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