SEC. 312. WAIVERS.

Section 6(o)(4)(A)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(4)(A)(i)) is amended by inserting ", as determined by the most up-to-date employment data" before "; or".

The PRESIDENT pro tempore. On this amendment, there is 6 minutes of debate, equally divided.

The Senator from Louisiana is recognized.

Mr. KENNEDY. Madam President, this is the last amendment of the evening. I have 3 minutes. I can read a room, and I can count votes.

This amendment would require States to use the most up-to-date unemployment data for waivers of food stamp work requirements. Thank you.

The PRESIDENT pro tempore. The Senator from Michigan.

Ms. STABENOW. Madam President, I will be equally brief. The good news is this is already required by law.

This is a total duplication. States must already provide up-to-date employment data in order to measure if they hit a 10-percent unemployment rate in order to get a State waiver. This is unnecessary. Please do not risk a default of our country on language that is already in the law.

Would my friend accept a voice vote?

Mr. KENNEDY. Madam President.

The PRESIDENT pro tempore. The Senator from Louisiana.

Mr. KENNEDY. Madam President, I will accept a voice vote.

VOTE ON AMENDMENT NO. 102

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 102) was rejected.

Mr. GRASSLEY. Madam President, for 2 years, Democrats had control of the House, the Senate, and the Presidency. They took the reins of power as the Nation began to emerge from a pandemic that had upended our economy and the lives of all Americans.

Up to that point, Republicans and Democrats had worked together to pass multiple rounds of COVID relief with strong bipartisan support. That spirit of cooperation and bipartisanship came to a screeching halt when Democrats took total control in January of 2021.

Rather than viewing the pandemic as a challenge that required temporary measures to overcome, Democrats saw it as an opportunity to permanently expand the size and scope of government. That was the exact opposite of what we needed as a nation.

Our public debt as a share of the economy had soared to heights many would have viewed as unthinkable a few years earlier. What was sorely needed was a bipartisan focus on putting our fiscal house in order.

Instead, Democrats rammed through a nearly $2 trillion partisan spending bill that prominent Democrat economists warned risked sparking inflation. Then, as inflation soared to 40-year highs, Democrats doubled down on their reckless spending with additional legislation and executive actions adding trillions more to our national debt.

Thankfully, the American people had enough. They made their voices heard through the ballot box. Republicans were handed control of the House of Representatives based on a promise of a return to fiscal sanity.

Speaker MCCARTHY repeatedly called on the President to negotiate a fiscally responsible and timely debt limit increase. Unfortunately, President Biden proved not to be a willing dance partner. He sat idly by for nearly 100 days watching the clock tick down to default despite the urgent need to raise the debt ceiling and begin to put our fiscal house in order.

Speaker MCCARTHY thankfully never took no for an answer. He kept pushing and rallied House Republicans to pass a debt limit package to pair back spending excesses of the prior Congress and impose meaningful spending controls moving forward.

House passage of the Limit, Save, Grow Act put a reasonable and fiscally responsible offer on the table that President Biden couldn't ignore.

The bipartisan negotiations that ensued brought us to where we are today, a bipartisan agreement to address the debt ceiling while imposing meaningful brakes on government spending largess.

As is the case with any bipartisan agreement, neither side got everything they wanted. I would have preferred an agreement closer to the House-passed bill. But in a closely divided government, you can't let the perfect be the enemy of the good.

The Fiscal Responsibility Act is a step in the right direction after years of unchecked Democrat spending. It will impose meaningful caps on discretionary spending that, over the next 2 years, will produce hundreds of billions of dollars in savings.

The agreement also strengthens work requirements in social welfare programs and claws back tens of billions in unspent COVID funds.

On the whole, over the next 10 years, this agreement will produce $1.5 trillion in savings. However, for all these savings to be realized, Republicans in the House and in the Senate will need to stick to their guns and vigorously enforce the spending caps.

As the ranking member of the Senate Budget Committee, I am prepared to do my part to hold the line and expect the House chairman is prepared to do the same.

As I said earlier, this agreement is a step in the right direction. However, we have a long road ahead to put our debt and deficits on a sustainable path.

Even assuming all the savings in this agreement is realized, public debt as a share of our economy will exceed World War II era record levels in a matter of years, and annual interest costs will balloon to over a $1 trillion.

We have a moral obligation to the Nation's youth to leave them a country that is on solid financial ground. Passage of the Fiscal Responsibility Act is a start, but much remains to be done.

Mr. CRAPO. Madam President, the Inflation Reduction Act, IRA, contained a provision for the Internal Revenue Service, IRS, to spend $15 million to deliver a report to Congress on an IRS-run and maintained "Direct eFile" tax return system. This was not a bipartisan provision. In fact, not one Republican Senator or Representative supported the IRA, and none had an opportunity to vote on this specific provision.

The report, released on May 16, 2023, was supposed to address the cost of such a system and the safeguards to protect taxpayers, surveys of taxpayer opinions and findings of an "independent third party" on the overall feasibility, approach, schedule, cost, organizational design and IRS capacity to deliver such a Direct eFile tax return system. It fell far short of these requirements and was conducted by third parties who had previously expressed a desire for the IRS to make such an undertaking. Beyond these flaws, the report simultaneously announced that the IRS had already built functioning multilingual, mobile friendly, tax preparation and filing software. However, the Inflation Reduction Act only authorized the IRS to spend funds on a report, not the building of the prototype system.

The implementation of this provision by the Biden administration has clearly violated Congress's statutory direction. Worse, the decision by the administration to build and publicly launch such a Direct eFile system by January 2024, all without congressional authority, and using report and IRA funds further violates the IRA and exceeds the IRS's statutory authority.

The IRS has publicly indicated it began the diversion of report funds to the building of the software as early as December 2022, but the software development using report funds was not disclosed to the public or the Senate until May 16, 2023. This is particularly disappointing and completely without justification.

IRS Commissioner Daniel Werfel appeared before the Senate Finance Committee on April 19, 2023. In response to specific questions by both the majority and minority about the report and the IRS's intentions, he not only failed to disclose the building of this software and the diversion of report funds for this purpose, but also stated that the IRS had not yet decided to act, when the facts strongly suggest that it had. These responses do not build the trust he will need to obtain bipartisan support from committee members.

The Fiscal Responsibility Act contains a provision rescinding certain IRA funds for the IRS, including unspent funds on the report provision. An honest and forthright accounting from the IRS with respect to its actions here is essential, including when expenditures were made and if payments were being made in advance of

the work being accomplished. Such accountability is a top priority.

With respect to the Direct eFile system, the IRS has provided no evidence it has authority to create such a system, and, indeed, the evidence strongly indicates it does not. The IRS must immediately disclose to the Finance Committee and American people the statutory provisions it has relied upon to authorize the administration's grand foray into becoming a tax preparation company, blurring lines that should not be crossed. In doing so, the IRS will also have to explain how it has not violated case law prohibiting study provisions authorized by Congress from being converted by administrative agencies into implementation decisions, as well as those addressing instances where the IRS has been found to have unilaterally acted beyond its statutory authority.

Make no mistake: Congress has the final say on the ability of the IRS to build and field a Direct eFile program that puts the IRS—the tax collector and enforcer—in the business of tax preparation. Beyond this clearly being Congress's prerogative, many policy reasons weigh against the IRS action, including the intractable conflict of interest of the IRS being tax return preparer, adviser, collector, enforcer, and, in many cases, adjudicator.

It is particularly poignant in the context of a bill that attempts to rein in excessive Federal spending to address an Agency action that will assuredly result in billions in future, and ongoing, expenses to the Federal fisc.

We must return to regular order and let Congress express itself, rather than be ignored by an Agency intent on overstepping its bounds.

Mr. KELLY. Madam President, the CHIPS for America Act uses innovative funding tools to incentivize private companies to construct, modernize, or expand advanced semiconductor manufacturing facilities in the United States. Properly structured, these incentives can encourage companies to build more facilities, faster, than without Federal support. In order to maximize this opportunity to bring chip manufacturing back to the United States, we can't allow redundant regulations to delay projects already underway.

The benefit of Federal funding has influenced the pace of investment in the U.S. At the same time, Federal funding doesn't control the outcome of projects that are currently being constructed. The role of the Department of Commerce under the CHIPS for America Act is to determine whether the project is worthy of investing taxpayer dollars.

The enactment of the CHIPS for America Act has greatly accelerated the pace of investment in the U.S., but a Federal grant will not create control over the outcome of project plans that are already being implemented. Notably, Arizona has four new leading-edge semiconductor fabs under construction. These were announced after the CHIPS for America Act was enacted and with the hope for potential Federal support, but companies aren't going to walk away from the multi-billion investment they have already made into these ongoing projects.

The change to the definition of ''major Federal action'' included in section 111 of H.R. 3746, the Fiscal Responsibility Act of 2023, will ensure that certain projects that would not otherwise be subject to the National Environmental Policy Act—NEPA—do not in fact trigger NEPA simply by receiving a Federal incentive investment through programs, like the CHIPS for America Act, where the provision of Federal funds does not control the outcome of the project. It is important to note that privately funded semiconductor manufacturing facilities undergo significant environmental reviews.

I am grateful that H.R. 3746 clarifies the scope of NEPA as it applies to this narrow subset of projects where Federal agencies do not control the outcome of a project.

Mr. OSSOFF. Madam President, today the Senate takes up legislation to avert an economically catastrophic default on U.S. sovereign obligations. The Department of the Treasury has advised the Congress that without passage of this legislation by June 5, the United States will default.

Any modifications to the legislative text under consideration by the Senate will require reconsideration of the measure by the House, pushing passage of such legislation past Treasury's June 5 deadline and forcing a default. Our overriding governing responsibility is to avoid default and the massive economic damage it would impose on American families and businesses.

Accordingly, I will oppose all amendments offered to this measure to ensure Senate passage of the measure as passed by the House and to protect families and businesses from economic catastrophe.

Mr. SCHUMER. Madam President, first, I want to thank everybody for cooperating. I think we got the most votes in the least time.

Second, and more importantly, we are about to vote on something so important to the country, and so many of us on both sides of the aisle will know that if we do this, we will not default. That is very, very important.

Thank you for your cooperation.

The next vote is Tuesday at 5:30 p.m.

The PRESIDENT pro tempore. Under the previous order, the bill is considered read a third time.

The bill was ordered to a third reading and was read the third time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

Ms. STABENOW. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Tennessee (Mr. HAGERTY).

Further, if present and voting: the Senator from Tennessee (Mr. HAGERTY) would have voted ''nay.''

The result was announced—yeas 63, nays 36, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—63

Baldwin	Grassley	Peters
Bennet	Hassan	Reed
Blumenthal	Heinrich	Romney
Booker	Hickenlooper	Rosen
Boozman	Hirono	Rounds
Brown	Hoeven	Schatz
Cantwell	Kaine	Schumer
Capito	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Luján	Stabenow
Collins	Manchin	Tester
Coons	McConnell	Thune
Cornyn	Menendez	Tillis
Cortez Masto	Moran	Van Hollen
Cramer	Mullin	Warner
Duckworth	Murkowski	Warnock
Durbin	Murphy	Welch
Ernst	Murray	Whitehouse
Feinstein	Ossoff	Wyden
Gillibrand	Padilla	Young

NAYS—36

Barrasso	Graham	Ricketts
Blackburn	Hawley	Risch
Braun	Hyde-Smith	Rubio
Britt	Johnson	Sanders
Budd	Kennedy	Schmitt
Cassidy	Lankford	Scott (FL)
Cotton	Lee	Scott (SC)
Crapo	Lummis	Sullivan
Cruz	Markey	Tuberville
Daines	Marshall	Vance
Fetterman	Merkley	Warren
Fischer	Paul	Wicker

NOT VOTING—1

Hagerty

The PRESIDING OFFICER (Mr. PADILLA). On this vote, the yeas are 63, the nays are 36.

The 60-vote threshold having been achieved, the bill is passed.

The bill (H.R. 3746) was passed.

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

The PRESIDING OFFICER (Mr. KELLY). Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Mr. President, I move to proceed to executive session to consider Calendar No. 179.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of David Crane, of New Jersey, to be Under Secretary of Energy.