

**AMENDMENT TO**  
**RULES COMMITTEE PRINT 117-31**  
**OFFERED BY MS. JAYAPAL OF WASHINGTON**

Add at the end of division A the following:

**1 SEC. 10003. IMPROVEMENTS TO CHIPS.**

2 Section 9902 of the William M. (Mac) Thornberry  
3 National Defense Authorization Act for Fiscal Year 2021  
4 (15 U.S.C. 4652) is amended—

5 (1) by redesignating subsection (c) as sub-  
6 section (d); and

7 (2) by inserting after subsection (b) the fol-  
8 lowing:

9 “(c) CONDITIONS OF RECEIPT.—

10 “(1) REQUIRED AGREEMENT.—A covered entity  
11 to which the Secretary awards Federal financial as-  
12 sistance under this section shall enter into an agree-  
13 ment that specifies that, during the 5-year period  
14 immediately following the award of the Federal fi-  
15 nancial assistance—

16 “(A) the covered entity will not—

17 “(i) repurchase an equity security  
18 that is listed on a national securities ex-  
19 change of the covered entity or any parent

1 company of the covered entity, except to  
2 the extent required under a contractual ob-  
3 ligation that is in effect as of the date of  
4 enactment of this subsection;

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

7 “(iii) abrogate existing collective bar-  
8 gaining agreements; and

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

11 ~~“(2) FINANCIAL PROTECTION OF GOVERN-~~  
12 ~~MENT.—~~

13 ~~“(A) IN GENERAL.—The Secretary may~~  
14 ~~not award Federal financial assistance to a cov-~~  
15 ~~ered entity under this section, unless—~~

16 ~~“(i)(I) the covered entity has issued~~  
17 ~~securities that are traded on a national se-~~  
18 ~~curities exchange; and~~

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

22 ~~“(ii) in the case of any covered entity~~  
23 ~~other than a covered entity described in~~  
24 ~~clause (i), the Secretary of the Treasury~~

1 receives, in the discretion of the Secretary  
2 of the Treasury—

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

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

7 “(B) TERMS AND CONDITIONS. The  
8 terms and conditions of any warrant, equity in-  
9 terest, or senior debt instrument received under  
10 subparagraph (A) shall be set by the Secretary  
11 and shall meet the following requirements:

12 “(i) PURPOSES. Such terms and con-  
13 ditions shall be designed to provide for a  
14 reasonable participation by the Secretary  
15 of Commerce, for the benefit of taxpayers,  
16 in equity appreciation in the case of a war-  
17 rant or other equity interest, or a reason-  
18 able interest rate premium, in the case of  
19 a debt instrument.

20 “(ii) AUTHORITY TO SELL, EXERCISE,  
21 OR SURRENDER. For the primary benefit  
22 of taxpayers, the Secretary may sell, exer-  
23 cise, or surrender a warrant or any senior  
24 debt instrument received under this sub-  
25 paragraph. The Secretary shall not exer-

1 ~~ease voting power with respect to any~~  
2 ~~shares of common stock acquired under~~  
3 ~~this subparagraph.~~

4 ~~“(iii) SUFFICIENCY. If the Secretary~~  
5 ~~determines that a covered entity cannot~~  
6 ~~feasibly issue warrants or other equity in-~~  
7 ~~terests as required by this subparagraph,~~  
8 ~~the Secretary may accept a senior debt in-~~  
9 ~~strument in an amount and on such terms~~  
10 ~~as the Secretary determines appropriate.”.~~

