling it.

Outtakes aired by the House committee last week showed on the day of insurrection, he still refused to say the election is over. This little man just can't bring himself to accept reality.

Wisconsin's Assembly Speaker, who happens to be a Republican, said Donald Trump called him to urge him to overturn the State's vote in the 2020 election. When did he call him? Two weeks ago. He is still on a rampage.

The Senate will soon consider a bipartisan Electoral Count Reform Act to make it plain that a Presidential election cannot be overturned by wrongful partisan interference by a Vice President or any State or congressional officials. I support this effort. Senators KLOBUCHAR, KING, and I offered our own ideas several months ago on this anticipated Electoral Count Act reform. I hope that this bipartisan effort can get 60 votes in the Senate.

I hope that 10 Republicans will join us in modernizing this law so it works for today. It was written in haste in the middle of political controversy in the 19th century. Some of the sections of that law are almost unintelligible. Let's clarify it. Let's give the American people an assurance that we learned a lesson on January 6, 2021, and in the election that preceded it. And in that lesson, we learned that the American people want their votes to count accurately, honestly, and fairly.

Ultimately, however, the only way we can protect our elections and our democracy is by respecting the rule of law and the will of the American people and telling them the truth. By laying out the truth clearly for the American people and for history, the January 6 Committee is performing an invaluable public service. They deserve our respect.

One closing comment. There wasn't supposed to be a committee in the House. Madam President, you remember and I do, too, the proposal was for a bipartisan Commission to be created to investigate this travesty on January 6 as they investigated 9/11—take politics out of it, take elected officials out of it, bring together people who are respected from across the political spectrum, and get to the bottom of it. That proposal for a bipartisan Commission was stopped by Republican leadership in the House and the Senate. After all of the statements they made expressing outrage over January 6, when it came time to appoint the Commission—bipartisan Commission—they refused. There is only one conclusion you can draw: They don't want to face the truth. They don't want the truth to be on the record from a bipartisan Commission. Luckily, in the House of Representatives, the January 6 Committee has achieved that, and there is more to come.

I might add, people say: Why didn't the Senate Judiciary Committee take this on? That is a very valid question. The difference is this. In order to issue a subpoena from the Senate Judiciary Committee in such a committee hearing, we need to have agreement from at least one Republican member of the committee. We had no assurance that that agreement would be offered. So I supported the January 6 Committee in the House, and I am glad that they moved forward as they have.

ABORTION

Madam President, it was a month ago the Dobbs decision was handed down. One of the most controversial issues in American politics is the issue of abortion and reproductive health.

We know that Justice Alito's opinion, a 6-to-3 decision, overturned Roe v. Wade. Since then, we have been trying to sort out the impact of that decision on America. There are many things that have happened which have been shocking—the fact that they have called into question some of the things that we had accepted for 50 years as constitutionally guaranteed rights.

Yes, there was a 10-year-old girl who was viciously raped and turned up pregnant in the State of Ohio. And, yes, under the law in the State of Ohio because she was 6 weeks 3 days pregnant, she couldn't qualify for a procedure to terminate her pregnancy in the State of Ohio. She had to go to Indiana, the neighboring State. There were those who disputed that it ever happened and denied that such a thing could occur. As it turned out, they were wrong. It did happen. I was saddened to read that one of the leaders in the right to life movement said she should carry that baby to term—a 10-year-old girl.

Madam President, I am sure you have seen a lot of 10-year-old young people. I have seen them, too, even in my household, one of my grandchildren. At that age, you are still questioning whether they can cross a busy street without help. And to think someone would say she should carry that baby to term ignores her own health and ignores the reality of that situation. That is the kind of rhetoric we are hearing from people who are proposing a national ban on abortions.

I was reading this morning an article in the New York Times.

Madam President, I ask unanimous consent to have this New York Times article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AFTER ROE, URGENT QUESTIONS ABOUT CANCER CARE

(By Gina Kolata)

In April of last year, Rachel Brown's oncologist called with bad news—at age 36, she had an aggressive form of breast cancer. The very next day, she found out she was pregnant after nearly a year of trying with her fiancé to have a baby.

She had always said she would never have an abortion. But the choices she faced were wrenching. If she had the chemotherapy that she needed to prevent the spread of her cancer, she could harm her baby. If she didn't have it, the cancer could spread and kill her. She had two children, ages 2 and 11, who could lose their mother.

For Ms. Brown and others in the unlucky sorority of women who receive a cancer diagnosis when they are pregnant, the Supreme

Court decision in June, ending the constitutional right to an abortion, can seem like a slap in the face. If the life of a fetus is paramount, a pregnancy can mean a woman cannot get effective treatment for her cancer. One in a thousand women who gets pregnant each year is diagnosed with cancer, meaning thousands of women are facing a serious and possibly fatal disease while they are expecting a baby.

Before the Supreme Court decision, a pregnant woman with cancer was already ''entering a world with tremendous unknowns,'' said Dr. Clifford Hudis, the chief executive officer at the American Society of Clinical Oncology. Now, not only the women but also the doctors and hospitals that treat them, are caught up in the added complications of abortion bans.

''If a doctor can't give a drug without fear of damaging a fetus, is that going to compromise outcomes?'' Dr. Hudis asked. ''It's a whole new world.''

Cancer drugs are dangerous for fetuses in the first trimester. Although older chemotherapy drugs are safe in the second and third trimesters, the safety of the newer and more effective drugs is unknown and doctors are reluctant to give them to pregnant women.

About 40 percent of women who are pregnant and have cancer have breast cancer. But other cancers also occur in pregnant women, including blood cancers, cervical and ovarian cancer, gastrointestinal cancer, melanoma, brain cancer, thyroid cancer and pancreatic cancer.

Women with some types of cancer, like acute leukemia, often can't continue with a pregnancy if the cancer is diagnosed in the first trimester. They need to be treated immediately, within days, and the necessary drugs are toxic to a fetus.

''In my view, the only medically acceptable option is termination of the pregnancy so that lifesaving treatment can be administered to the mother,'' said Dr. Eric Winer, the director of the Yale Cancer Center.

Some oncologists say they are not sure what is allowed if a woman lives in a state like Michigan, which has a law that criminalized most abortions but permits them to save the life of the mother. Does leukemia qualify as a reason for an abortion to save her life?

''It's so early we don't know the answer,'' said Dr. N. Lynn Henry, an oncologist at the University of Michigan. ''We can't prove that the drugs caused a problem for the baby, and we can't prove that withholding the drugs would have a negative outcome.''

In other words, doctors say, complications from a pregnancy—a miscarriage, a premature birth, birth defects or death—can occur whether or not a woman with cancer takes the drugs. If she is not treated and her cancer gallops into a malignancy that kills her, that too might have happened even if she had been given the cancer drugs.

Administrators of the University of Michigan's medical system are not intervening in cancer treatment decisions about how to treat cancers in pregnant women, saying ''medical decision making and management is between doctors and patients.''

I. Glenn Cohen, a law professor and bioethicist at Harvard, is gravely concerned.

''We are putting physicians in a terrible position,'' Mr. Cohen said. ''I don't think signing up to be a physician should mean signing up to do jail time,'' he added.

Oncologists usually are part of a hospital system, Mr. Cohen said, which adds a further complication for doctors who treat cancers in states that ban abortions. ''Whatever their personal feelings,'' he asked, ''what are the risks the hospital system is going to face?''

''I don't think oncologists ever thought this day was coming for them,'' Mr. Cohen said.

Behind the confusion and concern from doctors are the stories of women like Ms. Brown.

She had a large tumor in her left breast and cancer cells in her underarm lymph nodes. The cancer was HER2 positive. Such cancers can spread quickly without treatment. About 15 years ago, the prognosis for women with HER2 positive cancers was among the worst breast cancer prognosis. Then a targeted treatment, trastuzumab, or Herceptin, completely changed the picture. Now women with HER2 tumors have among the best prognoses compared with other breast cancers.

But trastuzumab cannot be given during pregnancy.

Ms. Brown's first visit was with a surgical oncologist who, she said, ''made it clear that my life would be in danger if I kept my pregnancy because I wouldn't be able to be treated until the second trimester.'' He told her that if she waited for those months her cancer could spread to distant organs and would become fatal.

Her treatment in the second trimester would be a mastectomy with removal of all of the lymph nodes in her left armpit, which would have raised her risk of lymphedema, an incurable fluid buildup in her arm. She could start chemotherapy in her second trimester but could not have trastuzumab or radiation treatment.

Her next consult was with Dr. Lisa Carey, a breast cancer specialist at the University of North Carolina, who told her that while she could have a mastectomy in the first trimester, before chemotherapy, it was not optimal. Ordinarily, oncologists would give cancer drugs before a mastectomy to shrink the tumor, allowing for a less invasive surgery. If the treatment did not eradicate the tumor, oncologists would try a more aggressive drug treatment after the operation.

But if she had a mastectomy before having chemotherapy, it would be impossible to know if the treatment was helping. And what if the drugs were not working? She worried that her cancer could become fatal without her knowing it.

She feared that if she tried to keep her pregnancy, she might sacrifice her own life and destroy the lives of her children. And if she delayed making her decision and then had an abortion later in the pregnancy, she feared that the fetus might feel pain.

She and her fiancé discussed her options. This pregnancy would be his first biological child.

With enormous sadness, they made their decision—she would have a medication abortion. She took the pills one morning when she was six weeks and one day pregnant, and cried all day. She wrote a eulogy for the baby who might have been. She was convinced the baby was going to be a girl, and had named her Hope. She saved the ultrasound of Hope's heartbeat.

''I don't take that little life lightly,'' Ms. Brown said.

After she terminated her pregnancy, Ms. Brown was able to start treatment with trastuzumab, along with a cocktail of chemotherapy drugs and radiation. She had a mastectomy, and there was no evidence of cancer at the time of her surgery—a great prognostic sign, Dr. Carey said. She did not need to have all of her lymph nodes removed and did not develop lymphedema.

''I feel like it has taken a lot of courage to do what I did,'' Ms. Brown said. ''As a mother your first instinct is to protect the baby.''

But having gone through that grueling treatment, she also wondered how she could ever have handled having a newborn baby and her two other children to care for.

''My bones ached. I couldn't walk more than a few steps without being out of breath. It was hard to get nutrients because of the nausea and vomiting,'' she said.

The Supreme Court decision hit her hard.

''I felt like the reason I did what I did didn't matter,'' she said. ''My life didn't matter, and my children's lives didn't matter.''

''It didn't matter if I lost my life because I was being forced to be pregnant,'' she said.

Mr. DURBIN. I want to read this because it tells you the complications that have been created by what seemed like a very simple decision overturning a previous Supreme Court case. This writer, Gina Kolata, wrote an article entitled ''After Roe, Urgent Questions About Cancer Care.'' It was in Sunday's New York Times, July 24, 2022. I was struck by this article because it suggests the complexity of this issue and the real-world impact of this decision:

In April of last year, Rachel Brown's oncologist called with bad news—at age 36, she had an aggressive form of breast cancer. The very next day, she found out she was pregnant after nearly a year of trying with her fiance to have a baby.

She had always said she would never have an abortion. But the choices she faced were wrenching. If she had the chemotherapy that she needed to prevent the spread of her cancer, she could harm the baby. If she didn't have it, the cancer could spread and kill her. She had two children, ages 2 and 11, who would lose their mother.

For Ms. Brown and others in the unlucky sorority of women who receive a cancer diagnosis when they are pregnant, the Supreme Court decision in [Dobbs], ending the constitutional right to an abortion, can seem like a slap in the face. If the life of a fetus is paramount, a pregnancy can mean a woman cannot get effective treatment for her cancer. One in a thousand women who gets pregnant each year is diagnosed with cancer, meaning thousands of women are facing a serious and possibly fatal disease while they are expecting a baby.

Before the Supreme Court decision, a pregnant woman with cancer was already ''entering a world with tremendous unknowns,'' said Dr. Clifford Hudis, the chief executive officer at the American Society of Clinical Oncology. Now, not only the women but also the doctors and hospitals that treat them, are caught up in the added complications of abortion bans.

''If a doctor can't give a drug without fear of damaging a fetus, is that going to compromise outcomes?'' Dr. Hudis asked. ''It's a whole new world.''

Cancer drugs are dangerous for fetuses in the first trimester. Although older chemotherapy drugs are safe in the second and third trimesters, the safety of the newer and more effective drugs is unknown and doctors are reluctant to give them to [a] pregnant [woman].

This woman decided to terminate her pregnancy, take the cancer therapy, and save her life. She closes with the following statements:

But having gone through that grueling treatment, she also wondered how she could ever have handled having a newborn baby and her two other children to care for.

''My bones ached, I couldn't walk more than a few steps without being out of breath. It was hard to get nutrients because of nausea and vomiting,'' she said.

The Supreme Court decision hit her hard.

''I felt like the reason I did what I did didn't matter,'' she said. ''My life didn't

matter, and my children's lives didn't matter.

''It didn't matter if I lost my life because I was being forced to be pregnant,'' she said.

That is the reality today. I hear my colleagues come to the floor with absolute certain moral clarity on this issue. I have learned during the course of my life and my public life that there is not that element of certainty when it comes down to real life. And to jeopardize the health and safety, even the life of the mother in this circumstance, to leave doctors wondering if they have criminal liability for professional medical care is something this Nation should never see. But we face it now, and it is up to us to show leadership and come together, I hope, and bring back the constitutional protections that have been the case for 50 years in this country.

I yield the floor.

The PRESIDING OFFICER (Ms. DUCKWORTH). The Senator from Texas.

CHIPS ACT OF 2022

Mr. CORNYN. Madam President, as I was preparing to come to the floor, I was going to say we are going to have a vote tonight to proceed to fill a major gap in our national security, although it looks like Mother Nature and the weather may prevent a vote tonight, and it may be tomorrow. But, still, I expect in the next couple of days for us to address a major gap in our national security.

More than a year and a half after the original CHIPS Act became law, we are finally approaching the finish line in the race to fund it.

You may recall that it was June of 2020 that Senator WARNER, the senior Senator, a Democrat from Virginia, and I introduced the CHIPS for America Act to address a frightening supply chain vulnerability when it comes to the most advanced semiconductors in the world, 90 percent of which come from Asia, and 60 percent come from Taiwan.

Defense Secretary Lloyd Austin recently wrote a letter to congressional leaders saying that ''funding the CHIPS Act is critical to our national defense,'' and last week, former Secretary of State and CIA Director Mike Pompeo also urged Congress to pass this funding, saying:

> The cost of compromise on this bill pales in comparison to the costs we will suffer if we allow the Chinese Communist Party to one day own and control access to our most critical technologies.

I agree with both of these statements, one by a Democrat appointee, another by a Republican appointee.

Chips underpin virtually all the technology that we use that keeps us safe at home and protects our troops around the world. And for those not conversant with the role semiconductors play, these microprocessors underpin literally everything that has an off-and-on switch, and obviously our dependency on that kind of technology will do nothing but increase in the days and months and years ahead.

From our major military assets, like the F–35 Joint Strike Fighter, to everyday technologies that keep our troops safe, like advanced body armor, semiconductors are key. Keeping a ready and dependable supply chain of these defense assets requires a lot of semiconductors, and right now, we are mainly looking to other countries to manufacture them.

As a matter of fact, the United States of America makes zero percent of the most advanced semiconductors in the world. We depend on outsourcing virtually all of the manufacturing to other countries and produce none of them here. Roughly 75 percent of the semiconductor manufacturing globally is concentrated in China and East Asia, and 100 percent of the world's most advanced chipmaking capacity is located in only two places—Taiwan and South Korea. As I said, Taiwan commands 92 percent of the world's advanced chipmaking, and the United States makes zero.

You might wonder, How did we find ourselves in this situation? Well, I think it was probably the supply chain vulnerabilities that we saw from COVID–19 that called into question this assumption that just because something could be made cheaper somewhere else in the world, that that necessarily checked all the boxes. Well, it does if all you are depending on is China to make toys for our children or other nonessential items, but when you are talking about the very brains behind the technology we need, ranging from our cell phone, as I said, to our most sophisticated military weapons, it does not check all the boxes to say we will just import those from abroad, where they can be made cheaper, because that vulnerable supply chain, if disrupted, could cause not only a severe economic depression in America but also threaten our national security directly.

If access to those chips were cut off or restricted, we would be up a creek without a paddle. We couldn't produce a stockpile of Javelin missiles to supply Ukraine or produce the radios and communications devices that keep our troops and our allies connected. That is why shoring up this domestic supply, this manufacturing capacity, is a key national security priority, and this is the best way to protect one of our most critical supply chains and ensure our military readiness will not be compromised by the People's Republic of China or the Chinese Communist Party, which has threatened, by the way, to invade Taiwan, where the vast majority of these advanced semiconductors are made. But it wouldn't necessarily require a military intervention. It could be another pandemic, it could be a natural disaster—anything that might block our access to these advanced semiconductors.

While closing that national security gap is the top priority here, we can't ignore major economic consequences that this legislation will deliver as well.

When I introduced this legislation with Senator WARNER from Virginia, who is chairman of the Senate Intelligence Committee, on which I also serve, our focus was on national security. Obviously, many of our States will be winners when it comes to the economic consequences of this legislation as well. Texas has been, for example, a longstanding leader in the semiconductor industry and is home to more than 200 chip manufacturing facilities that employ 29,000 Texans. For years, our State has reaped the benefits of semiconductor manufacturing. Most of these are what are called legacy chips. They are the older chips where you are not as concerned about miniaturization or compactness or power—things that, for example, run our refrigerators or TV sets or other consumer electronics or maybe even our cars.

We are already seeing the types of investments that this chips bill will finally bring. Earlier this summer, Texas Instruments, in the metroplex in Dallas-Fort Worth, broke ground on the first of four new fabs in Sherman, TX, about an hour north of Dallas. This is part of a $30 billion investment that is expected to create some 3,000 more jobs. The mayor of Sherman, where this is located in Northeast Texas, described it as ''a watershed day,'' noting that ''it's hard to have a frame of reference for a $30 billion investment in a town of 50,000 people.''

Sherman isn't the only town in Texas preparing for a major chips boom. Last fall, I joined leaders from Samsung—a South Korean company with a large facility already in Austin, TX—when they announced a $17 billion additional investment in a new chip fab in Taylor, TX, just outside of Austin. That facility is expected to directly create more than 2,000 high-tech jobs, as well as thousands of other related jobs, once it is operational because these fabs, or manufacturing facilities, are not standalone; they are part of what ultimately will become an ecosystem of suppliers and other affiliated industries that will be built up around them, creating thousands more jobs.

But we also learned from Samsung that they are not likely to stop there if we pass this CHIPS for America funding this week. Samsung is currently considering whether to expand its investment to include 11 new chipmaking facilities in Central Texas.

If it moves forward with this plan, which, again, depends on our passage of this legislation this week, it could lead to nearly $200 billion in additional investments and create 10,000 jobs.

I know that is tough to comprehend—the economic growth and sweeping benefits that would come with a $200 billion investment and 10,000 new jobs; but as exciting as these potential investments are, there is something even better. This is just the beginning.

Companies around the world are eyeing Texas and the United States for new investments in chipmaking. Applied Materials, NXP Semiconductors,

Infineon, GlobalWafers, GlobiTech, and a number of other companies are looking at building or expanding their facilities in Texas or other parts of the country.

GlobalFoundries, for example, is investing $1 billion to boost production in New York. Intel plans to build a $20-billion facility of two fabs in Ohio. And Taiwan Semiconductor Manufacturing Company—TSMC, as it is called—is building a $12-billion plant in Arizona. They have already broken ground on that plant, but they made it clear that their willingness to make that investment and complete that fab will depend on our passage of the CHIPS for America Act.

And once this legislation passes, I expect more good news to follow. This is not just good news for our individual States, but also for our national economy and our global competitiveness.

We are not used to providing these kinds of financial incentives to businesses, but when it costs 30 percent less to build these manufacturing facilities across the seas in Asia and our access to that supply chain is potentially jeopardized by very real threats, it is a necessary investment for us to make. And we are seeing other places around the world providing similar incentives, for example, in the European Union. But that doesn't necessarily solve our supply chain problem. We need the jobs and that investment here in America for us to be truly safe and secure and to reap the economic benefits of this investment.

On the economic front, this funding has the support of many groups on the outside, including the bipartisan support that I mentioned earlier; in my State, the Texas Association of Business; the U.S. Chamber of Commerce, for example; and we have heard from the National Governors Association, which is a bipartisan organization of U.S. Governors; as well as the U.S. Conference of Mayors, which represent State and local leaders across the country.

My Governor, Governor Abbott, called this bill ''an opportunity to lock even greater economic potential.''

So I am proud to support this legislation. After all this time, I will be especially glad when the finish line is in sight and we cross it successfully later this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, like the Senator from Texas, I wish to speak about the so-called chips bill, but my perspective is, to say the least, a little bit different.

To my mind, what the chips bill represents is the question of whether or not we will have priorities in this country that represent the needs of working families and the middle class or whether this institution, the entire Congress, is totally beholden to wealthy and powerful corporate interests.

I do not argue with anyone who makes the point that there is a global shortage in microchips and semiconductors, which is making it harder for manufacturers to produce the cars, the cell phones, the household appliances, and the electronic equipment that we need. This shortage is, in fact, costing American workers good-paying jobs and raising prices for families. And that is why I personally strongly support the need to expand U.S. microchip production.

But the question that we should be asking is this: Should American taxpayers provide the microchip industry with a blank check—blank check—of over $76 billion at the same exact time when semiconductor companies are making tens of billions of dollars in profits and paying their CEOs exorbitant compensation packages?

That really is one of the questions that we should be asking, and I think the answer to that is a resounding no. This is an enormously profitable industry.

According to an Associated Press article that I read today, Senator ROMNEY, reflecting the views, I think, of many—I think Senator CORNYN made the same point—but Senator ROMNEY was quoted as saying that when other countries subsidize the manufacturing of high technology chips, the United States must join the club—must join the club.

''If you don't play like they play, then you are not going to be manufacturing high technology chips, and they are essential for our national defense as well as our economy,'' Senator ROMNEY said.

Now, I find the position of Senator ROMNEY and others to be really quite interesting because I personally have been on this floor many, many times urging the Senate to look to other countries around the world and learn from those countries. And what I have said is that it is a bit absurd that here in the United States we are the only major country on Earth not to guarantee healthcare to all of their people. And Senator ROMNEY says ''join the club,'' and I agree. Let's join the club and not spend twice as much per capita on healthcare as the Canadians, as the British, as the French. Let's join that club and guarantee healthcare to all people, rather than making the insurance companies billions in profits every single year.

Senator ROMNEY says ''join the club,'' and I agree. We should join the club in terms of higher education. Germany today, and other countries around the world, make sure that their young people can go to their colleges and universities tuition-free so that they don't have to leave school 40, 50, or $100,000 in debt. Let's join the club. Let's do what Germany and other countries are doing, which makes eminent sense in every sense of the word. Let's guarantee the right of all of our kids, regardless of their income, to get a higher education. Let's join the club.

And there is another club that I think we might want to join, among many others. We are the only major country—virtually the only country on Earth—that does not guarantee paid family and medical leave. There are women today in the United States of America having a baby, and they will be back at work in a week because they need the income—no guaranteed paid family medical leave. There are people getting fired today because their kids are sick. They have to make the choice whether they hang on to their jobs or take care of their sick kids.

Let's join the club. Let's do what not only every major country on Earth does in terms of guaranteed paid family and medical, but what virtually all countries, including some of the poorest, in the world do.

But I gather the problem is that to join those clubs in terms of universal healthcare, in terms of paid family and medical leave, in terms of free tuition and public colleges and universities, we are going to have to take on powerful special interests, and they make campaign contributions. And that is not what the Senate does.

When it comes to joining the club with other countries giving blank checks to large corporations, that is a club that, unfortunately, many of my colleagues here feel comfortable in joining.

So, apparently, when corporate America needs a blank check of $76 billion, we do what other countries are doing.

There is a lot of talk about the microchip crisis facing this country but, amazingly enough, very little discussion about how we got to where we are today. One might ask: OK, if there is a crisis, how did it happen? Well, let's review some recent history. This is really quite amazing.

Over the last 20 years, the microchip industry has shut down over 780 manufacturing plants and other establishments in the United States and eliminated 150,000 American jobs while moving most of its production overseas. And, by the way, they did that after they received a Federal grant and loans much smaller than what we are talking about today.

So here is the absurd situation that we are in. The crisis is caused by the industry shutting down in America and moving abroad. And today, what we are doing is saying: We are going to give you a blank check to undo the damage that you did.

Let me just give you a few examples. We don't have a whole lot of information on this. Between 2010 and 2014, Intel laid off approximately 1,400 workers from the Rio Rancho, NM, chip facility and offshored 1,000 jobs to Israel. According to the Oregon Bureau of Labor and Industry, Intel laid off more than 1,000 workers in Oregon between 2015 and 2016. Texas Instruments outsourced 400 jobs from their Houston manufacturing facility to the Philippines in 2013. Micron Technology has repeatedly cut jobs in Boise, ID, including 1,100 in 2003 and another 1,100 in

2007; 1,500 in 2008; and in 2009, the company stopped manufacturing some types of chips entirely and laid off 2,000 workers.

In other words, in order to make more profits, these companies took government money and used it to ship good-paying jobs abroad. Now as their reward for causing the crisis that we are in, these same companies are in line to receive a massive taxpayer handout to undo the damage they did.

Wow, that is a heck of a policy. You bribe companies to undo the damage that they caused.

It is estimated in total that five major semiconductor companies will receive the lion's share of this taxpayer handout: Intel, Texas Instruments, Micron Technology, Global Boundaries, and Samsung. These five companies alone made $70 billion in profits.

You know, I find it interesting. I have heard Senators here on the floor talk about entitlements. When we help working people, when we help poor people, there are all kinds of requirements—work requirements, reporting requirements, drug testing requirements, you name the requirements when the Federal Government helps working people or low-income people.

Well, what are the requirements attached to this handout for large profitable corporations? The answer is zero.

The company that will likely benefit the most from this taxpayer assistance is Intel. In 2021, last year, Intel made nearly $20 billion in profits.

You know, it just does astound me. You have heard people come to the floor and say: We can't help working parents with their kids. We don't believe in those entitlement programs. We can't guarantee healthcare to all people. We are not an ''entitlement society.'' But a company that, last year, made $20 billion in profits, they are entitled to what we estimate will be between $20 and $30 billion in Federal funding. During the pandemic and during the last several years, Intel had enough money to spend $16.6 billion not on research and development, not on building new plants in America but on buying back its own stock to reward its executives and wealthy shareholders. So here is the absurd moment that we are in. As I mentioned a moment ago, it is estimated that Intel will receive between $20 and $30 billion in Federal funding. Yet, within the last several years, the same company spent over $16 billion on stock buybacks, and there is no guarantee in this bill that they and other companies that receive these grants will not continue to do stock buybacks.

This is the way a corrupt political system works, and I hope everybody understands it.

Over the past 20 years, Intel has spent over $100 million on lobbying and campaign contributions. That is a lot of money, $100 million, but this is what a corrupt political system is about. For $100 million in lobbying and campaign contributions, they are going to get at least $20 billion in corporate welfare. That, I would argue, is a pretty good investment. That is what goes on here not only with the microchip industry but with the pharmaceutical industry, the fossil fuel industry, the insurance industry—huge amounts of money in lobbying and campaign contributions. The pharmaceutical industry has 1,500 paid lobbyists right now, right here in Washington, DC, which is why we pay the highest prices in the world for prescription drugs.

I find this extraordinary. Maybe I am the only person here who does, but, to me, it is rather amazing.

A little over a week ago, the CEO of Intel, a gentleman named Pat Gelsinger, who earns something like $179 million a year in compensation—not a bad salary—did an interview on CNBC's ''Squawk Box'' program. I think to listen to that interview tells us everything we need to know about oligarchy and arrogance and the state of American politics.

This is what Mr. Gelsinger said on TV. I love this.

My message—

Mr. Gelsinger's message—

to congressional leaders is ''Hey, if I'm not done with the job, I don't get to go home. Neither should you. Do not go home for August recess until you have passed the CHIPS Act. Because—

Now listen to this—

''I and others in the industry will make investment decisions. And do you want those investments in the U.S. or are we simply not competitive enough to do them here and we''—

The industry—

''need to go to Europe or Asia for those? Get the job done. Do not go home for August recess without getting these bills passed.''

In other words, what he is telling you is, point blank, who is the puppet and who is the puppeteer. Don't go home this August until you give us $76 billion because, if you don't do that, we are going to go to Asia, and we are going to go to Europe.

That is the state of American politics—and not only of American politics, I would say. It is equally true in other countries that are also held hostage by large, multinational corporations.

Let us be clear. The CEO of Intel is saying, if you don't give his industry a $76 billion blank check and his particular company up to $30 billion, that despite, no doubt, their profound love for America—I am sure they have got big American flags all over the place and their patriotism and their concern for the needs of the military and the healthcare industry, which, in fact, need these sophisticated chips. If we do not give them this bribe despite their love of America and their concern about our national defense—you heard Senator CORNYN talking about national defense, and he is right in that this is a national defense issue. Despite all of that and all of their love for America, they are willing to go to Asia and go to Europe in order to make even more money.

As I said last week, I am, thankfully, not a lawyer, but that sure sounds like extortion to me. Mr. Gelsinger's words sure sound like extortion. What he is saying is, if you don't give his industry $76 billion, they are out. They are not going to build in the United States, and they are going to go abroad.

So I have a few questions for Mr. Gelsinger and the other microchip CEOs.

If Intel and the others receive a corporate welfare check from the taxpayers of America, are they willing to commit today that they will not outsource American jobs overseas? Yes or no?

If this legislation passes, will Intel and the others commit today that they will not spend another penny on stock buybacks to enrich wealthy shareholders but will, instead, spend that money to create jobs in the United States?

If this legislation goes into effect, will Intel and the others commit today that they will stay neutral in any union organizing campaign, like the one being waged at Intel's microchip plant in Hillsboro, OR?

If this legislation goes into effect, will Intel and the others commit today that they are prepared to issue warrants for the Federal Government so that the taxpayers of America get a reasonable return on their investments?

These grants are going to provide a whole lot of profit for these companies. It seems to me the taxpayers should benefit as well.

If Intel and the others were prepared to say yes to any of these questions, I don't think that they would be lobbying against my amendment to impose these very same conditions to this legislation.

Let me simply conclude by saying this: I worry not only about this bill; I worry about the precedent that it states, that it allows. What the precedent is, is that any company that is prepared to go abroad and that has ignored the needs of the American people will then say to the Congress: Hey, if you want us to stay here, you had better give us a handout.

We manufacture virtually all of our laptop computers in China. We manufacture virtually all of our cell phones in China. Pass this legislation, and I expect all of these guys and others will be back here, saying: We want for our industry what you did for the microchip industry.

So the bottom line is here: Yes, we need to rebuild the microchip industry in the United States but not as a handout. Let us sit down and work on intelligent industrial policy. Let us work on a series of agreements that protect the American taxpayer and American workers and not just wealthy stockholders.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

CHIPS ACT OF 2022

Mr. SCHUMER. Madam President, today, the Senate had planned to move

forward to end the debate on the bipartisan chips and innovation bill. Unfortunately, a number of severe thunderstorms on the East Coast have disrupted the travel plans of a significant number of Senators. To give Members a chance to get back into town safely, I am going to delay tonight's vote on the bipartisan chips and innovation bill until tomorrow morning. I remain hopeful that we can remain on track to finish this legislation ASAP.

PACT ACT OF 2022

Madam President, in the meantime, I will now file cloture on another bill that will dramatically improve the lives of millions of American veterans, the PACT Act, which, when signed into law, will be one of the biggest expansions of veterans' healthcare benefits in decades.

As my colleagues already know, because of a technical error, the House of Representatives was unable to take up our version of this bill that we passed in the spring. The House has now fixed their error and has returned the PACT Act back to the Senate. By filing cloture, we should be able to pass this bipartisan piece of legislation before the week is done.

Our nation's veterans have waited long enough to get the benefits they need to treat complications from toxic exposure in the line of duty. So we have every reason in the world to get this bill done with the same bipartisan support as the first time around.

Again, I want to thank particularly Senators TESTER and MORAN, who led the way to pass this bill earlier this year, thank all of our colleagues and our veterans and veterans service organizations for helping push this bill through Congress.

UNANIMOUS CONSENT AGREEMENT—H.R. 4346

Madam President, now I ask unanimous consent that notwithstanding rule XXII, the cloture vote with respect to H.R. 4346 occur at a time to be determined by the majority leader, following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. For the information of the Senate, we expect the cloture vote with respect to the CHIPS and science legislation to occur around 11 o'clock a.m. tomorrow, Tuesday, July 26.

CLOTURE MOTION

Mr. SCHUMER. Now, Madam President, I have a cloture motion to the motion to concur at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendment to S. 3373, a bill to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant.

Charles E. Schumer, Jon Tester, Ben Ray Luján, Richard Blumenthal, Robert P. Casey, Jr., Tina Smith, John W. Hickenlooper, Mazie K. Hirono, Mark R. Warner, Debbie Stabenow, Jack Reed, Tammy Baldwin, Jacky Rosen, Raphael G. Warnock, Tammy Duckworth, Christopher Murphy, Mark Kelly.

Mr. SCHUMER. I ask unanimous consent that the mandatory quorum call for the cloture motion filed today, July 25, be waived.

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

HOMICIDE VICTIMS' FAMILIES' RIGHTS ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 3359 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 3359) to provide for a system for reviewing the case files of cold case murders at the instance of certain persons, 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 bill 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 bill (H.R. 3359) was ordered to a third reading, was read the third time, and passed.

Mr. SCHUMER. I yield the floor.

PACT ACT OF 2022—Continued

The PRESIDING OFFICER. The Senator from Ohio.

CHIPS ACT OF 2022

Mr. BROWN. Madam President, I was in the Chamber and heard Senator SANDERS' speech. I appreciate his passion about globalization and what he and I—it brought back—and I spoke to him after he spoke. It brought back to me the memories of standing shoulder to shoulder—he in his second term, I in my first—against the North American Free Trade Agreement and then a few years later standing shoulder to shoulder with him in opposition to PNTR, Permanent Normal Trade Relations, with China.

And we know what that meant, especially in my State and especially in the industrial Midwest, especially in places that the Presiding Officer represents and places like East St. Louis and downstate Illinois and so much of the industrial plants that were steel, especially east of Chicago and Indiana and Illinois.

We are on the verge of a big win for Ohio, a win that will create jobs, will bring down prices, and bring home supply chains.

As a kid growing up in Ohio, I walked the halls of Johnny Appleseed Junior High School with the sons and daughters of union workers: electricians, electrical workers at Westinghouse, sons and daughters of autoworkers from General Motors and machinists from Ohio Brass and carpenters and pipefitters and electricians who built our city and service these large companies.

But by the time I graduated from Mansfield Senior High School, those plants were shutting down one after another. Why? Because corporate America wanted cheap labor.

First, they went to anti-union States in the South. A plant might shut down in Mansfield or Barberton, OH, and move to Alabama; a plant might shut down in Shelby, OH, or Springfield, OH, and move to Georgia; a plant might shut down in Toledo or in Wadsworth, OH, and move to North Carolina or Arkansas or Virginia. They went to anti-union States. They went to anti-union States with low wages. But do you know what? Then those CEOs, all paying themselves a really, really good income, raising—you could see already, then, the average pay for a worker. In those days, when I was, I guess, in junior high school, a CEO made about—the plant manager made about 25 times what the worker made or even a smaller proportion of that. Now it is hundreds of times what workers make because 25 times what workers made just wasn't enough for a lot of these companies.

So then they shut down a lot of these factories in the anti-union, right-to-work South, and they moved to Mexico. They wanted NAFTA to pass—the North American Free Trade Agreement—so they could do it. They wanted PNTR—the Permanent Normal Trade Relations with China—to pass so they could go to China; always in the name of efficiency, always in the name of we have just got to be more efficient, always in the name of efficiency. As you know, Madam President, ''efficiency'' is business school speak for ''pay our workers less.''

Those CEOs—and some of you remember these nicknames. These CEOs earned the names of ''Chainsaw Al'' and ''John the Cutter'' and ''Larry the Knife'' and ''Neutron Jack.'' To the CEOs themselves, they may kind of like those names, but they were not bestowed on them out of respect; they were given those nicknames because they were willing always to cut the pay of workers in Mansfield, OH, and hurt those families and partially destroy those communities. They were always willing to do that. So their companies made more money, and they got bigger paychecks, and all the executives in the corporate suites all did much, much better. The workers didn't, the communities didn't, but who really cared.

They lobbied Congress to make outsourcing easier, and politicians were all too happy to do their bidding; first, with NAFTA, as I said, then Permanent Normal Trade Relations with China. That transformation hollowed out manufacturing in Ohio and parts of the Presiding Officer's State in Illinois throughout the Midwest, and then—here is where it hits us most poignantly in our face today—ended up with too long, too fragile supply chains that stretched all over the world.

So, first, my friends' families, my friends' parents lost their jobs and ended up in jobs making a third less or half less, and the communities were never really—many of these communities never really recovered, these proud communities. But now, today, everyone is paying for those decisions to go overseas and to shut plants in Ohio and in the United States to go overseas. Now everyone is paying with higher prices.

Why? A big reason for the inflation we see today is decades of offshoring our supply chains. We need to bring that production back home.

That is what this bill is all about—investing more in America, making more in America, particularly the most critical inputs that cause the most problems right now, like semiconductors.

Think about that. Think about these American companies. They were founded in America. The investment, the research was done in America, but think about this technology that started in this country, was probably patented in this country, was developed by Americans or immigrants to our country, and got tax incentives from our country, but then these companies began to move offshore.

Today, semiconductors that were invented in the United States, 90 percent of them are made overseas. We only make 10 percent of semiconductors in this country. We make 10 percent of semiconductors, but we make zero percent of the highest end semiconductors because these companies all thought, Well, there are more profits overseas. That is the hand we are dealt now.

Over the past year, Ohio manufacturers have faced severe shortages and long waits for semiconductors. Ford and GM plants in Ohio are forced to implement short-term plant closures because of chip shortages.

Ohio manufacturers rely on semiconductors. They all suffer when there is a shortage. Let me just list some of these companies. I believe I have been in every one of these factories or these companies: Ford in Lima, OH, a city just like Mansfield where I grew up; Ford in Avon Lake, I used to live 3 miles from that plant; Jeep in Toledo, my wife and I drive a Jeep made in America with union workers; Navistar in Springfield; Whirlpool in Clyde, I have been to that plant maybe five or six times, fought alongside them on enforcing trade rules; Kenworth in Chillicothe; GE in Evandale, near Cincinnati; STERIS in Mentor; Nucor in Marion; ArcelorMittal in Cleveland; Cleveland-Cliffs in Toledo, in Coshocton, right across the river from Steubenville in Weirton, WV. Half the workers there are Ohioans.

These businesses and their workers need chips. The United States invented the semiconductor. We started the industry. Ninety percent are made overseas. We allowed that to happen because of the corruption of this place, where people were happy to vote to give tax breaks to companies to move overseas for whatever reason. Too many Presidents, from Trump all the way back to Clinton, went along with those corporate interests as those companies betrayed us and moved overseas.

What does that mean today? It means higher prices; it means backorders; and it means we are all paying too much for too many products.

The CHIPS Act is about reshoring those supply chains, investing in Ohio manufacturing, and bringing down prices for every American.

It is not enough to invent technology here. We have seen it over and over. Take a look at the label on a phone, on any smartphone. It probably says ''Developed in California,'' ''Made in China.'' ''Developed in California,'' that means the invention was in California, the research was in California with U.S. investment of tax dollars, one way or the other, but then they made it in China. Why? Because they wanted cheap labor, and they can make more money by making it in China. Now they raise the price because the supply chain is spread all over the world.

So we get tech jobs in Silicon Valley but not the production jobs we need throughout the country because, frankly, people on the coast don't think a lot about what is happening in the internal part of the country—and that is not good enough.

Our national security and our economic competitiveness depend on having a vibrant domestic manufacturing sector, not just a tech development sector on the coasts. When you outsource production, you outsource innovation along with it.

We keep doing this. It is not like these companies where the production is happening are stupid people. These are smart people too, and they are going to take our inventions and our innovation—because we know so much of innovation takes place on the shop floor—they are going to pass us with their brainpower and their innovation and their inventions.

Ohioans know that ideas and improvements come directly from the shop floor. That is why we were so good at it in the forties and fifties and sixties and seventies and eighties. It is why this bill invests in our great asset, the greatest asset, American innovation, American workers.

It allows Intel to move forward in Columbus—10,000 good-paying jobs up and down the supply chain. This historic investment is going to impact far more than just Central Ohio. When you establish an industry like this, it has ripple effects around the State, around the region, and around the country. It is not just these jobs, it is the way they attract other suppliers. They incubate talent that in turn attracts other business, the way it used to be in this country. It is just the beginning. We will see a lot more companies create a lot more jobs. Ohioans know how to make things. We know what that means.

For our country, it is a decision to invest in American ingenuity, American workers, American communities. It is a big win for Ohio. It is a big win for the American industrial Midwest. It is a big win for our country. It is what I have been fighting for my whole career: good-paying jobs. When you love this country, you fight for the people who make it work.

More manufacturing innovation, more technology stamped ''Made in Ohio''—it is how we bury the term ''Rust Belt.''

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. TUBERVILLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE ECONOMY

Mr. TUBERVILLE. Madam President, Americans across the country are canceling their vacations, watching their 401(k)s shrink, and they are worrying about their week's grocery bill. Families are making very tight budgets, and they are having to stick to them because the prices have risen to historic highs. The price of ground beef is 36 percent higher than it was this time last year, as much as a steak dinner this time last year if you are buying hamburger meat. Businesses are raising prices on consumers in order to make ends meet. And if the costs of goods and basic services weren't high enough, skyrocketing gas prices have driven everything even higher.

This is our economic reality of now and for the future for the next few years. My colleagues on the other side of the aisle and all of us need to start discussing ways to help our country and ease the economic strain, but we are not doing that this week or next week before we go on recess. For some reason, we are hatching plans to spend more taxpayer money to pay for progressive policies and programs that might be needed, but the American taxpayers need help, and they need it now. Americans are suffering, and the Federal Government is not doing its part to help in the economic plan.

Let's take a step back and talk about how our economy got to this point with record inflation. We all remember 2020. The economy was humming along, and then a global pandemic hit all around

our country and the world. It halted everything. It halted production. The economy was shut down. It came to a screeching halt—something none of us has ever seen.

But by the end of the year, the economy was showing signs of life. We were starting to open back up, and we were starting to move around, get people back to work, and get things hopefully back to normal in the very near future. As we rounded the corner, our Democratic colleagues, who took control of the House and the Senate and the White House, inherited an economy that wasn't great but was getting better. But instead of allowing free-market forces to return us to prosperity coming out of this pandemic, President Biden, in his rookie year of office, was like a kid in a candy store. I can remember it like it was yesterday.

He decided to go on a spending spree. He unveiled a plan to pump trillions of dollars into our Nation's economy in an unprecedented amount of government spending. Mere months after Congress passed the first COVID relief bill in December of 2020, our colleagues on the left began crafting a new bill for more Federal spending in early 2021—again, just a few months after the first COVID relief bill was passed in December.

The left disguised a litany of progressive policies and programs as pandemic relief—I will never forget it—pandemic relief. But in reality, as of now—$2 trillion—less than 9 percent of the bill was targeted to COVID-related spending—9 percent.

Larry Summers, who was Presidents Clinton and Obama's top economic adviser, said the Democrats' spending package ''set off inflationary pressures of a kind we have not seen in a generation.'' He was exactly right. But Democrats pressed forward anyway and passed their so-called COVID relief bill, amounting to almost $2 trillion in spending—2 trillion. The result: Inflation began to soar. This injection of Federal stimulus into an economy that was already recovering was an economic train wreck. A lot of people saw it coming, even the expert economists.

Production came to a screeching halt during the pandemic, causing supply to plummet. Democrats' efforts to pump excessive stimulus into the economy caused demand to skyrocket. In short, supply went down and demand went up. The result of low supply and high demand has been the worst inflation our Nation has seen in decades.

Despite President Biden's Treasury Secretary claiming that the inflationary spike was just going to be temporary, prices continued to climb. And despite the very real, very clear evidence that their spending was the cause, Democrats moved into the fall of last year engaged in a discussion of even spending more.

In November 2021, Majority Leader SCHUMER said: ''Want to fight inflation? Then support Build Back Better''—referring to the name of their next massive spending package.

Our Democratic colleagues dismissed rising prices, saying they were a result of corporate greed. President Biden claimed: ''Inflation has everything to do with the supply chain.'' But he made no mention—no mention—of all the millions and billions of dollars that he had just spent.

Our colleagues on the left pointed fingers at everything but themselves and their reckless spending agenda, and now Democrats are trying to tell Americans that they will lower consumer prices by increasing government spending—again. And, again, that makes no sense. It makes zero sense, no economic sense.

Yes, as our country is under increasing economic stress, Democrats are reviving talks to spend more, which will further increase inflation. So let's be clear on this: This did not work last year, and it is not going to work now. Spending more taxpayer dollars on progressive policies is not the answer. It wasn't the answer last year, it is not going to be the answer this year, and it is going to cause inflation to even go up higher.

Senate Democrats' attempt to rebrand what was once known as Build Back Better is a last-minute attempt to deliver on failed far-left policy priorities before folks head on home and back to the ballot box in November.

This is President Biden's last-ditch effort to enact his administration's social priorities. Make no mistake, Democrats are trying to put lipstick on a pig and have working-class Americans pay the price. It should be telling to every American that the administration does not think of how they can help but how they can hide, how they can try to hide behind a blame game and convince you, the American taxpayer, the American people, that your economic pain is caused by something other than their actions.

The buck stops here in this room, not anywhere else. How they want to remake the country into a socialist state and have the taxpayer foot the bill is the direction we are headed.

Well, I can't say this more plainly: Raising taxes to enact a liberal wish list on policies in the face of a potential recession is a very, very, very bad idea. Americans and businesses would be forced to bear the brunt of billions of dollars in new spending, which would be paid for by raising taxes. For 6 months in a row, Main Street businesses have faced double-digit inflation, causing optimism to plummet to the lowest point in nearly 50 years.

President Biden recently boasted that his spending was ''changing people's lives.'' The President left out that it was changing people's lives not for the better but for the worse.

My colleagues, Americans are struggling. All over this country, they are struggling. Families are using their savings to pay for basic bills. Would-be retirees are delaying their retirement after they have watched tens of thousands of dollars vanish from their retirement accounts.

Farmers, family farms, are shouldering the burden of rising input costs like seed, fuel, and fertilizer. We have got worse things coming if this continues to happen to our farmers.

Small businesses are losing profits and making unwanted layoffs to stay afloat. We are going to lose a lot of small businesses, and small businesses made the United States of America.

If Democrats pass their reconciliation bill, nearly 62 percent of Alabama's small businesses and 1 million employees will be at risk of tax increases that they cannot handle in this inflation. I have been hearing from small businesses and small business owners across my State every day. They are worried about their livelihoods and are threatened by the economic policies of this administration.

Let's find ways to bring inflation down, not find ways to take inflation up. And that is exactly what we are doing in this Chamber.

One business owner in Sterrett, AL, told me that his earnings had gone down this year 50 to 60 percent.

It is truly astounding how the Democrats can look their constituents in the face and say that now is a good time to inject more spending into the economy just so they can pay for more progressive policies. It is absolutely absurd. They are expecting blank checks to be paid and be paid for by hard-working American taxpayers. They can't afford it. We are out of money. We are broke. And we need to quit spending the taxpayers' money.

President Biden and the Democrats are putting their agenda above the best interests of the American people, and it is cruel.

The solution to this mess, this huge mess that we have gotten into, is to cut taxes, cut regulations, and cut spending—just the opposite of what the Democrats are trying to do. Just the opposite. To change American lives for the better, Democrats should abandon any—any—discussion of another tax or another spending spree. Americans have had enough. They have had enough of this. They want the American people in this country to survive, and they want us to quit spending money. It is time for us to listen to the people who own this country and not the Federal Government, which thinks they own this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

LIEUTENANT RIDGE ALKONIS

Mr. LEE. Madam President, just last night, U.S. Navy LT Ridge Alkonis was forced to leave his wife and three children and report to a Japanese prison. An American serviceman had to explain to his children that although he had done absolutely nothing wrong, he had to leave them, and he had to leave them to be incarcerated in a prison on foreign soil for 3 whole years—a prison inside a land that he had been asked to serve in by his country, to protect that country. And now he is in prison in

that country, having been ordered to prison by that country even though he had done nothing wrong.

While serving his country in Japan, Lieutenant Alkonis, a man who loves the country of Japan, who has spent years there, who had spent years there many years before the U.S. Navy had assigned him to serve in Japan—he served there for 2 years as a missionary. He learned the language. Both as a missionary and as a member of the U.S. Navy, he has continued his acts of community service in every community where he has lived and served. He is a model, an upstanding citizen in every respect. He is a decent, kind, intelligent, hard-working officer, and a loving husband and father.

It is while serving in Japan that he was involved in a car accident. It was a car accident that resulted from a tragic, unforeseeable, unforeseen medical emergency.

Now, that accident left two people dead. I speak sincerely when I say that my deepest sympathies go out to the victims of that accident, along with their families and their friends and their loved ones. I can't begin to imagine their sense of loss and confusion and hurt and even anger associated with the horrific accident.

It is important to note, however, that this was, in fact, an accident. In no way, shape, or form do the facts of the case suggest otherwise—quite to the contrary. All of the facts in evidence indicate that this is what happened, and yet the Japanese court continues to insist that Lieutenant Alkonis somehow had some culpability, that he did something wrong. They continue to float the false narrative that he fell asleep while driving as a result of his own carelessness or negligence. That simply is not true.

The accident occurred at 1 p.m. a little over a year ago—at 1 p.m. in broad daylight. Lieutenant Alkonis was well rested and had no reason to be tired or drowsy. In fact, he was having a conversation with his daughter when he passed out midsentence. He remained unconscious despite his daughter's repeated attempts to yell and scream and kick the seat. Alkonis did not wake in response to his daughter's cries, nor did he wake even upon impact when the accident occurred. No matter how deep a sleeper, anyone would be awakened by either of these events, but he didn't. He remained unconscious even after the collision.

It is important to note that eyewitnesses reported that Lieutenant Alkonis's color had drained from his face, which is precisely consistent with what would happen with someone who has suffered from a syncopal episode like this one. He was too weak to even open his car door after he finally regained consciousness in the wake of the accident.

It is simply disingenuous that Judge Kumiko Maesawa would offer such a simplistic view by stating that Alkonis should have pulled over if he felt drowsy. It flies in the face of the evidence and the experiences of everyone at the scene, including—and especially—his family, who were present at the time. The comments are even more egregious considering the fact that the Japanese authorities didn't even so much as bother to conduct a thorough investigation into the medical event following the crash. They appear to have been willfully inclined to disregard pretty clear indications of a medical emergency. Apparently, it wasn't what they wanted to find. So they didn't find it. So they didn't conduct the thorough investigation that needed to be conducted. He was even denied a medical evaluation before the Japanese police subjected him to 26 days of rigorous detention and custodial interrogation before he was so much as charged.

This is not how friends treat each other. This is not how one friendly nation treats another nation when one nation sends its best and its brightest and its bravest, including people like LT Ridge Alkonis, to go and fight to protect that country. That is not how we treat each other as nations.

The U.S. Navy did conduct an investigation, the same kind of investigation that should have been conducted by the Japanese authorities but the Japanese authorities didn't conduct. And in that investigation the U.S. Navy, very thorough in its approach, concluded that Lieutenant Alkonis, in fact, lost consciousness, and the loss of consciousness was attributed in that thorough investigation to something known as acute mountain sickness. There were no drugs in his system. There was no alcohol in his system. Nothing like that had anything to do with this crash. And yet, even after the Navy concluded that he was not at fault, Lieutenant Alkonis did everything within his power to remedy the situation, because being the brave, patriotic, decent, kind, loving American that he is, he was heartbroken over the fact that an accident had occurred that he was involved in and that two people had lost their lives.

You know, there is a tradition in the Japanese culture, a tradition that is in so many respects admirable. It is known as the ''gomenasai'' tradition. Under the ''gomenasai'' tradition, when something awful happens, there is an attempt made by those involved in an incident or resulting in loss. You go to the family, the loved ones of the deceased, and offer something to offset it. We may think of it in rough terms here as a crude approximation of restitution. It is not exactly that, but it is a significant, profound gesture of remorse of the fact that the incident happened at all. In fact, he paid over $1.5 million to the victims' families, more than what would ordinarily be considered customary within the ''gomenasai'' tradition.

He has expressed deep and sincere remorse, and despite all of this, despite all of his efforts through the ''gomenasai'' process, despite all of these mitigating circumstances, despite the deep remorse, and despite the noble, unblemished record of distinguished service to the U.S. Navy and to Japan, despite using every resource at his disposal to make things right, he is still in prison.

I find it nothing short of inexcusable that an American who experienced a medical emergency should be treated so poorly by an allied nation that he is protecting. Japanese nationals convicted of the same crime are routinely granted leniency. In fact, 95 percent of similarly charged defendants get a suspended sentence; meaning, even if they are charged, even if they are convicted, 95 percent of them don't actually have to do prison time because their sentence has been suspended.

Clearly, the Japanese judicial system is trying to make an example of Lieutenant Alkonis, perhaps stemming from a history of disputes over our status of forces agreement. But I will note here that those disputes have absolutely nothing to do with Lieutenant Alkonis. No, he is being targeted here because he is an American and because he was in the unfortunate position of having suffered a medical emergency that resulted in tragedy.

This is no way for a friendly nation to treat a friendly nation. These conversations are difficult because we have a great relationship with Japan. We have been allies for a long time. We have had a good relationship under our status of forces agreement. So these conversations are difficult, but not in spite of the fact that our Nations are friendly but because they are friendly, we need to have difficult conversations, just as sometimes it is only a friend who can approach a friend and speak the truth.

How, I would ask, can we possibly ensure justice for the thousands of American men and women who serve our country abroad when they face prejudice because of their status as Americans and as American servicemen and servicewomen?

Lieutenant Alkonis represents our best—our very best, the best of the best. If our servicemembers can't get fair treatment from the country they have been tasked to defend—especially those who, like Lieutenant Alkonis, represent the very best ideals of the U.S. Navy—then maybe it is time to revisit key portions of our status of forces agreement with Japan. If their due process protections aren't sufficient to protect someone like Lieutenant Alkonis, to make sure that he has an adequate opportunity to build his case, to prepare to meet his accusers, to gather exculpatory evidence, then something is wrong with the status of forces agreement.

I am still not entirely convinced—not at all—that there weren't violations of the status of forces agreement. In fact, it appears that there were here. But to the extent the status of forces agreement is insufficient to deal with those,

then we need to reopen that because this is too high a price to pay.

We are willing to make sure that there are consequences to people who disobey a law, who engage in bad behavior on foreign land. But to have a situation like this one, where someone through no fault of his own, just as a result of a tragic medical emergency of which he had no prior warning whatsoever, to have him sent to prison for 3 years bereft of his friends, his family, his career that he so deeply loved, his children, to whom he is everything—this is wrong. We deserve better than this from an allied nation, especially a nation with which we have such a generally good relationship, as we do with Japan. And so I sincerely hope and pray that Ambassador Emanuel, Secretary Blinken, and the Department of Defense will immediately take every step possible to negotiate with their Japanese counterparts and bring Ridge home.

I call upon the President of the United States to intervene directly with his counterpart and bring Ridge home. I call upon all sympathetic ears within the sound of my voice to plead not only with decision makers in Japan but with almighty God to bring Ridge home. We need that to happen. It is not just about Ridge Alkonis and his family. It is about the security and confidence needed by every service family in the American Armed Forces. Deployed whether in Japan or anywhere else, they need to know that we have their backs. They need to know that while they are in the service of the United States of America, we will watch out for them; that when a foreign country makes a tragic mistake, as they have done here, we will continue to advocate for them until we bring them home.

I call on my colleagues to join me in the effort to bring Ridge home.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PORTMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UKRAINE

Mr. PORTMAN. Madam President, I come to the Senate floor once again this evening to talk about the brutal and illegal, unjustified invasion of Ukraine by Russia and what we can do—what more we can do here in this Chamber and this Congress to be able to help the people of Ukraine.

This is the updated map that tells the story of what is going on on the battlefield. You can see this light-blue color here indicates that the Ukraine forces are on the move and making progress. But in the meantime, Russia, back in 2014, took Crimea, part of the Donbas. Now they have taken more of that territory.

So the fighting we will talk about tonight that is most fierce is taking place here in the east and now increasingly here in the south. This is where the battlefield is, but that is not the only place where things are happening.

Remember, this is a country—Ukraine—that just wants to live in peace with its neighbors. It has no interest in war. And this is Russia's assault on that country, starting in 2014 and now in this larger assault. But it is not just here on this battlefield. Russia is actually sending missiles into the heart of Ukraine.

You see this town here, Vinnytsia. This is where, recently, a missile exploded, killing civilians, children. Last week, I talked about Liza, the young girl who was killed in that bombing. Everyplace in Ukraine is subject to this kind of bombing. We have heard from Kharkiv. We have seen it in Kyiv and other towns all throughout Ukraine.

Another part of this brutal assault on Ukraine has to do with blocking the ports. Here is Odesa. This is the largest port. But there are several ports along here that have been blocked by the Russians. The Russian Navy is not allowing exports from Ukraine to be sent to the rest of the world. This, of course, is hurting Ukraine's economy, which is the whole idea. But it is also preventing the export of millions of tons of grain, which is creating a global food crisis, threatening the lives of millions of people around the world, particularly in Africa where they rely heavily on Ukrainian grains coming out of these ports.

After weeks of discussions—really, the last couple of months—finally, on Friday, Ukraine, Russia, Turkey, and the United Nations agreed to facilitate the export of Ukrainian grain. According to the U.N. Secretary General Antonio Guterres, who has been working on this for months, this provides a ''glimmer of hope'' in alleviating the global food security crisis.

One part of the agreement that was reached in Turkey was that Russia would not attack facilities in these Ukrainian cities. Specifically, the agreement prohibited ''any attacks against merchant vehicles and other civilian vessels and port facilities engaged in'' the export of Ukrainian agricultural products. So there is an agreement to allow the grain to go but also a specific agreement not to attack merchant vessels, civilian vessels, port facilities that were involved in export.

The ink was quite literally barely dry when Russia violated the terms of that agreement. Within 24 hours, the Russians fired four missiles at Ukraine's largest port, Odesa, which, again, is critical to exporting the grain from Ukraine. By striking the port infrastructure, they violated the agreement right after signing it.

Here is the port. You can see the damage that was caused. There were actually four missiles fired from warships into Odesa. Two of them were intercepted by anti-aircraft weaponry—thank God—but two destroyed part of Odesa's port infrastructure, therefore violating the agreement.

I guess we all learned that Russia can't be trusted, so we shouldn't be surprised. But violating its international obligations less than 24 hours after agreeing to them may be a new low.

Oksana Markarova, Ukraine's Ambassador to the United States, put it well this weekend when she said:

> We will do everything in order to perform and fulfill our part of the deal. When Russia is violating it, they are clearly showing who they are and that they need to be stopped.

She went further and said:

> Everything Russia is doing in Ukraine is a violation of pretty much every international law. Attacking a sovereign country . . . is a war crime.

She is right. Ambassador Bridget Brink, our Ambassador to Ukraine, also criticized Russia for this brazen attack. She said:

> The Kremlin continues to weaponize food. Russia must be held accountable.

I talked before on this floor about this specific Russian attack on the grain bins in Odesa and other port cities, where they literally have targeted food that is supposed to go to starving people.

President Putin apparently believes that this global food and energy security crisis—the two crises—are to his advantage. He is seeking to pressure energy dependent Europeans and pressure countries which rely on Ukrainian grain to join him in forcing Ukraine to surrender.

Fortunately, it is not working. Countries in the region, in fact, are rallying around Ukraine more than ever. Why? Because they know they could be next.

Vladimir Putin has said his ambition is to fully restore the borders of the old Soviet Union or the Russian Empire. And in recent years, he has learned the lesson that the West may not stand in his way.

A few global leaders, as an example, stood up to President Putin when he invaded Georgia, a country that continues to be, in part, occupied by the Russians. That was 2008. And not enough stood up to him in Ukraine in 2014 when, as we saw in this previous map, Russia brazenly invaded and took over Crimea and parts of the Donbas.

When it comes to 2022, it has been different so far. And we should commend all those countries that have stood up and stood with us. We now have a chance to actually stop this assault, to stop what Russia has been doing, and to teach them a different lesson, to protect Ukraine and other countries in the region that Russia may have set its sights on.

The free world has rallied. Freedom-loving countries—almost 50—from around the world have come to Ukraine's aid. Specifically, over 42 of them have provided military assistance; others have provided humanitarian aid by way of food and nutrition and economic health.

The weapons that have been provided have made it easier for Ukraine to defend itself, to take out some of the

Russian artillery that was sitting back and firing on the Ukrainian positions with immunity because it was so far back the Ukrainian artillery couldn't reach it. The new weapons have been helpful in dealing with that.

The U.S. has provided Ukraine with a specific weapon to help in that regard called the High Mobility Artillery Systems, or HIMARS, and they have been critical to the Ukrainian military as they hold off the Russian invaders and allow the Ukrainian military to be on the offensive in some of these areas.

A step in the right direction came last week. I commend the administration for sending Ukraine four more HIMARS systems. They now have 12 in operation and four more units on the way to the front lines. That is good, but they need more. What the analysts suggest is they need 40 or 50 just to be able to push the Russians back.

Officials in Ukraine have made the need for these systems clear, by the way, for a long time—since early March. I have echoed that need since that time. Why? Because I was hearing it directly from the Ukrainians, from their military experts.

So it took us a while, but it turns out the Ukrainians were right; these systems are effective. GEN Mark Milley, who is the Chairman of the Joint Chiefs of Staff, has said that the HIMARS strikes are ''steadily degrading the Russian ability to supply their troops, command and control their forces, and carry out their illegal war of aggression.'' That is from General Milley.

The Ukrainians are an effective force when they are armed with the right weapons. Officials have said that with the help of HIMARS, Ukraine has taken out Russian command posts, ammunition depots, air defense sites, radar and communications nodes, and long-range artillery positions. These are all ''high value'' targets, and destroying them has saved Ukrainian lives and saved some of the shelling of Ukrainian cities.

There also seems to be some progress in sending Ukraine other tools to help them fight, particularly in the air. The U.S. Air Force top general hinted last week that Ukraine may get fourth-generation fighter jets from the United States or from other allies, and he left open the option to train Ukrainians on how to use them. These fourth-generation fighter jets could include U.S. F–16s, the Gripen from Sweden, the Rafale from France, and the Eurofighter from the European Union.

Some of Russia's most devastating strikes, of course, have come from the air, either from aircraft or from missile strikes. Earlier in the war, you remember, there were many who talked about creating a no-fly zone in Ukraine. That never happened.

NATO was not willing to move forward with the no-fly zone. But by providing Ukraine with advanced aircraft, we could empower Ukrainian fighter pilots to impose their own no-fly zone over critical areas of the country.

Two weeks ago, I sent a letter to Secretary of Defense Lloyd Austin and to General Milley urging them to expedite more military assistance to Ukraine, including ''fourth-generation fighter aircraft and necessary flight training.'' The reason we included that in our bipartisan letter is because we had heard from Ukrainian fighter pilots who came over here several weeks ago and met with us.

I am the cofounder and cochair of the Ukrainian Caucus. We put together a meeting. It was very powerful to hear their words. But they said they know how to fly these planes. And with regard to the details, they could learn them quickly. And it would make a huge difference.

It has made a huge difference with what they have, which are aging Soviet aircrafts, MiGs, and not enough of them. But we have got to move quickly if we do this because we have to keep Russia from gaining more ground. And we have to save more lives.

Training Ukrainian pilots on modern Western aircraft will take some time; and, as we have seen, even a day delay can mean the difference between life and death. So let's get started.

There is also the battle being waged on energy, and that is, in a sense, just as important as what is happening on the battle front. Why? Because Russia gets its funds from energy proceeds. That is what is funding the war machine. And they continue to leverage Europe's dependency on their oil and gas as a political and economic weapon.

This is plainly seen as President Putin continues to play games with Europe's gas supply. Europe depends on Russia for, now, about 20 percent of its natural gas imports. That is down from around 40 percent last year—so a significant reduction, reducing by half their dependency.

But with regard to that 20 percent, President Putin is tightening his grip and retaining his leverage on Europe by decreasing supplies, by driving prices upward, and by lining his war chest even further. By the way, his attempts to divide NATO, the North Atlantic Treaty Alliance, have not worked. Over Russian objections, NATO will soon be expanding rather than dividing or contracting.

Instead of splintering last Tuesday, I was proud to vote in committee to advance the ratification of Finland and Sweden's NATO applications.

As Republican Leader MITCH MCCONNELL said recently ''adding these nations into the fold will only strengthen us.'' I agree.

Finland, by the way, has the European Union's longest border with Russia. It has a very capable air force and other parts of its military. In response to Russia's aggression, they have increased their defense spending by 70 percent, and Sweden is targeting military spending at the NATO commitment level of 2 percent GDP as soon as possible and already possesses an innovative and effective defense industry.

In fact, the Swedish weapons that are in the market today are some of the most advanced in the world. Adding Finland and Sweden to NATO will strengthen the alliance's security in the north, particularly the Arctic region and the Baltic Sea.

I just learned a little while ago that we are going to vote on their applications to join NATO here on the Senate floor this week or next week. That is great news. I hope my colleagues will join me in a prompt and strong showing of support, and I think they will.

This is going to be one of the things that brings this Congress together, because this is in all of our interest—in NATO's interest, in America's interest, and certainly in Ukraine's interest.

It is a clear demonstration to Ukraine that NATO's open-door policy is alive and well and that the alliance will continue to welcome applicant countries that meet the criteria for membership. I believe NATO should begin that process with Ukraine, allowing them to enter the next step of NATO membership by earning what is called the Membership Action Plan, the MAP process. This plan provides a formal roadmap for NATO membership that is long overdue, in my view.

We need to show Ukraine the world stands with them. And NATO is a defensive alliance. NATO is about protecting countries in the region.

Last week, Congress had the privilege to hear from someone who knows how critically important it is that we stand with Ukraine right now. We heard from Olena Zelenska, President Zelenskyy's wife. She gave a very powerful speech to the Congress about the horrors of the war and about the desperate need for more advanced weapons from the United States and allies.

She painted a vivid picture of life in Ukraine right now. Her moving words about her own family and about the effects this traumatizing war has etched in the memory of Ukraine's children I thought was particularly poignant.

She said Ukraine needs weapons to wage a war, ''not [to be used to wage a war] on somebody else's land, but to protect one's home and the right to wake up alive in that home.''

''To protect one's home and the right to wake up alive in that home.'' That is what this is about.

In a TV interview during her visit here, Ms. Zelenska talked about the trauma children have faced and said that she hopes their childhood can be given back to them at some point. She said:

> Before the war, my [nine-year-old] son used to go to folk dance ensemble. He played piano. He learned English. He of course attended sports club.

Now, she said:

> The only thing he wants to do is martial arts and [learn] how to use a rifle.

It is a 9-year-old boy.

At the Polish border and at the Moldovan border, I have had the opportunity to visit with refugees as they have come across from Ukraine. It is

all women and children, grandmothers, mothers, aunts—the men staying behind to fight.

This war is taking away these kids' childhoods and replacing them with war-torn memories. Those children who fled Ukraine in the early stages of the war are now growing up, making friends, and going to schools in foreign countries. Seven or 8 million Ukrainians left Ukraine. They are far from home, and they want to go home.

And those who stayed in Ukraine are in constant fear that the next Russian missile may hit their home, their town, their city. Many will never have the opportunity to get their childhood back.

First lady Olena Zelenska has even started her own initiative to address the serious mental health impacts of Russia's war against her country. Although underreported in most media outlets, Russia has forcibly deported millions of Ukrainians to Russia or Russian-controlled territory in the Donbas, including hundreds of thousands of children.

Once outside of Ukrainian territory, these children are taught to be Russian, not Ukrainian, in a deliberate attempt by Russia to wipe out the national and cultural identity of Ukrainians.

Combined with Russia's consistent denial of the existence of Ukraine's nationhood and identity, these actions must be acknowledged for what they are: genocide. And it is important that the United States and the rest of the world recognize these acts as such.

That is one reason why the world must call out Russia for what is happening in Ukraine. Last Thursday, five Senate colleagues and I joined Senator RISCH, the top Republican on the Senate Foreign Relations Committee, on which I served, in introducing a bipartisan resolution condemning Russia's actions in Ukraine as genocide.

I know ''genocide'' is a really powerful word. It has a long history, and it has serious implications. Many people are understandably hesitant to use it. But the facts in Russia's atrocities are clearly genocide.

Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as any of several acts ''committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group.''

Two of the acts in the definition are ''killing members of the group'' and ''causing bodily or mental harm to members of the group.'' Only one of those criteria is necessary for genocide. Russia all too clearly fits all of these parts of the definition of genocide.

Its forces have killed and wounded innocent civilians all across Ukraine. Last week, I spoke about little Liza who was killed in Vinnytsia. This is the aftermath of the bombing in Vinnytsia. I have also heard about the ''target practice'' that Russian soldiers have bragged about that they did in Severodonetsk, shooting at innocent civilians like it was some kind of a game.

And we cannot forget the horrors of Bucha, where Russian forces massacred over 1,300 innocent civilians, some with hands tied behind their backs. This included 31 children. And the mental toll of this war has, of course, also been extreme.

Our Senate resolution also includes a clause about my resolution from 2018 commemorating the 85th anniversary of Holodomor, the Soviet Union's famine genocide against Ukraine from 1932 to 1933. Unfortunately, Russia has a history of committing genocide against the people of Ukraine, and that continues to this day.

The world needs to let the Russian commanders and the Kremlin officials know we see the war crimes being committed, and they are being recorded. Perhaps that would have some sort of effect on what actions they take.

The trickle-down effects of this war are heart-wrenching. We have all seen the images, the videos on social media of innocent civilians caught in the crossfire. But not only that, it is what this war has created: the countless children who are now orphans.

I have talked about this in the past, but according to Under Secretary of State Victoria Nuland:

> Russia makes orphans, and then steals those orphans, up to 1,000 Ukrainian kids being stolen and taken and given to Russian families to potentially never be found by their families.

That is very concerning. Let me say that again. She is saying that Russia takes these orphans and steals them and gives them to Russian families to potentially never be found by their Ukrainian families.

So there are all these young boys and young girls who watch their fathers and their brothers and their uncles and, sometimes, their moms go to war. Many of them never come back home.

There are young boys like Ms. Zelenska's, a 9-year-old, who now wants to be a soldier. And there are the children who will never be with their family in Ukraine again.

That is where we are today. A merciless authoritarian who needs to flex his power against a nation that just wants to live peacefully—nothing more than to live in peace with their neighbors.

This is a struggle between freedom and democracy and self-determination on the one hand and aggression and conquest and tyranny, authoritarianism on the other.

Our choice is clear. At this critical juncture, let's continue to work with our allies to provide Ukraine with what they need to protect that homeland, to defend that democracy. We need to help Ukraine, and we need to do more, and we need to do it now. We need to move quickly. We need to live up to these important words from Ukraine's First Lady last week. When she was here in the Congress talking to us, she said ''While Russia kills, America saves.''

Let's continue to save. Let's continue to save lives every day, and let's save our democratic ally Ukraine—a proud nation that is simply fighting for its survival.

I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The majority leader.

MORNING BUSINESS

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–49, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense articles and services estimated to cost $235 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JEDIDIAH P. ROYAL
(For James A. Hursch, Director).

Enclosures.

TRANSMITTAL NO. 22–49

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Australia.

(ii) Total Estimated Value:

Major Defense Equipment * $157 million.

Other $78 million.

Total $235 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Eighty (80) Joint Air-to-Surface Standoff Missiles—Extended Range (JASSM–ER) (AGM–158B with telemetry kits and/or AGM–158B–2 configurations).

Non-MDE: Also included are missile containers and support equipment; JASSM training missiles; weapon system support; spare parts, consumables, accessories, and

repair/return support; integration and test support and equipment; personnel training; software delivery and support; classified and unclassified publications and technical documentation; transportation; U.S. Government and contractor engineering, technical and logistics support services, studies and surveys; and other related elements of logistical and program support.

(iv) Military Department: Air Force (AT–D–YAK).

(v) Prior Related Cases, if any: AT–D–QAR.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known at this time.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: July 21, 2022.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—Joint Air-to-Surface Standoff Missiles—Extended Range (JASSM–ER)

The Government of Australia has requested to buy eighty (80) Joint Air-to-Surface Standoff Missiles—Extended Range (JASSM–ER) (AGM–158B with telemetry kits and/or AGM–158B–2 configurations). Also included are missile containers and support equipment; JASSM training missiles; weapon system support; spare parts, consumables, accessories, and repair/return support; integration and test support and equipment; personnel training; software delivery and support; classified and unclassified publications and technical documentation; transportation; U.S. Government and contractor engineering, technical and logistics support services, studies and surveys; and other related elements of logistical and program support. The estimated total cost is $235 million.

This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will improve Australia's capability to meet current and future threats by providing advanced, long-range strike systems for employment from Royal Australian Air Force (RAAF) air platforms including, but not limited to, the F/A–18F Super Hornet and F–35A Lightning II. Australia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, Orlando, FL. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 22–49

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AGM–158B/B–2 Joint Air-to-Surface Standoff Missiles (JASSM) with Extended Range (ER) are low-observable, highly-survivable, subsonic cruise missiles designed to penetrate next-generation air defense systems en-route to target. The JASSM–ER is designed to kill hard, medium-hardened, soft and area-type targets. A turbo-fan engine and reconfigured fuel tanks provide added capacity.

a. The AGM–158B–2 system capabilities include all the capabilities of the AGM–158B. The AGM–158B–2 configuration will have different internal components to address multiple obsolescence issues as well as subcomponent updates to position for M-Code and other potential upgrades.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Australia.

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–01 concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost $397 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 22–01

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Kuwait.

(ii) Total Estimated Value:

Major Defense Equipment* $222 million.

Other $175 million.

Total $397 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Sixty (60) AIM–120 C–7/8 Advanced Medium Range Air-to-Air Missiles (AMRAAMs).

Two hundred fifty (250) MK–84 General Purpose 2000LB Bombs.

Five hundred one (501) MK–83 General Purpose 1000LB Bombs.

Three hundred fifty (350) KMU–556 Joint Direct Attack Munition (JDAM) Tail Kits for GBU–31V1 2000LB Bombs.

Seven hundred two (702) MXU–667 Air Foil Groups (AFG) for GBU–48 Enhanced Paveway II (EPW–II) 1000LB Bombs.

Seven hundred two (702) MAU–210 Enhanced Computer Control Groups (ECCG) for GBU–48 Enhanced Paveway II (EPW–II) 1000LB Bombs

Non-MDE: Also included are FMU–139 Joint Programmable Fuze Systems; AMRAAM containers; weapons support and software; inert munitions, trainers, and training equipment; bomb components; spare and repair parts; personnel training and training equipment; publications and technical documentation; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support.

(iv) Military Department: Air Force (KU–D–YAE).

(v) Prior Related Cases. if any: KU–D–AAC, KU–D–YAB, KU–D–YAC, KU–D–YAD.

(vi) Sales Commission. Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: July 21, 2022.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—Advanced Weapons in Support of Eurofighter Typhoon Aircraft Program

The Government of Kuwait has requested to buy sixty (60) AIM–120 C–7/8 Advanced Medium Range Air-to-Air Missiles (AMRAAMs); two hundred fifty (250) MK–84 General Purpose 2000LB bombs; five hundred one (501) MK–83 General Purpose 1000LB bombs; three hundred fifty (350) KMU–556 Joint Direct Attack Munition (JDAM) tail kits for GBU–31V1 2000LB bombs; seven hundred two (702) MXU–667 Air Foil Groups (AFG) for GBU–48 Enhanced Paveway II (EPW–II) 1000LB bombs; and seven hundred two (702) MAU–210 Enhanced Computer Control Groups (ECCG) for GBU–48 Enhanced Paveway II (EPW–11) 1000LB bombs. Also included are FMU–139 Joint Programmable Fuze Systems; AMRAAM containers; weapons support and software; inert munitions, trainers, and training equipment; bomb components; spare, repair parts; personnel training and training equipment; publications and technical documentation; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support. The estimated total cost is $397 million.

This proposed sale will support the foreign policy and national security objectives of

the United States by helping to improve the infrastructure of a Major Non-NATO ally that has been an important force for political stability and economic progress in the Middle East.

The proposed sale will improve Kuwait's ability to meet current and future regional threats. Kuwait intends to use these missiles and munitions with the Eurofighter Typhoon fleet it is acquiring. Kuwait has shown a commitment to modernizing its military and will have no difficulty absorbing these weapons into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Raytheon Missiles and Defense, Tucson, AZ; and Lockheed Martin Missiles and Fire Control, Archbald, PA. Multiple end items will be procured from U.S. Government stock. There are no known offset agreements proposed in connection with this potential sale. Any offset agreements will be defined in negotiations between the purchaser and the contractor(s).

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Kuwait.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 22–01

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AIM–120C–7/8 Advanced Medium Range Air-to-Air Missile (AMRAAM) is a supersonic, air launched, aerial intercept, guided missile featuring digital technology and micro-miniature solid-state electronics. AMRAAM capabilities include look-down/shootdown, multiple launches against multiple targets, resistance to electronic countermeasures, and interception of high and low-flying and maneuvering targets. The AIM–120C–8 is a form, fit, function refresh of the AIM–120C–7 and is the next generation to be produced.

2. The Joint Direct Attack Munition (JDAM) is a guidance kit that converts existing unguided free-fall bombs into an accurate, adverse weather ''smart'' munition. The Guidance Set consists of a Tail Kit, which contains the Inertial Navigation System (INS) and a Global Positioning System (GPS), a set of Aerosurfaces and an umbilical cover, which allows the JDAM to improve the accuracy of unguided, General Purpose (GP) bombs. The Guidance Set, when combined with a warhead and appropriate fuze, forms a JDAM Guided Bomb Unit (GBU) and gives the bomb an adverse weather capability. The JDAM weapon can be delivered from modest standoff ranges at high or low altitudes against a variety of land and surface targets during the day or night. The JDAM is capable of receiving target coordinates via preplanned mission data from the delivery aircraft, by onboard aircraft sensors (i.e., FLIR, Radar, etc.) during captive carry, or from a third-party source via manual or automated aircrew cockpit entry.

The KMU–556 is the tail kit for a GBU–31 fitted with a 2,000LB (Mk–84 GP) bomb body.

3. GBU–48 Enhanced Paveway II (EP–II) is a maneuverable, free-fall, laser-guided bombs (LGBs) that guide to reflected laser energy from the desired target. The ''enhanced'' component adds GPS guidance to the laser seeker. This dual-mode capability allows the weapon to operate in all weather conditions. The LGB is delivered the same way as a normal GP warhead, except the semi-active guidance corrects for employment errors inherent in any delivery system. Laser designation for the weapon can be provided by a variety of laser target markers or designators from the air or ground. The Enhanced Paveway system consists of a non-warhead-specific Enhanced Computer Control Group (ECCG), a warhead-specific Air Foil Group (AFG) that attaches to the nose and tail of GP bomb, and a fuze. The weapon is primarily used for precision bombing against non-hardened targets.

The GBU–48 is a 1,000LB (MK–83 GP) bomb body fitted with the MXU–667 AFG and MAU–210 ECCG to guide to its laser-designated target.

4. The FMU–139 Joint Programmable Fuze (JPF) is a multi-delay, multi-arm and proximity sensor compatible with General Purpose blast, frag, and hardened-target penetrator weapons. The FMU–139 settings are cockpit selectable in flight when used with numerous precision-guided weapons. It can interface with numerous weapons, including GBU–31 and GBU–48.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Kuwait can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Kuwait.

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22–47, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of the Netherlands for defense articles and services estimated to cost $1.219 billion. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JEDIDIAH P. ROYAL
(For James A. Hursch, Director).

Enclosures.

TRANSMITTAL NO. 22–47

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of the Netherlands

(ii) Total Estimated Value:

Major Defense Equipment* $0.815 billion.

Other $0.404 billion.

Total $1.219 billion.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Ninety-six (96) PATRIOT MIM–104E Guidance Enhanced Missile-Tactical (GEM-T) Ballistic Missiles

Non-MDE: Also included are tools and test equipment; range and test programs; support equipment to include associated publications and technical documentation; training equipment; spare and repair parts; new equipment training; transportation; Quality Assurance Team support; U.S. Government and contractor technical assistance, engineering, and logistics support services; Systems Integration and Checkout (SICO); field office support; International Engineering Services Program Field Surveillance Program; and other related elements of logistics and program support.

(iv) Military Department: Army (NE–B–YAS)

(v) Prior Related Cases, if any: NE–B–YAF

(vi) Sales Commission. Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex

(viii) Date Report Delivered to Congress: July 21, 2022

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

The Netherlands—PATRIOT MIM–104E Guidance Enhanced Missile-Tactical (GEM–T) Ballistic Missiles

The Government of the Netherlands has requested to buy ninety-six (96) PATRIOT MIM–104E Guidance Enhanced Missile-Tactical (GEM–T) ballistic missiles. Also included are tools and test equipment; range and test programs; support equipment to include associated publications and technical documentation; training equipment; spare and repair parts; new equipment training; transportation; Quality Assurance Team support; U.S. Government and contractor technical assistance, engineering, and logistics support services; Systems Integration and Checkout (SICO); field office support; International Engineering Services Program Field Surveillance Program; and other related elements of logistics and program support. The estimated total cost is $1.219 billion.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of a NATO ally that is an important force for political stability and economic progress in Europe.

The proposed sale will improve the Netherlands' capability to meet current and future

threats. The proposed sale will increase the defensive capabilities of the Netherlands' military and supports its goal of improving national and territorial defense as well as interoperability with U.S. and NATO forces. The Netherlands will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon Corporation, Tewksbury, MA. The purchaser normally requests offsets. At this time, offset agreements are undetermined and will be defined in negotiations between the purchaser and contractors.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Netherlands.

There is no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 22–47

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The PATRIOT MIM–104E Guidance Enhanced Missile-Tactical (GEM–T) Ballistic Missile is the latest in-production series of the highly successful Raytheon Patriot missile variants available to both U.S. forces and international customers. GEM–T adds a low-noise oscillator for improved acquisition and tracking performance in clutter and provides an upgraded capability to defeat tactical ballistic missile (TBM), aircraft and cruise missile threats in complement to the PAC–3 missile.

2. The highest level of classification of defense articles, components, and services included in this potential sale is CONFIDENTIAL.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Netherlands can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of the Netherlands.

ARMS SALES NOTIFICATION

Mr. MENENDEZ. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. ROBERT MENENDEZ,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 20–49, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles services estimated to cost $206 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

JEDIDIAH P. ROYAL
(For James A. Hursch, Director).

Enclosures.

TRANSMITTAL NO. 20–49

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of the United Arab Emirates (UAE).

(ii) Total Estimated Value:

Major Defense Equipment * $0 million.

Other $206 million.

Total $206 million.

Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services Under Consideration for Purchase: The Government of UAE has requested a possible sale of Oceanographic Observation Equipment System.

Major Defense Equipment (MDE):

None.

Non-MDE: An Oceanographic Observation Equipment System that includes multi-site sensors; multiple remote data collection facilities; support for centralized data analysis center eight (8) data analysis workstations; fiber optic communications suites; power supplies; uninterruptable power supplies; power and data distribution; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support.

(iii) Military Department: Navy (AE–P–LAI).

(iv) Prior Related Cases, if any: None.

(v) Sales Commission, fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(vii) Date Report Delivered to Congress: July 21, 2022.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates—Oceanographic Observation Equipment System

The Government of the United Arab Emirates (UAE) has requested to buy an Oceanographic Observation Equipment System that includes multi-site sensors; multiple remote data collection facilities; support for centralized data analysis center eight (8) data analysis workstations; fiber optic communications suites; power supplies; uninterruptable power supplies; power and data distribution; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support. The estimated total cost is $206 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the security of an important regional partner. The UAE has been, and continues to be, a vital U.S. partner for political stability and economic progress in the Middle East.

The proposed sale will provide UAE with real-time oceanographic data in defense of the UAE maritime boundary, natural resources and ports. The United Arab Emirates will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor(s) will be Lockheed Martin Rotary and Mission System, Manassas, VA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of two

(2) contractor representatives to the UAE to provide technical reviews, support, and oversight for two and a half (2.5) years following initial operating capability.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 20–49

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The Oceanographic Environmental Observation Equipment (OEOE) System is an underwater fixed surveillance system that consists of twelve (12) sensors connected to shore processing which allows the tracking of marine platforms. The system provides acoustic detection and tracking of contacts of interest. The performance will depend on the contact's acoustic properties and local environmental conditions. The following capabilities will be provided:

a. Operator Workstation/Displays: Eight {8) operator workstations. This capability will provide three flat-panel displays, a keyboard and mouse per operator station lo support the presentation of acoustic information to the operators, and the monitoring and maintenance of the system health and status by the maintainer.

b. Data Storage: This capability will provide for the collection, aggregation and storage of information in a central contact database.

c. Maintenance Displays: Two (2) maintenance displays. This capability will provide a maintenance operator system a view of the health of the system and tools to trouble and correct issues.

d. Audio Playback: This capability will allow operators to listen to acoustic data processed by the system.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET//REL TO USA, ARE.

3. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the United Arab Emirates can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in

furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal are authorized for release and export to the United Arab Emirates.

ADDITIONAL STATEMENTS

REMEMBERING JARED DON RICKER

● Mr. CRAPO. Mr. President, I honor Jared Don Ricker, of Caldwell, ID, who passed away unexpectedly on June 12, 2022, at the far too young age of 42. He is deeply missed by his family and many friends and remembered as a wonderful man, great father, kind listener, and fun companion.

I came to know of Jared through two of his three brothers, Bryan and Cameron, who have both served as members of my staff. Bryan represented me as a regional director for southwest Idaho. Cameron is chief clerk of the Senate Committee on Banking, Housing, and Urban Affairs, a position he served in when I was chairman of the committee. I extend my deep condolences to Jared's many loved ones, who include his wife Brianna Lynn and four children: Jackson Don, Brice Laney, Campbell Zoe, and Collins Bree. My prayers for God's comfort are also with Jared's parents, Don and Peggy, as they mourn the loss of their son, Jared's other brother, Chase, and Jared's many other family members and friends.

Jared, who was born on February 8, 1980, and graduated from Nampa High School, was a fellow Eagle Scout. He shared this proud achievement with his son, Jackson. Jared also served a mission for the Church of Jesus Christ of Latter-day Saints in Columbus, OH. After returning from his mission, he met and married the love of his life Bri, and they made a beautiful family together. He earned his associate degree in multimedia and worked with his employer of 15 years, Iliad Media Group, as the IT director and supporting engineer.

Jared shared his love and laughs generously with his family, friends, coworkers, and all those who were blessed to be a part of his life. He was a fun-loving and deeply caring father, husband, son, brother, uncle, son-in-law, brother-in-law, and friend. He loved his children dearly, their passions and talents, and he loved serving others, sharing the gospel and making connections. His obituary movingly notes, ''He showed his love by filling your soul and your belly . . . Jared almost always had a smile on his face. Everyone was a friend to him. He left anyone he met a better person.'' Those who knew him recall his kindness, generosity, and humor. Jared is remembered as a great listener with a heart of gold.

We are so fortunate to have had Jared's light glow so brightly in our world. My heart goes out to all those who loved him, as we honor his life, mourn his loss, and cherish his loving memory.●

TRIBUTE TO TOM KUNTZ

● Mr. DAINES. Mr. President, today I have the distinct honor of recognizing Tom Kuntz of Carbon County for his unwavering dedication to the Red Lodge community and his 30 years of public service to the people of Montana through his selfless firefighting career.

As a graduate from both the National Fire Academy Executive Fire Officers Program and Ithaca College, Tom brought his skills and passion to the Treasure State when he first moved to Montana in 1992 and began what would become a distinguished career in firefighting. He now serves as the chief of the Red Lodge Fire Department and has been an active leader in responding to the fires and natural disasters that have impacted the community over the years.

Notably, Tom served as a key player in responding to the 24,000-acre Robertson Draw Fire that blazed through Carbon County in June of 2021. Roughly 1 year after the community faced the devastating wildfire, they were hit with historic flooding, which has wreaked havoc throughout the county. Referred to as ''the 500-year flood,'' the high waters have caused catastrophic damage to people's homes, properties, businesses, and public infrastructure. Tom acted swiftly, working on the frontlines to help mitigate the wreckage and help members of the Red Lodge community.

Tom and his wife Eliza also serve the community through their various restaurant and hospitality businesses which have become staples in downtown Red Lodge and attract both locals and visitors from near and far. They also raised their two daughters to be involved in public service, and they regularly help out at the family businesses.

It is my honor to recognize Tom Kuntz for his dedication to keeping the people of Red Lodge safe through a seemingly relentless series of natural disasters and for his many years of public service to the great State of Montana. Tom, thank you for all you do help our communities prosper and stay safe. You make Montana proud.●

NOTICE OF A TIE VOTE UNDER S. RES. 27

● Mr. MANCHIN. Mr. President, I ask unanimous consent to print the following letter in the RECORD.

The material follows:

U.S. SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES,

July 21, 2022.

To the Secretary of the Senate:

The nomination of Laura Daniel-Davis, of Virginia, to be an Assistant Secretary of the Interior (Land and Minerals Management), vice Joseph Balash, resigned, PN 1553, having been referred to the Committee on Energy and Natural Resources, the Committee, with a quorum present, has voted on the nomination as follows—on the question of reporting the nomination favorably with the recommendation that the nomination be confirmed, 10 ayes to 10 noes.

In accordance with section 3, paragraph (1)(A) of S. Res. 27 of the 117th Congress, I hereby give notice that the Committee has not reported the nomination because of a tie vote and ask that this notice be printed in the RECORD pursuant to the resolution.

JOE MACHIN III,
Chairman.●

REMEMBERING DANIEL J. WHITFIELD

● Mr. PAUL. Mr. President, I rise today to honor the life and legacy of Daniel J. Whitfield, a ''happy warrior'' in the conservative movement whose dynamic personality and disarming humor brought countless conservative activists together in friendship for the cause of liberty.

In addition to Dan's engaging presence at conferences, networking events, and small gatherings, he was also a gifted writer and communicator who channeled his mastery of the English language into high-impact direct mail fundraising appeals and—later—gripping fiction.

Dan was born in Birmingham, England, on September 14, 1982, to Michael and Jennifer. He was a lifelong lover of liberty, joining the UK Conservative Party at the age of 14. He proudly displayed a photo of the Right Honourable Baroness, Margaret Thatcher, on his bedroom wall.

After graduating from Nottingham University, Daniel earned a M.A. in history from the University of Wisconsin-Milwaukee. Dan moved to the Washington, DC, area shortly thereafter for an internship at the Leadership Institute. Dan soon joined the LI staff full-time, where he built up his resume by empowering conservative activists to become leaders while developing lifelong connections across the conservative movement in the United States.

After more than 2 years at LI, Dan became a copywriter for the Eberle Communications Group, a job he cherished from the start as it allowed him to stay in the U.S., where he would be able to pursue a career as well as his future wife, Nena Bartlett. Dan remained a longtime volunteer faculty member for LI, giving generously of his time to train hundreds of conservatives to become better writers.

Daniel dreamed of having a big family and, after a truly unique courtship, began building one with his wife, Nena, in 2014.

Dan and Nena brought three beautiful girls into the world: Dagny Joy, Magnolia Jennifer, and Zora Katherine. Dan's incredible spirit shines through in each of his daughters.

In addition to starting a family, Dan's other life ambition was to become a published author. He achieved his goal with his first book, ''Eagle Ascending,'' published by TouchPoint Press. His second book, ''The Spider's

Revenge,'' will be published posthumously next year.

Dan touched the lives of countless thousands of conservative activists in the United States and across the pond. His roots may have been in Nottingham, but Dan Whitfield was American through and through. Anyone lucky enough to have met Dan even for just a moment is better for it. Dan's personal warmth and professional accomplishments have left an indelible mark on countless people around the world. He will be greatly missed.●

REMEMBERING WILLIE ELDRAGE ARTIS

● Mr. PETERS. Mr. President, I rise today to honor a highly regarded business leader, mentor, and community leader from Flint, MI: Mr. Willie Eldrage Artis, founder and owner of Genesee Packaging, who passed away on June 2, 2022, at the age of 88. Mr. Artis made an immeasurable impact as a partner to the automotive industry, on the Flint community, and the State of Michigan over the past 40 years. It is a privilege and a sorrow both to recognize him here today and celebrate his lifework and many achievements.

Born in 1934, Willie spent the first 18 years of his life living with his parents in Memphis, TN, amid the height of the South's Jim Crow Era. Though difficult, these years instilled in Willie an unfailing work ethic and the ability to stand up for himself and his rights, even in the most difficult of circumstances. After leaving for Chicago, Willie began working on the manufacturing floor of the Triangle Container Corrugated Company, learning the ins-and-outs of the packaging business from the ground up. He brought this knowledge with him when he moved to Flint in 1964 and began working for Flint Boxmakers. In just 2 years, he was promoted to manufacturing manager.

In 1979, Willie and a fellow colleague of color took advantage of the recently issued minority business programs administered by General Motors to leverage their years of expertise and open Genesee Packaging. Since its formation, Genesee Packaging has been a place of opportunity for the community to gain employment and increased access to economic achievement for customers and employees alike.

His energetic service to the Flint community and State of Michigan included his membership with the Michigan Minority Business Development Council, Genesys Health Systems, the Flint Public Library, and the Flint Business and Development Council. In 1989, he was appointed to serve on Governor James Blanchard's entrepreneurial business commission, was inducted into the Junior Achievement Business Hall of Fame in 2001, and in 2005 received special recognition from Governor Jennifer Granholm for his many contributions to the State of Michigan. Additional recognition for his work in minority business development and civil rights came from then President Bill Clinton, the U.S. Senate, the Michigan House of Representatives, the State of Michigan, and the city of Flint.

In October of 2019, Willie published his memoir in a book titled ''From Jim Crow to CEO: The Willie E. Artis Story,'' where he shared his lessons from life and business as one of America's most honored industrialists. His story embodies that of the American dream, rising up from poverty through determination and hard work, embracing entrepreneurship and becoming a sought-after partner by top corporations and even the White House during the Obama administration.

I cannot understate the impact that Mr. Artis has had on the city of Flint and State of Michigan. A pillar of strength and leadership throughout the community and the embodiment of generosity to those who knew him personally, Willie will no doubt be missed, but his legacy will endure. I ask you to join me—and Willie's beloved wife Veronica, their children, and their grandchildren—in recognizing and celebrating his life and numerous accomplishments. I hope that each of us can find some comfort in the precious moments and memories that were shared with him.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4662. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–440, ''Advisory Neighborhood Commission Boundaries Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4663. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–441, ''Pro Bono Legal Representation Expansion Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4664. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–442, ''Flood Resilience Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4665. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–443, ''Urban Forest Preservation Authority Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4666. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–456, ''Medical Necessity Restroom Access Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4667. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–457, ''Protecting Consumers from Unjust Debt Collection Practices Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4668. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–458, ''East Capitol Gateway Eminent Domain Authority Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4669. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–459, ''Reverse Mortgage Insurance and Tax Payment Program Extension Temporary Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4670. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–460, ''Certificate of Assurance Moratorium Extension Temporary Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4671. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–461, ''COVID–19 Hotel Recovery Grant Program Temporary Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4672. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–462, ''Green Finance Authority Board Quorum Temporary Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4673. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–463, ''Coronavirus Support Remote Cooperative Association Meetings Temporary Amendment Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4674. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 24–465, ''Career Mobility Action Plan Program Establishment Temporary Act of 2022''; to the Committee on Homeland Security and Governmental Affairs.

EC–4675. A communication from the Acting Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Administration's 2018 through 2021 FAIR Act Commercial Activities Inventory, the 2016 FAIR Act Inherently Governmental Activities Inventory, and the 2018–2021 FAIR Act Executive Summary; to the Committee on Homeland Security and Governmental Affairs.

EC–4676. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the Commission's Eighty-First Financial Statement for the period of October 1, 2020 through September 30, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC–4677. A communication from the Senior Official Performing the Duties of the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, the fiscal year 2020 annual report for the Department's Office for Civil Rights and Civil Liberties; to the Committee on Homeland Security and Governmental Affairs.

EC–4678. A communication from the Acting Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals relative to the ''National Defense

Authorization Act for Fiscal Year 2023''; to the Committee on Homeland Security and Governmental Affairs.

EC–4679. A communication from the Acting Assistant Secretary of Defense (Legislative Affairs), transmitting additional legislative proposals relative to the ''National Defense Authorization Act for Fiscal Year 2023''; to the Committee on Homeland Security and Governmental Affairs.

EC–4680. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the Office's fiscal year 2021 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–4681. A communication from the Chair of the Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Semiannual Report of the Inspector General and a Management Report for the period from October 1, 2021 through March 31, 2022; to the Committee on Homeland Security and Governmental Affairs.

EC–4682. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the Commission's Eighty-First Financial Statement for the period of October 1, 2020 through September 30, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC–4683. A communication from the Senior Official Performing the Duties of the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, the Department's fiscal year 2021 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MENENDEZ, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 3589. A bill to require a United States security strategy for the Western Hemisphere, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TESTER:

S. 4601. A bill to improve the management and performance of the capital asset programs of the Department of Veterans Affairs so as to better serve veterans, their families, caregivers, and survivors, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SMITH:

S. 4602. A bill to amend the Richard B. Russell National School Lunch Act to prohibit the stigmatization of children who are unable to pay for school meals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. KLOBUCHAR (for herself, Ms. SMITH, and Mr. BOOKER):

S. 4603. A bill to posthumously award a Congressional Gold Medal to Prince Rogers Nelson in recognition of his achievements and contributions to the culture of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SMITH:

S. 4604. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to authorize grants for eligible institutions to carry out agriculture workforce training programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. STABENOW (for herself and Ms. COLLINS):

S. 4605. A bill to amend title XVIII of the Social Security Act to ensure stability in payments to home health agencies under the Medicare program; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Mr. PETERS, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. REED, Mr. MARKEY, Mr. MURPHY, Mrs. SHAHEEN, Mr. PADILLA, Ms. SMITH, and Mr. WYDEN):

S. 4606. A bill to address the importation and proliferation of firearm modification devices; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Ms. LUMMIS, Mr. THUNE, Mrs. BLACKBURN, Mrs. FISCHER, and Mr. GRASSLEY):

S. 4607. A bill to amend title 49, United States Code, to raise the retirement age for pilots engaged in commercial aviation operations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. OSSOFF:

S. Res. 718. A resolution designating the week of July 19 through July 25, 2022, as ''Black Maternal Mental Health Awareness Week'' and supporting the goal of raising awareness and understanding around maternal mental health conditions as they affect Black individuals; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 344

At the request of Mr. TESTER, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 344, a bill to amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retirement pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

S. 403

At the request of Mr. YOUNG, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 403, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects, and for other purposes.

S. 445

At the request of Ms. HASSAN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 445, a bill to amend section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) to eliminate the separate registration requirement for dispensing narcotic drugs in schedule III, IV, or V, such as buprenorphine, for maintenance or detoxification treatment, and for other purposes.

S. 692

At the request of Mr. TESTER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 692, a bill to award a Congressional Gold Medal to the female telephone operators of the Army Signal Corps, known as the ''Hello Girls''.

S. 1183

At the request of Mr. SCHATZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1183, a bill to allow veterans to use, possess, or transport medical marijuana and to discuss the use of medical marijuana with a physician of the Department of Veterans Affairs as authorized by a State or Indian Tribe, and for other purposes.

S. 1187

At the request of Mr. BROWN, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of S. 1187, a bill to amend the Tariff Act of 1930 to improve the administration of antidumping and countervailing duty laws, and for other purposes.

S. 1522

At the request of Mr. CORNYN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1522, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 1731

At the request of Mr. PAUL, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1731, a bill to provide certain coverage of audiologist services under the Medicare program, and for other purposes.

S. 1873

At the request of Mr. CRAPO, the names of the Senator from New Mexico (Mr. HEINRICH), the Senator from Minnesota (Ms. SMITH) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 1873, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of multi-cancer early detection screening tests.

S. 2372

At the request of Mr. HEINRICH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2372, a bill to amend the Pittman-Robertson Wildlife Restoration Act to make supplemental funds available for management of fish and wildlife species of greatest conservation need as determined by State fish and wildlife agencies, and for other purposes.

S. 2409

At the request of Mr. CASEY, the name of the Senator from New Hampshire (Ms. HASSAN) was added as a cosponsor of S. 2409, a bill to require the Secretary of Labor to maintain a publicly available list of all employers

that relocate a call center or contract call center work overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes.

S. 2956

At the request of Mr. COONS, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 2956, a bill to advance targeted, high-impact, and evidence-based inventions for the prevention and treatment of global malnutrition, to improve the coordination of such programs, and for other purposes.

S. 3086

At the request of Mr. SCOTT of Florida, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 3086, a bill to require the Energy Information Administration to submit to Congress and make publicly available an annual report on Federal agency policies and regulations and Executive orders that have increased or may increase energy prices in the United States, and for other purposes.

S. 3505

At the request of Mr. MERKLEY, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 3505, a bill to amend the Internal Revenue Code of 1986 to exclude certain Nurse Corps payments from gross income.

S. 3531

At the request of Mr. COONS, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 3531, a bill to require the Federal Government to produce a national climate adaptation and resilience strategy, and for other purposes.

S. 3621

At the request of Ms. HIRONO, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 3621, a bill to direct the Secretary of the Interior to establish a National Climate Adaptation Science Center and Regional Climate Adaptation Science Centers to respond to the effects of extreme weather events and climate trends, and for other purposes.

S. 3664

At the request of Mr. BOOKER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3664, a bill to assist in the conservation of the North Atlantic right whale by supporting and providing financial resources for North Atlantic right whale conservation programs and projects of persons with expertise required for the conservation of North Atlantic right whales, and for other purposes.

S. 3686

At the request of Ms. KLOBUCHAR, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 3686, a bill to amend the Public Health Service Act to provide education and training on eating disorders for health care providers and communities, and for other purposes.

S. 3740

At the request of Mr. KELLY, the name of the Senator from New Mexico (Mr. LUJÁN) was added as a cosponsor of S. 3740, a bill to provide for a comprehensive and integrative program to accelerate microelectronics research and development at the Department of Energy, and for other purposes.

S. 4105

At the request of Mr. BROWN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 4105, a bill to treat certain liquidations of new motor vehicle inventory as qualified liquidations of LIFO inventory for purposes of the Internal Revenue Code of 1986.

S. 4202

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of S. 4202, a bill to require an annual budget estimate for the initiatives of the National Institutes of Health pursuant to reports and recommendations made under the National Alzheimer's Project Act.

S. 4203

At the request of Ms. COLLINS, the names of the Senator from Florida (Mr. RUBIO) and the Senator from Colorado (Mr. HICKENLOOPER) were added as cosponsors of S. 4203, a bill to extend the National Alzheimer's Project.

S. 4216

At the request of Mr. RUBIO, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 4216, a bill to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

S. 4241

At the request of Mr. SULLIVAN, the name of the Senator from Kansas (Mr. MARSHALL) was added as a cosponsor of S. 4241, a bill to amend the Investment Advisers Act of 1940 to require investment advisers for passively managed funds to arrange for pass-through voting of proxies for certain securities, and for other purposes.

S. 4293

At the request of Ms. CANTWELL, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 4293, a bill to prevent unfair and deceptive acts or practices and the dissemination of false information related to pharmacy benefit management services for prescription drugs, and for other purposes.

S. 4359

At the request of Mr. OSSOFF, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 4359, a bill to designate the regional office of the Department of Veterans Affairs in metropolitan Atlanta as the ''Senator Johnny Isakson Department of Veterans Affairs Atlanta Regional Office'', and for other purposes.

S. 4402

At the request of Mr. BOOKER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 4402, a bill to direct the Attorney General to establish a grant program to establish, implement, and administer the violent incident clearance and technology investigative method, and for other purposes.

S. 4416

At the request of Mr. CASSIDY, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 4416, a bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for charitable donations to nonprofit organizations providing education scholarships to qualified elementary and secondary students.

S. 4420

At the request of Ms. COLLINS, the names of the Senator from Maine (Mr. KING) and the Senator from Louisiana (Mr. CASSIDY) were added as cosponsors of S. 4420, a bill to provide for advancements in carbon removal research, quantification, and commercialization, including by harnessing natural processes, and for other purposes.

S. 4441

At the request of Mr. BOOZMAN, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 4441, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide for peer support specialists for claimants who are survivors of military sexual trauma, and for other purposes.

S. 4466

At the request of Mr. MENENDEZ, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 4466, a bill to amend the Peace Corps Act by reauthorizing the Peace Corps, providing better support for current, returning, and former volunteers, and for other purposes.

S. 4484

At the request of Mr. DAINES, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. 4484, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the fiduciary duty of plan administrators to select and maintain investments based solely on pecuniary factors, and for other purposes.

S. 4519

At the request of Mr. RUBIO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 4519, a bill to prohibit the Federal Government from promoting, supporting, or contracting with abortion entities, or otherwise expanding access to abortions on Federal lands or in Federal facilities.

S. 4539

At the request of Ms. ERNST, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 4539, a bill to designate June as the ''Month of Life''.

S. 4586

At the request of Mr. CRUZ, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 4586, a bill to keep schools physically secure using unobligated Federal funds available to the Secretary of Education to respond to the coronavirus.

S. 4595

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 4595, a bill to support local governments for jurisdictions that elect or appoint a person with a disability in providing the accommodations needed for the elected or appointed official to carry out their official work duties, and to build the capacity of local governments to have consistent and adequate funding for accommodations.

S. 4600

At the request of Mr. CRUZ, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 4600, a bill to require the reimposition of sanctions with respect to the FARC.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 718—DESIGNATING THE WEEK OF JULY 19 THROUGH JULY 25, 2022, AS ''BLACK MATERNAL MENTAL HEALTH AWARENESS WEEK'' AND SUPPORTING THE GOAL OF RAISING AWARENESS AND UNDERSTANDING AROUND MATERNAL MENTAL HEALTH CONDITIONS AS THEY AFFECT BLACK INDIVIDUALS

Mr. OSSOFF submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 718

Whereas 1 in 8 women and 1 in 6 Black women will suffer from a maternal mental health condition at some point during their lifetimes;

Whereas maternal mental health and substance use disorder conditions initially present during pregnancy or the year following childbirth, stillbirth, or miscarriage, and include depression, anxiety, obsessive compulsive disorder, psychosis, and other conditions;

Whereas suicide and overdose caused by a maternal mental health or substance use disorder condition contribute to the rising maternal mortality rate;

Whereas non-Hispanic Black individuals are 3 times more likely to have a maternal death than white individuals in the United States;

Whereas untreated maternal mental health conditions cost the United States economy $14,200,000,000 each year due to productivity loss, preterm births, child behavioral and developmental costs, and other health-related costs;

Whereas maternal mental health conditions impair mother-infant interactions causing negative behavioral, cognitive, and emotional impacts on the infant;

Whereas untreated maternal depression during pregnancy leads to a higher risk of preterm and low birth weight delivery and infant mortality;

Whereas many health professionals receive limited or no formal training on providing culturally appropriate maternity care in diverse communities;

Whereas 50 percent of individuals with a maternal mental health condition never receive treatment, and Black women are less likely than white women to access or continue treatment, or refill a prescription for a maternal mental health condition;

Whereas best practices for the prevention and treatment of maternal mental health conditions include collaborative and culturally and linguistically appropriate models of group prenatal or postpartum care;

Whereas addressing maternal mental health conditions is integral in reaching the Healthy People 2030 goals of the Department of Health and Human Services of a 10 percent reduction of the maternal mortality rate, maternal illnesses and complications due to pregnancy, and the preterm live birth rate; and

Whereas more research on Black maternal mental health outcomes and care, existing State and other programs, and innovative maternity care models designed to reduce racial and ethnic disparities in maternal health outcomes is needed to inform evidence-based treatments, promote prevention and recovery support efforts, facilitate early identification, dispel stigmas and barriers to care, and provide insight on illness causation and the effects of maternal mental health conditions on infants and communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of July 19 through July 25, 2022, as ''Black Maternal Mental Health Awareness Week'';

(2) supports the goals and ideals of Black Maternal Mental Health Awareness Week to raise public awareness and understanding around maternal mental health conditions and their disproportionate impact on Black women and families;

(3) recognizes the need for culturally and linguistically appropriate prevention, intervention, treatment, and recovery support services for individuals affected by maternal mental health conditions;

(4) acknowledges the need for further research on maternal mental health treatment models that are effective in reducing racial and ethnic disparities in health outcomes; and

(5) encourages Federal, State, and local governments and citizens of the United States—

(A) to support Black Maternal Mental Health Awareness Week through programs and activities; and

(B) to promote public awareness of maternal mental health conditions as those conditions affect Black individuals.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5158. Mr. PORTMAN 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.

SA 5159. Mr. PAUL 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 5160. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3373, to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant; which was ordered to lie on the table.

SA 5161. Mrs. FEINSTEIN (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her 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.

SA 5162. Mr. LEE 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 5163. Mr. LEE 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 5164. Mr. LEE 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 5165. Mr. LEE 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 5166. Mr. LEE 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 5167. Mr. LEE 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 5168. Mr. LEE 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 5169. Mr. LEE 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 5170. Mr. LEE 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 5171. Mr. LEE 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 5172. Mr. LEE 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 5173. Mr. LEE 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 5174. Mr. LEE 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 5175. Mr. LEE 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 5176. Mr. LEE 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 5177. Mr. LEE 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 5178. Mr. LEE 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 5179. Mr. LEE 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 5180. Mr. LEE 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 5181. Mr. COTTON 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 5182. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 5140 submitted by Mr. CARPER (for himself, Mrs. CAPITO, Mr. CARDIN, and Mr. CRAMER) and intended to be proposed to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 5158. Mr. PORTMAN 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:

TITLE ____—SAFEGUARDING AMERICAN INNOVATION

SEC. ___. SHORT TITLE.

This title may be cited as the ''Safeguarding American Innovation Act''.

SEC. ___. FEDERAL GRANT APPLICATION FRAUD.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Federal grant application fraud

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 551 of title 5, United States Code.

''(2) FEDERAL GRANT.—The term 'Federal grant'—

''(A) means a grant awarded by a Federal agency;

''(B) includes a subgrant awarded by a non-Federal entity to carry out a Federal grant program; and

''(C) does not include—

''(i) direct United States Government cash assistance to an individual;

''(ii) a subsidy;

''(iii) a loan;

''(iv) a loan guarantee; or

''(v) insurance.

''(3) FEDERAL GRANT APPLICATION.—The term 'Federal grant application' means an application for a Federal grant.

''(4) FOREIGN COMPENSATION.—The term 'foreign compensation' means a title, monetary compensation, access to a laboratory or other resource, or other benefit received from—

''(A) a foreign government;

''(B) a foreign government institution; or

''(C) a foreign public enterprise.

''(5) FOREIGN GOVERNMENT.—The term 'foreign government' includes a person acting or purporting to act on behalf of—

''(A) a faction, party, department, agency, bureau, subnational administrative entity, or military of a foreign country; or

''(B) a foreign government or a person purporting to act as a foreign government, regardless of whether the United States recognizes the government.

''(6) FOREIGN GOVERNMENT INSTITUTION.—The term 'foreign government institution' means a foreign entity owned by, subject to the control of, or subject to regulation by a foreign government.

''(7) FOREIGN PUBLIC ENTERPRISE.—The term 'foreign public enterprise' means an enterprise over which a foreign government directly or indirectly exercises a dominant influence.

''(8) LAW ENFORCEMENT AGENCY.—The term 'law enforcement agency'—

''(A) means a Federal, State, local, or Tribal law enforcement agency; and

''(B) includes—

''(i) the Office of Inspector General of an establishment (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.)); and

''(ii) the Office of Inspector General, or similar office, of a State or unit of local government.

''(9) OUTSIDE COMPENSATION.—The term 'outside compensation' means any compensation, resource, or support (regardless of monetary value) made available to the applicant in support of, or related to, any research endeavor, including a title, research grant, cooperative agreement, contract, institutional award, access to a laboratory, or other resource, including materials, travel compensation, or work incentives.

''(b) PROHIBITION.—It shall be unlawful for any individual to knowingly—

''(1) prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by the individual, the value of which is $1,000 or more;

''(2) forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or

''(3) prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that—

''(A) contains a material false statement;

''(B) contains a material misrepresentation; or

''(C) fails to disclose a material fact.

''(c) EXCEPTION.—Subsection (b) does not apply to an activity—

''(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

''(A) a law enforcement agency; or

''(B) a Federal intelligence agency; or

''(2) authorized under chapter 224.

''(d) PENALTY.—Any individual who violates subsection (b)—

''(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both, in accordance with the level of severity of that individual's violation of subsection (b); and

''(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning on the date on which a sentence is imposed on the individual under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1041. Federal grant application fraud.''.

SEC. ___. RESTRICTING THE ACQUISITION OF EMERGING TECHNOLOGIES BY CERTAIN ALIENS.

(a) GROUNDS OF VISA SANCTIONS.—The Secretary of State may impose the sanctions described in subsection (c) if the Secretary determines an alien is seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefitting an adversarial foreign government's security or strategic capabilities.

(b) RELEVANT FACTORS.—To determine if an alien is inadmissible under subsection (a), the Secretary of State shall—

(1) take account of information and analyses relevant to implementing subsection (a) from the Office of the Director of National Intelligence, the Department of Health and Human Services, the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Commerce, and other appropriate Federal agencies;

(2) take account of the continual expert assessments of evolving sensitive or emerging technologies that foreign adversaries are targeting;

(3) take account of relevant information concerning the foreign person's employment or collaboration, to the extent known, with—

(A) foreign military and security related organizations that are adversarial to the United States;

(B) foreign institutions involved in the theft of United States research;

(C) entities involved in export control violations or the theft of intellectual property;

(D) a government that seeks to undermine the integrity and security of the United States research community; or

(E) other associations or collaborations that pose a national security threat based on intelligence assessments; and

(4) weigh the proportionality of risks and the factors listed in paragraphs (1) through (3).

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INELIGIBILITY FOR VISAS AND ADMISSION TO THE UNITED STATES.—An alien described in subsection (a) may be—

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—An alien described in subsection (a) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(B) IMMEDIATE EFFECT.—A revocation under subparagraph (A) shall take effect immediately, and automatically cancel any other valid visa or entry documentation that is in the alien's possession, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)).

(3) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—The sanctions described in this subsection shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(d) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and semi-annually thereafter until the sunset date set forth in subsection (f), the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of

the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives that identifies—

(1) any criteria, if relevant, used to determine whether an alien is subject to sanctions under subsection (a);

(2) the number of individuals determined to be subject to sanctions under subsection (a), including the nationality of each such individual and the reasons for each sanctions determination; and

(3) the number of days from the date of the consular interview until a final decision is issued for each application for a visa considered under this section, listed by applicants' country of citizenship and relevant consulate.

(e) CLASSIFICATION OF REPORT.—Each report required under subsection (d) shall be submitted, to the extent practicable, in an unclassified form, but may be accompanied by a classified annex.

(f) SUNSET.—This section shall cease to be effective on the date that is 2 years after the date of the enactment of this Act.

SEC. ___. PRIVACY AND CONFIDENTIALITY.

Nothing in this title may be construed as affecting the rights and requirements provided in section 552a of title 5, United States Code (commonly known as the ''Privacy Act of 1974'') or subchapter III of chapter 35 of title 44, United States Code (commonly known as the ''Confidential Information Protection and Statistical Efficiency Act of 2018'').

SA 5159. Mr. PAUL 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 appropriate place, insert the following:

SEC. _____. PROHIBITION ON FUNDING FOR GAIN-OF-FUNCTION RESEARCH CONDUCTED IN CHINA.

(a) IN GENERAL.—No funds made available to any Federal agency, including the National Institutes of Health, may be used to conduct gain-of-function research in China.

(b) DEFINITION OF GAIN-OF-FUNCTION RESEARCH.—In this section, the term ''gain-of-function research'' means any research project that may be reasonably anticipated to confer attributes to influenza, MERS, or SARS viruses such that the virus would have enhanced pathogenicity or transmissibility in mammals.

SA 5160. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3373, to improve the Iraq and Afghanistan Service Grant and the Children of Fallen Heroes Grant; which was ordered to lie on the table; as follows:

Beginning on page 115, strike line 14 and all that follows through page 117, line 23, and insert the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the Fund amounts specified in paragraph (2) for investments in—

''(A) the delivery of veterans' health care associated with exposure to environmental hazards in the active military, naval, air, or space service in programs administered by the Under Secretary for Health;

''(B) any expenses incident to the delivery of veterans' health care and benefits associated with exposure to environmental hazards in the active military, naval, air, or space service, including administrative expenses, such as information technology and claims processing and appeals, and excluding leases as authorized or approved under section 8104 of this title; and

''(C) medical and other research relating to exposure to environmental hazards.

''(2) The amounts specified in this paragraph are not more than the following:

''(A) $1,400,000,000 for fiscal year 2023.

''(B) $5,400,000,000 for fiscal year 2024.

''(C) $7,000,000,000 for fiscal year 2025.

''(D) $11,300,000,000 for fiscal year 2026.

''(E) $13,100,000,000 for fiscal year 2027.

''(F) $15,900,000,000 for fiscal year 2028.

''(G) $17,900,000,000 for fiscal year 2029.

''(H) $21,200,000,000 for fiscal year 2030.

''(I) $23,400,000,000 for fiscal year 2031.

''(d) BUDGET SCOREKEEPING.—(1) Immediately upon enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022, expenses authorized to be appropriated to the Fund in subsection (c) shall be estimated for fiscal year 2023 and each subsequent fiscal year through fiscal year 2031 and treated as budget authority that is considered to be direct spending—

''(A) in the baseline for purposes of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907);

''(B) by the Chairman of the Committee on the Budget of the Senate and the Chair of the Committee on the Budget of the House of Representatives, as appropriate, for purposes of budget enforcement in the Senate and the House of Representatives;

''(C) under the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), including in the reports required by section 308(b) of such Act (2 U.S.C. 639); and

''(D) for purposes of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.).

''(2)(A) Except as provided in subparagraph (B), amounts appropriated to the Fund for fiscal year 2023 through 2031, pursuant to subsection (c) shall be counted as direct spending under the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) and any other Act.

''(B) Any amounts appropriated to the Fund for a fiscal year in excess of the amount specified under subsection (c)(2) for that fiscal year shall be scored as discretionary budget authority and outlays for any estimate of an appropriations Act.

''(3) Notwithstanding the Budget Scorekeeping Guidelines and the accompanying list of programs and accounts set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, and for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) and the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.), the Fund shall be treated, during the period beginning on the date of the enactment of the Sergeant First Class Heath Robinson Honoring our Promise to Address Comprehensive Toxics Act of 2022 and ending on September 30, 2031, as if it were an account designated as 'Appropriated Entitlements and Mandatories for Fiscal Year 1997' in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217.

SA 5161. Mrs. FEINSTEIN (for herself and Mr. SULLIVAN) submitted an amendment intended to be proposed by her 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 title VI of division B, add the following:

Subtitle Q—Driftnet Modernization and Bycatch Reduction

SEC. 10791. SHORT TITLE.

This subtitle may be cited as the ''Driftnet Modernization and Bycatch Reduction Act''.

SEC. 10792. DEFINITION.

Section 3(25) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(25)) is amended by inserting '', or with a mesh size of 14 inches or greater,'' after ''more''.

SEC. 10793. FINDINGS AND POLICY.

(a) FINDINGS.—Section 206(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(b)) is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(8) within the exclusive economic zone, large-scale driftnet fishing that deploys nets with large mesh sizes causes significant entanglement and mortality of living marine resources, including myriad protected species, despite limitations on the lengths of such nets.''.

(b) POLICY.—Section 206(c) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(c)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(4) prioritize the phase out of large-scale driftnet fishing in the exclusive economic zone and promote the development and adoption of alternative fishing methods and gear types that minimize the incidental catch of living marine resources.''.

SEC. 10794. TRANSITION PROGRAM.

Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826) is amended by adding at the end the following—

''(i) FISHING GEAR TRANSITION PROGRAM.—

''(1) IN GENERAL.—During the 5-year period beginning on the date of enactment of the Driftnet Modernization and Bycatch Reduction Act, the Secretary shall conduct a transition program to facilitate the phase-out of large-scale driftnet fishing and adoption of alternative fishing practices that minimize the incidental catch of living marine resources, and shall award grants to eligible permit holders who participate in the program.

''(2) PERMISSIBLE USES.—Any permit holder receiving a grant under paragraph (1) may use such funds only for the purpose of covering—

''(A) any fee originally associated with a permit authorizing participation in a large-scale driftnet fishery, if such permit is surrendered for permanent revocation, and such permit holder relinquishes any claim associated with the permit;

''(B) a forfeiture of fishing gear associated with a permit described in subparagraph (A); or

''(C) the purchase of alternative gear with minimal incidental catch of living marine resources, if the fishery participant is authorized to continue fishing using such alternative gears.

''(3) CERTIFICATION.—The Secretary shall certify that, with respect to each participant in the program under this subsection, any permit authorizing participation in a large-scale driftnet fishery has been permanently revoked and that no new permits will be issued to authorize such fishing.''.

SEC. 10795. EXCEPTION.

Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: '', unless such large-scale driftnet fishing—

''(i) deploys, within the exclusive economic zone, a net with a total length of less than two and one-half kilometers and a mesh size of 14 inches or greater; and

''(ii) is conducted within 5 years of the date of enactment of the Driftnet Modernization and Bycatch Reduction Act''.

SEC. 10796. FEES.

(a) IN GENERAL.—The North Pacific Fishery Management Council may recommend, and the Secretary of Commerce may approve, regulations necessary for the collection of fees from charter vessel operators who guide recreational anglers who harvest Pacific halibut in International Pacific Halibut Commission regulatory areas 2C and 3A as those terms are defined in part 300 of title 50, Code of Federal Regulations (or any successor regulations).

(b) USE OF FEES.—Any fees collected under this section shall be available for the purposes of—

(1) financing administrative costs of the Recreational Quota Entity program;

(2) the purchase of halibut quota shares in International Pacific Halibut Commission regulatory areas 2C and 3A by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations);

(3) halibut conservation and research; and

(4) promotion of the halibut resource by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations).

(c) LIMITATION ON COLLECTION AND AVAILABILITY.—Fees shall be collected and available pursuant to this section only to the extent and in such amounts as provided in advance in appropriations Acts, subject to subsection (d).

(d) FEE COLLECTED DURING START-UP PERIOD.—Notwithstanding subsection (c), fees may be collected through the date of enactment of an Act making appropriations for the activities authorized under this subtitle through September 30, 2022, and shall be available for obligation and remain available until expended.

SA 5162. Mr. LEE 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. _____. REGULATORY OVERSIGHT AND REVIEW TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the ''Regulatory Oversight and Review Task Force'' (referred to in this section as the ''Task Force'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be composed of—

(A) the Director of the Office of Management and Budget, who shall serve as the Chairperson of the Task Force and shall be a non-voting, ex officio member of the Task Force;

(B) 1 representative of the Office of Information and Regulatory Affairs, who shall be a non-voting, ex officio member of the Task Force; and

(C) 16 individuals from the private sector, of whom—

(i) 4 shall be appointed by the majority leader of the Senate;

(ii) 4 shall be appointed by the minority leader of the Senate;

(iii) 4 shall be appointed by the Speaker of the House of Representatives; and

(iv) 4 shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS OF PRIVATE SECTOR MEMBERS.—

(A) EXPERTISE.—Each member of the Task Force appointed under paragraph (1)(C) shall be an individual with expertise in Federal regulatory policy, Federal regulatory compliance, economics, law, or business management.

(B) SMALL BUSINESS CONCERNS.—Not fewer than 2 of the members of the Task Force appointed under each clause of paragraph (1)(C) shall be representatives of a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

(C) POLITICAL AFFILIATION.—Not more than 2 of the members of the Task Force appointed under each clause of paragraph (1)(C) may be affiliated with the same political party.

(c) CONSULTATION WITH GAO.—In carrying out its functions under this section, the Task Force shall consult with the Government Accountability Office.

(d) NO COMPENSATION.—A member of the Task Force may not receive any compensation for serving on the Task Force.

(e) STAFF.—

(1) DESIGNATION OF EXISTING STAFF.—The Director of the Office of Management and Budget may designate employees of the Office of Management and Budget, including employees of the Office of Information and Regulatory Affairs, as necessary to help the Task Force carry out its duties under this section.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to authorize the provision of any additional compensation to an employee designated under that paragraph.

(f) EVALUATION OF REGULATIONS AND GUIDANCE.—The Task Force shall evaluate, and provide recommendations for modification, consolidation, harmonization, or repeal of, Federal regulations or guidance that—

(1) exclude or otherwise inhibit competition, causing industries of the United States to be less competitive with global competitors;

(2) create barriers to entry for United States businesses, including entrepreneurs and startups;

(3) increase the operating costs for domestic manufacturing;

(4) impose substantial compliance costs and other burdens on industries of the United States, making those industries less competitive with global competitors;

(5) impose burdensome and lengthy permitting processes and requirements;

(6) impact energy production by United States businesses and make the United States dependent on foreign countries for energy supply;

(7) restrict domestic mining, including the mining of critical minerals; or

(8) inhibit capital formation in the economy of the United States.

(g) WEBSITE.—The Task Force shall establish and maintain a user-friendly, public-facing website to be—

(1) a portal for the submission of written comments under subsection (i); and

(2) a gateway for reports and key information.

(h) DUTY OF FEDERAL AGENCIES.—Upon request of the Task Force, a Federal agency shall provide applicable documents and information to help the Task Force carry out its functions under this section.

(i) WRITTEN RECOMMENDATIONS.—

(1) IN GENERAL.— Not later than 15 days after the first meeting of the Task Force, the Task Force shall initiate a process to solicit and collect written recommendations regarding regulations or guidance described in subsection (f) from the general public, interested parties, Federal agencies, and other relevant entities.

(2) MANNER OF SUBMISSION.—The Task Force shall allow written recommendations under paragraph (1) to be submitted through—

(A) the website of the Task Force;

(B) regulations.gov;

(C) the mail; or

(D) other appropriate written means.

(3) PUBLICATION.—The Task Force shall publish each recommendation submitted under paragraph (1)—

(A) in the Federal Register;

(B) on the website of the Task Force; and

(C) on regulations.gov.

(4) PUBLIC OUTREACH.—In addition to soliciting and collecting written recommendations under paragraph (1), the Task Force shall conduct public outreach and convene focus groups in geographically diverse areas throughout the United States to solicit feedback and public comments regarding regulations or guidance described in subsection (f).

(5) REVIEW AND CONSIDERATION.—The Task Force shall review the information received under paragraphs (1) and (4) and consider including that information in the reports and special message required under subsections (j) and (k), respectively.

(j) REPORTS.—

(1) IN GENERAL.—The Task Force shall submit quarterly and annual reports to Congress on the findings of the Task Force under this section.

(2) CONTENTS.—Each report submitted under paragraph (1) shall—

(A) analyze the Federal regulations or guidance identified in accordance with subsection (f); and

(B) provide recommendations for modifications, consolidation, harmonization, and repeal of the regulations or guidance described in subparagraph (A) of this paragraph.

(3) MAJORITY VOTE REQUIRED.—The Task Force may only include a finding or recommendation in a report submitted under paragraph (1) if a majority of the members of the Task Force have approved the finding or recommendation.

(k) SPECIAL MESSAGE TO CONGRESS.—

(1) DEFINITION.—In this subsection, the term ''covered resolution'' means a joint resolution—

(A) the matter after the resolving clause of which contains only—

(i) a list of some or all of the regulations or guidance that were recommended for repeal in a special message submitted to Congress under paragraph (2); and

(ii) a provision that immediately repeals the listed regulations or guidance upon enactment of the joint resolution; and

(B) upon which Congress completes action before the end of the first period of 60 calendar days after the date on which the special message described in subparagraph (A)(i) of this paragraph is received by Congress.

(2) SUBMISSION.—

(A) IN GENERAL.—Not later than the first day on which both Houses of Congress are in session after May 1 of each year, the Director of the Office of Management and Budget shall submit to Congress, on behalf of the Task Force, a special message that—

(i) details each regulation or guidance document that the Task Force recommends for repeal; and

(ii) explains why each regulation or guidance document should be repealed.

(B) DELIVERY TO HOUSE AND SENATE; PRINTING.—Each special message submitted under subparagraph (A) shall be—

(i) delivered to the Clerk of the House of Representatives and the Secretary of the Senate; and

(ii) printed in the Congressional Record.

(3) PROCEDURE IN HOUSE AND SENATE.—

(A) REFERRAL.—A covered resolution shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(B) DISCHARGE OF COMMITTEE.—If the committee to which a covered resolution has been referred has not reported the resolution at the end of 25 calendar days after the introduction of the resolution—

(i) the committee shall be discharged from further consideration of the resolution; and

(ii) the resolution shall be placed on the appropriate calendar.

(4) FLOOR CONSIDERATION IN THE HOUSE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution.

(ii) PRIVILEGE.—A motion described in clause (i) shall be highly privileged and not debatable.

(iii) NO AMENDMENT OR MOTION TO RECONSIDER.—An amendment to a motion described in clause (i) shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) DEBATE.—

(i) IN GENERAL.—Debate in the House of Representatives on a covered resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution.

(ii) NO MOTION TO RECONSIDER.—It shall not be in order in the House of Representatives to move to reconsider the vote by which a covered resolution is agreed to or disagreed to.

(C) NO MOTION TO POSTPONE CONSIDERATION OR PROCEED TO CONSIDERATION OF OTHER BUSINESS.—In the House of Representatives, motions to postpone, made with respect to the consideration of a covered resolution, and motions to proceed to the consideration of other business, shall not be in order.

(D) APPEALS FROM DECISIONS OF CHAIR.—An appeal from the decision of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a covered resolution shall be decided without debate.

(5) FLOOR CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee of the Senate to which a covered resolution is referred has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution and all points of order against the covered resolution are waived.

(ii) DIVISION OF TIME.—A motion to proceed described in clause (i) is subject to 4 hours of debate divided equally between those favoring and those opposing the covered resolution.

(iii) NO AMENDMENT OR MOTION TO POSTPONE OR PROCEED TO OTHER BUSINESS.—A motion to proceed described in clause (i) is not subject to—

(I) amendment;

(II) a motion to postpone; or

(III) a motion to proceed to the consideration of other business.

(B) FLOOR CONSIDERATION.—

(i) GENERAL.—In the Senate, a covered resolution shall be subject to 10 hours of debate divided equally between those favoring and those opposing the covered resolution.

(ii) AMENDMENTS.—In the Senate, no amendment to a covered resolution shall be in order, except an amendment that strikes from or adds to the list required under paragraph (1)(A)(i) a regulation or guidance document recommended for repeal by the Task Force.

(iii) MOTIONS AND APPEALS.—In the Senate, a motion to reconsider a vote on final passage of a covered resolution shall not be in order, and points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a covered resolution, one House receives from the other a covered resolution—

(A) the covered resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day on which it is received; and

(B) the procedures set forth in paragraph (4) or (5), as applicable, shall apply in the receiving House to the covered resolution received from the other House to the same extent as those procedures apply to a covered resolution of the receiving House.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.—Paragraphs (3) through (6) and this paragraph are enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in the House in the case of covered resolutions, and supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(l) FUNDING.—

(1) NO ADDITIONAL AMOUNTS AUTHORIZED.—No additional amounts are authorized to be appropriated to carry out this section.

(2) OTHER FUNDING.—The Task Force shall use amounts otherwise available to the Office of Management and Budget to carry out this section.

SA 5163. Mr. LEE 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 565, line 15, strike ''challenges and''.

On page 565, line 21, strike ''challenges and''.

On page 566, lines 20 and 21, strike ''challenges and''.

On page 571, line 12, strike ''**CHALLENGES AND FOCUS AREAS.**'' and insert ''**FOCUS AREAS.**''.

On page 571, strike lines 17 through 23 and insert the following: ''a list of not more than 10 key technology focus areas to guide activities under this subtitle.''.

On page 572, strike lines 1 through 12.

Beginning on page 573, strike line 17 and all that follows through line 9 on page 574.

On page 575, line 2, insert ''and'' after the semicolon.

On page 575, strike lines 3 through 5.

On page 575, strike lines 19 and 20.

On page 576, lines 15 and 16, strike ''and the societal, national, and geostrategic challenges''.

On page 576, strike '', including'' on line 19 and all that follows through ''implications'' on line 21.

On page 603, strike '', including'' on line 5 and all that follows through ''section 10387'' on line 7.

On page 604, lines 4 and 5, strike ''the challenges and''.

On page 609, line 17, strike ''challenges and''.

On page 610, line 12, strike ''challenges and''.

On page 610, line 20, strike ''challenges and''.

On page 621, lines 22 and 23, strike ''challenges and''.

On page 623, line 22, strike ''challenges and''.

SA 5164. Mr. LEE 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. _____. CRITICAL MINERAL DEVELOPMENT.

(a) DEFINITIONS.—In this section:

(1) CRITICAL MINERAL.—The term ''critical mineral'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means, as applicable—

(A) the Secretary of the Interior; or

(B) the Secretary of Agriculture.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, each Secretary concerned shall complete a review of all land under the jurisdiction of the Secretary concerned that is subject to an administrative withdrawal from mineral development.

(2) CRITICAL MINERALS.—

(A) IN GENERAL.—In carrying out the review under paragraph (1), the Secretary concerned shall use data of the United States Geological Survey and any other relevant Federal agencies to determine whether any land identified under that paragraph contains any critical mineral.

(B) SOLICITATION OF COMMENTS.—In carrying out subparagraph (A), the Secretary concerned shall hold a comment period for private sources to share data regarding whether any land identified under paragraph (1) contains any critical mineral.

(c) LIST.—At the end of the 90-day period described in paragraph (1) of subsection (b), each Secretary concerned shall submit to Congress a report containing a comprehensive list of all land identified as subject to an administrative withdrawal from mineral development, including information on whether the land contains any critical mineral, as determined under paragraph (2) of that subsection.

(d) RESCISSION.—Not later than 90 days after the date on which the Secretary concerned submits the report under subsection (c), the administrative withdrawals for all land determined under subsection (b)(2) to contain any critical mineral shall be rescinded.

(e) AUTOMATIC WITHDRAWAL.—With respect to any parcel of land under the jurisdiction of the Secretary concerned that is subject to an administrative withdrawal from mineral

development, if the Secretary does not submit a report under subsection (c) with respect to that parcel by the deadline described in subsection (b)(1), the administrative withdrawal for that parcel shall automatically be rescinded.

SA 5165. Mr. LEE 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 13, strike like 20 and all that follows through line 7 on page 14, and insert the following:

(3) ALLOCATION AUTHORITY.—

SA 5166. Mr. LEE 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 51, strike lines 3 through 7.

SA 5167. Mr. LEE 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 59, strike lines 7 through 10.

SA 5168. Mr. LEE 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. _____. REGULATORY OVERSIGHT AND REVIEW TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the ''Regulatory Oversight and Review Task Force'' (referred to in this section as the ''Task Force'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall be composed of—

(A) the Director of the Office of Management and Budget, who shall serve as the Chairperson of the Task Force and shall be a non-voting, ex officio member of the Task Force;

(B) 1 representative of the Office of Information and Regulatory Affairs, who shall be a non-voting, ex officio member of the Task Force; and

(C) 16 individuals from the private sector, of whom—

(i) 4 shall be appointed by the majority leader of the Senate;

(ii) 4 shall be appointed by the minority leader of the Senate;

(iii) 4 shall be appointed by the Speaker of the House of Representatives; and

(iv) 4 shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS OF PRIVATE SECTOR MEMBERS.—

(A) EXPERTISE.—Each member of the Task Force appointed under paragraph (1)(C) shall be an individual with expertise in Federal regulatory policy, Federal regulatory compliance, economics, law, or business management.

(B) SMALL BUSINESS CONCERNS.—Not fewer than 2 of the members of the Task Force appointed under each clause of paragraph (1)(C) shall be representatives of a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

(C) POLITICAL AFFILIATION.—Not more than 2 of the members of the Task Force appointed under each clause of paragraph (1)(C) may be affiliated with the same political party.

(c) CONSULTATION WITH GAO.—In carrying out its functions under this section, the Task Force shall consult with the Government Accountability Office.

(d) NO COMPENSATION.—A member of the Task Force may not receive any compensation for serving on the Task Force.

(e) STAFF.—

(1) DESIGNATION OF EXISTING STAFF.—The Director of the Office of Management and Budget may designate employees of the Office of Management and Budget, including employees of the Office of Information and Regulatory Affairs, as necessary to help the Task Force carry out its duties under this section.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to authorize the provision of any additional compensation to an employee designated under that paragraph.

(f) EVALUATION OF REGULATIONS AND GUIDANCE.—

(1) DEFINITION.—In this subsection, the term ''covered entity'' has the meaning given the term in section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651).

(2) EVALUATION.—The Task Force shall evaluate, and provide recommendations for modification, consolidation, harmonization, or repeal of, Federal regulations or guidance that—

(A) exclude or otherwise inhibit competition, causing a covered entity of the United States to be less competitive with global competitors;

(B) create barriers to entry for covered entities of the United States;

(C) increase the operating costs for domestic manufacturing of semiconductors;

(D) impose substantial compliance costs and other burdens on covered entities of the United States, making those entities less competitive with global competitors;

(E) impose burdensome and lengthy permitting processes and requirements for covered entities of the United States; or

(F) restrict domestic mining, including the mining of critical minerals used for the manufacturing of semiconductors.

(g) WEBSITE.—The Task Force shall establish and maintain a user-friendly, public-facing website to be—

(1) a portal for the submission of written comments under subsection (i); and

(2) a gateway for reports and key information.

(h) DUTY OF FEDERAL AGENCIES.—Upon request of the Task Force, a Federal agency shall provide applicable documents and information to help the Task Force carry out its functions under this section.

(i) WRITTEN RECOMMENDATIONS.—

(1) IN GENERAL.— Not later than 15 days after the first meeting of the Task Force, the Task Force shall initiate a process to solicit and collect written recommendations regarding regulations or guidance described in subsection (f) from the general public, interested parties, Federal agencies, and other relevant entities.

(2) MANNER OF SUBMISSION.—The Task Force shall allow written recommendations under paragraph (1) to be submitted through—

(A) the website of the Task Force;

(B) regulations.gov;

(C) the mail; or

(D) other appropriate written means.

(3) PUBLICATION.—The Task Force shall publish each recommendation submitted under paragraph (1)—

(A) in the Federal Register;

(B) on the website of the Task Force; and

(C) on regulations.gov.

(4) PUBLIC OUTREACH.—In addition to soliciting and collecting written recommendations under paragraph (1), the Task Force shall conduct public outreach and convene focus groups in geographically diverse areas throughout the United States to solicit feedback and public comments regarding regulations or guidance described in subsection (f).

(5) REVIEW AND CONSIDERATION.—The Task Force shall review the information received under paragraphs (1) and (4) and consider including that information in the reports and special message required under subsections (j) and (k), respectively.

(j) REPORTS.—

(1) IN GENERAL.—The Task Force shall submit quarterly and annual reports to Congress on the findings of the Task Force under this section.

(2) CONTENTS.—Each report submitted under paragraph (1) shall—

(A) analyze the Federal regulations or guidance identified in accordance with subsection (f); and

(B) provide recommendations for modifications, consolidation, harmonization, and repeal of the regulations or guidance described in subparagraph (A) of this paragraph.

(3) MAJORITY VOTE REQUIRED.—The Task Force may only include a finding or recommendation in a report submitted under paragraph (1) if a majority of the members of the Task Force have approved the finding or recommendation.

(k) SPECIAL MESSAGE TO CONGRESS.—

(1) DEFINITION.—In this subsection, the term ''covered resolution'' means a joint resolution—

(A) the matter after the resolving clause of which contains only—

(i) a list of some or all of the regulations or guidance that were recommended for repeal in a special message submitted to Congress under paragraph (2); and

(ii) a provision that immediately repeals the listed regulations or guidance upon enactment of the joint resolution; and

(B) upon which Congress completes action before the end of the first period of 60 calendar days after the date on which the special message described in subparagraph (A)(i) of this paragraph is received by Congress.

(2) SUBMISSION.—

(A) IN GENERAL.—Not later than the first day on which both Houses of Congress are in session after May 1 of each year, the Director of the Office of Management and Budget shall submit to Congress, on behalf of the Task Force, a special message that—

(i) details each regulation or guidance document that the Task Force recommends for repeal; and

(ii) explains why each regulation or guidance document should be repealed.

(B) DELIVERY TO HOUSE AND SENATE; PRINTING.—Each special message submitted under subparagraph (A) shall be—

(i) delivered to the Clerk of the House of Representatives and the Secretary of the Senate; and

(ii) printed in the Congressional Record.

(3) PROCEDURE IN HOUSE AND SENATE.—

(A) REFERRAL.—A covered resolution shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(B) DISCHARGE OF COMMITTEE.—If the committee to which a covered resolution has been referred has not reported the resolution at the end of 25 calendar days after the introduction of the resolution—

(i) the committee shall be discharged from further consideration of the resolution; and

(ii) the resolution shall be placed on the appropriate calendar.

(4) FLOOR CONSIDERATION IN THE HOUSE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution.

(ii) PRIVILEGE.—A motion described in clause (i) shall be highly privileged and not debatable.

(iii) NO AMENDMENT OR MOTION TO RECONSIDER.—An amendment to a motion described in clause (i) shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) DEBATE.—

(i) IN GENERAL.—Debate in the House of Representatives on a covered resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution.

(ii) NO MOTION TO RECONSIDER.—It shall not be in order in the House of Representatives to move to reconsider the vote by which a covered resolution is agreed to or disagreed to.

(C) NO MOTION TO POSTPONE CONSIDERATION OR PROCEED TO CONSIDERATION OF OTHER BUSINESS.—In the House of Representatives, motions to postpone, made with respect to the consideration of a covered resolution, and motions to proceed to the consideration of other business, shall not be in order.

(D) APPEALS FROM DECISIONS OF CHAIR.—An appeal from the decision of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a covered resolution shall be decided without debate.

(5) FLOOR CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee of the Senate to which a covered resolution is referred has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution and all points of order against the covered resolution are waived.

(ii) DIVISION OF TIME.—A motion to proceed described in clause (i) is subject to 4 hours of debate divided equally between those favoring and those opposing the covered resolution.

(iii) NO AMENDMENT OR MOTION TO POSTPONE OR PROCEED TO OTHER BUSINESS.—A motion to proceed described in clause (i) is not subject to—

(I) amendment;

(II) a motion to postpone; or

(III) a motion to proceed to the consideration of other business.

(B) FLOOR CONSIDERATION.—

(i) GENERAL.—In the Senate, a covered resolution shall be subject to 10 hours of debate divided equally between those favoring and those opposing the covered resolution.

(ii) AMENDMENTS.—In the Senate, no amendment to a covered resolution shall be in order, except an amendment that strikes from or adds to the list required under paragraph (1)(A)(i) a regulation or guidance document recommended for repeal by the Task Force.

(iii) MOTIONS AND APPEALS.—In the Senate, a motion to reconsider a vote on final passage of a covered resolution shall not be in order, and points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a covered resolution, one House receives from the other a covered resolution—

(A) the covered resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day on which it is received; and

(B) the procedures set forth in paragraph (4) or (5), as applicable, shall apply in the receiving House to the covered resolution received from the other House to the same extent as those procedures apply to a covered resolution of the receiving House.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.—Paragraphs (3) through (6) and this paragraph are enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in the House in the case of covered resolutions, and supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(l) FUNDING.—

(1) NO ADDITIONAL AMOUNTS AUTHORIZED.—No additional amounts are authorized to be appropriated to carry out this section.

(2) OTHER FUNDING.—The Task Force shall use amounts otherwise available to the Office of Management and Budget to carry out this section.

SA 5169. Mr. LEE 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:

Strike subtitle G of title III of division B.

SA 5170. Mr. LEE 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:

Strike section 10391 of division B.

SA 5171. Mr. LEE 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 620, line 22, insert the following after the period: ''In carrying out the activities of the Directorate, the Director, in coordination with the Assistant Director, shall consolidate existing offices and programs within the Foundation, as of the date of enactment of this Act, to ensure that there is no duplication of activities required under this division.''.

SA 5172. Mr. LEE 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. _____. AUDIT FOR DUPLICATE ACTIVITIES.

The Secretary of Energy, the Secretary of Commerce, the Director of the National Institute of Standards of Technology, and the Director of the National Science Foundation shall each, before implementing any provision of this division, conduct an audit of the activities of the Department of Energy, the Department of Commerce, the National Institute of Standards and Technology, and the National Science Foundation, respectively, to ensure that there is no duplication of activities under this division with the activities of such entities in effect on the day before the date of the enactment of this Act.

SA 5173. Mr. LEE 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:

In division A, strike section 107 and insert the following:

SEC. 107. SPECIAL DEPRECIATION ALLOWANCE FOR QUALIFIED MANUFACTURING PROPERTY.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(n) SPECIAL ALLOWANCE FOR QUALIFIED MANUFACTURING PROPERTY.—

''(1) IN GENERAL.—In the case of any qualified manufacturing property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 100 percent of the adjusted basis of such property, and

''(B) the adjusted basis of such property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED MANUFACTURING PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified manufacturing property' means any property—

''(i) which is tangible property,

''(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(iii) which is—

''(I) constructed, reconstructed, or erected by the taxpayer, or

''(II) acquired by the taxpayer if the original use of such property commences with the taxpayer,

''(iv) which is integral to the operation of the manufacturing facility (as defined in section 144(a)(12)), and

''(v) the construction of which begins before January 1, 2028.

''(B) BUILDINGS AND STRUCTURAL COMPONENTS.—

''(i) IN GENERAL.—The term 'qualified manufacturing property' includes any building or its structural components which otherwise satisfy the requirements under subparagraph (A).

''(ii) EXCEPTION.—Subclause (I) shall not apply with respect to a building or portion of a building used for offices, administrative services, or other functions unrelated to manufacturing.

''(3) EXCEPTIONS.—

''(A) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in subsection (k)(2)(D).

''(B) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(C) ELECTION OUT.—If a taxpayer makes an election under this subparagraph with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(4) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(E) shall apply.

''(5) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of subsection (k)(2)(G) shall apply.

''(6) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified manufacturing property which ceases to be qualified manufacturing property.''.

(b) COORDINATION WITH OTHER BONUS DEPRECIATION PROVISIONS.—

(1) Section 168(k)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) COORDINATION WITH QUALIFIED MANUFACTURING PROPERTY.—The term 'qualified property' shall not include any property to which subsection (n) applies.''.

(2) Section 168(l)(3) of such Code is amended by adding at the end the following new subparagraph:

''(E) COORDINATION WITH QUALIFIED MANUFACTURING PROPERTY.—The term 'qualified second generation biofuel plant property'shall not include any property to which subsection (n) applies.''.

(3) Section 168(m)(2)(B) of such Code is amended by adding at the end the following new clause:

''(iv) COORDINATION WITH QUALIFIED MANUFACTURING PROPERTY.—The term 'qualified reuse and recycling property'shall not include any property to which subsection (n) applies.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 5174. Mr. LEE 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 25, strike lines 1 through 9, and insert the following:

(A) for fiscal year 2023, $25,000,000, to remain available until September 30, 2023;

(B) for fiscal year 2024, $25,000,000, to remain available until September 30, 2024;

(C) for fiscal year 2025, $50,000,000, to remain available until September 30, 2025;

(D) for fiscal year 2026, $50,000,000, to remain available until September 30, 2026; and

(E) for fiscal year 2027, $50,000,000, to remain available until September 30, 2027.

SA 5175. Mr. LEE 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:

Strike section 103(b)(2)(B)(ii) and insert the following:

(ii) in subclause (IV)—

(I) by striking ''under this subsection''; and

(II) by striking the period at the end and inserting a semicolon; and

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SA 5176. Mr. LEE 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 36, strike lines 7 through 24, and insert the following:

(I) in subclause (II), by striking ''is in the interest of the United States'' and inserting ''is in the national security interests of the United States''; and

(II) in subclause (III), by striking ''and'' at the end;

(ii) in clause (ii)(IV), by striking ''and'' at the end;

(iii) by redesignating clause (iii) as clause (v); and

(iv) by inserting after clause (ii) the following:

''(iii) the Secretary shall consider the type of semiconductor technology produced by the covered entity and whether that semiconductor technology advances the national security interests of

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SA 5177. Mr. LEE 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:

Strike section 103(b)(2)(D)(i) and insert the following:

(i) in clause (i)—

(I) in subclause (II)—

(aa) by striking ''is in the interest of the United States'' and inserting ''is in the economic and national security interests of the United States''; and

(bb) by striking ''and'' at the end; amd

(II) by adding at the end the following:

''(IV) conducts a market analysis of the type of semiconductor technology produced with Federal financial assistance received under this section and determines that the production of such semiconductor will not produce an overcapacity or contribute to a distortion of the market price (determined at the time the analysis is conducted) of such semiconductor;'';

SA 5178. Mr. LEE 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 10, strike like 19 and all that follows through line 12 on page 12, and insert the following:

(A) IN GENERAL.—

(i) AMOUNTS.—In addition to amounts otherwise available for such purposes, there is appropriated to the Fund established in subsection (a)(1), out of amounts in the Treasury not otherwise appropriated—

(I) for fiscal year 2022, $24,000,000,000, of which $19,000,000,000 shall be for section 9902 of Public Law 116–283, $2,000,000,000 shall be for subsection (c) of section 9906 of Public Law 116–283, $2,500,000,000 shall be for subsection (d) of section 9906 of Public Law 116–283, and $500,000,000 shall be for subsections (e) and (f) of section 9906 of Public Law 116–283;

(II) for fiscal year 2023, $7,000,000,000, of which $5,000,000,000 shall be for section 9902 of Public Law 116–283 and $2,000,000,000 shall be for subsections (c), (d), (e), and (f) of section 9906 of Public Law 116–283;

(III) for fiscal year 2024, $6,300,000,000, of which $5,000,000,000 shall be for section 9902 of Public Law 116–283 and $1,300,000,000 shall be for subsections (c), (d), (e), and (f) of section 9906 of Public Law 116–283;

(IV) for fiscal year 2025, $6,100,000,000, of which $5,000,000,000 shall be for section 9902 of Public Law 116–283 and $1,100,000,000 shall be for subsections (c), (d), (e), and (f) of section 9906 of Public Law 116–283; and

(V) for fiscal year 2026, $6,600,000,000, of which $5,000,000,000 shall be for section 9902 of Public Law 116– 283 and $1,600,000,000 shall be for subsections (c), (d), (e), and (f) of section 9906 of Public Law 116–283.

(ii) RETURN OF FUNDS.—Any amounts appropriated for a fiscal year under clause (i) that have not been obligated by the date that is 2 years after the last day of that fiscal year shall be returned to the general fund of the Treasury.

SA 5179. Mr. LEE 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:

DIVISION D—PIONEER ACT

SEC. 20001. SHORT TITLE.

This division may be cited as the ''Promoting Innovation and Offering the Needed Escape from Exhaustive Regulations Act'' or the ''PIONEER Act''.

SEC. 20002. DEFINITIONS.

In this division:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Information and Regulatory Affairs.

(2) AGENCY; RULE.—The terms ''agency'' and ''rule'' have the meanings given those terms in section 551 of title 5, United States Code.

(3) APPLICABLE AGENCY.—The term ''applicable agency'' means an agency that has jurisdiction over the enforcement or implementation covered provision for which an applicant is seeking a waiver under the Program.

(4) COVERED PROVISION.—The term ''covered provision'' means—

(A) a rule, including a rule required to be issued under law; or

(B) guidance or any other document issued by an agency.

(5) DIRECTOR.—The term ''Director'' means the Director of the Office.

(6) ECONOMIC DAMAGE.—The term ''economic damage'' means a risk that is likely to cause tangible, physical harm to the property or assets of consumers.

(7) HEALTH OR SAFETY.—The term ''health or safety'', with respect to a risk, means the risk is likely to cause bodily harm to a human life, loss of human life, or an inability to sustain the health or life of a human being.

(8) OFFICE.—The term ''Office'' means the Office of Federal Regulatory Relief established under section 20003(a).

(9) PROGRAM.—The term ''Program'' means the program established under section 20004(a).

(10) UNFAIR OR DECEPTIVE TRADE PRACTICE.—The term ''unfair or deceptive trade practice'' has the meaning given the term in—

(A) the Policy Statement of the Federal Trade Commission on Deception, issued on October 14, 1983; and

(B) the Policy Statement of the Federal Trade Commission on Unfairness, issued on December 17, 1980.

SEC. 20003. OFFICE OF FEDERAL REGULATORY RELIEF.

(a) ESTABLISHMENT.—There is established within the Office of Information and Regulatory Affairs within the Office of Management and Budget an Office of Federal Regulatory Relief.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be the Administrator or a designee thereof, who shall—

(A) be responsible for—

(i) establishing a regulatory sandbox program described in section 20004;

(ii) receiving Program applications and ensuring those applications are complete;

(iii) referring complete Program applications to the applicable agencies;

(iv) filing final Program application decisions from the applicable agencies;

(v) hearing appeals from applicants if their applications are denied by an applicable agency in accordance with section 20004(c)(6); and

(vi) designating staff to the Office as needed; and

(B) not later than 180 days after the date of enactment of this Act—

(i) establish a process that is used to assess likely health and safety risks, risks that are likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers related to applications submitted for the Program, which shall be—

(I) published in the Federal Register and made publicly available with a detailed list of the criteria used to make such determinations; and

(II) subject to public comment before final publication in the Federal Register; and

(ii) establish the application process described in section 20004(c)(1).

(2) ADVISORY BOARDS.—

(A) ESTABLISHMENT.—The Director shall require the head of each agency to establish an advisory board, which shall—

(i) be composed of 10 private sector representatives appointed by the head of the agency—

(I) with expertise in matters under the jurisdiction of the agency, with not more than 5 representatives from the same political party;

(II) who shall serve for a period of not more than 3 years; and

(III) who shall not receive any compensation for participation on the advisory board; and

(ii) be responsible for providing input to the head of the agency for each Program application received by the agency.

(B) VACANCY.—A vacancy on an advisory board established under subparagraph (A), including a temporary vacancy due to a recusal under subparagraph (C)(ii), shall be filled in the same manner as the original appointment with an individual who meets the qualifications described in subparagraph (A)(i)(I).

(C) CONFLICT OF INTEREST.—

(i) IN GENERAL.—If a member of an advisory board established under subparagraph (A) is also the member of the board of an applicant that submits an application under review by the advisory board, the head of the agency or a designee thereof may appoint a temporary replacement for that member.

(ii) FINANCIAL INTEREST.—Each member of an advisory board established under subparagraph (A) shall recuse themselves from advising on an application submitted under the Program for which the member has a conflict of interest as described in section 208 of title 18, United States Code.

(D) SMALL BUSINESS CONCERNS.—Not less than 5 of the members of each advisory board established under subparagraph (A) shall be representatives of a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

(E) RULE OF CONSTRUCTION.—Nothing in this division shall be construed to prevent an agency from establishing additional advisory boards as needed to assist in reviewing Program applications that involve multiple or unique industries.

SEC. 20004. REGULATORY SANDBOX PROGRAM.

(a) IN GENERAL.—The Director shall establish a regulatory sandbox program under which applicable agencies shall grant or deny waivers of covered provisions to temporarily test products or services on a limited basis, or undertake a project to expand or grow business facilities consistent with the purpose described in subsection (b), without otherwise being licensed or authorized to do so under that covered provision.

(b) PURPOSE.—The purpose of the Program is to incentivize the success of current or new businesses, the expansion of economic opportunities, the creation of jobs, and the fostering of innovation.

(c) APPLICATION PROCESS FOR WAIVERS.—

(1) IN GENERAL.—The Office shall establish an application process for the waiver of covered provisions, which shall require that an application shall—

(A) confirm that the applicant—

(i) is subject to the jurisdiction of the Federal Government; and

(ii) has established or plans to establish a business that is incorporated or has a principal place of business in the United States from which their goods or services are offered from and their required documents and data are maintained;

(B) include relevant personal information such as the legal name, address, telephone number, email address, and website address of the applicant;

(C) disclose any criminal conviction of the applicant or other participating persons, if applicable;

(D) contain a description of the good, service, or project to be offered by the applicant for which the applicant is requesting waiver of a covered provision by the Office under the Program, including—

(i) how the applicant is subject to licensing, prohibitions, or other authorization requirements outside of the Program;

(ii) each covered provision that the applicant seeks to have waived during participation in the Program;

(iii) how the good, service, or project would benefit consumers;

(iv) what likely risks the participation of the applicant in the Program may pose, and how the applicant intends to reasonably mitigate those risks;

(v) how participation in the Program would render the offering of the good, service, or project successful;

(vi) a description of the plan and estimated time periods for the beginning and end of the offering of the good, service, or project under the Program;

(vii) a recognition that the applicant will be subject to all laws and rules after the conclusion of the offering of the good, service, or project under the Program;

(viii) how the applicant will end the demonstration of the offering of the good, service, or project under the Program;

(ix) how the applicant will repair harm to consumers if the offering of the good, service, or project under the Program fails; and

(x) a list of each agency that regulates the business of the applicant; and

(E) include any other information as required by the Office.

(2) ASSISTANCE.—The Office may, upon request, provide assistance to an applicant to complete the application process for a waiver under the Program, including by providing the likely covered provisions that could be eligible for such a waiver.

(3) AGENCY REVIEW.—

(A) TRANSMISSION.—Not later than 14 days after the date on which the Office receives an application under paragraph (1), the Office shall submit a copy of the application to each applicable agency.

(B) REVIEW.—The head of an applicable agency, or a designee thereof, shall review a Program application received under subparagraph (A) with input from the advisory board established under section 20003(b)(2).

(C) CONSIDERATIONS.—In reviewing a copy of an application submitted to an applicable agency under subparagraph (A), the head of the applicable agency, or a designee thereof, with input from the advisory board of the applicable agency established under section 20003(b)(2), shall consider whether—

(i) the plan of the applicant to deploy their offering will adequately protect consumers from harm;

(ii) the likely health and safety risks, risks that are likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers are outweighed by the potential benefits to consumers from the offering of the applicant; and

(iii) it is possible to provide the applicant a waiver even if the Office does not waive every covered provision requested by the applicant.

(D) FINAL DECISION.—

(i) IN GENERAL.—Subject to clause (ii), the head of an applicable agency, or a designee thereof, who receives a copy of an application under subparagraph (A) shall, with the consideration of the recommendations of the advisory board of the applicable agency established under section 20003(b)(2), make the final decision to grant or deny the application.

(ii) IN PART APPROVAL.—

(I) IN GENERAL.—If more than 1 applicable agency receives a copy of an application under subparagraph (A)—

(aa) the head of each applicable agency (or their designees), with input from the advisory board of the applicable agency established under section 20003(b)(2), shall grant or deny the waiver of the covered provisions over which the applicable agency has jurisdiction for enforcement or implementation; and

(bb) if each applicable agency that receives an application under subparagraph (A) grants the waiver under item (aa), the Director shall grant the entire application.

(II) IN PART APPROVAL BY DIRECTOR.—If an applicable agency denies part of an application under subclause (I) but another applicable agency grants part of the application, the Director shall approve the application in

part and specify in the final decision which covered provisions are waived.

(E) RECORD OF DECISION.—

(i) IN GENERAL.—Not later than 180 days after receiving a copy of an application under subparagraph (A), an applicable agency shall approve or deny the application and submit to the Director a record of the decision, which shall include a description of each likely health and safety risk, each risk that is likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers that the covered provision the applicant is seeking to have waived protects against, and—

(I) if the application is approved, a description of how the identifiable, significant harms will be mitigated and how consumers will be protected under the waiver;

(II) if the applicable agency denies the waiver, a description of the reasons for the decision, including why a waiver would likely cause health and safety risks, likely cause economic damage, and increase the likelihood for unfair or deceptive practices to be committed against consumers, and the likelihood of such risks occurring, as well as reasons why the application cannot be approved in part or reformed to mitigate such risks; and

(III) if the applicable agency determines that a waiver would likely cause health and safety risks, likely cause economic damage, and there is likelihood for unfair or deceptive practices to be committed against consumers as a result of the covered provision that an applicant is requesting to have waived, but the applicable agency determines such risks can be protected through less restrictive means than denying the application, the applicable agency shall provide a recommendation of how that can be achieved.

(ii) NO RECORD SUBMITTED.—If the applicable agency does not submit a record of the decision with respect to an application for a waiver submitted to the applicable agency, the Office shall assume that the applicable agency does not object to the granting of the waiver.

(iii) EXTENSION.—The applicable agency may request one 30-day extension of the deadline for a record of decision under clause (i).

(iv) EXPEDITED REVIEW.—If the applicable agency provides a recommendation described in clause (i)(III), the Office shall provide the applicant with a 60-day period to make necessary changes to the application, and the applicant may resubmit the application to the applicable agency for expedited review over a period of not more than 60 days.

(4) NONDISCRIMINATION.—In considering an application for a waiver, an applicable agency shall not unreasonably discriminate among applications under the Program or resort to any unfair or unjust discrimination for any reason.

(5) FEE.—The Office may collect an application fee from each applicant under the Program, which—

(A) shall be in a fair amount and reflect the cost of the service provided;

(B) shall be deposited in the general fund of the Treasury and allocated to the Office, subject to appropriations; and

(C) shall not be increased more frequently than once every 2 years.

(6) WRITTEN AGREEMENT.—If each applicable agency grants a waiver requested in an application submitted under paragraph (1), the waiver shall not be effective until the applicant enters into a written agreement with the Office that describes each covered provision that is waived under the Program.

(7) LIMITATION.—An applicable agency may not waive under the Program any tax, fee, or charge imposed by the Federal Government.

(8) APPEALS.—

(A) IN GENERAL.—If an applicable agency denies an application under paragraph (3)(E), the applicant may submit to the Office 1 appeal for reconsideration, which shall—

(i) address the comments of the applicable agency that resulted in denial of the application; and

(ii) include how the applicant plans to mitigate the likely risks identified by the applicable agency.

(B) OFFICE RESPONSE.—Not later than 60 days after receiving an appeal under subparagraph (A), the Director shall—

(i) determine whether the appeal sufficiently addresses the concerns of the applicable agency; and

(ii)(I) if the Director determines that the appeal sufficiently addresses the concerns of the applicable agency, file a record of decision detailing how the concerns have been remedied and approve the application; or

(II) if the Director determines that the appeal does not sufficiently address the concerns of the applicable agency, file a record of decision detailing how the concerns have not been remedied and deny the application.

(9) NONDISCRIMINATION.—The Office shall not unreasonably discriminate among applications under the Program or resort to any unfair or unjust discrimination for any reason in the implementation of the Program.

(10) JUDICIAL REVIEW.—

(A) RECORD OF DECISION.—A record of decision described in paragraph (3)(E) or (8)(B) shall be considered a final agency action for purposes of review under section 704 of title 5, United States Code.

(B) LIMITATION.—A reviewing court considering claims made against a final agency action under this division shall be limited to whether the agency acted in accordance with the requirements set forth under this division.

(C) RIGHT TO JUDICIAL REVIEW.—Nothing in this paragraph shall be construed to establish a right to judicial review under this division.

(d) PERIOD OF WAIVER.—

(1) INITIAL PERIOD.—Except as provided in this subsection, a waiver granted under the Program shall be for a term of 2 years.

(2) CONTINUANCE.—The Office may continue a waiver granted under the Program for a maximum of 4 additional periods of 2 years as determined by the Office.

(3) NOTIFICATION.—Not later than 30 days before the end of an initial waiver period under paragraph (1), an entity that is granted a waiver under the Program shall notify the Office if the entity intends to seek a continuance under paragraph (2).

(4) REVOCATION.—

(A) SIGNIFICANT HARM.—If the Office determines that an entity that was granted a waiver under the Program is causing significant harm to the health or safety of the public, inflicting severe economic damage on the public, or engaging in unfair or deceptive practices, the Office may immediately end the participation of the entity in the Program by revoking the waiver.

(B) COMPLIANCE.—If the Office determines that an entity that was granted a waiver under the Program is not in compliance with the terms of the Program, the Office shall give the entity 30 days to correct the action, and if the entity does not correct the action by the end of the 30-day period, the Office may end the participation of the entity in the Program by revoking the waiver.

(e) TERMS.—An entity for which a waiver is granted under the Program shall be subject to the following terms:

(1) A covered provision may not be waived if the waiver would prevent a consumer from seeking actual damages or an equitable remedy in the event that a consumer is harmed.

(2) While a waiver is in use, the entity shall not be subject to the criminal or civil enforcement of a covered provision identified in the waiver.

(3) An agency may not file or pursue any punitive action against a participant during the period for which the waiver is in effect, including a fine or license suspension or revocation for the violation of a covered provision identified in the waiver.

(4) The entity shall not have immunity related to any criminal offense committed during the period for which the waiver is in effect.

(5) The Federal Government shall not be responsible for any business losses or the recouping of application fees if the waiver is denied or the waiver is revoked at any time.

(f) CONSUMER PROTECTION.—

(1) IN GENERAL.—Before distributing an offering to consumers under a waiver granted under the Program, and throughout the duration of the waiver, an entity shall publicly disclose the following to consumers:

(A) The name and contact information of the entity.

(B) That the entity has been granted a waiver under the Program, and if applicable, that the entity does not have a license or other authorization to provide an offering under covered provisions outside of the waiver.

(C) If applicable, that the offering is undergoing testing and may not function as intended and may expose the consumer to certain risks as identified in the record of decision of the applicable agency submitted under section 20004(c)(3)(E).

(D) That the entity is not immune from civil liability for any losses or damages caused by the offering.

(E) That the entity is not immune from criminal prosecution for violation of covered provisions that are not suspended under the waiver.

(F) That the offering is a temporary demonstration and may be discontinued at the end of the initial period under subsection (d)(1).

(G) The expected commencement date of the initial period under subsection (d)(1).

(H) The contact information of the Office and that the consumer may contact the Office and file a complaint.

(2) ONLINE OFFERING.—With respect to an offering provided over the internet under the Program, the consumer shall acknowledge receipt of the disclosures required under paragraph (1) before any transaction is completed.

(g) RECORD KEEPING.—

(1) IN GENERAL.—An entity that is granted a waiver under this section shall retain records, documents, and data produced that is directly related to the participation of the entity in the Program.

(2) NOTIFICATION BEFORE ENDING OFFERING.—If an applicant decides to end their offering before the initial period ends under subsection (d)(1), the applicant shall submit to the Office and the applicable agency a report on actions taken to ensure consumers have not been harmed as a result.

(3) REQUEST FOR DOCUMENTS.—The Office may request records, documents, and data from an entity that is granted a waiver under this section that is directly related to the participation of the entity in the Program, and upon the request, the applicant shall make such records, documents, and data available for inspection by the Office.

(4) NOTIFICATION OF INCIDENTS.—An entity that is granted a waiver under this section shall notify the Office and any applicable

agency of any incident that results in harm to the health or safety of consumers, severe economic damage, or an unfair or deceptive practice under the Program not later than 72 hours after the incident occurs.

(h) REPORTS.—

(1) ENTITIES GRANTED A WAIVER.—

(A) IN GENERAL.—Any entity that is granted a waiver under this section shall submit to the Office reports that include—

(i) how many consumers are participating in the good, service, or project offered by the entity under the Program;

(ii) an assessment of the likely risks and how mitigation is taking place;

(iii) any previously unrealized risks that have manifested; and

(iv) a description of any adverse incidents and the ensuing process taken to repair any harm done to consumers.

(B) TIMING.—An entity shall submit a report required under subparagraph (A)—

(i) 10 days after 30 days elapses from commencement of the period for which a waiver is granted under the Program;

(ii) 30 days after the halfway mark of the period described in clause (i); and

(iii) 30 days before the expiration of the period described in subsection (d)(1).

(2) ANNUAL REPORT BY DIRECTOR.—The Director shall submit to Congress an annual report on the Program, which shall include, for the year covered by the report—

(A) the number of applications approved;

(B) the name and description of each entity that was granted a waiver under the Program;

(C) any benefits realized to the public from the Program; and

(D) any harms realized to the public from the Program.

(i) SPECIAL MESSAGE TO CONGRESS.—

(1) DEFINITION.—In this subsection, the term ''covered resolution'' means a joint resolution—

(A) the matter after the resolving clause of which contains only—

(i) a list of some or all of the covered provisions that were recommended for repeal under paragraph (2)(A)(ii) in a special message submitted to Congress under that paragraph; and

(ii) a provision that immediately repeals the listed covered provisions described in paragraph (2)(A)(ii) upon enactment of the joint resolution; and

(B) upon which Congress completes action before the end of the first period of 60 calendar days after the date on which the special message described in subparagraph (A)(i) of this paragraph is received by Congress.

(2) SUBMISSION.—

(A) IN GENERAL.—Not later than the first day on which both Houses of Congress are in session after May 1 of each year, the Director shall submit to Congress a special message that—

(i) details each covered provision that the Office recommends should be amended or repealed as a result of entities being able to operate safely without those covered provisions during the Program;

(ii) lists any covered provision that should be repealed as a result of having been waived for a period of not less than 6 years during the Program; and

(iii) explains why each covered provision described in clauses (i) and (ii) should be amended or repealed.

(B) DELIVERY TO HOUSE AND SENATE; PRINTING.—Each special message submitted under subparagraph (A) shall be—

(i) delivered to the Clerk of the House of Representatives and the Secretary of the Senate; and

(ii) printed in the Congressional Record.

(3) PROCEDURE IN HOUSE AND SENATE.—

(A) REFERRAL.—A covered resolution shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(B) DISCHARGE OF COMMITTEE.—If the committee to which a covered resolution has been referred has not reported the resolution at the end of 25 calendar days after the introduction of the resolution—

(i) the committee shall be discharged from further consideration of the resolution; and

(ii) the resolution shall be placed on the appropriate calendar.

(4) FLOOR CONSIDERATION IN THE HOUSE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution.

(ii) PRIVILEGE.—A motion described in clause (i) shall be highly privileged and not debatable.

(iii) NO AMENDMENT OR MOTION TO RECONSIDER.—An amendment to a motion described in clause (i) shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) DEBATE.—

(i) IN GENERAL.—Debate in the House of Representatives on a covered resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution.

(ii) NO MOTION TO RECONSIDER.—It shall not be in order in the House of Representatives to move to reconsider the vote by which a covered resolution is agreed to or disagreed to.

(C) NO MOTION TO POSTPONE CONSIDERATION OR PROCEED TO CONSIDERATION OF OTHER BUSINESS.—In the House of Representatives, motions to postpone, made with respect to the consideration of a covered resolution, and motions to proceed to the consideration of other business, shall not be in order.

(D) APPEALS FROM DECISIONS OF CHAIR.—An appeal from the decision of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a covered resolution shall be decided without debate.

(5) FLOOR CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee of the Senate to which a covered resolution is referred has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution and all points of order against the covered resolution are waived.

(ii) DIVISION OF TIME.—A motion to proceed described in clause (i) is subject to 4 hours of debate divided equally between those favoring and those opposing the covered resolution.

(iii) NO AMENDMENT OR MOTION TO POSTPONE OR PROCEED TO OTHER BUSINESS.—A motion to proceed described in clause (i) is not subject to—

(I) amendment;

(II) a motion to postpone; or

(III) a motion to proceed to the consideration of other business.

(B) FLOOR CONSIDERATION.—

(i) GENERAL.—In the Senate, a covered resolution shall be subject to 10 hours of debate divided equally between those favoring and those opposing the covered resolution.

(ii) AMENDMENTS.—In the Senate, no amendment to a covered resolution shall be in order, except an amendment that strikes from or adds to the list required under paragraph (1)(A)(i) a covered provision recommended for amendment or repeal by the Office.

(iii) MOTIONS AND APPEALS.—In the Senate, a motion to reconsider a vote on final passage of a covered resolution shall not be in order, and points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a covered resolution, one House receives from the other a covered resolution—

(A) the covered resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day on which it is received; and

(B) the procedures set forth in paragraph (4) or (5), as applicable, shall apply in the receiving House to the covered resolution received from the other House to the same extent as those procedures apply to a covered resolution of the receiving House.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.—Paragraphs (3) through (7) are enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in the House in the case of covered resolutions, and supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) require an entity that is granted a waiver under this section to publicly disclose proprietary information, including trade secrets or commercial or financial information that is privileged or confidential; or

(2) affect any other provision of law or regulation applicable to an entity that is not included in a waiver provided under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office to carry out this section an amount that is not more than the amount of funds deposited into the Treasury from the fees collected under subsection (c)(3).

SA 5180. Mr. LEE 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 appropriate place, insert the following:

DIVISION D—PIONEER ACT

SEC. 20001. SHORT TITLE.

This division may be cited as the ''Promoting Innovation and Offering the Needed Escape from Exhaustive Regulations Act'' or the ''PIONEER Act''.

SEC. 20002. DEFINITIONS.

In this division:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office of Information and Regulatory Affairs.

(2) AGENCY; RULE.—The terms ''agency'' and ''rule'' have the meanings given those terms in section 551 of title 5, United States Code.

(3) APPLICABLE AGENCY.—The term ''applicable agency'' means an agency that has jurisdiction over the enforcement or implementation covered provision for which a covered entity is seeking a waiver under the Program.

(4) COVERED ENTITY.—The term ''covered entity'' has the meaning given the term in section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651).

(5) COVERED PROVISION.—The term ''covered provision'' means—

(A) a rule, including a rule required to be issued under law; or

(B) guidance or any other document issued by an agency.

(6) DIRECTOR.—The term ''Director'' means the Director of the Office.

(7) ECONOMIC DAMAGE.—The term ''economic damage'' means a risk that is likely to cause tangible, physical harm to the property or assets of consumers.

(8) HEALTH OR SAFETY.—The term ''health or safety'', with respect to a risk, means the risk is likely to cause bodily harm to a human life, loss of human life, or an inability to sustain the health or life of a human being.

(9) OFFICE.—The term ''Office'' means the Office of Federal Regulatory Relief for Semiconductor Manufacturing established under section 20003(a).

(10) PROGRAM.—The term ''Program'' means the program established under section 20004(a).

(11) UNFAIR OR DECEPTIVE TRADE PRACTICE.—The term ''unfair or deceptive trade practice'' has the meaning given the term in—

(A) the Policy Statement of the Federal Trade Commission on Deception, issued on October 14, 1983; and

(B) the Policy Statement of the Federal Trade Commission on Unfairness, issued on December 17, 1980.

SEC. 20003. OFFICE OF FEDERAL REGULATORY RELIEF FOR SEMICONDUCTOR MANUFACTURING.

(a) ESTABLISHMENT.—There is established within the Office of Information and Regulatory Affairs within the Office of Management and Budget an Office of Federal Regulatory Relief.

(b) DIRECTOR.—

(1) IN GENERAL.—The Office shall be headed by a Director, who shall be the Administrator or a designee thereof, who shall—

(A) be responsible for—

(i) establishing a regulatory sandbox program described in section 20004;

(ii) receiving Program applications and ensuring those applications are complete;

(iii) referring complete Program applications to the applicable agencies;

(iv) filing final Program application decisions from the applicable agencies;

(v) hearing appeals from covered entities if their applications are denied by an applicable agency in accordance with section 20004(c)(6); and

(vi) designating staff to the Office as needed; and

(B) not later than 180 days after the date of enactment of this Act—

(i) establish a process that is used to assess likely health and safety risks, risks that are likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers related to applications submitted for the Program, which shall be—

(I) published in the Federal Register and made publicly available with a detailed list of the criteria used to make such determinations; and

(II) subject to public comment before final publication in the Federal Register; and

(ii) establish the application process described in section 20004(c)(1).

(2) ADVISORY BOARDS.—

(A) ESTABLISHMENT.—The Director shall require the head of each agency to establish an advisory board, which shall—

(i) be composed of 10 private sector representatives appointed by the head of the agency—

(I) with expertise in matters under the jurisdiction of the agency, with not more than 5 representatives from the same political party;

(II) who shall serve for a period of not more than 3 years; and

(III) who shall not receive any compensation for participation on the advisory board; and

(ii) be responsible for providing input to the head of the agency for each Program application received by the agency.

(B) VACANCY.—A vacancy on an advisory board established under subparagraph (A), including a temporary vacancy due to a recusal under subparagraph (C)(ii), shall be filled in the same manner as the original appointment with an individual who meets the qualifications described in subparagraph (A)(i)(I).

(C) CONFLICT OF INTEREST.—

(i) IN GENERAL.—If a member of an advisory board established under subparagraph (A) is also the member of the board of a covered entity that submits an application under review by the advisory board, the head of the agency or a designee thereof may appoint a temporary replacement for that member.

(ii) FINANCIAL INTEREST.—Each member of an advisory board established under subparagraph (A) shall recuse themselves from advising on an application submitted under the Program for which the member has a conflict of interest as described in section 208 of title 18, United States Code.

(D) SMALL BUSINESS CONCERNS.—Not less than 5 of the members of each advisory board established under subparagraph (A) shall be representatives of a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

(E) RULE OF CONSTRUCTION.—Nothing in this division shall be construed to prevent an agency from establishing additional advisory boards as needed to assist in reviewing Program applications that involve multiple or unique industries.

SEC. 20004. REGULATORY SANDBOX PROGRAM.

(a) IN GENERAL.—The Director shall establish a regulatory sandbox program for semiconductor manufacturing under which applicable agencies shall grant or deny waivers of covered provisions for covered entities to incentivize the research, development, and manufacturing of semiconductors in the United States, the expansion of semiconductor facilities and equipment in the United States for semiconductor fabrication, assembly, testing, advanced packaging, production, or research and development, without otherwise being licensed or authorized to do so under that covered provision.

(b) PURPOSE.—The purpose of the Program is to incentivize the success of current or new businesses, the expansion of economic opportunities, the creation of jobs, and the fostering of innovation.

(c) APPLICATION PROCESS FOR WAIVERS.—

(1) IN GENERAL.—The Office shall establish an application process for the waiver of covered provisions for a covered entity, which shall require that an application shall—

(A) confirm that the covered entity—

(i) is subject to the jurisdiction of the Federal Government; and

(ii) has established or plans to establish a business that is incorporated or has a principal place of business in the United States from which their goods or services are offered from and their required documents and data are maintained;

(B) include relevant personal information such as the legal name, address, telephone number, email address, and website address of the covered entity;

(C) disclose any criminal conviction of the covered entity or other participating persons, if applicable;

(D) contain a description of the good, service, or project to be offered by the covered entity for which the covered entity is requesting waiver of a covered provision by the Office under the Program, including—

(i) how the covered entity is subject to licensing, prohibitions, or other authorization requirements outside of the Program;

(ii) each covered provision that the covered entity seeks to have waived during participation in the Program;

(iii) how the good, service, or project would benefit consumers;

(iv) what likely risks the participation of the covered entity in the Program may pose, and how the covered entity intends to reasonably mitigate those risks;

(v) how participation in the Program would render the offering of the good, service, or project successful;

(vi) a description of the plan and estimated time periods for the beginning and end of the offering of the good, service, or project under the Program;

(vii) a recognition that the covered entity will be subject to all laws and rules after the conclusion of the offering of the good, service, or project under the Program;

(viii) how the covered entity will end the demonstration of the offering of the good, service, or project under the Program;

(ix) how the covered entity will repair harm to consumers if the offering of the good, service, or project under the Program fails; and

(x) a list of each agency that regulates the business of the covered entity; and

(E) include any other information as required by the Office.

(2) ASSISTANCE.—The Office may, upon request, provide assistance to a covered entity to complete the application process for a waiver under the Program, including by providing the likely covered provisions that could be eligible for such a waiver.

(3) AGENCY REVIEW.—

(A) TRANSMISSION.—Not later than 14 days after the date on which the Office receives an application under paragraph (1), the Office shall submit a copy of the application to each applicable agency.

(B) REVIEW.—The head of an applicable agency, or a designee thereof, shall review a Program application received under subparagraph (A) with input from the advisory board established under section 20003(b)(2).

(C) CONSIDERATIONS.—In reviewing a copy of an application submitted to an applicable agency under subparagraph (A), the head of the applicable agency, or a designee thereof, with input from the advisory board of the applicable agency established under section 20003(b)(2), shall consider whether—

(i) the plan of the covered entity to deploy their offering will adequately protect consumers from harm;

(ii) the likely health and safety risks, risks that are likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers are outweighed by the potential benefits to consumers from the offering of the covered entity; and

(iii) it is possible to provide the covered entity a waiver even if the Office does not

waive every covered provision requested by the covered entity.

(D) FINAL DECISION.—

(i) IN GENERAL.—Subject to clause (ii), the head of an applicable agency, or a designee thereof, who receives a copy of an application under subparagraph (A) shall, with the consideration of the recommendations of the advisory board of the applicable agency established under section 20003(b)(2), make the final decision to grant or deny the application.

(ii) IN PART APPROVAL.—

(I) IN GENERAL.—If more than 1 applicable agency receives a copy of an application under subparagraph (A)—

(aa) the head of each applicable agency (or their designees), with input from the advisory board of the applicable agency established under section 20003(b)(2), shall grant or deny the waiver of the covered provisions over which the applicable agency has jurisdiction for enforcement or implementation; and

(bb) if each applicable agency that receives an application under subparagraph (A) grants the waiver under item (aa), the Director shall grant the entire application.

(II) IN PART APPROVAL BY DIRECTOR.—If an applicable agency denies part of an application under subclause (I) but another applicable agency grants part of the application, the Director shall approve the application in part and specify in the final decision which covered provisions are waived.

(E) RECORD OF DECISION.—

(i) IN GENERAL.—Not later than 180 days after receiving a copy of an application under subparagraph (A), an applicable agency shall approve or deny the application and submit to the Director a record of the decision, which shall include a description of each likely health and safety risk, each risk that is likely to cause economic damage, and the likelihood for unfair or deceptive practices to be committed against consumers that the covered provision the covered entity is seeking to have waived protects against, and—

(I) if the application is approved, a description of how the identifiable, significant harms will be mitigated and how consumers will be protected under the waiver;

(II) if the applicable agency denies the waiver, a description of the reasons for the decision, including why a waiver would likely cause health and safety risks, likely cause economic damage, and increase the likelihood for unfair or deceptive practices to be committed against consumers, and the likelihood of such risks occurring, as well as reasons why the application cannot be approved in part or reformed to mitigate such risks; and

(III) if the applicable agency determines that a waiver would likely cause health and safety risks, likely cause economic damage, and there is likelihood for unfair or deceptive practices to be committed against consumers as a result of the covered provision that a covered entity is requesting to have waived, but the applicable agency determines such risks can be protected through less restrictive means than denying the application, the applicable agency shall provide a recommendation of how that can be achieved.

(ii) NO RECORD SUBMITTED.—If the applicable agency does not submit a record of the decision with respect to an application for a waiver submitted to the applicable agency, the Office shall assume that the applicable agency does not object to the granting of the waiver.

(iii) EXTENSION.—The applicable agency may request one 30-day extension of the deadline for a record of decision under clause (i).

(iv) EXPEDITED REVIEW.—If the applicable agency provides a recommendation described in clause (i)(III), the Office shall provide the covered entity with a 60-day period to make necessary changes to the application, and the covered entity may resubmit the application to the applicable agency for expedited review over a period of not more than 60 days.

(4) NONDISCRIMINATION.—In considering an application for a waiver, an applicable agency shall not unreasonably discriminate among applications under the Program or resort to any unfair or unjust discrimination for any reason.

(5) FEE.—The Office may collect an application fee from each covered entity under the Program, which—

(A) shall be in a fair amount and reflect the cost of the service provided;

(B) shall be deposited in the general fund of the Treasury and allocated to the Office, subject to appropriations; and

(C) shall not be increased more frequently than once every 2 years.

(6) WRITTEN AGREEMENT.—If each applicable agency grants a waiver requested in an application submitted under paragraph (1), the waiver shall not be effective until the covered entity enters into a written agreement with the Office that describes each covered provision that is waived under the Program.

(7) LIMITATION.—An applicable agency may not waive under the Program any tax, fee, or charge imposed by the Federal Government.

(8) APPEALS.—

(A) IN GENERAL.—If an applicable agency denies an application under paragraph (3)(E), the covered entity may submit to the Office 1 appeal for reconsideration, which shall—

(i) address the comments of the applicable agency that resulted in denial of the application; and

(ii) include how the covered entity plans to mitigate the likely risks identified by the applicable agency.

(B) OFFICE RESPONSE.—Not later than 60 days after receiving an appeal under subparagraph (A), the Director shall—

(i) determine whether the appeal sufficiently addresses the concerns of the applicable agency; and

(ii)(I) if the Director determines that the appeal sufficiently addresses the concerns of the applicable agency, file a record of decision detailing how the concerns have been remedied and approve the application; or

(II) if the Director determines that the appeal does not sufficiently address the concerns of the applicable agency, file a record of decision detailing how the concerns have not been remedied and deny the application.

(9) NONDISCRIMINATION.—The Office shall not unreasonably discriminate among applications under the Program or resort to any unfair or unjust discrimination for any reason in the implementation of the Program.

(10) JUDICIAL REVIEW.—

(A) RECORD OF DECISION.—A record of decision described in paragraph (3)(E) or (8)(B) shall be considered a final agency action for purposes of review under section 704 of title 5, United States Code.

(B) LIMITATION.—A reviewing court considering claims made against a final agency action under this division shall be limited to whether the agency acted in accordance with the requirements set forth under this division.

(C) RIGHT TO JUDICIAL REVIEW.—Nothing in this paragraph shall be construed to establish a right to judicial review under this division.

(d) PERIOD OF WAIVER.—

(1) INITIAL PERIOD.—Except as provided in this subsection, a waiver granted under the Program shall be for a term of 2 years.

(2) CONTINUANCE.—The Office may continue a waiver granted under the Program for a maximum of 4 additional periods of 2 years as determined by the Office.

(3) NOTIFICATION.—Not later than 30 days before the end of an initial waiver period under paragraph (1), an entity that is granted a waiver under the Program shall notify the Office if the entity intends to seek a continuance under paragraph (2).

(4) REVOCATION.—

(A) SIGNIFICANT HARM.—If the Office determines that an entity that was granted a waiver under the Program is causing significant harm to the health or safety of the public, inflicting severe economic damage on the public, or engaging in unfair or deceptive practices, the Office may immediately end the participation of the entity in the Program by revoking the waiver.

(B) COMPLIANCE.—If the Office determines that an entity that was granted a waiver under the Program is not in compliance with the terms of the Program, the Office shall give the entity 30 days to correct the action, and if the entity does not correct the action by the end of the 30-day period, the Office may end the participation of the entity in the Program by revoking the waiver.

(e) TERMS.—An entity for which a waiver is granted under the Program shall be subject to the following terms:

(1) A covered provision may not be waived if the waiver would prevent a consumer from seeking actual damages or an equitable remedy in the event that a consumer is harmed.

(2) While a waiver is in use, the entity shall not be subject to the criminal or civil enforcement of a covered provision identified in the waiver.

(3) An agency may not file or pursue any punitive action against a participant during the period for which the waiver is in effect, including a fine or license suspension or revocation for the violation of a covered provision identified in the waiver.

(4) The entity shall not have immunity related to any criminal offense committed during the period for which the waiver is in effect.

(5) The Federal Government shall not be responsible for any business losses or the recouping of application fees if the waiver is denied or the waiver is revoked at any time.

(f) CONSUMER PROTECTION.—

(1) IN GENERAL.—Before distributing an offering to consumers under a waiver granted under the Program, and throughout the duration of the waiver, an entity shall publicly disclose the following to consumers:

(A) The name and contact information of the entity.

(B) That the entity has been granted a waiver under the Program, and if applicable, that the entity does not have a license or other authorization to provide an offering under covered provisions outside of the waiver.

(C) If applicable, that the offering is undergoing testing and may not function as intended and may expose the consumer to certain risks as identified in the record of decision of the applicable agency submitted under section 20004(c)(3)(E).

(D) That the entity is not immune from civil liability for any losses or damages caused by the offering.

(E) That the entity is not immune from criminal prosecution for violation of covered provisions that are not suspended under the waiver.

(F) That the offering is a temporary demonstration and may be discontinued at the end of the initial period under subsection (d)(1).

(G) The expected commencement date of the initial period under subsection (d)(1).

(H) The contact information of the Office and that the consumer may contact the Office and file a complaint.

(2) ONLINE OFFERING.—With respect to an offering provided over the internet under the Program, the consumer shall acknowledge receipt of the disclosures required under paragraph (1) before any transaction is completed.

(g) RECORD KEEPING.—

(1) IN GENERAL.—An entity that is granted a waiver under this section shall retain records, documents, and data produced that is directly related to the participation of the entity in the Program.

(2) NOTIFICATION BEFORE ENDING OFFERING.—If a covered entity decides to end their offering before the initial period ends under subsection (d)(1), the covered entity shall submit to the Office and the applicable agency a report on actions taken to ensure consumers have not been harmed as a result.

(3) REQUEST FOR DOCUMENTS.—The Office may request records, documents, and data from an entity that is granted a waiver under this section that is directly related to the participation of the entity in the Program, and upon the request, the covered entity shall make such records, documents, and data available for inspection by the Office.

(4) NOTIFICATION OF INCIDENTS.—An entity that is granted a waiver under this section shall notify the Office and any applicable agency of any incident that results in harm to the health or safety of consumers, severe economic damage, or an unfair or deceptive practice under the Program not later than 72 hours after the incident occurs.

(h) REPORTS.—

(1) ENTITIES GRANTED A WAIVER.—

(A) IN GENERAL.—Any entity that is granted a waiver under this section shall submit to the Office reports that include—

(i) how many consumers are participating in the good, service, or project offered by the entity under the Program;

(ii) an assessment of the likely risks and how mitigation is taking place;

(iii) any previously unrealized risks that have manifested; and

(iv) a description of any adverse incidents and the ensuing process taken to repair any harm done to consumers.

(B) TIMING.—An entity shall submit a report required under subparagraph (A)—

(i) 10 days after 30 days elapses from commencement of the period for which a waiver is granted under the Program;

(ii) 30 days after the halfway mark of the period described in clause (i); and

(iii) 30 days before the expiration of the period described in subsection (d)(1).

(2) ANNUAL REPORT BY DIRECTOR.—The Director shall submit to Congress an annual report on the Program, which shall include, for the year covered by the report—

(A) the number of applications approved;

(B) the name and description of each entity that was granted a waiver under the Program;

(C) any benefits realized to the public from the Program; and

(D) any harms realized to the public from the Program.

(i) SPECIAL MESSAGE TO CONGRESS.—

(1) DEFINITION.—In this subsection, the term ''covered resolution'' means a joint resolution—

(A) the matter after the resolving clause of which contains only—

(i) a list of some or all of the covered provisions that were recommended for repeal under paragraph (2)(A)(ii) in a special message submitted to Congress under that paragraph; and

(ii) a provision that immediately repeals the listed covered provisions described in paragraph (2)(A)(ii) upon enactment of the joint resolution; and

(B) upon which Congress completes action before the end of the first period of 60 calendar days after the date on which the special message described in subparagraph (A)(i) of this paragraph is received by Congress.

(2) SUBMISSION.—

(A) IN GENERAL.—Not later than the first day on which both Houses of Congress are in session after May 1 of each year, the Director shall submit to Congress a special message that—

(i) details each covered provision that the Office recommends should be amended or repealed as a result of entities being able to operate safely without those covered provisions during the Program;

(ii) lists any covered provision that should be repealed as a result of having been waived for a period of not less than 6 years during the Program; and

(iii) explains why each covered provision described in clauses (i) and (ii) should be amended or repealed.

(B) DELIVERY TO HOUSE AND SENATE; PRINTING.—Each special message submitted under subparagraph (A) shall be—

(i) delivered to the Clerk of the House of Representatives and the Secretary of the Senate; and

(ii) printed in the Congressional Record.

(3) PROCEDURE IN HOUSE AND SENATE.—

(A) REFERRAL.—A covered resolution shall be referred to the appropriate committee of the House of Representatives or the Senate, as the case may be.

(B) DISCHARGE OF COMMITTEE.—If the committee to which a covered resolution has been referred has not reported the resolution at the end of 25 calendar days after the introduction of the resolution—

(i) the committee shall be discharged from further consideration of the resolution; and

(ii) the resolution shall be placed on the appropriate calendar.

(4) FLOOR CONSIDERATION IN THE HOUSE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—When the committee of the House of Representatives has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution.

(ii) PRIVILEGE.—A motion described in clause (i) shall be highly privileged and not debatable.

(iii) NO AMENDMENT OR MOTION TO RECONSIDER.—An amendment to a motion described in clause (i) shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(B) DEBATE.—

(i) IN GENERAL.—Debate in the House of Representatives on a covered resolution shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution.

(ii) NO MOTION TO RECONSIDER.—It shall not be in order in the House of Representatives to move to reconsider the vote by which a covered resolution is agreed to or disagreed to.

(C) NO MOTION TO POSTPONE CONSIDERATION OR PROCEED TO CONSIDERATION OF OTHER BUSINESS.—In the House of Representatives, motions to postpone, made with respect to the consideration of a covered resolution, and motions to proceed to the consideration of other business, shall not be in order.

(D) APPEALS FROM DECISIONS OF CHAIR.—An appeal from the decision of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a covered resolution shall be decided without debate.

(5) FLOOR CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED.—

(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee of the Senate to which a covered resolution is referred has reported, or has been discharged from further consideration of, a covered resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution and all points of order against the covered resolution are waived.

(ii) DIVISION OF TIME.—A motion to proceed described in clause (i) is subject to 4 hours of debate divided equally between those favoring and those opposing the covered resolution.

(iii) NO AMENDMENT OR MOTION TO POSTPONE OR PROCEED TO OTHER BUSINESS.—A motion to proceed described in clause (i) is not subject to—

(I) amendment;

(II) a motion to postpone; or

(III) a motion to proceed to the consideration of other business.

(B) FLOOR CONSIDERATION.—

(i) GENERAL.—In the Senate, a covered resolution shall be subject to 10 hours of debate divided equally between those favoring and those opposing the covered resolution.

(ii) AMENDMENTS.—In the Senate, no amendment to a covered resolution shall be in order, except an amendment that strikes from or adds to the list required under paragraph (1)(A)(i) a covered provision recommended for amendment or repeal by the Office.

(iii) MOTIONS AND APPEALS.—In the Senate, a motion to reconsider a vote on final passage of a covered resolution shall not be in order, and points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a covered resolution, one House receives from the other a covered resolution—

(A) the covered resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day on which it is received; and

(B) the procedures set forth in paragraph (4) or (5), as applicable, shall apply in the receiving House to the covered resolution received from the other House to the same extent as those procedures apply to a covered resolution of the receiving House.

(7) RULES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.—Paragraphs (3) through (7) are enacted by Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in the House in the case of covered resolutions, and supersede other rules only to the extent that they are inconsistent with such other rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

(1) require an entity that is granted a waiver under this section to publicly disclose proprietary information, including trade secrets or commercial or financial information that is privileged or confidential; or

(2) affect any other provision of law or regulation applicable to an entity that is not included in a waiver provided under this section.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office to carry out this section an amount that is not more than the amount of funds deposited into the Treasury from the fees collected under subsection (c)(3).

SA 5181. Mr. COTTON 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 41, strike line 17 and all that follows through line 5 on page 84, and insert the following:

''(ii) includes semiconductor fabrication, assembly, testing, packaging, research and development, and any additional process identified by the Secretary.

''(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, 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) AFFILIATED GROUP.—For the purpose of applying the requirements in an agreement required under clause (i), a covered entity shall include the covered entity receiving financial assistance under this section, as well as any member of the covered entity's affiliated group under section 1504(a) of the Internal Revenue Code of 1986, without regard to section 1504(b)(3) of such Code.

''(D) NOTIFICATION REQUIREMENTS.—During the applicable term of the agreement of a covered entity required under subparagraph (C)(i), the covered entity shall notify the Secretary of any planned transactions of the covered entity involving the expansion of semiconductor manufacturing capacity in the People's Republic of China or any other foreign country of concern.

''(E) VIOLATION OF AGREEMENT.—

''(i) NOTIFICATION TO COVERED ENTITIES.—Not later than 90 days after the date of receipt of a notification described in subparagraph (D) from a covered entity, the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence, shall—

''(I) determine whether the transaction described in the notification would be a violation of the agreement of the covered entity required under subparagraph (C)(i); and

''(II) notify the covered entity of the Secretary's decision under subclause (I).

''(ii) OPPORTUNITY TO REMEDY.—Upon a notification under clause (i)(II) that a planned transaction of a covered entity is a violation of the agreement of the covered entity required under subparagraph (C)(i), the Secretary shall—

''(I) immediately request from the covered entity tangible proof that the planned transaction has ceased or been abandoned; and

''(II) provide the covered entity 45 days to produce and provide to the Secretary the tangible proof described in subclause (I).

''(iii) FAILURE BY THE COVERED ENTITY TO CEASE OR REMEDY THE ACTIVITY.—If a covered entity fails to remedy a violation as set forth under clause (ii), the Secretary shall recover the full amount of the Federal financial assistance provided to the covered entity under this section.

''(F) SUBMISSION OF RECORDS.—

''(i) IN GENERAL.—The Secretary may request from a covered entity records and other necessary information to review the compliance of the covered entity with the agreement required under subparagraph (C)(i).

''(ii) ELIGIBILITY.—In order to be eligible for Federal financial assistance under this section, a covered entity shall agree to provide records and other necessary information requested by the Secretary under clause (i).

''(G) CONFIDENTIALITY OF RECORDS.—

''(i) IN GENERAL.—Subject to clause (ii), any information derived from records or necessary information disclosed by a covered entity to the Secretary under this section—

''(I) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

''(II) shall not be made public.

''(ii) EXCEPTIONS.—Clause (i) shall not prevent the disclosure of any of the following by the Secretary:

''(I) Information relevant to any administrative or judicial action or proceeding.

''(II) Information that a covered entity has consented to be disclosed to third parties.

''(III) Information necessary to fulfill the requirement of the congressional notification under subparagraph (H).

''(H) CONGRESSIONAL NOTIFICATION.—Not later than 60 days after the date on which the Secretary finds a violation by a covered entity of an agreement required under subparagraph (C)(i), and after providing the covered entity with an opportunity to provide information in response to that finding, the Secretary shall provide to the appropriate Committees of Congress—

''(i) a notification of the violation;

''(ii) a brief description of how the Secretary determined the covered entity to be in violation; and

''(iii) a summary of any actions or planned actions by the Secretary in response to the violation.

''(I) REGULATIONS.—The Secretary may issue regulations implementing this paragraph.''; and

(6) by adding at the end the following:

''(d) SENSE OF CONGRESS.—It is the sense of Congress that, in carrying out subsection (a), the Secretary should allocate funds in a manner that—

''(1) strengthens the security and resilience of the semiconductor supply chain, including by mitigating gaps and vulnerabilities;

''(2) provides a supply of secure semiconductors relevant for national security;

''(3) strengthens the leadership of the United States in semiconductor technology;

''(4) grows the economy of the United States and supports job creation in the United States;

''(5) bolsters the semiconductor and skilled technical workforces in the United States;

''(6) promotes the inclusion of economically disadvantaged individuals and small businesses; and

''(7) improves the resiliency of the semiconductor supply chains of critical manufacturing industries.

''(e) ADDITIONAL ASSISTANCE FOR MATURE TECHNOLOGY NODES.—

''(1) IN GENERAL.—The Secretary shall establish within the program established under subsection (a) an additional program that provides Federal financial assistance to covered entities to incentivize investment in facilities and equipment in the United States for the fabrication, assembly, testing, or packaging of semiconductors at mature technology nodes.

''(2) ELIGIBILITY AND REQUIREMENTS.—In order for an entity to qualify to receive Federal financial assistance under this subsection, the covered entity shall agree to—

''(A) submit an application under subsection (a)(2)(A);

''(B) meet the eligibility requirements under subsection (a)(2)(B);

''(C)(i) provide equipment or materials for the fabrication, assembly, testing, or packaging of semiconductors at mature technology nodes in the United States; or

''(ii) fabricate, assemble using packaging, or test semiconductors at mature technology nodes in the United States;

''(D) commit to using any Federal financial assistance received under this section to increase the production of semiconductors at mature technology nodes; and

''(E) be subject to the considerations described in subsection (a)(2)(C).

''(3) PROCEDURES.—In granting Federal financial assistance to covered entities under this subsection, the Secretary may use the procedures established under subsection (a).

''(4) CONSIDERATIONS.—In addition to the considerations described in subsection (a)(2)(C), in granting Federal financial assistance under this subsection, the Secretary may consider whether a covered entity produces or supplies equipment or materials used in the fabrication, assembly, testing, or packaging of semiconductors at mature technology nodes that are necessary to support a critical manufacturing industry.

''(5) PRIORITY.—In awarding Federal financial assistance to covered entities under this subsection, the Secretary shall give priority to covered entities that support the resiliency of semiconductor supply chains for critical manufacturing industries in the United States.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this subsection $2,000,000,000, which shall remain available until expended.

''(f) CONSTRUCTION PROJECTS.—Section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212) shall apply to a construction project that receives financial assistance from the Secretary under this section.

''(g) LOANS AND LOAN GUARANTEES.—

''(1) IN GENERAL.—Subject to the requirements of subsection (a) and this subsection, the Secretary may make or guarantee loans to covered entities as financial assistance under this section.

''(2) CONDITIONS.—The Secretary may select eligible projects to receive loans or loan guarantees under this subsection if the Secretary determines that—

''(A) the covered entity—

''(i) has a reasonable prospect of repaying the principal and interest on the loan; and

''(ii) has met such other criteria as may be established and published by the Secretary; and

''(B) the amount of the loan (when combined with amounts available to the loan recipient from other sources) will be sufficient to carry out the project.

''(3) REASONABLE PROSPECT OF REPAYMENT.—The Secretary shall base a determination of whether there is a reasonable prospect of repayment of the principal and interest on a loan under paragraph (2)(A)(i) on a comprehensive evaluation of whether the covered entity has a reasonable prospect of repaying the principal and interest, including, as applicable, an evaluation of—

''(A) the strength of the contractual terms of the project the covered entity plans to perform (if commercially reasonably available);

''(B) the forecast of noncontractual cash flows supported by market projections from

reputable sources, as determined by the Secretary;

''(C) cash sweeps and other structure enhancements;

''(D) the projected financial strength of the covered entity—

''(i) at the time of loan close; and

''(ii) throughout the loan term after the project is completed;

''(E) the financial strength of the investors and strategic partners of the covered entity, if applicable;

''(F) other financial metrics and analyses that the private lending community and nationally recognized credit rating agencies rely on, as determined appropriate by the Secretary; and

''(G) such other criteria the Secretary may determine relevant.

''(4) RATES, TERMS, AND REPAYMENTS OF LOANS.—A loan provided under this subsection—

''(A) shall have an interest rate that does not exceed a level that the Secretary determines appropriate, taking into account, as of the date on which the loan is made, the cost of funds to the Department of the Treasury for obligations of comparable maturity; and

''(B) shall have a term of not more than 25 years.

''(5) ADDITIONAL TERMS.—A loan or guarantee provided under this subsection may include any other terms and conditions that the Secretary determines to be appropriate.

''(6) RESPONSIBLE LENDER.—No loan may be guaranteed under this subsection, unless the Secretary determines that—

''(A) the lender is responsible; and

''(B) adequate provision is made for servicing the loan on reasonable terms and protecting the financial interest of the United States.

''(7) ADVANCED BUDGET AUTHORITY.—New loans may not be obligated and new loan guarantees may not be committed to under this subsection, unless appropriations of budget authority to cover the costs of such loans and loan guarantees are made in advance in accordance with section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)).

''(8) CONTINUED OVERSIGHT.—The loan agreement for a loan guaranteed under this subsection shall provide that no provision of the loan agreement may be amended of waived without the consent of the Secretary.

''(h) OVERSIGHT.—Not later than 4 years after disbursement of the first financial award under subsection (a), the Inspector General of the Department of Commerce shall audit the program under this section to assess—

''(1) whether the eligibility requirements for covered entities receiving financial assistance under the program are met;

''(2) whether eligible entities use the financial assistance received under the program in accordance with the requirements of this section;

''(3) whether the covered entities receiving financial assistance under this program have carried out the commitments made to worker and community investment under subsection (a)(2)(B)(ii)(II) by the target date for completion set by the Secretary under subsection (a)(5)(A);

''(4) whether the required agreement entered into by covered entities and the Secretary under subsection (a)(6)(C)(i), including the notification process, has been carried out to provide covered entities sufficient guidance about a violation of the required agreement; and

''(5) whether the Secretary has provided timely Congressional notification about violations of the required agreement under subsection (a)(6)(C)(i), including the required information on how the Secretary reached a determination of whether a covered entity was in violation under subsection (a)(6)(E).

''(i) PROHIBITION ON USE OF FUNDS.—No funds made available under this section may be used to construct, modify, or improve a facility outside of the United States.''.

(c) ADVANCED MICROELECTRONICS RESEARCH AND DEVELOPMENT.—Section 9906 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4656) is amended—

(1) in subsection (a)(3)(A)(ii)—

(A) in subclause (II), by inserting '', including for technologies based on organic and inorganic materials'' after ''components''; and

(B) in subclause (V), by striking ''and supply chain integrity'' and inserting ''supply chain integrity, and workforce development'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ''and grow the domestic semiconductor workforce'' after ''prototyping of advanced semiconductor technology''; and

(ii) by adding at the end the following: ''The Secretary may make financial assistance awards, including construction awards, in support of the national semiconductor technology center.''; and

(B) in paragraph (2)—

(i) in subparagraph (B), by inserting ''and capitalize'' before ''an investment fund''; and

(ii) by striking subparagraph (C) and inserting the following:

''(C) To work with the Secretary of Labor, the Director of the National Science Foundation, the Secretary of Energy, the private sector, institutions of higher education, and workforce training entities to incentivize and expand geographically diverse participation in graduate, undergraduate, and community college programs relevant to microelectronics, including through—

''(i) the development and dissemination of curricula and research training experiences; and

''(ii) the development of workforce training programs and apprenticeships in advanced microelectronic design, research, fabrication, and packaging capabilities.'';

(3) in subsection (d)—

(A) by striking ''the Manufacturing USA institute'' and inserting ''a Manufacturing USA institute''; and

(B) by adding at the end the following: ''The Director may make financial assistance awards, including construction awards, in support of the National Advanced Packaging Manufacturing Program.'';

(4) in subsection (f)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''a Manufacturing USA Institute'' and inserting ''not more than 3 Manufacturing USA Institutes'';

(ii) by striking ''is focused on semiconductor manufacturing.'' and inserting ''are focused on semiconductor manufacturing. The Secretary of Commerce may award financial assistance to any Manufacturing USA Institute for work relating to semiconductor manufacturing.''; and

(iii) by striking ''Such institute may emphasize'' and inserting ''Such institutes may emphasize''; and

(5) by adding at the end the following:

''(h) CONSTRUCTION PROJECTS.—Section 602 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3212) shall apply to a construction project that receives financial assistance under this section.''.

(d) ADDITIONAL AUTHORITIES.—Division H of title XCIX of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651 et seq.) is amended by adding at the end the following:

''SEC. 9909. ADDITIONAL AUTHORITIES.

''(a) IN GENERAL.—In carrying out the responsibilities of the Department of Commerce under this division, the Secretary may—

''(1) enter into agreements, including contracts, grants and cooperative agreements, and other transactions as may be necessary and on such terms as the Secretary considers appropriate;

''(2) make advance payments under agreements and other transactions authorized under paragraph (1) without regard to section 3324 of title 31, United States Code;

''(3) require a person or other entity to make payments to the Department of Commerce upon application and as a condition for receiving support through an award of assistance or other transaction;

''(4) procure temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code;

''(5) notwithstanding section 3104 of title 5, United States Code, or the provisions of any other law relating to the appointment, number, classification, or compensation of employees, make appointments of scientific, engineering, and professional personnel, and fix the basic pay of such personnel at a rate to be determined by the Secretary at rates not in excess of the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code, except that the Secretary shall appoint not more than 25 personnel under this paragraph;

''(6) with the consent of another Federal agency, enter into an agreement with that Federal agency to use, with or without reimbursement, any service, equipment, personnel, or facility of that Federal agency; and

''(7) establish such rules, regulations, and procedures as the Secretary considers appropriate.

''(b) REQUIREMENT.—Any funds received from a payment made by a person or entity pursuant to subsection (a)(3) shall be credited to and merged with the account from which support to the person or entity was made''.

(e) CONFORMING AMENDMENT.—The table of contents for division H of title XCIX of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283) is amended by adding after the item relating to section 9908 the following:

''9909. Additional authorities.''.

SEC. 104. OPPORTUNITY AND INCLUSION.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall establish activities in the Department of Commerce, within the program established under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652), to carry out this section using funds appropriated under this Act.

(b) IN GENERAL.—The Secretary of Commerce shall assign personnel to lead and support the activities carried out under this section, including coordination with other workforce development activities of the Department of Commerce or of Federal agencies, as defined in section 551 of title 5, United States Code, as appropriate.

(c) ACTIVITIES.—Personnel assigned by the Secretary to carry out the activities under this section shall—

(1) assess the eligibility of a covered entity, as defined in section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651), for financial assistance for a

project with respect to the requirements under subclauses (II) and (III) of section 9902(a)(2)(B)(ii) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652(a)(2)(B)(ii)(II) and (III));

(2) ensure that each covered entity, as defined in section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651),that is awarded financial assistance under section 9902 of that Act (15 U.S.C. 4652) is carrying out the commitments of the covered entity to economically disadvantaged individuals as described in the application of the covered entity under that section by the target dates for completion established by the Secretary of Commerce under subsection(a)(5)(A) of that section; and

(3) increase participation of and outreach to economically disadvantaged individuals, minority-owned businesses, veteran-owned businesses, and women-owned businesses, as defined by the Secretary of Commerce, respectively, in the geographic area of a project under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652) and serve as a resource for those individuals, businesses, and covered entities.

(d) STAFF.—The activities under this section shall be staffed at the appropriate levels to carry out the functions and responsibilities under this section until 95 percent of the amounts of funds made available for the program established under section 9902 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652) have been expended.

(e) REPORT.—Beginning on the date that is 1 year after the date on which the Secretary of Commerce establishes the activities described in subsection (c), the Secretary of Commerce shall submit to the appropriate committees of Congress, as defined in section 9901(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651), and make publicly available on the website of the Department of Commerce an annual report regarding the actions taken by the Department of Commerce under this section.

SEC. 105. ADDITIONAL GAO REPORTING REQUIREMENTS.

(a) NDAA.—Section 9902(c) of William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in clause (i), by striking ''; and'' and inserting a semicolon; and

(ii) by adding at the end the following:

''(iii) the Federal Government could take specific actions to address shortages in the semiconductor supply chain, including—

''(I) demand-side incentives, including incentives related to the information and communications technology supply chain; and

''(II) additional incentives, at national and global scales, to accelerate utilization of leading-edge semiconductor nodes to address shortages in mature semiconductor nodes; and''; and

(B) in subparagraph (C)—

(i) in clause (iii), by striking ''; and'' and inserting a semicolon; and

(ii) by inserting after clause (iv) the following:

''(v) how projects are supporting the semiconductor needs of critical infrastructure industries in the United States, including those industries designated by the Cybersecurity and Infrastructure Security Agency as essential infrastructure industries; and''; and

(2) by inserting after paragraph (1)(C)(iv) the following:

''(D) drawing on data made available by the Department of Labor or other sources, to the extent practicable, an analysis of—

''(i) semiconductor industry data regarding businesses that are—

''(I) majority owned and controlled by minority individuals;

''(II) majority owned and controlled by women; or

''(III) majority owned and controlled by both women and minority individuals;

''(ii) the number and amount of contracts and subcontracts awarded by each covered entity using funds made available under subsection (a) disaggregated by recipients of each such contract or subcontracts that are majority owned and controlled by minority individuals and majority owned and controlled by women; and

''(iii) aggregated workforce data, including data by race or ethnicity, sex, and job categories.''.

(b) DEPARTMENT OF DEFENSE.—Section 9202(a)(1)(G)(ii)(I) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (47 U.S.C. 906(a)(1)(G)(ii)(I)) is amended by inserting ''(including whether recipients are majority owned and controlled by minority individuals and majority owned and controlled by women)'' after ''to whom''.

SEC. 106. APPROPRIATIONS FOR WIRELESS SUPPLY CHAIN INNOVATION.

(a) DIRECT APPROPRIATIONS.—In addition to amounts otherwise available for such purposes, there is appropriated to the Public Wireless Supply Chain Innovation Fund established under section 9202(a)(1) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4652(a)(1)), out of amounts in the Treasury not otherwise appropriated—

(1) $150,000,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $1,350,000,000 for fiscal year 2023, to remain available until September 30, 2032.

(b) USE OF FUNDS, ADMINISTRATION, AND OVERSIGHT.—Of the amounts made available under subsection (a)—

(1) not more than 5 percent of the amounts allocated pursuant to subsection (c) in a given fiscal year may be used by the Assistant Secretary of Commerce for Communications and Information to administer the programs funded from the Public Wireless Supply Chain Innovation Fund; and

(2) not less than $2,000,000 per fiscal year shall be transferred to the Office of Inspector General of the Department of Commerce for oversight related to activities conducted using amounts provided under this section.

(c) ALLOCATION AUTHORITY.—

(1) SUBMISSION OF COST ESTIMATES.—The President shall submit to Congress detailed account, program, and project allocations of the amount recommended for allocation in a fiscal year from amounts made available under subsection (a)—

(A) for fiscal years 2022 and 2023, not later than 60 days after the date of enactment of this Act; and

(B) for each subsequent fiscal year through 2032, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code.

(2) ALTERNATE ALLOCATION.—

(A) IN GENERAL.—The Committees on Appropriations of the House of Representatives and the Senate may provide for alternate allocation of amounts recommended for allocation in a given fiscal year from amounts made available under subsection (a), including by account, program, and project.

(B) ALLOCATION BY PRESIDENT.—

(i) NO ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations, including by account, program, and project, by the date on which the Act making full-year appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the applicable fiscal year is enacted into law, only then shall amounts recommended for allocation for that fiscal year from amounts made available under subsection (a) be allocated by the President or apportioned or allotted by account, program, and project pursuant to title 31, United States Code.

(ii) INSUFFICIENT ALTERNATE ALLOCATION.—If Congress enacts legislation establishing alternate allocations, including by account, program, and project, for amounts recommended for allocation in a given fiscal year from amounts made available under subsection (a) that are less than the full amount recommended for allocation for that fiscal year, the difference between the amount recommended for allocation and the alternate allocation shall be allocated by the President and apportioned and allotted by account, program, and project pursuant to title 31, United States Code.

(d) SEQUESTRATION.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after ''Postal Service Fund (18–4020–0–3–372).'' the following:

''Public Wireless Supply Chain Innovation Fund.''.

(e) BUDGETARY EFFECTS.—

(1) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(2) SENATE PAYGO SCORECARDS.—The budgetary effects of this section shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(3) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section shall not be estimated—

(A) for purposes of section 251 of such Act;

(B) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(C) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

SEC. 107. ADVANCED MANUFACTURING INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48C the following new section:

''SEC. 48D. ADVANCED MANUFACTURING INVESTMENT CREDIT.

''(a) ESTABLISHMENT OF CREDIT.—For purposes of section 46, the advanced manufacturing investment credit for any taxable year is an amount equal to 25 percent of the qualified investment for such taxable year with respect to any advanced manufacturing facility of an eligible taxpayer.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment with respect to any advanced manufacturing facility for any taxable year is the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of an advanced manufacturing facility.

''(2) QUALIFIED PROPERTY.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified property' means property—

''(i) which is tangible property,

''(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable,

''(iii) which is—

''(I) constructed, reconstructed, or erected by the taxpayer, or

''(II) acquired by the taxpayer if the original use of such property commences with the taxpayer, and

''(iv) which is integral to the operation of the advanced manufacturing facility.

''(B) BUILDINGS AND STRUCTURAL COMPONENTS.—

''(i) IN GENERAL.—The term 'qualified property' includes any building or its structural components which otherwise satisfy the requirements under subparagraph (A).

''(ii) EXCEPTION.—Clause (i) shall not apply with respect to a building or portion of a building used for offices, administrative services, or other functions unrelated to manufacturing.

''(3) ADVANCED MANUFACTURING FACILITY.—For purposes of this section, the term 'advanced manufacturing facility' means a facility for which the primary purpose is the manufacturing of semiconductors or semiconductor manufacturing equipment.

''(4) COORDINATION WITH REHABILITATION CREDIT.—The qualified investment with respect to any advanced manufacturing facility for any taxable year shall not include that portion of the basis of any property which is attributable to qualified rehabilitation expenditures (as defined in section 47(c)(2)).

''(5) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

''(c) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means any taxpayer which—

''(1) 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), and

''(2) has not made an applicable transaction (as defined in section 50(a)) during the taxable year.

''(d) ELECTIVE PAYMENT.—

''(1) IN GENERAL.—Except as otherwise provided in paragraph (2)(A), in the case of a taxpayer making an election (at such time and in such manner as the Secretary may provide) under this subsection with respect to the credit determined under subsection (a) with respect to such taxpayer, such taxpayer shall be treated as making a payment against the tax imposed by subtitle A (for the taxable year with respect to which such credit was determined) equal to the amount of such credit.

''(2) SPECIAL RULES.—For purposes of this subsection—

''(A) APPLICATION TO PARTNERSHIPS AND S CORPORATIONS.—

''(i) IN GENERAL.—In the case of the credit determined under subsection (a) with respect to any property held directly by a partnership or S corporation, any election under paragraph (1) shall be made by such partnership or S corporation. If such partnership or S corporation makes an election under such paragraph (in such manner as the Secretary may provide) with respect to such credit—

''(I) the Secretary shall make a payment to such partnership or S corporation equal to the amount of such credit,

''(II) paragraph (3) shall be applied with respect to such credit before determining any partner's distributive share, or shareholder's pro rata share, of such credit,

''(III) any amount with respect to which the election in paragraph (1) is made shall be treated as tax exempt income for purposes of sections 705 and 1366, and

''(IV) a partner's distributive share of such tax exempt income shall be based on such partner's distributive share of the otherwise applicable credit for each taxable year.

''(ii) COORDINATION WITH APPLICATION AT PARTNER OR SHAREHOLDER LEVEL.—In the case of any property held directly by a partnership or S corporation, no election by any partner or shareholder shall be allowed under paragraph (1) with respect to any credit determined under subsection (a) with respect to such property.

''(B) ELECTIONS.—Any election under paragraph (1) shall be made not later than the due date (including extensions of time) for the return of tax for the taxable year for which the election is made, but in no event earlier than 270 days after the date of the enactment of this section. Any such election, once made, shall be irrevocable. Except as otherwise provided in this subparagraph, any election under paragraph (1) shall apply with respect to any credit for the taxable year for which the election is made.

''(C) TIMING.—The payment described in paragraph (1) shall be treated as made on the later of the due date (determined without regard to extensions) of the return of tax for the taxable year or the date on which such return is filed.

''(D) TREATMENT OF PAYMENTS TO PARTNERSHIPS AND S CORPORATIONS.—For purposes of section 1324 of title 31, United States Code, the payments under subparagraph (A)(i)(I) shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(E) ADDITIONAL INFORMATION.—As a condition of, and prior to, any amount being treated as a payment which is made by the taxpayer under paragraph (1) or any payment being made pursuant to subparagraph (A), the Secretary may require such information or registration as the Secretary deems necessary or appropriate for purposes of preventing duplication, fraud, improper payments, or excessive payments under this section.

''(F) EXCESSIVE PAYMENT.—

''(i) IN GENERAL.—In the case of any amount treated as a payment which is made by the taxpayer under paragraph (1), or any payment made pursuant to subparagraph (A), which the Secretary determines constitutes an excessive payment, the tax imposed on such taxpayer by chapter 1 for the taxable year in which such determination is made shall be increased by an amount equal to the sum of—

''(I) the amount of such excessive payment, plus

''(II) an amount equal to 20 percent of such excessive payment.

''(ii) REASONABLE CAUSE.—Clause (i)(II) shall not apply if the taxpayer demonstrates to the satisfaction of the Secretary that the excessive payment resulted from reasonable cause.

''(iii) EXCESSIVE PAYMENT DEFINED.—For purposes of this subparagraph, the term 'excessive payment' means, with respect to property for which an election is made under this subsection for any taxable year, an amount equal to the excess of—

''(I) the amount treated as a payment which is made by the taxpayer under paragraph (1), or the amount of the payment made pursuant to subparagraph (A), with respect to such property for such taxable year, over

''(II) the amount of the credit which, without application of this subsection, would be otherwise allowable (determined without regard to section 38(c)) under subsection (a) with respect to such property for such taxable year.

''(3) DENIAL OF DOUBLE BENEFIT.—In the case of a taxpayer making an election under this subsection with respect to the credit determined under subsection (a), such credit shall be reduced to zero and shall, for any other purposes under this title, be deemed to have been allowed to the taxpayer for such taxable year.

''(4) MIRROR CODE POSSESSIONS.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24(k)), this subsection shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this subsection be so treated.

''(5) BASIS REDUCTION AND RECAPTURE.—Rules similar to the rules of subsections (a) and (c) of section 50 shall apply with respect to—

''(A) any amount treated as a payment which is made by the taxpayer under paragraph (1), and

''(B) any payment made pursuant to paragraph (2)(A).

''(6) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including—

''(A) regulations or other guidance providing rules for determining a partner's distributive share of the tax exempt income described in paragraph (2)(A)(i)(III), and

''(B) guidance to ensure that the amount of the payment or deemed payment made under this subsection is commensurate with the amount of the credit that would be otherwise allowable (determined without regard to section 38(c)).

''(e) TERMINATION OF CREDIT.—The credit allowed under this section shall not apply to property the construction of which begins after December 31, 2026.''.

(b) RECAPTURE IN CONNECTION WITH CERTAIN EXPANSIONS.—

(1) IN GENERAL.—Section 50(a) of the Internal Revenue Code of 1986 is amended redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and by inserting after paragraph (2) the following new paragraph:

''(3) CERTAIN EXPANSIONS IN CONNECTION WITH ADVANCED MANUFACTURING FACILITIES.—

''(A) IN GENERAL.—If there is a an applicable transaction by an applicable taxpayer before the close of the 10-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) EXCEPTION.—Subparagraph (A) shall not apply if the applicable taxpayer demonstrates to the satisfaction of the Secretary that the applicable transaction has been ceased or abandoned within 45 days of a determination and notice by the Secretary.

''(C) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this paragraph, including regulations or other guidance which provide for requirements for recordkeeping or information reporting for purposes of administering the requirements of this paragraph.''.

(2) APPLICABLE TRANSACTION; APPLICABLE TAXPAYER.—Section 50(a)(6) of the Internal Revenue Code of 1986, as redesignated by paragraph (1), is amended adding at the end the following new subparagraphs:

''(D) APPLICABLE TRANSACTION.—For purposes of this subsection, the term 'applicable transaction' means, with respect to any applicable taxpayer, any transaction (as determined by the Secretary, in coordination with the Secretary of Commerce and the Secretary of Defense) involving the expansion of semiconductor manufacturing capacity of such applicable taxpayer in the People's Republic of China or a foreign country of concern (as defined in section 9901(7) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021).

SA 5182. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 5140 submitted by Mr. CARPER (for himself, Mrs. CAPITO, Mr. CARDIN, and Mr. CRAMER) and intended to be proposed to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 4___. CHARLESTON PENINSULA, SOUTH CAROLINA.

(a) IN GENERAL.—Notwithstanding any other provision of law, the project for hurricane and storm damage risk reduction, Charleston Peninsula, South Carolina, if authorized by this Act, shall no longer be authorized after the date described in subsection (b) unless, by that date, the non-Federal interest has entered into a project partnership agreement for the project, or a separable element of the project, as described in section 221(a) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(a)).

(b) DATE DESCRIBED.—The date referred to in subsection (a) is the later of—

(1) the last day of the 7-year period beginning on the date of enactment of this Act; and

(2) the date that is 7 years after the date on which a design agreement for the project described in that subsection is executed.

ORDERS FOR TUESDAY, JULY 26, 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 26; 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 Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus meetings.

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

Mr. SCHUMER. The cloture vote in relation to CHIPS and Science is expected at 11 a.m., for the information of Members. Please be here.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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 6:46 p.m., adjourned until Tuesday, July 26, 2022, at 10 a.m.