

**AMENDMENT TO RULE COMMITTEE PRINT 117-52**  
**OFFERED BY MS. ESHOO OF CALIFORNIA**

Add at the end of subtitle E of title VIII the following:

1 **SEC. 8\_\_\_. INCENTIVES FOR PRINTED CIRCUIT BOARD**  
2 **MANUFACTURING.**

3 (a) DEFINITIONS.—In this section:

4 (1) CIRCUIT BOARD.—The term “circuit board”  
5 means a piece of insulating material on which elec-  
6 trical components are mounted and interconnected  
7 by etched copper foil so patterned as to form a cir-  
8 cuit.

9 (2) COVERED ENTITY.—The term “covered en-  
10 tity” means a non-profit entity, a private entity, a  
11 consortium of private entities, or a consortium of  
12 public and private entities with the ability to sub-  
13 stantially finance, construct, expand, or modernize a  
14 facility relating to manufacturing of printed circuit  
15 boards.

16 (3) COVERED PROJECT.—The term “covered  
17 project” means—

18 (A) a project the purpose of which is the  
19 construction, expansion, or modernization of a

1 facility described in paragraph (2) that will be  
2 located in the United States; and

3 (B) a workforce-related project (including  
4 an agreement to provide grants for workforce  
5 training or vocational education), any conces-  
6 sion with respect to real property and any other  
7 project determined by the Secretary, in con-  
8 sultation with the Secretary of State, to be ap-  
9 propriate and related to encouraging investment  
10 in facilities and equipment in the United States  
11 for manufacturing of printed circuit boards.

12 (4) ECONOMICALLY DISADVANTAGED INDI-  
13 VIDUAL.—The term “economically disadvantaged in-  
14 dividual” means an individual described in section  
15 8(a)(6)(A) of the Small Business Act (15 U.S.C.  
16 637(a)(6)(A)).

17 (5) FOREIGN ENTITY; FOREIGN ENTITY OF  
18 CONCERN.—The terms “foreign entity” and “foreign  
19 entity of concern” have the meanings given such  
20 terms in section 9901 of the William M. (Mac)  
21 Thornberry National Defense Authorization Act for  
22 Fiscal Year 2021 (Public Law 116–283; 15 U.S.C.  
23 4651).

24 (6) HISTORICALLY BLACK COLLEGE OR UNI-  
25 VERSITY.—The term “historically Black college or

1 university” has the meaning given the term “part B  
2 institution” in section 322 of the Higher Education  
3 Act of 1965 (20 U.S.C. 1061).

4 (7) INSTITUTION OF HIGHER EDUCATION.—The  
5 term “institution of higher education” has the  
6 meaning given such term in section 101 of the High-  
7 er Education Act of 1965 (20 U.S.C. 1001).

8 (8) INTEGRATED CIRCUIT SUBSTRATE.—The  
9 term “integrated circuit substrate” means the sup-  
10 porting material upon or within which an integrated  
11 circuit is fabricated or to which an integrated circuit  
12 is attached.

13 (9) INTELLIGENCE COMMUNITY.—The term  
14 “intelligence community” has the meaning given  
15 that term in section 3 of the National Security Act  
16 of 1947 (50 U.S.C. 3003).

17 (10) MINORITY-OWNED BUSINESS AND WOMEN-  
18 OWNED BUSINESS.—The terms “minority-owned  
19 business” and “women-owned business” have the  
20 meanings given such terms in section 704B(h) of the  
21 Equal Credit Opportunity Act (15 U.S.C. 1691c-  
22 2(h)).

23 (11) MINORITY-SERVING INSTITUTION.—The  
24 term “minority-serving institution” means any of  
25 the following:

1 (A) An Alaska Native-serving institution  
2 (as that term is defined in section 317(b) of the  
3 Higher Education Act of 1965 (20 U.S.C.  
4 1059d(b))).

5 (B) A Native Hawaiian-serving institution  
6 (as that term is defined in section 317(b) of  
7 such Act (20 U.S.C. 1059d(b))).

8 (C) A Predominantly Black institution (as  
9 that term is defined in section 371(c) of such  
10 Act (20 U.S.C. 1067q(e))).

11 (D) An Asian American and Native Amer-  
12 ican Pacific Islander-serving institution (as that  
13 term is defined in section 320(b) of such Act  
14 (20 U.S.C. 1059g(b))).

15 (E) A Native American-serving, nontribal  
16 institution (as that term is defined in section  
17 319(b) of such Act (20 U.S.C. 1059f(b))).

18 (12) PERSON.—The term “person” means an  
19 individual or entity.

20 (13) PRINTED CIRCUIT BOARD.—The term  
21 “printed circuit board” means a circuit board on  
22 which a pattern of copper foil connecting the compo-  
23 nents has been etched or printed, including boards  
24 with printed circuits on both sides and boards with  
25 printed circuits on one side only, for the mounting

1 of components on which most connections are made  
2 by printed circuitry.

3 (14) PROGRAM.—The term “Program” means  
4 the program established under subsection (b)(1).

5 (15) SECRETARY.—The term “Secretary”  
6 means the Secretary of Commerce.

7 (16) SMALL BUSINESS.—The term “small busi-  
8 ness” has the meaning given the term “small busi-  
9 ness concern” under section 3(a) of the Small Busi-  
10 ness Act (15 U.S.C. 632(a)), except that section  
11 121.103 of title 13, Code of Federal Regulations (or  
12 any successor regulation) shall not apply.

13 (17) STATE.—The term “State” means each  
14 State of the United States, the District of Columbia,  
15 each commonwealth, territory, or possession of the  
16 United States, and each federally recognized Indian  
17 Tribe.

18 (18) VETERAN-OWNED BUSINESS.—The term  
19 “veteran-owned business” has the meaning given the  
20 term “small business concern owned and controlled  
21 by veterans” in section 3(q) of the Small Business  
22 Act (15 U.S.C. 632(q)).

23 (b) FINANCIAL ASSISTANCE PROGRAM.—

24 (1) IN GENERAL.—The Secretary shall establish  
25 a program that, in accordance with the requirements

1 of this section and subject to the availability of ap-  
2 propriations for such purposes, provides Federal fi-  
3 nancial assistance to covered entities to incentivize  
4 investment in facilities and equipment in the United  
5 States for manufacturing of printed circuit boards.

6 (2) PROCEDURE.—

7 (A) IN GENERAL.—A covered entity shall  
8 submit to the Secretary an application that de-  
9 scribes the project for which the covered entity  
10 is seeking financial assistance under the Pro-  
11 gram.

12 (B) ELIGIBILITY.—Except as provided in  
13 subparagraph (C), in order for a covered entity  
14 to qualify for financial assistance under the  
15 Program, the covered entity shall demonstrate  
16 to the Secretary, in the application submitted  
17 by the covered entity under subparagraph (A),  
18 that—

19 (i) the covered entity has a docu-  
20 mented interest in carrying out a covered  
21 project; and

22 (ii) with respect to the project de-  
23 scribed in clause (i), the covered entity  
24 has—

1 (I) a plan the Secretary deter-  
2 mines to be executable to sustain the  
3 covered project described in clause (i)  
4 without additional Federal financial  
5 assistance under the Program for fa-  
6 cility support;

7 (II) made commitments to work-  
8 er and community investment, includ-  
9 ing through—

10 (aa) training and education  
11 benefits provided by or paid for  
12 by the covered entity; and

13 (bb) programs to expand  
14 employment opportunity for eco-  
15 nomically disadvantaged individ-  
16 uals; and

17 (III) secured commitments from  
18 regional educational and training enti-  
19 ties, postsecondary vocational institu-  
20 tions (defined in section 102(c) of the  
21 Higher Education Act of 1965 (20  
22 U.S.C. 1002(c))), or institutions of  
23 higher education to provide workforce  
24 training, including programming for

1 training and job placement of eco-  
2 nomically disadvantaged individuals.

3 (C) SMALL BUSINESS EXCEPTION.—The  
4 requirements in subclauses (II) and (III) of  
5 subparagraph (B)(ii) do not apply to small  
6 businesses.

7 (D) DUE DILIGENCE.—With respect to the  
8 review by the Secretary of an application sub-  
9 mitted by a covered entity under subparagraph  
10 (A), the Secretary may not approve the applica-  
11 tion unless the Secretary—

12 (i) confirms that the covered entity  
13 has satisfied the applicable eligibility cri-  
14 teria under subparagraph (B); and

15 (ii) determines that the project to  
16 which the application relates is in the in-  
17 terest of the United States.

18 (E) CONSIDERATIONS FOR REVIEW.—

19 (i) IN GENERAL.—Except as provided  
20 in clause (ii), with respect to the review by  
21 the Secretary of an application submitted  
22 by a covered entity under subparagraph  
23 (A), the Secretary shall consider whether  
24 the covered entity has—



1 (I) previously received financial  
2 assistance under the Program; and

3 (II) demonstrated that it is re-  
4 sponsive to the national security needs  
5 or requirements established by the in-  
6 telligence community (or an agency  
7 thereof), the National Nuclear Secu-  
8 rity Administration, or the Depart-  
9 ment of Defense.

10 (ii) SMALL BUSINESSES EXCLUDED.—  
11 Clause (i)(I) does not apply with respect to  
12 an application submitted by a small busi-  
13 ness under subparagraph (A).

14 (F) PREFERENCES.—The Secretary shall,  
15 when practicable, give preference with respect  
16 to the approval of an application submitted  
17 under subparagraph (A) by a covered entity  
18 that—

19 (i) is a small business, minority-owned  
20 business, women-owned business, or vet-  
21 eran-owned business;

22 (ii) expands the United States produc-  
23 tion capacity of integrated circuit sub-  
24 strates;

1 (iii) is relocating a manufacturing fa-  
2 cility of printed circuit boards currently lo-  
3 cated in an area owned by, controlled by,  
4 or subject to the jurisdiction or direction of  
5 a foreign entity of concern; or

6 (iv) includes a workforce training pro-  
7 gram that secures commitments from an  
8 institution of higher education that is—

9 (I) a historically Black college or  
10 university;

11 (II) a Hispanic-serving institu-  
12 tion (as such term is defined in sec-  
13 tion 502(a) of the Higher Education  
14 Act of 1965 (20 U.S.C. 1101a(a)));

15 (III) a Tribal College or Univer-  
16 sity (as such term is defined in sec-  
17 tion 316(b) of the Higher Education  
18 Act of 1965 (20 U.S.C. 1059c(b)));

19 (IV) a minority-serving institu-  
20 tion; or

21 (V) a rural-serving institution of  
22 higher education (as such term is de-  
23 fined in section 861(b) of the Higher  
24 Education Act of 1965 (20 U.S.C.  
25 1161q(b))).

1 (G) FOREIGN ENTITIES OF CONCERN EX-  
2 CLUSION.—

3 (i) The Secretary may not approve an  
4 application of a covered entity if the Sec-  
5 retary determines that the covered entity is  
6 a foreign entity of concern.

7 (ii) None of the funds authorized to  
8 be appropriated to carry out this sub-  
9 section may be provided to a foreign entity  
10 of concern.

11 (H) RECORDS PRODUCTION.—

12 (i) IN GENERAL.—The Secretary may  
13 request from a covered entity that submits  
14 an application under subparagraph (A) any  
15 records and other information that the  
16 Secretary determines necessary for the  
17 purposes of ascertaining whether an award  
18 under the Program will be used for the  
19 covered project for which such award is  
20 sought, including records or other informa-  
21 tion regarding the status of such project.

22 (ii) FUNDING RESTRICTION.—No cov-  
23 ered entity that fails to provide records or  
24 information requested by the Secretary  
25 under this subparagraph shall be eligible

1 for Federal financial assistance under the  
2 Program if such records or information are  
3 reasonably available to such covered entity.

4 (3) AMOUNT.—The Secretary shall determine  
5 the appropriate amount and funding type for each  
6 financial assistance award made to a covered entity  
7 under the Program.

8 (4) USE OF FUNDS.—A covered entity that re-  
9 ceives a financial assistance award under the Pro-  
10 gram may only use the financial assistance award  
11 amounts—

12 (A) for a covered project; and

13 (B) to pay reasonable costs related to the  
14 operating expenses for such covered project, in-  
15 cluding costs relating to the specialized work-  
16 force, essential materials, and complex equip-  
17 ment maintenance, as determined by the Sec-  
18 retary.

19 (5) CLAWBACK.—

20 (A) DELAY CLAWBACK.—

21 (i) TARGET DATES.—With respect to  
22 any award made under the Program, the  
23 Secretary shall—

24 (I) determine target dates by  
25 which the project with respect to

1 which such award was made shall  
2 commence and complete; and

3 (II) set such dates by the time of  
4 the award.

5 (ii) PROGRESSIVE RECOVERY FOR  
6 DELAYS.—If a project is not commenced  
7 and completed by the dates determined  
8 under clause (i) for such project, the Sec-  
9 retary shall progressively recover from the  
10 recipient of the award for such project up  
11 to the full amount of such award.

12 (iii) WAIVER.—In the case of a  
13 project that is not commenced or com-  
14 pleted by the dates determined under  
15 clause (i) for such project, the Secretary  
16 may waive elements of the clawback provi-  
17 sions incorporated in the award made  
18 under the Program for such project only if,  
19 prior to granting such waiver, the Sec-  
20 retary—

21 (I) makes a formal determination  
22 that circumstances beyond the ability  
23 of the covered entity to foresee or con-  
24 trol are responsible for delays; and

25 (II) submits a notice to Congress.

1           (B) TECHNOLOGY CLAWBACK.—The Sec-  
2           retary may recover the full amount of any  
3           award made under the Program from the re-  
4           cipient of the award if, during the period deter-  
5           mined under subparagraph (A)(i) for the  
6           project with respect to which such award was  
7           made, the recipient knowingly engages in any  
8           joint research or technology licensing effort  
9           with a foreign entity of concern that relates to  
10          a technology or product that raises national se-  
11          curity concerns, as determined by the Secretary.

12          (C) NOTIFICATION TO CONGRESS.—

13                 (i) IN GENERAL.—The Secretary shall  
14                 notify Congress of—

15                         (I) the clawback provisions at-  
16                         tending each award described in sub-  
17                         paragraph (A)(i); and

18                         (II) each waiver provided under  
19                         subparagraph (A)(iii) not later than  
20                         15 days after the date on which the  
21                         Secretary provides such waiver.

22                 (ii) WAIVER NOTICE CONTENTS.—The  
23                 notice required under clause (i)(II) shall  
24                 include—

1 (I) the elements of the clawback  
2 provisions that were waived under  
3 subparagraph (A)(iii);

4 (II) an explanation of why such  
5 waiver was provided;

6 (III) the duration of the delay  
7 with respect to which such waiver was  
8 granted; and

9 (IV) the name of the covered en-  
10 tity that was granted such waiver.

11 (c) COORDINATION REQUIRED.—In carrying out the  
12 Program, the Secretary shall coordinate with—

13 (1) the Secretary of State;

14 (2) the Secretary of Defense;

15 (3) the Secretary of Energy;

16 (4) the Director of National Intelligence;

17 (5) the Director of the Minority Business De-  
18 velopment Agency of the Department of Commerce;

19 (6) the Administrator of the Small Business  
20 Administration;

21 (7) the Director of the National Institute of  
22 Standards and Technology;

23 (8) the Director of the Cybersecurity and Infra-  
24 structure Agency; and

1           (9) the Director of the Office of Foreign Assets  
2           Control of the Department of the Treasury.

3           (d) GAO REVIEWS.—The Comptroller General of the  
4           United States shall—

5           (1) not later than 2 years after the date of dis-  
6           bursement of the first award under the Program,  
7           and biennially thereafter for 10 years, conduct a re-  
8           view of the Program, which shall include—

9           (A) a determination of the number of  
10           awards provided under the Program during the  
11           two-year period immediately preceding the re-  
12           view;

13           (B) an evaluation of how—

14           (i) such program is being carried out,  
15           including how recipients of awards under  
16           the Program are being selected; and

17           (ii) other Federal programs are lever-  
18           aged for manufacturing, research, and  
19           training to complement the awards made  
20           under the Program; and

21           (C) a description of the outcomes of  
22           projects supported by awards made under the  
23           Program, including a description of—



1 (i) facilities described in subsection  
2 (b)(1) that were constructed, expanded, or  
3 modernized as a result of such awards;

4 (ii) workforce training programs car-  
5 ried out with such awards, including ef-  
6 forts to hire economically disadvantaged  
7 individuals; and

8 (iii) the effects of such projects on the  
9 United States' share of global printed cir-  
10 cuit board production; and

11 (2) notify Congress of the results of each review  
12 conducted under paragraph (1).

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is  
14 authorized to be appropriated \$3,000,000,000 for fiscal  
15 year 2023, to remain available through fiscal year 2024,  
16 to carry out this section.

