

S 2228

Building Chips in America Act of 2023

Congress: 118 (2023–2025, Ended)

Chamber: Senate

Policy Area: Environmental Protection

Introduced: Jul 11, 2023

Current Status: Became Public Law No: 118-105.

Latest Action: Became Public Law No: 118-105. (Oct 2, 2024)

Law: 118-105 (Enacted Oct 2, 2024)

Official Text: <https://www.congress.gov/bill/118th-congress/senate-bill/2228>

Sponsor

Name: Sen. Kelly, Mark [D-AZ]

Party: Democratic • **State:** AZ • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Brown, Sherrod [D-OH]	D · OH		Jul 11, 2023
Sen. Hagerty, Bill [R-TN]	R · TN		Jul 11, 2023
Sen. Young, Todd [R-IN]	R · IN		Jul 11, 2023
Sen. Budd, Ted [R-NC]	R · NC		Jul 27, 2023
Sen. Sinema, Kyrsten [I-AZ]	I · AZ		Jul 27, 2023

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Discharged From	Dec 14, 2023

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

Bill	Relationship	Last Action
118 HR 4549	Identical bill	Jul 14, 2023: Referred to the Subcommittee on Innovation, Data, and Commerce.

Building Chips in America Act of 2023

This bill modifies and limits the review of certain semiconductor (i.e., microchip) projects under the National Environmental Policy Act of 1969 (NEPA) and the National Historic Preservation Act (NHPA).

First, the bill exempts from NEPA and NHPA specified semiconductor projects that receive financial assistance under the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, including semiconductor projects with (1) activities that commence by December 31, 2024; (2) federal financial assistance provided in the form of a loan or loan guarantee; or (3) federal financial assistance, excluding any loan or loan guarantee, that comprises no more than 10% of the total estimated cost of the project. Further, the bill exempts certain activities from NEPA relating to the construction, expansion, or modernization of semiconductor facilities by establishing several categorical exclusions.

Next, the bill allows the Department of Commerce to serve as the lead agency for the review of a semiconductor project that receives such financial assistance but is not exempted from review under NEPA.

In completing an environmental review under NEPA for semiconductor projects that receive such financial assistance, Commerce may rely on or adopt prior studies and decisions under certain circumstances.

Actions Timeline

- **Oct 2, 2024:** Signed by President.
- **Oct 2, 2024:** Became Public Law No: 118-105.
- **Sep 24, 2024:** Presented to President.
- **Sep 23, 2024:** Mr. Lucas moved to suspend the rules and pass the bill.
- **Sep 23, 2024:** Considered under suspension of the rules. (consideration: CR H5603-5606)
- **Sep 23, 2024:** DEBATE - The House proceeded with forty minutes of debate on S. 2228.
- **Sep 23, 2024:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Sep 23, 2024:** Considered as unfinished business. (consideration: CR H5625-5626)
- **Sep 23, 2024:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 257 - 125 (Roll no. 440). (text: CR H5603-5604)
- **Sep 23, 2024:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 257 - 125 (Roll no. 440). (text: CR H5603-5604)
- **Sep 23, 2024:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 19, 2023:** Received in the House.
- **Dec 19, 2023:** Held at the desk.
- **Dec 18, 2023:** Message on Senate action sent to the House.
- **Dec 14, 2023:** Senate Committee on Environment and Public Works discharged by Unanimous Consent.
- **Dec 14, 2023:** Measure laid before Senate by unanimous consent. (consideration: CR S6009-6010)
- **Dec 14, 2023:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(text: CR S6010)
- **Dec 14, 2023:** Passed Senate with an amendment by Unanimous Consent. (text: CR S6010)
- **Jul 11, 2023:** Introduced in Senate
- **Jul 11, 2023:** Read twice and referred to the Committee on Environment and Public Works.