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No. 157

House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. CASTEN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 28, 2022.

I hereby appoint the Honorable SEAN CASTEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 10, 2022, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with time equally allocated between the parties and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 1:50 p.m.

RECOGNIZING SAMANTHA GONZALEZ

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. BOST) for 5 minutes.

Mr. BOST. Mr. Speaker, I rise today to celebrate the service of one of my staffers on the Committee on Veterans' Affairs.

Ms. Samantha Gonzalez has dedicated over 10 years of her career to our Nation's veterans, their families, and their survivors. She started on the committee as an intern and has worked her way up to being the communica-

tions director and senior health policy adviser.

Samantha helped craft messages and advance a number of bills supporting veterans and their families—notably, the Choice and VA MISSION Acts, the Commander John Scott Hannon Veterans Mental Health Care Improvement Act, the PACT Act, and so many more landmark pieces of legislation.

There is no doubt that the entire veteran community is better off because of her tireless work on their behalf.

I thank Samantha for her commitment to America's veterans, and wish her the best of luck in her next adventure. She will be missed.

NATIONAL SUICIDE PREVENTION AWARENESS MONTH

Mr. BOST. Mr. Speaker, I rise today to remind everyone that while National Suicide Prevention Awareness Month is concluding, we cannot afford to lower our guard. It dismays me that still so many veterans take their lives every day.

In 2020, approximately 16 veterans died by suicide daily, another year with more than 6,000 veteran suicide deaths. We must stay vigilant.

It took an incredible amount of work to get the Staff Sergeant Parker Gordon Fox Suicide Prevention Grant Program passed in legislation through Congress. I am pleased that the first grants were awarded just last week.

Now, 80 community-based organizations in 43 States, D.C., and American Samoa will receive funding to provide or coordinate suicide prevention services for veterans and their families where and when they need it.

Many veterans either cannot or will not access the VA, but their community knows how to find them, how to get them out of isolation and out of trouble and get them the care that can save their lives and offer them a future of hope. I am excited to see just what these grants can do.

CELEBRATING THE LIFE OF RICHARD MARTIN

Mr. BOST. Mr. Speaker, I rise today to celebrate the life of Richard Martin, a good friend and great man who passed suddenly this week.

You get to know people very closely in stressful conditions. Well, many of you know that I was a professional firefighter, and Richard always had my back.

Richard and I both served on the Murphysboro Fire Department. Richard served with the department for 32 years, from 1984 until 2016. During that time, he was a member of the Firefighters Pension Board and served as the treasurer and president of the Murphysboro Firefighters Local 3042.

Never fully retiring, he went on to become the southern district's legislative representative for the Associated Fire Fighters of Illinois.

Richard was dedicated to his family, his friends, his career of service, our hometown, Murphysboro, and the community. Our prayers are with his family, including daughter Olivia and sons Eli and Zeke during this difficult time.

He was a close friend. He will be missed tremendously. His ability to teach others the art of fighting fire and doing it safely and the number of lives that he saved and the amount of property he saved will not be forgotten.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 468. An act to amend title 49, United States Code, to permit the use of incentive payments to expedite certain federally financed airport development projects.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 4673. An act to reauthorize the National Computer Forensics Institute of the United

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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States Secret Service, and for other purposes.

SLAVERY REMEMBRANCE DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GREEN) for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, and still I rise, a proud descendant of the enslaved people who made cotton king and America great; the enslaved people who had a hand in the construction of this Capitol, who had a hand in the construction of the White House; the enslaved people who constructed roads and bridges across the length and breadth of this country, who worked for more than 200 years without a payday. They made the difference for what we call the United States of America on the global scene at the time.

I am honored to be a descendant, and I am honored to say also that this House, on July 27, took the historic step of according them Slavery Remembrance Day, a day to remember their lives and commemorate their accomplishments.

It is important that we do this because, for too long, we have reviled the slaves and revered the enslavers. For too long, we have placed them in such a position as to cause the people who are the very descendants to be ashamed of who they were associated with, with reference to their heritage.

I am proud that this House has taken this important historic step with Slavery Remembrance Day, but I am also proud to say that at 2 o'clock tomorrow in Room 145A at the Washington Convention Center, we will continue to talk about this piece of legislation that we passed, H. Res. 517, the Original Slavery Remembrance Day Resolution.

We will talk about this. We will give a legislative update. The Reverend Al Sharpton will be there, and he will give insightful information on this very topic.

I am just proud that we no longer fear having those persons who made this country great recognized by this Congress, and that had been the case in the past.

I thank all the Members of the Congress, 218 of whom who voted for this legislation. I thank the President, who recognized Slavery Remembrance Day. I thank all of the leadership for allowing this resolution to come to the floor.

I thank Ms. ELIZABETH WARREN, the Senator who supported it, and I thank Mr. HOYER. Mr. HOYER was a man of his word, a person of his word. He said this resolution would come to the floor for a vote. He supported it, and it came to the floor for a vote.

I thank you for the courage that you showed, Mr. HOYER, and the judicious insight that you utilized to make sure that we had this opportunity.

Tomorrow, we continue what I cannot finish today at the convention center, 2 o'clock, Room 145A.

STANDING WITH IRANIAN WOMEN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Mrs. KIM) for 5 minutes.

Mrs. KIM of California. Mr. Speaker, I rise today to support the people of Iran protesting the ayatollah's regime after a 22-year-old young woman, Mahsa Amini, died after being detained by Iran's morality police for allegedly incorrectly wearing a hijab.

Iranians are standing up to the ayatollah's regime's oppression of women by cutting their hair, burning their hijabs, and demanding freedom.

The Iranian Government began a violent crackdown on the protests that have resulted in dozens of protesters being killed, including women and teenagers.

I want Iranian women to know that the United States stands with you in your fight against the ayatollah's oppression and that the Iranian people have our support in your fight for freedom.

Mr. Speaker, I urge my colleagues to join me in amplifying our voices for the people of Iran and holding the regime accountable.

BRETT FAVRE CONTROVERSY

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 5 minutes.

Mr. PAYNE. Mr. Speaker, I rise today to discuss an issue that is very troubling. It is an issue that needs to be addressed.

You see, I rise today because of the outrage and shock that Brett Favre stole money that was supposed to be used to buy formula for babies in Mississippi to build a volleyball stadium at the school his daughter played at.

Today, I join the calls of millions of Americans demanding that he and the corrupt Mississippi Republican Governor be held accountable for this action.

Brett Favre is a millionaire. In a 20-year football career, he made over \$100 million. It would take an average Mississippian 20 years to make just \$1 million.

Instead of coming out of his own pocket, he used his power, influence, and relationships with corrupt Republican lawmakers to steal the money from those in Mississippi who need it the most. His actions were criminal, shameful, reckless, and irresponsible.

Brett Favre is from Mississippi. One might think he should have cared that his home State is one of the poorest in the Nation and suffers from one of the highest rates of child poverty in this country.

He should have cared that one in every five Mississippians lives in extreme poverty. One might think that he should have cared that in Jackson, Mississippi, the capital, almost 25 percent of the households depend on minimum wage. In these families, most earn less than \$15,000 a year.

One might think he should have cared that hundreds of thousands of Mississippians often have to boil their water due to the corruption and the neglect by the leadership in Mississippi, the Republican leadership, neglect that Brett Favre was a key and influential factor of, neglect that he and the corrupt Governor benefited from, but Brett didn't care.

In July 2019, Brett texted Governor Bryant, telling him how much he loved Nancy New and John Davis for what they did for him and Southern Miss.

□ 1215

He called the theft of funds amazing. Governor Bryant knew that the money could have been used to provide thousands of low-income families with a year's worth of rent. He knew that it could have covered the cost of their electricity and their childcare bills. He knew that it could have provided thousands of Mississippi families with as many as nine meals a day.

But they didn't care. They didn't care that year after year many of Mississippi's most vulnerable people can't shower, cook, or bathe for weeks on end due to the systemic neglect in their water system.

In a report released earlier this month by Vox, Benji Jones explained the water crisis in Jackson, Mississippi, perfectly. He wrote: "However, infrastructure is often poorly maintained or intentionally overlooked in particular places, leading to a lack of access, affordability, and safety for many communities of color."

Brett and Governor Bryant intentionally overlooked the needs of Mississippi's poor people for a volleyball stadium. Perhaps this New York Times headline says it best: Brett Favre's most memorable stat may now be the \$8 million he helped steal from the poor.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, this is a travesty in this country to take from the poorest of the poor and to neglect what they have done. Brett Favre and that government should atone and pay for what they have done.

The SPEAKER pro tempore. The gentleman is no longer recognized.

REPUBLICAN COMMITMENT TO AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, the American people are at their wits' end.

They fear that our great country has fallen into a state of disrepair the likes of which have never been seen before.

They have watched as our time-tested institutions have become engulfed by a smog of bureaucratic rot.

They have gathered at their kitchen tables for nights on end wondering how much further they could stretch their budgets to support their families.

All the while, Washington has trudged onward with more spending schemes and irresponsible policies that are poisoning America.

Mr. Speaker, I cannot overstate the severity of the catastrophes that this administration has created. From the southern border being overrun to inflation that has robbed hardworking Americans and their families, no matter where you turn, the carnage is palpable.

Republicans are taking a stand to end this madness and move America in the right direction. That starts with our Commitment to America. The American people deserve an economy that is strong, a Nation that is safe, a future built on freedom, and a government that is accountable.

These are the tenets of the Commitment to America.

Mr. Speaker, let me be clear, the American people can no longer afford one-party Democrat rule in Washington.

Under one-party rule, Americans are bearing the brunt of 40-year high inflation.

Crime has exploded in major cities across the entire country.

Millions of illegal aliens have poured across the southern border.

Gas and grocery prices are growing by leaps and bounds.

The list goes on and on. Mr. Speaker, there is no denying that.

Americans are not witnessing progress under one-party rule, they are watching our Republic crumble by the second.

It is time for a serious change in leadership in Washington.

No more reckless spending. No more policies that are antithetical to the will of the American people.

No more bureaucratic assaults on the freedoms and values that this country was built upon.

Mr. Speaker, the American people deserve much better than the hand that Washington Democrats have dealt them. In a few short weeks, Americans across the country will make their voices heard, and I can guarantee you that they will not speak softly.

The disarray, incompetence, and negligence in Washington must be put to an end. It is time that Washington truly delivers on the priorities of hardworking taxpayers and families across our country. There is not a second to lose.

NEW SAVINGS FOR MEDICARE PART B

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. COURTNEY) for 5 minutes.

Mr. COURTNEY. Mr. Speaker, a couple days ago, Medicare beneficiaries all across America received very welcome news. For 2023, Medicare announced that the part B premiums, which are deducted from seniors' Social Security checks, will actually be reduced by \$6 a

month. That is the first time in 11 years that the Medicare program has actually cut the premiums that erode month by month Social Security checks.

There is a reason for this, which is that last year there was a spike in terms of the part B premiums. It was driven by the fact that a new drug, Aduhelm, was approved just about the same time the actuaries were calculating the part B premiums.

Aduhelm's cost, when it was initially approved by FDA, was about \$58,000 per patient. That one medication resulted in half of the increase last year in terms of Medicare part B premiums. There was a hue and cry about the cost of that drug after the new premium had kicked in. They cut the price from \$58,000 per patient to \$26,000. Medicare also limited the use of that drug in terms of experimental, controlled settings because it was so brand new.

Unfortunately, the premium had already kicked in, and a number of us were working with the Department of Health and Human Services saying that the premium should be adjusted because it was based on data which had been overtaken by events. At that point, it was too late for Medicare to readjust the premium in the last calendar year, 2022, but next year they will make the adjustment, and those premiums will go down.

In about a week or so, the government is going to be announcing the COLA for Social Security for 2023 for seniors, which is obviously a very intensely watched event. Right now, the projection, based again on the market-basket system that they use to calculate COLA, looks like it is going to be an 8 percent increase for Social Security for 2023.

Mr. Speaker, I think it is important to note that in past years some of those COLA increases have been eroded, as I mentioned earlier, by increases in the part B premium. In 2023, the opposite is going to happen. There will actually be, not only a COLA increase but a reduction in the premium, and that means more money in the pockets of seniors and people on disability.

Again, this is very welcome news. Obviously, inflation has been really tough for a lot of families, and particularly seniors on fixed incomes, but in 2023 there is going to be, again, more relief coming their way.

It also coincides with the new Inflation Reduction Act, which will be capping the cost of insulin, starting in January, at \$35 a month. For seniors who are on Medicare today who need insulin, which is a life or death drug, insulin roughly costs about \$160 per month.

There will be savings, not only in terms of a new COLA and a reduced part B premium, but also the cost of insulin will be capped at \$35 a month. In 2024 and 2025, under the Inflation Reduction Act, because of savings resulting from price negotiation, which the bill finally enabled and empowered, we

are going to see an overall cap on out-of-pocket costs for prescription drugs at \$2,000 for seniors through the part D program.

If you talk to anybody who has an MS condition or an MS patient in someone's family, the mere infusion of a monthly MS treatment basically forces most seniors onto Medicaid because it is thousands of dollars per treatment.

Starting with this new program, their overall cap for a year will be \$2,000. That is why the Multiple Sclerosis Society endorsed this bill, as did many other patient advocacy groups. As valuable as Medicare was for prescription drugs, the existing system still is way too expensive.

With the Inflation Reduction Act, we are going to cap insulin, we are going to cap the overall cost of medications. Unbelievably, just a few days ago, the minority came out with their commitment for America where they actually want to repeal the law on which the ink is barely dry, that is going to provide a ray of hope for seniors to pay for the cost of lifesaving drugs. We can't let that happen.

Starting in January, we are going to see the real benefits of that law, as well as welcome news in terms of a higher COLA and a smaller part B premium.

RESIDENCY AND RURAL HOSPITALS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. JOYCE) for 5 minutes.

Mr. JOYCE of Pennsylvania. Mr. Speaker, today, fourth-year medical students submitted their applications to residency programs across our country, preparing to enter the workforce as surgeons, specialists, and family doctors.

As these students begin the process of choosing the hospitals where they will work, I urge them to consider working in rural communities. Working in facilities that are struggling right now to recruit new physicians, and these new medical students—these new, highly-trained individuals—will be able to serve communities that desperately need them.

For too long, a lack of doctors has been a significant barrier to care for families in rural Pennsylvania. To address this critical shortage, I am proud to have created the Homegrown Healthcare Initiative, which pairs third- and fourth-year medical students with hospitals across Pennsylvania's 13th Congressional District.

So far we have been able to place nearly 30 students in hospitals in Blair, Cambria, Fulton, and Franklin counties. It is time to ensure the students who were raised in rural communities return to these communities to live, to work, and to practice medicine.

To all of the medical students applying for residency today, good luck, and

I thank them for all the work that they will do on behalf of their patients.

OUT OF CONTROL INFLATION

Mr. JOYCE of Pennsylvania. Mr. Speaker, today, we recognize the problems that we are facing with a country that has spiraling out of control inflation. We have an opportunity with the Republican Commitment to America, the commitment that the Republican Party has put forward, to make a Nation that is safe, to make a Nation that is accountable.

As Republicans, we have brought forth a four-part statement that will have the necessary oversight to control and have the citizens have the ability to have their voices heard.

The Commitment to America is the path forward throughout this spiraling inflation that is affecting each and every American today.

Mr. Speaker, I urge all Americans to look at this valuable commitment that we as Republicans will bring forward.

HAWAIIAN HISTORY MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Hawaii (Mr. KAHELE) for 5 minutes.

Mr. KAHELE. Mr. Speaker, I rise today to continue to honor September as Hawaiian History Month in my home State of Hawaii.

Today, in "olelo Hawaii", "Hawaiian language", I will honor Joseph Kaho'oluhi Nawahi.

Joseph Kaho'oluhi Nāwahīokalani'ōpu'u was born on January 13, 1842 in Kaimū, Puna on the Island of Hawai'i.

Keaweolalo was his true mother. Nāwahīokalani'ōpu'u was his true father. Joseph Pa'akaula was his foster father. Joseph Pa'akaula was a teacher at Ke Kula 'Aiakalā.

Nāwahī attended 4 schools, Ke Kula 'Aiakalā, Ke Kula Hānai O Hilo, Ke Kulanui O Lahainaluna and ke Kula Ali'i O Kahehuna.

Ua hānau 'ia 'o Iosepa Kaho'oluhi Nāwahīokalani'ōpu'u ma ka lā 'umikūmūākolou o Ianuali makahiki 'umikāmāwalu kanahākūmālua ma Kaimū, Puna, Moku o Keawe.

'O Keaweolalo kona lūau'i makuahine. 'O Nāwahīokalani'ōpu'u kona lūau'i makua kāne. 'O Iosepa Pa'akaula kona makua hānai. He kumu 'o Iosepa Pa'akaula ma ke Kula 'Aiakalā.

'Ehā kula a Nāwahī i komo ai. 'O Ke Kula 'Aiakalā, Ke Kula Hānai O Hilo. Ke Kulanui O Lahainaluna a me Kula Ali'i O Kahehuna.

Mr. Speaker, these words that I just shared are a simple recitation of biographical facts regarding Joseph Kaho'oluhi Nawahiokalani'ōpu'u, who was a Native Hawaiian nationalist leader, legislator, lawyer, newspaper publisher, and painter.

This speech has been memorized by hundreds of elementary school students—my own keiki included—who attend the Hawaiian language immersion school, Ke Kula 'o

Nawahiokalani'ōpu'u. These keiki not only honor these Native Hawaiian heroes but ensure that their names are heard, and their work lives on through them for generations to come. "E la kou inoa e Nawahi."

The SPEAKER pro tempore. The gentleman from Hawaii will provide a translation of his remarks to the Clerk.

□ 1230

SHOULD WE HAVE RURAL TOWNS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LAMALFA) for 5 minutes.

Mr. LAMALFA. Mr. Speaker, I am pointing to a map here showing the several fires we have had in Northern California. This is only a small snippet. There is much more besides that that I could show you.

This is mostly in my district, the First District of Northern California here over several years. The Dixie fire being the big one here last year, about a million acres. The Camp fire that a lot of people have heard about that consumed the town of Paradise back in 2018; but there are many others.

So what am I talking about here today? The idea that rural America isn't worth saving; isn't worth having. So as we contemplate fire after fire and the recovery from there, there are those who are questioning should we have rural towns anymore; should we have people living in them; should we help them recover?

I go back to the root of the problem. First, I think the answer is yes because we need rural towns. We need people out there that are the productive people that used to do amazing things before regulations and environmental groups shut them down; we would not have the products that come from these areas.

So, not only rebuild them, but let's do the things that help them to thrive. Because it isn't just about some jobs in a rural town, it is also about everybody in this country prospering from the products that come from there.

What am I talking about? In this area, timber, lumber products, paper products. Heaven knows, we use a lot of paper around here. Do we want that to come from the United States, from our workers, from our productive lands, or do we want to continue as the United States, for some reason, is the Number 2 importer of wood products in the world. And yet, we are burning millions of acres across the West every year. Why is that?

I could also say mining used to occur more heavily here and in other parts, anywhere from Minnesota all through the Western States, as well.

And farming, which is under attack. The water is being taken away from many of the farmers in my district and in California in general because it is going for environmental purposes.

So yes, rural America feels under attack. So a recent Los Angeles Times article comes out saying, should billions continue to be spent rebuilding burned towns? This is the case for calling it quits.

I appreciate the L.A. Times is covering the fires that affected California; most recently, the Dixie fire in the town of Greenville, which is 75 percent wiped out from that fire; the town of Paradise 4 years before, 90 percent wiped out.

But I wish they would tell the whole story. They didn't tell my part of the story. Yes, it is difficult to keep asking for money back in D.C. to come help, whether it is one of my disasters—I am sure my colleagues in the South like right now are dealing with in Florida. Do they enjoy having to come back to help get rebuild money for Florida after the hurricanes they are dealing with, or flood or what have you?

No, they don't enjoy that, and I don't think we want to have to ask taxpayers for it.

But fire is something we can manage. We can't manage the weather. We can't stop hurricanes. We can't stop other things like that. But do we have the ability to manage our forests in such a way that towns would not be subject so much to immediate wildfire; harvesting buffers around them; putting fire breaks up, things like that.

And then when you do rebuild the town, they are building them with newer, better materials for the housing and things like that. There are underground power lines, so it is not going to be the same town that went up a hundred years ago that started out as a timber town, as a mining town, or even an ag town.

So it does improve. It does get better. It is worth the value because, the bottom line is, even though we want to blame climate change and say that is the big problem, we have got to kick people out of rural areas; we have got to kick them out of these communities because of climate change.

Well, if the climate is changing, then what are we going to do about it? Are we going to not have timber products? Are we going to not ensure the safety of those areas? Because we still need these people out there producing these products. If you want to have electric cars, someone has got to do some mining somewhere, right?

And the mandate keeps coming down the pike in my own State and more and more around the country, and we are not going to have those products. We are not going to have wood and timber products, paper products coming from somewhere besides being imported; and you know what happens when we get too dependent on import. Ask anybody getting natural gas in Europe what that looks like.

Our food; everybody is seeing food prices skyrocketing at the shelves, and sometimes that very shelf is empty. With all the acres that got left out because the water got taken away this

year in California, food shelves are going to be even more empty and prices even higher.

Someone in rural America has to be producing something. So for people to say that well, climate change, times are changing, we have to shift in a new direction, and we don't need these people there, and we don't need these towns there, we do need these towns. We need them there, and we need to help them to thrive by letting them manage the timber to begin with.

DISASTER RELIEF IN PUERTO RICO

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN) for 5 minutes.

Miss GONZÁLEZ-COLÓN. Mr. Speaker, earlier this month, we were thinking about the 5 years since Hurricane Maria, and 5 years felt like nothing. Maria was one of our greatest natural disasters, causing collapse of all of the essential infrastructure in Puerto Rico. We still see the effects linger.

My colleagues in Congress came with me to the Island and responded with funding for recovery. Staff from FEMA and other agencies have been working hard, but the effects have been slow to be seen. Major obligations for permanent infrastructure rebuilding began only in late 2020.

Meanwhile, challenges continued: Earthquakes, COVID, supply chain crisis, a power grid that remains unreliable, uncertainty about the continuity of Medicaid and nutritional assistance funds. The people were exhausted and stressed.

Then came Hurricane Fiona. Fiona did not bring Category 4 or Category 5 winds but, instead, rainfall like never before, up to 30 inches in some locations. It was raining 2 days before the hurricane and 2 days after the hurricane.

Fiona caused a lot of flooding. It was historic and, in many places in the south of the Island, and the West, and the central mountains, beyond what was experienced for Maria. Thousands of families needed to be moved from flood waters in places like Salinas, leaving behind everything.

In rural areas like Arecibo, San Lorenzo, Orocovis, Utuado, Barranquitas, bridges that had been repaired or replaced after Maria, and roads that had been cleared and repaved, are again washed out, damaged, and blocked by landslides.

Housing and transportation work done after the last disaster, some even barely finished, now needs to be addressed again.

The power system again fell into a blackout. Although a majority is back up, it is still shaky. More than 70 percent of the Island now has power. Plants at Aguirre and Costa Sur are running available units at the edge of capacity; distribution networks at Aguadilla, San Sebastian, and Baya-

mon needed to be attended by local governments. This slow-down recovery of the water system is a problem for citizens needing life support devices, and keeps businesses closed.

Although there are sufficient fuel and supplies in the depots, communities have difficulty receiving enough because of transportation problems at a time of increased demand.

The agricultural sector, that was expecting finally the first normal productive year after devastation of Maria, lost everything again. We lost 90 percent of our agriculture in plantains, bananas, and many others; back to square one. Across the land, in Lares, Patillas, Aibonito, Guanica, mostly small or family farms now are at risk of simply never coming back; a lot from damage, and others from heartbreak.

Our low-income families face faster depletion of the funds for Medicaid and for nutritional assistance programs. It is not just a matter of more eligibility but continuity of the funding.

A real answer to this would be true permanent equal treatment for Puerto Rico in these Federal programs, instead of a special provision over and over every year.

I have engaged the President and many Federal agencies on this and other issues, to seek the needed support for the Island at this moment.

Some Members of Congress, of this House, are traveling to Puerto Rico after Fiona, and I am, again, inviting all my colleagues who want to come and join me to see the need directly and hear from those who can tell you what is really happening.

Today, we watch Florida also face a major disaster, and knowing firsthand what that means, I keep the people of Florida in my heart. Take care, and God bless and keep you in this time.

I am sure that both Florida and Puerto Rico, we will come back from this disaster, and, as Americans, we must all stand together, in a bipartisan way, to make sure the rebuilding happens visibly and promptly.

HONORING THE SERVICE OF CHAD ROBICHAUX AND STAFF SERGEANT DENNIS PRICE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Missouri (Mrs. HARTZLER) for 5 minutes.

Mrs. HARTZLER. Mr. Speaker, I rise today to honor the extraordinary heroism of Chad Robichaux and Staff Sergeant Dennis Price during the Afghanistan evacuation last year. Their selfless actions evacuating tens of thousands of Afghan interpreters and their families, vulnerable women and children, persecuted Christians, and American citizens, represents the highest levels of patriotism.

I met Chad through his work supporting our Nation's veterans as the founder of the Mighty Oaks Foundation, a leading nonprofit serving the

military, veteran, and first responder communities around the world. Through faith-based combat trauma and resiliency programs, Chad has been instrumental in ensuring our brave warriors are supported when they return home from the battlefield.

Chad's work doesn't stop there. He is also the co-founder of Save Our Allies, a nonprofit focused on the evacuation and recovery of Americans, our allies, and the most vulnerable people trapped in Afghanistan. Save Our Allies began as a personal quest for Chad, as he set out to rescue his longtime friend and Afghan interpreter. However, the mission quickly evolved because of Chad's compassion for all people and his servant's heart.

While the U.S. military held the Kabul airport in Afghanistan, the Save Our Allies Task Force successfully extracted approximately 17,000 evacuees in a period of 10 days. Despite these courageous efforts, a report from the U.S. Joint Chiefs of Staff estimated over 142,000 vulnerable Afghans remained in the country following the exit from Kabul.

With the complete takeover of Afghanistan by the Taliban, the report projected 20 million women would be vulnerable to sexual abuse and slavery; Christians would be persecuted and executed; Afghan interpreters and their families would be hunted down and killed; children would be abused through religious manipulation; and the 1,000-plus Americans left behind would be killed or held hostage for ransom.

Understanding the ruthlessness of the Taliban as a former Force Recon Marine, Chad Robichaux knew the rescue mission had to continue. In response, Save Our Allies launched several operations to explore new ways for extractions. Robichaux and his team first identified possible ground evacuations that could be feasible by cross-border movements into Tajikistan and quickly planned a reconnaissance operation. Robichaux hand-selected Staff Sergeant Dennis Price, a Force Recon Marine and Scout Sniper, to take part in the mission.

I want to share two stories from that mission to highlight their incredible acts of sacrifice, service, and bravery. Early in the mission, Staff Sergeant Price sought a higher vantage point to evaluate a potential river crossing area. Upon his ascent up a mountain, he came under sniper fire two separate times, pushing him back to return to the safe house to reconvene with Robichaux and discuss moving forward with the operation.

These two brave men humbly discussed their families, loved ones, and all that would be left behind should they not make it out of this mission ahead. Still, both men agreed to continue their mission of building safe passage for American and Afghan evacuees.

During day 3 of the mission, and upon confirmation of possible river crossing,

Staff Sergeant Price found himself 10 feet away from an armed Chinese militant hiding in the bushes, utilizing the vegetation as concealment.

□ 1245

Robichaux, using his uncanny observation and combat skills, noticed the looming threat and physically ushered Staff Sergeant Price into a nearby vehicle before he could be captured or killed, ultimately saving his life. Because of this heroic act, the two men were able to continue providing real-time information to American intelligence agencies.

During their 10-day operation, Robichaux and Price were able to cover 90 miles of border between Afghanistan and Tajikistan, remaining undetected by countless Tajik, Russian, and Chinese military patrols, all while avoiding Taliban-infested areas and checkpoints.

These examples, and countless others that cannot be shared due to their sensitive nature, underscore the exemplary efforts undertaken by both Americans behind enemy lines to collect the critical information needed to bring so many to safety.

Mr. Speaker, I am humbled to stand before the House to honor their courageous bravery and willingness to sacrifice their lives for their fellow man. The mission that these men completed has saved and will continue to save hundreds and possibly thousands of lives.

On behalf of a grateful Nation, I express my sincere gratitude. God bless Chad Robichaux and Staff Sergeant Price for their service to our country.

RECOGNIZING NATIONAL CLEAN ENERGY WEEK

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Iowa (Mrs. MILLER-MEEKS) for 5 minutes.

Mrs. MILLER-MEEKS. Mr. Speaker, I rise today to recognize National Clean Energy Week and the benefits of alternative energy sources.

National Clean Energy Week is a time to recognize and celebrate innovative policies that allow the United States to limit greenhouse gas emissions.

Iowa leads the Nation in clean energy production, and Iowans are constantly seeking ways to make clean energy more affordable, accessible, and abundant. Just last year, the American Clean Power Association reported that over 50 percent of Iowa's electricity is generated by renewable sources, ranking it highest in the United States.

Clean energy sources, including renewable fuels, organic materials, wind, and solar, create affordable electricity and power our transportation sector. Additionally, alternative energy sources bring jobs and revenue while allowing the United States to remain a global leader in energy production.

Since taking office, I have advocated for conservative, climate-friendly leg-

islation that promotes alternative forms of energy. Consumers should always be provided with choices as it promotes competition for businesses and lowers the cost of goods and services, which is crucial now with record-high inflation.

I have also introduced bipartisan legislation, such as the Biochar Research Network Act of 2022, to expand clean energy in the United States. This bill would create a national biochar research network, where the benefits of biochar can further be tested and explored. Research would include how well biochar works to sequester carbon, how biochar increases crop production, improves marginal soil health, improves water quality, and reduces the amount of fertilizers and pesticides regularly used. I was proud that Senator GRASSLEY introduced the same bill in the U.S. Senate last week.

Additionally, I have supported numerous bills, such as the Lower Food and Fuel Costs Act, which expands year-round E15, and the Home Front Energy Independence bill, which would prohibit the imports of petroleum from Russia while expanding production and availability of biofuels.

Increasing domestic energy production and the use of biofuels would also help our allies around the world wean off from Russia's dirty oil and cut off the funding for the Russian war machine.

Iowa's vast farmland is why alternative forms of energy like biofuels and wind and solar are successful. However, when determining our Nation's energy strategy, we must analyze geographic composure and natural resources in the area. Different geographical features allow for clean energy to succeed, such as solar in the Southwest, natural gas in Texas, hydropower in the Pacific Northwest, or nuclear energy in the South.

As we continue pursuing clean energy production, I hope my colleagues will look to Iowa as an example of an any- and all-of-the-above approach. In order to leave a healthier planet for our children and grandchildren, we must enact policies that benefit a wide variety of energy sources where they work best and flexibility within the States to do so.

I also wish a happy birthday to Kendyl Willox, who is an amazing health policy portfolio manager in our office. Happy birthday to Kendyl.

FARM OVERTIME WAGE THRESHOLD

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. TENNEY) for 5 minutes.

Ms. TENNEY. Mr. Speaker, I rise today to highlight a looming catastrophe for New York farmers, farmworkers, and consumers across New York State and the country.

On September 6, the New York State Farm Laborers Wage Board voted to advance a proposal to lower the State's

overtime wage threshold for farm laborers from 60 to 40 hours per week, despite overwhelming opposition to the recommendation.

During the public comment period, farmers, farmworkers, and consumers all turned out in droves to oppose the recommendation. Farmers, who are struggling with inflation already, are now very worried about keeping up with yet another price hike. Farmworkers are gravely concerned about the possible lost hours on the job, cutting their wages. Consumers should fear even higher increases to food costs, which have already increased 11.4 percent over the last year, the biggest increase since 1979, with prices continuing to go up.

Their fears are real. Cornell University's College of Agriculture and Life Sciences projected that the overtime rule's implementation could force two-thirds of dairy farmers to make significant changes to their operations, including, and dramatically bad, leaving the industry or investing in other States.

New York State already leads the Nation in the highest out-migration of people and jobs. This would be a disaster for our agricultural community.

Cornell University Ag Sciences also found that half of New York's fruit and vegetable farmers likely would have to reduce operations or leave the industry altogether. The second largest apple-producing county in the entire Nation is Wayne County, located in upstate New York.

Despite all this, the board still voted to advance the recommendation anyway. We are incredibly disappointed that the board ignored such compelling input from important stakeholders, worsening the already difficult headwinds for New York's agriculture industry. The board ultimately decided to undermine the very industry and workers they are supposed to be serving.

This week, I joined upstate farmers for a roundtable discussion hosted by Dale Hemminger and his son, Clay, at Hemdale Farms in Seneca Castle, New York. The feedback from the farmers was unanimous: Lowering the overtime threshold will devastate New York's agricultural industry and have a critically difficult impact on the future of family farms in New York and could leave New York as one of the few States in the country with such an onerous and unreasonable restriction on family farms.

Family farms, large and small, are the lifeblood of New York's economy. Everyone thinks it is New York City. It is actually agriculture.

Now, the recommendation is with the State labor commissioner, Roberta Reardon. I have and continue to urge her to reject this change and maintain the current 60-hour threshold. New York family farms and consumers simply cannot bear any further price increases.

I have also joined my other New York colleagues, Representatives ELISE

STEFANIK and CHRIS JACOBS, in introducing legislation in Congress known as the Protect Local Farms Act to stop this misguided policy from taking effect.

If there are no farms, there will be no nutritious food to feed our State, our Nation, and, yes, the world, as we face a potential food shortage worldwide.

REDESIGNING THE MARKETPLACE OF IDEAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. LANGEVIN) for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I rise today because Americans are divided. Our public discourse is broken. Instead of fostering open and honest political debate, our flawed information environment creates echo chambers and partisan silos.

At times, it feels like the very fabric of our Nation is being torn at the seams. This toxic polarization has infected the Capitol, too, where it is becoming increasingly difficult to get things done in a bipartisan manner.

The nonstop outrage and anger must end.

To begin solving some of these issues, I propose an idea, which I developed in partnership with my former science and technology policy adviser, Eric Saund, a phenomenal cognitive science and artificial intelligence researcher. Together, we call for redesigning what is popularly described as the “marketplace of ideas.”

As economists point out, markets are information systems. The invisible hand of supply and demand discovers the value of goods and services, and the equal access to information in a market yields collective efficiency.

Now, imagine a market where suppliers or, in this case, speakers of ideas hawk their wares in a public square, while consumers, or listeners, sample and choose the news, stories, and opinions they prefer. The best ideas would win by virtue of the audience’s discernment and collective wisdom, right?

But what if the market’s information architecture, the modes and pathways of information exchange and processing, is fundamentally broken? Just like a market wouldn’t function properly if the vendors’ loudspeakers and telephones were damaged, the algorithms, programmatic methods, and platform designs that govern our marketplace of ideas are clearly not working. When a market is broken, it is the responsibility of government to act.

How do we fix it? We start by leveling the playing field and modifying the shape, not the content, of our ideas marketplace to facilitate healthy exposure and competition among all ideas within our political discourse.

As it currently stands, our marketplace has been distorted to resemble a dome-like shape in which discourse is driven to the extremes of each side. Instead, we propose bending the dome

shape of our marketplace into a bowl shape, encouraging people to seek common ground and creating space for productive conversation among ideological foes and compatriots alike.

By leveling the playing field through tweaks to both the supply and demand side, we can create a marketplace of ideas where fairness and civility are rewarded and extremism is discouraged.

On the demand side, we can invest in civics education initiatives that teach children critical reading, listening, and thinking skills, like how to spot disinformation on social media. Adults, too, can lose awareness of how their buttons are being pushed by sophisticated propagandists.

As our Founders recognized, our democracy requires an educated citizenry. However, the demands of our modern media environment require our education system to grow and adapt accordingly.

We could borrow from the playbooks of other countries, like Finland and the Baltic states, which have developed robust civil defenses against insidious disinformation campaigns emanating from neighboring Russia. We can even motivate public awareness and engagement through playful, competitive, and financial incentives to reward people for knowing basic civics and following factual, unbiased news and information sources. We should encourage participation in nonpolitical areas of life, such as sports, hobbies, recreation, civics projects, and family activities, to reinforce the common bonds between us.

Solutions arise on the supply side, as well. In a traditional public square, each speaker’s identity is known and thereby can be held accountable for their speech. But on social media, phony accounts and troll farms can spread lies, disinformation, and distorted narratives without consequence. A solution may be found in modern technologies for digital identity tools, which can ensure that every social media account is held by a unique, real human being.

Congressman BILL FOSTER’s Improving Digital Identity Act of 2021, of which I am a proud cosponsor, advances associated frameworks and standards and promotes the adoption of privacy-preserving digital identity technologies.

This is a complicated issue, but I think it is worth giving thought to.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o’clock and 59 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 2 p.m.

PRAYER

The Chaplain, the Reverend Margaret Grun Kibben, offered the following prayer:

Almighty and powerful God, our creator and defender, we call upon You this day to speak into the whirlwind of the life-threatening storm surge and catastrophic winds that now bombard the Florida peninsula and have left behind unfathomable destruction in Cuba.

As Hurricane Ian rages, those who are caught in its ravages are filled with dread. Their personal calamity is its own whirlwind around them. In their distress and anguish, they—and we on their behalf—pray to You for their safety and refuge.

For You alone have the power with but a word to cause the tempest to still and the wind and waves to be hushed. Speak Your word. Shine Your light into the darkness of these days.

Listen to these fervent prayers. Deliver the thousands of evacuees from their plight. Lead them to find shelter in You from all that threatens them this day.

And for all the National Guardsmen, first responders, and those who will provide security and offer assistance for yet another natural disaster, we pray for their strength and fortitude. Use them to bring Your hope to those who cannot see their way through the destruction of their homes and their lives.

In Your sovereign and saving name, we pray.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1 of rule I, the Journal of the last day’s proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Utah (Mr. OWENS) come forward and lead the House in the Pledge of Allegiance.

Mr. OWENS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following

enrolled bill was signed by Speaker pro tempore RASKIN on Tuesday, September 27, 2022:

S. 2293, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes.

CONCERNS ABOUT OUR STRATEGIC PETROLEUM RESERVE

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, as Hurricane Ian barrels toward the Florida coast, residents are boarding up their homes, packing up their families, and rushing to evacuate.

Across the State, FEMA is unloading barrels of fuel from our Strategic Petroleum Reserve on evacuation routes to help those leaving to fuel up. That is the correct intent of our Strategic Petroleum Reserves, to help people in the event of a severe weather event or other disaster.

But there is reason to be concerned now that the SPR, as it is known, is now at its lowest point since 1984 because of President Biden's policy. For nearly 2 years he has been halting leases for domestic oil and gas production, paused pipeline development, and launched a regulatory assault on U.S. energy development and financing, all while releasing our strategic reserves in order to combat rising prices—thinking that amount is really going to do so. They have been shipped overseas in some cases.

This is unconscionable. We are in the middle of a hurricane season. What will we do when our reserves are eventually depleted and people are actually stranded?

In my district in northern California we don't have hurricanes, but we are too familiar with natural disasters. Each summer residents are forced to flee due to catastrophic wildfires, and this winter they were even trapped in their homes without electricity due to snowstorms.

We need plentiful electricity: natural gas and oil. It is a matter of life and death for many, and SPRs need to be used properly.

BIOSCIENCE INDUSTRY IN UTAH

(Mr. OWENS asked and was given permission to address the House for 1 minute.)

Mr. OWENS. Mr. Speaker, on December 2, 1982, the medical team from the University of Utah successfully implanted the first permanent artificial heart in the world.

Forty years later, Utah remains a trailblazer in healthcare innovation. Over the past 2 years, I had the pleasure of visiting many Utah businesses at the forefront of the healthcare industry. Ortho Development Corporation,

Xenter, Canyon Labs, and Ultradent are among the leading biotech firms that call Utah home.

BioHive, a collaboration of 1,100 companies representing Utah's life science and healthcare innovative ecosystem is the driving force behind the Beehive State's success.

Additionally, the bioscience industry in Utah supports 130,000 local jobs, accounts for 8 percent of GDP, and produces hundreds of patents for lifesaving medical devices.

Behind these extraordinary accomplishments are the pioneering spirit, grit, and kindness of Utahns. I am proud to represent my State and know that we will continue to lead the Nation.

WJAG'S 100TH ANNIVERSARY

(Mr. FLOOD asked and was given permission to address the House for 1 minute.)

Mr. FLOOD. Mr. Speaker, I rise today to honor one of America's first radio stations, WJAG-AM, licensed to Norfolk, Nebraska. It is celebrating 100 years this year.

In 1922, radio pioneer Gene Huse established WJAG as one of the first radio stations west of the Mississippi River.

The station became and remains an important part of everyday life for Nebraskans. Gene Huse realized that most people did not own a radio, so he printed instructions in his local newspaper on how to build one. Many more went to the movie theater or the fire station to hear play-by-play of the World Series, dance to music, and receive agricultural news.

Today, his grandson, Bill Huse, continues the tradition of service. WJAG has been owned by the same family since its start in 1922. The station is an American original.

On behalf of the First District of Nebraska, I congratulate WJAG on 100 years of service and wish those at the station another 100 years of success.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 8446.

Ms. McCOLLUM. Mr. Speaker, I ask unanimous consent to remove the gentleman from Texas (Mr. PFLUGER) as cosponsor of H.R. 8446.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

SBIR AND STTR EXTENSION ACT OF 2022

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4900) to reauthorize the SBIR and STTR programs and pilot programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 4900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SBIR and STTR Extension Act of 2022".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION; ADMINISTRATOR.—The terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively.

(2) FEDERAL AGENCY; PHASE I; PHASE II; PHASE III; SBIR; STTR.—The terms "Federal agency", "Phase I", "Phase II", "Phase III", "SBIR", and "STTR" have the meanings given those terms, respectively, in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

SEC. 3. REAUTHORIZATION OF SBIR AND STTR PROGRAMS AND PILOT PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking "2022" each place that term appears and inserting "2025".

SEC. 4. FOREIGN RISK MANAGEMENT.

(a) DEFINITIONS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (13)(B), by striking "and" at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(15) the term 'covered individual' means an individual who—

"(A) contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a Federal research agency; and

"(B) is designated as a covered individual by the Federal research agency concerned;

"(16) the term 'foreign affiliation' means a funded or unfunded academic, professional, or institutional appointment or position with a foreign government or government-owned entity, whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary);

"(17) the term 'foreign country of concern' means the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, or any other country determined to be a country of concern by the Secretary of State;

"(18) the term 'malign foreign talent recruitment program' has the meaning given such term in section 10638 of the Research and Development, Competition, and Innovation Act (division B of Public Law 117-167); and

"(19) the term 'federally funded award' means a Phase I, Phase II (including a Phase II award under subsection (cc)), or Phase III SBIR or STTR award made using a funding agreement."

(b) DUE DILIGENCE PROGRAM TO ASSESS SECURITY RISKS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(vv) DUE DILIGENCE PROGRAM TO ASSESS SECURITY RISKS.—

“(1) ESTABLISHMENT.—The head of each Federal agency required to establish an SBIR or STTR program, in coordination with the Administrator, shall establish and implement a due diligence program to assess security risks presented by small business concerns seeking a federally funded award.

“(2) RISKS.—Each program established under paragraph (1) shall—

“(A) assess, using a risk-based approach as appropriate, the cybersecurity practices, patent analysis, employee analysis, and foreign ownership of a small business concern seeking an award, including the financial ties and obligations (which shall include surety, equity, and debt obligations) of the small business concern and employees of the small business concern to a foreign country, foreign person, or foreign entity; and

“(B) assess awards and proposals or applications, as applicable, using a risk-based approach as appropriate, including through the use of open-source analysis and analytical tools, for the nondisclosures of information required under (g)(13).

“(3) ADMINISTRATIVE COSTS.—

“(A) IN GENERAL.—In addition to the amount allocated under subsection (mm)(1), each Federal agency required to establish an SBIR program may allocate not more than 2 percent of the funds allocated to the SBIR program of the Federal agency for the cost of establishing the due diligence program required under this subsection.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than December 31 of the year in which this subparagraph is enacted, and not later than December 31 of each year thereafter, the head of a Federal agency that exercises the authority under subparagraph (A) shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, the Committee on Small Business and Entrepreneurship of the Senate, and the Administrator, for the covered year—

“(I) the total funds allowed to be allocated for the cost of establishing the due diligence program required under this subsection;

“(II) the total amount of funds obligated or expended under subparagraph (A); and

“(III) the due diligence activities carried out or to be carried out using amounts allocated under subparagraph (A).

“(ii) ANNUAL REPORT INCLUSION.—The Administrator shall include the information submitted by head of a Federal agency under clause (i) in the next annual report submitted under subsection (b)(7) after the Administrator receives such information.

“(iii) COVERED YEAR.—In this subparagraph, the term ‘covered year’ means, with respect to the information required under clause (i), the year covered by the annual report submitted under subsection (b)(7) in which the Administrator is required to include such information by clause (ii).

“(C) TERMINATION DATE.—This paragraph shall terminate on September 30, 2025.”

(2) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the head of a Federal agency required to establish an SBIR or STTR program shall implement a due diligence program under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1), at the Federal agency that, to the extent practicable, incorporates the applicable best practices disseminated under paragraph (3).

(B) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), shall not apply to the implementation of a due diligence program under subsection (vv)

of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1).

(C) BRIEFING.—Not later than 30 days after the date of enactment of this Act, and on a recurring basis until implementation is complete, each Federal agency required to establish a due diligence program under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1), shall brief the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives on the implementation of the due diligence program.

(3) BEST PRACTICES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(A) in coordination with the Director of the Office of Science and Technology Policy and in consultation with the Committee on Foreign Investment in the United States, disseminate among Federal agencies required to establish an SBIR or STTR program best practices of those Federal agencies for due diligence programs required under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1); and

(B) in consultation with the Committee on Foreign Investment in the United States, provide to Federal agencies described in subparagraph (A) guidance on the business relationships required to be disclosed under paragraph (13)(G) of subsection (g) and paragraph (17)(G) of subsection (o) of section 9 of the Small Business Act (15 U.S.C. 638), as added by this Act.

(4) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 3 years, the Comptroller General of the United States shall conduct a study and submit to the Committee on Small Business and Entrepreneurship and the Committee on Armed Services of the Senate and the Committee on Small Business, the Committee on Armed Services, and the Committee on Science, Space, and Technology of the House of Representatives a report on the implementation and best practices of due diligence programs established under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1), across Federal agencies required to establish an SBIR or STTR program.

(5) RULE OF CONSTRUCTION.—Nothing in subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1), shall be construed to—

(A) apply to any Federal agency with a due diligence program that applies to the SBIR or STTR programs required under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1), in existence as of the date of enactment of this Act; or

(B) restrict any Federal agency from taking due diligence measures in addition to those required under such subsection (vv) at the Federal agency.

(c) DISCLOSURES REGARDING TIES TO PEOPLE’S REPUBLIC OF CHINA AND OTHER FOREIGN COUNTRIES.—

(1) SBIR.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(A) in paragraph (11), by striking “and” at the end;

(B) in paragraph (12), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(13) require each small business concern submitting a proposal or application for a federally funded award to disclose in the proposal or application—

“(A) the identity of all owners and covered individuals of the small business concern

who are a party to any foreign talent recruitment program of any foreign country of concern, including the People’s Republic of China;

“(B) the existence of any joint venture or subsidiary of the small business concern that is based in, funded by, or has a foreign affiliation with any foreign country of concern, including the People’s Republic of China;

“(C) any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;

“(D) whether the small business concern is wholly owned in the People’s Republic of China or another foreign country of concern;

“(E) the percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of concern, including the People’s Republic of China;

“(F) any technology licensing or intellectual property sales to a foreign country of concern, including the People’s Republic of China, during the 5-year period preceding submission of the proposal; and

“(G) any foreign business entity, offshore entity, or entity outside the United States related to the small business concern;

“(14) after reviewing the disclosures of a small business concern under paragraph (13), and if determined appropriate by the head of such Federal agency, request such small business concern to provide true copies of any contractual or financial obligation or other agreement specific to a business arrangement, or joint-venture like arrangement with an enterprise owned by a foreign state or any foreign entity in effect during the 5-year period preceding submission of the proposal with respect to which such small business concern made such disclosures.”

(2) STTR.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(A) in paragraph (15), by striking “and” at the end;

(B) in paragraph (16), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(17) require each small business concern submitting a proposal or application for a federally funded award to disclose in the proposal or application—

“(A) the identity of all owners and covered individuals of the small business concern who are a party to any foreign talent recruitment program of any foreign country of concern, including the People’s Republic of China;

“(B) the existence of any joint venture or subsidiary of the small business concern that is based in, funded by, or has a foreign affiliation with any foreign country of concern, including the People’s Republic of China;

“(C) any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;

“(D) whether the small business concern is wholly owned in the People’s Republic of China or another foreign country;

“(E) the percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of concern, including the People’s Republic of China;

“(F) any technology licensing or intellectual property sales to a foreign country of concern, including the People’s Republic of

China, during the 5-year period preceding submission of the proposal; and

“(G) any foreign business entity, offshore entity, or entity outside the United States related to the small business concern;

“(18) after reviewing the disclosures of a small business concern under paragraph (17), and if determined appropriate by the head of such Federal agency, request such small business concern to provide true copies of any contractual or financial obligation or other agreement specific to a business arrangement, or joint-venture like arrangement with an enterprise owned by a foreign state or any foreign entity in effect during the 5-year period preceding submission of the proposal with respect to which such small business concern made such disclosures;”.

(d) DENIAL OF AWARDS.—

(1) SBIR.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by subsection (c)(1), is further amended by adding at the end the following:

“(15) not make an award under the SBIR program of the Federal agency to a small business concern if the head of the Federal agency determines that—

“(A) the small business concern submitting the proposal or application—

“(i) has an owner or covered individual that is party to a malign foreign talent recruitment program;

“(ii) has a business entity, parent company, or subsidiary located in the People’s Republic of China or another foreign country of concern; or

“(iii) has an owner or covered individual that has a foreign affiliation with a research institution located in the People’s Republic of China or another foreign country of concern; and

“(B) the relationships and commitments described in clauses (i) through (iii) of subparagraph (A)—

“(i) interfere with the capacity for activities supported by the Federal agency to be carried out;

“(ii) create duplication with activities supported by the Federal agency;

“(iii) present concerns about conflicts of interest;

“(iv) were not appropriately disclosed to the Federal agency;

“(v) violate Federal law or terms and conditions of the Federal agency; or

“(vi) pose a risk to national security;”.

(2) STTR.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by subsection (c)(2), is further amended by adding at the end the following:

“(19) not make an award under the STTR program of the Federal agency to a small business concern if the head of the Federal agency determines that—

“(A) the small business concern submitting the proposal or application—

“(i) has an owner or covered individual that is party to a malign foreign talent recruitment program;

“(ii) has a business entity, parent company, or subsidiary located in the People’s Republic of China or another foreign country of concern; or

“(iii) has an owner or covered individual that has a foreign affiliation with a research institution located in the People’s Republic of China or another foreign country of concern; and

“(B) the relationships and commitments described in clauses (i) through (iii) of subparagraph (A)—

“(i) interfere with the capacity for activities supported by the Federal agency to be carried out;

“(ii) create duplication with activities supported by the Federal agency;

“(iii) present concerns about conflicts of interest;

“(iv) were not appropriately disclosed to the Federal agency;

“(v) violate Federal law or terms and conditions of the Federal agency; or

“(vi) pose a risk to national security;”.

SEC. 5. AGENCY RECOVERY AUTHORITY AND ONGOING REPORTING.

(a) SBIR.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 4(d)(1), is further amended by adding at the end the following:

“(16) require a small business concern receiving an award under its SBIR program to repay all amounts received from the Federal agency under the award if—

“(A) the small business concern makes a material misstatement that the Federal agency determines poses a risk to national security; or

“(B) there is a change in ownership, change to entity structure, or other substantial change in circumstances of the small business concern that the Federal agency determines poses a risk to national security; and

“(17) require a small business concern receiving an award under its SBIR program to regularly report to the Federal agency and the Administration throughout the duration of the award on—

“(A) any change to a disclosure required under subparagraphs (A) through (G) of paragraph (13);

“(B) any material misstatement made under paragraph (16)(A); and

“(C) any change described in paragraph (16)(B).”.

(b) STTR.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 4(d)(1), is further amended by adding at the end the following:

“(20) require a small business concern receiving an award under its STTR program to repay all amounts received from the Federal agency under the award if—

“(A) the small business concern makes a material misstatement that the Federal agency determines poses a risk to national security; or

“(B) there is a change in ownership, change to entity structure, or other substantial change in circumstances of the small business concern that the Federal agency determines poses a risk to national security; and

“(21) require a small business concern receiving an award under its STTR program to regularly report to the Federal agency and the Administration throughout the duration of the award on—

“(A) any change to a disclosure required under subparagraphs (A) through (G) of paragraph (17);

“(B) any material misstatement made under paragraph (20)(A); and

“(C) any change described in paragraph (20)(B).”.

(c) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), shall not apply to the implementation of paragraphs (16) and (17) of subsection (g) or paragraphs (20) and (21) of subsection (o) of section 9 of the Small Business Act (15 U.S.C. 638), as added by subsections (a) and (b).

SEC. 6. REPORT ON ADVERSARIAL MILITARY AND FOREIGN INFLUENCE IN THE SBIR AND STTR PROGRAMS.

(a) COVERED AGENCY DEFINED.—In this section, the term “covered agency” means—

(1) the Department of Defense;

(2) the Department of Energy;

(3) the Department of Health and Human Services; or

(4) the National Science Foundation.

(b) REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of enactment of this Act, the head of each covered agency shall submit a report

assessing the adversarial military and foreign influences in the SBIR and STTR programs at the covered agency to—

(A) the Committee on Armed Services, the Committee on Small Business and Entrepreneurship, and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services, the Committee on Small Business, and the Committee on Science, Space, and Technology of the House of Representatives.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall submit 2 reports under paragraph (1)—

(A) 1 assessing the adversarial military and foreign influences in the SBIR and STTR programs of the National Institutes of Health; and

(B) 1 assessing the adversarial military and foreign influences in the SBIR and STTR programs of the Department of Health and Human Services other than those of the National Institutes of Health.

(c) CONTENTS.—Each report submitted by a covered agency under subsection (b) shall include an analysis of—

(1) the national security and research and integrity risks of the SBIR and STTR programs of the covered agency; and

(2) the capability of such covered agency to identify and mitigate such risks.

(d) FORM.—Each report submitted under subsection (b) shall be in unclassified form, but may include a classified annex.

(e) INDEPENDENT ENTITY CONTRACTING.—The head of each covered agency, in coordination with the heads of other Federal agencies, as appropriate, may enter into a contract with an independent entity to prepare a report required under subsection (b).

SEC. 7. PROGRAM ON INNOVATION OPEN TOPICS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended—

(1) in subsection (b)(7)—

(A) in subparagraph (G), by striking “and” at the end; and

(B) by adding at the end the following:

“(I) the number of applications submitted to each Federal agency participating in the SBIR or STTR program in innovation open topics as compared to conventional topics, and how many small business concerns receive funding from open topics compared to conventional topics;

“(J) the total number and dollar amount, and average size, of awards made by each Federal agency participating in the SBIR or STTR program, by phase, from—

“(i) open topics; and

“(ii) conventional topics;”;

(2) by adding at the end the following:

“(ww) PROGRAM ON INNOVATION OPEN TOPICS.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Defense shall establish innovation open topic activities using the SBIR and STTR programs of the Department of Defense in order to—

“(A) increase the transition of commercial technology to the Department of Defense;

“(B) expand the small business nontraditional industrial base;

“(C) increase commercialization derived from investments of the Department of Defense; and

“(D) expand the ability for qualifying small business concerns to propose technology solutions to meet the needs of the Department of Defense.

“(2) FREQUENCY.—The Secretary of Defense shall conduct not less than 1 open topic announcement at each component of the Department of Defense per fiscal year.

“(3) BRIEFING.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Defense shall provide a briefing on the establishment of the program required under paragraph (1) to—

“(A) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

“(B) the Committee on Small Business, the Committee on Armed Services, and the Committee on Science, Space, and Technology of the House of Representatives.”.

(b) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 3 years, the Comptroller General of the United States shall submit to Congress and issue a publicly available report comparing open topics and conventional topics under the SBIR and STTR programs that includes, to the extent practicable—

(1) an assessment of the percentage of small business concerns that progress from Phase I to Phase II awards, then to Phase III awards;

(2) the number of awards under the SBIR and STTR programs made to first-time applicants and first-time awardees;

(3) the number of awards under the SBIR and STTR programs made to non-traditional small business concerns, including those owned by women, minorities, and veterans;

(4) a description of outreach and assistance efforts by the Department of Defense to encourage and prepare new and diverse small business concerns to participate in the program established under subsection (ww) of section 9 of the Small Business Act (15 U.S.C. 638), as added by subsection (a);

(5) the length of time to review and disburse awards under such subsection (ww), evaluated in a manner enabling normalized comparisons of such times taken by each Federal agency that is required to establish an SBIR or STTR program and offers open topics;

(6) the ratio, and an assessment, of the amount of funding allocated towards open topics as compared to conventional topics at each Federal agency that is required to establish an SBIR or STTR program and offers open topics; and

(7) a comparison of the types of technology and end users funded under open topics compared to the types of technology and end users funded under conventional topics.

SEC. 8. INCREASED MINIMUM PERFORMANCE STANDARDS FOR EXPERIENCED FIRMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended—

(1) in subsection (b)(7), by adding at the end the following:

“(K) the minimum performance standards established under subsection (qq), including any applicable modifications under paragraph (3) of such subsection, and the number of small business concerns that did not meet those minimum performance standards, provided that the Administrator does not publish any personally identifiable information, the identity of each such small business concern, or any otherwise sensitive information; and

“(L) the aggregate number and dollar amount of SBIR and STTR awards made pursuant to waivers under subsection (qq)(3)(E), provided that the Administrator does not publish any personally identifiable information, the identity of each such small business concern, or any otherwise sensitive information;” and

(2) in subsection (qq)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by inserting after paragraph (2) the following:

“(3) INCREASED MINIMUM PERFORMANCE STANDARDS FOR EXPERIENCED FIRMS.—

“(A) PROGRESS TO PHASE II SUCCESS.—

“(i) IN GENERAL.—With respect to a small business concern that received or receives more than 50 Phase I awards during a covered period, each minimum performance standard established under paragraph (1)(A)(ii) shall be doubled for such covered period.

“(ii) CONSEQUENCE OF FAILURE TO MEET STANDARD.—If the head of a Federal agency determines that a small business concern that received a Phase I award from the Federal agency is not meeting an applicable increased minimum performance standard modified under clause (i), the small business concern may not receive more than 20 total Phase I awards and Phase II awards under subsection (cc) from each Federal agency during the 1-year period beginning on the date on which such determination is made.

“(iii) COVERED PERIOD DEFINED.—In this subparagraph, the term ‘covered period’ means a consecutive period of 5 fiscal years preceding the most recent fiscal year.

“(B) PROGRESS TO PHASE III SUCCESS.—

“(i) IN GENERAL.—Each minimum performance standard established under paragraph (2)(A)(ii) shall—

“(I) with respect to a small business concern that received or receives more than 50 Phase II awards during a covered period, require an average of \$250,000 of aggregate sales and investments per Phase II award received during such covered period; and

“(II) with respect to a small business concern that received or receives more than 100 Phase II awards during a covered period, require an average of \$450,000 of aggregate sales and investments per Phase II award received during such covered period.

“(ii) CONSEQUENCE OF FAILURE TO MEET STANDARD.—If the head of a Federal agency determines that a small business concern that received a Phase I award from the agency is not meeting an applicable increased minimum performance standard modified under clause (i), the small business concern may not receive more than 20 total Phase I awards and Phase II awards under subsection (cc) from each agency during the 1-year period beginning on the date on which such determination is made.

“(iii) DOCUMENTATION.—

“(I) IN GENERAL.—A small business concern that is subject to an increased minimum performance standard described in clause (i) shall submit to the Administrator supporting documentation evidencing that all covered sales of the small business concern were properly used to meet the increased minimum performance standard.

“(II) COVERED SALE DEFINED.—In this clause, the term ‘covered sale’ means a sale by a small business concern—

“(aa) that the small business concern claims to be attributable to an SBIR or STTR award;

“(bb) for which no amount of the payment was or is made using Federal funds;

“(cc) which the small business concern uses to meet an applicable increased minimum performance standard under clause (i); and

“(dd) that was or is received during the 5 fiscal years immediately preceding the fiscal year in which the small business concern uses the sale to meet the increased minimum performance standard.

“(iv) COVERED PERIOD DEFINED.—In this subparagraph, the term ‘covered period’ means a consecutive period of 10 fiscal years preceding the most recent 2 fiscal years.

“(C) PATENTS FOR INCREASED MINIMUM PERFORMANCE STANDARDS.—A small business concern with respect to which an increased minimum performance standard under sub-

paragraph (B) applies may not meet the increased minimum performance standard by obtaining patents.

“(D) EFFECTIVE DATE.—Subparagraphs (A) through (C) shall take effect on April 1, 2023.

“(E) WAIVER.—

“(i) IN GENERAL.—The Administrator may, upon the request of a senior official of a Federal agency, grant a waiver with respect to a topic for the SBIR or STTR program of the Federal agency if—

“(I) the topic is critical to the mission of the Federal agency or relates to national security; and

“(II) the official submits to the Administrator a request for the waiver in accordance with clause (iii).

“(ii) WAIVER EFFECTS.—If the Administration grants a waiver with respect to a topic for the SBIR or STTR program of a Federal agency, subparagraphs (A)(ii) and (B)(ii) shall not prohibit any covered small business concern from receiving an SBIR or STTR award under such topic.

“(iii) AGENCY REQUEST AND CONGRESSIONAL NOTIFICATION.—Not later than 15 days before the release of a solicitation including a topic for which a senior official of a Federal agency is requesting a waiver under clause (i), the senior official shall submit to the Administrator, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a request for the waiver.

“(iv) ADMINISTRATOR DETERMINATION AND CONGRESSIONAL NOTIFICATION.—Not later than 15 days after receiving a request for a waiver under clause (i), the Administrator shall make a determination with respect to the request and notify the senior official at the Federal agency that made the request, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate of the determination.

“(v) DEFINITIONS.—In this subparagraph:

“(I) COVERED SMALL BUSINESS CONCERN.—The term ‘covered small business concern’ means a small business concern that is subject to the consequences under subparagraph (A)(ii) or (B)(ii) pursuant to a determination by the head of a Federal agency that such small business concern did not meet an increased minimum performance standard that was applicable to such small business concern.

“(II) SENIOR OFFICIAL.—The term ‘senior official’ means an individual appointed to a position in a Federal agency that is classified above GS-15 pursuant section 5108 of title 5, United States Code, or any equivalent position, as determined by the Administrator.

“(F) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2023, and annually thereafter, the Administrator shall submit to Congress a list of the small business concerns that did not meet—

“(I) an applicable minimum performance standard established under paragraph (1)(A)(ii) or (2)(A)(ii); or

“(II) an applicable increased minimum performance standard.

“(ii) WAIVERS.—Each list submitted under clause (i) shall identify each small business concern that received an SBIR or STTR award pursuant to a waiver granted under subparagraph (E) by the Administrator during the period covered by the list.

“(iii) CONFIDENTIALITY.—Each list submitted under clause (i) shall be confidential and exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the ‘Freedom of Information Act’).

“(G) IMPLEMENTATION.—Not later than April 1, 2023, the Administration shall implement the increased minimum performance standards under this paragraph.

“(H) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

“(i) to prohibit a small business concern from participating in a Phase I (or Phase II if under the authority of subsection (cc)) of an SBIR or STTR program under paragraph (1)(B) or (2)(B) solely on the basis of a determination by the head of a Federal agency that the small business concern is not meeting an increased minimum performance standard; or

“(ii) to prevent the head of a Federal agency from implementing more restrictive limitations on the number of federally funded Phase I awards and direct to Phase II awards under subsection (cc) that may be awarded to a small business concern than the limitations described in subparagraphs (A)(ii) and (B)(ii).

“(I) TERMINATION.—This paragraph shall terminate on September 30, 2025.”;

(C) in paragraph (5), as so redesignated, by striking “paragraph (3)(A)” and inserting “paragraph (4)(A)”;

(D) by adding at the end the following:

“(6) INSPECTOR GENERAL AUDIT.—Not later than 1 year after the date on which the Administrator implements the increased minimum performance standards under paragraph (3), and periodically thereafter, the Inspector General of the Administration shall—

“(A) conduct an audit on whether the small business concerns subject to increased minimum performance standards under paragraph (3)(B) verified—

“(i) the sales by and investments in the small business concerns—

“(I) during the 5 fiscal years immediately preceding the fiscal year in which the small business concern used such sales and investments to meet an applicable increased performance standard; and

“(II) as a direct result of a Phase I award or Phase II award made under subsection (cc) during the covered period (as defined in paragraph (3)(B)(iv)), consistent with the definition of Phase III, as applicable;

“(ii) any third-party revenue the small business concerns list as investments or incomes to meet the increased minimum performance standard—

“(I) is a direct result of a Phase I award or Phase II award made under subsection (cc) during the covered period (as defined in paragraph (3)(B)(iv)); and

“(II) consistent with the requirements of the Administrator as in effect on September 30, 2022, or any successor requirements; and

“(iii) any dollar amounts such small business concerns list as investments or income to meet such increased minimum performance standard the providence of which is unclear and that is not directly attributable to a Phase I award or Phase II award made under subsection (cc) during the covered period (as defined in paragraph (3)(B)(iv)), consistent with the definition of Phase III, as applicable;

“(B) assess the self-certification requirements for the minimum performance standards established under paragraph (2)(A)(ii) and the increased minimum performance standards under paragraph (3)(B); and

“(C) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report on the audit conducted under subparagraph (A) and the assessment conducted under subparagraph (B).

“(7) INCREASED MINIMUM PERFORMANCE STANDARD DEFINED.—In this subsection, the

term ‘increased minimum performance standard’ means a minimum performance standard established under paragraph (1)(A)(ii) or (2)(A)(ii) as modified under subparagraph (A) or (B), respectively, of paragraph (3) with respect to a small business concern.”.

SEC. 9. PROHIBITION AGAINST WRITING SOLICITATION TOPICS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following subsection:

“(xx) ADDITIONAL PROVISIONS RELATING TO SOLICITATION TOPICS.—

“(1) IN GENERAL.—A Federal agency required to establish an SBIR or STTR program shall implement a multi-level review and approval process within the Federal agency for solicitation topics to ensure adequate competition and that no private individual or entity is shaping the requirements for eligibility for the solicitation topic after the selection of the solicitation topic, except that the Federal agency may amend the requirements to clarify the solicitation topic.

“(2) REFERRAL.—A Federal agency that does not comply with paragraph (1) shall be referred to the Inspector General of the Administration for further investigation.”.

SEC. 10. GAO STUDY ON MULTIPLE AWARD WINNERS.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report, which shall be made publicly available, on small business concerns that are awarded not less than 50 Phase II awards under the SBIR or STTR programs during the consecutive period of 10 fiscal years preceding the most recent 2 fiscal years, including, to the extent practicable, an analysis of—

(1) the impact of the small business concerns on the SBIR and STTR programs;

(2) the ratio of the number of Phase II awards received by the small business concerns to the total number of Phase II awards;

(3) the ability of the small business concerns to commercialize and meet the tenets of the SBIR and STTR programs;

(4) the impact on new entrants and seeding technology necessary to the Federal agency mission or commercial markets and, with respect to the Department of Defense, whether the types of technology the small business concerns are pursuing are primarily hardware, software, or system components for the warfighter;

(5) an evaluation and study of varying levels of award caps and lifetime program earning caps;

(6) an assessment of the increased minimum performance standards under paragraph (3) of section 9(qq) of the Small Business Act (15 U.S.C. 638(qq)), as added by section 8, on the behavior of those concerns and on the SBIR and STTR programs, and whether to continue such increased minimum performance standards; and

(7) recommendations on whether alternative minimum performance standards under section 9(qq) of the Small Business Act (15 U.S.C. 638(qq)) should be considered, and the extent to which such alternative minimum performance standards preserve the competitive, merit-based foundation of the SBIR and STTR programs.

SEC. 11. GAO REPORT ON SUBCONTRACTING IN SBIR AND STTR PROGRAMS.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the

Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report evaluating, to the extent practicable, the following:

(1) The extent to which SBIR awardees and STTR awardees are in compliance with the Federal Funding Accountability and Transparency Act (31 U.S.C. 6101 note).

(2) The extent to which SBIR awardees and STTR awardees enter into subcontracting agreements with respect to an SBIR or STTR award.

(3) The total number and dollar amount of subcontracts entered into between an SBIR awardee or an STTR awardee and a concern that is not a small business concern (including such concerns that are defense contractors) with respect to an SBIR or STTR award.

(4) A description of the type and purpose of subcontracting agreements described in paragraph (2).

(5) An analysis of whether the use of subcontracts by an SBIR awardee or an STTR awardee is consistent with the purposes of section 9 of the Small Business Act (15 U.S.C. 638).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 4900, the SBIR and STTR Extension Act of 2022.

Let me begin by thanking Ranking Member LUETKEMEYER and my colleagues on the Senate Small Business Committee and the House Committee on Science, Space, and Technology for their work on this legislation.

Mr. Speaker, I especially want to thank Chairwoman EDDIE BERNICE JOHNSON, who is retiring at the end of this Congress. Her knowledge and expertise of the programs were pivotal to these negotiations.

Today’s bill extends the SBIR and STTR programs and six related pilot programs for 3 years. Reauthorizing them is vital to thousands of small businesses and research institutions that partner with 11 agencies to develop solutions to some of our country’s most difficult challenges.

Since their founding 40 years ago, SBIR and STTR have launched some of our Nation’s most innovative enterprises and products that have become household names. Companies like iRobot, Sonicare electric toothbrushes, 23andMe, LASIK eye surgery, and Qualcomm wireless communications all got their start through SBIR/STTR.

More innovative technology is on the way. In fiscal year 2021 alone, Federal agencies leveraged nearly \$4 billion in awards to back 4,000 small businesses and nearly 7,000 projects. Awardees are leading the way in our efforts to fight climate change, modernize manufacturing, and create breakthroughs in lifesaving medical technologies.

S. 4900 gives them the ability to continue their work and lead America's innovation by providing stability to both the small businesses and agencies for the next 3 years.

It builds on efforts to strengthen Federal research security through due diligence reviews to prevent malign foreign countries from stealing technologies developed through SBIR and STTR.

It also establishes higher benchmarks for more experienced firms to commercialize their technologies and includes various studies and more detailed reporting to increase oversight and inform future program changes.

Unfortunately, S. 4900 does not include everything we wanted to accomplish during this reauthorization, but I remain committed to coming together again in the future to have those conversations.

Our monthslong bipartisan and bicameral negotiations will avoid a devastating lapse and protect thousands of jobs. Today, we are here considering a hard-fought compromise to reauthorize the SBIR and STTR programs.

Mr. Speaker, I urge Members to vote "yes," and I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support in of S. 4900, the SBIR and STTR Extension Act of 2022.

The Small Business Innovation Research and Small Businesses Technology Transfer, or SBIR and STTR programs, are vital to the success of many small entities and have helped create thousands of new jobs by fostering innovation and stimulating the economy through cutting-edge research. SBIR and STTR's mission is to support scientific excellence and technological innovation for small businesses.

For the last 40 years, these programs have helped firms develop new technologies that have directly assisted Federal agencies meet their R&D needs. The American warfighter is no doubt stronger due to these programs.

However, a recent Department of Defense report revealed foreign adversaries have been exploiting the SBIR through shell companies, planted government researchers, and state-sponsored talent programs. The report found that the People's Republic of China has become a large beneficiary of SBIR and STTR. This is unacceptable, and the status quo must not continue, Mr. Speaker.

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The programs must have heightened awareness and protections in place to

prevent nefarious abuse. This legislation, crafted over months of negotiations, provides significant reforms to combat malign foreign influence and protect our small businesses from Chinese acquisition of innovation technologies.

Specifically, this bill mandates that agencies establish strong due-diligence safeguards to assess security risks and prevent influence from bad actors. It requires companies to disclose any business ties, investments, and contracts with China, and it gives agencies authority to deny any application if certain relationships are deemed a risk to national security.

In addition to safeguarding small businesses from China, this bill curbs abuse by multiple award winners, or SBIR mills. Mills are firms that consume a disproportionate number of awards but have low commercialization rates. These mills will have to meet enhanced performance standards in order to apply for new awards. These benchmarks will hold mills accountable and ensure that the programs are focusing on commercializing projects and attracting more private capital investments.

Finally, S. 4900 strengthens congressional oversight, increases public transparency, and safeguards taxpayer dollars during a time where government overreach has run rampant, and transparency has been limited.

These reforms are a win for small businesses and will protect U.S. R&D and innovative technologies.

I thank Chairwoman VELÁZQUEZ, Ranking Member LUCAS, Chairwoman EDDIE BERNICE JOHNSON, as well as Senators CARDIN, PAUL, and ERNST for working in a bipartisan manner to ensure these programs are reauthorized before the end of the month.

I encourage all my colleagues to support S. 4900, which unanimously passed the Senate last week.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 5 minutes to the gentlewoman from Michigan (Ms. STEVENS), the chairwoman of the Science, Space, and Technology Subcommittee on Research and Technology.

Ms. STEVENS. Mr. Speaker, I rise today in support of S. 4900, the SBIR and STTR Extension Act of 2022. This is an exciting and thrilling day, and we couldn't push with more urgency to pass this legislation.

The Small Business Innovation Research Program, the SBIR, is well-known for its tagline of "America's seed fund," as it inspires small businesses across the country to transform their ideas into marketable products and services.

On behalf of Chairwoman JOHNSON, I thank the Chairwoman for the Small Business Committee for bringing us here to this moment and, of course, our colleagues on the other side of the aisle, for joining us in a bipartisan action to improve America's competitiveness.

The National Science Foundation piloted the SBIR program in the 1970s, at the urging of Members who recognized that investments in small business innovation benefits our Nation as a whole and creates jobs. Due to its success, Congress made it a government-wide program. Decades later, SBIR has given back to the taxpayer in immeasurable ways. It has been so successful that the SBIR model has been replicated in 17 countries.

Since coming to Congress myself, I devote Mondays to visiting manufacturers or businesses in my district, in what I call Manufacturing Mondays, which showcases southeastern Michigan's innovation economy and our workforce. I have seen the powerful impact of the SBIR program firsthand in these visits; and previous to coming to Congress, I helped companies and small business innovators apply for these grants.

Last December, I had the privilege of visiting the team at Geofabrica, an Additive Manufacturing Technology Development company in Auburn Hills, Michigan, to hear about their exciting, DOD-funded SBIR work. Their CEO shared something that struck a chord. He said: "Geofabrica would not have undertaken a fraction of its technology development if it were not for the SBIR and STTR programs."

Think about that, my friends. These programs make discovery possible for small businesses; some beginning at the university level, and some that are small businesses in their infancy stage.

Over the past 5 years, the SBIR program has awarded small businesses in Michigan more than \$348 million in funding for R&D. This has led to incredibly exciting discoveries and inventions in Michigan, from the development of a handheld technology that enables farmers to accurately detect nitrates in their own fields to save farmers money, while also protecting our freshwater systems from toxic algal blooms; to the testing of new ligand for PET imaging of the brain during clinical trials for new memory disorder drugs. This is all coming from this program we are going to reauthorize today.

The last comprehensive reauthorization for the SBIR program was 11 years ago. We have opted or just continued to extend the program, like we did in 2016, leaving powerful opportunities to strengthen SBIR out of the conversation. My, how the times have changed.

I began this Congress ready to work on updating SBIR in order to support our entrepreneurs, our job creators, and the place that I am so privileged to call home and represent, Oakland County, Michigan, the home of automation alley.

Congressman and Dr. JIM BAIRD and myself ushered in H.R. 4033, a smart and effective way to make improvements to SBIR. Unfortunately, our bill was not passed by the Senate, and it is not the complete legislation before us today. So even as we provide much-

needed stability to the program with today's vote, we still have work to do.

One of my own priorities is to expand program outreach to enable agencies to reach more first-time entrepreneurs, particularly those who are Black, Hispanic, Indigenous, and female entrepreneurs, people innovating in their home and alongside their family, particularly during these disruptive times of the COVID-19 pandemic. All of these individuals have innovations and businesses that have been long underfunded.

I also hope to see enhanced support for technology commercialization within the program, including through additional technical support to businesses and by providing agencies a wider range of funding tools to meet our unique needs.

Mr. Speaker, I call on my colleagues to join me in passing S. 4900 today for SBIR reauthorization.

Mr. LUETKEMEYER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma (Mr. LUCAS), the Republican leader of the Science, Space, and Technology Committee.

Mr. LUCAS. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, I rise in support of the SBIR and STTR Extension Act. This bill is extremely timely, as the authorizations for these programs expire in just a few days.

I am pleased that the bill we are considering today represents a bipartisan, bicameral agreement that provides both small businesses and agencies clarity by reauthorizing the programs for another 3 years.

The SBIR and STTR programs play an important role in our innovation economy. Through these programs, research agencies provide opportunities to small businesses who are then able to leverage private-sector funding to propel research forward.

The programs incentivize economic growth in two ways: They support entrepreneurship and job creation at small businesses across the country. They also support high-risk research to drive breakthrough technologies that make America more competitive.

These programs are a notable example of how public-private partnerships can provide value and stimulate innovation. Importantly, this reauthorization includes several reforms to the programs that are priorities for Republican Members, including: Protecting our research enterprise, bolstering transparency and oversight, and focusing on successful commercialization.

I am pleased that this reauthorization includes strong due diligence measures that each agency with an SBIR or STTR program must enforce. These safeguards build on the bipartisan research security framework that the Science Committee has championed.

Additionally, an increased focus on transparency and oversight of the programs will bolster public transparency,

safeguard taxpayer dollars, and provide more opportunities to new small business applicants.

I thank my colleagues on the House Small Business Committee for working with me to reach this bipartisan agreement, and, in particular, I thank Ranking Member LUETKEMEYER for his leadership throughout the process.

As always, many thanks to my Chairwoman, EDDIE BERNICE JOHNSON, for her tireless work to ensure that the Science, Space, and Technology Committee remains a bipartisan, productive committee focused on legislating.

The SBIR and STTR programs are vital to our research enterprise, especially as we strive to maintain American leadership and technology. I urge my colleagues to support this legislation.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HOULAHAN).

Ms. HOULAHAN. Mr. Speaker, I rise today also in support of S. 4900, the SBIR and STTR Extension Act of 2022. This bipartisan legislation is both timely and necessary to ensure that our Nation remains on the forefront of innovation, research, and development of the products and technology of our future.

As an entrepreneur myself by trade, and with experience scaling several businesses in Pennsylvania, I know personally just how important that seed funding can be to a business' success and to the potential to get its products to the shelves.

The Small Business Innovation Research and Technology Transfer Programs, otherwise known as America's seed fund, offer competitive Federal awards to small firms in order to tackle the 21st century problems and needs. Simply put, funds from these programs move innovative technologies from concept to marketplace, or from the lab to our government programs and systems.

Despite the overwhelming success of these programs, there is one major problem that we have in Congress that we all must address, and that is we are standing here today. The SBIR and STTR programs are set to expire in just 2 short days unless we come together and pass this bill and send it to the President's desk.

The consequences of a program lapse would be so devastating on many, many fronts. For instance, the Department of Defense has shared that failure to reauthorize this program will result in approximately 1,200 warfighting needs not being addressed; not to mention that these programs are remarkable taxpayer investments, returning \$22 to the economy for every \$1 spent on projects at the DOD.

I have been proud to work with my colleagues across the Small Business and the Armed Service Committees to lead this effort to extend the authorization of these critical programs. Indeed, in June, I successfully offered a bipartisan amendment to prevent a

harmful program lapse in our annual defense bill. As the defense bill is, unfortunately, still pending in the Senate, I thank Senators CARDIN and ERNST for their sponsorship of this important legislation, which will reauthorize the SBIR and STTR programs for an additional 3 years.

Furthermore, this legislation adds measures aimed at commercializing projects and expanding Federal research security to protect against technology theft.

I thank the leadership for their support. Time is of the essence, and I urge my colleagues to support the bill.

Mr. LUETKEMEYER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. KIM), a valuable member on the Small Business Committee and a strong advocate for entrepreneurs.

Mrs. KIM of California. Mr. Speaker, I thank Ranking Member LUETKEMEYER for yielding.

Mr. Speaker, I rise in strong support of the SBIR and STTR Extension Act of 2022. This bipartisan legislation reauthorizes the Small Business Innovation Research and Small Business Technology Transfer Programs for 3 years and implements several reforms to strengthen the programs for years to come.

This bill safeguards taxpayer dollars by ensuring that we increase the rate of successful commercialization, prohibits our adversaries from reaping the benefits of our SBIR and STTR investments, and encourages the rapid development of emerging technologies that are vital for our national security.

In addition, this legislation would allow the Department of Defense to adopt the successful open topic solicitation process pioneered by the Air Force. The open topic solicitation will attract new small businesses into the SBIR program, accelerate the development of emerging technologies, broaden program access to young startups, and increase the potential for commercial impact.

The SBIR and STTR programs are important tools for small businesses to research, develop, and commercialize innovative technologies and help create good-paying jobs.

As we all know, the CCP is taking concerted steps to bridge the innovation gap with the United States and knock us down as the world leader in innovation. We must never relent our country's position as the leading innovator and creator of emerging technologies.

I thank Ranking Members LUETKEMEYER and LUCAS and Chairwomen VELÁZQUEZ and JOHNSON for their leadership in bringing a successful, bicameral negotiation to reauthorize SBIR and STTR programs.

I urge my colleagues to support this underlying legislation and continue our country's support for our small businesses and innovation.

□ 1430

Ms. VELÁZQUEZ. Mr. Speaker, I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. FITZGERALD), a very valuable, experienced member of our Committee on Small Business and another strong advocate for the entrepreneurs of our economy.

Mr. FITZGERALD. Mr. Speaker, I thank the ranking member for yielding.

I rise in support of S. 4900, which would reauthorize the Small Business Innovation Research and Small Business Technology Transfer programs.

In addition to extending the SBIR and STTR programs for 3 years, this bill contains several important provisions that safeguard our government and its research from foreign entities and enhance benchmarks for those companies that have received multiple awards.

Since 1992, the SBIR and STTR programs have helped promote public-private partnership and small business innovation by requiring agencies with sizable R&D needs to set aside a portion of their budget for small business participation.

As many of the speakers said before me, the return on investment has been nothing short of impressive. In the Department of Defense alone, between 1995 and 2018, the SBIR and STTR programs resulted in \$28 billion in new product sales to the U.S. military, \$347 billion in total economic output, and the creation of more than 1.5 million jobs.

But with this amount of participation comes the likelihood of malign influence and fraud within the program. This was evidenced by a DOD report that found China was using shell companies in its Thousand Talents Program to profit off federally funded research programs like these two we are talking about here this afternoon.

Having been part of the negotiating process during my time as a conferee for the COMPETES/USICA bill, the issue of combating foreign influence was certainly top of mind.

I am pleased that both sides were able to come to an agreement and understand the importance of safeguarding much of this research.

Not only will this bill require companies that apply for SBIR and STTR awards to disclose any ties to China, but it will also require Federal agencies to bolster their due diligence efforts to ensure our intellectual property is fully protected.

Most importantly, the bill also requires DOD to establish an open topic solicitation, allowing small businesses the opportunity to showcase how their innovations can be beneficial to the actual warfighter. The GAO believes this will be more than efficiently laid out and planned and that new companies can be bolstered with this small business innovation.

Mr. Speaker, I urge my colleagues to vote "yes."

Ms. VELÁZQUEZ. Mr. Speaker, I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. FLOOD), one of our newest Members who has joined our committee and is doing a fantastic job representing small businesses and is another strong advocate for the entrepreneurs of our country.

Mr. FLOOD. Mr. Speaker, I rise to support the SBIR and STTR Extension Act of 2022.

I thank Chair VELÁZQUEZ and Ranking Member LUETKEMEYER for their work in a bipartisan fashion. I also thank Senators ERNST and CARDIN for what they have done for this legislation. I am pleased that this bill has been brought to the floor in an expedited fashion.

The Small Business Innovation Research and Small Business Technology Transfer Extension Act is an important piece of legislation, and the changes this bill brings to these programs are urgently needed.

For those who are not familiar, the Small Business Innovation Research program was created in 1982. The program was intended to spur American innovation and harness ingenuity by increasing small business engagement in federally funded research and development.

More recently, however, the Chinese Government has been manipulating this program. A report from the Department of Defense in April 2021 revealed some of the tactics China has used to this end.

The DOD revealed instances where companies were created, received SBIR grants, and then the founders mysteriously dissolved the company. Upon further investigation, it became clear that these companies were either recruited to China or were formed with the intent of returning to China from the start.

Either way, the result was the same: The American taxpayers funded projects that were stolen by the Chinese Government. This was simply an unacceptable status quo.

This bill fixes those problems. It implements strong safeguards against the influence of China or other foreign actors, and it creates new reporting requirements for these programs that will ensure taxpayer dollars are properly used.

This bill also brings the SBIR back to its original purpose: to spur innovation and unlock the ingenuity of American small businesses.

With these changes to the program, we can make sure the SBIR and STTR are stronger and more accessible for entrepreneurs in Nebraska and across the country.

Mr. Speaker, I urge a "yes" vote.

Mr. LUETKEMEYER. Mr. Speaker, I yield myself the balance of my time for closing.

The SBIR and STTR Extension Act of 2022 will reauthorize the programs for 3 years and address congressional concerns by establishing research secu-

rity measures, increasing transparency and oversight, and focusing on commercialization.

I think, as you have heard the speakers this afternoon, in my mind, we have two big problems that we are solving here. Besides the extension of these programs, which I think are important to the national defense of our country, for one thing, I think it also helps spur entrepreneurial and investment technology that I think is vital to our country, and we stop the use of some of these programs as ATMs for different companies. I think we also put a stop to the Chinese abuse of these programs, as well.

I think those are the two highlights that are really important in these programs. They have done a good job of putting protections in place. I think that we are strengthening these protections, as well as protecting R&D and protecting our taxpayer dollars to make sure they are being spent effectively and efficiently.

Mr. Speaker, I ask my colleagues to support S. 4900, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself the balance of my time for closing.

The U.S. has the most dynamic small business ecosystem on the planet, and this 3-year extension ensures that our country remains one of the most innovative in the world.

The SBIR and STTR are essential components of that global competitiveness. They give small businesses a role in developing groundbreaking technologies that make our lives better in a variety of ways.

This program boosts American security, innovation, and entrepreneurship. That is why we must act today to extend them and ensure our country continues to reap these benefits into the future.

Stakeholders, from individual small business owners to research universities to the Department of Defense, have made it clear that even a temporary shutdown would be disastrous.

Throughout these negotiations, we have not always seen eye to eye, but I am thankful we all remain committed to keeping the programs open.

We have come up with a compromise that provides stability for small businesses and the agencies they partner with, reduces the risk that foreign adversaries can steal U.S. technologies developed through SBIR and STTR, and preserves the competitive and merit-based strength of these programs.

Mr. Speaker, this is not the end, and there will be more work to do in the coming years. I pledge to continue to work to improve the programs.

I, again, thank my colleagues involved with reauthorization for all of their work leading up to today, including the members of the Committee on Small Business who participated in many hearings and briefings over the course of the past 2 years.

I also thank the staff on the House Committees on Small Business and Science, Space, and Technology for their dedication and tireless work to get us to this point: Dahlia Sokolov, Rebecca Callahan, Sara Barber, Elizabeth Barczak, Catherine Johnson, Jenn Wickre, Giulia Leganski, Robert Yavor, Delia Barr, Ellen Harrington, and Kevin Wheeler, who have been living and breathing SBIR for most of their time on the Hill, including this year as they worked around the clock, days, nights, and weekends. I sincerely thank each of them.

Mr. Speaker, I ask my colleagues to vote “yes” on the SBIR and STTR Extension Act of 2022 to provide stability and certainty to small firms and agencies alike, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, S. 4900.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GOOD of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 2022.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 27, 2022, at 1:47 p.m.

That the Senate passed S. 4885.

That the Senate agreed to Relative to the Death of the Honorable Robert “Bob” Charlie Krueger, former United States Senator and Representative for the State of Texas S. Res. 796.

That the Senate passed without amendment H.R. 7846.

With best wishes, I am,

Sincerely,

CHERYL L. JOHNSON,
Clerk.

FEDRAMP AUTHORIZATION ACT

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8956) to amend chapter 36 of title 44, United States Code, to improve the cybersecurity of the Federal Government, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “FedRAMP Authorization Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Ensuring that the Federal Government can securely leverage cloud computing products and services is key to expediting the modernization of legacy information technology systems, increasing cybersecurity within and across departments and agencies, and supporting the continued leadership of the United States in technology innovation and job creation.

(2) According to independent analysis, as of calendar year 2019, the size of the cloud computing market had tripled since 2004, enabling more than 2,000,000 jobs and adding more than \$200,000,000 to the gross domestic product of the United States.

(3) The Federal Government, across multiple presidential administrations and Congresses, has continued to support the ability of agencies to move to the cloud, including through—

(A) President Barack Obama’s “Cloud First Strategy”;

(B) President Donald Trump’s “Cloud Smart Strategy”;

(C) the prioritization of cloud security in Executive Order 14028 (86 Fed. Reg. 26633; relating to improving the nation’s cybersecurity), which was issued by President Joe Biden; and

(D) more than a decade of appropriations and authorization legislation that provides agencies with relevant authorities and appropriations to modernize on-premises information technology systems and more readily adopt cloud computing products and services.

(4) Since it was created in 2011, the Federal Risk and Authorization Management Program (referred to in this section as “FedRAMP”) at the General Services Administration has made steady and sustained improvements in supporting the secure authorization and reuse of cloud computing products and services within the Federal Government, including by reducing the costs and burdens on both agencies and cloud companies to quickly and securely enter the Federal market.

(5) According to data from the General Services Administration, as of the end of fiscal year 2021, there were 239 cloud providers with FedRAMP authorizations, and those authorizations had been reused more than 2,700 times across various agencies.

(6) Providing a legislative framework for FedRAMP and new authorities to the General Services Administration, the Office of Management and Budget, and Federal agencies will—

(A) improve the speed at which new cloud computing products and services can be securely authorized;

(B) enhance the ability of agencies to effectively evaluate FedRAMP authorized providers for reuse;

(C) reduce the costs and burdens to cloud providers seeking a FedRAMP authorization; and

(D) provide for more robust transparency and dialogue between industry and the Federal Government to drive stronger adoption of secure cloud capabilities, create jobs, and reduce wasteful legacy information technology.

SEC. 3. TITLE 44 AMENDMENTS.

(a) AMENDMENT.—Chapter 36 of title 44, United States Code, is amended by adding at the end the following:

“§ 3607. Definitions

“(a) IN GENERAL.—Except as provided under subsection (b), the definitions under sections 3502 and 3552 apply to this section through section 3616.

“(b) ADDITIONAL DEFINITIONS.—In this section through section 3616:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

“(3) AUTHORIZATION TO OPERATE; FEDERAL INFORMATION.—The terms ‘authorization to operate’ and ‘Federal information’ have the meaning given those term in Circular A–130 of the Office of Management and Budget entitled ‘Managing Information as a Strategic Resource’, or any successor document.

“(4) CLOUD COMPUTING.—The term ‘cloud computing’ has the meaning given the term in Special Publication 800–145 of the National Institute of Standards and Technology, or any successor document.

“(5) CLOUD SERVICE PROVIDER.—The term ‘cloud service provider’ means an entity offering cloud computing products or services to agencies.

“(6) FEDRAMP.—The term ‘FedRAMP’ means the Federal Risk and Authorization Management Program established under section 3608.

“(7) FEDRAMP AUTHORIZATION.—The term ‘FedRAMP authorization’ means a certification that a cloud computing product or service has—

“(A) completed a FedRAMP authorization process, as determined by the Administrator; or

“(B) received a FedRAMP provisional authorization to operate, as determined by the FedRAMP Board.

“(8) FEDRAMP AUTHORIZATION PACKAGE.—The term ‘FedRAMP authorization package’ means the essential information that can be used by an agency to determine whether to authorize the operation of an information system or the use of a designated set of common controls for all cloud computing products and services authorized by FedRAMP.

“(9) FEDRAMP BOARD.—The term ‘FedRAMP Board’ means the board established under section 3610.

“(10) INDEPENDENT ASSESSMENT SERVICE.—The term ‘independent assessment service’ means a third-party organization accredited by the Administrator to undertake conformity assessments of cloud service providers and the products or services of cloud service providers.

“(11) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“§ 3608. Federal Risk and Authorization Management Program

“There is established within the General Services Administration the Federal Risk and Authorization Management Program. The Administrator, subject to section 3614, shall establish a Government-wide program that provides a standardized, reusable approach to security assessment and authorization for cloud computing products and services that process unclassified information used by agencies.

“§ 3609. Roles and responsibilities of the General Services Administration

“(a) ROLES AND RESPONSIBILITIES.—The Administrator shall—

“(1) in consultation with the Secretary, develop, coordinate, and implement a process to support agency review, reuse, and standardization, where appropriate, of security assessments of cloud computing products and services, including, as appropriate, oversight of continuous monitoring of cloud computing products and services, pursuant to guidance issued by the Director pursuant to section 3614;

“(2) establish processes and identify criteria consistent with guidance issued by the Director under section 3614 to make a cloud computing product or service eligible for a FedRAMP authorization and validate whether a cloud computing product or service has a FedRAMP authorization;

“(3) develop and publish templates, best practices, technical assistance, and other materials to support the authorization of cloud computing products and services and increase the speed, effectiveness, and transparency of the authorization process, consistent with standards and guidelines established by the Director of the National Institute of Standards and Technology and relevant statutes;

“(4) establish and update guidance on the boundaries of FedRAMP authorization packages to enhance the security and protection of Federal information and promote transparency for agencies and users as to which services are included in the scope of a FedRAMP authorization;

“(5) grant FedRAMP authorizations to cloud computing products and services consistent with the guidance and direction of the FedRAMP Board;

“(6) establish and maintain a public comment process for proposed guidance and other FedRAMP directives that may have a direct impact on cloud service providers and agencies before the issuance of such guidance or other FedRAMP directives;

“(7) coordinate with the FedRAMP Board, the Director of the Cybersecurity and Infrastructure Security Agency, and other entities identified by the Administrator, with the concurrence of the Director and the Secretary, to establish and regularly update a framework for continuous monitoring under section 3553;

“(8) provide a secure mechanism for storing and sharing necessary data, including FedRAMP authorization packages, to enable better reuse of such packages across agencies, including making available any information and data necessary for agencies to fulfill the requirements of section 3613;

“(9) provide regular updates to applicant cloud service providers on the status of any cloud computing product or service during an assessment process;

“(10) regularly review, in consultation with the FedRAMP Board—

“(A) the costs associated with the independent assessment services described in section 3611; and

“(B) the information relating to foreign interests submitted pursuant to section 3612;

“(11) in coordination with the Director of the National Institute of Standards and Technology, the Director, the Secretary, and other stakeholders, as appropriate, determine the sufficiency of underlying standards and requirements to identify and assess the provenance of the software in cloud services and products;

“(12) support the Federal Secure Cloud Advisory Committee established pursuant to section 3616; and

“(13) take such other actions as the Administrator may determine necessary to carry out FedRAMP.

“(b) WEBSITE.—

“(1) IN GENERAL.—The Administrator shall maintain a public website to serve as the authoritative repository for FedRAMP, includ-

ing the timely publication and updates for all relevant information, guidance, determinations, and other materials required under subsection (a).

“(2) CRITERIA AND PROCESS FOR FEDRAMP AUTHORIZATION PRIORITIES.—The Administrator shall develop and make publicly available on the website described in paragraph (1) the criteria and process for prioritizing and selecting cloud computing products and services that will receive a FedRAMP authorization, in consultation with the FedRAMP Board and the Chief Information Officers Council.

“(c) EVALUATION OF AUTOMATION PROCEDURES.—

“(1) IN GENERAL.—The Administrator, in coordination with the Secretary, shall assess and evaluate available automation capabilities and procedures to improve the efficiency and effectiveness of the issuance of FedRAMP authorizations, including continuous monitoring of cloud computing products and services.

“(2) MEANS FOR AUTOMATION.—Not later than 1 year after the date of enactment of this section, and updated regularly thereafter, the Administrator shall establish a means for the automation of security assessments and reviews.

“(d) METRICS FOR AUTHORIZATION.—The Administrator shall establish annual metrics regarding the time and quality of the assessments necessary for completion of a FedRAMP authorization process in a manner that can be consistently tracked over time in conjunction with the periodic testing and evaluation process pursuant to section 3554 in a manner that minimizes the agency reporting burden.

“§ 3610. FedRAMP Board

“(a) ESTABLISHMENT.—There is established a FedRAMP Board to provide input and recommendations to the Administrator regarding the requirements and guidelines for, and the prioritization of, security assessments of cloud computing products and services.

“(b) MEMBERSHIP.—The FedRAMP Board shall consist of not more than 7 senior officials or experts from agencies appointed by the Director, in consultation with the Administrator, from each of the following:

“(1) The Department of Defense.

“(2) The Department of Homeland Security.

“(3) The General Services Administration.

“(4) Such other agencies as determined by the Director, in consultation with the Administrator.

“(c) QUALIFICATIONS.—Members of the FedRAMP Board appointed under subsection (b) shall have technical expertise in domains relevant to FedRAMP, such as—

“(1) cloud computing;

“(2) cybersecurity;

“(3) privacy;

“(4) risk management; and

“(5) other competencies identified by the Director to support the secure authorization of cloud services and products.

“(d) DUTIES.—The FedRAMP Board shall—

“(1) in consultation with the Administrator, serve as a resource for best practices to accelerate the process for obtaining a FedRAMP authorization;

“(2) establish and regularly update requirements and guidelines for security authorizations of cloud computing products and services, consistent with standards and guidelines established by the Director of the National Institute of Standards and Technology, to be used in the determination of FedRAMP authorizations;

“(3) monitor and oversee, to the greatest extent practicable, the processes and procedures by which agencies determine and validate requirements for a FedRAMP authoriza-

tion, including periodic review of the agency determinations described in section 3613(b);

“(4) ensure consistency and transparency between agencies and cloud service providers in a manner that minimizes confusion and engenders trust; and

“(5) perform such other roles and responsibilities as the Director may assign, with concurrence from the Administrator.

“(e) DETERMINATIONS OF DEMAND FOR CLOUD COMPUTING PRODUCTS AND SERVICES.—The FedRAMP Board may consult with the Chief Information Officers Council to establish a process, which may be made available on the website maintained under section 3609(b), for prioritizing and accepting the cloud computing products and services to be granted a FedRAMP authorization.

“§ 3611. Independent assessment

“The Administrator may determine whether FedRAMP may use an independent assessment service to analyze, validate, and attest to the quality and compliance of security assessment materials provided by cloud service providers during the course of a determination of whether to use a cloud computing product or service.

“§ 3612. Declaration of foreign interests

“(a) IN GENERAL.—An independent assessment service that performs services described in section 3611 shall annually submit to the Administrator information relating to any foreign interest, foreign influence, or foreign control of the independent assessment service.

“(b) UPDATES.—Not later than 48 hours after there is a change in foreign ownership or control of an independent assessment service that performs services described in section 3611, the independent assessment service shall submit to the Administrator an update to the information submitted under subsection (a).

“(c) CERTIFICATION.—The Administrator may require a representative of an independent assessment service to certify the accuracy and completeness of any information submitted under this section.

“§ 3613. Roles and responsibilities of agencies

“(a) IN GENERAL.—In implementing the requirements of FedRAMP, the head of each agency shall, consistent with guidance issued by the Director pursuant to section 3614—

“(1) promote the use of cloud computing products and services that meet FedRAMP security requirements and other risk-based performance requirements as determined by the Director, in consultation with the Secretary;

“(2) confirm whether there is a FedRAMP authorization in the secure mechanism provided under section 3609(a)(8) before beginning the process of granting a FedRAMP authorization for a cloud computing product or service;

“(3) to the extent practicable, for any cloud computing product or service the agency seeks to authorize that has received a FedRAMP authorization, use the existing assessments of security controls and materials within any FedRAMP authorization package for that cloud computing product or service; and

“(4) provide to the Director data and information required by the Director pursuant to section 3614 to determine how agencies are meeting metrics established by the Administrator.

“(b) ATTESTATION.—Upon completing an assessment or authorization activity with respect to a particular cloud computing product or service, if an agency determines that the information and data the agency has reviewed under paragraph (2) or (3) of subsection (a) is wholly or substantially deficient for the purposes of performing an authorization of the cloud computing product

or service, the head of the agency shall document as part of the resulting FedRAMP authorization package the reasons for this determination.

“(c) SUBMISSION OF AUTHORIZATIONS TO OPERATE REQUIRED.—Upon issuance of an agency authorization to operate based on a FedRAMP authorization, the head of the agency shall provide a copy of its authorization to operate letter and any supplementary information required pursuant to section 3609(a) to the Administrator.

“(d) SUBMISSION OF POLICIES REQUIRED.—Not later than 180 days after the date on which the Director issues guidance in accordance with section 3614(1), the head of each agency, acting through the chief information officer of the agency, shall submit to the Director all agency policies relating to the authorization of cloud computing products and services.

“(e) PRESUMPTION OF ADEQUACY.—

“(1) IN GENERAL.—The assessment of security controls and materials within the authorization package for a FedRAMP authorization shall be presumed adequate for use in an agency authorization to operate cloud computing products and services.

“(2) INFORMATION SECURITY REQUIREMENTS.—The presumption under paragraph (1) does not modify or alter—

“(A) the responsibility of any agency to ensure compliance with subchapter II of chapter 35 for any cloud computing product or service used by the agency; or

“(B) the authority of the head of any agency to make a determination that there is a demonstrable need for additional security requirements beyond the security requirements included in a FedRAMP authorization for a particular control implementation.

“§ 3614. Roles and responsibilities of the Office of Management and Budget

“The Director shall—

“(1) in consultation with the Administrator and the Secretary, issue guidance that—

“(A) specifies the categories or characteristics of cloud computing products and services that are within the scope of FedRAMP;

“(B) includes requirements for agencies to obtain a FedRAMP authorization when operating a cloud computing product or service described in subparagraph (A) as a Federal information system; and

“(C) encompasses, to the greatest extent practicable, all necessary and appropriate cloud computing products and services;

“(2) issue guidance describing additional responsibilities of FedRAMP and the FedRAMP Board to accelerate the adoption of secure cloud computing products and services by the Federal Government;

“(3) in consultation with the Administrator, establish a process to periodically review FedRAMP authorization packages to support the secure authorization and reuse of secure cloud products and services;

“(4) oversee the effectiveness of FedRAMP and the FedRAMP Board, including the compliance by the FedRAMP Board with the duties described in section 3610(d); and

“(5) to the greatest extent practicable, encourage and promote consistency of the assessment, authorization, adoption, and use of secure cloud computing products and services within and across agencies.

“§ 3615. Reports to Congress; GAO report

“(a) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Director shall submit to the appropriate congressional committees a report that includes the following:

“(1) During the preceding year, the status, efficiency, and effectiveness of the General Services Administration under section 3609

and agencies under section 3613 and in supporting the speed, effectiveness, sharing, reuse, and security of authorizations to operate for secure cloud computing products and services.

“(2) Progress towards meeting the metrics required under section 3609(d).

“(3) Data on FedRAMP authorizations.

“(4) The average length of time to issue FedRAMP authorizations.

“(5) The number of FedRAMP authorizations submitted, issued, and denied for the preceding year.

“(6) A review of progress made during the preceding year in advancing automation techniques to securely automate FedRAMP processes and to accelerate reporting under this section.

“(7) The number and characteristics of authorized cloud computing products and services in use at each agency consistent with guidance provided by the Director under section 3614.

“(8) A review of FedRAMP measures to ensure the security of data stored or processed by cloud service providers, which may include—

“(A) geolocation restrictions for provided products or services;

“(B) disclosures of foreign elements of supply chains of acquired products or services;

“(C) continued disclosures of ownership of cloud service providers by foreign entities; and

“(D) encryption for data processed, stored, or transmitted by cloud service providers.

“(b) GAO REPORT.—Not later than 180 days after the date of enactment of this section, the Comptroller General of the United States shall report to the appropriate congressional committees an assessment of the following:

“(1) The costs incurred by agencies and cloud service providers relating to the issuance of FedRAMP authorizations.

“(2) The extent to which agencies have processes in place to continuously monitor the implementation of cloud computing products and services operating as Federal information systems.

“(3) How often and for which categories of products and services agencies use FedRAMP authorizations.

“(4) The unique costs and potential burdens incurred by cloud computing companies that are small business concerns (as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a))) as a part of the FedRAMP authorization process.

“§ 3616. Federal Secure Cloud Advisory Committee

“(a) ESTABLISHMENT, PURPOSES, AND DUTIES.—

“(1) ESTABLISHMENT.—There is established a Federal Secure Cloud Advisory Committee (referred to in this section as the ‘Committee’) to ensure effective and ongoing coordination of agency adoption, use, authorization, monitoring, acquisition, and security of cloud computing products and services to enable agency mission and administrative priorities.

“(2) PURPOSES.—The purposes of the Committee are the following:

“(A) To examine the operations of FedRAMP and determine ways that authorization processes can continuously be improved, including the following:

“(i) Measures to increase agency reuse of FedRAMP authorizations.

“(ii) Proposed actions that can be adopted to reduce the burden, confusion, and cost associated with FedRAMP authorizations for cloud service providers.

“(iii) Measures to increase the number of FedRAMP authorizations for cloud computing products and services offered by small businesses concerns (as defined by section

3(a) of the Small Business Act (15 U.S.C. 632(a)).

“(iv) Proposed actions that can be adopted to reduce the burden and cost of FedRAMP authorizations for agencies.

“(B) Collect information and feedback on agency compliance with and implementation of FedRAMP requirements.

“(C) Serve as a forum that facilitates communication and collaboration among the FedRAMP stakeholder community.

“(3) DUTIES.—The duties of the Committee include providing advice and recommendations to the Administrator, the FedRAMP Board, and agencies on technical, financial, programmatic, and operational matters regarding secure adoption of cloud computing products and services.

“(b) MEMBERS.—

“(1) COMPOSITION.—The Committee shall be comprised of not more than 15 members who are qualified representatives from the public and private sectors, appointed by the Administrator, in consultation with the Director, as follows:

“(A) The Administrator or the Administrator’s designee, who shall be the Chair of the Committee.

“(B) At least 1 representative each from the Cybersecurity and Infrastructure Security Agency and the National Institute of Standards and Technology.

“(C) At least 2 officials who serve as the Chief Information Security Officer within an agency, who shall be required to maintain such a position throughout the duration of their service on the Committee.

“(D) At least 1 official serving as Chief Procurement Officer (or equivalent) in an agency, who shall be required to maintain such a position throughout the duration of their service on the Committee.

“(E) At least 1 individual representing an independent assessment service.

“(F) At least 5 representatives from unique businesses that primarily provide cloud computing services or products, including at least 2 representatives from a small business concern (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

“(G) At least 2 other representatives of the Federal Government as the Administrator determines necessary to provide sufficient balance, insights, or expertise to the Committee.

“(2) DEADLINE FOR APPOINTMENT.—Each member of the Committee shall be appointed not later than 90 days after the date of enactment of this section.

“(3) PERIOD OF APPOINTMENT; VACANCIES.—

“(A) IN GENERAL.—Each non-Federal member of the Committee shall be appointed for a term of 3 years, except that the initial terms for members may be staggered 1-, 2-, or 3-year terms to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

“(B) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.

“(c) MEETINGS AND RULES OF PROCEDURES.—

“(1) MEETINGS.—The Committee shall hold not fewer than 3 meetings in a calendar year, at such time and place as determined by the Chair.

“(2) INITIAL MEETING.—Not later than 120 days after the date of enactment of this section, the Committee shall meet and begin the operations of the Committee.

“(3) RULES OF PROCEDURE.—The Committee may establish rules for the conduct of the business of the Committee if such rules are not inconsistent with this section or other applicable law.

“(d) EMPLOYEE STATUS.—

“(1) IN GENERAL.—A member of the Committee (other than a member who is appointed to the Committee in connection with another Federal appointment) shall not be considered an employee of the Federal Government by reason of any service as such a member, except for the purposes of section 5703 of title 5, relating to travel expenses.

“(2) PAY NOT PERMITTED.—A member of the Committee covered by paragraph (1) may not receive pay by reason of service on the Committee.

“(e) APPLICABILITY TO THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

“(f) DETAIL OF EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement from the Committee, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

“(g) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as agencies.

“(h) REPORTS.—

“(1) INTERIM REPORTS.—The Committee may submit to the Administrator and Congress interim reports containing such findings, conclusions, and recommendations as have been agreed to by the Committee.

“(2) ANNUAL REPORTS.—Not later than 540 days after the date of enactment of this section, and annually thereafter, the Committee shall submit to the Administrator and Congress a report containing such findings, conclusions, and recommendations as have been agreed to by the Committee.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 36 of title 44, United States Code, is amended by adding at the end the following new items:

- “3607. Definitions.
- “3608. Federal Risk and Authorization Management Program.
- “3609. Roles and responsibilities of the General Services Administration.
- “3610. FedRAMP Board.
- “3611. Independent assessment.
- “3612. Declaration of foreign interests.
- “3613. Roles and responsibilities of agencies.
- “3614. Roles and responsibilities of the Office of Management and Budget.
- “3615. Reports to Congress; GAO report.
- “3616. Federal Secure Cloud Advisory Committee.”.

(c) SUNSET.—

(1) IN GENERAL.—Effective on the date that is 5 years after the date of enactment of this Act, chapter 36 of title 44, United States Code, is amended by striking sections 3607 through 3616.

(2) CONFORMING AMENDMENT.—Effective on the date that is 5 years after the date of enactment of this Act, the table of sections for chapter 36 of title 44, United States Code, is amended by striking the items relating to sections 3607 through 3616.

(d) RULE OF CONSTRUCTION.—Nothing in this section or any amendment made by this section shall be construed as altering or impairing the authorities of the Director of the Office of Management and Budget or the Secretary of Homeland Security under subchapter II of chapter 35 of title 44, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kentucky (Mr. COMER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure before us.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Representative CONNOLLY, the chairman of the Subcommittee on Government Operations, and Ranking Member COMER for working on this important bipartisan measure.

A version of this bill passed this House earlier in this Congress. It has been improved after receiving technical assistance from the General Services Administration and through discussions with the Senate Committee on Homeland Security and Governmental Affairs.

The Federal Risk and Authorization Management Program Authorization Act would codify and improve the existing FedRAMP program in the General Services Administration.

First established in 2011, FedRAMP is an important program that certifies cloud service providers that wish to offer services and products to the Federal Government.

The FedRAMP certification process outlined in this bill is comprehensive, facilitates easier agency adoption, promotes agency reuse, and encourages savings.

The FedRAMP process uses a risk-based approach to ensure the reliability of any cloud platform that hosts unclassified government data.

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One significant provision of this bill is the Federal Secure Cloud Advisory Committee. This committee would be tasked with key responsibilities, including providing technical expertise on cloud products and services and identifying ways to reduce costs associated with FedRAMP certification.

The Director of the Office of Management and Budget would be required to issue regulations on FedRAMP and would ensure that agencies are not using cloud service providers without authorization.

This bill supports a critical effort to keep our Nation's information secure in cloud environments. I urge all Members to support this bill and reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if this bill sounds familiar to Members, there is good reason for that. Once again, the House of Representatives is debating a bipartisan bill to secure Federal agency use of modern cloud computing services.

However, this time we are doing it as H.R. 8956, the Federal Secure Cloud Improvement and Jobs Act. Formerly named the FedRAMP Authorization Act, this was the first bill the House passed this Congress, as H.R. 21, on January 5, 2021.

We also passed the same legislation as part of this year's House version of the National Defense Authorization Act.

This is such an important issue that we are here again to send an improved bill back to the Senate for final passage.

Cybersecurity and technology modernization are both vital issues to ensure this government runs efficiently, effectively, and safely. We need this legislation to address the continued onslaught of cyberattacks that have compromised both the private and public sectors' critical information systems.

Cloud computing is an important innovation.

It allows users to tap into extra resources to meet spikes in demand, like what agencies saw when trying to deliver COVID-relief assistance.

It also allows them to access modernized applications without the need for them to also invest in their own data storage equipment.

While cloud computing is the norm in the private sector, we still need to encourage agencies to adopt this technology when it makes sense. We also must ensure cloud computing services are secure. That is where the Federal Risk and Authorization Management Program comes in.

FedRAMP, run by the General Services Administration, is the main Federal program focused on helping agencies procure secure cloud computing systems. It provides a consistent process to ensure agencies know a given cloud service meets Federal cybersecurity standards. It also provides clarity for vendors, so they understand the requirements to ensure their products are secure enough for Federal agency use.

Shifting to the cloud is more cost effective, allows for better citizen services and mission-based solutions, and provides more responsive technology capabilities overall. These improved efficiencies have led to significant cost savings.

At the end of fiscal year 2021, the GSA estimated that over the FedRAMP program's 10-year lifespan, it had helped agencies avoid \$716 million in individual security review costs. So while agencies are not required to buy FedRAMP-approved services, it makes sense to encourage them to do so.

After passing the earlier version, H.R. 21, the Senate also made changes that improved the bill we are considering today.

Such updates include striking the unnecessary authorization of \$20 million in appropriations and requiring better oversight of the industry costs associated with becoming FedRAMP certified. This will help ensure both small and large businesses can participate in the program.

In addition, this version also seeks to identify and avoid bottlenecks that slow approval. It also takes steps to secure the software supply chain from threats by foreign bad actors, the likely source of the 2020 SolarWinds attack that targeted numerous private sector companies and Federal agencies.

Codifying this successful program into law is an important step towards encouraging Federal agencies to take full advantage of this program and all the security benefits it offers.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. CONNOLLY), the distinguished chairman of the Subcommittee on Government Operations and sponsor of this important bill, H.R. 8956.

Mr. CONNOLLY. Mr. Speaker, I thank the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the distinguished chairwoman of the committee and my friend, and I thank the gentleman from Kentucky (Mr. COMER), the distinguished ranking member and my friend for bringing this bill to the floor.

With respect to Mr. COMER's comments, I just say, "Hear, hear." He has succinctly explained both the process and the importance of this bill.

This is the sixth time the House will have passed this bill in some form. The Senate has yet to ever consider it on the floor. As Mr. COMER indicated, the time has now come for the Senate to accept a bill that has been worked out with the Senate in terms of the language so that we can get this important piece of Federal IT into law.

This bill would create a statutory framework for the Federal Risk and Authorization Management Program, known as FedRAMP, originally established administratively back in 2011. This bill will codify FedRAMP and was the very first bill, as Mr. COMER indicated, to pass the House in the 117th Congress. It passed, I believe, unanimously.

If once again passed, this will be, as I said, I believe, the sixth time we have considered it here in the House of Representatives.

FedRAMP is a standardized approach that brings our government in line with our increasingly digital world to continually certify and assess the security of cloud computing technologies used across the Federal Government.

FedRAMP seeks to reduce the redundancies of Federal cloud migration by creating a "certify once, reuse many times" model for cloud products and services that provide cost-effec-

tive, risk-based approaches to cloud adoption. FedRAMP saw a 50 percent increase in agencies reusing authorized cloud products in 2020.

This bill codifies FedRAMP and addresses many of the concerns raised by government and industry stakeholders in terms of both the time and cost associated with certification. The text reduces duplication of security assessments and other obstacles to agency adoption of cloud products by establishing a presumption of adequacy for cloud technologies that have already received FedRAMP certification, so companies aren't reinventing the wheel and spending millions of dollars they don't need to.

I support a strong cybersecurity framework that ensures whatever tool we use to support the infrastructure of our Federal critical systems is safe and secure. Again, referenced by Mr. COMER. However, those who have already diligently passed scrupulous security assessments shouldn't have to start from scratch, and this bill addresses that.

For more than 5 years, I have worked with administrations, both Democratic and Republican, Members on the other side of the aisle, industry stakeholders, and my friends in the U.S. Senate to ensure the legislative text makes needed improvements to the FedRAMP program and gives the program flexibility to grow and adapt to myriad future changes.

Since the coronavirus pandemic, the demand for cloud services has risen by 85 percent. Accordingly, FedRAMP use skyrocketed and enabled the government to continue working securely during the government's large-scale movement to telework.

In the first 4 years of FedRAMP, the program had only authorized 20 cloud service offerings, but by 2021 it had authorized 240. Today, there are over 280 cloud service providers to the U.S. Government participating in FedRAMP, and about 30 percent of FedRAMP authorized CSPs are small businesses. Over 180 agencies participate in FedRAMP and have initiated more than 3,000 agency reuses of authorized products.

Today, the Agency Liaison Program, which provides FedRAMP authorization, education, and training currently has 155 liaisons with 82 different Federal Government departments participating.

Ultimately, this program strives to have at least one representative from each Federal agency tied to the security authorization who can communicate to key stakeholders about their agency's internal processes as well as FedRAMP requirements.

The bill supports a critical need to support multistakeholder communication and keep our Nation's information secure in cloud environments.

Enabling the efficient and secure procurement of cloud computing technology is an important part of Federal IT modernization. Codifying FedRAMP

into law is very important because right now it exists as an orphan only by an executive action.

I thank the gentleman from Kentucky (Mr. COMER), the ranking member of the Oversight and Reform Committee, for being a steadfast partner, and I thank our chairwoman for her leadership.

Mr. COMER. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, protecting our public's valuable information is something we can all agree on. I hope we can continue to do our job and work together on improving the Federal Government cybersecurity and adoption of modern technology.

Mr. Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I urge passage of H.R. 8956 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, H.R. 8956.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CHAI SUTHAMMANONT HEALTHY FEDERAL WORKPLACES ACT OF 2022

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8466), to require the head of each agency to establish a plan relating to the safety of Federal employees and contractors physically present at certain worksites during a nationwide public health emergency declared for an infectious disease, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chai Suthammanont Healthy Federal Workplaces Act of 2022".

SEC. 2. WORKSITE SAFETY FOR FEDERAL EMPLOYEES AND CONTRACTORS.

(a) ISSUANCE OF POLICIES AND PROCEDURES BY AGENCIES.—Not later than 60 days after the date of the enactment of this Act, the head of each agency, in consultation with the Chief Human Capital Officer of the agency and the Assistant Director of Administration of the agency (or any individual holding an equivalent position), shall—

(1) establish a plan containing procedures and policies for the safety of covered individuals physically present at worksites during a covered period that includes measures to ensure the continuity of operations of the agency, including how consistent agency mission and program performance and customer service levels will be sustained through the covered period;

(2) make such plan available to the public by including a prominent link to such plan on the home page of the website of the agency;

(3) provide a link to such plan to the Director of the Office of Management and Budget for inclusion on the web page of the Office in accordance with subsection (c); and

(4) communicate such plan to each covered individual in such a manner as to ensure that each such covered individual acknowledges receipt and understanding of the plan.

(b) PLAN.—The plan required under subsection (a) shall, at a minimum, include the following:

(1) A description of the efforts the agency plans to take with respect to mitigating a nationwide public health emergency declared for an infectious disease at worksites, including the following:

(A) A description of any personal protective equipment that is being or will be provided by the agency to any covered individual physically present at a worksite during a covered period.

(B) A description of any procedures established by the agency for—

(i) testing covered individuals at worksites for a covered condition;

(ii) identifying covered individuals potentially exposed to an individual who is diagnosed with a covered condition, and notifying such individuals of such potential exposure; and

(iii) addressing differences in data, such as the number of cases, hospitalizations, and deaths, in regions and localities if an agency has covered worksites in more than one region.

(2) Guidance on—

(A) any cleaning protocols to be implemented at covered worksites;

(B) occupancy limits for covered worksites; and

(C) the use of personal protective equipment, such as appropriate face coverings, by covered individuals while physically present at a worksite.

(3) A description of the actions the agency is or will be taking to protect employees of the agency who conduct activities in an official capacity while not physically present at a covered worksite, including employees—

(A) who are required to travel in an official capacity; or

(B) perform audits or inspections.

(4) A description of any requirements that members of the public are required to meet in order to enter a facility in which covered worksites are located.

(5) A description of any alternative option to being physically present at a covered worksite that is available for employees of the agency who—

(A) have a high risk of contracting a covered condition (as determined by the Director of the Centers for Disease Control and Prevention); or

(B) live in a household with individuals who have a high risk of contracting a covered condition (as determined by the Director of the Centers for Disease Control and Prevention).

(6) Protocols that ensure the continuity of operations of the agency, including how consistent agency mission and program performance and customer service levels will be sustained through the covered period, to include if the agency adopts enhanced and tem-

porary telework and remote work practices as a result of an increase in the severity of the nationwide public health emergency.

(7) The hotline website and hotline telephone number of the Inspector General of the agency for covered individuals to report to the Inspector General any instance in which the agency is not implementing the plan required by this section.

(8) The hotline website and hotline telephone number of the Office of Special Counsel to report a substantial and specific danger to public health and safety or whistleblower retaliation.

(c) PUBLICATION OF PLAN.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall make available to the public on a single web page of the Office—

(1) links to each plan provided to the Director pursuant to subsection (a)(3); and

(2) a list identifying any agency that has not provided a link pursuant to such subsection.

(d) COMMUNICATION OF PLAN TO NEW EMPLOYEES, CONTRACTORS, AND SUBCONTRACTORS.—Beginning on the date that is 60 days after the date of the enactment of this Act, the head of an agency shall communicate the plan required by subsection (a), in the manner described under such subsection, to—

(1) any new employee of the agency, not later than 30 days after the date on which such employee is hired;

(2) any individual or entity that enters into a contract with the agency after such date, not later than 30 days after the contract is entered into; and

(3) any individual or entity that enters into a subcontract at any tier of a contract with the agency after such date, not later than 30 days after the subcontract is entered into.

(e) INSPECTORS GENERAL REPORTS.—

(1) REPORT ON IMPLEMENTATION OF THIS SECTION.—Not later than 6 months after the date of the enactment of this Act, the Inspector General of each agency shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this section, including whether each agency involved has published and communicated the plan required by subsection (a) in accordance with this section.

(2) REPORT ON IMPLEMENTATION OF PLAN.—Not later than 60 days after the head of an agency begins to implement a plan required under subsection (a) with respect to a covered condition, the Inspector General of each agency shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(A) the extent to which each agency has implemented the plan, including identifying any concerns for the safety of covered individuals at covered worksites that the agency has not fully addressed; and

(B) the extent to which such plan incorporated best practices to contain the spread of such covered condition.

(f) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on lessons learned by agencies and covered individuals during the COVID-19 pandemic to further improve the policies and procedures of such agencies with respect to—

(1) the health and safety of covered individuals during nationwide public health emergencies declared for infectious diseases; and

(2) communication to covered individuals during nationwide public health emergencies declared for infectious diseases.

(g) APPLICATION.—Nothing in this Act shall be construed to alter or otherwise limit the rights and obligations afforded under chapter 71 of title 5, United States Code.

(h) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given that term in section 551 of title 5, United States Code.

(2) COVERED CONDITION.—The term “covered condition” means an infectious disease that is the subject of a nationwide public health emergency.

(3) COVERED PERIOD.—The term “covered period” means a period during which a nationwide public health emergency declared for an infectious disease is in effect.

(4) COVERED INDIVIDUAL.—The term “covered individual” means—

(A) employees of the agency; and

(B) contractors of the agency, and subcontractors thereof at any tier.

(5) COVERED WORKSITE.—The term “covered worksite” means a worksite at which a covered individual is required to be present during a covered period.

(6) EMPLOYEE.—The term “employee” means any employee occupying a position in the civil service (as that term is defined in section 2101 of title 5, United States Code) at an agency.

(7) NATIONWIDE PUBLIC HEALTH EMERGENCY.—The term “nationwide public health emergency” means a nationwide public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247), including any renewal thereof.

(8) WORKSITE.—The term “worksite” means—

(A) in the case of an employee of the agency, the location of the employee’s position of record where the employee regularly performs his or her duties, but does not include any location where the employee teleworks (as that term is defined in section 6501 of title 5, United States Code); and

(B) in the case of a contractor of the agency (or subcontractor thereof at any tier), the location in a facility of the agency where the contractor or subcontractor performs his or her duties under a contract with the agency, or a subcontract thereof at any tier, as applicable.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kentucky (Mr. COMER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 8466.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8466, the Chai Suthammanont Healthy Federal Workplaces Act of 2022, introduced by Government Operations Subcommittee Chair CONNOLLY.

The bill would require that all Federal agencies create detailed plans in preparation for a nationwide public health emergency declaration in response to an infectious disease to protect the health and safety of employees, contractors, and subcontractors.

The plan must include protocols to ensure workers have access to protective equipment, clean facilities, limited workspace occupancy, and on-site testing; that they are notified about exposures; and that accommodations are available to high-risk individuals.

Federal workers showed great resilience as the Federal Government adapted to respond to the COVID-19 pandemic. Living through the pandemic for more than 2 years should make it clear that we need to take precautions to prepare for the future, as COVID-19 is not the last public health emergency we are likely to face as a country, and government agencies need to be ready for that.

The plans required under this legislation would protect workers and prevent the spread of disease. The agency must also prioritize in its plan the continuity of operations and government services through a public health emergency. The bill requires that safety protocols are clearly communicated to all employees and publicly posted.

Holding agencies accountable for making these plans transparent to Federal employees and the public will help make everyone feel safer and better informed.

The bill also includes strong oversight measures. Inspectors general at Federal agencies would assess implementation of these plans and report to Congress.

□ 1500

The Government Accountability Office would conduct a study of the lessons from the COVID-19 pandemic that can be applied to improve agency plans and improve communication with employees throughout an emergency.

I commend Chairman CONNOLLY for his forward-looking bill that would better prepare government agencies for future public health crises. I urge my colleagues to join me in support of H.R. 8466.

Mr. Speaker, I reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express sincere condolences to the family of Mr. Suthammanont. I appreciate the underlying intent of this legislation: To ensure the safety of Federal workers.

I also appreciate how this version of the bill has been improved from the prior versions the House has considered.

Thankfully, there are no longer vaccine requirements for Federal workers in the bill, and the bill is now future-looking, no longer tied specifically to the COVID-19 pandemic.

Nevertheless, it makes sense to be prepared for any future public health emergencies. While the safety of the Federal workers is important, so is mission accomplishment and customer service.

In considering this new version, Committee on Oversight and Reform Republicans ensured the plans this bill requires would be made through the lens of continuity of operations. That is, continuing to provide Americans the services they need, regardless of the situation.

I am pleased to see my colleagues, Representative JODY HICE's amendment receive full support in the Committee on Oversight and Reform last week and be incorporated into the bill we are considering today.

H.R. 8466 now ensures that the next time America faces a public health emergency, Federal agencies will be required to balance their workforce safety measures with plans to accomplish their missions while minimizing impacts to customer service. Agencies will be required to make these plans public for Inspector General review and congressional scrutiny.

Americans who rely on Federal agency services, such as our veterans, should never again be forgotten when their government sends its workforce home.

Mr. Speaker, I thank Mr. CONNOLLY for working with Mr. HICE to improve the bill, and I encourage my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. CONNOLLY), the distinguished chairman of the Subcommittee on Government Operations and sponsor of H.R. 8466.

Mr. CONNOLLY. Mr. Speaker, I thank the distinguished chairwoman of our committee for yielding, and I thank Mr. COMER, the ranking member, and Mr. HICE, the ranking member of Government Operations Subcommittee, for their support and collaboration on an improved H.R. 8466, the Suthammanont Healthy Workforce Act of 2022.

On May 26, 2022, Chai Suthammanont, my constituent, a kitchen staff worker at a childcare facility at the Marine Corps Base in Quantico, Virginia, died from coronavirus-related complications. Chai was a loving father and husband and a proud naturalized American. Chai was known for his kindness and his patience. He had a unique handshake he shared with many of the kids at the childcare facility where he

worked. His death was a tragedy felt by so many.

Confusion and uncertainty emerged as two of the largest contributing factors to Chai's death. The Federal Government did not yet have any protocols in place—or guidance, for that matter—intended to protect him and others.

We are emerging from the pandemic, but new strains of infectious diseases and other potential health emergencies demand that the Federal Government prepare to adapt and continue operations and the mission across many challenges. Our government must embrace lessons learned from the pandemic; some of them learned through tragic losses such as Chai's.

Federal agencies must place the health and safety of Federal employees at the forefront of their plans and operations while continuing to provide vital services to the public, ensuring continuity of operations.

Since the beginning of the pandemic, our subcommittee has held three hearings focused on the future of Federal work, which include prioritizing the health and safety of our workforce.

Some simple truths emerged during these deliberations.

One, our Federal workforce is comprised of dedicated civil servants who didn't stop delivering mail, serving veterans, approving and distributing vaccines, and ensuring businesses received essential financial assistance.

Two, the Federal workforce needs agencies to invest in proper information technology, training, and protective equipment before another public health crisis occurs.

Three, agencies need clearly communicated, publicly available policies and guidance that let their employees and the public know how to ensure a safe and healthy continuity of operations.

Last year, this committee marked up a previous version of the bill that covered the COVID-19 pandemic. This new bill prepares the Federal workforce, as the distinguished ranking member indicated, for the potential nationwide public health emergencies of tomorrow.

The bill requires each Federal agency to establish a plan to describe public health protocols, including, but not limited to, testing, identification, notification of individuals who may have been exposed to the pathogen; cleaning; occupancy limits; use of personal protective equipment; protections for employees whose work requires them to travel offsite; and ensuring the continuity of operations for the agency.

The bill would also require each agency's Office of Inspector General to report on the extent each agency has, in fact, implemented the plan and the Government Accountability Office to report on the lessons learned from the pandemic.

This bill is endorsed by the American Federation of Government Employees, International Federation of Professional and Technical Engineers, the

National Active and Retired Federal Employees Association, the National Federation of Federal Employees, the National Treasury Employees Union, the Professional Managers Association, the Senior Executives Association, among many other organizations.

Federal employees are a great asset for our Nation. We must work to ensure their well-being and protection in difficult times such as these.

Mr. Speaker, I again thank the chairwoman, who is the original cosponsor of this legislation, as well as my colleagues, especially Mr. COMER and Mr. HICE, for making this a strong bipartisan effort.

Mr. Speaker, I particularly salute Chai's widow, Christina, for her continued efforts in honoring her late husband's memory.

Mr. COMER. Mr. Speaker, I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. COMER. Mr. Speaker, it is important that Federal agencies plan and prepare for future infectious disease outbreaks and do so in a transparent manner.

This bill is much improved and now also focuses on maintaining Federal agency services to the American people through a potential future public health emergency. Federal agencies exist to serve the American people. This is true during national public health emergencies, also.

Mr. Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I urge passage of H.R. 8466, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, H.R. 8466, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

END HUMAN TRAFFICKING IN GOVERNMENT CONTRACTS ACT OF 2022

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3470) to provide for the implementation of certain trafficking in contracting provisions, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "End Human Trafficking in Government Contracts Act of 2022".

SEC. 2. IMPLEMENTATION OF TRAFFICKING IN CONTRACTING PROVISIONS.

(a) REQUIREMENT TO REFER VIOLATIONS TO AGENCY SUSPENSION AND DEBARMENT OFFICIAL.—Section 1704(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 22 U.S.C. 7104b(c)(1)) is amended—

(1) by inserting "refer the matter to the agency suspension and debarment official and" before "consider taking one of the following actions"; and

(2) by striking subparagraph (G).

(b) REPORT ON IMPLEMENTATION OF TRAFFICKING IN CONTRACTING PROVISIONS.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report on implementation of title XVII of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2092).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kentucky (Mr. COMER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on S. 3470.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3470, the End Human Trafficking in Government Contracts Act.

S. 3470 was introduced by Senator LANKFORD from Oklahoma and has passed the Senate by unanimous consent. The bill would require the head of an agency to make a referral for debarment of a Federal contractor in response to Inspector General verification that the company has engaged in any form of human trafficking, including labor and sex trafficking.

Under current law, the referral is merely an action that the agency head may consider. Putting stronger penalties on contractors creates stronger incentives for them to be vigilant about eliminating human trafficking from their business. This bill helps to ensure that we use the U.S. Government's enormous purchasing power to combat human trafficking.

Under this bill, the Office of Management and Budget would also submit a report to Congress on Federal Government actions to end trafficking in Federal contracts. Human trafficking is nothing short of modern-day slavery. It

is estimated that human trafficking is a \$150 billion global industry. It must be a priority to ensure that the U.S. is not contributing one dollar to perpetuate human trafficking through Federal contracts.

Mr. Speaker, I hope my colleagues will join me in supporting this straightforward legislation to further enforce zero tolerance for human trafficking in Federal contracts.

Mr. Speaker, I reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the End Human Trafficking in Government Contracts Act ensures that Federal agencies are not paying for or participating in human trafficking or human sex trafficking through grants or contracts. This is a particular concern for overseas contracts in which some unscrupulous companies may take advantage of vulnerable third-country workers.

Congress has acted before to address this problem. Unfortunately, both the Government Accountability Office and the Department of Defense Inspector General have found that trafficking by contractors and grantees continues. This bill moves to send a clear message: Trafficking will not be tolerated.

Under current law, agencies are already required to refer allegations of human or sex trafficking to the Inspector General for investigation. If found to be true, that agency has a number of options to deal with the situation, but this bill requires all substantiated cases be reported to the agency's suspension and debarment official.

In the contracting world, this is serious business. After due process, a contractor could be prohibited from receiving future government contracts or other government benefits. This bill ensures all current or would-be grantees or contractors take all measures necessary to stop human or sex trafficking.

Finally, the bill directs the Office of Management and Budget to report on enforcement of the laws so we in Congress could conduct the necessary oversight.

I thank Senators JAMES LANKFORD and JONI ERNST for sending this important bill to the House for final passage in Congress today.

Mr. Speaker, I urge my colleagues to support this bill and for the President to sign S. 3470 into law.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I have no further speakers on this bill, and I reserve the balance of my time.

Mr. COMER. Mr. Speaker, let me be clear. Not a single dime of taxpayer money should ever flow to anyone engaged in human or sex trafficking activities. This bill is an important step toward ensuring responsible stewardship of taxpayer money.

Mr. Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, combating sex trafficking by any means, in this case with using the power of our contracting system, is truly a bipartisan effort in this committee.

Mr. Speaker, I support and urge passage of this bill, S. 3470.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, S. 3470.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1515

ARTIFICIAL INTELLIGENCE TRAINING FOR THE ACQUISITION WORKFORCE ACT

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2551), to require the Director of the Office of Management and Budget to establish or otherwise provide an artificial intelligence training program for the acquisition workforce, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Artificial Intelligence Training for the Acquisition Workforce Act” or the “AI Training Act”.

SEC. 2. ARTIFICIAL INTELLIGENCE TRAINING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AI.—The term “AI” has the meaning given the term “artificial intelligence” in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(2) AI TRAINING PROGRAM.—The term “AI training program” means the training program established under subsection (b)(1).

(3) COVERED WORKFORCE.—The term “covered workforce” means—

(A) employees of an executive agency who are responsible for—

(i) program management;

(ii) the planning, research, development, engineering, testing, and evaluation of systems, including quality control and assurance;

(iii) procurement and contracting;

(iv) logistics; or

(v) cost estimating; and

(B) other personnel of an executive agency designated by the head of the executive agency to participate in the AI training program.

(4) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(5) EXECUTIVE AGENCY.—The term “executive agency”—

(A) has the meaning given the term in section 133 of title 41, United States Code; and

(B) does not include—

(i) the Department of Defense or a component of the Department of Defense; or

(ii) the National Nuclear Security Administration or a component of the National Nuclear Security Administration.

(b) REQUIREMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and not less frequently than annually thereafter, the Director, in coordination with the Administrator of General Services and any other person determined relevant by the Director, shall develop and implement or otherwise provide an AI training program for the covered workforce.

(2) PURPOSE.—The purpose of the AI training program shall be to ensure that the covered workforce has knowledge of the capabilities and risks associated with AI.

(3) TOPICS.—The AI training program shall include information relating to—

(A) the science underlying AI, including how AI works;

(B) introductory concepts relating to the technological features of artificial intelligence systems;

(C) the ways in which AI can benefit the Federal Government;

(D) the risks posed by AI, including discrimination and risks to privacy;

(E) ways to mitigate the risks described in subparagraph (D), including efforts to create and identify AI that is reliable, safe, and trustworthy; and

(F) future trends in AI, including trends for homeland and national security and innovation.

(4) UPDATES.—Not less frequently than once every 2 years, the Director shall update the AI training program to—

(A) incorporate new information relating to AI; and

(B) ensure that the AI training program continues to satisfy the requirements under paragraph (3).

(5) FORMAT.—The Director is encouraged to develop and implement or otherwise include under the AI training program interactive learning with—

(A) technologists;

(B) scholars; and

(C) other experts from the private, public, and nonprofit sectors.

(6) METRICS.—The Director shall ensure the existence of a means by which to—

(A) understand and measure the participation of the covered workforce; and

(B) receive and consider feedback from participants in the AI training program to improve the AI training program.

(7) SUNSET.—Effective 10 years after the date of enactment of this Act, this section shall have no force or effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kentucky (Mr. COMER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2551, the Artificial Intelligence Training for the Acquisition Workforce Act, sponsored by Senate Homeland Security and Governmental Affairs Committee Chairman PETERS and Ranking

Member PORTMAN. I am proud to have introduced the House companion to this bill with Ranking Member COMER.

The AI Training Act would require the Office of Management and Budget, in coordination with the General Services Administration, to develop and implement an AI training program for Federal workers whose jobs involve this technology, including acquisition and program management employees.

The program would educate employees on the science underlying AI, introductory concepts, potential benefits of the technology, and future trends. Importantly, the program would also cover the risks posed by AI, including discrimination and risks to privacy, and would teach Federal workers how to mitigate these risks.

To ensure that the AI technology procured and employed by the U.S. Government is reliable, safe, and trustworthy, it is critical that Federal workers involved in procurement and management of this technology are well-trained.

AI tools have become essential in the global race to solve societal challenges, protect national security, and remain economically competitive. At the same time, the algorithms that drive AI systems present new challenges to oversight and accountability efforts. So we need proactive approaches to ensure transparency and governance that preserves privacy and civil liberties and protects the public interest.

The training program would be updated at least every 2 years, ensuring it keeps up with the rapid evolution of this field.

I thank Ranking Member COMER for joining me in advancing this legislation to require specialized Federal workforce training in AI that will help ensure the responsible acquisition and use of this technology that will have long-term benefits to the Government.

Mr. Speaker, I urge my colleagues to support S. 2551, and I reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, artificial intelligence, or AI, is a term that applies to a wide variety of technologies. AI plays a role in applications to simplify our everyday lives by performing complex tasks.

Navigation apps, online banking apps, spam filters, and even asking Siri or Alexa who won the Presidents Cup in North Carolina this weekend all employ various types of AI technology. The Federal Government also uses AI to improve government services and efficiency.

While there are multiple executive orders and initiatives promoting the use of AI across the government, to date there has not been a collective effort to train Federal workers who identify, buy, and manage artificial intelligence capabilities.

The National Security Commission on Artificial Intelligence, established in the fiscal year 2019 NDAA, has called for the Federal workforce to be better trained on artificial intelligence.

Mr. Speaker, when you consider the technology race against nations like China, the stakes are very high. In fact, the commission noted in its final report that the competition for government adoption of artificial intelligence technologies will not be won by the side with the best technology, it will be won by the side with the best, most diverse, and tech-savvy talent.

The Artificial Intelligence Training for the Acquisition Workforce Act establishes a government-wide training program for Federal workers responsible for AI program management and acquisition. This training will help ensure the consistent and safe procurement and use of AI products across the Federal Government.

Those purchasing and using AI systems in Federal agency missions and programs need to understand the limits of the technology's capabilities and the risks posed by potential misuse. The American taxpayers deserve nothing less.

Mr. Speaker, I appreciate Chairwoman MALONEY working with me on the House companion bill for this legislation. I am pleased to be an original cosponsor. I urge my colleagues to support this bill, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I have no further speakers on this side, and if the gentleman is prepared to close, then I am also prepared to close.

Mr. COMER. Mr. Speaker I have no further speakers.

In closing, Mr. Speaker, artificial intelligence is proving to be a game-changing technology for nearly every sector of our economy. For instance, artificial intelligence helps farmers efficiently grow crops, scientists develop new materials, and weather forecasters predict hurricanes more accurately.

In the Federal Government, the Social Security Administration uses AI to determine benefit claims. Artificial Intelligence Training for the Acquisition Workforce Act will be invaluable to the Federal approach to artificial intelligence.

Mr. Speaker, I, once again, encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank my friend and colleague, Mr. COMER, for his help and assistance on this bill. We worked on it together.

Mr. Speaker, I urge passage of S. 2551, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, S. 2551.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CHANCE TO COMPETE ACT OF 2022

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6967) to implement merit-based reforms to the civil service hiring system that replace degree-based hiring with skills- and competency-based hiring, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chance to Compete Act of 2022".

SEC. 2. DEFINITIONS.

(a) TERMS DEFINED IN SECTION 3304 OF TITLE 5, UNITED STATES CODE.—In this Act, the terms "agency", "Director", "examining agency", "Office", "subject matter expert", and "technical assessment" have the meanings given those terms in subsection (c)(1) of section 3304 of title 5, United States Code, as added by section 3(a).

(b) OTHER TERMS.—In this Act, the term "competitive service" has the meaning given the term in section 2102 of title 5, United States Code.

SEC. 3. DEFINING THE TERM "EXAMINATION" FOR PURPOSES OF HIRING IN THE COMPETITIVE SERVICE.

(a) EXAMINATIONS; TECHNICAL ASSESSMENTS.—

(1) IN GENERAL.—Section 3304 of title 5, United States Code, is amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(B) by inserting after subsection (b) the following:

“(c) EXAMINATIONS.—

“(1) DEFINITIONS.—

“(A) EXAMINATION.—

“(i) In this chapter, the term ‘examination’—

“(I) means an opportunity to directly demonstrate knowledge, skills, abilities, and competencies, through an assessment;

“(II) includes a résumé review that is—

“(aa) conducted by a subject matter expert; and

“(bb) based upon indicators that—

“(AA) are derived from a job analysis; and

“(BB) bear a rational relationship to performance in the position for which the examining agency is hiring; and

“(III) on and after the date that is 2 years after the date of enactment of the Chance to Compete Act of 2022, does not include a self-assessment from an automated examination, a résumé review (except as provided in subclause (II)), or any other method of determining the experience or level of educational attainment of an individual, alone.

“(ii)(I) An agency's Chief Human Capital Officer may waive clause (i)(III) if the Officer provides a written report to the Director of the Office of Personnel Management within 30 days of authorizing the waiver that justifies the need for such waiver and articulates the data, evidence, and circumstances for such need.

“(II) The Director is authorized to provide agencies guidance and instruction on the

data, evidence, and circumstances that should be included in the waiver described in subclause (I) and shall post any waiver on a public website within 30 days of receipt of the waiver.

“(III) A waiver shall not be considered in effect until it is posted on the public website pursuant to subclause (II).

“(B) OTHER DEFINITIONS.—In this subsection—

“(i) the term ‘agency’ means an agency described in section 901(b) of title 31;

“(ii) the term ‘Director’ means the Director of the Office;

“(iii) the term ‘examining agency’ means—

“(I) the Office; or

“(II) an agency to which the Director has delegated examining authority under section 1104(a)(2) of this title;

“(iv) the term ‘subject matter expert’ means an employee or selecting official—

“(I) who possesses understanding of the duties of, and knowledge, skills, and abilities required for, the position for which the employee or selecting official is developing or administering an assessment; and

“(II) whom the agency that employs the employee or selecting official designates to assist in the development and administration of technical assessments under paragraph (2); and

“(v) the term ‘technical assessment’ means an assessment developed under paragraph (2)(A)(i) that—

“(I) allows for the demonstration of job-related technical skills, abilities, and knowledge;

“(II)(aa) is based upon a job analysis; and

“(bb) is relevant to the position for which the assessment is developed; and

“(III) may include—

“(aa) a structured interview;

“(bb) a work-related exercise;

“(cc) a custom or generic procedure used to measure an individual's employment or career-related qualifications and interests; or

“(dd) another assessment that meets the criteria under subclauses (I) and (II).

“(2) TECHNICAL ASSESSMENTS.—

“(A) IN GENERAL.—For the purpose of conducting an examination for a position in the competitive service, an individual or individuals whom an agency determines to have an expertise in the subject and job field of the position, as affirmed and audited by the Chief Human Capital Officer or Human Resources Director (as applicable) of that agency, may—

“(i) develop, in partnership with human resources employees of the examining agency, a position-specific assessment that is relevant to the position; and

“(ii) administer the assessment developed under clause (i) to—

“(I) determine whether an applicant for the position has demonstrated qualification for the position; or

“(II) rank applicants for the position for category rating purposes under section 3319.

“(B) SHARING AND CUSTOMIZATION OF ASSESSMENTS.—

“(i) SHARING.—An examining agency may share a technical assessment with another examining agency if each agency maintains appropriate control over examination material.

“(ii) CUSTOMIZATION.—An examining agency with which a technical assessment is shared under clause (i) may customize the assessment as appropriate, provided that the resulting assessment satisfies the requirements under part 300 of title 5, Code of Federal Regulations (or any successor regulation).

“(iii) PLATFORM FOR SHARING AND CUSTOMIZATION.—

“(I) IN GENERAL.—The Director shall establish and operate an online platform on which

examining agencies can share and customize technical assessments under this subparagraph.

“(II) ONLINE PLATFORM.—The Director shall—

“(aa) not be responsible for independently validating the utility of the content and technical assessments shared in the online platform described in subclause (I); and

“(bb) ensure that such online platform includes the ability of its users to rate the utility of the content and technical assessments shared in the online platform to allow for a ranking of such contents.

“(3) REGULATIONS.—Not later than one year after the date of enactment of the Chance to Compete Act of 2022, the Office of Personnel Management shall prescribe regulations necessary for the administration of this subsection with respect to employees in each agency.”.

(2) ALTERNATIVE RANKING AND SELECTION PROCEDURES.—Section 3319(a) of title 5, United States Code, is amended by adding at the end the following: “To be placed in a quality category under the preceding sentence, an applicant shall be required to have passed an examination in accordance with section 3304(b), subject to the exceptions in that section.”.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 3330a(a)(1)(B) of title 5, United States Code, is amended by striking “section 3304(f)(1)” and inserting “section 3304(g)(1)”.

(b) OPM REPORTING.—

(1) PUBLIC ONLINE TOOL.—

(A) IN GENERAL.—The Director of the Office of Personnel Management shall maintain and periodically update a publicly available online tool that, with respect to each position in the competitive service for which an examining agency examined applicants during the applicable period, includes—

(i) the type of assessment used, such as—

(I) a behavioral off-the-shelf assessment;

(II) a résumé review conducted by a subject matter expert;

(III) an interview conducted by a subject matter expert;

(IV) a technical off-the-shelf assessment; or

(V) a cognitive ability test;

(ii) whether or not the agency selected a candidate for the position; and

(iii) the hiring authority used to fill the position.

(B) TIMING.—

(i) INITIAL DATA.—Not later than 180 days after the date of enactment of this Act, the Director shall update the online tool described in subparagraph (A) with data for positions in the competitive service for which an examining agency examined applicants during the period beginning on the date of enactment of this Act and ending on the date of the submission of the report.

(ii) SUBSEQUENT UPDATES.—Not later than October 1 of each fiscal year beginning after the date on which the online tool is initially updated under clause (i), the Director shall update the online tool described in subparagraph (A) with data for positions in the competitive service for which an examining agency examined applicants during the preceding fiscal year.

(2) ANNUAL PROGRESS REPORT.—

(A) IN GENERAL.—Each year, the Director, in accordance with subparagraphs (B) and (C), shall make publicly available and submit to Congress an overall progress report that includes summary data from examinations that are closed, audited, and anonymous on the use of examinations (as defined in subsection (c)(1)(A) of section 3304 of title 5, United States Code, as added by subsection (a) of this section) for the competitive service, including technical assessments.

(B) CATEGORIES; BASELINE DATA.—In carrying out subparagraph (A), the Director shall—

(i) break the data down by applicant demographic indicator, including veteran status, race, gender, disability, and any other measure the Director determines appropriate; and

(ii) use the data available as of October 1, 2020, as a baseline.

(C) LIMITATIONS.—In carrying out subparagraph (A), the Director may only make publicly available and submit to Congress data relating to examinations for which—

(i) the related announcement is closed;

(ii) certificates have been audited; and

(iii) all hiring processes are completed.

(c) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) assesses the implementation of this section and the amendments made by this section;

(2) assesses the impact and modifications to the hiring process for the competitive service made by this section and the amendments made by this section; and

(3) makes recommendations for the improvement of the hiring process for the competitive service.

SEC. 4. AMENDMENTS TO COMPETITIVE SERVICE ACT OF 2015.

(a) PLATFORMS FOR SHARING CERTIFICATES OF ELIGIBLES.—

(1) IN GENERAL.—Section 3318(b) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “240-day” and inserting “1-year”;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

“(5) ONLINE TOOL FOR SHARING RÉSUMÉS OF INDIVIDUALS ON CERTIFICATES OF ELIGIBLES.—Not later than one year after the date of enactment of the Chance to Compete Act of 2022, the Director of the Office of Personnel Management shall establish and operate an online tool on which an appointing authority can share, with other appointing authorities and the Chief Human Capital Officers Council established under section 1303 of the Chief Human Capital Officers Act of 2002 (5 U.S.C. 1401 note; Public Law 107–296), the resumes of individuals who are on a certificate of eligibles requested by the appointing authority. In carrying out this paragraph, the Director shall consult with the Chief Human Capital Officers Council and its membership to develop a plan to establish such online tool.”.

(2) PLAN.—Not later than 270 days year after the date of enactment of this Act, the Director shall provide to Congress a plan to develop the online tool required in paragraph (5) of section 3318(b) of title 5, United States Code, as added by paragraph (1) of this subsection. Such plan shall—

(A) incorporate the input and feedback collected during the required consultation under such paragraph; and

(B) include estimated costs for building and operating the online tool for ten years.

(b) MAXIMIZING SHARING OF APPLICANT INFORMATION.—Section 2 of the Competitive Service Act of 2015 (Public Law 114–137; 130 Stat. 310) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) EXPLORING THE BENEFITS OF MAXIMIZING SHARING OF APPLICANT INFORMATION.—

“(1) DEFINITIONS.—In this subsection—

“(A) the terms ‘agency’, ‘Director’, and ‘Office’ have the meanings given those terms in section 3304(c)(1) of title 5, United States Code; and

“(B) the term ‘competitive service’ has the meaning given the term in section 2102 of title 5, United States Code.

“(2) MAXIMIZING SHARING.—The Director shall research the benefits of maximizing the sharing of information among agencies regarding qualified applicants for positions in the competitive service, including by—

“(A) providing for the delegation to other agencies of the authority of the Office to host multi-agency hiring actions to increase the return on investment on high-quality pooled announcements; and

“(B) sharing certificates of eligibles and accompanying résumés for appointment.”.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Director shall provide a written report to Congress on the findings of the research required by the amendment made by subsection (b)(2). Such report shall include a plan to implement the most effective methods of maximizing the sharing of qualified candidates for positions in the competitive service.

SEC. 5. MODERNIZING AND REFORMING THE ASSESSMENT AND HIRING OF FEDERAL JOB CANDIDATES.

(a) OPM REVIEW.—The Director shall conduct a review of all examinations for hiring for a position that the Office or any other examining agency has determined requires a minimum educational requirement because of the nature of the duties of such position is of a scientific, technical, or professional position pursuant to section 3308 of title 5, United States Code, to determine whether there are data, evidence, or other information that justifies the need for educational requirements for such position. The Director shall consult with appropriate agencies, employee representatives, external experts, and other stakeholders when making any such determinations.

(b) ONLINE TOOL REGARDING POSITION DUTIES.—

(1) IN GENERAL.—Not later than two years after the date of enactment of this Act, the Director shall create and maintain an online tool that lists each of the duties determined to require minimum educational requirements and the data, evidence, or other information that justifies the need for these educational requirements. This online tool shall include a mechanism to receive feedback regarding data, evidence, or information that could affect the determination that a duty requires a minimum educational requirement.

(2) HIRING PRACTICES.—Not later than one year after the creation of the online tool under paragraph (1), the Director and the head of any other examining agency shall amend the hiring practices of the Office or the other examining agency, respectively, in accordance with the findings of the review made by subsection (a).

(c) ONLINE TOOL REGARDING RECRUITING.—Upon the date of enactment of this Act, the Director shall establish and maintain an online tool that provides Federal agencies guidance on, and information about, all programs and authorities that help agencies attract, recruit, hire, and retain individuals.

SEC. 6. TALENT TEAMS.

(a) FEDERAL AGENCY TALENT TEAMS.—

(1) IN GENERAL.—An agency may establish one or more talent teams (referred to in this section as “agency talent teams”), including at the component level.

(2) DUTIES.—An agency talent team shall provide hiring support to the agency and other agencies, including by—

(A) improving examinations (as defined in subsection (c)(1)(A) of section 3304 of title 5, United States Code, as added by section 3(a));

(B) facilitating writing job announcements for the competitive service;

(C) sharing high-quality certificates of eligibles; and

(D) facilitating hiring for the competitive service using examinations (as defined in such subsection (c)(1)(A)) and subject matter experts.

(b) OFFICE OF PERSONNEL MANAGEMENT.—The Director may establish a Federal talent team to support agency talent teams in facilitating pooled hiring actions across the Federal Government, providing training, and creating technology platforms to facilitate hiring for the competitive service, including—

(1) the development of technical assessments; and

(2) the sharing of certificates of eligibles and accompanying résumés under sections 3318(b) and 3319(c) of title 5, United States Code.

SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kentucky (Mr. COMER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 6967.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6967, the Chance to Compete Act.

The bipartisan Chance to Compete Act was introduced by Representative HICE along with Representatives KHANNA, FOXX, and MFUME. Representatives MACE and Subcommittee Chairman CONNOLLY later joined the bill, as well.

This bill aims to make evaluations more useful in assessing the skills of candidates for Federal positions and alleviate inefficiencies that have long hindered the hiring process.

The bill turns away from the current reliance on self-assessment and attainment of an educational degree to determine candidate qualifications in the Federal hiring process. Instead, subject matter experts in agencies would design assessments that test knowledge specific to a position for which the agency is hiring.

This overhaul to the assessment method would better match qualified applicants with positions and expand employment opportunities to candidates with more diverse professional and educational backgrounds.

The Chance to Compete Act aligns with the Office of Personnel Management’s guidance released in May to facilitate an executive order to modernize the process of assessing and hiring Federal job candidates. Establishing hiring methods that are more skills-based will improve agency managers’ ability to hire people who possess the knowledge and experience to do the job and to hire from a wider array of qualified applicants.

The bill also directs the Office of Personnel Management to create an online platform for sharing candidate assessments between agencies and maintain a portal for hiring managers to find candidates who have already demonstrated their qualifications for certain positions but were not hired.

Under this legislation, agencies may assemble talent teams to support this assessment of job candidates and the hiring process.

The OPM director would be required to submit annual progress reports to Congress on the use of the skills-based assessments. After 5 years, the Government Accountability Office would conduct a study of the implementation of the Federal job assessment reforms and their impact on the Federal hiring process.

This bill streamlines the hiring process for Federal agencies and shortens the time it takes to bring new, well-qualified employees on board.

The Senate companion to this bill, introduced by Senator SINEMA, also enjoys bipartisan support.

I thank Representative HICE for his leadership in introducing this bill that is the result of constructive collaboration by several members of our committee from both sides of the aisle.

Mr. Speaker, I urge all my colleagues to join me in supporting it, and I reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congress is charged with overseeing the general management and operations of government agencies. For the success of each Federal program, we must have a competent and skilled workforce to deliver services to the American people, defend our Nation, and execute the laws passed by Congress. However, agencies currently lack the tools to identify and hire the best candidates to fill the broad types of job positions supporting the Federal Government’s various missions and programs.

The problem is that hiring for the Federal civil service has over-relied on the paper credentials and self-administered job proficiency assessments of candidates.

The Chance to Compete Act makes sure agencies use objective, skills-based assessments to evaluate job candidates. The private sector already uses such structured interviews, knowledge tests, and writing samples for the hiring process. It is time for the Federal Government to do so, as well.

Agencies should be able to hire professionals that can do the work, and

there are many ways to build the right kind of professional expertise.

H.R. 6967 represents one of those rare, bipartisan legislative reforms that targets a specific problem, implements tested solutions, and reflects private-sector best practices. The bill codifies and improves upon policy initiatives begun in the Trump administration which the Biden administration is continuing to implement.

Mr. Speaker, I thank the House Oversight and Reform Committee Chairwoman MALONEY and Government Operations Subcommittee Chairman GERRY CONNOLLY for working diligently with the bill’s cosponsor, Congressman JODY HICE, to strengthen this bipartisan bill.

□ 1530

Mr. Speaker, I thank Representatives RO KHANNA, VIRGINIA FOXX, and KWEISI MFUME for their support. We hope that our Senate colleagues can rapidly advance this important legislation so it can be signed into law this year, and I urge my colleagues to support this smart reform bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. HICE), the ranking member of the Subcommittee on Government Operations.

Mr. HICE of Georgia. Mr. Speaker, I appreciate the support and comments both from Ranking Member COMER and Chairwoman MALONEY. I appreciate that a great deal.

The concept of this bill is quite simple. It allows us to hire applicants for Federal positions based on whether or not they have the skills for the job. It is really that simple.

Too frequently, the hiring process is based on whether or not someone has a degree whether or not that degree has anything to do with the specific position or not.

Currently, hiring managers also have to rely on self-assessments that are filled out by applicants to determine their strengths and weaknesses. Not surprisingly, those assessments also are likely not to work.

This Chance to Compete Act simply allows agencies to develop appropriate skills that are based on examinations so that the applicants show what they can do. Federal supervisors have said for a long time that their top concern is getting a pool of quality candidates to do the job, and this bill addresses that problem head-on.

It will facilitate agencies sharing information about candidates who have passed assessments, which will make the hiring process more efficient across the government, saving both time and money. It also creates teams of subject matter experts to help agencies create assessments that are geared for the job.

This builds off what was started in the Trump administration, and I likewise express my thanks to Representatives KHANNA, FOXX, MFUME, and MACE for their cosponsorship, as well as Chairman CONNOLLY, my colleague

from the Subcommittee on Government Operations.

This is good policy. It will help America's government work more efficiently.

Mr. Speaker, I urge my colleagues to support this smart reform bill.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I reserve the balance of my time.

Mr. COMER. Mr. Speaker, this is a commonsense bill aimed at hiring applicants for Federal positions based on whether they have the relevant skills to do the job. The American people deserve nothing less from their Federal Government.

Mr. Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I urge passage of H.R. 6967, and I yield back the balance of my time.

Mr. Speaker, I rise in support of H.R. 6967, the Chance to Compete Act.

This bill is a good first step in reforming how we find and hire talent to the federal civil service and removes barriers that prevent agencies from recruiting the best talent.

The bill specifically eliminates antiquated hiring assessment tools, improves federal agencies' hiring process, and allows qualified applicants to compete for open positions across government. This bill will move government away from a focus on academic parchment to a prioritization on skills and expertise.

I'm proud to be a cosponsor of this bill, introduced by my Ranking Member JODY HICE and my Oversight colleague RO KHANNA.

The bill came to us from the Senate, less than perfect and opposed by the Administration.

But parties across both chambers worked together to draft an updated version of the bill that incorporates important feedback from the Office of Personnel Management and the Office of Management and Budget.

As currently drafted, the bill would:

Redefine competitive-service hiring applicant assessments to help agencies focus on candidates who can perform on the job.

Put subject-matter experts at the helm of hiring, empowering those who can best distinguish practical performers from the field of candidates.

Require OPM to begin a review of all federal "duties" that require an educational achievement level for hiring purposes, and then instructs OPM to make available online the data.

Clarify to agencies, Congress, and the public why some positions, like a doctor at the Department of Veterans Affairs, must have an advanced degree, while a cybersecurity expert at the Department of Homeland Security would benefit from a seasoned specialist, trained from the field.

Authorize "talent teams" in agency human resources offices—ensuring each agency has a key group of staff focused on improving federal hiring.

I thank Ranking Member HICE for working with me to improve this bill and ensure it is policy that all stakeholders, including the Administration and our union partners, believe will improve how we find and recruit talent to the federal government.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, H.R. 6967, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SERGEANT GERALD T. "JERRY" DONNELLAN POST OFFICE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6267) to designate the facility of the United States Postal Service located at 15 Chestnut Street in Suffern, New York, as the "Sergeant Gerald T. 'Jerry' Donnellan Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT GERALD T. "JERRY" DONNELLAN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15 Chestnut Street in Suffern, New York, shall be known and designated as the "Sergeant Gerald T. 'Jerry' Donnellan Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Gerald T. 'Jerry' Donnellan Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Georgia (Mr. HICE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support today of H.R. 6267, authored by my good friend and colleague from the great State of New York.

This bill will designate the facility of the United States Postal Service located at 15 Chestnut Street in Suffern, New York, as the Sergeant Gerald T. "Jerry" Donnellan Post Office.

Sergeant Donnellan was born on December 18, 1946, in Nyack, New York, as

the youngest of five children. He graduated from Albertus Magnus High School and went on to major in English at Rockland Community College and Texas A&M University.

During the height of the Vietnam war, Sergeant Donnellan was drafted into the Army and began his basic training at Fort Gordon in Georgia. After several months, he was deployed to Vietnam.

On the front lines, Sergeant Donnellan sustained life-threatening injuries after an enemy grenade exploded in front of him. While in recovery at Valley Forge, he received the Purple Heart.

After recovery, Sergeant Donnellan worked in the Veterans Service Agency office of Rockland County as commissioner of veterans affairs until his retirement in January 2018.

During his tenure, he created the local Chapter 333 of the Vietnam Veterans of America, started a veterans' health clinic, helped create Camp Shanks Museum in Orangetown, established the Rockland County Buffalo Soldiers Award to recognize the contributions of African-American veterans, and established the Rockland County Public Service Medal to honor those who served in Afghanistan, Iraq, and the global war on terror.

Mr. Speaker, I urge my colleagues to join me in honoring Sergeant Donnellan, a Purple Heart recipient, by naming the post office after him.

Mr. Speaker, I reserve the balance of my time.

Mr. HICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6267, which honors Gerald T. Donnellan.

Mr. Donnellan served in the U.S. Army during the Vietnam war, rising to the rank of sergeant and receiving three Purple Hearts.

After the war, his service to his country and community continued for his entire life. He served as commissioner of veterans affairs in Rockland County, New York, for 30 years and was responsible for starting a veterans' health clinic in the county.

He leaves a legacy of other noteworthy accomplishments. He established a local chapter of the Vietnam Veterans of America. He helped create the Camp Shanks Museum, commemorating the military facility that served as the largest point of embarkation for soldiers headed for the front lines in North Africa and Europe during World War II.

He also established the Rockland County Buffalo Soldiers Award to recognize the contribution of African-American veterans.

He helped start the Memorial Day watchfires in 1987 as an alternative to a parade for Vietnam veterans, and he established the Rockland County Public Service Medal to honor those who served in Afghanistan, Iraq, and the global war on terror.

Gerald T. Donnellan was a true patriot who committed his life to the United States for veterans and his local community.

Mr. Speaker, I encourage my colleagues to support this bill, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. JONES), the distinguished vice chair of the Committee on the Judiciary's Subcommittee on Courts, Intellectual Property, and the Internet.

Mr. JONES. Mr. Speaker, I rise in strong support of my bill, H.R. 6267, to designate the post office located at 15 Chestnut Street in Suffern, New York, as the Sergeant Gerald T. "Jerry" Donnellan Post Office.

I am humbled to honor the late Sergeant Jerry Donnellan, whose memory brings great pride to all of us in New York's 17th Congressional District.

Mr. Donnellan was a Valley Cottage native and a three-time Purple Heart recipient who served in Vietnam as a U.S. Army sergeant. During an ambush, he was wounded and lost his lower right leg to a grenade. He underwent countless surgeries and extensive physical therapy before returning home to Rockland County in 1970.

Against all odds, Mr. Donnellan persevered. He learned to walk again alongside his newborn son. He even pursued his passion for theater and built a successful career as a stage manager for nearly two decades, including for Frank Sinatra.

But he never lost his love for public service. In 1986, when he learned of high rates of servicemember and veteran suicides, Mr. Donnellan was moved. He became a veterans counselor at Rockland County's Veterans Agency Office.

In 1992, he was appointed Rockland County's commissioner of veterans affairs. During his tenure, Sergeant Donnellan created local Chapter 333 of the Vietnam Veterans of America and started a veterans' health clinic. He helped create Camp Shanks Museum in the town of Orangetown and established the Rockland County Buffalo Soldiers Award to recognize the contributions of Black veterans.

He helped to start the Memorial Day watchfires in 1987, the year I was born, and established the Rockland County Public Service Medal to honor those who served in Afghanistan and Iraq.

Sergeant Donnellan never relented in his advocacy for our veterans and their families. He embodied selflessness as a soldier and civilian, treating every veteran and every person with the respect and dignity they deserve.

Today, we honor Sergeant Donnellan's life and his legacy. His commitment to serving our country and our fellow Americans should inspire us all.

Mr. HICE of Georgia. Mr. Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I commend my colleague and friend, MONDAIRE JONES, for his leadership on this bill and so many other areas here in Congress. He certainly deserves this name-changing for the post office there.

Mr. Speaker, I urge passage of H.R. 6267, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, H.R. 6267.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RONALD A. ROBINSON POST OFFICE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6080) to designate the facility of the United States Postal Service located at 5420 Kavanaugh Boulevard in Little Rock, Arkansas, as the "Ronald A. Robinson Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RONALD A. ROBINSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5420 Kavanaugh Boulevard in Little Rock, Arkansas, shall be known and designated as the "Ronald A. Robinson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ronald A. Robinson Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Georgia (Mr. HICE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6080 to designate the facility of the U.S. Postal Service located at 5420 Kavanaugh Boulevard in Little Rock, Arkansas, as the Ronald A. Robinson Post Office.

Mr. Robinson was a graduate of the University of Arkansas at Fayetteville, where he earned a bachelor's degree in journalism. He went on to study public relations at Boston University's Graduate School of Public Communications.

He served in the U.S. Air Force as a captain and was awarded a Bronze Star in Vietnam. He also received the Air Force Commendation Medal in 1969 for his support of the Apollo 11 mission to the Moon.

Mr. Robinson, in 1970, joined the marketing and communications firm Cranford Johnson Robinson Woods. After 26 years, he retired from the firm as its chief executive officer. During his tenure, the firm became the largest advertising agency in Arkansas, with notable business and political clients.

In 1993, he was appointed to the U.S. Postal Service's Citizens' Stamp Advisory Committee by the U.S. Postmaster General. In 2005, Mr. Robinson was named chairman of that committee. During his 15 years serving on the committee, Mr. Robinson was involved in the creation and production of more than 1,750 postage stamp issues.

He used his influence to highlight Arkansas in several of the newly issued postage stamps.

Mr. Speaker, I encourage my colleagues to join in honoring Mr. Robinson by naming a post office in Little Rock, Arkansas, after him.

Mr. Speaker, I reserve the balance of my time.

□ 1545

Mr. HICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6080, which honors Ronald A. Robinson.

We name many post offices for a variety of reasons around here, but the one we are considering now is notable in that it reflects Mr. Robinson's lifelong interest in and support of postal matters.

Specifically, Mr. Robinson was an avid stamp collector, but this was not just a hobby. In fact, between 1993 and 2008, he served on the Postal Service's Citizens' Stamp Advisory Committee, a body appointed by the Postmaster General to recommend subjects for commemoration on U.S. postal stamps. Mr. Robinson served as chairman of the committee for the last 3 years of his life and tenure.

Over the 15 years he served on the committee, Mr. Robinson was involved in the creation and production of more than 1,750 postal stamps. In addition to his service to the Postal Service, Mr. Robinson served as captain in the U.S. Air Force during the Vietnam war, for which he was awarded a Bronze Star. He also received the Air Force Commendation Medal for his support of the Apollo 11 mission to the Moon.

In addition to his public service, Mr. Robinson also enjoyed a successful private-sector career. After leaving the Air Force, he joined Cranford, Johnson,

Robinson, Woods, a marketing and communications firm in Arkansas.

He began as an intern at the firm and rose to become the firm's CEO—helping build it into the largest advertising agency in Arkansas and receiving numerous awards and recognitions along the way.

Mr. Speaker, Mr. Robinson passed away in 2018, leaving a legacy of service and accomplishment. I encourage my colleagues to support this bill, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I reserve the balance of my time.

Mr. HICE of Georgia. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. HILL), the author of this bill.

Mr. HILL. Mr. Speaker, I thank my friend, Mr. HICE, and the chairwoman for this time.

Mr. Speaker, I do indeed rise today in support of H.R. 6080, the bill to designate the U.S. Post Office at 5420 Kavanaugh Boulevard in Little Rock, Arkansas, as the Ronald A. Robinson Post Office.

Ron, as he was known, was truly larger than life. Ron was born on April 3, 1943, and he passed away August 14, 2018, at 75 years old. Ron lived an extraordinary life that included serving with distinction as an Air Force captain, communications professional, and an avid stamp collector.

Ron attended the University of Arkansas at Fayetteville, where he earned his degree in journalism. While studying journalism, he was a sports-writer covering the Arkansas Razorbacks for the Arkansas Gazette. He was also editor of the University of Arkansas newspaper, The Arkansas Traveler.

In 1966, Ron attended the Boston University Graduate School of Public Communications to study public relations.

Ron joined the Air Force, and he served as an officer for nearly 5 years. During his time in the Air Force, he rose to the rank of captain. His assignments included being the head of internal information for the nationwide Air Force ROTC program. He was also chief of combat news and the director of information for the Defense Intelligence Agency's Aeronautical Chart and Information Center.

Ron earned a Bronze Star for his service in Vietnam. He also earned the Air Force Commendation Medal for his support of 1969 Apollo 11 mission to the Moon. After his career as a sports-writer and Air Force captain, Ron became a PR expert at Cranford, Johnson.

Out of his public relations career, Ron was an avid collector of Arkansas political and historical memorabilia, U.S. postage stamps, and vintage movie posters. His house was literally a museum.

Ron began collecting stamps as a boy. He loved history and pop culture. Stamps were able to connect both of these interests for Ron Robinson.

In 1993, Ron was appointed to the U.S. Postal Service's Citizens' Stamp Advisory Committee by the U.S. Postmaster General. The U.S. Postal Service's Citizens' Stamp Advisory Committee recommends new postage stamps to the Postmaster General.

Serving on that committee was the role of a lifetime for Ron Robinson. It was an incredible honor for him, and he treasured every moment of his 15 years. He served as chair of the committee from 2005 to 2008, when, as noted, over that period of time he was involved in the creation and development of 1,750 postage stamps.

Some of Ron's favorites are here with us: 1996 Fulbright Scholarship stamp; the 2001 Hattie Caraway, the first woman elected to the United States Senate; and the 2005 Little Rock Central High School civil rights stamp.

Ron was able to use his influence to ensure that Arkansas was the subject of many newly issued postage stamps.

Ron's work and love for stamps made him an influential figure in the city of Little Rock and our State of Arkansas. He was a father, mentor, and good friend to many, including me.

Ron was well-known for being a prolific writer, and he would write hundreds of handwritten thank you notes and cards to his friends for encouragement throughout his life. He enjoyed writing those notes and placing the postage stamp on the envelope himself.

Ron's love for postage stamps and his work on the Postal Service's Citizens' Stamp Advisory Committee makes him the ideal citizen—as my friend, Mr. HICE, noted—to lend his name to his neighborhood post office after recognition of his lifetime of service to Arkansas and the United States.

Mr. Speaker, I urge all my colleagues to support this bill, and I thank my friends on both sides of the aisle.

Mr. HICE of Georgia. Mr. Speaker, I have no further speakers, and I am prepared to close.

Mr. Speaker, this is a good bill. I urge my colleagues to support it, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I urge passage of H.R. 6080, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, H.R. 6080.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

IMPROVING TRAUMA SYSTEMS AND EMERGENCY CARE ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8163) to amend the Public Health Service Act with respect to trauma care, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Trauma Systems and Emergency Care Act".

SEC. 2. TRAUMA CARE REAUTHORIZATION.

(a) IN GENERAL.—Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) by inserting "analyze," after "compile,"; and

(ii) by inserting "and medically underserved areas" before the semicolon;

(B) in paragraph (4), by adding "and" after the semicolon;

(C) by striking paragraph (5); and

(D) by redesignating paragraph (6) as paragraph (5);

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) TRAUMA CARE READINESS AND COORDINATION.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall support the efforts of States and consortia of States to coordinate and improve emergency medical services and trauma care during a public health emergency declared by the Secretary pursuant to section 319 or a major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Such support may include—

"(1) developing, issuing, and updating guidance, as appropriate, to support the coordinated medical triage and evacuation to appropriate medical institutions based on patient medical need, taking into account regionalized systems of care;

"(2) disseminating, as appropriate, information on evidence-based or evidence-informed trauma care practices, taking into consideration emergency medical services and trauma care systems, including such practices identified through activities conducted under subsection (a) and which may include the identification and dissemination of performance metrics, as applicable and appropriate; and

"(3) other activities, as appropriate, to optimize a coordinated and flexible approach to the emergency response and medical surge capacity of hospitals, other health care facilities, critical care, and emergency medical systems."

(b) GRANTS TO IMPROVE TRAUMA CARE IN RURAL AREAS.—Section 1202 of the Public Health Service Act (42 U.S.C. 300d-3) is amended—

(1) by amending the section heading to read as follows: "GRANTS TO IMPROVE TRAUMA CARE IN RURAL AREAS";

(2) by amending subsections (a) and (b) to read as follows:

"(a) IN GENERAL.—The Secretary shall award grants to eligible entities for the purpose of carrying out research and demonstration projects to support the improvement of emergency medical services and trauma care in rural areas through the development of innovative uses of technology, training and education, transportation of seriously injured patients for the purposes of receiving such emergency medical services, access to prehospital care, evaluation of protocols for the purposes of improvement of outcomes and dissemination of any related best practices, activities to facilitate clinical research, as applicable and appropriate, and increasing communication and coordination with applicable State or Tribal trauma systems.

"(b) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall be a

public or private entity that provides trauma care in a rural area.

“(2) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to eligible entities that will provide services under the grant in any rural area identified by a State under section 1214(d)(1).”; and

(3) by adding at the end the following:

“(d) **REPORTS.**—An entity that receives a grant under this section shall submit to the Secretary such reports as the Secretary may require to inform administration of the program under this section.”.

(c) **PILOT GRANTS FOR TRAUMA CENTERS.**—Section 1204 of the Public Health Service Act (42 U.S.C. 300d–6) is amended—

(1) by amending the section heading to read as follows: “**PILOT GRANTS FOR TRAUMA CENTERS**”;

(2) in subsection (a)—

(A) by striking “not fewer than 4” and inserting “10”;

(B) by striking “that design, implement, and evaluate” and inserting “to design, implement, and evaluate new or existing”;

(C) by striking “emergency care” and inserting “emergency medical”;

(D) by inserting “, and improve access to trauma care within such systems” before the period;

(3) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following:

“(A) a State or consortia of States;

“(B) an Indian Tribe or Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act);

“(C) a consortium of level I, II, or III trauma centers designated by applicable State or local agencies within an applicable State or region, and, as applicable, other emergency services providers; or

“(D) a consortium or partnership of nonprofit Indian Health Service, Indian Tribal, and urban Indian trauma centers.”;

(4) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “that proposes a pilot project”;

(ii) by striking “an emergency medical and trauma system that—” and inserting “a new or existing emergency medical and trauma system. Such eligible entity shall use amounts awarded under this subsection to carry out 2 or more of the following activities.”;

(B) in paragraph (1)—

(i) by striking “coordinates” and inserting “Strengthening coordination and communication”;

(ii) by striking “an approach to emergency medical and trauma system access throughout the region, including 9–1–1 Public Safety Answering Points and emergency medical dispatch,” and inserting “approaches to improve situational awareness and emergency medical and trauma system access.”;

(C) in paragraph (2)—

(i) by striking “includes” and inserting “Providing”;

(ii) by inserting “support patient movement to” after “region to”;

(iii) by striking the semicolon and inserting a period;

(D) in paragraph (3)—

(i) by striking “allows for” and inserting “Improving”;

(ii) by striking “; and” and inserting a period;

(E) in paragraph (4), by striking “includes a consistent” and inserting “Supporting a consistent”;

(F) by adding at the end the following:

“(5) Establishing, implementing, and disseminating, or utilizing existing, as applicable, evidence-based or evidence-informed practices across facilities within such emergency medical and trauma system to improve health outcomes, including such practices related to management of injuries, and the ability of such facilities to surge.

“(6) Conducting activities to facilitate clinical research, as applicable and appropriate.”;

(5) in subsection (d)(2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “the proposed” and inserting “the applicable emergency medical and trauma system”;

(ii) in clause (i), by inserting “or Tribal entity” after “equivalent State office”; and

(iii) in clause (vi), by striking “; and” and inserting a semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) for eligible entities described in subparagraph (C) or (D) of subsection (b)(1), a description of, and evidence of, coordination with the applicable State Office of Emergency Medical Services (or equivalent State Office) or applicable such office for a Tribe or Tribal organization; and”;

(6) in subsection (f), by striking “population in a medically underserved area” and inserting “medically underserved population”;

(7) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking “described in”;

(B) in paragraph (2), by striking “the system characteristics that contribute to” and inserting “opportunities for improvement, including recommendations for how to improve”;

(C) by striking paragraph (4);

(D) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively;

(E) in paragraph (4), as so redesignated, by striking “; and” and inserting a semicolon;

(F) in paragraph (5), as so redesignated, by striking the period and inserting “; and”;

(G) by adding at the end the following:

“(6) any evidence-based or evidence-informed strategies developed or utilized pursuant to subsection (c)(5).”; and

(8) by amending subsection (h) to read as follows:

“(h) **DISSEMINATION OF FINDINGS.**—Not later than 1 year after the completion of the final project under subsection (a), the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the information contained in each report submitted pursuant to subsection (g) and any additional actions planned by the Secretary related to regionalized emergency care and trauma systems.”.

(d) **PROGRAM FUNDING.**—Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32(a)) is amended by striking “2010 through 2014” and inserting “2023 through 2027”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 8163.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 8163, the Improving Trauma Systems and Emergency Care Act, sponsored by Representative O’HALLERAN of Arizona. This bill will

improve access to trauma services throughout the country and better coordinate emergency care when patients need it the very most.

Traumatic injury is a major public health issue claiming more than 270,000 lives every year, and accounting for billions of dollars in healthcare spending throughout the Nation.

Trauma affects every one of our communities, but about 46 million Americans, most of whom live in rural areas, do not live within one hour of a Level I or Level II trauma center. This is often referred to as the “golden hour” following traumatic injury. Prompt medical treatment during this hour produces the highest likelihood of preventing a patient’s death.

H.R. 8163 reauthorizes grants that will enhance access to trauma care, improve coordination among trauma systems, and provide resources for rural access to trauma services. The grants included in the bill are intended to help trauma systems develop best practices, not only for their own patients, but also to facilitate the dissemination of those best practices to similar trauma systems throughout the Nation to improve overall care.

Mr. Speaker, I thank my colleagues on the Energy and Commerce Committee for their tremendous work to reach bipartisan agreement on this bill. I also commend Representative O’HALLERAN for his tireless advocacy on this issue for all rural communities.

Mr. Speaker, H.R. 8163 is a strong bill that will help people in every community. I urge my colleagues to support it, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my support for H.R. 8163, the Improving Trauma Systems and Emergency Care Act of 2022, which is sponsored by my Energy and Commerce Committee colleague, Representative TOM O’HALLERAN.

This legislation renews a program in the Public Health Service Act that authorizes the Secretary of Health and Human Services to award grants to improve local trauma care readiness and emergency medical services.

According to the Centers for Disease Control and Prevention, the CDC, trauma is a leading cause of death for children and adults under the age of 44. Ensuring access to trauma care requires many crucial components, and the window of opportunity for a chance at survival is narrow for a severely injured patient; a prompt response is truly a matter of life and death.

However, in many rural parts of the United States, accident victims and others suffering life-threatening injuries may not be able to receive needed trauma care within an hour, or even many hours, following an incident.

H.R. 8163 will help ensure seriously injured patients have the best possible chance for survival by supporting States to coordinate and improve regional emergency medical services and

trauma care, and by supporting trauma centers to improve their emergency system situational awareness and access.

The bill also authorizes grants for carrying out research and demonstration projects to support the improvement of emergency medical services and trauma care in rural areas.

Mr. Speaker, I thank Chair PALLONE and Chair ESHOO for working with us to make sure the State match is maintained.

Mr. Speaker, I urge adoption of this bill, and I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I urge the passage of 8163, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I also urge support. This is bipartisan. This is really important to rural areas, in particular.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 8163, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. TIFFANY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1600

MAXIMIZING OUTCOMES THROUGH BETTER INVESTMENTS IN LIFE-SAVING EQUIPMENT FOR (MOBILE) HEALTH CARE ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 958) to amend the Public Health Service Act to expand the allowable use criteria for new access points grants for community health centers.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Maximizing Outcomes through Better Investments in Lifesaving Equipment for (MOBILE) Health Care Act”.

SEC. 2. NEW ACCESS POINTS GRANTS.

(a) IN GENERAL.—Section 330(e)(6)(A) of the Public Health Service Act (42 U.S.C. 254b(e)(6)(A)) is amended by adding at the end the following:

“(v) MOBILE UNITS.—An existing health center may be awarded funds under clause (1) to establish a new delivery site that is a mobile unit, regardless of whether the applicant

additionally proposes to establish a permanent, full-time site. In the case of a health center that is not currently receiving funds under this section, such health center may be awarded funds under clause (1) to establish a new delivery site that is a mobile unit only if such health center uses a portion of such funds to also establish a permanent, full-time site.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2024.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 958.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 958, the Maximizing Outcomes through Better Investments in Life-saving Equipment for Health Care Act, or the MOBILE Health Care Act. This Senate bill is the companion to H.R. 5141, which passed out of the Energy and Commerce Committee last week. The bipartisan bill will help expand access to community health centers and the important care they provide to individuals who live in hard-to-reach areas of the country.

Community health centers are a critical source of care for nearly 30 million Americans. Unfortunately, many people who live in rural and geographically isolated areas can struggle to reach a community health center. Many others may lack access to reliable transportation that can make it difficult to get the care they need.

Now, one way to mitigate these barriers to access is to allow community health centers to establish mobile health clinics. These clinics can meet people where they live to provide the care they need. There is already funding to establish new community health centers through the New Access Points grants but, unfortunately, existing rules for these grants make it difficult to receive Federal funding to set up these mobile sites.

So this legislation will make it easier for community health centers to use New Access Points grants to establish mobile clinics and help eliminate one of the barriers to care for rural areas.

I thank Representatives SUSIE LEE, HUDSON, RUIZ, and HERRERA BEUTLER for their leadership on this issue and their hard work to advance this important bill.

The House companion to this commonsense, bipartisan legislation was voted out of the Energy and Commerce Committee by a unanimous vote of 52-

to-0 last week, so I am proud to support this bill, and I look forward to sending it to the President's desk.

I urge my colleagues to join me in supporting S. 958, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 958, the Maximizing Outcomes through Better Investments in Life-saving Equipment, or the MOBILE Health Care Act.

Federally Qualified Health Centers, or FQHCs, are an integral part of the healthcare system. They provide much-needed healthcare services to some of our most vulnerable populations, the uninsured, pregnant women, children, those suffering from homelessness, and veterans, as well as Medicare and Medicaid beneficiaries.

It can be difficult for patients to access care at FQHCs in rural and underserved areas due to transportation constraints. One way to help improve healthcare delivery is for FQHCs to meet patients where they are by deploying mobile units.

The MOBILE Health Care Act will allow existing FQHCs to use their New Access Point grants to establish mobile health units without also creating new brick-and-mortar sites and without authorizing any new grant programs or funding.

Further, it allows new applicants to use these grants to purchase mobile health units if they also use a portion of the grant to establish a permanent, full-time site.

This bill will help increase access to affordable primary care services across the country, especially in rural areas, like my district.

I thank the bill's sponsors, Representatives HUDSON, HERRERA BEUTLER, LEE, and RUIZ for introducing this important legislation.

I urge my colleagues to support the underlying bill, and I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Mrs. LEE), the sponsor of this legislation.

Mrs. LEE of Nevada. Mr. Speaker, I thank the chairman for his leadership, as well as my cosponsors: Representatives HUDSON, HERRERA BEUTLER, and RUIZ for their hard work in supporting this piece of legislation.

I rise today in strong support of my bipartisan legislation, the MOBILE Health Care Act, which will help more Americans access the quality healthcare they need and deserve.

In my State of Nevada, more than two-thirds of residents live in a primary care health professional shortage area. In our rural communities, that number goes to 82 percent.

Needless to say, the situation is dire, and that is why expanding access to quality healthcare has been a priority of mine since I have been a Member of Congress.

Expanding the capabilities of Federally Qualified Health Centers, commonly known as FQHCs, has been a top

focus of mine when it comes to expanding access to healthcare. That is because FQHCs lead the Nation in driving quality improvement, while reducing healthcare costs.

Across this country, 1 in 11 Americans, including 400,000 veterans, and nearly 9 million children, rely on FQHCs for their primary healthcare. They have been a huge success in expanding quality care, but the reality is, smaller, rural communities do not have the population base to support full-time health centers.

There are also many Americans, in both rural and urban areas, who lack transportation to access their closest FQHC, and that is exactly where mobile health units come in. Mobile health units have the capability to bring high-quality healthcare to all Americans, especially those in underserved areas.

My bill will allow FQHCs this important flexibility to use their Federal New Access Point grants to establish mobile health units. This will allow health centers to better serve their communities, especially communities that have traditionally been hard to reach; and this does so at no additional cost to the taxpayer.

In my district, we have seen the difference these mobile units make. For example, the Nevada Health Centers currently runs three mobile health units: The Children's Mobile Medical Unit, the Ronald McDonald Care Mobile Unit, and the Mammovan.

The Mammovan is a mobile mammography unit that travels to underserved areas of our State, providing mammograms to women in geographically isolated areas and those who may not otherwise seek this important preventative care that will allow for early detection and simply will save lives.

The First Person Care Clinic in Nevada also has a mobile health unit and is in the process of setting up a second one, which will expand access to primary care to more patients from Las Vegas, to Henderson, to Laughlin.

Recently, I had the opportunity to see firsthand the Mammovan in action, and I am proud of all of Nevada's health centers and the southern Nevada Health District who are leading the way in providing lifesaving mobile healthcare for Nevadans.

We must build off these success stories and ensure health centers across America can utilize mobile health units where they make sense to better serve their communities.

We must keep working to ensure that every American has access to healthcare they need and deserve; and that is why I encourage my colleagues to vote "yes" on this critical piece of legislation today.

Mr. GUTHRIE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER), my Energy and Commerce Committee colleague.

Mr. CARTER of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to express my support for S. 958, the companion

bill to H.R. 5141, the MOBILE Health Care Act.

As my colleagues have pointed out, community health centers across the country play a crucial role in ensuring rural and underserved communities have access to affordable, quality healthcare.

For more than 50 years, health centers have provided services to America's most vulnerable population and medically underserved communities. These centers are the healthcare home for nearly 29 million patients, including 9 million children and over 400,000 veterans.

The MOBILE Health Care Act that we are considering today would help these centers further expand their reach to the most rural areas of our country by giving them greater flexibility and allowing them to bring clinics even closer to the patients that they serve.

I understand the need for increasing access to health services and appreciate how beneficial health centers have proven to be in my district. Community health centers are an integral part of the healthcare safety net, and this bill will improve access to care for many of my constituents. I encourage my colleagues to support this bill.

Mr. GUTHRIE. Mr. Speaker, this is an important piece of legislation. I urge my colleagues to vote "yes," and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, this is an important bill. It is bipartisan. I urge my colleagues to vote "yes," and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KAHELE). The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 958.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. TIFFANY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

INFORMING CONSUMERS ABOUT SMART DEVICES ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4081) to require the disclosure of a camera or recording capability in certain internet-connected devices, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Informing Consumers about Smart Devices Act".

SEC. 2. REQUIRED DISCLOSURE OF A CAMERA OR RECORDING CAPABILITY IN CERTAIN INTERNET-CONNECTED DEVICES.

Each manufacturer of a covered device shall disclose whether the covered device manufactured by the manufacturer contains a camera or microphone as a component of the covered device.

SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section 2 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ACTIONS BY THE COMMISSION.—

(1) IN GENERAL.—The Federal Trade Commission shall prevent any person from violating this Act or a regulation promulgated under this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(2) PENALTIES AND PRIVILEGES.—Any person who violates this Act or a regulation promulgated under this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(c) COMMISSION GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Commission, through outreach to relevant private entities, shall issue guidance to assist manufacturers in complying with the requirements of this Act, including guidance about best practices for making the disclosure required by section 2 as clear and conspicuous as practicable.

(d) TAILORED GUIDANCE.—A manufacturer of a covered device may petition the Commission for tailored guidance as to how to meet the requirements of section 2.

(e) LIMITATION ON COMMISSION GUIDANCE.—No guidance issued by the Commission with respect to this Act shall confer any rights on any person, State, or locality, nor shall operate to bind the Commission or any person to the approach recommended in such guidance. In any enforcement action brought pursuant to this Act, the Commission shall allege a specific violation of a provision of this Act. The Commission may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidelines, unless the Commission determines such practices expressly violate section 2.

SEC. 4. DEFINITION OF COVERED DEVICE.

As used in this Act, the term "covered device"—

(1) means a consumer product, as defined by section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)) that is capable of connecting to the internet, a component of which is a camera or microphone; and

(2) does not include—

(A) a telephone (including a mobile phone), a laptop, tablet, or any device that a consumer would reasonably expect to have a microphone or camera;

(B) any device that is specifically marketed as a camera, telecommunications device, or microphone; or

(C) any device or apparatus described in sections 255, 716, and 718, and subsections (aa) and (bb) of section 303 of the Communications Act of 1934 (47 U.S.C. 255; 617; 619; and 303(aa) and (bb)), and any regulations promulgated thereunder.

SEC. 5. EFFECTIVE DATE.

This Act shall apply to all devices manufactured after the date that is 180 days after

the date on which guidance is issued by the Commission under section 3(c), and shall not apply to devices manufactured or sold before such date, or otherwise introduced into interstate commerce before such date.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4081.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4081, the Informing Consumers About Smart Devices Act.

For consumers, the benefits of technological progress are all around us. Perhaps nowhere is this more apparent than in our homes. The growing array of smart devices and household appliances with voice, video, and internet connectivity and technology make our lives easier, more entertaining, and more comfortable.

So, while there is no question that smart refrigerators, home assistants like Amazon's Alexa, and the countless other internet-connected devices that have microphones or cameras benefit consumers, there is also no question that these devices should not be able to listen to or watch us without our knowledge or consent. Unfortunately, studies confirm that many devices do not disclose these capabilities. Some are easily tricked into recording when people do not want them to do so.

So H.R. 4081 addresses this straightforward problem with a straightforward solution. The bill requires manufacturers of internet-connected devices that are equipped with a camera or microphone to disclose to consumers that a camera or microphone is part of the device. The bill does not apply to mobile phones, laptops, or other devices that a consumer would already reasonably expect to include a camera or microphone.

Now, the Federal Trade Commission must issue guidance to help businesses comply with these new requirements and may seek penalties, including civil penalties, for violations.

This bill will protect consumers; and I commend Representatives CURTIS and

MOULTON for their bipartisan work on this legislation.

This bill is commonsense, balanced, and bipartisan. It is a solution to an issue that touches all Americans. It unanimously passed out of the Energy and Commerce Committee in July by a vote of 53-to-0 and is yet another example of the work the committee is doing to protect consumers. I hope that trend continues today here on the House floor because there is no reason why consumers should ever be spied on by their own household devices without their knowledge and consent.

So, Mr. Speaker, I urge all my colleagues to support this important consumer protection legislation, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4081, the Informing Consumers About Smart Devices Act, introduced by Representative CURTIS.

In the past few years, we have seen a tremendous advancement in the development of technologies in consumer products. While many of these technologies make everyday life more convenient, they also have the ability to collect data from their users without their knowledge.

While it may be apparent to users that a laptop has the ability to record conversations, it certainly may not be clear that other devices like televisions, refrigerators, even toasters, have the same capabilities.

This bipartisan legislation would simply require manufacturers of the internet-connected devices that contain a microphone or a camera, and that do not market themselves as such consumer electronics, to disclose to consumers that such a component is part of the device, either pre- or post-sale.

We owe it to our constituents to ensure these types of devices are not recording them without their consent and collecting data when their users are not aware.

I thank Representatives CURTIS and MOULTON for their bipartisan work on H.R. 4081.

Mr. Speaker, I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

□ 1615

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I want to take this opportunity to talk about one of our key staff people who is leaving in the next few days. The person, of course, is Jerry Leverich, who is right behind me here.

Jerry has played an instrumental role in the committee's work, not only with consumer protection but on so many issues. Shortly after I became the top Democrat on the committee, more than 7 years ago, he started. He is currently the staff director for both our Subcommittee on Communications and Technology and our Subcommittee on Consumer Protection and Commerce.

Over these last 7 years since he has been here, he has played a critical role in our efforts to expand access to broadband nationwide, make internet service more affordable, and protect consumers from annoying robocalls.

I have to also say that if it wasn't for him, I don't know that I would be able to deal with a lot of technological issues in the committee or even explain a lot of what we are doing on the issues.

He led our efforts this summer, on the Democratic side, on passing out of committee for the first time the bicameral and bipartisan consumer data privacy bill, which we consider on both sides of the aisle a significant achievement. We are still working, obviously, to bring that to the House floor before the end of this session of Congress.

Mr. Speaker, I thank him for his counsel. I wish him nothing but the best in his future endeavors. Obviously, we don't want him to leave. I also want to say that not only is Jerry such an expert and so intelligent and wise on so many issues, but he is also a great individual and someone you can always rely on to be straightforward and tell us when we are doing good things, tell us when we are not, telling us when we can do things that are achievable and when they are not. Generally, overall, he has been a great staff member, so I thank him.

Mr. Speaker, I ask that we all support this legislation, and I yield back the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself the balance of my time.

We wish Jerry Godspeed and thank him for the good work. I know sometimes when our staff leaves, it is bittersweet. We hate to see them go but know they are going to different opportunities. The hard work that both your side and our side of the aisle do together, sometimes when we are working on things together, sometimes negotiating together, it is always good work. We are well served. The American people, more than anything, are well served by the people who work here on Capitol Hill. I thank and congratulate Jerry.

Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 4081, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TIFFANY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

VISIT AMERICA ACT

Ms. SCHAKOWSKY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6965) to promote travel and tourism in the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Visit America Act”.

SEC. 2. ASSISTANT SECRETARY FOR TRAVEL AND TOURISM.

Section 2(d) of the Reorganization Plan Numbered 3 of 1979 (93 Stat. 1382; 5 U.S.C. App.) is amended—

(1) by striking “There shall be in the Department two additional Assistant Secretaries” and inserting “(1) There shall be in the Department 3 additional Assistant Secretaries, including the Assistant Secretary of Commerce for Travel and Tourism.”; and

(2) by adding at the end the following:

“(2) The Assistant Secretary of Commerce for Travel and Tourism shall—

“(A) be appointed by the President, subject to the advice and consent of the Senate; and

“(B) report directly to the Under Secretary for International Trade.”.

SEC. 3. RESPONSIBILITIES OF THE ASSISTANT SECRETARY OF COMMERCE FOR TRAVEL AND TOURISM.

(a) VISITATION GOALS.—The Assistant Secretary of Commerce for Travel and Tourism (referred to in this section as the “Assistant Secretary”), appointed pursuant to section 2(d) of the Reorganization Plan Numbered 3 of 1979, as amended by section 2, shall—

(1) in consultation with relevant Federal agencies, establish an annual visitation goal, consistent with the goals of the travel and tourism strategy developed pursuant to section 4(1), for—

(A) the number of international visitors to the United States; and

(B) the value of travel and tourism commerce;

(2) develop recommendations for achieving the annual goals established pursuant to paragraph (1);

(3) ensure that travel and tourism policy is developed in consultation with—

(A) the Tourism Policy Council;

(B) the Secretary of State;

(C) the Secretary of Homeland Security;

(D) the National Travel and Tourism Office;

(E) Brand USA;

(F) the United States Travel and Tourism Advisory Board; and

(G) travel industry partners, including public and private destination marketing organizations, travel and tourism suppliers, and labor representatives from these industries;

(4) establish short-, medium-, and long-term timelines for implementing the recommendations developed pursuant to paragraph (2);

(5) conduct Federal agency needs assessments, in consultation with the Office of Management and Budget and other relevant Federal agencies, to identify the resources, statutory or regulatory changes, and private sector engagement needed to achieve the annual visitation goals; and

(6) provide assessments and recommendations to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) the public through a publicly accessible website.

(b) DOMESTIC TRAVEL AND TOURISM.—The Assistant Secretary, to the extent feasible, shall—

(1) evaluate, on an ongoing basis, domestic policy options for supporting competitiveness with respect to the strengths, weaknesses, and growth of the domestic travel industry;

(2) develop recommendations and goals to support and enhance domestic tourism, separated by business and leisure; and

(3) engage public and private stakeholders to support domestic tourism.

(c) WORKFORCE.—The Assistant Secretary shall—

(1) consult with the Secretary of Labor to develop strategies and best practices for improving the timeliness and reliability of travel and tourism workforce data;

(2) work with the Secretary of Labor and the Bureau of Economic Analysis to improve travel and tourism industry data; and

(3) provide recommendations for policy enhancements and efficiencies.

(d) INTERNATIONAL BUSINESS TRAVEL FACILITATION.—The Assistant Secretary, in coordination with relevant Federal agencies, shall work to increase and facilitate international business travel to the United States and ensure competitiveness by engaging in, at a minimum—

(1) facilitating large meetings, incentives, conferences, and exhibitions to be hosted in the United States;

(2) emphasizing rural and other destinations rich in cultural heritage or ecological tourism, among other uniquely American destinations, as locations for hosting international meetings, incentives, conferences, and exhibitions in the United States; and

(3) facilitating sports and recreation events and activities, which shall be hosted in the United States.

(e) RECOVERY STRATEGY.—

(1) INITIAL RECOVERY STRATEGY.—Not later than 1 year after amounts are appropriated to accomplish the purposes of this section, the Assistant Secretary, in consultation with public and private stakeholders identified in subsection (a)(3) and public health officials, shall develop and implement a COVID-19 public health emergency recovery strategy to assist the United States travel and tourism industry to quickly recover from the pandemic.

(2) FUTURE RECOVERY STRATEGIES.—After assisting in the implementation of the strategy developed pursuant to paragraph (1), the Assistant Secretary, in consultation with appropriate public and private stakeholders, shall develop additional recovery strategies for the travel and tourism industry in anticipation of other unforeseen catastrophic events that would significantly affect the travel and tourism industry, such as hurricanes, floods, tsunamis, tornadoes, terrorist attacks, and pandemics.

(3) COST-BENEFIT ANALYSIS.—In developing the COVID-19 public health emergency recovery strategy under paragraph (1) and additional recovery strategies for the travel and tourism industry under paragraph (2), the Assistant Secretary shall conduct cost-benefit analyses that take into account the health and economic effects of public health mitigation measures on the travel and tourism industry.

(f) REPORTING REQUIREMENTS.—

(1) ASSISTANT SECRETARY.—The Assistant Secretary shall produce an annual forecasting report on the travel and tourism industry, to the extent feasible, which shall include current and anticipated—

(A) domestic employment needs;

(B) international inbound volume and spending, taking into account the lasting ef-

fects of the COVID-19 public health emergency and the impact of the recovery strategy implemented pursuant to subsection (e)(1); and

(C) domestic volume and spending, including Federal and State public land travel and tourism data.

(2) BUREAU OF ECONOMIC ANALYSIS.—The Director of the Bureau of Economic Analysis should annually update, to the extent feasible, the Travel and Tourism Satellite Accounts, including—

(A) State level travel and tourism spending data;

(B) travel and tourism workforce data for full-time and part-time employment; and

(C) Federal and State public lands outdoor recreational activity and tourism spending data.

(3) NATIONAL TRAVEL AND TOURISM OFFICE.—The Director of the National Travel and Tourism Office—

(A) in partnership with the Bureau of Economic Analysis and other relevant Federal agencies, shall report international arrival and spending data on a regular monthly schedule, which shall be made available to the Travel and Tourism Advisory Board and to the public through a publicly available website; and

(B) shall include questions in the Survey of International Air Travelers regarding wait-times, visits to public lands, and State data, to the extent applicable.

SEC. 4. TRAVEL AND TOURISM STRATEGY.

Not less frequently than once every 10 years, the Secretary of Commerce, in consultation with the United States Travel and Tourism Advisory Board, the Tourism Policy Council, the Secretary of State, and the Secretary of Homeland Security, shall develop and submit to Congress a 10-year travel and tourism strategy, which shall include—

(1) the establishment of goals with respect to the number of annual international visitors to the United States and the annual value of travel and tourism commerce in the United States during such 10-year period;

(2) the resources needed to achieve the goals established pursuant to paragraph (1); and

(3) recommendations for statutory or regulatory changes that would be necessary to achieve such goals.

SEC. 5. UNITED STATES TRAVEL AND TOURISM ADVISORY BOARD.

Section 3 of the Act of July 19, 1940, entitled “An Act to encourage travel in the United States, and for other purposes” (15 U.S.C. 1546) is amended—

(1) by striking “SEC. 3” and all that follows through “The Secretary of the Interior is authorized” and inserting the following:

“SEC. 3. UNITED STATES TRAVEL AND TOURISM ADVISORY BOARD; ADVISORY COMMITTEE.

“(a) UNITED STATES TRAVEL AND TOURISM ADVISORY BOARD.—

“(1) IN GENERAL.—There is established the United States Travel and Tourism Advisory Board (referred to in this subsection as the ‘Board’), the members of which shall be appointed by the Secretary of Commerce for 2-year terms from among companies and organizations in the travel and tourism industry.

“(2) EXECUTIVE DIRECTOR.—The Assistant Secretary for Travel and Tourism shall serve as the Executive Director of the Board.

“(3) EXECUTIVE SECRETARIAT.—The Director of the National Travel and Tourism Office of the International Trade Administration shall serve as the Executive Secretariat for the Board.

“(4) FUNCTIONS.—The Board’s Charter shall specify that the Board will—

“(A) serve as the advisory body to the Secretary of Commerce on matters relating to

the travel and tourism industry in the United States;

“(B) advise the Secretary of Commerce on Government policies and programs that affect the United States travel and tourism industry;

“(C) offer counsel on current and emerging issues;

“(D) provide a forum for discussing and proposing solutions to problems related to the travel and tourism industry; and

“(E) provide advice regarding the domestic travel and tourism industry as an economic engine.

“(5) RECOVERY STRATEGY.—The Board shall assist the Assistant Secretary in the development and implementation of the COVID-19 public health emergency recovery strategy required under section 3(e)(1) of the Visit America Act.

“(b) ADVISORY COMMITTEE FOR PROMOTION OF TOURIST TRAVEL.—The Secretary of Commerce is authorized”; and

(2) by striking “the Secretary of the Interior to serve” and inserting “the Secretary of Commerce to serve”.

SEC. 6. DATA ON DOMESTIC TRAVEL AND TOURISM.

The Secretary of Commerce, subject to the availability of appropriations, shall collect and make public aggregate data on domestic travel and tourism trends.

SEC. 7. COMPLETION OF PROCEEDING.

If the Secretary of Commerce has, before the date of the enactment of this Act, taken action that in whole or in part implements this Act or the amendments made by this Act, the Secretary is not required to revisit such action, but only to the extent such action is consistent with this Act and the amendments made by this Act.

SEC. 8. DEFINED TERM.

In this Act, the term “COVID-19 public health emergency”—

(1) means the public health emergency first declared on January 31, 2020, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19; and

(2) includes any renewal of such declaration pursuant to such section 319.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6965.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 6965, the Visit America Act.

Since the beginning of the COVID pandemic, America's travel and tourism industry has been seriously upended. The pandemic caused a 48 percent reduction for the industry in 2020. The bipartisan Visit America Act is the latest bill that the House has brought to the floor to help turn the tide for a sec-

tor that has not rebounded as quickly as some others.

From the Committee on Energy and Commerce, we are so happy that we are able to bring this to the floor.

While travel has certainly increased over the last year, it is still significantly lower than previously before the pandemic. As an example, business travel spending is on the rise, but it is still expected to be 50 percent below 2019 levels. In the meantime, the number of travelers visiting the United States from overseas fell by 79 percent in September 2021 as compared to that same month in 2019.

These are significant reductions that are impacting not only companies directly involved in the tourism and travel industry but small businesses all across the Nation that rely on travelers to keep them in business.

Today, the United States is the only G20 country not to have a high-ranking official focusing on the travel and tourism industry. This has prevented the industry from producing a coordinated approach to recovery of the industry and to make us more competitive with the rest of the world.

H.R. 6965 addresses this deficiency and provides the industry with a path forward for continuing recovery and growth in the future. This bill establishes the role of the assistant secretary of commerce for travel and tourism at the Department of Commerce. It also requires the assistant secretary to develop and implement a COVID-19 pandemic recovery strategy, as well as strategic plans for future disruptions that hopefully we aren't going to see.

The bill also requires the Department of Commerce to develop a 10-year travel and tourism strategy, as well as provides statutory authority for the United States Travel and Tourism Advisory Board, which will aid the assistant secretary in developing and implementing these important strategies.

H.R. 6965 passed out of the Committee on Energy and Commerce last week unanimously, 56-0. I commend the tireless and passionate efforts put forth by Representative TITUS, the author of this legislation. Without her and the good work done by Representatives SOTO, CASE, KUSTER, and the late Don Young—God bless his heart—we would not have gotten this agenda done. I also thank Chairmen NADLER and MEEKS for working with us to get this to the House floor today.

I know the Senate has also been working on travel and tourism legislation and is moving forward with a package of bills that includes the Visit America Act. Although there are some technical differences between the two bills, my hope is that we can get together and work together as quickly as possible and get this legislation passed.

Mr. Speaker, I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,

Washington, DC, September 23, 2022.

Hon. FRANK PALLONE, Jr.

Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR CHAIRMAN PALLONE: This letter is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 6965, the “Visit America Act,” that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee is willing to forgo action on H.R. 6965, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,

JERROLD NADLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,

Washington, DC, September 23, 2022.

Hon. JERROLD NADLER,

Chairman, Committee on the Judiciary,
Washington, DC.

DEAR CHAIRMAN NADLER: Thank you for consulting with the Committee on Energy and Commerce and agreeing to be discharged from further consideration of H.R. 6965, the “Visit America Act,” so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your Committee or prejudice its jurisdictional prerogatives on this measure or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will place our letters into the Congressional Record during consideration of the measure on the House floor. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

FRANK PALLONE, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,

Washington, DC, September 26, 2022.

Hon. FRANK PALLONE, Jr.,

Chair, Committee on Energy and Commerce,
House of Representatives, Washington, DC.

DEAR CHAIR PALLONE: In recognition of the desire to expedite consideration of H.R. 6965, the “Visit America Act,” the Committee on Foreign Affairs agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on Foreign Affairs.

The Committee on Foreign Affairs takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any issues within our

jurisdiction. I ask you to support the appointment of Committee on Foreign Affairs conferees during any House-Senate conference convened on this legislation.

Finally, thank you for agreeing to include a copy of our exchange of letters in the Congressional Record during floor consideration of H.R. 6965.

Sincerely,

GREGORY W. MEEKS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 27, 2022.

Hon. GREGORY W. MEEKS,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR CHAIRMAN MEEKS: Thank you for consulting with the Committee on Energy and Commerce and agreeing to be discharged from further consideration of H.R. 6965, the "Visit America Act," so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your Committee or prejudice its jurisdictional prerogatives on this measure or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will place our letters into the Congressional Record during consideration of the measure on the House floor. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

FRANK PALLONE, Jr.,
Chairman.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6965, the Visit America Act.

The bill along with H.R. 7820, the Travel and Tourism Act, from Representative DUNN, and H.R. 4594, the Restoring Brand USA Act, from Representative BILIRAKIS, have represented bipartisan efforts to assist our tourism sector with economic recovery post-COVID-19.

Representative BILIRAKIS is not here speaking about this bill. He is home in Tampa, Florida, and represents the Tampa Bay area, as all of us know. Mr. Speaker, our thoughts and prayers are with his community in Florida and the other States that have to deal with the remnants of the rain. Our thoughts and prayers are with them.

Back to the bill, while I am pleased that Representative BILIRAKIS' Brand USA legislation was signed into law this year, more work and bipartisan efforts are needed to build upon Representative BILIRAKIS' efforts to increase tourism.

Without question, the COVID-19 pandemic was difficult for all industries, but the travel and tourism industry was hit especially hard.

According to testimony by the U.S. Travel Association before the Subcommittee on Consumer Protection and Commerce, at the end of 2021, international travel spending was 78 percent below prepandemic levels.

This bipartisan legislation can support the U.S. travel and tourism indus-

try and address the declining percentage of international visitors to the United States. The Visit America Act will help by directing the Department of Commerce to develop a 10-year travel and tourism strategy with annual goals for the number of international visitors to the United States.

Again, I thank the sponsors and co-sponsors of all of these bills that we have considered at the Committee on Energy and Commerce. I would like to give special recognition to our colleague, Representative BILIRAKIS, the ranking member of the Subcommittee on Consumer Protection and co-chair of the Congressional Travel and Tourism Caucus, who, as I noted, is back home, duly focusing on the hurricane response and serving his constituents.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I rise today in strong support of H.R. 6965, the Visit America Act.

U.S. travel and tourism is one of our country's core industries. Pre-COVID, it generated some \$2.6 trillion in annual economic output, was one of our largest export and service industries, and supported fully 1 in 10 U.S. jobs. In many States, my own Hawaii being a prime example, it is our leading industry.

□ 1630

But COVID taught us in spades how fragile this economic and jobs generator can be. Very frankly, it has never earned full respect in terms of Federal Government attention, focus, and support, given its prominence.

U.S. travel and tourism needs and deserves far more. This bill, in which I am joined by the gentlewoman from Nevada (Ms. TITUS), the gentleman from Florida (Mr. BILIRAKIS), our House Travel and Tourism Caucus, and other colleagues, in addition to all aspects of the industry, is a necessary start on a new chapter through a coordinated, high-level Federal effort, including a 10-year travel and tourism strategy and finally, finally, like other countries, an Assistant Secretary of Commerce for Travel and Tourism.

Mr. Speaker, I strongly urge its passage.

Mr. GUTHRIE. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, we have the greatest country in the world. I love when people want to come see the beauty of our great land and meet our great people. We have a wonderful opportunity for people to come see our country. The tourism industry is a great industry, as are the people who serve in it.

Mr. Speaker, I urge the passage of this bill, and I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I urge everyone to support this legislation because it is so important, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and pass the bill, H.R. 6965, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. TIFANY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CREDIT UNION BOARD MODERNIZATION ACT

Ms. WATERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6889) to mend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Union Board Modernization Act".

SEC. 2. FREQUENCY OF BOARD OF DIRECTORS MEETINGS.

Section 113 of the Federal Credit Union Act (12 U.S.C. 1761b) is amended—

(1) by striking "monthly" each place such term appears;

(2) in the matter preceding paragraph (1), by striking "The board of directors" and inserting the following:

"(a) IN GENERAL.—The board of directors";

(3) in subsection (a) (as so designated), by striking "shall meet at least once a month and"; and

(4) by adding at the end the following:

"(b) MEETINGS.—The board of directors of a Federal credit union shall meet as follows:

"(1) With respect to a de novo Federal credit union, not less frequently than monthly during each of the first five years of the existence of such Federal credit union.

"(2) Not less than six times annually, with at least one meeting held during each fiscal quarter, with respect to a Federal credit union—

"(A) with composite rating of either 1 or 2 under the Uniform Financial Institutions Rating System (or an equivalent rating under a comparable rating system); and

"(B) with a capability of management rating under such composite rating of either 1 or 2.

"(3) Not less frequently than once a month, with respect to a Federal credit union—

"(A) with composite rating of either 3, 4, or 5 under the Uniform Financial Institutions Rating System (or an equivalent rating under a comparable rating system); or

"(B) with a capability of management rating under such composite rating of either 3, 4, or 5."

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in

the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Wisconsin (Mr. STEIL) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

First, I thank the gentleman from California (Mr. VARGAS) for offering H.R. 6889, the Credit Union Board Modernization Act.

This bipartisan bill would revise Federal credit union board meeting requirements to bring highly rated Federal credit unions in line with State credit union charter requirements in 17 States, including my home State of California.

Under this bill, Federal credit unions that are highly rated by their regulator, including a highly rated management team, would be required to meet at least six times annually, with at least one meeting held during each fiscal quarter. This would be a reduction from the current requirement to meet monthly.

To ensure stability and mitigate the risk of institutional failure, there are important safeguards included in the bill. For example, de novo or new Federal credit union boards would still be required to meet at least monthly during the first 5 years of receiving a charter, as well as Federal credit unions that have received low exam ratings.

Additionally, if emergencies or issues arise requiring a board meeting, nothing in the bill prevents Federal credit unions from meeting more frequently.

Credit unions and consumer groups support H.R. 6889, including the California and Nevada Credit Union Leagues, Americans for Financial Reform, and Center for Responsible Lending.

Mr. Speaker, I urge Members to support this bill as well, and I reserve the balance of my time.

Mr. STEIL. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6889, the Credit Union Board Modernization Act.

I thank the gentlewoman from California (Ms. WATERS), the chairwoman of the Financial Services Committee, as well as the gentleman from California (Mr. VARGAS) for introducing this legislation, and the gentleman from Ohio (Mr. GONZALEZ) for cosponsoring.

The commonsense bill will modernize credit union practices while ensuring

the safety and soundness of Federal credit unions.

H.R. 6889 would amend the Federal Credit Union Act to revise the frequency of meetings that a Federal credit union's board of directors is required to hold.

Specifically, the bill requires monthly meetings for de novo Federal credit unions during the first 5 years of existence. Highly rated credit unions, 1 or 2 CAMELS rating, with high management ratings, must hold at least six meetings annually, with at least one meeting held during each fiscal quarter. Lower rated credit unions, 3, 4 or 5 CAMELS, must continue meeting once a month.

This is a change from current law, which requires all Federal credit union boards to meet at least once a month. This meeting requirement can be burdensome for credit union staff and their volunteer board members. This is especially true for smaller credit unions and for those with few employees or those located in rural areas.

The resources needed to run monthly board meetings shift valuable employee and board member time and focus away from services that credit unions provide to their consumers.

Commonsense, regulatory rightsizing bills like this one help American families by reducing costs and the challenges associated with accessing financial services.

H.R. 6889 is a strong, bipartisan bill that protects the safety and soundness of credit unions. It also illustrates how Members can come together to create nonpartisan legislation, modernizing outdated practices and policies. I look forward to working with my colleagues across the aisle to meaningfully support our community financial institutions.

Mr. Speaker, I reiterate to my colleagues that H.R. 6889 is commonsense legislation that will modernize credit unions.

Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself the balance of my time to close.

H.R. 6889 will incentivize Federal credit union boards to ensure their institutions are highly rated and well run in order to reduce the number of board meetings they need to hold.

I therefore urge Members to support H.R. 6889, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 6889, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FULCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this motion will be postponed.

BANKING TRANSPARENCY FOR SANCTIONED PERSONS ACT OF 2021

Ms. WATERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2710) to increase transparency with respect to financial services benefiting state sponsors of terrorism, human rights abusers, and corrupt officials, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Banking Transparency for Sanctioned Persons Act of 2021".

SEC. 2. REPORT ON FINANCIAL SERVICES BENEFITTING STATE SPONSORS OF TERRORISM, HUMAN RIGHTS ABUSERS, AND CORRUPT OFFICIALS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall issue a report to the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate that includes a copy of any license issued by the Secretary in the preceding 180 days that authorizes a United States financial institution (as defined under section 561.309 of title 31, Code of Federal Regulations) to provide financial services benefitting—

(1) a state sponsor of terrorism; or

(2) a person sanctioned pursuant to any of the following:

(A) Section 404 of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Public Law 112-208).

(B) Subtitle F of title XII of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328, the Global Magnitsky Human Rights Accountability Act).

(C) Executive Order No. 13818.

(b) FORM OF REPORT.—The report required under subsection (a) shall be submitted in unclassified form but may contain a classified annex.

SEC. 3. SUNSET.

The reporting requirement under this Act shall terminate on the date that is the end of the 7-year period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Wisconsin (Mr. STEIL) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2710, the Banking Transparency for Sanctioned Persons Act of 2021.

This legislation requires the Secretary of the Treasury to report to Congress semiannually with a copy of any license Treasury issues in the preceding 180 days that authorizes a U.S. financial institution to provide services benefiting a state sponsor of terrorism and certain other sanctioned entities, including human rights abusers and corrupt officials. It would sunset 7 years after enactment of the act.

I am supportive of the disclosure requirements in this bill because I believe that this after-the-fact reporting to congressional committees regarding these specific licenses can serve as a useful oversight tool.

When the Office of Foreign Assets Control, or OFAC, issues a specific license, it allows a particular individual or entity to engage in a transaction that would otherwise be prohibited under a United States sanctions program. Typically, specific licenses are granted by OFAC when the person or entity requesting such a license makes clear that allowing for the permitted transactions serves a compelling public policy goal. But currently, Treasury does not release specific licenses granted to individuals or entities or any information about them.

OFAC's licensing authority is an important part of an effective administration of United States sanctions, and disclosure is an important part of Congress' ability to conduct effective oversight.

Now, there is a risk that if some licenses were to become public, they would disclose commercially sensitive information to potential market competitors, introducing issues of corporate theft and unfair competition. That is why the bill allows for sensitive information in these licenses to be included in a classified annex to the report. Moving forward, we may want to examine whether this provides sufficient protection for proprietary or commercially sensitive information submitted by private-sector representatives which may not be classified and, if publicly released, would allow potential market competitors to gain an unfair competitive advantage. We certainly do not want to create a chilling effect and a wariness on behalf of companies about continuing to file for licenses moving forward, and we should guard against that.

Mr. Speaker, ultimately, I support the underlying goal and the disclosure requirements of H.R. 2710 because I believe they will increase congressional oversight of United States' sanctions activity. I urge my colleagues to do the same, and I reserve the balance of my time.

Mr. STEIL. Mr. Speaker, I yield myself such time as I may consume.

I thank the Chairwoman of the Financial Services Committee, the gen-

tlewoman from California (Ms. WATERS), for bringing the bill to the floor today.

I rise in strong support of H.R. 2710, the Banking Transparency for Sanctioned Persons Act. This bill that I authored represents an important step forward for oversight of the Treasury Department's sanctions program.

Under current law, Treasury may issue licenses through its Office of Foreign Assets Control, authorizing U.S. financial institutions to engage in transactions that would otherwise be prohibited. These licenses typically allow for the facilitation of trade in humanitarian and agricultural goods such as medicines and food.

H.R. 2710 requires the administration to inform Congress that certain financial services-related licenses have been improved when they involve state sponsors of terrorism or others sanctioned for human rights abuses.

While OFAC may have good reasons to issue a license, it is essential for Congress to be aware of bad actors' access to our financial system. Though some OFAC licenses are made public, others are not disclosed or even their existence may be unknown to Congress.

By requiring a semiannual report on these licenses, my bill would make the disclosure of OFAC's actions more consistent with congressional notification procedures for other sanctions waivers. Without this knowledge, Congress is limited in its ability to oversee the implementation of sanctions.

□ 1645

I am pleased to note that our colleagues on the other side of the aisle have long supported this oversight, and they have provided helpful input as we have developed this important legislation.

Mr. Speaker, let me conclude by noting that our majority support for this measure is reflective of a strong spirit of bipartisanship on the Committee on Financial Services when it comes to safeguarding our national security.

While we may not agree on everything, our Members have been extremely productive in advancing our national security interests while maintaining a vibrant financial system. It is important to have a government that is accountable, and this bill brings needed accountability to our sanctions enforcement efforts.

Mr. Speaker, I urge my colleagues to support H.R. 2710, and I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I have no further speakers, and I am prepared to close.

Mr. Speaker, I reserve the balance of my time.

Mr. STEIL. Mr. Speaker, I simply close by urging my colleagues to support this bill, and I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Banking Trans-

parency for Sanctioned Persons Act of 2021 will help ensure that Members of Congress have the information they need to provide more effective oversight of the decisions made by Treasury and OFAC and the impact that those decisions have on sanctioned persons.

I thank Mr. STEIL for bringing this measure forward, and I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 2710, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING THE DELAWARE WATER GAP NATIONAL RECREATION AREA IMPROVEMENT ACT TO EXTEND THE EXCEPTION TO THE CLOSURE OF CERTAIN ROADS WITHIN THE RECREATION AREA FOR LOCAL BUSINESSES, AND FOR OTHER PURPOSES

Ms. TLAIB. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6364) to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF CERTAIN ROADS WITHIN THE DELAWARE WATER GAP NATIONAL RECREATION AREA.

Section 4(b) of the Delaware Water Gap National Recreation Area Improvement Act (Public Law 109-156; 119 Stat. 2948) is amended in the matter preceding paragraph (1), by striking "Until" and all that follows through "subsection (a)" and inserting "Until September 30, 2026, subsection (a)".

SEC. 2. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Ms. TLAIB) and the gentleman from Idaho (Mr. FULCHER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Ms. TLAIB. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks and include additional material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Ms. TLAIB. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 6364 introduced by my colleague, Representative MATT CARTWRIGHT. This bill will amend the Delaware Water Gap National Recreation Area Improvement Act to extend the use of Highway 209 within the recreation area until 2026.

Mr. Speaker, in 1981, the section of Highway 209 that runs through the recreation area was transferred from the State to the National Park Service.

In 1983, Congress enacted a provision of law that closed that section of Highway 209 to commercial traffic, with an important exception for vehicles serving businesses located in or adjacent to the recreation area. Since then, the United States Congress has extended the exemption multiple times, with the latest exemption set to expire on September 30 of this year.

Mr. Speaker, without this exemption, commercial vehicles have limited acceptable alternatives. Commercial traffic would have to travel a minimum of 10 extra miles to avoid the recreation area.

This permitted access contributes to economic vitality that impacts that community, the public safety, and the quality of life of the park's adjacent communities.

I, again, thank my good colleague, Representative CARTWRIGHT, for introducing this important legislation and championing this bill on behalf of his constituents.

Mr. Speaker, I urge my colleagues to vote "yes" on this bill, and I reserve the balance of my time.

Mr. FULCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6364 would extend the use of U.S. Route 209, a Federally owned road within the boundaries of the Delaware Water Gap National Recreation Area for commercial vehicles in 2026.

While I support this bill today due to the public safety issues involved, I would note that the bill was brought to the House floor prior to the committee requesting technical assistance from the National Park Service.

At legislative hearing on this bill, the National Park Service requested the opportunity to work with the committee on a technical edit to the public law referenced in the bill. Instead of waiting for administrative feedback, the bill was rushed to the floor, and as a result, may fail to achieve its goal of actually enhancing public safety.

Legislation placed on the suspension calendar should be thoroughly vetted to ensure it will execute correctly and achieve desired outcomes. I urge my

colleagues on the other side of the aisle to work with us to ensure that legislation considered on the floor is fully vetted in the future.

Mr. Speaker, that said, I support this bill, and I reserve the balance of my time.

Ms. TLAIB. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. CARTWRIGHT), the main sponsor of the bill.

Mr. CARTWRIGHT. Mr. Speaker, I thank the gentlewoman from Michigan for the opportunity to speak about this important bill, H.R. 6364, which would extend the use of Federally owned portions of Highway 209 by certain commercial vehicles serving northeastern Pennsylvania small businesses.

The Delaware Water Gap National Recreation Area stretches across Pennsylvania and New Jersey, preserving 70,000 acres of land on both sides of the Delaware River.

Highway 209, which runs through Pennsylvania northwards into New York, cuts directly through the middle of this national recreation area. Up until the 1980s, there was heavy truck traffic all along Route 209, a heavily trafficked truck route.

In 1981, the National Park Service received jurisdiction over the section of Route 209 within that national recreation area. Then 2 years later, the 1983 Supplemental Appropriations Act closed this Federally owned segment of Highway 209 to all commercial traffic, with one exception: for light commercial vehicles serving businesses or people located in, or along, the boundaries of the national recreation area.

Since then, this limited exemption for commercial vehicles has been reauthorized by Congress multiple times on a bipartisan basis. In fact, former Pennsylvania Republican Representative Tom Marino and I co-led this same bill in 2018, this commercial vehicle exemption, that passed this body by voice vote and was signed into law by former President Trump. When that exemption expired last year, Congress included a short 1-year extension in the FY22 omnibus bill.

Mr. Speaker, that exemption expires the day after tomorrow, September 30. If Congress fails to renew the exemption, commercial traffic in northeastern Pennsylvania will be faced with limited acceptable alternatives. Commercial vehicles based in places like Monroe and Pike counties, in my district, would have to travel, as the gentlewoman mentioned, an extra 10 miles to avoid the Delaware Water Gap National Recreation Area, and small businesses locally would be hurt needlessly.

Mr. Speaker, that is why I have introduced H.R. 6364, which would simply extend the existing commercial vehicle exemption until September 30, 2026.

With this extension, qualifying commercial vehicles will be allowed to continue using the Federally owned portion of Route 209, with an annual permit.

My bill would also ensure that emergency vehicles and school buses could continue utilizing sections of Highway 209 within the boundaries of the Delaware Water Gap National Recreation Area, toll-free.

This is a commonsense bipartisan piece of legislation that is not only supported by the National Park Service and local officials but is also broadly supported here in the House, having passed unanimously out of the House Committee on Natural Resources in July.

Mr. Speaker, I will say, despite what my friend across the aisle has said, the National Park Service has confirmed that the exemption authorized under this bill poses no safety concerns.

On behalf of the entire Commonwealth, I thank Pennsylvania Republican Representatives MEUSER and FITZPATRICK for cosponsoring this bill, as well as Senators TOOMEY and CASEY, who are championing this very same measure in the Senate.

This legislation would go a long way toward protecting northeastern Pennsylvania small businesses and our regional economy, and so it is gratifying to see that we have bipartisan support for it again.

Mr. Speaker, I urge my colleagues on both sides of the aisle to vote for the bill.

Mr. FULCHER. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

Ms. TLAIB. Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Ms. TLAIB) that the House suspend the rules and pass the bill, H.R. 6364, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GILT EDGE MINE CONVEYANCE ACT

Ms. TLAIB. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1638) to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gilt Edge Mine Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means all right, title, and interest of

the United States in and to approximately 266 acres of National Forest System land within the Gilt Edge Mine Superfund Boundary, as generally depicted on the map.

(2) MAP.—The term “map” means the map entitled “Gilt Edge Mine Conveyance Act” and dated August 20, 2020.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(4) STATE.—The term “State” means State of South Dakota.

SEC. 3. LAND CONVEYANCE.

(a) IN GENERAL.—Subject to the terms and conditions described in this Act, if the State submits to the Secretary an offer to acquire the Federal land for the market value, as determined by the appraisal under subsection (c), the Secretary shall convey the Federal land to the State.

(b) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be—

(1) subject to valid existing rights;

(2) made by quitclaim deed; and

(3) subject to any other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) APPRAISAL.—

(1) IN GENERAL.—After the State submits an offer under subsection (a), the Secretary shall complete an appraisal to determine the market value of the Federal land.

(2) STANDARDS.—The appraisal under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(d) MAP.—

(1) AVAILABILITY OF MAP.—The map shall be kept on file and available for public inspection in the appropriate office of the Forest Service.

(2) CORRECTION OF ERRORS.—The Secretary may correct any errors in the map.

(e) CONSIDERATION.—As consideration for the conveyance under subsection (a), the State shall pay to the Secretary an amount equal to the market value of the Federal land, as determined by the appraisal under subsection (c).

(f) SURVEY.—The State shall prepare a survey that is satisfactory to the Secretary of the exact acreage and legal description of the Federal land to be conveyed under subsection (a).

(g) COSTS OF CONVEYANCE.—As a condition on the conveyance under subsection (a), the State shall pay all costs associated with the conveyance, including the cost of—

(1) the appraisal under subsection (c); and

(2) the survey under subsection (f).

(h) PROCEEDS FROM THE SALE OF LAND.—Any proceeds received by the Secretary from the conveyance under subsection (a) shall be—

(1) deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(2) available to the Secretary, only to the extent and in the amount provided in advance in appropriations Acts, for the maintenance and improvement of land or administration facilities in the Black Hills National Forest in the State.

(i) ENVIRONMENTAL CONDITIONS.—Notwithstanding section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)), the Secretary shall not be required to provide any covenant or warranty for the Federal land conveyed to the State under this Act.

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Ms. TLAIB) and the gentleman from Idaho (Mr. FULCHER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Ms. TLAIB. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include any extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Ms. TLAIB. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1638, the Gilt Edge Mine Conveyance Act, introduced by my colleague, Representative JOHNSON.

The bill will authorize South Dakota to purchase approximately 266 acres of U.S. Forest Service land in Lawrence County, South Dakota.

Any proceeds received by the Forest Service from the conveyance will be deposited in a fund for the maintenance and improvement of the Black Hills National Forest in South Dakota.

Mr. Speaker, the conveyance is necessary due to the Gilt Edge Mine, which is located within the Black Hills forestry boundary. Since Brohm Mining Company abandoned the mine and its responsibilities to address contaminated water in the late 1990s, South Dakota and the Environmental Protection Agency have worked together to conduct a cleanup effort of the mine and contaminated water.

Mr. Speaker, currently, the mine encompasses a patchwork of Forest Service lands and lands owned by South Dakota. Consolidating ownership of the entire Gilt Edge Mine with South Dakota will make it easier for the State to fulfill its obligation for site remediation and monitoring.

Mr. Speaker, I thank my good colleague, Representative JOHNSON, for introducing this important legislation and championing this bill on behalf of his constituents.

Mr. Speaker, I urge my colleagues to vote “yes” on H.R. 1638, and I reserve the balance of my time.

□ 1700

Mr. FULCHER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the Gilt Edge Mine Conveyance Act. This bill reflects exemplary collaboration between the State of South Dakota, the Environmental Protection Agency, and the Forest Service. I commend Congressman DUSTY JOHNSON for his leadership on this proposal.

The Gilt Edge Mine is a 360-acre former mining site in South Dakota. Mining began on the site in 1876 with sporadic operations until the 1990s. The Environmental Protection Agency declared the former mine a Superfund site in the year 2000.

Mr. JOHNSON’s bill authorizes the State of South Dakota to purchase approximately 266 acres of Forest Service land that will allow the State to clean up the Gilt Edge Mine Superfund site once the EPA completes its portion of the cleanup.

This is a good bill that will lead to a more seamless cleanup effort and empower South Dakota to pursue additional water reclamation efforts.

This bill will also allow revenue from the land sale to go toward maintenance and improvements at the Black Hills National Forest. Recent mismanagement of the Black Hills National Forest has hurt rural communities and jeopardized future forest management efforts. This is a key provision of the bill and the result of a compromise worked out with South Dakota that will improve the management and care of the Black Hills National Forest, and I strongly support its inclusion.

This bill is an example of a win-win solution that not only empowers the State to enhance its environment and remediation efforts, but also reduces the burden on the Federal Government by chipping away at the massive Federal estate.

Mr. Speaker, I urge adoption of this bill, and I reserve the balance of my time.

Ms. TLAIB. Mr. Speaker, I have no further requests for time. I am prepared to close, and I reserve the balance of my time.

Mr. FULCHER. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. JOHNSON).

Mr. JOHNSON of South Dakota. Mr. Speaker, I want to thank the gentlewoman and thank the gentleman for their words of support for this piece of legislation.

I ask all my colleagues to support my bill.

It would do exactly as the previous two speakers said. It would make things a lot easier. It would advance environmental quality.

What exactly are we dealing with here?

We have a 266-acre parcel. It used to be the site of the Gilt Edge Mine. It is now an EPA Superfund site. Mr. Speaker, you can see a picture of the site here. This is not pristine wilderness; but, of course, we want to get it back to an environmental asset.

This is now, as the gentlewoman said, a checkerboard of competing governmental ownerships and roles. You have got the Forest Service which owns much of this land; you have got the State of South Dakota which owns some of the rest of it; you have got the EPA which for 20 years has been doing remediation work on the water; and then you have got the State of South

Dakota which has other environmental cleanup and management responsibilities on this site.

So what this bill would do is take the portions of this site that are owned by the Forest Service, and it would allow the State of South Dakota to purchase this land. That is going to get the Forest Service out of the middle of this. They don't need to play a role here.

The work of the State will be easier if they have one less Federal partner to work with and to navigate.

Now, sometimes my colleagues get concerned if we are going to take a Federal asset and give it to a State.

Will this be a loss of important Federal access opportunities for the public?

Well, that is why I brought this picture up here, Mr. Speaker. People are not going hiking here. This is not wildlife habitat. You will not have bison from the Black Hills of South Dakota nestle in this leach pond here.

We have real environmental work to do here, and it is important that we do it in the most effective way. This bill would advance that cause.

I just want to make it clear, so many people who are involved are supportive of this. Senators THUNE and ROUNDS have been supportive. Governor Noem has been supportive. Lawrence County, the city of Lead, and the city of Deadwood are all supportive.

I ask all of my colleagues to join their voices of support so we can do what needs to be done on this Superfund site. We didn't treat this land properly, and the mining company did not treat this land properly. We have a continuing opportunity to do right. My bill would do that. Vote "yes."

Mr. FULCHER. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

Ms. TLAIB. Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Ms. TLAIB) that the House suspend the rules and pass the bill, H.R. 1638, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

GLOBAL AIRCRAFT MAINTENANCE SAFETY IMPROVEMENT ACT

Mr. KAHELE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 7321) to amend title 49, United States Code, to require certain air carriers to provide reports with respect to maintenance, preventive

maintenance, or alterations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Aircraft Maintenance Safety Improvement Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the safety of the global aviation system requires the highest standards for aircraft maintenance, repair, and overhaul work;

(2) the safety of aircraft operated by United States air carriers should not be dependent on the location where maintenance, repair, and overhaul work is performed; and

(3) the Federal Aviation Administration must fully enforce, in a manner consistent with United States obligations under international agreements, Federal Aviation Administration standards for maintenance, repair, and overhaul work at every facility, whether in the United States or abroad, where such work is performed on aircraft operated by United States air carriers.

SEC. 3. FAA OVERSIGHT OF REPAIR STATIONS LOCATED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 44733 of title 49, United States Code, is amended—

(1) in the heading by striking "Inspection" and inserting "Oversight";

(2) in subsection (e)—

(A) by inserting " , without prior notice to such repair stations," after "annually";

(B) by inserting "and the applicable laws of the country in which a repair station is located" after "international agreements"; and

(C) by striking the last sentence and inserting "The Administrator may carry out announced or unannounced inspections in addition to the annual unannounced inspection required under this subsection based on identified risks and in a manner consistent with United States obligations under international agreements and with the applicable laws of the country in which a repair station is located.";

(3) by redesignating subsection (g) as subsection (j); and

(4) by inserting after subsection (f) the following:

"(g) DATA ANALYSIS.—

"(1) IN GENERAL.—An air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, shall, if applicable, provide to the appropriate office of the Administration, not less than once every year, a report containing the information described in paragraph (2) with respect to heavy maintenance work on aircraft (including on-wing aircraft engines) performed in the preceding year.

"(2) INFORMATION REQUIRED.—A report under paragraph (1) shall contain the following information:

"(A) The location where any heavy maintenance work on aircraft (including on-wing aircraft engines) was performed outside the United States.

"(B) A description of the work performed at each such location.

"(C) The date of completion of the work performed at each such location.

"(D) A list of all failures, malfunctions, or defects affecting the safe operation of such aircraft identified by the air carrier within 30 days after the date on which an aircraft is returned to service, organized by reference to aircraft registration number, that—

"(i) requires corrective action after the aircraft is approved for return to service; and

"(ii) results from the work performed on such aircraft.

"(E) The certificate number of the person approving such aircraft or on-wing aircraft engine, for return to service following completion of the work performed at each such location.

"(3) ANALYSIS.—The Administrator of the Federal Aviation Administration shall—

"(A) analyze information made available under paragraph (1) of this subsection and sections 121.703, 121.705, 121.707, and 145.221 of title 14, Code of Federal Regulations, or any successor provisions, to detect safety issues associated with heavy maintenance work on aircraft (including on-wing aircraft engines) performed outside the United States; and

"(B) require appropriate actions in response.

"(4) CONFIDENTIALITY.—Information made available under paragraph (1) shall be subject to the same protections given to voluntarily-provided safety or security related information under section 40123.

"(h) APPLICATIONS AND PROHIBITION.—

"(1) IN GENERAL.—The Administrator may not approve any new application under part 145 of title 14, Code of Federal Regulations, from a person located or headquartered in a country that the Administrator, through the International Aviation Safety Assessment program, has classified as Category 2.

"(2) EXCEPTION.—Paragraph (1) shall not apply to an application for the renewal of a certificate issued under part 145 of title 14, Code of Federal Regulations.

"(3) MAINTENANCE IMPLEMENTATION PROCEDURES AGREEMENT.—The Administrator may elect not to enter into a new maintenance implementation procedures agreement with a country classified as Category 2, for as long as that country remains classified as Category 2.

"(4) PROHIBITION ON CONTINUED HEAVY MAINTENANCE WORK.—No air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, may enter into a new contract for heavy maintenance work with a person located or headquartered in a country that the Administrator, through the International Aviation Safety Assessment program, has classified as Category 2, for as long as such country remains classified as Category 2.

"(i) MINIMUM QUALIFICATIONS FOR MECHANICS AND OTHERS WORKING ON U.S. REGISTERED AIRCRAFT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall require that, at each covered repair station—

"(A) all supervisory personnel are appropriately certificated as a mechanic or repairman under part 65 of title 14, Code of Federal Regulations, or under an equivalent certification or licensing regime, as determined by the Administrator; and

"(B) all personnel authorized to approve an article for return to service are appropriately certificated as a mechanic or repairman under part 65 of such title, or under an equivalent certification or licensing regime, as determined by the Administrator.

"(2) AVAILABLE FOR CONSULTATION.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall require any individual who is responsible for approving an article for return to service or who is directly in charge of aircraft (including on-wing aircraft engine) maintenance performed on aircraft operated under part 121 of title 14, Code of Federal Regulations, be available for consultation while work is being performed at a covered repair station."

(b) DEFINITION OF COVERED REPAIR STATION.—

(1) IN GENERAL.—Section 44733(j) of title 49, United States Code (as redesignated by this section), is amended—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following:

“(1) COVERED REPAIR STATION.—The term ‘covered repair station’ means a facility that—

“(A) is located outside the United States;

“(B) is certificated under part 145 of title 14, Code of Federal Regulations; and

“(C) performs heavy maintenance work on aircraft (including on-wing aircraft engines) operated under part 121 of title 14, Code of Federal Regulations.”.

(2) TECHNICAL AMENDMENT.—Section 44733(a)(3) of title 49, United States Code, is amended by striking “covered part 145 repair stations” and inserting “part 145 repair stations”.

(c) CONFORMING AMENDMENTS.—The analysis for chapter 447 of title 49, United States Code, is amended by striking the item relating to section 44733 and inserting the following:

“44733. Oversight of repair stations located outside the United States.”.

SEC. 4. INTERNATIONAL STANDARDS FOR SAFETY OVERSIGHT OF FOREIGN REPAIR STATIONS.

(a) FOREIGN REPAIR STATION WORKING GROUP.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a foreign repair station working group with other civil aviation authorities (hereinafter referred to as “repair station working group”) to conduct a review of the certification and oversight of foreign repair stations and to identify any future enhancements that might be appropriate to strengthen oversight of such repair stations.

(b) COMPOSITION OF THE REPAIR STATION WORKING GROUP.—The repair station working group shall consist of—

(1) technical representatives from the FAA; and

(2) such other civil aviation authorities or international intergovernmental aviation safety organizations as the Administrator shall invite that are willing to participate, including—

(A) civil aviation authorities responsible for certifying foreign repair stations; and

(B) civil aviation authorities of countries in which foreign repair stations are located.

(c) CONSULTATION.—In conducting the review under this section, the repair station working group shall, as appropriate, consult with relevant experts and stakeholders.

(d) RECOMMENDATIONS.—The repair station working group shall make recommendations with respect to any future enhancements that might be appropriate to—

(1) strengthen oversight of foreign repair stations; and

(2) better leverage the resources of other civil aviation authorities to conduct such oversight.

(e) REPORTS.—

(1) REPAIR STATION WORKING GROUP REPORT.—Not later than 1 year after the date of the first meeting of the repair station working group, the repair station working group shall submit to the Administrator a report containing the findings of the review and each recommendation made under subsection (d).

(2) FAA REPORTS.—

(A) TRANSMISSION OF REPAIR STATION WORKING GROUP REPORT.—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Rep-

resentatives, and the Committee on Commerce, Science, and Transportation of the Senate the report required under paragraph (1) as soon as is practicable after the receipt of such report.

(B) FAA REPORT TO CONGRESS.—Not later than 45 days after receipt of the Report under paragraph (1), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(i) a statement of whether the Administrator concurs or does not concur with each recommendation contained in the report required under paragraph (1);

(ii) for any recommendation with which the Administrator does not concur, a detailed explanation as to why the Administrator does not concur;

(iii) a plan to implement each recommendation related to FAA oversight of foreign repair stations contained in such report with which the Administrator concurs; and

(iv) a plan to work with the international community to implement the recommendations applicable to both the FAA as well as other civil aviation authorities.

(f) TERMINATION.—The repair station working group shall terminate on the earlier of the date of submission of the report under subsection (e)(1) or on the date that is 2 years after the repair station working group is commissioned under subsection (a).

(g) DEFINITION OF FOREIGN REPAIR STATION.—In this section, the term “foreign repair station” means a repair station that performs heavy maintenance work on an aircraft (including on-wing engines) and that is located outside of the territory of the country of the civil aviation authority which certificated the repair station, including repair stations certified under part 145 of title 14, Code of Federal Regulations, which are located outside the United States and the territories of the United States.

SEC. 5. ALCOHOL AND DRUG TESTING AND BACKGROUND CHECKS.

(a) IN GENERAL.—Beginning on the date that is 24 months after the date of enactment of this Act, the Administrator may not approve or authorize international travel for any employee of the Federal Aviation Administration until a final rule carrying out the requirements of subsection (b) of section 2112 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44733 note) has been published in the Federal Register.

(b) RULEMAKING ON ASSESSMENT REQUIREMENT.—With respect to any employee not covered under the requirements of section 1554.101 of title 49, Code of Federal Regulations, the Administrator shall initiate a rulemaking that requires a covered repair station to confirm that any such employee has successfully completed an assessment commensurate with a security threat assessment described in subpart C of part 1540 of such title.

(c) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to international travel that is determined by the Administrator on an individual by individual basis to be—

(1) exclusively for the purpose of conducting a safety inspection;

(2) directly related to aviation safety standards, certification, and oversight; or

(3) vital to the national interests of the United States.

(d) NON-DELEGATION AND REPORTING.—For any determination to make an exception based on the criteria in paragraph (2) or (3) of subsection (c), the Administrator—

(1) may not delegate the authority to make such a determination to any other individual; and

(2) shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 3 days after making each determination under subsection (c)—

(A) the name of the individual approved or authorized to travel internationally;

(B) the location to which the individual is traveling;

(C) a detailed explanation of why the Administrator has determined the travel is—

(i) directly related to aviation safety standards, certification, and oversight; or

(ii) vital to the national interests of the United States; and

(D) a detailed description of the status of the rulemakings described in subsection (a).

SEC. 6. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the FAA.

(2) COVERED REPAIR STATION.—The term “covered repair station” means a facility that—

(A) is located outside the United States;

(B) is certificated under part 145 of title 14, Code of Federal Regulations; and

(C) performs heavy maintenance work on aircraft (including on-wing aircraft engines), operated under part 121 of title 14, Code of Federal Regulations.

(3) FAA.—The term “FAA” means the Federal Aviation Administration.

The SPEAKER pro tempore (Ms. TLAIB). Pursuant to the rule, the gentleman from Hawaii (Mr. KAHELE) and the gentleman from Florida (Mr. WEBSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. KAHELE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 7321, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. KAHELE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 7321, the Global Aircraft Maintenance Safety Improvement Act, introduced by Transportation and Infrastructure Committee Chair, PETER DEFazio.

One level of safety. For over a decade, that has been the single-minded goal of Congress and the Federal Aviation Administration in setting aviation policy. But until domestic and FAA-certificated foreign repair stations are subject to the same oversight and safety standards, there is no hope we can achieve one level of safety.

In fact, existing safety rules make clear that there is not truly one level of safety. Under current FAA regulations, domestic repair station workers are subject to mandatory drug and alcohol testing. Workers at foreign repair stations are not. Domestic repair station workers are subject to comprehensive background investigations; foreign repair station workers are not.

Unfortunately, more and more maintenance work for U.S. air carriers is being sent overseas. The number of these facilities has grown by nearly 40 percent in the past 6 years. The global pandemic has only exacerbated this trend, as more than 8,200 aircraft maintenance jobs left the United States in just the past few years.

The Department of Transportation inspector general has also been ringing the alarm bell in five audit reports containing 41 recommendations since 2002 to improve the FAA's dangerously weak oversight of repair stations overseas.

How many more inspector general reports will it take for the FAA to be brave enough to take a leadership role in the international community and apply strong standards to foreign repair stations?

This bill will require the FAA to take a number of specific and decisive steps to improve oversight of foreign repair stations. These include, among other things: requiring all foreign repair stations to be subject to at least one unannounced inspection each year; requiring supervisors and individuals who authorize aircraft for return to service to meet minimum requirements and hold FAA mechanic or repairman certificates; and requiring the FAA to, one, comply with the 2016 mandate for a final rule on drug and alcohol testing of employees at foreign repair stations, and, two, initiate a rulemaking mandating background checks of such employees.

I thank the stakeholders for their support and the tireless efforts in working toward an agreeable solution as well as Ranking Member GRAVES and his staff.

Madam Speaker, this bill is a giant step in the right direction. I urge my colleagues to support it, and I reserve the balance of my time.

Mr. WEBSTER of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first, I thank Chairman DEFazio for working with us on this particular bill, the Global Aircraft Maintenance Safety Improvement Act.

I am pleased that H.R. 7321, as amended, ensures the level of safety we all expect in a way that is consistent with our bilateral safety agreements and collaborative with foreign civil aviation authorities.

International buy-in and collaboration are key if we are to chart a real path forward on aviation safety, and this bill strives to do that.

Notably, this legislation has markedly improved since last Congress, and I, again, want to thank the chair and his staff for working with us in a bipartisan manner.

Under H.R. 7321, our domestic repair stations will not be exposed to retaliation by other countries, nor will American jobs be jeopardized.

Again, improving oversight of foreign repair stations without damaging our standing and partnerships in the inter-

national community is the goal here today. This is another example of our bipartisan commitment to aviation safety.

Madam Speaker, I urge support, and I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana (Mr. CARSON) will control the remaining time.

There was no objection.

Mr. CARSON. Madam Speaker, I have no more speakers, and I continue to reserve the balance of my time.

Mr. WEBSTER of Florida. Madam Speaker, in closing, H.R. 7321, as amended, continues our commitment to the traveling public by ensuring aviation safety on the international playing field.

Madam Speaker, I urge support of this legislation, and I yield back the balance of my time.

Mr. CARSON. Madam Speaker, in closing, this bipartisan bill will correct the FAA's unacceptably lax oversight of foreign aeronautical repair stations that work on U.S. airline fleets and help increase the safety of our global aviation system.

Madam Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

□ 1715

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. KAHELE) that the House suspend the rules and pass the bill, H.R. 7321, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

NATIONAL CENTER FOR THE ADVANCEMENT OF AVIATION ACT OF 2022

Mr. CARSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3482) to establish the National Center for the Advancement of Aviation, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Center for the Advancement of Aviation Act of 2022".

SEC. 2. FEDERAL CHARTER FOR THE NATIONAL CENTER FOR THE ADVANCEMENT OF AVIATION.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 120. National Center for the Advancement of Aviation

"(a) FEDERAL CHARTER AND STATUS.—

"(1) IN GENERAL.—The National Center for the Advancement of Aviation (in this section referred to as the 'Center') is a federally chartered entity. The Center is a private independent entity, not a department, agency, or instrumentality of the United States Government or a component thereof. Except as provided in subsection (f)(1), an officer or employee of the Center is not an officer or employee of the Federal Government.

"(2) PERPETUAL EXISTENCE.—Except as otherwise provided, the Center shall have perpetual existence.

"(b) GOVERNING BODY.—

"(1) IN GENERAL.—The Board of Directors (in this section referred to as the 'Board') is the governing body of the Center.

"(2) AUTHORITY OF POWERS.—

"(A) IN GENERAL.—The Board shall adopt a constitution, bylaws, regulations, policies, and procedures to carry out the purpose of the Center and may take any other action that it considers necessary (in accordance with the duties and powers of the Center) for the management and operation of the Center. The Board is responsible for the general policies and management of the Center and for the control of all funds of the Center.

"(B) POWERS OF BOARD.—The Board shall have the power to do the following:

"(i) Adopt and alter a corporate seal.

"(ii) Establish and maintain offices to conduct its activities.

"(iii) Enter into contracts or agreements as a private entity not subject to the requirements of title 41.

"(iv) Acquire, own, lease, encumber, and transfer property as necessary and appropriate to carry out the purposes of the Center.

"(v) Publish documents and other publications in a publicly accessible manner.

"(vi) Incur and pay obligations as a private entity not subject to the requirements of title 31.

"(vii) Make or issue grants and include any conditions on such grants in furtherance of the purpose and duties of the Center.

"(viii) Perform any other act necessary and proper to carry out the purposes of the Center as described in its constitution and bylaws or duties outlined in this section.

"(3) MEMBERSHIP OF THE BOARD.—

"(A) IN GENERAL.—The Board shall have 11 Directors as follows:

"(i) EX-OFFICIO MEMBERSHIP.—The following individuals, or their designees, shall be considered ex-officio members of the Board:

"(I) The Administrator of the Federal Aviation Administration.

"(II) The Executive Director, pursuant to paragraph (5)(D).

"(ii) APPOINTMENTS.—

"(I) IN GENERAL.—From among those members of the public who are highly respected and have knowledge and experience in the fields of aviation, finance, or academia—

"(aa) the Secretary of Transportation shall appoint 5 members to the Board;

"(bb) the Secretary of Defense shall appoint 1 member to the Board;

"(cc) the Secretary of Veterans Affairs shall appoint 1 member to the Board;

"(dd) the Secretary of Education shall appoint 1 member to the Board;

"(ee) the Administrator of the National Aeronautics and Space Administration shall appoint 1 member to the Board.

"(II) TERMS.—

"(aa) IN GENERAL.—The members appointed under subclause (I) shall serve for a term of 3 years and may be reappointed.

"(bb) STAGGERING TERMS.—To ensure subsequent appointments to the Board are staggered, of the 9 members first appointed under subclause (I), 3 shall be appointed for a term of 1 year, 3 shall be appointed for a term of

2 years, and 3 shall be appointed for a term of 3 years.

“(III) CONSIDERATION.—In considering whom to appoint to the Board, the Secretaries and Administrator referenced in subclause (I) shall, to the maximum extent practicable, ensure the overall composition of the Board adequately represents the fields of aviation and academia.

“(B) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the initial appointment.

“(C) STATUS.—All Members of the Board shall have equal voting powers, regardless if they are ex-officio members or appointed.

“(4) CHAIR OF THE BOARD.—The Board shall choose a Chair of the Board from among the members of the Board that are not ex-officio members under paragraph (3)(A)(i).

“(5) ADMINISTRATIVE MATTERS.—

“(A) MEETINGS.—

“(i) IN GENERAL.—The Board shall meet at the call of the Chair but not less than 2 times each year and may, as appropriate, conduct business by telephone or other electronic means.

“(ii) OPEN.—

“(I) IN GENERAL.—Except as provided in subclause (II), a meeting of the Board shall be open to the public.

“(II) EXCEPTION.—A meeting, or any portion of a meeting, may be closed if the Board, in public session, votes to close the meeting because the matters to be discussed—

“(aa) relate solely to the internal personnel rules and practices of the Center;

“(bb) may result in disclosure of commercial or financial information obtained from a person that is privileged or confidential;

“(cc) may disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; or

“(dd) are matters that are specifically exempted from disclosure by Federal or State law.

“(iii) PUBLIC ANNOUNCEMENT.—At least 1 week before a meeting of the Board, and as soon as practicable thereafter if there are any changes to the information described in subclauses (I) through (III), the Board shall make a public announcement of the meeting that describes—

“(I) the time, place, and subject matter of the meeting;

“(II) whether the meeting is to be open or closed to the public; and

“(III) the name and appropriate contact information of a person who can respond to requests for information about the meeting.

“(iv) RECORD.—The Board shall keep a transcript of minutes from each Board meeting. Such transcript shall be made available to the public in an accessible format, except for portions of the meeting that are closed pursuant to subparagraph (A)(ii)(II).

“(B) QUORUM.—A majority of members of the Board shall constitute a quorum.

“(C) RESTRICTION.—No member of the Board shall participate in any proceeding, application, ruling or other determination, contract claim, scholarship award, controversy, or other matter in which the member, the member’s employer or prospective employer, or the member’s spouse, partner, or minor child has a direct financial interest. Any person who violates this subparagraph may be fined not more than \$10,000, imprisoned for not more than 2 years, or both.

“(D) EXECUTIVE DIRECTOR.—The Board shall appoint and fix the pay of an Executive Director of the Center (in this section referred to as the ‘Executive Director’) who shall—

“(i) serve as a Member of the Board;

“(ii) serve at the pleasure of the Board, under such terms and conditions as the Board shall establish;

“(iii) is subject to removal by the Board at the discretion of the Board; and

“(iv) be responsible for the daily management and operation of the Center and for carrying out the purposes and duties of the Center.

“(E) APPOINTMENT OF PERSONNEL.—The Board shall designate to the Executive Director the authority to appoint additional personnel as the Board considers appropriate and necessary to carry out the purposes and duties of the Center.

“(F) PUBLIC INFORMATION.—Nothing in this section may be construed to withhold disclosure of information or records that are subject to disclosure under section 552 of title 5.

“(c) PURPOSE OF THE CENTER.—The purpose of the Center is to—

“(1) develop a skilled and robust U.S. aviation and aerospace workforce;

“(2) provide a forum to support collaboration and cooperation between governmental, non-governmental, and private aviation and aerospace sector stakeholders regarding the advancement of the U.S. aviation and aerospace workforce, including general, business, and commercial aviation, education, labor, manufacturing and international organizations; and

“(3) serve as a repository for research conducted by institutions of higher education, research institutions, or other stakeholders regarding the aviation and aerospace workforce, or related technical and skill development.

“(d) DUTIES OF THE CENTER.—In order to accomplish the purpose described in subsection (c), the Center shall perform the following duties:

“(1) Improve access to aviation and aerospace education and related skills training to help grow the U.S. aviation and aerospace workforce, including—

“(A) assessing the current U.S. aviation and aerospace workforce challenges and identifying actions to address these challenges, including by developing a comprehensive workforce strategy;

“(B) establishing scholarship, apprenticeship, internship or mentorship programs for individuals who wish to pursue a career in an aviation- or aerospace-related field, including individuals in economically disadvantaged areas or individuals who are members of underrepresented groups in the aviation and aerospace sector;

“(C) supporting the development of aviation and aerospace education curricula, including syllabi, training materials, and lesson plans, for use by middle schools and high schools, institutions of higher education, secondary education institutions, or technical training and vocational schools; and

“(D) building awareness of youth-oriented aviation and aerospace programs and other outreach programs.

“(2) Support the personnel or veterans of the Armed Forces seeking to transition to a career in civil aviation or aerospace through outreach, training, apprenticeships, or other means.

“(3) Amplify and support the research and development efforts conducted as part of the National Aviation Research Plan, as required under section 44501(c), and work done at the Centers of Excellence and Technical Centers of the Federal Aviation Administration regarding the aviation and aerospace workforce, or related technical and skills development, including organizing and hosting symposiums, conferences, and other forums as appropriate, between the Federal Aviation Administration, aviation and aerospace stakeholders, and other interested parties, to

discuss current and future research efforts and technical work.

“(e) GRANTS.—

“(1) IN GENERAL.—In order to accomplish the purpose under subsection (c) and duties under subsection (d), the Center may issue grants to eligible entities to—

“(A) create, develop, deliver, or update—

“(i) middle and high school aviation curricula, including syllabi, training materials, equipment and lesson plans, that are designed to prepare individuals to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation maintenance technicians, or other aviation maintenance professionals, or to support the continuing education of any of the aforementioned individuals; or

“(ii) aviation curricula, including syllabi, training materials, equipment and lesson plans, used at institutions of higher education, secondary education institutions, or by technical training and vocational schools, that are designed to prepare individuals to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation maintenance technicians, or other aviation maintenance professionals, or to refresh the knowledge of any of the aforementioned individuals; or

“(B) support the professional development of educators using the curriculum in subparagraph (A);

“(C) establish new education programs that teach technical skills used in aviation maintenance, including purchasing equipment, or to improve existing programs;

“(D) establish scholarships, internships or apprenticeships for individuals pursuing employment in the aviation maintenance industry;

“(E) support outreach about educational opportunities and careers in the aviation maintenance industry, including in economically disadvantaged areas; or

“(F) support the transition to careers in aviation maintenance, including for members of the Armed Forces.

“(2) ELIGIBLE ENTITIES.—An eligible entity under this subsection includes—

“(A) an air carrier, as defined in section 40102, an air carrier engaged in intrastate or intra-U.S. territorial operations, an air carrier engaged in commercial operations covered by part 135 or part 91 of title 14, Code of Federal Regulations, operations, or a labor organization representing aircraft pilots;

“(B) an accredited institution of higher education or a high school or secondary school (as defined in section 8101 of the Higher Education Act of 1965 (20 U.S.C. 7801));

“(C) a flight school that provides flight training, as defined in part 61 of title 14, Code of Federal Regulations, or that holds a pilot school certificate under part 141 of title 14, Code of Federal Regulations;

“(D) a State or local governmental entity;

or

“(E) an organization representing aircraft users, aircraft owners, or aircraft pilots;

“(F) a holder of a certificate issued under part 21, 121, 135, or 145 of title 14, Code of Federal Regulations or a labor organization representing aviation maintenance workers; or

“(G) other organizations at the discretion of the Board.

“(3) LIMITATION.—No organization that receives a grant under this section may sell or make a profit from the creation, development, delivery, or updating of high school aviation curricula.

“(f) ADMINISTRATIVE MATTERS OF THE CENTER.—

“(1) DETAILEES.—

“(A) IN GENERAL.—At the request of the Center, the head of any Federal agency or department may, at the discretion of such

agency or department, detail to the Center, on a reimbursable basis, any employee of the agency or department.

“(B) CIVIL SERVANT STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

“(2) NAMES AND SYMBOLS.—The Center may accept, retain, and use proceeds derived from the Center’s use of the exclusive right to use its name and seal, emblems, and badges incorporating such name as lawfully adopted by the Board in furtherance of the purpose and duties of the Center.

“(3) GIFTS, GRANTS, BEQUESTS, AND DEVICES.—The Center may accept, retain, use, and dispose of gifts, grants, bequests, or devices of money, services, or property from any public or private source for the purpose of covering the costs incurred by the Center in furtherance of the purpose and duties of the Center.

“(4) VOLUNTARY SERVICES.—The Center may accept from any person voluntary services to be provided in furtherance of the purpose and duties of the Center.

“(g) RESTRICTIONS OF THE CENTER.—

“(1) PROFIT.—The Center may not engage in business activity for profit.

“(2) STOCKS AND DIVIDENDS.—The Center may not issue any shares of stock or declare or pay any dividends.

“(3) POLITICAL ACTIVITIES.—The Center shall be nonpolitical and may not provide financial aid or assistance to, or otherwise contribute to or promote the candidacy of, any individual seeking elective public office or political party. The Center may not engage in activities that are, directly, or indirectly, intended to be or likely to be perceived as advocating or influencing the legislative process.

“(4) DISTRIBUTION OF INCOME OR ASSETS.—The assets of the Center may not inure to the benefit of any member of the Board, or any officer or employee of the Center or be distributed to any person. This subsection does not prevent the payment of reasonable compensation to any officer, employee, or other person or reimbursement for actual and necessary expenses in amounts approved by the Board.

“(5) LOANS.—The Center may not make a loan to any member of the Board or any officer or employee of the Center.

“(6) NO CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The Center may not claim approval of Congress or of the authority of the United States for any of its activities.

“(h) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Executive Director shall appoint members to an advisory committee subject to approval by the Board. Members of the Board may not sit on the advisory committee.

“(2) MEMBERSHIP.—The advisory committee shall consist of 15 members who represent various aviation industry and labor stakeholders, stakeholder associations, and others as determined appropriate by the Board. The advisory committee shall select a Chair and Vice Chair from among its members by majority vote. Members of the advisory committee shall be appointed for a term of 5 years.

“(3) DUTIES.—The advisory committee shall—

“(A) provide recommendations to the Board on an annual basis regarding the priorities for the activities of the Center;

“(B) consult with the Board on an ongoing basis regarding the appropriate powers of the Board to accomplish the purposes and duties of the Center;

“(C) provide relevant data and information to the Center in order to carry out the duties set forth in subsection (d); and

“(D) nominate United States citizens for consideration by the Board to be honored annually by the Center for such citizens’ efforts in promoting U.S. aviation or aviation education and enhancing the aviation workforce in the United States.

“(4) MEETINGS.—The provisions for meetings of the Board under subsection (b)(5) shall apply as similarly as is practicable to meetings of the advisory committee.

“(1) WORKING GROUPS.—

“(1) IN GENERAL.—The Board may establish and appoint the membership of the working groups as determined necessary and appropriate to achieve the purpose of the Center under subsection (c).

“(2) MEMBERSHIP.—Any working group established by the Board shall have members representing various aviation industry and labor stakeholders, stakeholder associations, and others, as determined appropriate by the Board. Once established, the membership of such working group shall choose a Chair from among the members of the working group by majority vote.

“(3) TERMINATION.—Unless determined otherwise by the Board, any working group established by the Board under this subsection shall be constituted for a time period of not more than 3 years.

“(j) RECORDS OF ACCOUNTS.—The Center shall keep correct and complete records of accounts.

“(k) DUTY TO MAINTAIN TAX-EXEMPT STATUS.—The Center shall be operated in a manner and for purposes that qualify the Center for exemption from taxation under the Internal Revenue Code as an organization described in section 501(c)(3) of such Code.

“(1) ANNUAL REPORT.—The Board shall submit an annual report to the appropriate committees of Congress that, at minimum,—

“(1) includes a review and examination of—

“(A) the activities performed as set forth in subsections (d) and (e) during the prior fiscal year;

“(B) the advisory committee as described under subsection (h); and

“(C) the working groups as described under subsection (i); and

“(2) provides recommendations to improve the role, responsibilities, and functions of the Center to achieve the purpose set forth in subsection (c).

“(m) AUDIT BY THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.—

“(1) IN GENERAL.—Not later than 2 years after the date on which the Center is established under subsection (a), the inspector general of the Department of Transportation shall conduct a review of the Center.

“(2) CONTENTS.—The review shall—

“(A) include, at a minimum—

“(i) an evaluation of the efforts taken at the Center to achieve the purpose set forth in subsection (c); and

“(ii) the recommendations provided by the Board in subsection (l)(2); and

“(B) provide any other information that the inspector general determines is appropriate.

“(3) REPORT ON AUDIT.—

“(A) REPORT TO SECRETARY.—Not later than 30 days after the date of completion of the audit, the inspector general shall submit to the Secretary a report on the results of the audit.

“(B) REPORT TO CONGRESS.—Not later than 60 days after the date of receipt of the report under subparagraph (A), the Secretary shall submit to the appropriate committees of Congress a copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.

“(n) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there is authorized to be appropriated for fiscal year

2023 and each fiscal year thereafter an amount equal to 3 percent of the interest from investment credited to the Airport and Airway Trust Fund.

“(o) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(3) STEM.—The term ‘STEM’ means science, technology, engineering, and mathematics.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by inserting after the item relating to section 119 the following:

“120. National Center for the Advancement of Aviation.”

SEC. 3. PREVENTION OF DUPLICATIVE PROGRAMS.

The Board of Directors of the National Center for the Advancement of Aviation established under section 120 of title 49, United States Code (as added by this Act), shall coordinate with the Administrator of the Federal Aviation Administration to prevent any programs of the Center from duplicating programs established under section 625 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note).

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore (Mr. KAHELE). Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman from Florida (Mr. WEBSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CARSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3482, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CARSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is bittersweet. I am glad that my bill is finally being considered on the House floor after working on this bill for over two sessions, but unfortunately, my partner on this bill is not here to join me, Representative Don Young of Alaska, the former chairman of the Transportation and Infrastructure Committee, the former dean of this House. Mr. Speaker, his work and support were invaluable in helping us get this bill to the floor.

This National Center for the Advancement of Aviation Act is both bipartisan and bicameral. I am pleased that so many members of our Transportation and Infrastructure Committee are sponsors of the bill, including Subcommittee on Aviation Chair LARSEN, as well as my colleagues in the other body, Senators DUCKWORTH and INHOFE.

Our committee has worked for years to make American skies the safest in the world and to strengthen the industry workforce to maintain the highest standards of aviation excellence.

This bill supports and promotes collaboration among civil, commercial, and military aviation sectors to address the demands and challenges of ensuring a safe and vibrant national aviation system through research, education, and training.

Too often in the past, Mr. Speaker, innovation and lessons learned in various aviation sectors have not been shared in a collaborative or even a timely manner, especially considering rapid developments in new technology. My bill helps to break down these silos across commercial aviation, general aviation, and military aviation sectors. This will not only improve safety and best practices, Mr. Speaker, but it will also expand opportunities for those interested in more diverse aviation workforces.

For the young and not so young, from those just starting out to those with experience who want to move into other types of aviation work, the national center will focus on four key areas with an emphasis on aviation workforce development.

Firstly, it will support education efforts and provide resources to curriculum developers, so educators at all levels have the tools and training to educate the next generation of aviation professionals.

Secondly, the national center will provide a forum to leverage and share expertise amongst industry sectors, including the improvement of existing high school curriculum to develop and deploy a workforce of pilots, aerospace engineers, unmanned aircraft systems operators, aviation maintenance technicians, or other aviation maintenance professionals needed in the coming decades.

Finally, it will support symposiums and conferences to facilitate collaboration across the industry and develop future advancements for the aviation and aerospace community. This legislation will also allow the FAA to focus on safety, certification, and air traffic operations.

Mr. Speaker, the aviation and aerospace industry supports over 11 million jobs and contributes more than \$1.6 trillion per year to our national economy.

Nearly 200 organizations, including schools, airports, airlines, manufacturers, unions, and other entities involved in aviation and aerospace, have expressed strong support for this wonder-

ful legislation. It will address the demands and challenges our aviation and aerospace industry face today and tomorrow.

Mr. Speaker, I urge my colleagues to support the National Center for the Advancement of Aviation Act, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington DC, September 27, 2022.

Hon. EDDIE BERNICE JOHNSON,
Chairwoman, Committee on Science, Space, and Technology,

House of Representatives, Washington, DC.

DEAR CHAIRWOMAN JOHNSON: I write to you concerning H.R. 3482, the National Center for the Advancement of Aviation Act of 2022, which was introduced on May 21, 2021, and solely referred to the Committee on Transportation and Infrastructure.

I appreciate you agreeing to withdraw your request for a sequential referral of H.R. 3482 so that the bill may be considered expeditiously. I acknowledge that forgoing your referral claim now does not waive the right to jurisdictional claims in the future on subject matter contained in this bill or similar legislation. Further, I will appropriately consult and involve the Committee on Science, Space, and Technology as the bill moves forward on issues that fall within your Rule X jurisdiction.

Finally, I will include a copy of our letter exchange in the committee report and in the Congressional Record when the bill is considered on the floor.

Thank you again for your cooperation.

Sincerely,

PETER A. DEFAZIO,
Chair.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, September 27, 2022.

Chairman PETER A. DEFAZIO,
Committee on Transportation and Infrastructure
House of Representatives, Washington, DC.

DEAR CHAIRMAN DEFAZIO: I am writing to you concerning H.R. 3482, the "National Center for the Advancement of Aviation Act of 2022," which was referred to the Committee on Transportation and Infrastructure. I requested a sequential referral of this bill on July 23, 2022. However, in an effort to expedite consideration of this measure, I agree to withdraw my request for a sequential referral.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3482 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation. I also ask to be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction.

I would appreciate your response to this letter confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the bill report filed by the Committee on Transportation and Infrastructure, as well as inserted in the Congressional Record during floor consideration to memorialize our understanding. Thank you for your cooperation on this legislation.

Sincerely,

EDDIE BERNICE JOHNSON.

Mr. WEBSTER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3482, as amended, creates the National Center for the Ad-

vancement of Aviation, a private, not-for-profit organization dedicated to bringing government and aviation stakeholders together to address aviation workforce issues.

United States aviation supports 11.3 million direct jobs and facilitates more than a trillion dollars in economic activity, which represents more than 5 percent of gross domestic product.

Every industry is feeling the pinch of labor shortages, and the reality is that self-help measures undertaken by the aviation industry are not enough to ensure advancement of the aerospace industry. We must address the growing aviation workforce shortage to ensure our domestic aerospace industry maintains its global competitive advantage.

This bipartisan legislation has widespread support across the aviation industry, and I acknowledge that this bill was passionately supported, as has been said, by the dean of the House, Don Young.

Mr. Speaker, in order to ensure our Nation's aviation dominance, we must work forcefully to address the looming shortfall of aviation workforce. Having a properly trained and dedicated workforce to meet the near-term and future capacities needed in the aviation sector is crucial to the underpinning of the high standard of safety that sets America apart from the rest.

H.R. 3482, as amended, supplements the FAA's safety-focused mission by ensuring just that.

Mr. Speaker, I urge support of this legislation, and I yield back the balance of my time.

Mr. CARSON. Mr. Speaker, this bill will help to address the workforce challenges facing U.S. aviation today and prepare our workforce for the opportunities of the future.

Mr. Speaker, I support this bipartisan legislation, and I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and pass the bill, H.R. 3482, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SMALL PROJECT EFFICIENT AND EFFECTIVE DISASTER RECOVERY ACT

Mr. CARSON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5641) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for

eligibility for assistance under sections 403, 406, 407, and 502 of such Act, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

(1) On page 2, line 13, strike ["AND REPORT" after "REVIEW"] and insert "AND REPORT" after "REVIEW".

(2) On page 3, after line 3, insert:

SEC. 3. AUDIT AND REVIEW.

Not later than 3 years after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall conduct an audit, and submit to Congress a report, on whether there has been waste and abuse as a result of the amendment made under section 2(a)(1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman from Florida (Mr. WEBSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CARSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5641.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CARSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5641. This legislation will expedite the approval process for small projects applying for aid through FEMA's public assistance program, a program that helps communities remove debris, implement emergency protective measures, and repair damage to public infrastructure.

The House has already passed this once with overwhelming support, and the amendment we are considering today would solely add a reporting requirement to the language we previously supported.

Also, in the time since we first passed this bill, the Biden administration has updated the small project threshold to \$1 million via rulemaking. The \$1 million threshold, Mr. Speaker, is currently expediting the post-disaster recovery process, cutting unnecessary red tape and helping communities get back on their feet.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. WEBSTER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5641, the SPEED Recovery Act, is a bipartisan bill that cuts red tape and helps expedite disaster recovery efforts, especially in small and rural areas. This legislation updates what the Federal Emergency Management Agency considers a small project.

The bill already passed the House in April, as has been said, and today, it

returns with a reasonable amendment from the Senate and adds a report by the inspector general of Homeland Security to help ensure that there is no fraud, waste, and abuse.

Increasing the small project threshold allows communities to recover faster and allows FEMA to focus more of their time and resources on larger, more complex projects that represent 90 percent of the disaster costs.

I have heard from communities in my district about paperwork burdens and increasing denials over technicalities, and I hope the commonsense adjustments of this bill will improve this process.

Mr. Speaker, I urge support of this legislation.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN).

Miss GONZÁLEZ-COLÓN. Mr. Speaker, I thank my colleague for yielding.

Today, I rise again in support of H.R. 5641, the SPEED Recovery Act, which is bipartisan legislation introduced by Ranking Member GRAVES that passed the House in April.

This bill cannot be timelier as Puerto Rico is once again dealing with the effects of yet another major disaster, Hurricane Fiona, while also communities in Florida are facing Hurricane Ian as we speak.

We do have a lot of experience in those small projects that are never done because of the red tape or the long procedures that need to be dealt with between municipalities and FEMA.

Too often, cities and municipalities face the burden of rising costs of material and labor, which means that the cost estimate for relatively simple projects, such as street repairs, now surpasses the threshold for what is defined as a small project.

Today, \$123,000 hardly covers the most trivial work, and we can talk about that. I mean, we still have a lot of those small projects since Hurricane Maria that are not being done, and now, many of those projects were hit by Hurricane Fiona. Although the money is there, the process is so big that even the initial amount won't cover those repairs.

We have had cases where there may have been resources to start and finish promptly, but because of the price tag, we are forced to go through a more complicated process with FEMA, which can take years, years in which the people wonder when they will see the work.

When a community does not see even small things taken care of, that weakens the social fabric and promotes displacement.

□ 1730

We cannot afford to keep going through that again. We have a responsibility to make the Federal Government more efficient, particularly in times of need.

By increasing the threshold for eligibility for small projects, including ad-

justments for inflation, this bill will simplify that process, reducing administrative burdens, resulting in faster start of work and allowing more recovery projects to move forward.

Mr. Speaker, I support this commonsense bipartisan legislation, and I urge all Members to support the Senate amendments and send them to the President's desk. Across the Nation, our communities will need it.

Mr. CARSON. Mr. Speaker, I have no more speakers, and I reserve the balance of my time.

Mr. WEBSTER of Florida. Mr. Speaker, I yield myself such time as I may consume to close.

The amendments to H.R. 5641, the SPEED Recovery Act, is reasonable and will help to strengthen accountability.

Mr. Speaker, I thank Senators PORTMAN and PETERS, who are the bipartisan leaders of the Senate Committee on Homeland Security and Governmental Affairs. Without their leadership in the Senate to push forward this measure, we would not be here today.

Mr. Speaker, I thank Senator JOSH HAWLEY of Missouri, who also helped by being engaged in this particular issue.

Finally, I thank our great staff on both sides to get this bill to the finish line, especially my subcommittee staff director, Johanna Hardy and Maddy McCaslin.

Mr. Speaker, I urge support of this important legislation, and I yield back the balance of my time.

Mr. CARSON. Mr. Speaker, in closing, this legislation supports FEMA's role and codifies that the qualifying small project threshold will be \$1 million.

Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and concur in Senate amendments to the bill, H.R. 5641.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. NEHLS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

PREVENTING PFAS RUNOFF AT AIRPORTS ACT

Mr. CARSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3662) to temporarily increase the cost share authority for aqueous film forming foam input-based testing equipment, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing PFAS Runoff at Airports Act”.

SEC. 2. TEMPORARY INCREASED COST SHARE AUTHORITY FOR AQUEOUS FILM FORMING FOAM INPUT-BASED TESTING EQUIPMENT.

(a) IN GENERAL.—Section 47109 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(g) SPECIAL RULE FOR COVERED EQUIPMENT.—

“(1) IN GENERAL.—The Government’s share of allowable project costs for covered equipment and its installation shall be 100 percent.

“(2) DEFINITION OF COVERED EQUIPMENT.—For purposes of this subsection, the term ‘covered equipment’ means aqueous film forming foam input-based testing equipment that is eligible for Airport Improvement Program funding based on Federal Aviation Administration PGL 21-01, titled ‘Extension of Eligibility for stand-alone acquisition of input-based testing equipment and truck modification’, dated October 5, 2021 (or any other successor program guidance letter).

“(3) SUNSET.—The higher cost share authority established in this subsection shall terminate on the earlier of—

“(A) 180 days after the date on which the eligibility of covered equipment for Airport Improvement Program funding under the authority described in paragraph (2) terminates or is discontinued by the Administrator; or

“(B) 5 years after the date of enactment of this subsection.”.

(b) OUTREACH EFFORTS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct an outreach effort to make airports aware of the higher cost share authority established in section 47109(g) of title 49, United States Code, as added by subsection (a).

(c) FORWARD-LOOKING AIRPORT REIMBURSEMENTS.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that reviews—

(1) potential options for Congress to reimburse airports that—

(A) are certificated under part 139 of title 14, Code of Federal Regulations; and

(B) acquired covered equipment (as defined in section 47109(g) of title 49, United States Code) as added by subsection (a)—

(i) with Federal funding but with a Government’s share less than 100 percent; or

(ii) without Federal funding;

(2) information relevant to estimating the potential cost of providing such reimbursement;

(3) the status of the Federal Aviation Administration’s outreach efforts as required under subsection (b); and

(4) any additional information the Administrator of the Federal Aviation Administration considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—The amendments made by this Act shall apply to amounts that first become available in fiscal year 2023 or thereafter.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman from Florida (Mr. WEBSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CARSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 3662, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CARSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3662, the Preventing PFAS Runoff at Airports Act, sponsored by Senator PETERS from Michigan.

Mr. Speaker, every day millions of Americans are exposed to highly toxic fluorinated chemicals known as PFAS, through either their drinking water, home appliances, retail packaging, or countless other things they come into contact with each and every day.

These chemicals, known as “forever chemicals” due to their long-term persistence and inability to be easily broken down when released into the environment, have been linked with numerous human health risks, including increased risk of cancer, immune system impairment, and impaired child development. And that is just what we know. There is still plenty that we don’t know about these hazardous materials and chemicals.

Unfortunately, these chemicals are also likely to be found in and around many of our Nation’s airports. That is because airports have been required by law to use and discharge firefighting foam containing PFAS; not just during firefighting emergencies, but also to comply with mandatory FAA testing requirements for firefighting equipment. These discharges have tremendous health implications for the people who live and work around airports, as well as growing liability concerns for the airports themselves.

Fortunately, there has been significant progress on this front. For instance, just last month, the EPA proposed designating two of the most widely used PFAS chemicals as hazardous substances, which would create more public transparencies around the release of these chemicals. And the FAA is in the process of transitioning away from mandating the use of airport firefighting foam containing PFAS—though the agency still has to offer PFAS-free alternatives.

Furthermore, the FAA now allows for airports to sufficiently test their firefighting equipment without discharging PFAS outside of the vehicle. But while these efforts should be celebrated, more work must be done.

That is why I support this bill, which would raise the Federal cost share to 100 percent for airports that use Federal Airport Improvements Program funds to acquire input-based testing equipment, which enables airports to test firefighting equipment without

emitting toxic PFAS substances. While airports are already allowed to procure this equipment, the cost of the equipment—which can be tens of thousands of dollars—can often be prohibitive.

Through this higher Federal cost share, S. 3662 would incentivize the broad adoption of this new technology to ensure airports are able to limit or prevent the spread of PFAS contamination into local communities.

In addition, the bill would require the FAA to provide Congress with options for reimbursing airports that use AIP funds to require input-based testing equipment under a lower Federal cost share standard or acquire this equipment without AIP funds.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. WEBSTER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, ensuring the safety of the traveling public is of critical importance to this Committee. To ensure aviation safety, the Federal Aviation Administration regulates airport firefighting standards and requires airports to regularly test firefighting equipment.

Currently, the fire suppressant foam required to be used at airports contains PFAS. While FAA is working closely with the Department of Defense to come up with an alternative that is just as effective at suppressing jet fuel fires, there is still work to be done before that alternative is made available.

Given that, this bill ensures that airports are able to acquire equipment to test firefighting vehicles, in compliance with FAA regulations, without discharging PFAS-laden foam.

Mr. Speaker, this bipartisan bill passed the Senate unanimously, and I urge support. This legislation is a good piece of legislation, and I reserve the balance of my time.

Mr. CARSON. Mr. Speaker, I have no more speakers and I reserve the balance of my time.

Mr. WEBSTER of Florida. Mr. Speaker, in closing, S. 3662 is a minor adjustment of an AIP cost share to remove any barriers an airport might have for acquiring firefighting testing equipment.

Mr. Speaker, I urge support of the bill and I yield back the balance of my time.

Mr. CARSON. Mr. Speaker, in closing, by making this small change to the Federal AIP, this bill would make it much easier to protect the health of our airport workers, first responders, and local communities, as well as bolster our Nation’s ability to continue fighting these dangerous and insidious chemicals.

Mr. Speaker, I support this bipartisan legislation and I urge my colleagues to do the same. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and pass the bill, S. 3662, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. NEHLS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1745

PROVIDING FOR CONSIDERATION OF H.R. 3843, MERGER FILING FEE MODERNIZATION ACT OF 2022; PROVIDING FOR CONSIDERATION OF H.R. 7780, MENTAL HEALTH MATTERS ACT; AND PROVIDING FOR CONSIDERATION OF S. 3969, PAVA PROGRAM INCLUSION ACT; AND FOR OTHER PURPOSES

Mr. DESAULNIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1396 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1396

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3843) to promote antitrust enforcement and protect competition through adjusting premerger filing fees, and increasing antitrust enforcement resources. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-66 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees; and (2) one motion to recommit.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 7780) to support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-67 shall be considered as adopted in the House and in the Committee of the Whole. The bill,

as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry further amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SEC. 3. During consideration of H.R. 7780, the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Education and Labor or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. Upon adoption of this resolution it shall be in order to consider in the House the bill (S. 3969) to amend the Help America Vote Act of 2002 to explicitly authorize distribution of grant funds to the voting accessibility protection and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Indian consortium, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration or their respective designees; and (2) one motion to commit.

SEC. 5. On any legislative day during the period from October 3, 2022, through November 11, 2022, the Journal of the proceedings of the previous day shall be considered as approved.

SEC. 6. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 5 of this resolution as though under clause 8(a) of rule I.

SEC. 7. Each day during the period addressed by section 5 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 8. Each day during the period addressed by section 5 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

SEC. 9. Each day during the period addressed by section 5 of this resolution shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII.

SEC. 10. (a) At any time through the legislative day of Friday, September 30, 2022, the Speaker may entertain motions offered by

the Majority Leader or a designee that the House suspend the rules as though under clause 1 of rule XV with respect to multiple measures described in subsection (b), and the Chair shall put the question on any such motion without debate or intervening motion.

(b) A measure referred to in subsection (a) includes any measure that was the object of a motion to suspend the rules on the legislative day of September 28, 2022, September 29, 2022, or September 30, 2022, in the form as so offered, on which the yeas and nays were ordered and further proceedings postponed pursuant to clause 8 of rule XX.

(c) Upon the offering of a motion pursuant to subsection (a) concerning multiple measures, the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated to the end that all such motions are considered as withdrawn.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DESAULNIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Minnesota (Mrs. FISCHBACH), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. DESAULNIER. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DESAULNIER. Mr. Speaker, yesterday, the Rules Committee met and reported a rule, House Resolution 1396, providing for consideration of three measures.

First, the rule provides for consideration of H.R. 7780 under a structured rule. The rule provides 1 hour of general debate equally divided and controlled by the chair and the ranking minority member of the Committee on Education and Labor, and makes in order two amendments, and provides one motion to recommit.

Second, the rule provides for consideration of H.R. 3843 under a closed rule. The rule provides 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and a motion to recommit.

Third, the rule provides for consideration of S. 3969 under a closed rule. The rule provides 1 hour of general debate equally divided and controlled by the chair and the ranking minority member of the Committee on House Administration and a motion to commit.

The rule provides the majority leader or his designee the ability to en bloc requested roll call votes on suspension bills considered on September 28 to September 30. This authority lasts through September 30, 2022.

Lastly, the rule provides standard recess instructions from October 3 to November 11.

Mr. Speaker, an average of 18 young Americans took their own lives every

day in 2020. When children take their own lives, families and communities are left broken. This includes the community of Moorhead, Minnesota, which faced the devastating loss of 13-year old Horizon Middle School student Jacoby Blake to suicide just last year.

These sad stories happen all over this country in all of our districts. Mental health disorders, as a whole, are a common cause of death. It is estimated by CDC that 8 million deaths worldwide, which represents about 14.3 of total annual deaths, are attributable to mental disorders.

Even before the pandemic, the unmet mental and behavioral health needs of young people, students, and teachers, were a serious problem.

In talking with teachers in the district I represent in the East Bay of the San Francisco Bay area, it is clear that this problem has become a crisis. Teachers, administrators, and parents, often tell me that dealing with their students and their children's and their own mental and behavioral health challenges is among the most difficult things they deal with every day.

The data, unfortunately, backs up these stories. Teachers are saying, just last year, almost half of the students experienced persistent sadness or hopelessness, and nearly 20 percent seriously considered suicide.

Think of that, Mr. Speaker. Almost one in four American children have considered suicide in the last 2 years.

At the same time, 27 percent of teachers reported symptoms of depression, which is significantly higher than average adults, and those numbers have been growing.

Despite these warning signs, over 60 percent of children experiencing major depression do not receive any form of mental health treatment, and only 22 percent of teachers reported receiving emotional support from their school, their school district, or professional staff.

This is at a time when investments in the National Institute of Mental Health is discovering exponential information about how our brains work, how they cognitively develop, and the danger to trauma.

We are not getting this information out to the people who need it the most. We know that when people get treatment, they succeed. They overcome their difficulties.

As a Nation, we are underinvesting in the resources our students need, and our communities, our parents, our teachers, our administrators, to stay healthy, to succeed in school, and retain talented teachers and professionals and make sure that future Americans grow and are ready to carry on the legacy that we have inherited from former generations.

While the School Social Work Association of America recommends a ratio of 250 students per social worker, not one single State meets this recommended ratio. The national average is 2,106 of students per social worker;

2,106, as opposed to the recommended average of 250.

I am proud this week that the House is advancing my legislation, the Mental Health Matters Act, to confront this crisis head on, to give communities and parents and teachers the resources they need.

This bill was drafted with the needs of students, parents, and teachers in mind and is the product of months of careful consideration about how Congress can best respond to our Nation's mental health crisis.

This legislation before us would expand the school-based mental and behavioral health workforce, promote accessibility for students with disabilities, provide resources to address trauma in young children, and strengthen the ability of Americans with employer-sponsored insurance to access mental health and substance use disorder treatments they are statutorily entitled to.

From my discussions with mental health professionals over the years and research that has informed this legislation, it is clear that failure to address these challenges at a young age can harm performance at school and work and lead to ever worsening mental and behavioral health outcomes later in life for individuals and for our country.

□ 1800

Anxiety and reading disorders co-occur in approximately 25 percent of students. For individuals whose reading challenges persist into adulthood, there is a greater likelihood of depression, low self-esteem, and difficulty in social functioning.

To break this cycle, a provision I authored would help Head Start agencies implement evidence-based interventions to improve the health of children and staff.

While investment is needed for greater access to school-based mental health and behavioral health, individuals and families with employer-sponsored health insurance must also have robust access to treatment outside of school.

Some insurers, unfortunately, have placed arbitrary coverage limits on mental and behavioral health care, making it hard for patients to access treatment in the same way they would for physical ailments. This legislation makes great strides in the fight for mental health parity so that families can focus more on staying healthy and less on battling insurers for coverage.

Mental health and suicide prevention are deeply personal issues for me, having lost my own father to suicide almost 34 years ago. In advancing this bill, it is my hope that we can prevent many families from having to experience what mine went through several decades ago.

Also included in today's rule is the Merger Filing Fee Modernization Act. This bipartisan bill would increase the filing fee that large corporations must pay the Federal Trade Commission in order to conduct a merger.

A recent surge in merger filings has placed a strain on the FTC's resources, and updating the fee schedule will help the agency cope with its many demands.

Finally, we will also consider the PAVA Program Inclusion Act under the rule. This Senate-passed legislation would help ensure that all programs designed to help voters with disabilities can access Federal funds regardless of their location.

Unfortunately, programs designed to help individuals with disabilities vote who are Native Americans or who live in the Northern Mariana Islands are not currently able to access the Protection and Advocacy for Voting Access funds in the same manner as other Federal programs. The PAVA Program Inclusion Act will fix this injustice, and passing this bill will send it to President Biden's desk to be signed into law.

Mr. Speaker, we have a great opportunity this week to make transformative investments in our Nation's future and our mental health and pass other commonsense legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I thank the gentleman from California for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

We are here to debate the rule providing for consideration of three bills: H.R. 7780, Mental Health Matters Act; H.R. 3843, Merger Filing Fee Modernization Act; and S. 3969, Protection and Advocacy for Voting Access, or PAVA, Program Inclusion Act.

H.R. 3843 would increase funding to the Federal Trade Commission without justification or restrictions on that funding. This is the same agency that, through its strategic plan for the next 4 years, removed a longstanding clause that states the agency will not unduly burden legitimate business activity.

In the coming term, the Supreme Court will hear a case as to whether the FTC is mission creeping beyond the bounds of its constitutional authority. The FTC, through its initiatives in antitrust enforcement, has taken an increasing liberal view of its traditional focus on protecting consumers from fraud and ensuring businesses have clear rules to follow and is instead moving toward an interpretation of reshaping the American economy through enforcement action.

In the Committee on the Judiciary, my colleagues offered amendments to put limitations on this funding.

Mr. ROY offered an amendment to prohibit appropriated funds from being used to promote critical race theory and one to require funds to be used to enforce antitrust laws as defined in the Clayton Act.

Mr. FITZGERALD offered one to prohibit funds from being used for non-enforcement activities.

Mr. BISHOP offered one to limit the scope of the bill to only apply to mergers involving large technology companies.

All of these failed on party lines, and I can't understand why, unless my colleagues on the left want to encourage the FTC to get involved in issues outside of its purview. The FTC is out of control under this administration and cannot be trusted with these additional resources.

H.R. 7780 misses the mark. Republicans are committed to addressing the mental health crisis facing young people in the country. Unfortunately, this bill is another one-size-fits-all proposal that fails to provide local leaders with the flexibility they need to address the unique problems they face. Republicans support mental health parity, but this bill will actually do the opposite. It opens insurers and employers to lawsuits when they voluntarily offer to provide mental health care benefits.

As with so many bills promoted by the majority this Congress, provisions of this bill ban arbitration clauses, class action waivers, and representation waivers, discouraging other means of settling disputes and pushing creating even more bottlenecks in our judicial system.

During markup, Republicans offered an alternative bill that streamlined existing programs, helped the needs on the ground, helped all students in need regardless of where their school is, and included important accountability metrics. I wish we were discussing that bill here today. Unfortunately, this and every other Republican amendment is effectively blocked from discussion under this rule.

Mr. Speaker, it is for that reason that I oppose the rule and ask Members to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. DESAULNIER. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the comments from my friend.

Just on the mental health part, we did have hearings in the subcommittee I am proud to chair, the Subcommittee on Health, Employment, Labor, and Pensions. We have had ongoing discussions with both the ranking member of that subcommittee and the ranking member of the full committee, so I think this is to be continued.

I would say on the mental health part of the rule, the urgency is right now, as I outlined in my opening comments. It is something we will have to continue to work with and hopefully will in good faith because all of these issues are on mental health, particularly for young people. I have agreed in my conversations with my friends, the ranking members, Ms. FOXX and Mr. ALLEN, and I look forward to continuing that. I think there is a real urgency on that.

On the trust, I respectfully disagree. Given the level of inequality in this country right now, I think it is really important that we support competition in the marketplace, and the Federal Trade Commission needs the resources to make sure that that happens.

The PAVA bill obviously has bipartisan support.

On all of these bills, I am anxious to get them off the floor today as a rule and look forward to seeing the continued debate tomorrow on the specific bills and the outcome of those bills.

Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I yield 2 minutes to my colleague from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, today, I reluctantly rise in opposition to this rule and will vote "no."

I am a supporter of all three bills covered by this rule as they were originally introduced. I am even the cosponsor of Representative NEGUSE's bill to increase filing fees. However, very unfortunately, this rule advances a modified version of that bill. It tacks on provisions from Representative BUCK's antitrust enforcement venue bill, and these antitrust venue provisions are unwise public policy.

I vocally opposed them during the Committee on the Judiciary markup and have dutifully kept my leadership apprised of my opposition to them since that time.

Despite proponents trying to sell these venue provisions as non-controversial, I am far from the only Member with concerns.

Furthermore, in a highly unusual move, the Administrative Office of the U.S. Courts wrote to Congress outlining their serious concerns with these venue policy provisions. Opposition also comes in letters from the Progressive Policy Institute and the U.S. Chamber of Commerce.

Proponents argue that State attorneys general are in favor. Well, I understand it was sold to them as a non-controversial provision. Of course, they would be in favor. It makes life easier for them. It doesn't address the very serious issues outlined by the Administrative Office of the Courts, and it doesn't make this good, wise policy.

So, very reluctantly, I will vote "no." I would gladly support today's rule if these venue provisions were not tacked onto the other good bills.

Mr. Speaker, I include in the RECORD the letters from the Administrative Office of the United States Courts, the Progressive Policy Institute, and the U.S. Chamber of Commerce.

ADMINISTRATIVE OFFICE OF
THE UNITED STATES COURTS,
Washington, DC, July 19, 2021.

Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. LEADER: I write regarding H.R. 3460, the "State Antitrust Enforcement Venue Act of 2021," which was ordered reported as amended by the Committee on the Judiciary on June 24, 2021. Neither the Judicial Panel on Multidistrict Litigation ("Panel") nor any of the relevant committees of the Judicial Conference of the United States ("Conference") have had the opportunity to analyze this bill thoroughly. Considering its potential impact on the federal Judiciary and the efficient administration of justice, I offer for your consideration the fol-

lowing initial observations. These comments are neither expressions of support for, nor opposition to the bill. Nevertheless, I hope they are helpful and note that pending a more in-depth analysis, by both the Panel and the relevant Conference committees, additional comments may be submitted.

BACKGROUND

Section 1407 was enacted in 1968, in the wake of a large multidistrict antitrust litigation involving alleged conspiracies to divide businesses and fix prices in multiple product lines of electrical equipment. That litigation encompassed more than a thousand actions in numerous federal judicial districts brought, in large part, by public utilities against virtually every manufacturer of electrical equipment. The sudden influx of civil antitrust actions led to the creation of ad hoc procedures to coordinate the litigation before a smaller number of judges to eliminate duplicative discovery and pretrial proceedings.

Section 1407 was intended to serve as a permanent solution to the problem that large multidistrict litigations pose to the federal Judiciary's ability to administer its civil docket efficiently and justly. The statute created a panel of seven circuit and district judges, no two of whom shall be from the same circuit, which is authorized to transfer civil actions involving one or more common questions of fact and pending in different districts to a single district for coordinated or consolidated pretrial proceedings. See 28 U.S.C. §1407(a). To distinguish from other forms of transfer and consolidation, transfer for coordinated or consolidated pretrial proceedings under Section 1407 is referred to as "centralization." The Panel may transfer actions for centralized pretrial proceedings only if it determines that transfer will be for the convenience of the parties and witnesses and will promote the just and efficient conduct of such actions. Id. Civil actions transferred to multidistrict litigation (MDL) proceedings are remanded by the Panel at the conclusion of pretrial proceedings to their transferor districts (i.e., trial is conducted in the district of original filing), unless the actions were terminated during the course of pretrial proceedings. Id.

Over the past fifty years, MDLs have encompassed a wide variety of civil litigation in the federal courts, but antitrust litigations have always constituted a core category of cases subject to centralization. Section 1407 contains one exception with respect to antitrust MDLs—enforcement actions by the United States arising under the federal antitrust laws are not subject to transfer under Section 1407. See 28 U.S.C. §1407(g). Congress has amended Section 1407 only once. As part of the Hart Scott Rodino Antitrust Improvements Act of 1976, Congress added subsection (h), which authorizes the Panel to consolidate and transfer any action brought under 15 U.S.C. §15c (i.e., State *parens patriae* actions) for both pretrial purposes and trial. See 28 U.S.C. §1407(h).

CONCERNS

H.R. 3460 would amend 28 U.S.C. §1407 to limit the Panel's ability to centralize civil actions brought by States under the antitrust laws of the United States and delete the subsection added by the Hart Scott Rodino Antitrust Improvements Act of 1976. Congress to date has never amended Section 1407 to restrict the Panel's ability to centralize civil actions. Doing so in this instance raises several concerns that merit Congress's consideration.

H.R. 3460 May Negatively Impact the Efficiency and Conduct of Antitrust MDLs

Restricting the Panel's ability to centralize State antitrust actions could negatively impact the efficiency and conduct of

antitrust MDLs. When the Panel centralizes actions under Section 1407, it considers whether centralization will enhance convenience and efficiency with respect to the parties, witnesses, and the federal Judiciary as a whole—the Panel does not limit its consideration to the impact on any one party in isolation. In general, MDL litigation is most efficient when all related actions are centralized before a single judge. Doing so minimizes the potential for duplicative discovery and motion practice, eliminates the potential for inconsistent pretrial schedules or rulings, and conserves the resources of the parties, counsel, and the Judiciary. To the extent there are actions with different legal issues or concerns, the MDL judge can formulate a pretrial program that allows pretrial proceedings with respect to any non-common issues to proceed concurrently with pretrial proceedings on common issues (for example, by creating a separate discovery or motion track for certain actions). This ensures that pretrial proceedings will be conducted in a streamlined manner leading to a just and expeditious resolution of all actions to the overall benefit of the parties.

Excepting State antitrust actions from centralization can only increase the number of actions (and, hence, the number of independent parties and courts) outside the ambit of the MDL. Related actions that cannot be centralized can introduce case management difficulties into the MDL. Parties and courts in actions pending outside the MDL may (either actively or inadvertently) undermine attempts to coordinate and streamline discovery and pretrial practice in the litigation. For instance, such actions may be subject to different pretrial schedules, parties and witnesses might be subject to duplicative discovery, and the courts might issue inconsistent pretrial rulings pertaining to the same parties. It also is possible that substantively inconsistent rulings could issue—such as with respect to market definition or which standard of review (per se or rule of reason) applies to a given case. Given the nationwide scope of these antitrust litigations, such inconsistent rulings may complicate proceedings and sow confusion not only among the courts and parties, but also in the marketplace.

H.R. 3460 May Result in Inefficient Judicial Administration of Antitrust Litigation

Apart from the general impact on efficiency caused by increasing the number of actions that cannot be centralized, there could be particular inefficiencies created by excepting State antitrust actions from centralization. States are, in many ways, similar to private antitrust plaintiffs. For instance, States may sue because they have suffered a direct antitrust injury (e.g., if the State directly purchased a product subject to an alleged price fixing conspiracy). Along with their claims under the federal antitrust laws, States may also include claims brought under state antitrust law for “indirect” antitrust damages not permitted under federal antitrust law. Both types of claims are substantially similar to those presented by private plaintiffs asserting antitrust injury as direct or indirect purchasers. As such, these types of State antitrust claims will present factual and legal issues that are similar or identical to those presented by the claims of the private plaintiffs. These common claims generally will be most efficiently litigated in a centralized proceeding. Notably, similar claims by the United States for civil damages due to injury to the government itself are not excluded from centralization under Section 1407. See 28 U.S.C. §1407(g) (stating that the exemption for claims brought by the United States as a complainant under the antitrust laws “shall not include section

4A of the Act of October 15, 1914, as added July 7, 1955 (69 Stat. 282; 15 U.S.C. 15a)’’).

In addition, States may bring federal antitrust claims on behalf of their citizens who have suffered harm due to the alleged anti-competitive conduct (parens patriae actions). Those citizens may be class members in private antitrust actions. Indeed, Section 4C of the Clayton Act, 15 U.S.C. §15c, imposes on State parens patriae actions notice and opt out requirements akin to those for private class actions under Federal Rule of Civil Procedure 23. Courts also are statutorily obligated to exclude from any award in a parens patriae action any amounts that duplicate awards in private actions. See 15 U.S.C. §15c(a)(1). A single MDL judge usually will be best positioned to coordinate state and private litigations.

H.R. 3460 Could Adversely Affect the Interest of States

Excluding State antitrust actions from MDL proceedings could adversely affect the interests of the States. While States might gain greater autonomy with respect to their individual actions, they would lose much of their ability to participate in and influence the centralized proceedings. Collaboration between private plaintiffs and State Attorneys General also may be reduced, particularly if the States retain outside counsel to prosecute their antitrust claims. Such counsel may have attorneys’ fees or other incentives inconsistent with close coordination with the MDL. This could result (absent coordination between the different courts) in competing pretrial schedules and inconsistent orders that complicate the management and adjudication of both the State antitrust action and the MDL.

H.R. 3460 Could Undermine the Panel’s Efforts to Enhance Coordination with Federal Antitrust Litigation

Excluding State antitrust actions from centralization could undermine the Panel’s efforts to facilitate coordination and cooperation between private antitrust litigation and antitrust actions brought by the United States. Where there is a federal enforcement action or investigation that cannot be included in a given antitrust MDL, the Panel often will centralize the MDL in the court where the federal antitrust action or grand jury proceedings are pending to facilitate any appropriate and necessary coordination with the private actions. By multiplying the number of actions excluded from centralization under Section 1407, the proposed legislation might eliminate this alternative means of facilitating coordination with respect to litigations involving both federal and state antitrust actions.

CONCLUSION

Thank you for considering these comments. We request that the Committees of the Judicial Conference and the Panel have the opportunity to conduct more in-depth analysis of the legislation before any further consideration by Congress.

Sincerely,

ROSLYNN R. MAUSKOPF,
Director.

PROGRESSIVE POLICY INSTITUTE (PPI)
September 26, 2022.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. STENY HOYER,
Majority Leader, House of Representatives,
Washington, DC.
Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives
Washington, DC.

DEAR SPEAKER PELOSI, LEADER MCCARTHY, AND LEADER HOYER: State enforcement of

antitrust law plays a key role in protecting consumer welfare in the face of corporate monopolies. However, the national nature of our economy means that, in many cases, consumers across state lines are buying the same products and services. H.R. 3460, the State Antitrust Enforcement Venue Act, retreats from the national nature of many markets by attempting to refocus antitrust law on a state-by-state basis. It makes this shift by preventing venue transfers for antitrust cases brought by state attorneys general in favor of a system where states can bring antitrust claims against companies with more control over the venue in which these cases are carried out. A major change such as this will have unforeseen consequences in a variety of antitrust situations. It is for this and the following reasons we urge you to oppose H.R. 3460, which is incorporated in the House Rules Committee notice hearing for the modified version of H.R. 3843, the Merger Filing Fee Modernization Act.

A July 2021 letter from the Director of the Administrative Office of the U.S. Courts explains the ways in which the bill would reduce efficiency in the American judicial system. It highlights that currently under 28 U.S. Code §1407 similar civil cases in different districts are consolidated by the Judicial Panel on Multi-District Litigation, which then transfers the case to a single district. This can be requested by the defendant and the intent is to minimize duplicative processes and prevent inconsistent rulings.

By discarding this means for centralization through the passage of H.R. 3460, the processes through which states approach antitrust cases is fundamentally changed. As is pointed out by the Administrative Office of the U.S. Courts, efficiency is compromised, as courts will need to separately engage in similar discovery and pretrial proceedings in different venues, even in cases where it would conserve the time of the court and taxpayer money to carry out in a single district.

Additional concerns lie in the potential for politically motivated judicial consequences associated with the bill. The bill’s elimination of the consolidation process for antitrust cases brought under 15 U.S.C. §15c will give rise to a reality where different states could simultaneously pursue their own separate antitrust actions against the same companies across various federal courts. As such, state attorneys general may harass companies that are politically unpopular in a particular state or region.

Creating a fragmented and inefficient antitrust system is not the optimal remedy for potential corporate antitrust violations. We urge you to oppose H.R. 3460, the State Antitrust Enforcement Venue Act, and avoid the unintended consequences that may come with it.

Sincerely,
Progressive Policy Institute (PPI), Center for New Liberalism (CNL), Computer & Communications Industry Association (CCIA), Blackstone Valley Chamber of Commerce, South Shore Chamber of Commerce, Council Bluffs Chamber of Commerce, Lawsuit Reform Alliance of New York, Florida State Hispanic Chamber of Commerce.

U.S. CHAMBER OF COMMERCE,
GOVERNMENT AFFAIRS,
Washington, DC, September 27, 2022.

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce strongly opposes in its current form H.R. 3843, the “Merger Filing Fee Modernization Act of 2022,” because it would stymie legitimate business transactions across sectors and industries, create needless new bureaucracy, and spur unwarranted litigation. The

Chamber will consider including votes related to this legislation in our "How They Voted" scorecard.

The egregious provisions of the bill include:

Venue. While no longer retroactive as it was in previous drafts of the bill, the Multi District Litigation (MDL) provisions could force firms into simultaneously defending against private litigants, the federal government, and various states in dozens of different courtrooms around the country. The Administrative Office of the United States Courts indicates that such legislation could harm MDL participants more generally by harming judicial efficiency and administration and hamper coordination of state and federal enforcement actions with MDLs. Moreover, these problems would be compounded when states employ private, outside contingency fee attorneys to maximize profits through litigation, rather than to protect consumers or competition.

Transparency and Fees. Only a handful of the thousands of mergers filed each year present potential competition concerns. Yet, the agencies have refused to meet the statutory deadlines for process and accountability under the Hart-Scott-Rodino (HSR) Act. Rather, regulators issue notice letters to firms that essentially dare companies to close mergers at the risk of future action. It is unacceptable to engage in abusive procedural gimmicks. Congress should not raise merger fees while the agencies are currently engaging in process violations.

Foreign Subsidy Notification Provision. Despite efforts to improve the subsidy notification provisions, they remain un-administrable. The legislation provides no clear definition as to what constitutes a subsidy, there is no definition as to what qualifies as a "country of concern," and the disclosure of subsidies has zero bearing on merger review and the merger standard under the law. Subsidies involved in how a deal is financed are not a concern under the antitrust laws, and concerns tied to subsidies the merging parties have received will not result in the government successfully blocking the merger as a remedy to predatory pricing concerns.

The Chamber urges you to oppose this legislation.

Sincerely,

EVAN JENKINS,
Senior Vice President,
U.S. Chamber of Commerce.

Mr. DESAULNIER. Mr. Speaker, I always say that I respect and admire my friend from the San Francisco Bay Area. Sometimes, we disagree.

Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BUCK).

Mr. BUCK. Mr. Speaker, Big Tech is crushing competition and crushing conservative speech. H.R. 3843 contains three important measures that will help America with Big Tech.

The first gives State attorneys general the ability to file their lawsuits and keep those lawsuits in their States. The 48 State attorneys general have asked Congress to move this bill forward. It received broad bipartisan support in the Committee on the Judiciary.

The second is a bill that Senator HAWLEY and our colleague, Congressman FITZGERALD, have supported. It basically prohibits China from buying small high-tech companies so that they can steal our innovation.

The third bill that is combined with H.R. 3843 raises filing fees. Make no mistake, there are controls on these filing fees. They have to be appropriated for the FTC by the Appropriations Committee. That is a control. The Appropriations Committee, I hope, will be under Republican control in the next Congress, and it will be controlled so that nobody in the FTC is using these funds in an inappropriate way, other than reviewing the mergers at issue.

Mr. Speaker, my friend Senator CRUZ has said it absolutely correctly: The greatest threat to democracy in this country is Big Tech.

Senator LEE, Senator COTTON, and Senator GRASSLEY support the House version of this bill because it is a conservative bill, a bipartisan bill, and a bill that will help America deal with Big Tech. I hope my colleagues will support H.R. 3843.

Mr. DESAULNIER. Mr. Speaker, I include in the RECORD the names and correspondence of several organizations I will mention just briefly. These are 40 different organizations that have written to Congress in support of H.R. 3843, the Merger Filing Fee Modernization Act.

Amongst them are Accountable Tech, American Trust Institute, American Family Voices, Artist Rights Alliance, Center for Democracy and Technology, Center for Digital Democracy, Common Sense Media, Consumer Action, Consumer Reports, Free Press Action, Open Markets Institute, Our Revolution, the Service Employees International Union, the International Brotherhood of Teamsters, and the Writers Guild of America West, amongst others. We have covered a broad group here.

These organizations include: Accountable Tech, American Antitrust Institute, American Economic Liberties Project, American Family Voices, Artist Rights Alliance, Asian Pacific American Labor Alliance, AFL-CIO, Athena, Campaign for Family Farms and the Environment, Center for Democracy & Technology, Center for Digital Democracy, Center for Economic and Policy Research, Common Sense Media, Consumer Action,

Consumer Reports, Demand Progress, Demos, Economic Security Project Action, Electronic Privacy Information Center (EPIC), Farm Action Fund, Fight for the Future, Free Press Action, Future of Music Coalition, Institute for Local Self-Reliance, International Brotherhood of Teamsters, National Grocers Association, New York Communities for Change,

Open Markets Institute, Our Revolution, P Street/Progressive Change Campaign Committee, People's Parity Project, Public Citizen, Public Knowledge, Revolving Door Project, Service Employees International Union, The Democratic Coalition, The Tech Oversight Project, UltraViolet Action, Writers Guild of America West (WGAW).

Mr. DESAULNIER. Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, if we defeat the previous question, Republicans will offer an amendment to the rule allowing for the immediate consideration of H.R. 6184, the HALT Fentanyl Act.

I ask unanimous consent to insert the text of my amendment into the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mrs. FISCHBACH. Mr. Speaker, over 100,000 people died from fentanyl overdoses in a 1-year span, according to the CDC. That is a 30 percent increase from the year before.

Fentanyl is now the number one cause of death for Americans ages 18 to 45. I think we can all agree that something must be done to put a stop to this heartbreaking epidemic.

□ 1815

Fentanyl has been temporarily classified as a schedule I substance. This classification strengthens law enforcement's ability to prosecute fentanyl traffickers, and DEA reports that it has acted as an effective deterrent.

The HALT Fentanyl Act would make the schedule I classification permanent and would also promote research by removing regulations and streamlining the research process. We should do everything we possibly can to put an end to the devastation caused by fentanyl in this country, and the HALT Fentanyl Act is one piece of the puzzle that could make a real difference.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GRIFFITH) to speak further on the amendment.

Mr. GRIFFITH. Mr. Speaker, I rise to oppose the previous question so that we can immediately consider my bill, H.R. 6184, the Halt All Lethal Trafficking of Fentanyl Act.

Every Member of this body knows someone who has been affected by the drug overdose epidemic plaguing our country.

Recent provisional data from the Centers for Disease Control and Prevention indicates that during 2021 there were more than 107,000 overdose deaths that occurred in the United States, an increase of nearly 15 percent from the previous year.

These record numbers are due in large part to the increasing presence of fentanyl and fentanyl analogues, which are approximately 100 times more potent than morphine and 50 times more potent than heroin.

Because fentanyl has a proven medical use, it is considered a schedule II narcotic. But illicit derivatives of fentanyl, also called fentanyl analogues or fentanyl-related substances, do not often demonstrate a medical value. Right now they are considered schedule I substances, but only because of a temporary scheduling order which expires on December 31.

My bill aims to curb overdose deaths by permanently scheduling fentanyl analogues as schedule I substances. This will strengthen law enforcement's ability to prosecute fentanyl traffickers and act as a deterrent.

The HALT Fentanyl Act also promotes research by removing barriers to that research. In the Energy and Commerce Committee, we heard there are as many as 4,800 analogues. Our experts at the NIH, the FDA, and other agencies have studied roughly 30 of these 4,800 analogues.

By encouraging research of schedule I substances like fentanyl analogues, we can better understand how these substances work and how we can prevent potentially harmful impacts in the future.

The problem is that if this law expires and doesn't become permanent, those 4,800 analogues are arguably legal—I would submit they are legal—and we have to pass a law on each one of them. The HALT Fentanyl Act makes it so we don't have to do that.

Should we discover that one of those 4,800 or maybe two have a legitimate medical purpose, then we can come back in and consider that, but it is a whole lot easier to figure out what we have already done research on when we have done research on 30 of 4,800 analogues than it is to say, wait a minute, we are going to make all of these legal, and then figure out which ones of them are the most dangerous to the American public. I would submit they are all dangerous and that Congress must pass the HALT Fentanyl Act now.

Mr. DESAULNIER. Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I rise to speak on and urge defeat of the previous question so that we can immediately take up H.R. 6184, the HALT Fentanyl Act.

Mr. Speaker, there is a crisis on our southern border greater than we have ever seen due to the policies put in place by the Biden administration. Almost 2½ million migrants have crossed our southern border in fiscal year 2022. In 2021 alone, border officials encountered nearly 2 million illegal immigrants and seized over 11,000 pounds of fentanyl. This is a public health crisis that demands immediate attention.

H.R. 6184, the HALT Fentanyl Act, places fentanyl-related analogues into schedule I of the Controlled Substances Act and establishes a new registration process for schedule I research funding by the Department of Health and Human Services and the Department of Veterans Affairs.

The move to permanently schedule fentanyl as schedule I is a necessary tool for the Drug Enforcement Administration to work with other agencies and law enforcement officials to address the threat of illicit fentanyl.

According to the Centers for Disease Control and Prevention, fentanyl is now the number one cause of death for Americans 18 to 45, surpassing suicide, COVID-19, and car accidents.

Mr. Speaker, we have all heard stories about how drug dealers are using social media and apps, like Snapchat,

to infiltrate chats with teens or young kids and sell them these illicit drugs. We have no idea what they are selling and whether or not the drug is laced with fentanyl.

Two Congresses ago, the Energy and Commerce Committee worked hard on the SUPPORT Act to deal with what at the time was called an opiate crisis, but we have moved on from that, and now we have a fentanyl crisis.

This is a different disease. It demands attention at the southern border, it demands attention to the analogues being shipped to Mexico from China, and it demands that our Drug Enforcement Administration have the tools it needs to interrupt this deadly epidemic of drug overdose deaths. One death is too many, and we need to equip our communities to address this issue from the source.

If it has changed so much in 4 years, imagine what it will look like in 10 years if nothing is done now. I urge Members to defeat the previous question so we can immediately take up this important bill.

Mr. DESAULNIER. Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I rise today to oppose the previous question so that we can immediately consider H.R. 6184, the HALT Fentanyl Act, and stop the deadly flow of fentanyl into our communities.

The failure of the Biden administration to control the southern border has resulted in record levels of deadly synthetic drugs, like fentanyl, pouring directly into American communities. So far this fiscal year, over 10,000 pounds of fentanyl have been seized at the southern border, with even more slipping through into our country. That is enough fentanyl to kill every American eight times over.

There is little doubt that the surge of drug seizures at our border is closely connected to the surge of drug overdose deaths in the United States. In fact, every 7½ minutes, someone in the United States dies from fentanyl poisoning. Every 7½ minutes. There is an opportunity here for us to work together to help stem the flow of deadly fentanyl and its analogues into our country.

In my home State of Georgia, fentanyl overdose deaths in teens are up 800 percent. 800 percent. Tragic overdoses like this are happening every day all over the country.

Even the CDC reports that fentanyl is now the leading cause of death in the U.S. for adults ages 18 to 45. How can anyone seriously argue that a drug 50 times more potent than heroin that almost always proves to be fatal when ingested should ever be legal?

Despite this crisis, the President did not request a single additional penny for the border crisis or the fentanyl crisis in the funding request for the CR. That is despicable.

Again, these products are manufactured illegally and are largely brought to the United States through the southern border. To save lives, we must secure the border and halt the flow of fentanyl.

I have visited the border several times to see this crisis firsthand. Unfortunately, our President has never visited our southern border. Never been there. Not even once.

With a record-high number of illegal immigrants, smugglers and cartels are using this as an opportunity to traffic more fentanyl substances.

Unfortunately, President Biden and his administration have elected to leave our border wide open, inviting drug traffickers to bring fentanyl substances into the country and distribute it in our streets.

This should not be a partisan issue. Fentanyl does not discriminate. It doesn't care if you are a Republican or a Democrat.

The individuals manufacturing and distributing fentanyl and its analogues are criminal, and they are killing us. This is not an issue that is going away. It is only getting worse every day.

If the President would visit the border, he would be able to talk to the agents firsthand and see for himself just how serious the issue is. Our communities are at risk, and our loved ones are dying. President Biden has ignored this public health crisis for far too long.

It is past time to make this scheduling classification permanent, and I am proud to support the HALT Fentanyl Act to do just that.

Mr. Speaker, let's pass this bill, secure the border, stem the tide of the growing fentanyl crisis, and save lives.

Mr. DESAULNIER. Mr. Speaker, I include in the RECORD The Washington Post article titled: "U.S. arrests along Mexico border top 2 million a year for first time."

[From the Washington Post, Sept. 19, 2022]

U.S. ARRESTS ALONG MEXICO BORDER TOP 2 MILLION A YEAR FOR FIRST TIME

(By Nick Miroff)

U.S. authorities made more than 2 million immigration arrests along the southern border during the past 11 months, marking the first time annual enforcement statistics have exceeded that threshold, according to figures provided by senior Biden administration officials Monday.

In August, U.S. Customs and Border Protection detained 203,598 migrants crossing from Mexico, the latest figures show, putting authorities on pace to tally more than 2.3 million arrests during the government's 2022 fiscal year, which ends Sept. 30. The total, which includes some people apprehended more than once, far exceeds last year's record of more than 1.7 million arrests.

The historic migration wave this year has been driven by soaring numbers of border-crossers from outside Mexico and Central America, the two largest traditional sources of illegal entries. Migrants from Venezuela, Nicaragua and Cuba accounted for more than one-third of those taken into custody along the southern border last month, according to Customs and Border Protection, a 175 percent increase over August 2021.

Biden administration officials blamed the governments of those countries, whose strained relations with Washington severely limit the ability of authorities to send them deportees. Many of the migrants apply for humanitarian protection in the United States and tend to have strong asylum claims.

"Failing communist regimes in Venezuela, Nicaragua, and Cuba are driving a new wave of migration across the Western Hemisphere, including the recent increase in encounters at the southwest U.S. border," Customs and Border Protection Commissioner Chris Magnus, said in a statement. "Those fleeing repressive regimes pose significant challenges for processing and removal," he said, using the official term for deportations.

Biden administration officials continue to insist they are building a "safe, orderly and humane" immigration system while blaming the Trump administration for "dismantling" channels for legal migration.

Critics say Biden administration officials have fallen far short of meeting their refugee admission goals, and the number of migrants who have died this year attempting to cross into the United States is at an all-time high. Scores have drowned in the Rio Grande in recent months, and 53 were killed in June when smugglers in Texas packed migrants into a sweltering tractor trailer with a failing cooling system.

Republican lawmakers blame the record number of crossings on President Biden's reversal of Trump administration border policies. Over the past several months, the Republican governors of Texas and Arizona have sent more than 10,000 migrants on buses to Washington, New York and other northern destinations to put pressure on Democrats by straining relief services in their jurisdictions.

Last week, Florida Gov. Ron DeSantis (R) shipped a planeload of Venezuelans to Martha's Vineyard in Massachusetts, transporting them to a wealthy island enclave with limited services for migrants.

Biden administration officials also say the high border numbers are distorted by repeat crossing attempts by migrants who have been previously arrested. Last month, 22 percent of those taken into custody had a prior arrest in the previous 12 months, the latest figures show.

One factor Biden administration officials blame for the repeat crossings is the Title 42 emergency public health policy, implemented at the start of the pandemic, that allows U.S. agents to rapidly "expel" some migrants back to Mexico. The Biden administration's attempt to phase out Title 42 was blocked in federal court last spring.

The latest figures show the percentage of border-crossers expelled under Title 42 has been falling and remains far lower under Biden than President Donald Trump. About 36 percent of the 203,598 migrant "encounters" resulted in an expulsion last month, down from 83 percent when Biden took office.

Sen. John Cornyn (R-Tex.), said Monday that the strain on Democratic-run cities will force the administration to see the border surge as a crisis. "Maybe, just maybe, they'll see that what's happening along our border every day is dangerous, unsustainable, and a problem that we need to work on together to address," he said.

Biden officials defending the administration's border record pointed to a decline in the number of Mexican and Central American migrants arrested over the past three months as a sign their enforcement policies are having some success, including efforts to target smuggling organizations in Latin America.

Mr. DESAULNIER. Mr. Speaker, the numbers don't lie. If the annual num-

ber of apprehensions at the border is set to break records, that means fewer migrants are making it into the country. The notion that Biden is doing nothing is just absolutely not true.

Just secondarily, my good friend and co-chair of the Cancer Survivors Caucus from Georgia, we have a wonderful relationship. On this I agree, but I disagree on the process. As somebody who has spent a lot of time on opioid abuse, and we know that in our experience with people like myself who survived cancer, particularly more painful ones, that is a product when used properly that can bring relief to people, but we know about the abuse. As you said, a lot of that led to fentanyl.

We are against illegal drugs hurting Americans. We want to support effective remedies to that. I would say that one of the most effective things we can do—having had a long experience personally and professionally in behavioral health—is to invest in the kind of bill we have in front of us—with all due respect, with my name on it—to get upstream, so we make sure that people have the resources, evidence-based resources. So it is not as subjective to get the services they need to protect themselves in an, unfortunately, far-too-free market when it comes to the abuse of both legal and illegal drugs.

With all due respect, again, I am happy to work with the gentleman, but I really think, from my perspective, it is an argument to engage in the investment in behavioral health and mental health services. I will still work with the gentleman to make sure people aren't bringing these awful products across our border.

Mrs. FISCHBACH. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Mrs. CAMMACK).

Mrs. CAMMACK. Mr. Speaker, I rise today to oppose the previous question so that we can immediately consider H.R. 6184, the HALT Fentanyl Act.

Before I begin, I have to address something that was said just now. I am the wife of a first responder. My husband sees these overdoses every single day.

In my community, in just this year, we have apprehended bricks of fentanyl stamped with border cartels' stamps on them. We know it is coming from the border. We know it is being trafficked across, both in trucks at ports of entry but also illegally. We know this to be a fact, and if we do not secure the border this will continue to happen.

I will say, as the wife of a first responder, someone whose husband has continually responded to these calls and is reviving people who have been poisoned by fentanyl, it is not a matter of if he, himself, overdoses, it is when. And that is going to be a very bad day because I think that Members of this Chamber need to be held responsible for the open border policies that this administration continues to allow. But I digress.

Mr. Speaker, 108,000. That is the number of Americans who died from

drug overdoses last year. Of those, more than 80,000 were connected to opioids. The lion's share of those opioid deaths were linked to fentanyl.

Now, it is important that we remember that these numbers are actually people. They are mothers, fathers, brothers, sisters, sons, daughters, aunts, uncles. They are people. Not statistics. They are humans. They represent millions of families who will never see their son, daughter, husband, wife, brother, sister, father ever again. Millions of people whose families have been shattered and feel helpless, broken, and angry as these horrific substances destroyed their communities and their family.

These thousands of victims represent communities crushed by this epidemic, swept away by the flood of lethal substances that are ripping apart the fabric of our society. These thousands of people lost lay bare the denial, the weakness, and the lack of compassion that this administration and my colleagues across the aisle have shown through their ambivalence toward border security, our Nation's security, as literally tons of fentanyl is trucked and walked across the southern border and into our communities.

A few months ago, a mother from my district cried in my office as she talked about her beautiful daughter, Mackenzie, who died from fentanyl poisoning, not overdosing, poisoning, after taking what she thought was a Xanax. She was 28 years old.

Now, unfortunately, Mackenzie's story is not unique. It is not rare. Her mother, Rebecca, is now dedicating her life to saving mothers across the country from the pain that she has endured from a preventable loss and their daughters from Mackenzie's fate.

□ 1830

To my colleagues on the left, you control this Chamber, so it is up to you to decide. How many more Mackenzies have to die before you will take action?

You can pretend that there is no crisis at the border. We see that. That is evidenced in your remarks. But we know that is a lie. You visit any community in this country, and you will see that it has been ravaged by the death and destruction wrought by fentanyl. You cannot deny it. Your constituents know it. The American people know it.

Mr. Speaker, it is time for our colleagues across the aisle to wake up. So I stand here once again, as I did back in March, fighting against the horrors of the opioid epidemic that have a stranglehold on our communities. We once again have an opportunity to take a stand today, not as Republicans or Democrats but as Americans and concerned citizens, for those that have lost their lives, but also for those potentially in the future. The families of those who lost deserve this.

Today is an opportunity to act. Today is an opportunity to put people above politics. I commend my friend,

the gentleman from Virginia, for his great work and for sticking with this bill and seeing it across the finish line.

I urge my colleagues, please, think with your hearts, perhaps in vain but with hope, to defeat the previous question so that we can immediately consider this bill, the HALT Fentanyl Act.

The SPEAKER pro tempore (Ms. McCOLLUM). Members are reminded to direct their remarks to the Chair.

Mr. DESAULNIER. Madam Speaker, I yield myself such time as I may consume. I would say in brief response that I have great respect, obviously, for our emergency responders. I appreciate what the gentlewoman's husband does for a living and what they have to go through. We all agree that we have to support thoughtful oversight to stop these drugs from getting into the hands of people who it can do great damage.

I have been to the border multiple times, both as a Member of Congress and as a member of the California State Legislature. We have a problem, and it has been a problem through Republican administrations and Democratic administrations, both in State houses in the border States and here in Washington, D.C.

We are not for open borders. We want to stop people being harmed by illicit drugs. So the idea that we are not, I would respectfully say that is not accurate.

Madam Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Madam Speaker, I am prepared to close, and I yield myself the balance of my time.

Madam Speaker, while I want to be in favor of these bills, Republicans are in agreement that the underlying problems these bills seek to solve are valid and warrant our attention. There are serious flaws with these bills as written that must be considered first. H.R. 7780 is a one-size-fits-all strategy that will not help the people on the ground. What a school in Minneapolis needs is not likely what a school in my rural district needs. Furthermore, it pushes people in the courts to settle disputes and discourages other methods of resolution.

H.R. 3843 trusts the FTC with no-strings-attached funding, even though the FTC is becoming increasingly partisan and cannot be trusted with more resources.

Madam Speaker, I oppose the rule, and I encourage other Members to do the same.

Madam Speaker, I yield back the balance of my time.

Mr. DESAULNIER. Madam Speaker, I yield myself the balance of my time.

I will read a few numbers, particularly on the part of the rule that is the Mental Health Matters Act, which I am proud to be the author of with Chairman SCOTT.

Suicide is the second leading cause of death for ages of Americans 10 to 24; second for 12 to 18.

For adolescents, depression, substance abuse, and suicide are extremely

important concerns—an epidemic, I would say—among adolescents age 12 to 17.

In 2018 to 2019, 15.1 percent of young Americans had major depressive episodes; 36.7 had persistent feelings of sadness and hopelessness; 4.1 had a substance abuse disorder; 18 percent seriously considered attempting suicide; 16 percent made a suicide plan; and 10 percent attempted suicide.

Madam Speaker, 10 percent of America's young people have attempted suicide; 2.5 percent made suicide attempts requiring medical treatment.

For all those reasons, the part of the rule that is the Mental Health Matters Act is extremely important to this country. Is it perfect? Of course not, from every perspective of 535 Members of Congress and 435 Members of the House. But the need is too urgent, in my view, to wait. That is why it is so important that not just this rule passes but the bill is passed.

We need to put resources in the FTC with the most income inequality and consolidation of wealth through mergers. Not always in our best interest. It is important that the FTC has the resources it needs to actually enforce the statutes as they currently have.

Madam Speaker, we need to help Americans, and specifically teachers and students, get back to doing what they do best, teaching and learning.

The legislation before us on the rule will help provide the resources to improve mental health outcomes and educational attainment.

Madam Speaker, I urge a "yes" vote on the rule and the previous question.

The material previously referred to by Mrs. FISCHBACH is as follows:

AMENDMENT TO HOUSE RESOLUTION 1396

At the end of the resolution, add the following:

SEC. 11. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the bill (H.R. 6184) to amend the Controlled Substances Act with respect to the scheduling of fentanyl-related substances, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

SEC. 13. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 6184.

Mr. DESAULNIER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. FISCHBACH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adoption of the resolution, if ordered; and

The motion to suspend the rules and pass H.R. 3482.

The vote was taken by electronic device, and there were—yeas 220, nays 208, not voting 4, as follows:

[Roll No. 455]
YEAS—220

| | | |
|-----------------|-----------------|----------------|
| Adams | Gomez | Omar |
| Aguilar | Gonzalez, | Pallone |
| Allred | Vicente | Panetta |
| Auchincloss | Gottheimer | Pappas |
| Axne | Green, Al (TX) | Pascrell |
| Barragan | Grijalva | Payne |
| Bass | Harder (CA) | Peltola |
| Beatty | Hayes | Perlmutter |
| Bera | Higgins (NY) | Peters |
| Beyer | Himes | Phillips |
| Bishop (GA) | Horsford | Pingree |
| Blumenauer | Houlihan | Pocan |
| Blunt Rochester | Hoyer | Porter |
| Bonamici | Huffman | Pressley |
| Bourdeaux | Jackson Lee | Price (NC) |
| Bowman | Jacobs (CA) | Quigley |
| Boyle, Brendan | Jayapal | Raskin |
| F. | Jeffries | Rice (NY) |
| Brown (MD) | Johnson (GA) | Ross |
| Brown (OH) | Johnson (TX) | Roybal-Allard |
| Brownley | Jones | Ruiz |
| Bush | Kahele | Ruppersberger |
| Bustos | Kaptur | Rush |
| Butterfield | Keating | Ryan (NY) |
| Carbajal | Kelly (IL) | Ryan (OH) |
| Cárdenas | Khanna | Sánchez |
| Carson | Kildee | Sarbanes |
| Carter (LA) | Kilmer | Scanlon |
| Cartwright | Kim (NJ) | Schakowsky |
| Case | Kind | Schiff |
| Casten | Kirkpatrick | Schneider |
| Castor (FL) | Krishnamoorthi | Schrader |
| Castro (TX) | Kuster | Schrier |
| Cherfilus- | Lamb | Scott (VA) |
| McCormick | Langevin | Scott, David |
| Chu | Larsen (WA) | Sewell |
| Ciulline | Larson (CT) | Sherman |
| Clark (MA) | Lawrence | Sherrill |
| Clarke (NY) | Lawson (FL) | Sires |
| Cleaver | Lee (CA) | Slotkin |
| Clyburn | Lee (NV) | Smith (WA) |
| Cohen | Leger Fernandez | Soto |
| Connolly | Levin (CA) | Spanberger |
| Cooper | Levin (MI) | Speier |
| Correa | Lieu | Stansbury |
| Costa | Lofgren | Stanton |
| Courtney | Lowenthal | Stevens |
| Craig | Luria | Strickland |
| Crow | Lynch | Suozi |
| Cuellar | Malinowski | Swalwell |
| Davids (KS) | Maloney, | Takano |
| Davis, Danny K. | Carolyn B. | Thompson (CA) |
| Dean | Maloney, Sean | Thompson (MS) |
| DeFazio | Manning | Titus |
| DeGette | Matsui | Tlaib |
| DeLauro | McBath | Tonko |
| DelBene | McCullum | Torres (CA) |
| Demings | McEachin | Torres (NY) |
| DeSaulnier | McGovern | Trahan |
| Deutch | McNerney | Trone |
| Dingell | Meeks | Underwood |
| Doggett | Meng | Vargas |
| Doyle, Michael | Mfume | Veasey |
| F. | Moore (WI) | Velázquez |
| Escobar | Morelle | Wasserman |
| Eshoo | Moulton | Schultz |
| Espallat | Mrvan | Waters |
| Evans | Murphy (FL) | Watson Coleman |
| Fletcher | Nadler | Welch |
| Foster | Napolitano | Wexton |
| Frankel, Lois | Neal | Wild |
| Gallego | Neguse | Williams (GA) |
| Garamendi | Newman | Wilson (FL) |
| Garcia (IL) | Norcross | Yarmuth |
| Garcia (TX) | O'Halleran | |
| Golden | Ocasio-Cortez | |

NAYS—208

| | | |
|----------|-----------|-----------|
| Aderholt | Amodei | Arrington |
| Allen | Armstrong | Babin |

Bacon Gohmert Miller-Meeks
 Baird Gonzales, Tony Moolenaar
 Balderson Gonzalez (OH) Mooney
 Banks Good (VA) Moore (AL)
 Barr Gooden (TX) Moore (UT)
 Bentz Gosar Mullin
 Bergman Granger Murphy (NC)
 Bice (OK) Graves (LA) Nehls
 Biggs Graves (MO) Newhouse
 Bilirakis Green (TN) Norman
 Bishop (NC) Greene (GA) Obernolte
 Boebert Griffith Owens
 Bost Grothman Palazzo
 Brady Guest Palmer
 Brooks Guthrie Pence
 Buchanan Harris Perry
 Buck Harshbarger Pfluger
 Bucshon Hartzler Posey
 Budd Hern Reschenthaler
 Burchett Herrell
 Burgess Herrera Beutler
 Calvert Hice (GA)
 Cammack Higgins (LA)
 Carey Hill
 Carl Hinson
 Carter (GA) Hollingsworth
 Carter (TX) Hudson
 Cawthorn Huizenga
 Chabot Issa
 Cheney Jackson
 Cline Jacobs (NY)
 Cloud Johnson (LA)
 Clyde Johnson (OH)
 Cole Johnson (SD)
 Comer Jordan
 Conway Joyce (OH)
 Crawford Joyce (PA)
 Crenshaw Katko
 Curtis Keller
 Davidson Kelly (MS)
 Davis, Rodney Kelly (PA)
 DesJarlais Kim (CA)
 Diaz-Balart Kustoff
 Duncan LaHood
 Dunn LaMalfa
 Ellzey Lamborn
 Emmer Latta
 Estes LaTurner
 Fallon Lesko
 Feenstra Letlow
 Ferguson Long
 Finstad Loudermilk
 Fischbach Lucas
 Fitzgerald Luetkemeyer
 Fitzpatrick Malliotakis
 Fleischmann Mann
 Flood Massie
 Flores Mast
 Foxx McCarthy
 Franklin, C. McCaul
 Scott McClain
 Fulcher McClintock
 Gaetz McHenry
 Gallagher McKinley
 Garbarino Meijer
 Garcia (CA) Meuser
 Gibbs Miller (IL)
 Gimenez Miller (WV)

NOT VOTING—4

Donalds Mace
 Kinzinger Zeldin

□ 1911

Mr. MCHENRY, Ms. CHENEY, and Mr. KATKO changed their votes from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. DONALDS. Madam Speaker, Metal Detectors stopped me. Had I been present, I would have voted “NAY” on rollcall No. 455.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bacon (Staubert) Carter (TX) DeFazio
 Bilirakis (Fleischmann) Cawthorn (Nehls) (Weber) (Pallone)
 Bowman (Tlaib) Chu (Beyer) Demings (Dean)
 Brown (MD) Conway (Wasserman) Deutch
 (Trone) (LaMalfa) Schultz
 Buchanan Curtis (Moore) Diaz-Balart
 (Bucshon) (UT)) (Reschenthaler) Dunn (Cammack)

Fletcher (Pallone) LaHood (Wenstrup)
 Gimenez Lawson (FL) Sherman (Garamendi)
 (Malliotakis) (Evans) Soto
 Gonzalez, Maloney, Sean (Wasserman)
 Vicente (Jeffries) Schultz
 (Garcia (TX)) Mast (Waltz) Speier (Garcia
 Gosar (Weber) Mfume (Evans) (TX))
 (TX)) Murphy (FL) Steel (Obernolte)
 Herrera Beutler (Peters) Steube
 (Valadao) Newman (Beyer) (Reschenthaler)
 Jacobs (CA) Ocasio-Cortez Swallow
 (Garamendi) (Neguse) (Gomez)
 Jacobs (NY) Palazzo (Gomez)
 (Sempolinski) (Fleischmann) Titus (Pallone)
 Jayapal Pfluger (Ellzey) Torres (NY)
 (Cicilline) Porter (Neguse) (Correa)
 Johnson (TX) Rice (NY) Upton (Meijer)
 (Stevens) (Morelle) Vargus
 Khanna (Garcia) Rice (SC) (Garamendi)
 (TX)) (Meijer) Wagner (Barr)
 Kirkpatrick Ryan (OH) Wilson (FL)
 (Pallone) (Dean) (Cicilline)

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. FISCHBACH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 212, not voting 3, as follows:

[Roll No. 456]

YEAS—217

Adams DeSaulnier Lee (CA)
 Aguilar Deutch Lee (NV)
 Allred Dingell Leger Fernandez
 Auchincloss Doggett Levin (CA)
 Axne Doyle, Michael Levin (MI)
 Barragán F. Lieu
 Bass Escobar Lowenthal
 Beatty Eshoo Luria
 Bera Espaillet Lynch
 Beyer Evans Malinowski
 Bishop (GA) Fletcher Maloney.
 Blumenauer Foster Carolyn B.
 Blunt Rochester Frankel, Lois Maloney, Sean
 Bonamici Gallego Manning
 Bourdeaux Garamendi Matsui
 Bowman Garcia (IL) McEachin
 Boyle, Brendan Garcia (TX) McCollum
 F. Golden McEachin
 Brown (MD) Gomez McGovern
 Brown (OH) Gonzalez, Vicente McNerney
 Brownley (Weber) Meeks
 Bush Gottheimer Meng
 Bustos Green, Al (TX) Mfume
 Butterfield Grijalva Moore (WI)
 Carbajal Harder (CA) Morelle
 Cárdenas Hayes Moulton
 Carson Higgins (NY) Mrvan
 Carter (LA) Himes Murphy (FL)
 Cartwright Horsford Nadler
 Case Houlahan Napolitano
 Casten Hoyer Neal
 Castor (FL) Huffman Neguse
 Castro (TX) Jackson Lee Newman
 Cherfilus-Jacobs (CA) Norcross
 McCormick Jayapal O'Halleran
 Chu Jeffries Ocasio-Cortez
 Cicilline Johnson (GA) Omar
 Clark (MA) Johnson (TX) Pallone
 Clarke (NY) Jones Panetta
 Cleaver Kahele Pappas
 Clyburn Kaptur Pascrell
 Cohen Keating Payne
 Connolly Kelly (IL) Peltola
 Cooper Khanna Perlmutter
 Costa Kildee Peters
 Courtney Kilmer Phillips
 Craig Kim (NJ) Pingree
 Crow Kind Porter Pocan
 Cuellar Kirkpatrick Pressley
 Davids (KS) Krishnamoorthi Price (NC)
 Davis, Danny K. Kuster Quigley
 Dean Lamb Raskin
 DeFazio Langevin Rice (NY)
 DeGette DeLauro Larson (WA)
 DeLauro (Reschenthaler) (CT) Ross
 DelBene Lawrence Roybal-Allard
 Demings Lawson (FL) Ruiz

Ruppersberger Slotkin Trahan
 Rush Smith (WA) Trone
 Ryan (NY) Soto Underwood
 Ryan (OH) Spanberger Vargus
 Sánchez Speier Veasey
 Sarbanes Stansbury Velázquez
 Scanlon Stanton Wasserman
 Schakowsky Stevens Schultz
 Schiff Strickland Waters
 Schneider Suozzi Watson Coleman
 Schrader Takano Welch
 Schrier Thompson (CA) Wexton
 Scott (VA) Thompson (MS) Wild
 Scott, David Titus Williams (GA)
 Sewell Tlaib Wilson (FL)
 Sherman Tonko Yarmuth
 Sherrill Torres (CA)
 Sires Torres (NY)

NAYS—212

Aderholt Gallagher Meijer
 Allen Garbarino Meuser
 Amodei Garcia (CA) Miller (IL)
 Armstrong Gibbs Miller (WV)
 Arrington Gimenez Miller-Meeks
 Babin Gohmert Moolenaar
 Bacon Gonzales, Tony Mooney
 Baird Gonzalez (OH) Moore (AL)
 Balderson Good (VA) Moore (UT)
 Banks Gooden (TX) Mullin
 Barr Gosar Murphy (NC)
 Bentz Granger Nehls
 Bergman Graves (LA) Newhouse
 Bice (OK) Graves (MO) Norman
 Biggs Green (TN) Obernolte
 Bilirakis Greene (GA) Owens
 Bishop (NC) Griffith Palazzo
 Boebert Grothman Palmer
 Bost Guest Pence
 Brady Guthrie Perry
 Brooks Harris Pfluger
 Buchanan Harshbarger Posey
 Buck Hartzler Reschenthaler
 Bucshon Rice (SC)
 Budd Herrell Rodgers (WA)
 Burchett Herrera Beutler Rogers (AL)
 Burgess Hice (GA) Rogers (KY)
 Calvert Higgins (LA) Rose
 Cammack Hill Rosendale
 Carey Hinson Rouzer
 Carl Hollingsworth
 Carter (GA) Roy Rutherford
 Carter (TX) Hudson Salazar
 Cawthorn Huizenga Scalise
 Chabot Issa Schweikert
 Cheney Jackson Scott, Austin
 Cline Jacobs (NY) Johnson (LA) Sempolinski
 Cloud Johnson (OH) Sessions
 Clyde Johnson (SD) Simpson
 Comer Jordan Smith (MO)
 Conway Joyce (OH) Smith (NE)
 Crawford Joyce (PA) Smith (NJ)
 Crenshaw Katko Smucker
 Curtis Keller Spartz
 Davidson Kelly (MS) Stauber
 Davis, Rodney Kelly (PA) Steel
 DesJarlais Kim (CA) Stefanik
 Diaz-Balart Kustoff Steil
 Duncan LaHood LaMalfa Stewart
 Dunn LaMalfa Lamborn Taylor
 Ellzey Lamborn Latta
 Emmer Latta LaTurner Thompson (PA)
 Estes Letlow Tiffany
 Fallon Long Timmons
 Feenstra Loudermilk Valadao
 Ferguson Lucas Van Dwyne
 Finstad Luetkemeyer Wagner
 Fischbach Mace Walberg
 Fitzgerald Mann Waltz
 Fitzpatrick Fleischmann Massie Weber (TX)
 Fleischmann Flood Mast Webster (FL)
 Flood Massie Webster (FL)
 Flores McCarthy Westerman
 Foxx McCaul Williams (TX)
 Franklin, C. McClain Wilson (SC)
 Scott McClintock Wittman
 Fulcher McHenry Womack
 Gaetz McKinley

NOT VOTING—3

Kinzinger Swallow Zeldin

□ 1925

Ms. BARRAGÁN changed her vote from “nay” to “yea.”

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

| | | |
|-------------------------|---------------------------|-----------------------|
| Bacon (Stauber) | Gosar (Weber (TX)) | Palazzo (Fleischmann) |
| Bilirakis (Fleischmann) | Herrera Beutler (Valadao) | Pfluger (Ellzey) |
| Bowman (Tlaib) | Porter (Neguse) | Porter (Neguse) |
| Brown (MD) | Jacobs (CA) | Rice (NY) |
| (Trone) | (Garamendi) | (Morelle) |
| Buchanan | Jacobs (NY) | Rice (SC) |
| (Bucshon) | (Sempolinski) | (Meijer) |
| Carter (TX) | Jayapal | Ryan (OH) |
| (Weber (TX)) | (Cicilline) | (Dean) |
| Cawthorn (Nehls) | Johnson (TX) | Salazar (Waltz) |
| Chu (Beyer) | (Stevens) | Sherman |
| Conway | Khanna (Garcia (TX)) | (Garamendi) |
| (LaMalfa) | (TX) | Soto |
| Curtis (Moore) | Kirkpatrick | (Wasserman) |
| (UT) | (Pallone) | Schultz |
| DeFazio | LaHood | Speier (Garcia) |
| (Pallone) | (Wenstrup) | (TX) |
| Demings (Dean) | Lawson (FL) | Steel (Oberholte) |
| Deutch | (Evans) | Steube |
| (Wasserman) | Mace (Wilson) | (Reschenthaler) |
| Schultz | (SC) | Titus (Pallone) |
| Diaz-Balart | Maloney, Sean | Torres (NY) |
| (Reschenthaler) | (Jeffries) | (Correa) |
| Dunn (Cammack) | Mast (Waltz) | Upton (Meijer) |
| Fletcher | Mfume (Evans) | Vargas |
| (Pallone) | Murphy (FL) | (Garamendi) |
| Gimenez | (Malliotakis) | (Peters) |
| (Malliotakis) | Newman (Beyer) | Wagner (Barr) |
| Gonzalez, | Ocasio-Cortez | Wilson (FL) |
| Vicente | (Neguse) | (Cicilline) |
| (Garcia (TX)) | | |

NATIONAL CENTER FOR THE ADVANCEMENT OF AVIATION ACT OF 2022

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3482) to establish the National Center for the Advancement of Aviation, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 369, nays 56, not voting 7, as follows:

[Roll No. 457]

YEAS—369

| | | |
|-----------------|----------------|-------------|
| Adams | Bonamici | Cartwright |
| Aderholt | Bost | Case |
| Aguilar | Bourdeaux | Casten |
| Allen | Bowman | Castor (FL) |
| Allred | Boyle, Brendan | Castro (TX) |
| Amodi | F. | Cawthorn |
| Armstrong | Brady | Chabot |
| Auchincloss | Brown (MD) | Cheney |
| Axne | Brown (OH) | Cheerflus- |
| Babin | Brownley | McCormick |
| Bacon | Buchanan | Chu |
| Baird | Bucshon | Cicilline |
| Balderson | Budd | Clark (MA) |
| Barr | Burgess | Clarke (NY) |
| Barragán | Bush | Cleaver |
| Bass | Bustos | Clyburn |
| Beatty | Butterfield | Cole |
| Bera | Calvert | Connolly |
| Bergman | Carbajal | Conway |
| Beyer | Cárdenas | Cooper |
| Bice (OK) | Carey | Correa |
| Bilirakis | Carl | Costa |
| Bishop (GA) | Carson | Courtney |
| Blumenauer | Carter (GA) | Craig |
| Blunt Rochester | Carter (LA) | Crawford |

| | | |
|-----------------|-----------------|----------------|
| Crenshaw | Keller | Pfluger |
| Crow | Kelly (IL) | Phillips |
| Cuellar | Kelly (MS) | Pingree |
| Curtis | Kelly (PA) | Pocan |
| Davids (KS) | Khanna | Porter |
| Davis, Danny K. | Kildee | Posey |
| Davis, Rodney | Kilmer | Pressley |
| Dean | Kim (CA) | Price (NC) |
| DeFazio | Kim (NJ) | Quigley |
| DeGette | Kind | Raskin |
| DeLauro | Kirkpatrick | Reschenthaler |
| DelBene | Krishnamoorthi | Rice (NY) |
| Demings | Kuster | Rodgers (WA) |
| DeSaulnier | Kustoff | Rogers (AL) |
| Deutch | LaHood | Rogers (KY) |
| Diaz-Balart | LaMalfa | Ross |
| Dingell | Lamb | Rouzer |
| Doggett | Lamborn | Roybal-Allard |
| Donalds | Langevin | Ruiz |
| Doyle, Michael | Larsen (WA) | Ruppersberger |
| F. | Larson (CT) | Rush |
| Duncan | Latita | Rutherford |
| Dunn | LaTurner | Ryan (NY) |
| Ellzey | Lawrence | Ryan (OH) |
| Emmer | Lawson (FL) | Salazar |
| Escobar | Lee (CA) | Sánchez |
| Eshoo | Lee (NV) | Sarbanes |
| Espallat | Leger Fernandez | Scanlon |
| Evans | Lesko | Schakowsky |
| Feenstra | Letlow | Schiff |
| Ferguson | Levin (CA) | Schneider |
| Finstad | Levin (MI) | Schrader |
| Fischbach | Lieu | Schrier |
| Fitzgerald | Lofgren | Scott (VA) |
| Fitzpatrick | Long | Scott, Austin |
| Fleischmann | Lowenthal | Scott, David |
| Fletcher | Lucas | Sempolinski |
| Flood | Luetkemeyer | Sessions |
| Flores | Luria | Sherman |
| Foster | Lynch | Sherrill |
| Frankel, Lois | Mace | Simpson |
| Franklin, C. | Malinowski | Sires |
| Scott | Malliotakis | Slotkin |
| Gallagher | Maloney, | Smith (MO) |
| Gallego | Carolyn B. | Smith (NE) |
| Garamendi | Maloney, Sean | Smith (NJ) |
| Garbarino | Mann | Smith (WA) |
| Garcia (CA) | Manning | Soto |
| Garcia (IL) | Mast | Spanberger |
| Garcia (TX) | Matsui | Spartz |
| Gibbs | McBath | Speier |
| Gimenez | McCarthy | Stansbury |
| Golden | McCaul | Stanton |
| Gomez | McCollum | Staubert |
| Gonzales, Tony | McEachin | Stefanik |
| Gonzalez (OH) | McGovern | Steil |
| Gonzalez, | McHenry | Stevens |
| Vicente | McKinley | Stewart |
| Gottheimer | Meeks | Strickland |
| Graves (LA) | Meijer | Suozi |
| Graves (MO) | Meng | Swalwell |
| Green, Al (TX) | Meuser | Takano |
| Grijalva | Mfume | Tenney |
| Grothman | Miller (WV) | Thompson (CA) |
| Guest | Miller-Meeks | Thompson (MS) |
| Guthrie | Mooney | Thompson (PA) |
| Harder (CA) | Moore (AL) | Timmons |
| Hartzler | Moore (UT) | Titus |
| Hayes | Moore (WI) | Tlaib |
| Herrell | Morelle | Tonko |
| Herrera Beutler | Moulton | Torres (CA) |
| Higgins (LA) | Mrvan | Torres (NY) |
| Higgins (NY) | Mullin | Trahan |
| Himes | Murphy (FL) | Trone |
| Hinson | Murphy (NC) | Turner |
| Hollingsworth | Nadler | Underwood |
| Horsford | Napolitano | Upton |
| Houlihan | Neal | Valadao |
| Hoyer | Neguse | Van Drew |
| Hudson | Nehls | Van Duyne |
| Huffman | Newhouse | Vargas |
| Huizenga | Newman | Veasey |
| Issa | Norcross | Velazquez |
| Jackson Lee | O'Halleran | Wagner |
| Jacobs (CA) | Oberholte | Waltz |
| Jacobs (NY) | Ocasio-Cortez | Wasserman |
| Jayapal | Omar | Schultz |
| Jeffries | Owens | Waters |
| Johnson (GA) | Palazzo | Watson Coleman |
| Johnson (CA) | Pallone | Weber (TX) |
| Johnson (OH) | Palmer | Webster (FL) |
| Johnson (SD) | Panetta | Welch |
| Johnson (TX) | Pappas | Wenstrup |
| Jones | Pascrell | Westerman |
| Joyce (OH) | Payne | Wexton |
| Kahele | Peltola | Wild |
| Kaptur | Pence | |
| Katko | Perlmutter | |
| Keating | Peters | |

| | | |
|---------------|-------------|-------------|
| Williams (GA) | Wilson (FL) | Wittman |
| Williams (TX) | Wilson (SC) | Womack |
| | NAYS—56 | |
| Arrington | Foxx | Massie |
| Banks | Fulcher | McClain |
| Bentz | Gaetz | McClintock |
| Biggs | Gohmert | Miller (IL) |
| Bishop (NC) | Good (VA) | Moolenaar |
| Boebert | Gooden (TX) | Norman |
| Brooks | Gosar | Perry |
| Buck | Granger | Rice (SC) |
| Burchett | Green (TN) | Rose |
| Cammack | Greene (GA) | Rosendale |
| Carter (TX) | Griffith | Roy |
| Cline | Harris | Scalise |
| Cloud | Harshbarger | Schweikert |
| Clyde | Hern | Smucker |
| Comer | Hice (GA) | Steube |
| Davidson | Jackson | Taylor |
| DesJarlais | Jordan | Tiffany |
| Estes | Joyce (PA) | Walberg |
| Fallon | Loudermilk | |

NOT VOTING—7

| | | |
|-----------|----------|--------|
| Cohen | McNerney | Zeldin |
| Hill | Sewell | |
| Kinzinger | Yarmuth | |

□ 1936

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

| | | |
|------------------|---------------------------|-----------------------|
| Bacon (Stauber) | Gosar (Weber (TX)) | Palazzo (Fleischmann) |
| Bilirakis | Herrera Beutler (Valadao) | Pfluger (Ellzey) |
| (Fleischmann) | Porter (Neguse) | Porter (Neguse) |
| Bowman (Tlaib) | Jacobs (CA) | Rice (NY) |
| Brown (MD) | (Garamendi) | (Morelle) |
| (Trone) | Jacobs (NY) | Rice (SC) |
| Buchanan | (Sempolinski) | (Meijer) |
| (Bucshon) | Jayapal | Ryan (OH) |
| Carter (TX) | (Cicilline) | (Dean) |
| (Weber (TX)) | Johnson (TX) | Salazar (Waltz) |
| Cawthorn (Nehls) | (Stevens) | Sherman |
| Chu (Beyer) | Khanna (Garcia (TX)) | (Garamendi) |
| Conway | (TX) | Soto (Wasserman) |
| (LaMalfa) | Kirkpatrick | Schultz |
| Curtis (Moore) | (Pallone) | Speier (Garcia) |
| (UT) | LaHood | (TX) |
| DeFazio | (Wenstrup) | Steel (Oberholte) |
| (Pallone) | Lawson (FL) | Steube |
| Demings (Dean) | (Evans) | (Reschenthaler) |
| Deutch | Mace (Wilson) | Swalwell |
| (Wasserman) | (SC) | (Gomez) |
| Schultz | Maloney, Sean | Titus (Pallone) |
| Diaz-Balart | (Jeffries) | Torres (NY) |
| (Reschenthaler) | Mast (Waltz) | (Correa) |
| Dunn (Cammack) | Mfume (Evans) | Upton (Meijer) |
| Fletcher | Murphy (FL) | Vargas |
| (Pallone) | (Peters) | (Garamendi) |
| Gimenez | Newman (Beyer) | Wagner (Barr) |
| (Malliotakis) | Ocasio-Cortez | Wilson (FL) |
| Gonzalez, | (Neguse) | (Cicilline) |
| Vicente | | |
| (Garcia (TX)) | | |

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 8137

Mr. SMITH of Nebraska. Madam Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 8137, a bill originally introduced by Representative WALORSKI of Indiana, for the purpose of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Ms. BOURDEAUX). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

□ 1945

ADVANCING UNIFORM TRANSPORTATION OPPORTUNITIES FOR VETERANS ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3304) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide or assist in providing an additional vehicle adapted for operation by disabled individuals to certain eligible persons, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advancing Uniform Transportation Opportunities for Veterans Act" or the "AUTO for Veterans Act".

SEC. 2. ELIGIBILITY FOR DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ADDITIONAL AUTOMOBILE OR OTHER ADAPTED EQUIPMENT.

Section 3903(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following new paragraph:

"(3) The Secretary may provide or assist in providing an eligible person with an additional automobile or other conveyance under this chapter—

"(A) if more than 25 years have elapsed since the eligible person most recently received an automobile or other conveyance under this chapter; or

"(B) beginning on the day that is 10 years after date of the enactment of the AUTO for Veterans Act, if more than 10 years have elapsed since the eligible person most recently received an automobile or other conveyance under this chapter."

SEC. 3. DEPARTMENT OF VETERANS AFFAIRS TREATMENT OF CERTAIN VEHICLE MODIFICATIONS AS MEDICAL SERVICES.

Section 1701(6) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(I) The provision of medically necessary van lifts, raised doors, raised roofs, air-conditioning, and wheelchair tie-downs for passenger use."

SEC. 4. MODIFICATION OF CERTAIN HOUSING LOAN FEE.

(a) EXTENSION.—The loan fee table in section 3729(b)(2) of title 38, United States Code, is amended by striking "January 14, 2031" each place it appears and inserting "May 16, 2031".

SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gen-

tleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3304, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3304, as amended, the AUTO for Veterans Act.

I was proud to join Representative LIZZIE FLETCHER in introducing H.R. 3304, and I thank her for her tireless work with the veteran community, which has led to this bill being considered on the floor today.

Currently, disabled veterans are only allowed a single grant to modify a vehicle to provide them mobility. This means there are cars that are 25, 30, or even 40 years old on the road because the veteran has no other option.

When you consider that the average life of an automobile is less than 12 years, we are asking veterans to incur additional costs and risks by driving excessively old cars for decades.

The AUTO for Veterans Act finally expands eligibility for disabled veterans to obtain vehicles modified for their disabilities more than once in their lifetime.

Upon passage into law, H.R. 3304 would immediately allow veterans who have waited decades to acquire a new vehicle and, after giving those veterans priority, would eventually expand the benefit to cover those veterans who updated their vehicle 10 years ago.

This legislation also expands the definition of "medical services" to include certain vehicle modifications so that veterans can attend medical appointments.

This legislation has long been a priority for veterans and is supported by DAV, VFW, PVA, and countless other veterans organizations.

This legislation is fully paid for and delivers for disabled veterans who gave us so much.

I thank the ranking member for his support of this legislation. I know we have both wanted to fix this long-standing problem.

Madam Speaker, I wholeheartedly support this bill, and I urge my colleagues to do the same. I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of the AUTO for Veterans Act, as amended.

This bill would help severely disabled service-connected veterans purchase and adapt a vehicle 10 years after they

purchased their first one. Current law only provides veterans with the funds for one vehicle during their lifetime. We all know that the life of a car is not infinite. Maybe my father didn't, but most people do.

For too long, disabled veterans have had to drive vehicles that have logged hundreds of thousands of miles. This bill would help a deserving population with the safe and reliable transportation they need. I am also pleased that this bill is fully offset.

The underlying bill is very similar to H.R. 1361, the AUTO for Veterans Act, which was introduced this Congress and last by our colleague, Congressman MEUSER. While I would have preferred that we consider his version today, this bill will help many disabled veterans, and it has my full support.

I thank the PVA and the DAV for their continued advocacy for this proposal.

Madam Speaker, I encourage all Members to support this bill, and I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MEUSER).

Mr. MEUSER. Madam Speaker, I thank Ranking Member BOST for his leadership on this important bill.

I rise in support of the AUTO for Veterans Act. This legislation would expand, as stated, access to the Department of Veterans Affairs' automobile grant, which assists severely disabled veterans.

Veterans, especially those in rural communities, Madam Speaker, face transportation challenges, as we all know, that affect their quality of life and independence. Expanding the VA auto grant program is a commonsense step toward improving this program for men and women who made tremendous sacrifices serving our country.

Improving access to safe and reliable transportation for disabled veterans will ensure they can maintain their independence and lead fulfilling, healthy lives.

I introduced the AUTO for Veterans Act, a bill nearly identical to this legislation, in the last Congress, and it did receive support from numerous veterans service organizations and garnered over 70 cosponsors, including Democrats and Republicans. I am glad that my Democrat colleagues were able to see the merit of this legislation, and I do look forward to the Senate taking action on this legislation and providing much-needed support and independence for our wounded veterans.

Madam Speaker, I encourage all of my colleagues to support this bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I ask all of my colleagues to join me in passing H.R. 3304, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

TAKANO) that the House suspend the rules and pass the bill, H.R. 3304, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. ROY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

FOOD SECURITY FOR ALL VETERANS ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 8888) to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Office of Food Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Food Security for All Veterans Act".

SEC. 2. ESTABLISHMENT OF DEPARTMENT OF VETERANS AFFAIRS OFFICE OF FOOD SECURITY.

Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"§ 325. Office of Food Security

"(a) ESTABLISHMENT.—There is in the Department an office to be known as the 'Office of Food Security'. There is at the head of the Office a Director, which shall be a career position.

"(b) RESPONSIBILITIES.—(1) The Director of the Office of Food Security shall carry out the following responsibilities:

"(A) To provide information to veterans concerning the availability of, and eligibility requirements for Federal nutrition assistance programs.

"(B) To collaborate with other program offices of the Department, including the Homeless Programs Office and the Office of Tribal Government Relations, to develop and implement policies and procedures to identify and treat veterans at-risk or experiencing food insecurity.

"(C) To collaborate with the Secretary of Agriculture and the Secretary of Defense on food insecurity among veterans, including by collaborating with the Secretaries to develop materials related to food insecurity for the Transition Assistance Program curriculum and other transition-related resources.

"(D) To develop and provide training, including training that may count towards continuing education or licensure requirements, for social workers, dietitians, chaplains, and other clinicians on how to assist veterans with enrollment in Federal nutrition assistance programs, including the supplemental nutrition assistance program and the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(E) To issue guidance to Department medical centers on how to collaborate with their State and local offices administering the supplemental nutrition assistance program.

"(2) In carrying out the responsibilities under paragraph (1), the Director shall consult with and provide technical assistance to the heads of other Federal departments and agencies, including the Department of Agriculture, Department of Defense, Department of Interior, and Department of Labor.

"(c) ANNUAL REPORT ON FOOD INSECURITY.—The Secretary of Veterans Affairs, in consultation with the Secretary of Agriculture, shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report on veteran food insecurity. Each such report shall include data on the following:

"(1) The socioeconomic, ethnic, and racial characteristics of veterans experiencing food insecurity, disaggregated by State in which the veteran is located.

"(2) Native American veterans experiencing food insecurity.

"(3) Specific interventions for veterans who screen positive for food insecurity.

"(4) Eligibility screenings for participation in the supplemental nutrition assistance program completed by personnel of the Department of Veterans Affairs.

"(5) The number of applications for participation in the supplemental nutrition assistance program completed with assistance from personnel of the Department.

"(6) Changes, as a result of participation in the supplemental nutrition assistance program, in the number of food insecure veteran households.

"(7) Coordination efforts between State agencies and Department facilities located in that State regarding outreach to veterans to participate in the supplemental nutrition assistance program.

"(d) DEFINITIONS.—In this section:

"(1) The terms 'Native American' and 'Native American veteran' have the meanings given those terms in section 3765 of this title.

"(2) The terms 'State agency' and 'supplemental nutrition assistance program' have the meanings given those terms in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012)."

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 8888, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 8888, as amended, the Food Security for All Veterans Act.

This bill establishes an office dedicated to ending veteran hunger at the VA that will collaborate with internal and external groups to develop and implement policies and procedures to identify and treat veterans at risk of or experiencing hunger.

Food insecurity can create or exacerbate other health maladies and is one of many contributing factors that has led to increased suicide rates, diabetes, heart disease, and depression. Addressing veteran hunger is critical to this committee's suicide prevention efforts.

Madam Speaker, I thank our newest Member from Alaska, Congresswoman PELTOLA, for taking up this important issue and prioritizing veterans.

The VA has made tremendous strides in its work to end veteran hunger. The VA leads an interagency working group and regularly collaborates with its Federal counterparts on this issue. The VA also instituted a clinical reminder that screens every veteran who receives their care at VA for food insecurity and connects those in need with resources.

However, until recently, these tasks were carried out by VA employees as ancillary duties. There was no staff dedicated solely to addressing veteran hunger. The VA has started the process of building a team that works exclusively on this issue, and Congresswoman PELTOLA's bill gives the VA the infrastructure and resources to ensure those efforts continue for years to come.

Before the pandemic and still now, Black, Latino, Native American, and Alaska Native veteran families experienced disproportionately high rates of hunger. This bill requires the VA to coordinate with the VA Office of Tribal Government Relations and the Department of the Interior to focus on these communities.

A critical issue this bill intends to affect is the disparity between the VA and USDA data on veteran hunger. The USDA reports about an 11 percent rate of food insecurity among veterans versus the VA, which reports a roughly 2 percent rate among veterans using VA healthcare.

The bill requires VA, in consultation with the USDA, to issue an annual report to Congress on the prevalence of veteran hunger. It also requires the VA to track its progress and success in connecting more veterans with resources like the Supplemental Nutrition Assistance Program, or SNAP.

Importantly, the Food Security for All Veterans Act mandates the VA collaborates with the Departments of Agriculture and Defense to develop materials for the Transition Assistance Program to help increase access to food resources for families in need as they navigate the military-to-civilian transition.

September is Hunger Action Month, and today, the White House hosted the Conference on Hunger, Nutrition, and Health that will catalyze the public and private sectors around a coordinated strategy to accelerate progress

and drive transformative change in our country to end hunger.

This legislation is endorsed by numerous veterans service organizations and hunger advocacy organizations, including Student Veterans of America, MAZON: A Jewish Response to Hunger, Food Research & Action Center, Disabled American Veterans, American Federation of Government Employees, National Coalition for Homeless Veterans, Iraq and Afghanistan Veterans of America, and Blue Star Families.

Madam Speaker, I include in the RECORD the following letters from MAZON: A Jewish Response to Hunger and the Food Research & Action Center.

[MAZON, Sept. 23, 2022]

STATEMENT FOR THE RECORD IN SUPPORT OF
H.R. 8888 SUBMITTED BY MAZON: A JEWISH
RESPONSE TO HUNGER

A Jewish Response to Hunger is pleased to share this statement for the record in support of H.R. 8888, the Food Security for All Veterans Act. This bill, which would establish an Office of Food Security at the U.S. Department of Veterans Affairs, represents a helpful step forward in the effort to achieve a more comprehensive and lasting solution to the preventable problem of veteran food insecurity.

Inspired by Jewish values and ideals, MAZON takes to heart our collective responsibility to care for the vulnerable in our midst, without judgement or precondition. In the United States, this responsibility to prevent and respond to hunger lies centrally with our federal government. The charitable food sector is in no way equipped to respond to the scope of food insecurity in America—all of the charitable and faith-based organizations in this country combined contribute less than ten percent of all food assistance in this country and have extremely limited capacity to respond to more than emergency needs. The food insecurity crisis in our country is the purview of the federal government and it is impractical, inefficient, and immoral to abdicate this responsibility and attempt to outsource the response to a charitable sector that is already overburdened.

For over 37 years, MAZON has been fighting to end hunger among all people of all faiths and backgrounds, and for nearly ten years, we have prioritized addressing the long-overlooked issue of food insecurity among veterans and military families. Jewish text and tradition compel us to honor the dignity of every person, especially those who are struggling. No matter a person's circumstance, no one deserves to be hungry. Those who have bravely served to defend our country especially should never have to be subjected to the cruel and painful experience of hunger.

The establishment of the Office of Food Security at the Department of Veterans Affairs that is empowered to coordinate efforts among VA program offices, provide information about and help connect veterans to available nutrition assistance benefits and resources, collaborate with USDA, Department of Defense, and other federal agencies, and develop and provide training for professionals who work with veterans, would be an extremely helpful step forward in the national effort to address the crisis of veteran food insecurity.

MAZON has testified before Congress and shared our insights and recommendations about food insecurity among veteran households numerous times over the years. Unfortunately, too little progress has been made

during the intervening time. There have been some positive steps, both programmatically and through policy change, that have helped; most notably, the recent adoption of the Hunger Vital Signs screening tool at all VA outpatient facilities (MAZON has long advocated for mandatory food insecurity screenings and SNAP eligibility screening, and application assistance across the VA system; much more still remains to be done on this front to connect food insecure veterans with SNAP) and increases to SNAP benefits through the temporary boost included through COVID-19-relief legislation and the recent update to the Thrifty Food Plan by USDA.

It should be noted that, while the temporary boost to SNAP benefits and other COVID-19 assistance provided by the federal government helped to alleviate some material hardship and prevented food insecurity and poverty rates from dramatically spiking due to the pandemic and associated economic downturn, the American population—including veterans—experienced exacerbated challenges that compounded food insecurity rates and more severe impacts.

These challenges include elevated rates of unemployment (particularly within the service sector and disproportionately impacting female employees and people of color), widespread school closures and the loss of subsidized school meals, medical emergencies and the associated financial costs for treatment and lost income from time out of work), and mental health distress.

We are particularly concerned about the impacts of racial inequities on veterans and the ongoing tragedy of heightened suicide rates among veterans. While there is growing public awareness and concern about both issues, there remains a need for viable policy proposals to address them. The disproportionate impact of food insecurity on households of veterans of color highlight racial inequities that are perpetuated through public policies and program implementation. Closing the SNAP participation gap for veterans and improving the program to better reach and serve food insecure veterans of color will not only signal a commitment to meaningful efforts to address racial justice—it will concretely contribute to those efforts to achieve greater racial equity in federal policy.

As noted by Dr. Thomas O'Toole during his testimony before the House Veterans Affairs Committee on January 9, 2020, a growing body of research sheds light on the relationship between food insecurity and risk factors for poor mental health and suicide. A new study on "Association between Food Insecurity, Mental Health, and Intentions to Leave the U.S. Army in a Cross-Sectional Sample of U.S. Soldiers" by researchers at the USDA Economic Research Service and the U.S. Army Public Health Center offers additional insight about linkages between food insecurity, mental health, and military service. Contributing to the VA's stated top clinical priority to end veteran suicide and implement a comprehensive public health approach to reach all veterans, the VA must step up to provide leadership around a robust effort to address veteran food insecurity by proactive SNAP outreach to veterans both within and outside of the VA system.

A recommendation made by Dr. Colleen Heflin during her testimony at the May 27, 2021 House Rules Committee roundtable examination of the hunger crisis among veterans and military families holds great promise to decrease the risk of food insecurity during the transition from military service to civilian life, when many households are more likely at risk of food insecurity. MAZON urges Congress to explore this suggestion for the federal government to provide a targeted transitional benefit to all

families leaving military service below a certain rank. Such a benefit would act as a stabilizing mechanism and provide much-needed additional assistance to veterans and their families during a time when they may experience a greater level of financial need. Such a transitional benefit, especially one that utilizes innovative new technologies for benefit delivery and personalized communications, opens up opportunities to proactively assess and respond to the whole-person needs of veterans by building trust and facilitating connections to other available resources and comprehensive services. In addition, MAZON supports the distinct, yet often related, recommendations by Dr. Heflin to better protect veterans with disabilities from food insecurity.

MAZON was proud to recently sign a Memorandum of Agreement with the Veterans Health Administration to work collaboratively to address veteran food insecurity. While MAZON is excited about this opportunity to provide input, contribute resources, and collaborate on innovative program ideas and solutions, the limited commitments to date by the VA and slow pace of response to a preventable crisis with multiple negative consequences is deeply distressing. Additionally, the sporadic oversight by Congress and the lack of urgency that has been demonstrated in holding federal agencies accountable to a proactive, robust, and measurable solution to ending veteran food insecurity must be rectified. There is great bipartisan concern in Congress about veteran food insecurity, but the commitment to mandate and provide funding for proven solutions has unfortunately not matched the lofty rhetoric.

It is time to recenter the VA's goals and priorities in the effort to provide a comprehensive response to veteran food insecurity. The implicit abdication of responsibility by the federal government to the charitable sector is unsustainable and dangerous as it shifts attention away from the need to strengthen and improve access to SNAP and other federal programs that serve as the frontline response to veteran food insecurity.

Success should be measured not by how many food pantries open at VA centers, but rather by how many food pantries become unnecessary due to veteran households receiving the support they need and are entitled to through programs like SNAP. MAZON urges Congress to step up its leadership as a vital part of this effort by prioritizing the protection and improvement of SNAP, supporting innovative and effective ways to better connect food insecure veterans with federal nutrition assistance programs (including mandating that VA facilities conduct on-site SNAP eligibility screenings and application assistance in addition to the food insecurity screenings currently conducted), bolstering nutrition assistance support during transition from active duty to veteran status, strengthening the supports and removing barriers for food insecure veterans with disabilities, and centering the experiences and perspectives of veterans with lived experiences with food insecurity.

The establishment of the Office of Food Security at the VA as proposed in H.R. 8888 promises to make a substantial contribution to coordinating and improving agency efforts and deepening the impact of the federal response to veteran food insecurity. This progress is long overdue and should represent just the next step forward among additional commitments to come.

Veteran food insecurity—indeed, all food insecurity—is a solvable problem, and the solution lies in mustering the political will to prioritize and address it. MAZON welcomes the opportunity to continue to work with

Congress, with all relevant federal agencies, and with VSOs and other community partners, to build this political will and do right by those who have bravely served our country. No veteran should ever have to worry about being able to feed themselves or those in their family. We owe them much more than the half-measures and broken promises of our policies and programs to date.

Hungry veterans cannot eat another report or hearing transcript. MAZON urges Congress to enact the recommendations included in H.R. 8888 and identify additional concrete steps that Congress and the Administration can take now to end the crisis of veteran food insecurity. We stand ready with suggestions and with resolve to work in partnership.

[From Food Research & Action Center, May 18, 2022]

HOUSE OF REPRESENTATIVES, COMMITTEE ON VETERANS' AFFAIRS, SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

STATEMENT OF SUPPORT FOR THE ESTABLISHMENT OF A DEPARTMENT OF VETERANS AFFAIRS OFFICE OF FOOD SECURITY

The Food Research & Action Center (FRAC) supports the "Discussion Draft, to amend Title 38, United States Code, to establish in the Department of Veterans Affairs an Office of Food Insecurity, and for other purposes" set for hearing on May 18, 2022, before the House Veterans Affairs Subcommittee on Economic Opportunity. This critical legislation will amplify the Department of Veterans Affairs efforts to address food insecurity among veterans and their families.

FRAC works to improve the nutrition, health, and well-being of tens of millions of people struggling against poverty-related hunger in the United States through advocacy, partnerships, and by advancing bold and equitable policy solutions. FRAC has championed work to address food insecurity among veterans and participates in the Military Family Advisory Network and Veterans Health Administration (VHA) efforts to screen and intervene to address food insecurity among patients.

Food insecurity, even marginal food insecurity (a less severe form), is detrimental to the health, development, and well-being of people and is associated with some of the most common and costly health problems in the U.S. A 2021 Economic Research Service Report, *Food Insecurity Among Working-Age Veterans*, found that 11.1 percent of veterans between the ages of 18 to 64 lived in households reporting food insecurity, while 5.3 lived in households experiencing very low food security. After controlling for demographic characteristics that normally predict food insecurity, such as age, educational attainment, and income, the risk of food insecurity is 7.4 percent higher among veterans than nonveterans ages 18-64.

By creating an Office of Food Security, this legislation represents a critical step to prioritize, accelerate, and sustain the Department of Veterans Affairs' work to address food insecurity among those who have sacrificed so much for our nation. Of note, the Veterans Health Administration has screened millions of patients for food insecurity and connected veterans and their families to crucial federal nutrition programs, like the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), school meals, child care meals, summer meals, and emergency food sites, such as food banks and pantries. By providing funding to build out these efforts to screen and intervene veterans at risk for

food insecurity, this legislation will enshrine the importance of this work, identify gaps in services, and connect veterans to available federal nutrition programs and other resources.

This legislation recognizes the critical role the federal nutrition plays in addressing food insecurity among veterans and their families. The federal nutrition programs are among our nation's most important, proven, and cost-effective public interventions to not only address food insecurity but also to improve health, nutrition, and well-being. A growing body of research links these programs to a wide range of positive outcomes for families and the nation. Federal nutrition programs improve dietary intake and nutrition quality; support healthy growth of children; boost learning and academic achievement; reduce poverty and increase family economic security; and lower health care spending.

Ensuring access to SNAP, in particular, is a critical step in supporting food security among veterans. Nationwide, according to the USDA, 1,174,027 veterans (6.6 percent of all veterans) received SNAP benefits, improving veterans' purchasing power necessary to buy food in a dignified way at military commissaries and other food retail outlets that accept SNAP. A recent survey estimated that only 59 percent of eligible veterans were enrolled in SNAP. The USDA has identified veterans as a priority population for state SNAP outreach plans, including partnership with local VHA facilities. Accessing SNAP not only helps veterans everywhere put food on the table, it reduces poverty, supports economic stability, and improves health outcomes.

FRAC looks forward to supporting the Department of Veterans Affairs work to address food insecurity. Alongside increasing veteran participation in SNAP and other federal nutrition programs, eradicating food insecurity and hunger among veterans and their families will require a national response that addresses underlying causes (e.g., a lack of well-paying jobs and a lack of affordable housing). This draft legislation is an important step in the right direction.

Mr. TAKANO. Madam Speaker, I urge the rest of my colleagues to support this legislation and ensure no veteran goes hungry, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I reluctantly support this bill.

Food insecurity is an issue that impacts thousands of veterans every year. Veterans continue to suffer from skyrocketing food prices caused by the economic mistakes of the Biden administration.

While I support bringing more attention to veteran hunger, I am skeptical that this bill is the correct solution. The bill before us today would try to address these issues by creating a new office of food security at the VA. The VA has also already told us that they were working to set up an office at the VHA dedicated to food insecurity.

I look forward to working with our colleagues in the Senate to modify the language in this bill to match the Department's efforts.

That said, I am pleased by the changes that were made today to improve on the text. All considered, I reluctantly urge all of my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I yield 5 minutes to the gentlewoman from Alaska (Mrs. PELTOLA), my new friend who is a newly elected Member of Congress. I think this is her first piece of legislation to be brought to the floor, and we are proud it is coming out of the Veterans' Affairs Committee.

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Mrs. PELTOLA. Madam Speaker, I thank the chairman for providing consideration of my legislation today. I particularly want to share my appreciation with committee Chair TAKANO and Ranking Member BOST on the Veterans' Affairs Committee for moving quickly on this important issue for the 18 million veterans in our country.

Madam Speaker, I rise today to speak on a topic of vital importance to my State where veterans comprise about 10 percent of the population, and I know many veterans who face food insecurity.

This is my first bill as a Member of the U.S. House of Representatives, which is appropriate. There is nothing more important than ensuring our veterans and their families can enjoy a safe and healthy life after their service for our country.

This bill would create an Office of Food Security within the Department of Veterans Affairs. The office would be charged with providing information to veterans on the availability and eligibility requirements for Federal nutrition assistance programs. The office would work with other government agencies to implement policies to help veterans at risk or experiencing food insecurity.

A report just 4 months ago from the Center for Strategic and International Studies was clear, "Food insecurity among U.S. veterans and military families is a national security concern: it multiplies stress on Active Duty personnel, diminishes well-being among servicemembers and their children—who are more likely to serve in the military as adults—and may hinder recruitment for the armed services."

Madam Speaker, I know this bill will not solve the problem entirely, but I believe it can help in Alaska and throughout the country. I ask my colleagues to support H.R. 8888.

Mr. BOST. Madam Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I ask all my colleagues to join me in passing H.R. 8888, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 8888, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

EXPANDING HOME LOANS FOR GUARD AND RESERVISTS ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 8875) to amend title 38, United States Code, to expand eligibility of members of the National Guard for housing loans guaranteed by the Secretary of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Expanding Home Loans for Guard and Reservists Act".

SEC. 2. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE NATIONAL GUARD FOR HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Section 3701(b)(7) of title 38, United States Code, is amended by striking "full-time National Guard duty" and inserting "active service".

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 8875, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 8875, as amended, the Expanding Home Loans for Guard and Reservists Act.

One of the most valuable benefits veterans earn is the VA home loan benefit, which can provide them a head start in their transition to civilian life.

That is why 2 years ago we passed into law an expansion to grant Na-

tional Guard members credit for the days they serve on Active Duty. However, through oversight and case work we have learned how some veterans are missing out on this benefit.

This legislation makes a technical fix, which updates the law to define eligibility by counting Active Duty for training when guard and reservists are training for things like Special Forces, Aviation, or Linguistics.

These servicemembers deserve eligibility because they are going through the same courses and training as their Active Duty counterparts, taking the same risks, and passing the very same requirements.

Guard and reservists are at a greater disadvantage because they are removed from the civilian workforce for extended periods of time. After their training is complete, they transition back to civilian life, move back home from the base where they were training, find employment, and find a place to live.

This technical fix makes sure that guard and reservists don't miss out on using a great benefit from the VA home loan guarantee service.

I thank the gentleman from New York (Mr. RYAN), our newest Member, for taking up this issue and making veterans a priority. As an added bonus, this fix actually saves the Federal Government money by bringing more borrowers into the attractive low rates of the VA home loan program.

Madam Speaker, I wholeheartedly support this bill, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in reluctant support of the Expanding Home Loans for Guard and Reservists Act. Last Congress, my bill, H.R. 7445, proposed expanding VA home loan benefits to members of the National Guard who have served on Active Duty or full-time guard duty.

Congressman RYAN's bill would expand the home loan benefit to members of the National Guard that are on Federal Active Duty orders for training. Unfortunately, this policy is being rushed in an election year gimmick.

Unlike other bills we are considering today, this bill has not had the benefit of legislative hearings, and I would have liked to have heard the views of the VA and other stakeholders. A hearing would have allowed us to understand the impact this legislation could have on the mortgage markets. It would also have provided insight on the effect this bill could have on recruitment of National Guard Active Forces.

That said, I do not want to stand in the way of legislation that can help members of the National Guard, and I reluctantly urge all my colleagues to support this bill.

Madam Speaker, I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, again, I ask all my colleagues to join

me in passing H.R. 8875, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 8875, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. ROY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

AMENDING TITLE 38, UNITED STATES CODE, TO ENSURE THAT THE SECRETARY OF VETERANS AFFAIRS REPAYS MEMBERS OF THE ARMED FORCES FOR CERTAIN CONTRIBUTIONS MADE BY SUCH MEMBERS TOWARDS POST-9/11 EDUCATIONAL ASSISTANCE

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5918) to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9/11 Educational Assistance, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPAYMENT OF MEMBERS OF THE ARMED FORCES FOR CONTRIBUTIONS TOWARD POST-9/11 EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 3327(f)(3) of title 38, United States Code, is amended by striking "together" and all that follows through "(as applicable)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2023.

SEC. 2. MODIFICATION OF CERTAIN HOUSING LOAN FEES.

The loan fee table in section 3729(b)(2) of title 38, United States Code, is amended by striking "January 14, 2031" each place it appears and inserting "January 28, 2031".

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 5918, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 5918, as amended, legislation to ensure veterans can recoup the money they paid into the Montgomery GI Bill.

Under current law, veterans who do not fully access their Montgomery GI Bill can lose out on the payments they made into the program, in some cases totaling up to \$1,200.

The Montgomery GI Bill is in the process of being phased out for the more generous Forever GI Bill. Many veterans may not remember the \$1,200 they paid into the program in the early days of their service or even be aware that they are entitled to a refund of the unused funds.

The process to reclaim that \$1,200 can be difficult, and there are times when the veteran can simply lose out on the money because they waited too long. This legislation eliminates that cumbersome process by making it so the veteran is repaid, no questions asked.

The bill is fully offset and supported by the veterans service organization community, including by Student Veterans of America.

Madam Speaker, I thank the gentleman from Indiana (Mr. BANKS) for his work on this legislation and the VSO community for bringing this issue to our committee. I urge the rest of my colleagues to support this legislation to ensure no veteran loses out on what is owed to them.

Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 5918, as amended. This bill would close a financial loophole affecting many servicemembers.

Last Congress, I was proud to support General Bergman's efforts to responsibly sunset the Montgomery GI Bill, and today I am pleased to support Congressman BANKS' bill to ensure that those servicemembers who paid into the program are repaid.

Under current law, servicemembers who switch from Montgomery to the Post-9/11 GI Bill would lose about \$1,200 they paid into the program, if they exhausted their benefits while still on Active Duty. Veterans who exhaust their benefits already receive the \$1,200 back. This bill would fix this loophole and treat servicemembers and veterans equally.

Servicemembers earned the benefits and should not be shortchanged just

because they are still on Active Duty. This bill would include a short-term extension of the VA home loan funding fees to fully offset the cost of this bill.

Madam Speaker, I thank the American Legion for bringing this problem to our attention, and I also thank Congressman BANKS for introducing this important bill.

Madam Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I ask all my colleagues to join me in passing H.R. 5918, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 5918, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9/11 Educational Assistance, and for other purposes."

A motion to reconsider was laid on the table.

REDUCE AND ELIMINATE MENTAL HEALTH OUTPATIENT VETERAN COPAYS ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 7589) to amend title 38, United States Code, to prohibit the imposition or collection of copayments for certain mental health outpatient care visits of veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reduce and Eliminate Mental Health Outpatient Veteran Copays Act" or the "REMOVE Copays Act".

SEC. 2. PROHIBITION ON COLLECTION OF COPAYMENTS FOR FIRST THREE MENTAL HEALTH CARE OUTPATIENT VISITS OF VETERANS.

(a) PROHIBITION ON COLLECTION.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1722B the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

“§ 1722C. Copayments: prohibition on collection of copayments for first three mental health care outpatient visits of veterans

“(a) PROHIBITION.—Except as provided in subsection (b), notwithstanding section 1710(g) of this title or any other provision of law, the Secretary may not impose or collect a copayment for the first three mental health care outpatient visits of a veteran in a calendar year for which the veteran would otherwise be required to pay a copayment

under the laws administered by the Secretary.

“(b) COPAYMENT FOR MEDICATIONS.—The prohibition under subsection (a) shall not apply with respect to the imposition or collection of copayments for medications pursuant to section 1722A of this title.

“(c) MENTAL HEALTH CARE OUTPATIENT VISIT DEFINED.—In this section, the term ‘mental health care outpatient visit’ means an outpatient visit with a qualified mental health professional for the primary purpose of seeking mental health care or treatment for substance abuse disorder.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to mental health care outpatient visits occurring on or after the date that is 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 7589, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as we all know, September is Suicide Prevention Awareness Month. I hope everyone has the new crisis hotline number, 988, saved on their phones. If you or a veteran you care about is in crisis, please dial 988, and press 1 to reach trained responders at the Veterans Crisis Line. Again, let me repeat the number. Dial 988 and press 1 to reach trained responders at the Veterans Crisis Line.

One component of a public health approach to veteran suicide prevention is ensuring that all of our Nation's heroes have access to timely, high-quality, effective mental health care.

Madam Speaker, I am so pleased to bring up my bill, H.R. 7589, as amended, the Reduce and Eliminate Mental Health Outpatient Veteran Copays or REMOVE Copays Act. We reported this bill favorably out of the Veterans' Affairs Committee last week on a bipartisan voice vote. I thank Ranking Member BOST for his support of this bill.

H.R. 7589 turns a legislative proposal from the Department of Veterans Affairs into a law that will make every enrolled veteran's first three outpatient mental health appointment at VA free every year. We know that what may seem like low copays can, in fact, be significant financial barriers for many veterans. Our goal is to knock down all barriers for veterans seeking and accessing mental health care at the VA.

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VA strongly supports this bill, as do veterans service organizations and

mental health groups. If we can enact this into law, VA will be the first of hopefully all Federal healthcare programs to eliminate copays for mental health care every year in this way and get people the help they need.

Madam Speaker, I urge all of my colleagues to vote “yes” on this vital piece of legislation, H.R. 7589, as amended, the REMOVE Copays Act, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 7589, the REMOVE Copays Act. As its name suggests, this bill would remove copayments from every veteran's first three mental health outpatient visits for each calendar year.

I am pleased to support the REMOVE Copays Act today, and I hope it will encourage veterans to take better care of their mental health. September is Suicide Prevention Awareness Month, and according to the most recent data from the VA, the amount of veterans who died by suicide decreased from 2019 to 2020.

That is encouraging news. However, at least one non-VA study suggests that VA is undercounting the number of veterans who die by suicide by as much as 2.4 times. I fear that VA's data still has not accounted for the negative effects of COVID lockdowns, isolation, and illness.

Regardless, as long as veterans continue to take their own lives, we have important work to do. Suicide is not just a mental health issue. Improving mental health has a critical role to play in stopping suicide once and for all.

I am grateful to Chairman TAKANO for his introduction of this bill, and I hope all of my colleagues will join me in supporting it today.

Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I encourage all of my colleagues to support the bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, again, I ask all my colleagues to join me in passing H.R. 7589, as amended. I do thank my colleague, the ranking member. It is an example of standing our ground where we must and finding common ground where we can.

Lastly, I close by saying, please dial 988 and press 1 to reach trained responders at the Veterans Crisis Line.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 7589, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOLID START ACT OF 2022

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (S. 1198) to amend title 38, United States Code, to improve and expand the Solid Start program of the Department of Veterans Affairs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Solid Start Act of 2022”.

SEC. 2. SOLID START PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 63 of title 38, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER II—OTHER OUTREACH PROGRAMS AND ACTIVITIES

“§ 6320. Solid Start program

“(a) IN GENERAL.—The Secretary shall carry out a program, to be known as the ‘Solid Start program’, under which the Secretary shall—

“(1) build the capacity of the Department to efficiently and effectively respond to the queries and needs of veterans who have recently separated from the Armed Forces; and

“(2) systemically integrate and coordinate efforts to assist veterans, including efforts—

“(A) to proactively reach out to newly separated veterans to inform them of their eligibility for programs and benefits provided by the Department; and

“(B) to connect veterans in crisis to resources that address their immediate needs.

“(b) ACTIVITIES OF THE SOLID START PROGRAM.—(1) The Secretary, in coordination with the Secretary of Defense, shall carry out the Solid Start program of the Department by—

“(A) collecting up-to-date contact information during transition classes or separation counseling for all members of the Armed Forces who are separating from the Armed Forces, while explaining the existence and purpose of the Solid Start program;

“(B) calling each veteran, regardless of separation type or characterization of service, three times within the first year after separation of the veteran from the Armed Forces;

“(C) providing information about the Solid Start program on the website of the Department and in materials of the Department, especially transition booklets and other resources;

“(D) ensuring calls are truly tailored to the needs of each veteran's unique situation by conducting quality assurance tests;

“(E) prioritizing outreach to veterans who have accessed mental health resources prior to separation from the Armed Forces;

“(F) providing women veterans with information that is tailored to their specific health care and benefit needs;

“(G) as feasible, providing information on access to State and local resources, including Vet Centers and veterans service organizations; and

“(H) gathering and analyzing data assessing the effectiveness of the Solid Start program.

“(2) The Secretary, in coordination with the Secretary of Defense, may carry out the Solid Start program by—

“(A) encouraging members of the Armed Forces who are transitioning to civilian life to authorize alternate points of contact who can be reached should the member be unavailable during the first year following the separation of the member from the Armed Forces; and

“(B) following up missed phone calls with tailored mailings to ensure the veteran still receives similar information.

“(3) In this subsection:

“(A) The term ‘Vet Center’ has the meaning given that term in section 1712A(h) of this title.

“(B) The term ‘veterans service organization’ means an organization recognized by the Secretary for the representation of veterans under section 5902 of this title.”.

(b) CONFORMING AMENDMENTS.—Chapter 63 of such title, as amended by subsection (a), is further amended—

(1) by inserting before section 6301 the following:

“Subchapter I—Outreach Services Program”;

and

(2) in sections 6301, 6303, 6304, 6305, 6306, and 6307, by striking “this chapter” each place it appears and inserting “this subchapter”.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 63 of such title is amended—

(1) by inserting before the item relating to section 6301 the following new item:

“SUBCHAPTER I—OUTREACH SERVICES PROGRAM”;

and

(2) by adding at the end the following new items:

“SUBCHAPTER II—OTHER OUTREACH PROGRAMS AND ACTIVITIES

“6320. Solid Start program.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on S. 1198.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to support S. 1198, the bipartisan, bicameral, Solid Start Act.

This bill is led by Senator HASSAN, and in the House, this legislative effort is led by my Veterans Affairs' Committee colleague, Representative SLOTKIN.

Now, we know that the transition from Active-Duty service to veteran status can bring not only new opportunities, but also substantial adjustment and stress. For some veterans, it can pose serious mental health challenges. In fact, the first year of transitioning out of military service is a very high-risk period for veteran suicide.

VA initiated its Solid Start program to address the challenges new veterans may face during this period. VA now

contacts veterans at three different periods in that first year to check in, remind veterans of benefits and services for which they are eligible, and connect them to resources.

Women veterans, like all veterans, deserve to know about all of the benefits and services they have earned with no exceptions. I have heard today that some Republican Members of this House are suddenly looking to oppose this veteran suicide prevention bill, and all because it has 16 words that simply ensure women veterans are told about the range of benefits and services for which they are eligible; 16 words, when we are talking about 16 veteran suicide deaths a day.

We are talking about benefits like the GI bill, and compensation for toxic exposure presumptions, breast cancer screening, treatment for military sexual trauma, and, yes, the freedom to discuss their options around pregnancy.

All benefits they have earned through their service because they chose to serve our Nation. Well, I would say to my colleagues on the other side of the aisle to take your fight against women veterans elsewhere.

Criminalizing, infantilizing, and denying women veterans—take your fight elsewhere.

There is no bar that prevents VA providers from discussing a single benefit with male veterans, but my colleagues want a double standard for women veterans. This is about two lines in an entire bill meant to help veterans who have recently left Active Duty. All veterans.

Republicans won't pass this bill unless we delete women from it. I refuse to do that. Women veterans are veterans.

A conversation with a woman veteran about coming to the VA could prevent her death from suicide. It could also prevent needless suffering and possible death from health conditions, including pregnancy.

Republicans have gotten so extreme with their fear of women having autonomy over their own bodies and lives that they are willing to play political games with veterans' lives and tank a veteran suicide prevention bill.

I would also remind those considering blocking this bill that this very same language has already passed in the House. Back on June 23 of this year, this Chamber passed the STRONG Veterans Act of 2022. It passed under a simple voice vote.

The Senate unanimously passed the Solid Start Act after VA's new rule on abortion counseling and services had been announced.

September is National Suicide Prevention Awareness Month, and this legislation would help us better connect veterans with the resources needed to save lives. Sadly, each day, we are losing roughly 16 veterans to suicide.

I am not willing to let 16 words about women's freedom to discuss their own

benefits contained in this legislation prevent us from saving the lives of 16 veterans who die by suicide each day. I thank Senator HASSAN and Representative SLOTKIN for their work on this important issue, and I am pleased we could take up this bill during Suicide Prevention Month.

Madam Speaker, I strongly urge my colleagues to vote "yes" on S. 1198, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in reluctant opposition to S. 1198, the Solid Start Act of 2021. The Solid Start program was created by President Trump in 2019 to better support veterans as they transition out of the military.

I know firsthand that leaving the military can be tough. When I left the military as a young marine, the only TAP program that I got was a tap on the back and a "see ya later."

I am glad that things have improved a lot since then. The Solid Start program has helped improve servicemembers' transitions even more.

I am a real big fan of the Solid Start program. The STRONG Act, my bill with Chairman TAKANO, includes identical language to this bill and would permanently authorize the Solid Start Program. The STRONG Act passed the House in June with my full support.

However, earlier this month, Secretary McDonough announced that VA would begin providing abortions. I believe it is not only immoral, but it is also illegal. Congress prohibited VA providing abortions in 1992. Congress has never repealed that prohibition. Just so you know, it has never been superseded.

Secretary McDonough has claimed that he is taking this action in defense of women's health, setting aside the fact that abortion is not healthcare. By making that claim, the Secretary has made it clear that he views women's health as one and the same with abortion.

Madam Speaker, this bill would require VA to provide women veterans with, "information that is tailored to their specific healthcare and benefit needs."

We have offered if they would remove that language to just say "veterans," that would not include information about abortion, given the Secretary's views, that is unacceptable to me and to many others.

Our democracy is based on the rule of law, and I wish the Secretary would follow the law, especially when it is a matter of life and death. If he did, I would fully support this bill just like I did in June, before the VA's new illegal rule.

Instead, I regret that I must oppose it today, and I urge my colleagues to oppose the bill.

Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Let me just respond, that every day my colleagues are making threats to file a lawsuit to stop the interim final rule. Like the ranking member believes, as do many on his side of the aisle, that the interim final rule is illegal based on the 1992 law. I will remind him that in 1996, Congress authorized the VA Secretary to define the medical benefits package. So I disagree with his interpretation of this interim final rule as being illegal.

Let me mention one thing further, that I have not seen any lawsuit yet filed, even though he asserted that he would seek to have this rule stayed. I am assuming that the delay in filing, since the hearing that we had, is because he is still looking for a perfect judge to hear it.

In the meantime, they are highjacking this opportunity to once again blind and gag women veterans under the premise that veterans should not be allowed to know the healthcare options and benefits that are available to them.

This is not only an insult to veterans but to the veterans service organizations that have endorsed and supported this bill.

Madam Speaker, I yield 5 minutes to the gentlewoman from Michigan (Ms. SLOTKIN), my good friend who serves on the Disability Assistance and Memorial Affairs Subcommittee.

Ms. SLOTKIN. Madam Speaker, I rise today in support of the Solid Start Act, a truly bipartisan bill that I originally introduced on Veterans Day in 2020.

This bill requires the VA to connect with veterans during their first year when they transition out of service to ensure they are aware of the benefits and resources that they have earned.

I was thrilled to see this bipartisan legislation pass the Senate twice, both times by unanimous consent. It passed the House as part of the STRONG Veterans Act with overwhelming support by voice vote.

□ 2030

First, I would like to thank my Veterans Advisory Board back in Michigan and the other stakeholders in my district who have helped to craft this bill. I would like to thank The American Legion, Disabled American Veterans, and the VFW for their support, and the countless veterans and veteran families in the district who gave me their feedback to help us craft this bill.

It comes directly from their experience where, overwhelmingly, the sentiment was in that first year of separation, veterans do not understand all of the resources from education to healthcare that they are eligible for.

Madam Speaker, 40 percent of the veterans in Michigan are unconnected totally from the VA and the resources they are entitled to. This statistic, coupled with the experience of navigating those challenges in the VA, are unacceptable. Every veteran I know has their own story as they transition out of the military, whether it has been 3 years or three decades.

I watched this up close with my husband after 30 years of Active Duty in the Army. Newly separated veterans encounter changes in job status, lifestyle, housing, healthcare, and education. It is a period of enormous change, and also a period of vulnerability. Tragically, rates of veteran suicide are higher in those tumultuous first years than later after separation.

Veterans are entitled to a variety of resources, but they only can access them if they know about them. That is why I introduced the Solid Start Act with my Republican friend, Congressman JOYCE.

This bipartisan bill codifies a pilot program, as Mr. BOST said, that was initiated under President Trump, and it shows great promise. But as we stand here tonight, this bill has now been unexpectedly thrown into jeopardy, and it is entirely because of political gamesmanship. Right now, at the last minute, before we vote on this bill, the Pro-Life Caucus from the other side of the aisle has acted to stop the bill from moving to prevent the 16 words that are on this page. This language has been in the bill since its inception when we created this: "Providing women veterans with information that is tailored to their specific healthcare and benefit needs."

To be clear, if we pass this bill, then it goes to the President's desk to be signed into law.

But just so we understand what was meant with the idea of providing women and veterans with information tailored to them, it is pregnancy and mental health care, maternity care, mammogram, breast health, breastfeeding and lactation, menopause, gynecological cancer, pre-pregnancy health, chronic pelvic pain, birth control, osteoporosis, prosthetics for women, intimate partner violence, disordered eating, and sexual assault. I can go on. There is a very long list of specific health issues that are specific to women.

Instead, my colleagues on the other side of the aisle are holding this bill hostage. The 16 words that they apparently now object to are essential for women's healthcare and are already covered by the VA. None of this is controversial. None of this is objectionable. It doesn't change one thing about veterans' benefits or services. It makes no changes to what they are entitled to. All it does is require the VA to reach out to servicemembers three times in their first year from separation. It increases outreach to veterans.

So let's talk about what this is really about.

Earlier today, a letter went out from Ranking Member BOST and the Pro-Life Caucus saying that Members, while they supported it previously, should now turn against it. After publicly supporting this, they are now leaving it.

And why?

Because they are concerned about VA policy. They are concerned about the

VA's decision to provide veteran women with access to abortion when they have been raped, when they are the victims of family incest, or when a doctor confirms that the pregnancy is a risk to the health or the life of the mother.

It is not abortion on demand and not extreme policies. These are very basic, commonly accepted instances when a woman veteran has gone through hell and has no other option.

The other side of the aisle, to be clear, is objecting to this bill because they object to any exceptions whatsoever on abortion. It is a political game. It is literally putting politics ahead of the 18 million veterans and 200,000 each year who separate.

It is our responsibility to honor the veterans, male and female. I find it disturbing that you would play politics in this way. I ask the other side of the aisle to reconsider and support this bill.

Mr. TAKANO. Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume because I would like to take this time to respond to a few things that were not said correctly.

One, no one has said anything about a lawsuit, especially from the ranking member.

Two, the Hyde amendment says: rape, incest, life of the mother. When you put life and health of the mother, then it expands what can be distorted and where we are at, and it opens to the point of long-term abortion, and that has actually been verified by the VA.

There is not a whole list there that we want to remove. We want it to say: If we believe that men and women are all veterans and should be considered, then they should be advised as veterans.

But by putting that particular language in at this time after the administration has violated the law of 1962—now the chairman said there is another law, but if you look at that law, that law never goes directly to abortion. And if it was directed towards abortion, then they would have put it in the law. They would have put it in the law. They wouldn't have made that broad statement. That is why it is a misinterpretation of the VA.

Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend for yielding.

Madam Speaker, as the former chairman of the House Committee on Veterans' Affairs and the prime author of 14 major laws to assist veterans, including the Homeless Veterans Comprehensive Assistance Act and several healthcare laws as well, I have always deeply respected and strongly supported the unique mission of VA healthcare.

Comprised of 172 medical centers and over 1,100 outpatient clinics, the VA

operates the largest integrated healthcare network in the entire world. VA medical personnel—371,000 professionals and support staff—are absolutely committed to healing, nurturing, and rehabilitating.

So it is beyond disappointing that President Biden issued an illegal rule—I was here when section 106 of the Veterans Healthcare Act of 1992 was enacted, and it couldn't have been clearer—to turn the lifesaving, life-enhancing mission of the VA into new venues for abortion on demand.

And the word health—Roe v. Wade and Doe v. Bolton couldn't have made it more clear, and Doe v. Bolton with the companion opinion issued by the Supreme Court, they defined health. They used the World Health Organization's definition, and it is everything including any kind of mental stress. So it is completely wide-open, abortion-on-demand language. It is not rape, incest, and life of the mother. Health is included in Biden's rule.

The new Biden VA abortion rule authorizes and forces taxpayers to fund the violent death of unborn baby girls and baby boys by what?

By beheading, dismemberment, forced expulsion from the womb, deadly poisons, and other methods at any time until birth.

Abortion, Madam Speaker, is not healthcare unless one construes the precious life of an unborn child to be analogous to a tumor to be excised or a disease to be vanquished.

For decades, Madam Speaker, abortion advocates have gone to extraordinary lengths to ignore, trivialize, and cover up the battered baby victim. But today, thanks to ultrasound, unborn babies are more visible than ever before. Today, science informs us that birth is an event—albeit an important one—but it is not the beginning of life. Modern science and medicine today treats unborn children with disability or disease as a patient in need of diagnosis and treatment, not death by abortion.

Unborn babies are society's youngest patients and deserve benign, life-affirming medical interventions and not medicines that kill. The weakest and most vulnerable unborn babies deserve our respect, empathy, protection, and love.

The legislation before us today will be used to promote the VA's new abortion-on-demand mission.

Madam Speaker, I urge my colleagues to oppose it, and, hopefully, we will see a change in the policy sometime in the near future that President Biden has issued.

Mr. BOST. Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, may I inquire as to how much time remains.

The SPEAKER pro tempore. The gentleman from California has 9½ minutes remaining.

Mr. TAKANO. Madam Speaker, before I yield an additional 3 minutes to the gentlewoman from Michigan, let

me just say that if the minority is so insistent and is fervent in their belief that this interim final rule is illegal, I do not understand why there has been no lawsuit filed to enjoin the rule.

This is very peculiar that with such passion and with such fervor they argue that this rule is illegal.

Madam Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. SLOTKIN).

Ms. SLOTKIN. Madam Speaker, there has been a lot of talk on the other side of the aisle, and I just want to be clear. No one in this room is in the judicial branch, and no one in this room that I am aware of is a medical doctor.

If you believe that the provisions that the VA has put forward have a legal problem, then you have the right to take up that case and put it through the courts. We are the legislative branch. We make laws, and we pass laws. We are not judge and jury. Take it to a court if you are concerned. That is your right.

In terms of making decisions on behalf of women, if you want to take a veterans' bill and make it about abortion, then let's do it. What you are saying, and you are saying it in front of the American people, is that you believe a veteran who has been raped, who is the victim of incest, or who is having a dangerous miscarriage does not deserve access to abortion.

You are saying—unless you correct me and tell me what you believe a woman deserves to have when she has been raped, the victim of incest, or is in the middle of a dangerous miscarriage, if you can't state it then be clear you believe in no exceptions for women—a cold, heartless, and violent approach to women's health.

You want to ban all abortions. That is your goal. Many of you have been open about that, and if you flip the House, we know that you will put forward a full ban on all abortions for all States. You have been clear about it.

If you want to turn a veterans' bill into an abortion bill, then let's do it. Not one of you are a medical doctor. Not one of you.

What the VA guidelines say is that if you have been raped or are the victim of incest or a medical professional deems that your pregnancy is a risk to your health. The one in four women in this country who has had a miscarriage, probably many women in this room, that you are a better judge of who gets to decide the future of their life and not a medical doctor? Who do you think you are?

You are politicians. We are all on this floor elected officials and not medical professionals. If it were your wife or your daughter who is suffering through a miscarriage, are you going to tell her she can't until her fever gets high enough or until she is bleeding harder?

That is what is happening in the State of Texas right now. If that is what you want for veterans, shame on you. Shame on you.

I am sorry we built this bill to be bipartisan. I sought your support par-

ticularly, sir, and you are making it a political issue.

Shame on you. You all have pictures of veterans in your office. You are proud to show your pride in our veterans. It should be the most bipartisan issue in the world, and you are making it political. Shame on you.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Let me tell you, Madam Speaker, if I may, the question is not on rape, incest, or life of the mother. It is on health, which could then go to mental health which could spin off to late-term abortions.

This is a very personal issue to a lot of people, and I am sure it is to everyone on both sides of the aisle. But I have to question who in this room has ever held a child who has been born after 25 weeks in the womb? I have. I held one granddaughter who died in the womb and one who died in my arms after she was out of the womb.

What the VA has done with this rule by tweaking it, they think it is for the right reasons—right or wrong—which you consider, rape, incest, life of the mother, it is not. It is rape, incest, life and health of the mother, which will allow for those late-term abortions.

Madam Speaker, that is life. Our Constitution is very clear. It is very clear: life, liberty, and the pursuit of happiness, the first being life.

□ 2045

You can't, if you have ever held a child like that when they died in your arms, say that is not life.

Unfortunately, it is not us that is making the decision. It is political. It is the Biden administration, Madam Speaker, and they have done it through taking the VA.

Anybody that can question me on my support of veterans is out of their mind. I have served. My father served. My grandfather served. My son served. My grandson served. And guess what? As of last week, my granddaughter is now in Navy boot camp.

I will stand for the veterans, but I will not stand for the death of children regardless of who this administration is or what they believe is a good political move.

Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ROY), my good friend.

Mr. ROY. Madam Speaker, I appreciate my friend's service, and I appreciate his passion on this issue.

I listened here as my colleagues want to lecture us about making decisions about life. Who are my colleagues to decide when life begins? Talking about where the doctors are in the room, who are my colleagues, where is God in the room about determining when life begins?

It is my colleagues on the other side of the aisle who have out-of-step views about the extent of abortion in this country to terminate life right up to the point of birth. It is out of step with

the entirety of the world. It is a radical position, and the entirety of this country knows it.

What we are talking about right now, when we used to be able to have some peaceful debates in this body, we had the Hyde amendment recognizing our differences on the issue and trying to pull it out of the debate of funding, but my colleagues on the other side of the aisle refuse to respect the Hyde amendment.

Now, you have an administration making up law. My colleague on the other side of the aisle wants to lecture about where you go to have a dispute about law. Oh, run to the courts, they say. Run to Article III.

Well, we are Article I, dadgummit, and we make decisions about the law every single day. As a Member of this body, I introduced the ARTICLE ONE Act under President Trump, questioning executive authority.

I subpoenaed records from the White House, questioning unaccompanied alien children data because I believe in the primacy of Article I.

But we should, dadgummit, on a bipartisan basis believe that we need to make these decisions, and you don't have the VA arbitrarily making law and stepping over the 1992 law, which has never been repealed. It has never been set aside, and to suggest that it has makes a mockery of the laws that we pass. We should agree on that on a bipartisan basis.

The ranking member is speaking for all of us when he says we are trying to stand up in support of the Solid Start program, but it has now been turned on its head by a radical decision by the executive branch, so now we are no longer going to support this program as it exists.

As the chairman said, 16 words are the hang-up. Then change the 16 words, and let's fix what needs to be fixed to honor what we know is the law from the 1992 law.

Mr. TAKANO. Madam Speaker, what the gentleman from Texas is suggesting that we do is delete women from S. 1198. That, I will not do.

Yes, I strongly believe in Article I. The accusation that Secretary McDonough issued a radical rule, well, what is this so-called radical rule he is mentioning that he has issued? The rule that Secretary McDonough issued, the interim final rule, says that abortion is available based on the 1996 law, which gave him the authority to define medical benefits available at the VA. That is very clear what Congress did.

It is under that authority that this Secretary has made not a radical rule but simply a rule which allows veteran women to enjoy the same rights that they had when they were serving in the military as Active-Duty servicemembers. Women serving in the military have access to abortions when they have been raped, when they are victims of incest, and, yes, when their pregnancies pose a danger to their life.

Who is trying to play God here are the Members on the other side of the aisle who wish to deny women who have worn the cloth of this country, who have served our country, who fought for all of our freedoms, to deny them the freedom to be able to consider the full range of medical procedures that they need in order to preserve their own life.

What is extreme here is that they want to deny women to even be able to access abortion counseling, counseling which may save their lives.

Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I think it is important to realize that DOD actually follows the Hyde amendment, which is rape, incest, and the life of the mother, which is exactly what the chairman just quoted.

What the VA does is rape, incest, and life and health, including mental health, of the mother, which can be a claim that maybe I am under stress, all of these things. That is why we need clarification. Not only do we need clarification, but we need to follow the law.

The argument that the other law allows the VA Secretary to make these decisions, it never mentioned abortion in there. I think that would have done that.

Madam Speaker, I am encouraging my Members to vote “no” on this bill. I would love to be able to vote on this bill when we get this problem straightened out. I believe our veterans deserve to have the other benefits that are here and available in the bill.

As everybody knows, I did vote for it in the other form before the VA stepped down this path.

Madam Speaker, I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, again, I ask for my colleagues to join me in passing S. 1198.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, S. 1198.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOST. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

STRENGTHENING WHISTLEBLOWER PROTECTIONS AT THE DEPARTMENT OF VETERANS AFFAIRS ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the

bill (H.R. 8510) to amend title 38, United States Code, to make certain improvements to the Office of Accountability and Whistleblower Protection of the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Whistleblower Protections at the Department of Veterans Affairs Act”.

SEC. 2. COUNSEL OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

Subsection (e) of section 323 of title 38, United States Code, is amended—

(1) by inserting “(1)” before “The Office”; and

(2) by adding at the end the following new paragraph:

“(2) The Assistant Secretary shall appoint a Counsel of the Office, who shall be a career appointee in the Senior Executive Service and shall report to the Assistant Secretary. The Counsel shall provide the Assistant Secretary with legal advice on all matters relating to the Office. In accordance with subsection (e), the Assistant Secretary may hire the appropriate staff for the Counsel to provide such legal advice.”.

SEC. 3. MODIFICATIONS TO FUNCTIONS OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

Subsection (c)(1) of such section is amended—

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (A) through (E), respectively;

(3) in subparagraph (A), as so redesignated, by inserting “and allegations of whistleblower retaliation” after “disclosures”; and

(4) by striking subparagraph (B), as so redesignated, and inserting the following new subparagraph:

“(B) Referring employees of the Department to the Office of Special Counsel so the Office of Special Counsel may receive whistleblower disclosures and allegations of whistleblower retaliation.”; and

(5) by striking subparagraphs (H) and (I).

SEC. 4. EXPANSION OF WHISTLEBLOWER PROTECTIONS.

(a) CLARIFICATION OF PROHIBITED PERSONNEL ACTION.—Section 731(c) of such title is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “, or threatening to take or fail to take,” after “failing to take”; and

(B) in subparagraph (A), by inserting “, or with respect to an allegation of such a disclosure” before the semicolon;

(2) in paragraph (3), by inserting “, making a referral to boards of licensure,” after “negative peer review”.

(b) FUNCTION OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.—Section 323(g) of such title is amended by adding at the end the following new paragraph:

“(4) The term ‘prohibited personnel action’ has the meaning given such term in section 731(c) of this title.”.

SEC. 5. TRACKING AND ENFORCEMENT OF RECOMMENDATIONS AND SETTLEMENT AGREEMENTS REGARDING WHISTLEBLOWERS.

Subsection (c) of section 323 of such title, as amended by section 4, is further amended—

(1) in paragraph (1), by adding at the end the following new subparagraphs:

“(I) Tracking the negotiation, implementation, and enforcement of settlement agreements entered into by the Secretary regarding claims of whistleblower retaliation, including with respect to the work of the General Counsel of the Department regarding such settlements.

“(J) Tracking the determinations made by the Special Counsel regarding claims of whistleblower retaliation, including—

“(i) any disciplinary action for the individual who engaged in whistleblower retaliation; and

“(ii) determinations regarding the need for settlement as identified by the Special Counsel, and any settlement resolving claims of whistleblower retaliation entered into by the Secretary with the whistleblower.”; and

(2) by adding at the end the following new paragraph:

“(4)(A) In carrying out subparagraph (I) of paragraph (1), the Assistant Secretary shall, in consultation with the General Counsel, establish metrics and standards regarding—

“(i) the timely implementation of settlement agreements entered into by the Secretary regarding whistleblower retaliation; and

“(ii) reasonable restitution and restoration of employment, and other relief for whistleblowers; and

“(B) The Assistant Secretary shall establish a secure electronic system to carry out subparagraphs (I) and (J) of paragraph (1) in a manner that ensures the confidentiality of the identity of a whistleblower.”.

SEC. 6. TRAINING AND INFORMATION.

Section 323 of such title is further amended—

(1) in subsection (c)(2), by striking “receive anonymous whistleblower disclosures” and inserting “provide information to employees of the Department regarding the rights of and procedures for whistleblowers”;

(2) by redesignating subsection (g) as subsection (i); and

(3) by inserting after subsection (f) the following new subsections:

“(g) TRAINING.—The Assistant Secretary shall—

“(1) develop, in consultation with the Special Counsel, annual training on whistleblower protection and related issues;

“(2) provide and make such training available to employees of the Department; and

“(3) disseminate training materials and information to employees on whistleblower rights, whistleblower disclosures, and allegations of whistleblower retaliation, including any materials created pursuant to section 733 of this title.”.

SEC. 7. IMPROVEMENTS TO ANNUAL REPORTS.

Subsection (f) of section 323 of such title is amended—

(1) in paragraph (1)(B)(ii), by striking “subsection (C)(1)(G)” and inserting “subsection (c)(1)(E)”;

(2) in paragraph (2)—

(A) by striking “under subsection (c)(1)(I)” and inserting “by the Special Counsel”; and

(B) by inserting “not later than 60 days after such date” before “the Secretary shall”; and

(3) by adding at the end the following new paragraph:

“(3) Not later than June 30, 2023, and semi-annually thereafter, the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report on settlements described in paragraph (1)(I) of subsection (c), including, with respect to the period covered by the report—

“(A) the number of settlements under negotiation or executed, and the number of executed settlements that have not been fully implemented;

“(B) the explanation as to why any such executed settlement has not been fully implemented;

“(C) a description of the metrics described in paragraph (4)(A) of such subsection; and

“(D) identification of settlement agreements that are not meeting such metrics and standards, or for which the Assistant Secretary is aware of a determination that a breach of agreement has been found.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 8510, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 8510, as amended, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act, is an important bill that will protect and support VA employees who report wrongdoing within the Department.

I commend Representatives CHRIS PAPPAS and TRACEY MANN, the chairman and ranking member of our Subcommittee on Oversight and Investigations, for their work over the past few years on this issue.

The subcommittee has been tireless in its examination of VA policies and procedures for protecting whistleblowers and disciplining those who retaliate against them. When retaliation occurs, VA must make whole a whistleblower who was unfairly punished for speaking truth to power. This is not only the right thing to do; it is the law.

During the subcommittee's hearings on this issue, we heard firsthand accounts from several individuals who experienced long waits for justice despite confirmed findings of retaliation. VA can and must do more to protect whistleblowers.

I support Chairman PAPPAS and Ranking Member MANN's bipartisan legislation. It would promote independence and strengthen the mission of VA's Office of Accountability and Whistleblower Protection.

It would also streamline duplicative investigations and send a clear message that retaliation against those who report wrongdoing will not be tolerated.

This bill has the support of several national organizations that advocate on behalf of government whistleblowers and was favorably reported by the full Veterans' Affairs Committee last week.

Madam Speaker, I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 8510, as amended.

Following the access scandal of 2014, Congress enacted the VA Accountability Act. The Accountability Act is meant to make it easier for VA to hold bad employees responsible for their actions. The law also created a new VA office intended to protect whistleblowers and conduct investigations.

Unfortunately, this office has never lived up to the standard that whistleblowers deserve. In 2021, 80 percent of the OAWP recommendations for discipline were ignored by the VA. It is time to refocus their mission.

H.R. 8510, as amended, would require VA employees with complaints to be referred to the Office of Special Counsel. The OSC is an independent office which has the authority to receive, manage, and investigate allegations of whistleblower retaliation at the VA.

The OSC has a respected history of conducting objective investigations. As such, I am convinced that the OSC will do a better job of holding senior VA employees accountable than the OAWP.

This bill was drafted with valuable input from stakeholders and enjoys broad support.

Madam Speaker, I am pleased that Congressman PAPPAS and Congressman MANN have come together to author this important bipartisan proposal, and I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I yield 5 minutes to the gentleman from New Hampshire (Mr. PAPPAS), the chairman of the Subcommittee on Oversight and Investigations for the Veterans' Affairs Committee.

Mr. PAPPAS. Madam Speaker, I rise in support of my bipartisan legislation, H.R. 8510, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act.

It is a bill that improves policies and procedures to better protect VA whistleblowers. It also promotes independence and removes conflicts of interest at VA's Office of Accountability and Whistleblower Protection.

Whistleblowers play a critical role in holding the Federal Government and its agencies accountable for waste, fraud, abuse, and mismanagement. When employees of the Department of Veterans Affairs witness issues that put the health, safety, and well-being of veterans at risk, VA staff should feel encouraged to speak out without fear of retaliation. This would encourage corrective action to be taken and no harm to the whistleblower.

In reality, however, too often the messenger is punished. The Subcommittee on Oversight and Investigations that I chair has done years of work on this issue.

Alongside Ranking Member TRACEY MANN, we have conducted multiple

hearings looking into this problem. Our efforts have highlighted the individual stories of whistleblowers who have lost their jobs or faced other retaliatory actions as a result of their disclosures.

Further, whistleblowers often wait years to be made whole after experiencing retaliation under current Department policies and procedures.

The testimony from three previous VA employees disclosed VA whistleblowers are likely to face retaliation, including the loss of their position, and are forced to wait years for justice.

This bipartisan bill will make major changes to how whistleblower claims are handled, strengthening accountability through the process. The bill ends VA's authority to investigate whistleblower retaliation complaints and, instead, relies on the independent U.S. Office of Special Counsel to ensure objectivity over the process.

OSC is an independent Federal investigative agency that has high trust within the whistleblower community. They have the resources and autonomy needed to do this work.

It will also require VA's Office of Accountability and Whistleblower Protection to strengthen accountability over settlement agreements for VA employees who suffered retaliation which provide financial restitution and guarantees of reemployment.

Further, the bill will reaffirm OAWP's responsibility to provide resources to VA employees on whistleblower rights, including training. These reforms will ensure whistleblowers feel safe reporting issues within the Department.

We can't continue to allow whistleblowers to be punished for speaking out, and we have to make sure we are doing all we can to protect VA whistleblowers. It is not only the law; it is also the right thing to do to protect whistleblowers from retaliation.

My colleague and ranking member of the Subcommittee on Oversight and Investigations, Congressman TRACEY MANN, co-led this bill with me to promote independence and strengthen the mission of VA's whistleblowers office. I thank Congressman MANN and his staff for their dedication and hard work on this issue.

I thank all the members of the Veterans' Affairs Committee for their support of this bill last week, and I appreciate the support from the whistleblower advocacy groups, including the Project on Government Oversight, the Whistleblowers of America, and the Government Accountability Project, as well as VA's labor union, AFGE.

□ 2100

So once this is enacted, this bill will ensure that the protections are on the books at the Department of Veterans Affairs that will strengthen independence and the mission of VA's whistleblower office.

Madam Speaker, I urge the full House to support passage.

Mr. BOST. Madam Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MANN), my good friend, who has worked so hard on this issue.

Mr. MANN. Madam Speaker, I rise today in support of legislation that I co-introduced with Congressman PAPPAS, H.R. 8510, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act.

Holding government accountable requires reasonable whistleblower protection. VA employees take a risk when exposing fraud, corruption, or any wrongdoing of any kind, and they deserve to have their claims investigated, and to have protection from retaliation.

The VA's Office of Accountability and Whistleblower Protection was created with good intentions but has never lived up to the expectations of whistleblowers or of this Congress. In 2021, 80 percent of all the disciplinary recommendations that OAWP made were either changed or simply ignored. Here are just two examples of the many troubling stories that my colleagues and I have heard during our hearings.

At one facility, OAWP recommended a range of discipline from 12-day suspension to removal for three supervisors who engaged in whistleblower retaliation. VA officials disagreed, however, and the individuals received no disciplinary action.

At another facility, OAWP recommended a range of discipline from demotion to removal for an individual who retaliated against and harassed an employee. VA officials believed the file lacked certain testimony and evidence and the individual received no disciplinary action.

Despite the efforts of many dedicated VA staff, these cases, and others like them, highlight the need for a change in OAWP's roles and responsibilities. Veterans, whistleblowers, and taxpayers deserve better. H.R. 8510 would remove OAWP's investigative authority, and instead, direct OAWP to refer whistleblowers to the Office of Special Counsel, an independent agency, which has a much better track record for whistleblower investigations. This bill would also require OAWP to track settlement negotiations and agreements between VA employees and the Department and refocus the office on providing training to employees on whistleblower rights.

This legislation is an example of the good that Congress can do when we work together. I look forward to its swift passage through the House, and I urge my colleagues to support this important bill.

Mr. TAKANO. Madam Speaker, I have no further speakers, I am prepared to close, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I encourage all my colleagues to support this bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I ask all my colleagues to join me in passing

H.R. 8510, as amended, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 8510, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. ROY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SUPPORTING FAMILIES OF THE FALLEN ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (S. 2794) to amend title 38, United States Code, to increase automatic maximum coverage under the Servicemembers' Group Life Insurance program and the Veterans' Group Life Insurance program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting Families of the Fallen Act".

SEC. 2. INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Section 1967(a)(3)(A)(i) of title 38, United States Code, is amended by striking "\$400,000" and inserting "\$500,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of—

(1) the date that is 60 days after the date of the enactment of this Act; or

(2) the date on which the Secretary of Veterans Affairs determines that—

(A) the amount for which a member will be insured pursuant to the amendment made by subsection (a) and the premiums for such amount are administratively and actuarially sound for the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code, and the Veterans' Group Life Insurance program under section 1977 of such title; and

(B) the increase in such amount carried out pursuant to the amendment will not result in such programs operating at a loss.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2794.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, life insurance is designed to offer protection from loss and serves as a death benefit. For a veteran or servicemember, VA's Veterans' Group Life Insurance offers security and confidence that loved ones will be covered and made financially whole in the event a source of income is lost.

While no amount of money can replace the life of a beloved family member, VA's Servicemembers' and Veterans' Group Life Insurance exists to provide an affordable option to provide a fiscal shield for survivors.

Neither insurance program has experienced a coverage limit increase since 2005. This bill increases the maximum amount of coverage for Servicemembers' and Veterans' Group Life Insurance by \$100,000, which means expanded coverage of up to \$500,000 for each option.

Madam Speaker, I support this bill, I urge all of my colleagues to do the same, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of S. 2794, the Supporting Families of the Fallen Act.

I thank Senator TUBERVILLE and Congressman ROY for leading this effort in the Senate and the House, respectively.

This bill makes much-needed updates to the coverage amounts for the Servicemembers' Group Life Insurance and the Veterans' Group Life Insurance program.

Specifically, this bill would allow VA to raise the max payment for both programs from \$400,000 to \$500,000. An additional \$100,000 would make it easier for surviving spouses to keep a roof over their family's head and food on the table following the loss of their loved one.

As many of you know, VA's life insurance programs may be the only affordable option available to servicemembers and veterans. This is because some veterans may not be eligible for private life insurance due to the added risk of military service or because they have a service-connected disability, like PTSD or cancer.

When we send our military into harm's way, VA insurance programs provide them and their families with financial security. However, the max rate of \$400,000, which was established in 2005, does not meet the needs of today's survivors.

Since 2005, American families have seen the cost of living continuously rise. This is especially true right now due to historic inflation under the Biden administration.

This bill would provide families with insurance coverage that will better meet their needs. S. 2794 builds on our Nation's promises to care for the families of those lost in service to our country.

Madam Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I have no further speakers, I am prepared to close, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ROY), my good friend.

Mr. ROY. Madam Speaker, I am pleased to rise in support of my bill, which in this case is the S version—the Senate version—that was introduced by Senator TUBERVILLE from Alabama, S. 2794, the Supporting Families of the Fallen Act.

The ranking member just articulated why this legislation is important. I think one of the things that we have to remember is the extent to which our men and women in uniform have to keep up and keep pace with inflation, and we thought this was important.

I had a constituent in my district who raised this issue. I sat down with that constituent and then met with a bunch of other constituents who were running into the same problem. I talked to a number of my veteran colleagues, and we believed that this was an important solution.

As many know, I am not one to want to put forward legislation that isn't paid for. This bill, for the most part, pays for itself with the slight exception of Active Duty combat individuals. I believe that is an exception worth making when we talk about things that are not paid for.

It is straightforward. It simply increases the SGLI and VGLI maximum coverage from \$400,000 to \$500,000 so that servicemembers and veterans can customize the coverage amount that they need. I think it is a commonsense solution. It is bipartisan and it is bicameral.

Madam Speaker, I appreciate the chairman and the ranking member for their support.

Mr. TAKANO. Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I thank all the folks that came together for this bill, and I ask all my colleagues to join me in passing S. 2794, which upon passage today will be sent on to the President's desk for signature.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, S. 2794.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. ROY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 2110

JOHN LEWIS CIVIL RIGHTS FELLOWSHIP ACT OF 2022

Mr. CASTRO of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 8681) to establish the John Lewis Civil Rights Fellowship to fund international internships and research placements for early- to mid-career professionals to study non-violent movements to establish and protect civil rights around the world, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John Lewis Civil Rights Fellowship Act of 2022".

SEC. 2. JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.

The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"SEC. 115. JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.

"(a) ESTABLISHMENT.—There is established the John Lewis Civil Rights Fellowship Program (referred to in this section as the 'Fellowship Program') within the J. William Fulbright Educational Exchange Program.

"(b) PURPOSES.—The purposes of the Fellowship Program are—

"(1) to honor the legacy of Representative John Lewis by promoting a greater understanding of the history and tenets of non-violent civil rights movements; and

"(2) to advance foreign policy priorities of the United States by promoting studies, research, and international exchange in the subject of nonviolent movements that established and protected civil rights around the world.

"(c) ADMINISTRATION.—The Bureau of Educational and Cultural Affairs (referred to in this section as the 'Bureau') shall administer the Fellowship Program in accordance with policy guidelines established by the Fulbright Foreign Scholarship Board, in consultation with the binational Fulbright Commissions and United States Embassies.

"(d) SELECTION OF FELLOWS.—

"(1) IN GENERAL.—The Board shall annually select qualified individuals to participate in the Fellowship Program. The Bureau may determine the number of fellows selected each year, which, whenever feasible, shall be not fewer than 25.

"(2) OUTREACH.—To the extent practicable, the Bureau shall conduct outreach at institutions the Bureau determines are likely to produce a range of qualified applicants.

"(e) FELLOWSHIP ORIENTATION.—The Bureau shall organize and administer a fellowship orientation that shall—

"(1) be held in Washington, DC, or at another location selected by the Bureau;

"(2) include programming to honor the legacy of Representative John Lewis; and

"(3) be held on an annual basis.

"(f) STRUCTURE.—

"(1) WORK PLAN.—To carry out the purposes described in subsection (b)(2)—

"(A) each fellow selected pursuant to subsection (d) shall arrange an internship or research placement—

"(i) with a nongovernmental organization, academic institution, or other organization approved by the Bureau; and

"(ii) in a country with an operational Fulbright U.S. Student Program; and

"(B) the Bureau shall, for each fellow, approve a work plan that identifies the target objectives for the fellow, including specific duties and responsibilities relating to those objectives.

"(2) CONFERENCES; PRESENTATIONS.—Each fellow shall—

"(A) attend the fellowship orientation described in subsection (e);

"(B) not later than the date that is 1 year after the end of the fellowship period, attend a fellowship summit organized and administered by the Bureau, which, whenever feasible, shall be held in a location of importance to the civil rights movement in the United States and may coincide with other events facilitated by the Bureau; and

"(C) at such summit, give a presentation on lessons learned during the period of fellowship.

"(3) FELLOWSHIP PERIOD.—Each fellowship under this section shall continue for a period determined by the Bureau, which, whenever feasible, shall be not shorter than 10 months.

"(g) FELLOWSHIP AWARD.—The Bureau shall provide each fellow under this section with an allowance that is equal to the amount needed for—

"(1) the fellow's reasonable costs during the fellowship period; and

"(2) travel and lodging expenses related to attending the orientation and summit required under subsection (e)(2).

"(h) REPORTS.—Not later than 1 year after the date of completion of the Fellowship Program by the initial cohort of fellows selected under subsection (d), and on an annual basis thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report providing information on the implementation of the Fellowship Program, including on—

"(1) the demographics of the cohort of fellows who completed a fellowship during the preceding 1-year period;

"(2) a description of internship and research placements, and research projects selected, under the Fellowship Program, including participant feedback on program implementation and feedback of the Department on lessons learned;

"(3) a plan for factoring such lessons learned into future programming; and

"(4) an analysis of trends relating to the diversity of the cohorts of fellows and the topics of projects completed over the course of the Fellowship Program."

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961A.

Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) in paragraph (8), by striking ";" and inserting a semicolon;

(2) in paragraph (9), by striking the period and inserting ";" and"; and

(3) by adding at the end the following:

"(10) the John Lewis Civil Rights Fellowship Program established under section 115, which provides funding for international internships and research placements for early-

to mid-career individuals from the United States to study nonviolent civil rights movements in self-arranged placements with universities or nongovernmental organizations in foreign countries.”

SEC. 4. SUNSET.

The authority to carry out the John Lewis Civil Rights Fellowship Program established under section 115 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), as added by section 2, shall expire on the date that is 7 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CASTRO) and the gentlewoman from California (Mrs. KIM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CASTRO of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 8681, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 8681, the John Lewis Civil Rights Fellowship Act of 2022, and I thank Ms. WILLIAMS for authoring this important bill.

I want to begin with a passage from an essay written by Representative John Lewis before his death, which was published on the day of his funeral.

Representative John Lewis, in reflecting on the past and looking to the future said: “You must also study and learn the lessons of history because basic humanity has been involved in this soul-wrenching, existential struggle for a very long time. People on every continent have stood in your shoes, through decades and centuries before you. The truth does not change, and that is why the answers worked out long ago can help you find solutions to the challenges of our time. Continue to build union between movements stretching across the globe because we must put away our willingness to profit from the exploitation of others.”

These words are a call to action and H.R. 8681, the John Lewis Civil Rights Fellowship Act, seeks to meet that call, to learn from history and find solutions to the challenges of our time.

The John Lewis Fellowship will be part of the Fulbright Scholarship Program administered by the State Department and will advance the teaching of the history of nonviolent movements around the world by fostering research and international exchange.

The fellowship supports 25 young scholars in studying the history of nonviolent civil rights movements around the world and improving the understanding of nonviolence as a critical tool for change.

Fostering constructive methods of civic expression is vital for a healthy, flourishing society. Thanks to John’s leadership by example, thousands of people around the world over have learned how to confront the injustices of their own societies through non-violent means. Now, the duty of honoring his legacy and shepherding a new generation of leaders falls on our shoulders.

I can think of no better time than now to pass this bill that honors the legacy of the great John Lewis. I strongly urge all Members to vote in support of this important legislation, and I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the John Lewis Civil Rights Fellowship Act. John Lewis was a powerful, tireless advocate for equality and justice all his life.

Along with his mentor and friend, Dr. Martin Luther King, Jr., he put his life and personal safety on the line as a leader in the nonviolent civil rights movement that profoundly changed our Nation for the better.

His boldness in pursuit of justice was powerfully rooted in faith and love. As he himself described it: “At a very early stage of the movement, I accepted the teaching of Jesus, the way of love, the way of nonviolence, the spirit of forgiveness and reconciliation. The idea of hate is too heavy a burden to bear. It is better to love.”

To help pass these values on to future generations, this bill establishes the John Lewis Civil Rights Fellowship within the Fulbright Program at the Department of State.

The Fulbright educational exchange program has enjoyed bipartisan support for over 75 years. As part of Fulbright, the stated purpose of the John Lewis Fellowship is “to advance foreign policy priorities of the United States by promoting studies, research, and international exchange in the subject of nonviolent movements that established and protected civil rights around the world.”

This bill is a worthy way of honoring a great man who sacrificed so much to make America and the world a better place. I support the bill, and I reserve the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, it is my honor to yield 3 minutes to the gentlewoman from Georgia (Ms. WILLIAMS).

Ms. WILLIAMS of Georgia. Madam Speaker, I thank the gentleman for yielding.

I rise today in support of H.R. 8681, the John Lewis Civil Rights Fellowship Act of 2022.

Following in the footsteps of Congressman John Lewis is no easy feat. He was a friend and a mentor to many of us. He was known as the conscience of this body. I often tell people that while I will never fill his shoes, I strive daily to carry out his legacy.

It is my honor to ensure that my friend and my mentor and my predecessor’s legacy lives on through the John Lewis Civil Rights Fellowship within the Fulbright program, which will give scholars an opportunity to study both the inspiration and the impacts of the civil rights movement internationally.

The John and Lilian Miles Lewis Foundation has been working hard to launch this program as a tribute to Congressman Lewis’ impact on social and political change around the world.

Congressman Lewis himself was shaped by his study of nonviolent civil rights movements from around the world, most notably, the philosophy and tactics of Mahatma Gandhi, whose very words were “it is either non-violence or nonexistence.”

Of course, people across the globe have been inspired by the tactics of the United States’ civil rights movement, many led by Congressman John Lewis himself. From the lunch counter sit-ins of the early 1960s, to the 1961 Freedom Rides, to the 1965 march across the Edmund Pettus bridge, Mr. Lewis taught the world that the most powerful way to bend the moral arc toward justice is rooted in the discipline of nonviolence.

But for all of his experiences and impact at home, Congressman Lewis always wished that he would have had the opportunity to study abroad.

Creating the John Lewis Civil Rights Fellowship is a full-circle tribute: sending scholars to study Congressman Lewis’ inspirations and impacts around the world in his name. We hope this program will unlock a powerful opportunity for students who, like Congressman Lewis, would not otherwise have an opportunity to do research across the globe.

The John Lewis Civil Rights Fellowship will be a beacon for the importance of nonviolence, and I look forward to the incredible academic work and exchange this fellowship will support.

Mrs. KIM of California. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, John Lewis lived a life profoundly dedicated to pursuing equality and justice for all, rooted in love and nonviolence. The part he played in the brave struggle against racial injustice changed the course of American history and inspired many around the world.

This bill to create a Fulbright fellowship program in his name is a fitting tribute to his legacy. I support this bill, and I yield back the balance of my time.

□ 2120

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

Madam Speaker, I want to reiterate my staunch support for the John Lewis Civil Rights Fellowship Act of 2022.

This legislation encourages the values of peaceful expression and invigorates a new generation of leaders with

the same spirit that drove John in his lifelong advocacy for civil rights. His leadership during the civil rights movement was pivotal for extending the American promises of life, liberty, and the pursuit of happiness to all Americans. Many of us may not be standing here before this Chamber but for his contributions to racial equality.

This legislation seeks to instill that very same drive and purpose in the leaders of tomorrow, promoting the use of nonviolent civil rights as a tool for change around the world.

Madam Speaker, I hope my colleagues will join me and support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CASTRO) that the House suspend the rules and pass the bill, H.R. 8681, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLYDE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

GLOBAL FOOD SECURITY REAUTHORIZATION ACT OF 2022

Mr. CASTRO of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 8446) to modify and extend the Global Food Security Act of 2016, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

The Act may be cited as the “Global Food Security Reauthorization Act of 2022”.

SEC. 2. FINDINGS.

Section 2 of the Global Food Security Act of 2016 (22 U.S.C. 9301) is amended by striking “Congress makes” and all that follows through “(3) A comprehensive” and inserting “Congress finds that a comprehensive”.

SEC. 3. STATEMENT OF POLICY OBJECTIVES; SENSE OF CONGRESS.

Section 3(a) of the Global Food Security Act of 2016 (22 U.S.C. 9302(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “programs, activities, and initiatives that” and inserting “comprehensive, multi-sectoral programs, activities, and initiatives that consider agriculture and food systems in their totality and that”.

(2) in paragraph (1), by striking “and economic freedom through the coordination” and inserting “, economic freedom, and security through the phasing, sequencing, and coordination”;

(3) by striking paragraphs (3) and (4) and inserting the following:

“(3) increase the productivity, incomes, and livelihoods of small-scale producers and artisanal fishing communities, especially women in these communities, by working across terrestrial and aquatic food systems and agricultural value chains, including by—

“(A) enhancing local capacity to manage agricultural resources and food systems effectively and expanding producer access to, and participation in, local, regional, and international markets;

“(B) increasing the availability and affordability of high quality nutritious and safe foods and clean water;

“(C) creating entrepreneurship opportunities and improving access to business development related to agriculture and food systems, including among youth populations, linked to local, regional, and international markets; and

“(D) enabling partnerships to facilitate the development of and investment in new agricultural technologies to support more resilient and productive agricultural practices;

“(4) build resilience to agriculture and food systems shocks and stresses, including global food catastrophes in which conventional methods of agriculture are unable to provide sufficient food and nutrition to sustain the global population, among vulnerable populations and households through inclusive growth, while reducing reliance upon emergency food and economic assistance;”;

(4) in paragraph (6)—

(A) by inserting “, adolescent girls,” after “women”;

(B) by inserting “and incidence of wasting” after “child stunting”;

(C) by inserting “large-scale food fortification,” after “diet diversification,”; and

(D) by inserting before the semicolon at the end the following: “and nutrition, especially during the first 1,000-day window until a child reaches 2 years of age”; and

(5) in paragraph (7)—

(A) by inserting “combating fragility, resilience,” after “national security,”;

(B) by inserting “natural resource management,” after “science and technology,”; and

(C) by striking “nutrition,” and inserting “nutrition, including deworming,”.

SEC. 4. DEFINITIONS.

Section 4 of the Global Food Security Act of 2016 (22 U.S.C. 9303) is amended—

(1) in paragraph (2), by inserting “, including in response to shocks and stresses to food and nutrition security” before the period at the end;

(2) in paragraph (5)(H)—

(A) by inserting “local” before “agricultural”;

(B) by inserting “and fisher” after “farmer”; and

(C) by inserting “youth,” after “small-scale producers,”;

(3) in paragraph (7), by inserting “the Inter-American Foundation,” after “United States African Development Foundation,”;

(4) in paragraph (8)—

(A) by inserting “agriculture and food” before “systems”; and

(B) by inserting “, including global food catastrophes,” after “food security”;

(5) in paragraph (9), by striking “fishers” and inserting “artisanal fishing communities”;

(6) in paragraph (10), by amending subparagraphs (D) and (E) to read as follows:

“(D) is a marker of an environment deficient in the various needs that allow for a child’s healthy growth, including nutrition; and

“(E) is associated with long-term poor health, delayed motor development, impaired cognitive function, and decreased immunity.”;

(7) in paragraph (12), by striking “agriculture and nutrition security” and inserting “food and nutrition security and agriculture-led economic growth”;

(8) by redesignating paragraphs (4) through (12), as amended, as paragraphs (5) through (13), respectively;

(9) by inserting after paragraph (3) the following:

“(4) FOOD SYSTEM.—The term ‘food system’ means the intact or whole unit made up of interrelated components of people, behaviors, relationships, and material goods that interact in the production, processing, packaging, transporting, trade, marketing, consumption, and use of food, feed, and fiber through aquaculture, farming, wild fisheries, forestry, and pastoralism that operates within and is influenced by social, political, economic, and environmental contexts.”; and

(10) by adding at the end the following:

“(14) WASTING.—The term ‘wasting’ means—

“(A) a life-threatening condition attributable to poor nutrient intake or disease that is characterized by a rapid deterioration in nutritional status over a short period of time; and

“(B) in the case of children, is characterized by low weight for height and weakened immunity, increasing their risk of death due to greater frequency and severity of common infection, particularly when severe.”.

SEC. 5. COMPREHENSIVE GLOBAL FOOD SECURITY STRATEGY.

(a) STRATEGY.—Section 5(a) of the Global Food Security Act of 2016 (22 U.S.C. 9304) is amended—

(1) in paragraph (4)—

(A) by striking “country-owned agriculture, nutrition, and food security policy” and inserting “partner country-led agriculture, nutrition, regulatory, food security, and water resources management policy”; and

(B) by inserting after “investment plans” the following: “and governance systems”;

(2) by amending paragraph (5) to read as follows:

“(5) support the locally-led and inclusive development of agriculture and food systems, including by enhancing the extent to which small-scale food producers, especially women, have access to and control over the inputs, skills, resource management capacity, networking, bargaining power, financing, market linkages, technology, and information needed to sustainably increase productivity and incomes, reduce poverty and malnutrition, and promote long-term economic prosperity;”;

(3) in paragraph (6)—

(A) by inserting “, adolescent girls,” after “women”; and

(B) by inserting “and preventing incidence of wasting” after “reducing child stunting”;

(4) in paragraph (7), by inserting “poor water resource management and” after “including”;

(5) in paragraph (8)—

(A) by striking “the long-term success of programs” and inserting “long-term impact”; and

(B) by inserting “, including agricultural research capacity,” after “institutions”;

(6) in paragraph (9)—

(A) by striking “integrate resilience and nutrition strategies into food security programs, such that” and inserting “coordinate with and complement relevant strategies to ensure”; and

(B) by inserting “adapt and” before “build safety nets”;

(7) in paragraph (13), by inserting “non-governmental organizations, including” after “civil society,”;

(8) in paragraph (14), by inserting “and coordination, as appropriate,” after “collaboration”;

(9) in paragraph (16)—

(A) by striking “section 8(b)(4)” and inserting “section 8(a)(4)”;

(B) by striking “; and” at the end and inserting a semicolon;

(10) by redesignating paragraph (17) as paragraph (22);

(11) by redesignating paragraphs (12) through (16), as amended, as paragraphs (14) through (18), respectively;

(12) by striking paragraphs (10) and (11) and inserting the following:

“(10) develop community and producer resilience and adaptation strategies to disasters, emergencies, and other shocks and stresses to food and nutrition security, including conflicts, droughts, flooding, pests, and diseases, that adversely impact agricultural yield and livelihoods;

“(11) harness science, technology, and innovation, including the research and extension activities supported by the private sector, relevant Federal Departments and agencies, Feed the Future Innovation Labs or any successor entities, and international and local researchers and innovators, recognizing that significant investments in research and technological advances will be necessary to reduce global poverty, hunger, and malnutrition;

“(12) use evidenced-based best practices, including scientific and forecasting data, and improved planning and coordination by, with, and among key partners and relevant Federal Departments and agencies to identify, analyze, measure, and mitigate risks, and strengthen resilience capacities;

“(13) ensure scientific and forecasting data is accessible and usable by affected communities and facilitate communication and collaboration among local stakeholders in support of adaptation planning and implementation, including scenario planning and preparedness using seasonal forecasting and scientific and local knowledge;” and

(13) by inserting after paragraph (18), as redesignated, the following:

“(19) improve the efficiency and resilience of agricultural production, including management of crops, rangelands, pastures, livestock, fisheries, and aquacultures;

“(20) ensure investments in food and nutrition security consider and integrate best practices in the management and governance of natural resources and conservation, especially among food insecure populations living in or near biodiverse ecosystems;

“(21) be periodically updated in a manner that reflects learning and best practices; and”.

(b) PERIODIC UPDATES.—Section 5 of the Global Food Security Act of 2016 (22 U.S.C. 9304), as amended by subsection (a), is further amended by adding at the end the following:

“(d) PERIODIC UPDATES.—Not less frequently than quinquennially through fiscal year 2030, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees updates to the Global Food Security Strategy required under subsection (a) and the agency-specific plans described in subsection (c)(2).”.

SEC. 6. ASSISTANCE TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY; AUTHORIZATION OF APPROPRIATIONS.

Section 6(b) of the Global Food Security Act of 2016 (22 U.S.C. 9305(b)) is amended—

(1) by striking “\$1,000,600,000” and inserting “\$1,200,000,000”;

(2) by striking “fiscal years 2017 through 2023” and inserting “fiscal years 2024 through 2028”;

(3) by adding at the end the following: “Amounts authorized to be appropriated by this subsection should be prioritized to carry out programs and activities in target countries.”.

SEC. 7. EMERGENCY FOOD SECURITY PROGRAM.

(a) IN GENERAL.—Section 7 of the Global Food Security Act of 2016 (22 U.S.C. 9306) is amended—

(1) by striking “(a) Sense of Congress” and all that follows through “It shall be” and inserting the following:

“(a) STATEMENT OF POLICY.—It shall be”;

and

(2) by redesignating subsection (c) as subsection (b).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking “\$2,794,184,000 for each of fiscal years 2017 through 2023, of which up to \$1,257,382,000” and inserting “\$3,905,460,000 for each of the fiscal years 2024 through 2028, of which up to \$1,757,457,000”.

SEC. 8. REPORTS.

Section 8 of the Global Food Security Act of 2016 (22 U.S.C. 9307) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking “During each of the first 7 years after the date of the submission of the strategy required under section 5(c)” and inserting “For each of fiscal years 2024 through 2028”;

(B) by striking “reports that describe” and inserting “a report that describes”; and

(C) by striking “at the end of the reporting period” and inserting “during the preceding year”;

(2) in paragraph (2), by inserting “, including any changes to the target countries selected pursuant to the selection criteria described in section 5(a)(2) and justifications for any such changes” before the semicolon at the end;

(3) in paragraph (3), by inserting “identify and” before “describe”;

(4) in paragraph (5), by striking “agriculture” and inserting “food”;

(5) in paragraph (6)—

(A) by inserting “quantitative and qualitative” after “how”; and

(B) by inserting “at the initiative, country, and zone of influence levels, including longitudinal data and key uncertainties” before the semicolon at the end;

(6) in paragraph (7), by inserting “within target countries, amounts and justification for any spending outside of target countries” after “amounts spent”;

(7) in paragraph (11), by striking “and the impact of private sector investment” and inserting “and efforts to encourage financial donor burden sharing and the impact of such investment and efforts”;

(8) in paragraph (13), by striking “and” at the end;

(9) in paragraph (14)—

(A) by inserting “, including key challenges or missteps,” after “lessons learned”; and

(B) by striking the period at the end and inserting “; and”;

(10) by redesignating paragraphs (12) through (14), as amended, as paragraphs (15) through (17), respectively;

(11) by redesignating paragraphs (5) through (11), as amended, as paragraphs (7) through (13), respectively;

(12) by striking paragraph (4) and inserting the following:

“(4) identify and describe the priority quantitative metrics used to establish baselines and performance targets at the initiative, country, and zone of influence levels;

“(5) identify such established baselines and performance targets at the country, and zone of influence levels;

“(6) identify the output and outcome benchmarks and indicators used to measure results annually, and report the annual measurement of results for each of the priority metrics identified pursuant to paragraph (4), disaggregated by age, gender, and disability, to the extent practicable and appropriate, in an open and transparent man-

ner that is accessible to the American people;”;

(13) by inserting after paragraph (13), as redesignated, the following:

“(14) describe how agriculture research is prioritized within the Global Food Security Strategy to support agriculture-led growth and eventual self-sufficiency and assess efforts to coordinate research programs within the Global Food Security Strategy with key stakeholders;” and

(14) by adding at the end the following:

“(18) during the final year of each strategy required under section 5, complete country graduation reports to determine whether a country should remain a target country based on quantitative and qualitative analysis.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CASTRO) and the gentlewoman from California (Mrs. KIM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CASTRO of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 8446, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of this bill that reauthorizes the Global Food Security Act. I thank my colleagues, Ms. MCCOLLUM, Mr. SMITH, Chairman MEEKS, and Ranking Member MCCAUL, for leading this bill.

Today, as the world grapples with a rapidly changing climate, the ongoing impacts of the COVID-19 pandemic, and the global consequences of Russia's war of choice in Ukraine, the U.S. must step up to support the hundreds of millions of hungry and food insecure people in all corners of the world. More importantly, perhaps, we need to give these communities the tools they need to feed themselves.

The Global Food Security Act was passed with strong bipartisan support in 2016 and reauthorized in 2018. It is critical that Congress once again acts to reauthorize this important piece of legislation.

Not only does this reauthorization increase annual funding for the Feed the Future initiative; it also requires an additional focus on building resilience, strengthening food systems, and forming more local partnerships to advance agriculture-led economic growth. This will play a critical role in delivering food to those in need today while creating more durable and sustainable food systems for tomorrow.

Food insecurity is a key driver of instability and violent extremism throughout the world. Investing in combating global hunger not only reflects U.S. values; it is also in our national security interest.

By passing this legislation, along with President Biden's announcement last week that the United States will provide over \$2.9 billion in new assistance to address food insecurity, we will make important strides toward achieving our goal of creating lasting food security.

This important bipartisan legislation will continue support for the Feed the Future initiative that has already lifted millions out of poverty.

Madam Speaker, I am proud to support this bipartisan legislation, and I urge my colleagues to do the same. I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I yield myself such time as I may consume, and I rise in support of this bill.

Madam Speaker, today, 50 million people in 45 countries are living on the brink of famine, and more than 350 million people around the world are facing emergency food insecurity. This is a staggering increase from record-breaking levels of hunger last year.

Russia's unprovoked and full-scale invasion of Ukraine, previously known as the breadbasket of Europe, has worsened an already overwhelming global food crisis and is destabilizing fragile states.

Global food prices are expected to increase by 20 percent and could be even higher in developing countries that are highly dependent on imported commodities from Ukraine and Russia.

These shocks are creating shortages and instability that affect the entire world, including our constituents.

First enacted in 2016, and amended in 2018, the Global Food Security Act provides critical authorities to respond to immediate global food needs and to advance longer term agricultural-led economic growth.

I am a cosponsor of today's bipartisan legislation to refine and extend those authorities for another 5 years, through 2028. Madam Speaker, I thank my colleagues, Congresswoman MCCOLLUM, Congressman CHRIS SMITH, Chairman MEEKS, and Ranking Member MCCAUL, for their leadership in this effort.

In order to prevent the next food crisis, we must increase the resiliency of communities around the world to shocks like natural disasters, supply chain disruptions, and fertilizer shortages. This is why the U.S. is working with partner countries to advance targeted efforts to increase agricultural productivity, invest in food systems and market-based approaches to agricultural-led economic growth, and, ultimately, support communities' abilities to provide for themselves.

These strategic agricultural development activities are a critical investment in preventing future humanitarian emergencies and dependency on foreign aid.

Madam Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, I yield 3 minutes to the gen-

tlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Madam Speaker, today, I rise in support of my bill, the Global Food Security Reauthorization Act of 2022, a bipartisan bill, which I worked on with Mr. SMITH to reaffirm the United States' commitment to fighting hunger and poverty worldwide. It truly has been a bipartisan effort.

This bill builds upon the landmark Global Food Security Act of 2016. It reauthorizes the incredibly successful Feed the Future initiative, which has carried out lifesaving programs and helped millions of people break the cycle of poverty and hunger.

This legislation reauthorizes GFSA to 2028 and makes commonsense updates to reflect the changing landscape of global hunger. Specifically, this bill emphasizes agriculture-led economic growth and strengthening resilience against climate change and the global COVID-19 pandemic. This will help reduce malnutrition in women and children.

By supporting small farmers and women farmers, in particular, we can increase food production and incomes so that families and communities around the world may improve their way of life.

This legislation will also help to create a more stable world, as has been mentioned, by helping millions of people in the world's poorest countries become self-sufficient in feeding themselves.

As chair of the Appropriations Subcommittee on Defense, I know all too well the human, economic, and national security costs of global food insecurity, and it is just too high for Congress to ignore. The passage and enactment of this bill today truly cannot come soon enough for our national security.

I am proud to have worked on this legislation. I have worked on this legislation for over 14 years, starting with Senator Lugar, after being in Africa and watching how lack of food and clean water affected our ability to really make the HIV/AIDS program move forward. From that, the more I learned about malnutrition, the more passionate I became.

I am proud to have worked on this with experts in the field of global food and nutrition security, such as InterAction, Bread for the World, 1,000 Days, CARE, Save the Children, The Alliance to End Hunger, and so many more. Madam Speaker, I thank them for their expertise, for helping to lift up this legislation.

Madam Speaker, I also thank our co-leads, Chair MEEKS and Ranking Member MCCAUL, and a special thank-you to Representative SMITH, for their work on this legislation. Their enduring commitment to end global hunger is important work that we do together.

Madam Speaker, I urge the passage of this bill.

□ 2130

Mrs. KIM of California. Madam Speaker, I yield such time as he may

consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I rise in strong support of the bicameral, bipartisan Global Food Security Reauthorization Act of 2022. I especially want to thank my good friend and colleague, BETTY MCCOLLUM, for her authorship of this important legislation that will help so many.

Today's vote on global food security will show that we can come together to advance the good. For the Global Food Security Act is a model of cooperation, from the collaboration between Congresswoman MCCOLLUM and I on previous iterations, which began back in 2014 when I first introduced it, and the House passed the legislation.

Madam Speaker, like PEPFAR, the President's Emergency Plan for AIDS Relief, our food security policy is a remarkably effective, relatively low-cost lifesaving, life-enhancing initiative, championed by both Republican and Democrat administrations.

Indeed, we are fortunate that President Bush, beginning in 2002, had the initial foresight to elevate the important role of food security in U.S. foreign policy, especially in Africa, via the Initiative to End Hunger in Africa, or the IEHA, which was funded through development assistance and implemented through USAID. The objective was to help meet the nutritional needs of millions and to elevate self-sufficiency over dependency.

At the same time, the Millennium Challenge Corporation began making substantial investments in ag-led economic growth programs, particularly in Africa. The food price crisis of 2007-2008 accelerated and underscored the need for robust food security policy.

President Obama, in 2009, announced further enhancements to our food security strategy at the G8 summit in Italy, and this became known as the Feed the Future initiative.

Our emphasis on ag-led economic development and food security self-sufficiency continued through the Trump administration and now into the Biden administration.

Madam Speaker, last week a World Food Programme and Food and Agriculture Organization, WFP and FAO, report said the world faces its "largest food crisis in modern history."

The report sounds the alarm: 2022, as they put it, is a "year of unprecedented hunger."

"As many as 828 million people go to bed hungry every night, the number of those facing acute food insecurity has soared from 135 million to 345 million since 2019. A total of 50 million people in 45 countries are teetering on the edge of famine."

"Conflict," they point out, "is still the biggest driver of hunger, with 60 percent of the world's hungry living in areas afflicted by war and violence. Events unfolding in Ukraine are further proof of how conflict feeds hunger, forcing people out of their homes, and wiping out their sources of income."

As we all know, the weakest and most vulnerable are dying, and many, many more are at risk of death while millions more are made susceptible to opportunistic diseases while many children continue to suffer from stunting. Many, however, are rallying to mitigate this suffering.

As my good friend and colleague from Minnesota pointed out, many of the organizations that have done so much for so long are doing even more now to make sure that we get to the point where people are food secure. And, of course, that includes the secular groups and the faith-based groups all working in tandem for this noble goal.

One of the objectives of the Global Food Security Act was to take a whole-of-government approach, led by USAID, in promoting food security. In conducting oversight hearings with regard to its implementation, however, we found that there were several places where a whole-of-agency approach, let alone a whole-of-government approach was lacking.

One area that needed attention was to make sure that our nutrition efforts were firing on all cylinders. While the original bill, law, and subsequent reauthorization placed great emphasis on reducing stunting—and I have seen it all over Africa, as have Betty and many others. You go to Nigeria, and stunting is endemic to this moment. That can all be alleviated through the right kind of nutritional interventions, including the first 1,000 days of life, from conception to the second birthday, with nutrition that helps both mother and baby.

We have seen pictures of children with distended bellies caused by worms that rob them of needed nutrients. I chaired several hearings on worms, horrible things to see, growing in little kids, causing them to die, but certainly to be very sick in most cases.

USAID, when it came to deworming, often had a more stovepiped approach to it, while this legislation integrates the whole idea of deworming with the food security so that we don't feed the worms, we feed the future, and we feed these wonderful children and all those who are at risk.

We also have put in and continue the integration of water, sanitation, and hygiene, or WASH programming, which is also extraordinarily effective.

This is a great bill. I hope it gets total support of this body. Again, I thank Betty. I look forward to this vote and enactment into law.

Mr. CASTRO of Texas. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE.)

Ms. JACKSON LEE. Madam Speaker, I thank the gentleman from Texas for participating in the Congressional Children's Caucus hearing this past Monday on the Uvalde murder of children.

I rise to join my colleagues in supporting the Global Food Security Reauthorization Act of 2022 and compliment Representative MCCOLLUM and

others who have strongly supported this legislation over the years.

It is particularly timely because I have just finished meeting with the Foreign Minister of Pakistan and was able to visit in Pakistan in early September after the catastrophic and momentous floods of biblical proportion that went on.

What we saw was the potential of extreme starvation of families and children. Thirty-three million people were displaced. The families in the region had lost their wheat, their cotton, and their livestock.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CASTRO of Texas. Madam Speaker, I yield an additional 1 minute to the gentlewoman.

Ms. JACKSON LEE. Madam Speaker, the idea of the emphasis on the issue of food security is so crucial, both in terms of the climate change such that is impacted in Eritrea and Ethiopia, and the issues of catastrophic flood conditions, so I rise to support this with the idea that we have right in our midst conditions that would suggest food insecurity.

This legislation that focuses on ensuring that people of the world can eat, and the children of the world will not starve is a crucial and needed legislation, which I support, and which emphasizes, again, the important element in foreign affairs of food. Food helps save the world.

I support this legislation, and I commend my colleagues to continue to work, with devastating conditions around the world, to ensure the safety and security of children and particularly food security.

Mrs. KIM of California. Madam Speaker, I yield myself the balance of my time to close.

Madam Speaker, I am proud to support this bipartisan bill to refine and extend statutory authorities needed to respond to the global food crisis and prevent future aid dependency. It updates the policy, definitions, and the strategy requirements of the current law. It also strengthens oversight and accountability and ensures continued focus on core programs that have strong bipartisan support.

At its core, the bill embodies the saying, "Give a man a fish, and you feed him for a day. Teach him how to fish, and you feed him for a lifetime."

These are effective, strategic investments in agriculture and agricultural development to help ensure that communities and families are able to provide for themselves.

Madam Speaker, I urge support for this bill, and I hope that our Senate colleagues will take it up promptly.

Madam Speaker, I yield back the balance of my time.

□ 2140

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

Madam Speaker, as the world continues to experience climate-related devastation, downstream effects of COVID-19 on global supply chains, and the crippling effects of the Russian invasion of Ukraine on food delivery and production, the United States must continue to support those vulnerable to food insecurity.

Now is not the time to continue business as usual. The United States must step up to meet the moment and adapt our policy tools and foreign assistance to do the same. H.R. 8446 ensures that the United States maintains global leadership in combating the global hunger crisis by sowing the seeds of food security for the future.

Madam Speaker, I hope my colleagues will join me in supporting this important piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CASTRO) that the House suspend the rules and pass the bill, H.R. 8446, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLYDE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MILLENNIUM CHALLENGE CORPORATION ELIGIBILITY EXPANSION ACT

Mr. CASTRO of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 8463) to modify the requirements under the Millennium Challenge Act of 2003 for candidate countries, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Millennium Challenge Corporation Eligibility Expansion Act".

SEC. 2. MODIFICATIONS OF REQUIREMENTS TO BECOME A CANDIDATE COUNTRY.

Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended to read as follows:

"SEC. 606. CANDIDATE COUNTRIES.

"(a) IN GENERAL.—A country shall be a candidate country for purposes of eligibility for receiving assistance under section 605 if—

"(1) the per capita income of the country is equal to or less than the gross national income per capita of the 125th poorest country as identified by the World Bank for the fiscal year; and

"(2) subject to subsection (b), the country is not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act of 1961 by reason of the application of any provision of the Foreign Assistance Act of 1961 or any other provision of law.

“(b) RULE OF CONSTRUCTION.—For the purposes of determining whether a country is eligible for receiving assistance under section 605 pursuant to subsection (a)(2), the exercise by the President, the Secretary of State, or any other officer or employee of the United States of any waiver or suspension of any provision of law referred to in such paragraph, and notification to the appropriate congressional committees in accordance with such provision of law, shall be construed as satisfying the requirements of such subsection.

“(c) IDENTIFICATION BY THE BOARD.—The Board shall identify whether a country is a candidate country for purposes of this section.”.

SEC. 3. CONFORMING AMENDMENTS.

(a) AMENDMENT TO MILLENNIUM CHALLENGE COMPACT AUTHORITY.—Section 609(b)(2) of the Millennium Challenge Act of 2003 (22 U.S.C. 7708(b)(2)) is amended—

(1) by striking the heading and inserting “COUNTRY CONTRIBUTIONS”; and

(2) by striking “with respect to a lower middle income country described in section 606(b).”.

(b) AMENDMENT TO REPORT IDENTIFYING CANDIDATE COUNTRIES.—Section 608(a)(1) of the Millennium Challenge Act of 2003 (22 U.S.C. 7707(a)(1)) is amended by striking “section 606(a)(1)(B)” and inserting “section 606(a)(2)”.

(c) AMENDMENT TO AUTHORIZATION TO PROVIDE ASSISTANCE FOR CANDIDATE COUNTRIES.—Section 616(b)(1) of the Millennium Challenge Act of 2003 (22 U.S.C. 7715(b)(1)) is amended by striking “subsection (a) or (b) of section 606” and inserting “section 606(a)”.

SEC. 4. MODIFICATION TO FACTORS IN DETERMINING ELIGIBILITY.

Section 607(c)(2) of the Millennium Challenge Act of 2003 (22 U.S.C. 7706(c)(2)) is amended in the matter preceding subparagraph (A) by striking “consider” and inserting “prioritize need and impact by considering”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CASTRO) and the gentlewoman from California (Mrs. KIM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CASTRO of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 8463.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am glad to bring this bipartisan legislation, which I authored together with my colleague, Representative YOUNG KIM of California to the House floor.

It will allow the Millennium Challenge Corporation, or MCC, to continue to work where it can do the most to foster development and reduce poverty.

When Congress established the MCC almost 20 years ago, it was envisioned as a selective agency that would work collaboratively with the best-governed developing countries.

Perhaps the most visible part of MCC’s rigorous selection process is its scorecard, which evaluates more than 20 different policy indicators of good governance. But Congress also set an income-based threshold for nations where MCC could work. It was intended to make sure MCC focused on developing countries and on helping the people who need it most. I strongly support that focus and nothing in this bill is intended to alter that core part of MCC’s mission and mandate.

But the way we define that threshold, based on who falls within two categories in the World Bank’s estimates of per capita gross national income, has led to several issues this legislation seeks to address.

In the decades since the original standard was defined, the number of potential countries eligible for MCC’s compacts has shrunk by almost a third. These compacts, which need to be ratified by both the United States and the partner country, can take years to negotiate, ratify, and implement.

Under the income threshold’s current structure, countries can suddenly become ineligible for assistance in the middle of a multi-year negotiation. Global disruptions like a pandemic or major conflict can also lead to changes in a country’s eligibility.

Under my legislation, the MCC would continue to use World Bank measures of GNI per capita as the basis to calculate eligibility, while expanding consideration for potential compacts to the world’s 125 poorest countries. This change will ensure that MCC has a stable number of potential candidates, even as we continue to make progress in the fight against global poverty.

The new pool of potentially eligible countries would cover 98 percent of the world’s poor and 90 percent of the countries MCC has identified as facing substantial vulnerability, including to pandemics, natural disasters, migration, and food insecurity.

It is important to note that this is potential eligibility.

This bill does not change any of MCC’s scorecard criteria. To qualify for a potential compact, countries must also be generally eligible to receive American foreign assistance under the Foreign Assistance Act and other provisions of United States law.

The MCC Eligibility Expansion Act also includes protections to ensure that newly eligible countries do not crowd out support for low and lower-middle-income countries that qualify under the existing income threshold.

For example, it includes language that would strengthen statutory direction to the MCC’s board to prioritize development need and impact. The legislation would also require all potential candidate countries to identify appropriate national contributions during compact negotiations, meaning wealthier countries would pitch in more.

In implementing this legislation, I also expect the MCC to compare this

small pool of newly eligible upper-middle-income countries against their peers in determining eligibility through the scorecard.

This bill would provide the MCC with more certainty and stability when it chooses to pursue a compact.

Madam Speaker, with the support of my colleagues today, we can ensure that the MCC will continue its important work and maximize its impact fighting poverty and promoting development.

Madam Speaker, I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I rise in support of this bill, and I yield myself such time as I may consume.

Madam Speaker, I was proud to introduce the Millennium Challenge Corporation Eligibility Expansion Act along with my Democratic colleague from Texas, Mr. CASTRO.

In the nearly 20 years since its founding under President Bush, the Millennium Challenge Corporation has demonstrated a strong track record of success in its mission of combating poverty through economic growth.

The agency has enjoyed broad bipartisan support, earned through strict project selection criteria and the ability to hold partner countries to a high standard of accountability. But the agency and its partners are facing new challenges. The Chinese Communist Party is increasing its malign influence in the developing world, often disguised as development assistance. The world is facing a food security crisis and other effects of Russia’s unprovoked war in Ukraine.

Many countries risk losing progress on development and poverty reduction made over previous decades. This bill will ensure that the world’s 125 poorest countries are eligible for potential consideration as candidate countries in the MCC’s rigorous selection process. It adds stability to MCC’s partnerships, and it ensures its ability to focus on the world’s poorest populations, who are often the most vulnerable to debt traps and other forms of outside manipulation.

This bill is an important step towards equipping MCC to operate in today’s environment so, that it can continue to use its proven, evidence-based model to build sustainable economic growth, transparency, and stability in partner countries around the world.

Madam Speaker, I reserve the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, I am prepared to close, and I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, the Millennium Challenge Corporation has done important work on behalf of the American people to promote economic growth and transparency around the world. But we must make sure that the agency is equipped to address the challenges and threats of today, including those posed by our strategic rivals who are attempting to increase their global influence.

Madam Speaker, I, again, thank the gentleman from Texas (Mr. CASTRO), my colleague, our bipartisan cosponsors, and Chairman MEKES and Ranking Member MCCAUL of the Committee on Foreign Affairs for moving this bill forward.

Madam Speaker, I urge support for the bill, and I yield back the balance of my time.

□ 2150

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

Madam Speaker, the Millennium Challenge Corporation Eligibility Expansion Act will improve the MCC's ability to form stable, long-term compacts in the well-governed countries that will benefit most from United States' development assistance.

I thank my colleagues, particularly my co-lead on this bill, Representative YOUNG KIM, for the bipartisan work that has brought this legislation forward today.

Madam Speaker, I urge the House to pass this legislation. I hope the Senate will take it up swiftly so that it can become law this year, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CASTRO) that the House suspend the rules and pass the bill, H.R. 8463.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CLYDE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

COMBATING THE PERSECUTION OF RELIGIOUS GROUPS IN CHINA ACT

Mr. CASTRO of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4821) to hold accountable senior officials of the Government of the People's Republic of China who are responsible for, complicit in, or have directly persecuted Christians in China, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combating the Persecution of Religious Groups in China Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Department of State's International Religious Freedom (IRF) report estimates, Buddhists comprise 18.2 percent of the country's total population, Christians, 5.1 percent, Muslims, 1.8 percent, fol-

lowers of folk religions, 21.9 percent, and atheists or unaffiliated persons, 52.2 percent, with Hindus, Jews, and Taoists comprising less than one percent.

(2) The Government of the People's Republic of China (PRC) recognizes five official religions, Buddhism, Taoism, Islam, Protestantism, and Catholicism (according to the State Department's IRF report) and only religious groups belonging to one of the five sanctioned "patriotic religious associations" representing these religions are permitted to register with the government and hold worship service, excluding all other faiths and denying the ability to worship without being registered with the government.

(3) The activities of state-sanctioned religious organizations are regulated by the Chinese Communist Party, which manages all aspects of religious life.

(4) The Chinese Communist Party is actively seeking to control, govern, and manipulate all aspects of faith through the "Sinicization of Religion", a process intended to shape religious traditions and doctrines so they conform with the objectives of the Chinese Communist Party.

(5) On February 1, 2018, the PRC Government implemented new religious regulations that imposed restrictions on Chinese contacts with overseas religious organizations, required government approval for religious schools, websites, and any online religious service, and effectively banned unauthorized religious gatherings and teachings.

(6) There are numerous reports that authorities forced closures of Buddhist, Christian, Islamic, and Taoist houses of worship and destroyed public displays of religious symbols throughout the country.

(7) Authorities arrested and detained religious leaders trying to hold services online.

(8) There are credible reports of Chinese authorities raiding house churches and other places of religious worship, removing and confiscating religious paraphernalia, installing surveillance cameras on religious property, pressuring congregations to sing songs of the Chinese Communist Party and display the national flag during worship, forcing churches to replace images of Jesus Christ or the Virgin Mary with pictures of General Secretary Xi Jinping, and banning children and students from attending religious services.

(9) It has been reported that the PRC is rewriting and will issue a version of the Bible with the "correct understanding" of the text according to the Chinese Communist Party. Authorities continued to restrict the printing and distribution of the Bible, Quran, and other religious literature, and penalized publishing and copying businesses that handled religious materials.

(10) According to the Department of State's IRF reports, the PRC Government has imprisoned thousands of individuals of all faiths for practicing their religious beliefs and often labels them as "cults".

(11) The Political Prisoner Database maintained by the human rights NGO Dui Hua Foundation counted 3,492 individuals imprisoned for "organizing or using a 'cult' to undermine implementation of the law." Prisoners include—

(A) the 11th Panchen Lama, Gedun Choekyi Nyima, who has been held captive along with his parents since May 17, 1995;

(B) Pastor Zhang Shaojie, a Three-Self church pastor from Nanle County in central Henan was sentenced in July 2014 to 12 years in prison for "gathering a crowd to disrupt the public order";

(C) Pastor John Cao, a United States permanent resident from Greensboro, North Carolina, who was sentenced for 7 years in prison in March 2018 under contrived charges of organizing illegal border crossings; and

(D) Pastor Wang Yi of the Early Rain Covenant Church who was arrested and sentenced to 9 years in prison for "inciting to subvert state power" and "illegal business operations".

(12) Authorities continue to detain Falun Gong practitioners and subject them to harsh and inhumane treatment.

(13) Since 1999, the Department of State has designated the PRC as a country of particular concern under the International Religious Freedom Act of 1998.

(14) The National Security Strategy of the United States, issued in 2017, 2015, 2006, 2002, 1999, 1998, and 1997, committed the United States to promoting international religious freedom to advance the security, economic, and other national interests of the United States.

SEC. 3. STATEMENT OF POLICY.

(a) HOLDING PRC OFFICIALS RESPONSIBLE FOR RELIGIOUS FREEDOM ABUSES TARGETING CHINESE CHRISTIANS OR OTHER RELIGIOUS MINORITIES.—It is the policy of the United States to consider senior officials of the Government of the People's Republic of China (PRC) who are responsible for or have directly carried out, at any time, persecution of Christians or other religious minorities in the PRC to have committed—

(1) a gross violation of internationally recognized human rights for purposes of imposing sanctions with respect to such officials under the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note); and

(2) a particularly severe violation of religious freedom for purposes of applying section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)) with respect to such officials.

(b) DEPARTMENT OF STATE PROGRAMMING TO PROMOTE RELIGIOUS FREEDOM IN THE PEOPLE'S REPUBLIC OF CHINA.—The Ambassador-at-Large for International Religious Freedom should support efforts to protect and promote international religious freedom in the PRC and for programs to protect Christians and other religious minorities in the PRC.

(c) DESIGNATION OF THE PEOPLE'S REPUBLIC OF CHINA AS A COUNTRY OF PARTICULAR CONCERN.—It is the policy of the United States to continue to designate the PRC as a "country of particular concern", as long as the PRC continues to engage in systematic and egregious religious freedom violations, as defined by the International Religious Freedom Act of 1998 (Public Law 105-292).

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that the United States should promote religious freedom in the PRC by—

(1) strengthening religious freedom diplomacy on behalf of Christians and other religious minorities facing restrictions in the PRC;

(2) raising cases relating to religious or political prisoners at the highest levels with PRC officials because experience demonstrates that consistently raising prisoner cases can result in improved treatment, reduced sentences, or in some cases, release from custody, detention, or imprisonment;

(3) encouraging Members of Congress to "adopt" a prisoner of conscience in the PRC through the Tom Lantos Human Rights Commission's "Defending Freedom Project", raise the case with PRC officials, and work publicly for their release;

(4) calling on the PRC Government to unconditionally release religious and political prisoners or, at the very least, ensure that detainees are treated humanely with access to family, the lawyer of their choice, independent medical care, and the ability to practice their faith while in detention;

(5) encouraging the global faith community to speak in solidarity with the persecuted religious groups in the PRC; and

(6) hosting, once every two years, the Ministerial to Advance Religious Freedom organized by the Department of State in order to bring together leaders from around the world to discuss the challenges facing religious freedom, identify means to address religious persecution and discrimination worldwide, and promote great respect for and preservation of religious liberty.

SEC. 5. SENSE OF CONGRESS REGARDING ACTIONS AT UNITED NATIONS.

It is the sense of Congress that the United Nations Human Rights Council should issue a formal condemnation of the People's Republic of China for the ongoing genocide against Uyghurs and other religious and ethnic minority groups, as well as for its persecution of Christians, Falun Gong, and other religious groups.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CASTRO) and the gentlewoman from California (Mrs. KIM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE.

Mr. CASTRO of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4821, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 4821, the Combating the Persecution of Religious Groups in China Act, introduced by my colleague, Representative VICKY HARTZLER.

The state of religious freedom in China has been alarming for several years now. Despite religious freedom being guaranteed in its constitution, the PRC actively suppresses this fundamental right.

While this government's systemic orchestration of genocide and crimes against humanity against the Uyghur people and other ethnic and religious minorities in the Uyghur region has been widely broadcasted across international media, followers of a variety of religious faiths and traditions have long experienced religious persecution in China.

The ability to freely practice one's religion or engage in worship has continued to deteriorate. Those who bravely speak out against the infringement of religious freedom or refuse to join state-sanctioned religious organizations face the PRC Government's inhumane repression and human rights abuses.

Thousands of religious leaders and worshippers have been harassed, detained, disappeared, tortured, physically abused, sentenced to prison, or subjected to forced labor and indoctrination due to their religious affiliation or the practice of their religious

beliefs. Some have even been pressured to renounce their religious beliefs.

In addition to these atrocities, the People's Republic of China officials have removed or replaced religious images, iconography, and symbols; have desecrated or demolished places of worship; and have rewritten religious text in an effort to align with Communist Party ideology.

This is unacceptable, but infringement on personal rights has become business as usual in China. Nobody should be forced to endure discrimination because of their religion anywhere in the world.

Congress must act now to support efforts to protect and promote religious freedom in China and to protect adherents of all religious faiths in China. We must continue to call out the PRC Government for these atrocities and take actions to prevent the stifling of religious freedom in China.

By passing this important, bipartisan legislation, this body sends a clear message to the PRC Government that it will be held accountable for its pattern of gross human rights abuses and severe violations of religious freedoms.

Madam Speaker, I thank Representative HARTZLER for authoring this important, bipartisan legislation which I was proud to move through the Foreign Affairs Committee. I urge my colleagues to join me in supporting it, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 23, 2022.

Hon. GREGORY MEEKS,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN MEEKS: This letter is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 4821, the "Combating the Persecution of Christians in China Act," that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consideration is willing to forgo action on H.R. 4821, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,
JERROLD NADLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 26, 2022.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN NADLER: I am writing to you concerning H.R. 4821, the "Combating the Persecution of Religious Groups in China

Act." I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on the Judiciary under House Rule X, and that your Committee will forgo action on H.R. 4821 to expedite floor consideration. I further acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your jurisdiction.

I also acknowledge that your Committee will be appropriately consulted and involved as this, or similar legislation moves forward and will support the appointment of Committee on the Judiciary conferees during any House-Senate conference convened on this legislation.

Lastly, I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,
GREGORY W. MEEKS,
Chairman.

Mrs. KIM of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this bill. The Chinese Communist Party is at war with religious freedom. The CCP treats as threats those organizations and allegiances that it does not control. Members of the CCP and the PLA are required to be atheists and are prohibited from practicing a religion. National law effectively prohibits young people in China from receiving any religious education.

Xi Jinping is ramping up his so-called Sinicization of religion and is expressly demanding that religious groups support the control and ideology of the Chinese Communist Party. The consequences for those who refuse to submit are brutal.

House-church Protestant Christians, underground Catholics, Tibetan Buddhists, Uyghur Muslims, Falun Gong practitioners, and other people who seek to worship freely are repressed.

The State Department's annual religious freedom reports note deaths in police custody. They also state that the PRC "tortured, physically abused, arrested, disappeared, detained, sentenced to prison, subjected to forced labor and . . . harassed adherents of both registered and unregistered religious groups for activities related to their religious beliefs and practices."

Both the Trump and Biden administrations have correctly recognized the PRC's brutal crackdown and forced encampment of Uyghur Muslims and other minorities in Xinjiang as a genocide, involving crimes against humanity.

According to credible reports, more than 800,000 Muslim children have been separated from their families.

Just this week, 90-year-old Catholic Cardinal Joseph Zen is on trial in Hong Kong, one of several Catholic bishops imprisoned and actively persecuted by the CCP. Numerous Protestant pastors remain in detention, and the government continues to demolish church buildings and crosses.

Religious believers in China deserve our prayers, our respect, and our support.

This bill before us today will help ensure that CCP officials responsible for this persecution are identified, sanctioned, and denied visas into the United States.

It also states that the People's Republic of China has continued to earn designation as a "country of particular concern" under the International Religious Freedom Act. It calls for efforts by the United States, including diplomacy at the highest levels, to promote the protection of Christians and other religious minorities inside China. It expresses the sense of Congress that the U.N. Human Rights Council should formally condemn the PRC for its ongoing genocide in Xinjiang as well as its persecution of Christians and other religious groups. The inability of that Council to condemn such massive human rights abuses is an indictment of its effectiveness.

Madam Speaker, I thank the gentleman from Missouri (Mrs. HARTZLER) for introducing this important bill of which I am a proud cosponsor. It deserves our unanimous support, and I reserve the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I yield 3 minutes to the gentleman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Madam Speaker, I rise today to advocate for the passage of my bill, H.R. 4821, the Combating the Persecution of Religious Groups in China Act. This urgently needed legislation will hold senior officials of the Chinese Communist Party accountable for the human rights violations and persecution of Christians and other religious groups in China.

The Chinese Communist Party believes any religion threatens its control over society. As a result, the CCP is carrying out a systemic crackdown on all religions to control and manipulate every aspect of faith. This includes the closing and destruction of churches, installing surveillance equipment on church property, forcing the modification of religious teachings to conform with the objectives of the government, and the wrongful imprisonment of thousands of individuals.

□ 2200

Through the Defending Freedoms Project, I am a congressional advocate for three of these religious prisoners: Pastor John Cao, Pastor Zhang Shaojie, and Pastor Wang Yi. Each were sentenced to several years in Chinese prisons on illegitimate charges for practicing their faith. This is unacceptable, and it must end.

As a Nation built on the fundamental principle of the freedom of religion, we have a responsibility to shed light on this persecution and speak for those in China who have no voice.

By passing this legislation, the House of Representatives will be sending a clear message to China that we will not stand by as they brutally abuse their own citizens. No one should live in fear for practicing their faith, and China must be held accountable for their criminal human rights violations.

Madam Speaker, I thank the Foreign Affairs Committee members and their staff for their hard work in bringing this important legislation to the floor, and I call on my colleagues to support its passage.

Mr. CASTRO of Texas. Madam Speaker, I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank VICKY HARTZLER for authoring this very important and extraordinarily timely resolution.

Under Xi Jinping, the Chinese Communist Party is waging war against all faiths: Christians, Falun Gong, Tibetan Buddhists, Muslims, Uyghurs. He is actually committing genocide against the Uyghurs and has been doing it for some time now.

Thankfully, this Congress has spoken out before, particularly on the Uyghurs, but we need to speak out again on the Christians who are suffering, the most persecuted group in all of China.

Let me say, too, that in calling for sanctions, we have sanctions, Madam Speaker. The Global Magnitsky Act and other sanctions are in place for the violation of the Religious Freedom Act of 1998, and the sanctioning could occur there as a CPC country, a country of particular concern.

I believe we need to do more to hold individuals and, collectively, the Chinese Communist Party to account. That goes for all. That goes for Trump when he was in office. It goes for President Biden now.

We should have done more. We need to do more now because it is all-out war on religion.

I wrote an op-ed in The Washington Post in 1998. I titled it "The world must stand against China's war on religion" and noted that the sinicization, making all faiths comport to Xi Jinping's horrible, nightmarish vision for that country, needs to be incorporated. Whole texts, the Bible texts and sacred scriptures of all faiths, are being rewritten in order to comport, again, with his socialist ideology.

In 1994, after Tiananmen Square, I went to China. I went there many times—barred from going now. I know Bishop Shu of Baoding Province. Here was a man who spent years being tortured, being deprived of food, but especially being tortured because there were terrible usages of cattle prods and all the other terrible things that they do in Chinese prisons, Laogai.

I couldn't believe when he looked me in the eyes and said: I pray for my persecutors.

I mean, we all get a little mad when we get a bad editorial or something politically. Here is a man saying he has endured all this, and he prays for the people of China and for his persecutors.

I held a hearing as co-chairman of the Tom Lantos Human Rights Commission, asking Xi Jinping, just this Congress: Where is Bishop Shu?

He disappeared. He may have passed away due to the mistreatment, but that is what they do, as well. People all of a sudden just disappear. Numbers of Christians and other believers just go off the face of the Earth.

This resolution couldn't be more timely. The Chinese Communist Party is getting worse by the hour. Xi Jinping may get reelected by his peers to a third term as dictator. Our hope is that the Chinese Communist Party will realize they bring gross dishonor to China by their gross misbehavior.

Thankfully, the U.N. High Commissioner, as we all know, just released a report calling out China for its genocide. They called it crimes against humanity. That is good. Hopefully, the U.N. Human Rights Council will take this up, as well.

We need to do sanctioning, and we need to do it now.

Mr. CASTRO of Texas. Madam Speaker, I have no more speakers, and I am ready to close. I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

Madam Speaker, the Chinese Communist Party persecutes religious believers who will not submit their religious convictions to CCP control. It reacts with brutality against any attempted religious practice outside of the five religious patriotic associations allowed and controlled by the regime.

This bill tells the truth about the dangers faced by Christians, Uyghur Muslims, Tibetan Buddhists, and other religious minorities in China and takes steps to sanction their CCP persecutors.

I am an enthusiastic cosponsor of this bill by my colleague from Missouri, and I urge its unanimous passage.

Madam Speaker, I yield back the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

Madam Speaker, H.R. 4821 sends a strong and unequivocal message that the United States stands firmly in support of worshippers of all religious traditions and faiths and their ability to freely practice their religion or engage in worship without fear of discrimination or persecution.

This legislation signals strong bipartisan House support for the administration to hold accountable all those responsible for the severe violations of religious freedom and persecution of religious groups in China.

Madam Speaker, I hope my colleagues will join me in supporting this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CASTRO) that the House suspend the rules and pass the bill, H.R. 4821, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CLYDE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

PRESS CORPS SHOULD RESEARCH SOUTHERN BORDER CRISIS

(Mr. GROTHMAN asked and was given permission to address the House for 1 minute.)

Mr. GROTHMAN. Madam Speaker, over the last couple of weeks, there have been stories again about our southern border, which I think is the biggest crisis facing America today.

We will refresh the American public and remind them that whereas 2 years ago, 5,000 to 10,000 people were crossing our border and being let in the country, we have now, in an average month, over 150,000 entering the country.

In any event, there are rumors that, right now, Venezuela is—as there were rumors about Cuba about 40 years ago—letting people who are prisoners out of Venezuela to come to the United States.

Given that Venezuela considers the United States an enemy, a country that they are hostile to, why wouldn't they? The question is, where is the press corps? And why isn't the press corps demanding more information about the type of people that are crossing our southern border and particularly about Venezuelans who are coming in the country and whether there are any particular traits that these people have?

I beg the press corps to wake up a little bit and do a little research here.

THANKING STAFF

(Mr. LARSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON of Connecticut. Madam Speaker, I rise to compliment Speaker pro tempore BOURDEAUX on her service to this great Nation of ours. I have very much enjoyed the privilege and honor of serving with the gentlewoman.

I also rise to thank and compliment the Clerk's Office for all the work that they do; the long days and hours that they put in, extending well into the evening. Yet, on both sides of the aisle,

the staff work so hard, but day in and day out, it is the Clerk's Office here that carries out the work in governance of this great country of ours. I thank them for their service. God bless them. God bless America.

SENATE ENROLLED BILL SIGNED

The Speaker pro tempore, Mr. RASKIN, on Tuesday, September 27, 2022, announced his signature to an enrolled bill of the Senate of the following title:

S. 2293.—An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 1 of House Resolution 1230, the House stands adjourned until 10 a.m. tomorrow.

Thereupon (at 10 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 29, 2022, at 10 a.m.

U.S. CONGRESS, OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS,

Washington, DC., September 28, 2022.

HON. NANCY PELOSI,

Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Section 304(b)(3) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors (Board) of the Office of Congressional Workplace Rights (OCWR) has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal."

The OCWR Board has adopted the proposed regulations in the Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval that accompany this transmittal letter. The Board requests that the accompanying Notice be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal. The Board also requests that Congress approve the proposed Regulations, as further specified in the accompanying Notice.

Any inquiries regarding the accompanying Notice should be addressed to Teresa James, Acting Executive Director of the Office of Congressional Workplace Rights, 110 Second Street, SE, Room LA-200, Washington, DC 20540-1099; telephone: 202-724-9250; email: OCWRinfo@ocwr.gov.

Sincerely,

BARBARA CHILDS WALLACE,

Chair of the Board of Directors.

Attachment.

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

Procedural Summary:

Issuance of the Board's Initial Notice of Proposed Rulemaking.

On or about April 26, 2022, the Board of Directors (Board) of the Office of Congressional Workplace Rights (OCWR) issued a Notice of Proposed Rulemaking in the Congressional Record at 168 Cong. Rec. S2157–S2169 (daily ed.), and at 168 Cong. Rec. H4498–H4508 (daily ed.). The Notice of Proposed Rulemaking was prompted by the promulgation by the Secretary of Labor in 2004, 2016, 2019, and 2020, of amended regulations regarding the overtime pay requirements of the FLSA.

Why did the Board propose these new Regulations?

Section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), requires that the Board of Directors propose substantive regulations implementing the FLSA overtime requirements that are "the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulation would be more effective for the implementation of the rights and protections under this section."

What procedure followed the Board's initial Notice of Proposed Rulemaking?

The April 26, 2022 Notice of Proposed Rulemaking included a thirty day comment period, which began on April 26, 2022. The OCWR received four comments to the proposed substantive regulations from stakeholders. The Board of Directors has reviewed these comments, made a number of changes to the proposed substantive regulations in response to the comments, and has adopted the amended regulations.

What is the effect of the Board's "adoption" of these substantive regulations?

Adoption of these substantive regulations by the Board of Directors does not complete the promulgation process. Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for promulgating such substantive regulations requires that: (1) the Board of Directors issue proposed substantive regulations and publish a general notice of proposed rulemaking in the Congressional Record (the April 26, 2022 Notice); (2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking; and (3) after consideration of comments by the Board of Directors, that the Board adopt regulations and transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record. This Notice of Adoption of Substantive Regulations and Submission for Congressional Approval completes the third step described above.

What are the next steps in the process of promulgation of these regulations?

Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to "include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by

joint resolution.” The Board of Directors recommends that the procedure used by Congress to approve these overtime exemption regulations: that the House of Representatives approve the “H” version of the regulations by resolution; that the Senate approve the “S” version of the regulations by resolution; and that the House and Senate approve the “C” version of the regulations applied to the other employing offices by a concurrent resolution.

Are there regulations covering overtime exemptions currently in force under the CAA?

Yes, however, they are woefully outdated. Unless and until the House of Representatives and the Senate approve the regulations adopted by the OCFR Board, all employing offices and covered employees continue to be required to follow the existing Part 541 Regulations, which were adopted by the Board of Directors and approved by the House of Representatives and the Senate in 1996.

If approved by Congress, will these regulations completely replace the existing Part 541 overtime exemption regulations applicable under the CAA?

Yes, and they will provide the modernization necessary to properly remunerate Legislative Branch employees for overtime consistent with the Executive Branch and the private sector.

The Board’s Responses to Comments

As the result of the April 26, 2022 Notice of Proposed Regulations, and the ensuing 30 day comment period, the Office received four comments from interested parties. Not surprisingly, a common theme among the comments was the difficulty in applying the Fair Labor Standards Act to real-life occupations within the legislative branch. Commenters requested that the Board add descriptive examples that discuss specific positions and opine on whether those positions should or should not be classified as exempt or non-exempt. Commenters recognized that these exempt status determinations are fact specific and often require complex analysis. For this reason, the Board remains unconvinced that including specific position titles plucked from Congressional employment would serve the legislative branch community. Many legislative branch employees share common job titles but nevertheless have different duties in actuality. These employees, and their employing offices, would not benefit from improper classification through rulemaking.

There exists a body of law which addresses the application of these exceptions in the context of government employees. See e.g., Wage and Hour Division (WHD) Opinion Letter FLSA2020-9, <https://www.dol.gov/sites/dolgov/files/WHD/opinion-letters/FLSA/2020-06-25-09-FLSA.pdf> (last viewed on 8/29/22). For example, the Department of Labor has applied the exemption as it relates to a government press officer. *Id.*

One commenter notified the Board that the U.S. Supreme Court granted certiorari in *Helix Energy Solutions Group v. Hewitt*, ___ S.Ct. ___, 2022 WL 1295708 (May 2, 2022) to address “highly compensated employee” regulations. The commenter suggests that any decision rendered by the Supreme Court could impact the application of the proposed regulations. The Board acknowledges that a decision in *Helix Energy Solutions Group v. Hewitt* may impact the application of 541.601 and 541.604. Nevertheless, a decision is likely more than a year away and the Board does not wish to further delay the adoption of these regulations. The Board will revisit these regulations consistent with any relevant U.S. Supreme Court decision and future Department of Labor amendments.

The Board has reviewed all comments, and has deliberated regarding the question

whether comments establish “good cause” pursuant to section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), for varying the Office of Congressional Workplace Rights proposed regulations from the Department of Labor regulations. The following discussion outlines the comments, and the Board’s response to them.

What changes to the regulations as proposed on April 26, 2022 have been made by the Board in response to comments received from interested parties?

The Board has made many changes in response to comments received from interested parties. First, the Board agrees that good cause exists to modify these regulations in several respects to further reflect the legislative branch’s unique workplace. Several commenters applauded this Board’s decision to eliminate references that have no application to Congressional employees. However, they requested that the Board tailor the Proposed Regulations even further. The Board has heeded this request and in large part removed additional private sector terminology and replaced it with language specific to legislative branch employees and employing offices. Second, a commenter recommended departing from the effective date maintained within the Department of Labor regulations so that the regulations, once applied to the legislative branch, are not deemed retroactive. The Board agrees that good cause exists to modify these regulations so that they are not deemed retroactive. Third, a commenter asked that the Board include in deleted sections the words “Intentionally Left Blank” or renumber those sections that remain so that they are consecutively numbered for typographical clarity. The Board agrees with this suggestion and has included the word “Reserved” for Department of Labor sections and subsections that are being eliminated. Additional changes are explained below by section.

Sec. 541.0: Commenters correctly pointed out that a principal statutory authority for adoption of these regulations was not included in the language of the proposed regulation itself. Therefore, one commenter proposed to add the words “and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1)” before the end of each sentence. The Board concurs with this recommendation; therefore, the proposed language was added as authority for the promulgation of these overtime exemption rules.

Sec. 541.3: At least one commenter requested the removal of “deputy sheriffs, state troopers, highway patrol officers . . . correctional officers, parole or probation officers, park rangers, fire fighters” and “or fight fires” to further tailor the regulations to reflect legislative branch terminology. Police officers, detectives and investigators are already referenced in the regulation. Thus, the Board agrees that the example of deputy sheriffs, state troopers, highway patrol officers, correctional officers, and parole and probation officers—positions that are not present within the legislative branch—are additional law enforcement positions that are unhelpful by analogy. However, the Board does not find good cause to remove “park rangers”, “fire fighters,” or individuals who “fight fires.” The park rangers’ functions may serve employing offices by analogy. With respect to fire fighters and fighting fires, although the legislative branch presently relies on the District of Columbia’s fire department, it is reasonably foreseeable that fire fighters or individuals whose main duty is to prevent fires may be employed by the legislative branch. Therefore, the Board finds good cause to remove the examples of deputy sheriffs, state troop-

ers, highway patrol officers, correctional officers, and parole or probation officers, but not park rangers, fire fighters, and individuals who fight fires. Similarly, the commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”. Another commenter requested that “enterprise” be modified to “employing office” to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “enterprise” to mean “employing office,” the Board concurs with this recommendation.

Section 541.4: Several commenters pointed out that the proposed section maintained an erroneous requirement that employing offices must comply with “. . . State or municipal laws, regulations, or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the FLSA” as applied via the CAA. The Board concurs with the comment. That requirement has been deleted from the proposed regulation.

Sec. 541.100: At least one commenter requested that “enterprise” be modified to “employing office” to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “enterprise” to mean “employing office,” the Board concurs with this recommendation.

Sec. 541.101: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.103: At least one commenter requested that “enterprise” be modified to “employing office” to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “enterprise” to mean “employing office,” the Board concurs with this recommendation. Similarly, the commenter requested that “establishment” be modified to “location” to further tailor the regulations to reflect the legislative branch terminology. The Board concurs with this recommendation as well.

Sec. 541.200: One commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”.

Sec. 541.201: At least one commenter requested that “business” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “business” and “company” to mean “employing office,” the Board concurs with all of these recommendations. Similarly, one commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”.

Sec. 541.202: At least one commenter requested that “business”, when used as a noun and not an adjective, “company”,

“credit manager”, “large corporation”, “management consultant”, “large company”, and “client” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “business” and “company” to mean “employing office,” the Board concurs with all of these recommendations.

Sec. 541.203: Multiple commenters questioned whether Congress had insurance adjusters (541.203(a)) and comparison shoppers (541.203(i)), or whether Congressional employees could be deemed “[e]mployees in the financial services industry generally” (541.203(b)). The Board agrees that the example of insurance adjusters is not applicable directly to any employing office. However, insurance adjusters’ investigative functions may serve employing offices by analogy to evaluate the administrative exemption. Similarly the Board believes that employees in financial services generally, as opposed to the financial services industry, is a function that may be applicable directly or by analogy for employing offices to analyze whether employees are covered by the administrative exemption. Lastly, the Board agrees that the comparison shoppers example is neither applicable directly or by analogy to any employing office. Therefore, the Board finds good cause to modify 541.203(a) to “employees who investigate claims”, remove the word “industry” in 541.203(b), and reserve all of 541.203(i). In addition, at least one commenter asked that certain words or phrases, such as but not limited to “business owner,” “purchasing and selling”, “executive of a large business,” and “company,” be modified to legislative branch terminology in all of the remaining subsections. The Board agrees with these modifications generally, if not verbatim.

Sec. 541.303: One commenter recommends omitting “teachers of kindergarten or nursery school pupils” because, in the legislative branch, the daycare providers are not required to hold advanced degrees or required to graduate from a prolonged course of specialized instruction. In addition, the commenter recommends including salary requirements when evaluating whether a teacher should be included in the professional exemption. The Board does not believe good cause has been established for such a substantial departure from the Department of Labor regulations. Department of Labor Fact Sheet #46, “Daycare Centers and Preschools Under the Fair Labor Standards Act (revised July 2009), explains that nursery school teachers are exempt if their primary duty is “teaching, tutoring, instructing or lecturing”. However, “preschool employees whose primary duty is to care for the physical needs of the facility’s children would ordinarily not meet the requirement for exemption as teachers”. <https://www.dol.gov/agencies/whd/fact-sheets/46-flsa-daycare>. Whether an exemption applies is fact specific and should be decided through adjudication and not through rulemaking.

Sec. 541.402: One commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”.

Subpart F: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.601: A commenter recommended departing from the Department of Labor’s ef-

fective dates in Section 541.601(a)(1), 541.601(a)(2), and 541.601(b)(2) so that the regulations are not deemed retroactive. The Board finds good cause to amend this language so that there is no ambiguity regarding retroactivity. In addition, the Board agrees that good cause exists to further modify 541.601(b)(2) by eliminating references to commissioned sales to further reflect the legislative branch’s unique workplace.

Sec. 541.602: At least one commenter requested that “business” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “business” to mean “employing office,” the Board concurs with this recommendation. Similarly, a commenter pointed out that the proposed section maintained an erroneous requirement that employing offices may deduct for benefits received under State laws. The Board concurs with the comment.

Sec. 541.603: At least one commenter requested that “company” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “company” to mean “employing office,” the Board concurs with this recommendation.

Sec. 541.606: Commenters recommended maintaining the original language. The Board agrees with the concern that incorporating by reference all of Part 531’s interpretation of “board, lodging, or other facilities” is overbroad and cumbersome. One commenter recommended creating a definition specific to legislative branch employees, including transit benefits in the definition of board, lodging or other facilities. The Board notes that private sector employees are also eligible for transit benefits but the Department of Labor did not include it in its regulation. The Board does not find good cause to stray from the original regulation.

Sec. 541.607: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.702: Raising the same concern as addressed in Sec. 541.202, at least one commenter requested that “credit manager”, “employer”, and “customers” be modified to further tailor the regulations to reflect legislative branch terminology. Although “employing office” can be readily understood from the term “employer,” the Board concurs with all of these recommendations since the example of “credit manager” is not applicable directly to any employing office.

Sec. 541.706: At least one commenter requested that the example of a “mine superintendent” be eliminated, and the terms “establishment” and “industry” be modified to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that there is no position of “mine superintendent” in the legislative branch and that this example will not be applicable directly or by analogy for employing offices to analyze whether employees are covered by any exemption. Therefore, the Board finds good cause to both eliminate and modify said language.

Sec. 541.709: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.710: Commenters correctly observed that all legislative employees are essentially “Employees of public agencies.” The commenters thus requested that the language be modified to further tailor the regulations to reflect legislative branch terminology. The Board concurred with this recommendation.

What changes to the proposed substantive regulations suggested by commenters were not made by the Board of Directors?

The Board of Directors reviewed all suggestions included in comments pursuant to the statutory requirement that the regulations “shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.” (section 203(c)(2) of the CAA, 2 USC 1313(c)(2)). If the Board declined to adopt a suggestion, it determined that there was not good cause for such a change in implementing the FLSA.

One commenter was critical of the Board’s approach and questioned why the Board incorporated some of its suggestions in response to the proposed 2004 Substantive Regulations but not others. The April 2022 proposed regulations were created to mirror current Department of Labor regulations. This, in addition to the almost 20 year lapse of time since 2004, is why the Board diverged from the adopted 2005 Substantive Regulations.

As discussed previously, several commenters requested the Board to further amend the Proposed Rule to remove positions not presently found in the legislative branch and include examples of positions specific to the legislative branch employees. While the Board agreed with this suggestion in large part, the Board did not find good cause for all of the requested changes. First, as explained in 2005, the Board is aware that many of the job classifications and types of work processes treated in Part 541 are probably not found within the Legislative Branch of the Federal Government, that there may be job categories in the Legislative Branch not directly reflected in Part 541, and that there are differences among the work forces in the several employing offices covered by the CAA. However, the Board has concluded that adding or removing all exemplary and descriptive provisions from the regulations as applied to all employing offices could result in a basic misunderstanding of the purpose and goal of the new Part 541 of 29 CFR, and of the Congressional mandate in the CAA that the Board issue regulations based upon the Secretary of Labor’s regulations promulgated for the private sector. Second, the Board did not remove positions which do not presently exist in the legislative branch but are reasonably foreseeable to exist in the future. The Board recognizes that this Proposed Rule, when adopted and issued, may be effective for many years to come. For example, although the legislative branch does not presently employ a chef, it may in the future for one of the multiple dining locations within the Capitol complex. Thus, descriptions of positions or functions that are not currently held by Congressional employees but could reasonably be foreseen to exist in the future were maintained. Third, the Board did not include position titles that are currently held by many legislative branch employees where the employees may have the same title but whose actual job duties may differ. The Board believes that such determinations should not be made through rulemaking but rather through adjudication.

Sec. 541.0: One commenter suggested the removal of the words “elementary or secondary schools” and in its stead the inclusion of “nursery school programs” as exempt from minimum wage and overtime requirements. The Board does not believe that good cause exists to make this change. The inclusion of “elementary or secondary schools”

and the exclusion of “nursery schools” provides an employing office with the ability to evaluate whether a nursery school employee is exempt, or not exempt, consistent with the maxim of interpretation, *expressio unius, exclusio alterius*. Further, the Board believes that determinations regarding exemptions for nursery school program employees should be made through adjudication and not through rulemaking. Commenters also noted that the reference in the proposed regulation to “enforcement” by the Office of Congressional Workplace Rights of the equal pay provision found at section 6(d) of the FLSA reflected an authority not given to the Office under the CAA. The Office of Congressional Workplace Rights is authorized to administer the dispute resolution process for employee claims of a violation of the equal pay requirement at section 6(d) of the FLSA. Although the Office of Congressional Workplace Rights does not initiate enforcement, this remains a method of enforcement. Therefore, the reference to “enforcement” of section 6(d) was maintained.

Sec. 541.1: One commenter expressed concern that by defining the terms “employee”, “intern”, and “employing office” by reference to statutory citations, this causes confusion. It recommended, therefore, that the terms be defined pursuant to definitions already extant in the Substantive Regulations for the FLSA at Section 501.102. The Board does not believe that citation to the Congressional Accountability Act causes confusion. Therefore, the statutory citations will remain.

Sec. 541.100: One commenter requested this section be revised to clarify that an executive must regularly direct the work of two or more full time employees or their equivalent. The Board does not find good cause to modify this subsection as section 541.104(a)(3) provides this exact clarification.

Sec. 541.104: One commenter suggested that the Board re-evaluate its 2005 determination declining to include interns as employees for the purpose of section 54.104 to the extent that they are now paid staff. In 2005, then Office of Compliance submitted an inquiry with the Department of Labor as to whether the Department interprets the term “employee” in regulation 541.104 to include individual workers who are not “employees” as defined under the balance of Part 541. The Department of Labor responded informally that such workers are not counted as “employees” for purposes of the application of section 541.104 of the regulations. The Board has concluded that there is no good cause to modify section 541.104 to expressly include interns. The Board has defined “interns” in this regulation pursuant to the Congressional Accountability Act’s definition, i.e., an individual who performs work but is uncompensated. To the extent that an employee holds the position of “intern” but is nevertheless compensated, the employee may, in certain circumstances, be considered a full time employee or the equivalent. The Board believes that determinations regarding paid interns should be made through adjudication and not through rulemaking.

Sec. 541.202: One commenter requested that “segment” be modified to “department or division” to further tailor the regulations to reflect the legislative branch terminology. Because segment is a generic description for the words “department” and “division”, and since “segment” would also capture other partitions within the employ-

ing office that are not called a department or division, the Board does not find good cause to modify this language.

Sec. 541.203: Multiple commenters requested that additional position titles and descriptions be included as examples of employees who are exempt based on the administrative exemption. For example, one commenter proposed to include the following examples of employees whose primary duty is to perform office or non-manual work directly related to the management or general business operations of the employer or the employer’s stakeholders:

(k) “Employees who perform public relations work for an employing office, such as developing and implementing a media strategy or managing and coordinating media contacts and activities for the office, generally meet the duties requirements for the administrative exemption.”

(l) “Employees who perform research and government relations functions for an employing office, such as devising and formulating legislative initiatives, serving as a Senator’s principal advisor on legislative matters, and working with governmental and non-governmental offices to gather support for particular legislative proposals, generally meet the duties requirements for the administrative exemption.”

(m) “Employees who act as a Senator’s liaison to government, community and constituent groups and leaders in assigned geographic or issue areas and who research and advise the Senator on community, legislative or other developments in the assigned area, generally meet the duties requirements for the administrative exemption.”

However, among other potential issues, it is unclear from these examples whether the employees exercise discretion and independent judgment with respect to matters of significance and whether the employee is paid the equivalent of at least \$684 per week on a salary basis. The Department of Labor’s Wage and Hour Division has opined that for a government employee to qualify for the administrative exemption, the employee’s primary duty should involve its management policies or the management policies of the government entity or political subdivision, i.e., “directly related to assisting with the ‘running or servicing’ of the . . . government itself.” WHD Opinion Letter FLSA2020-9. Therefore, the Board cannot find good cause to include the commenter’s language as the determination whether these employment positions and functions would qualify for the administrative exemption should be made on a case by case basis.

Sec. 541.204: One commenter suggested the substitution of “nursery school programs” for “elementary or secondary schools.” As explained in Sec. 541.0 above, the Board does not believe that good cause exists to make this change. The inclusion of “elementary or secondary schools” and the exclusion of “nursery schools” in the original regulation provides an employing office with the ability to evaluate whether a nursery school employee is exempt, or not exempt, consistent with the maxim *expressio unius, exclusio alterius*. Further, the Board believes that determinations regarding exemptions for nursery school program management employees should be made through adjudication and not through rulemaking.

Sec. 541.301: Commenters broadly suggested that portions of the proposed regulations that arguably do not directly concern

types or categories of employment in their component of the legislative branch should be deleted from the proposed regulations in its entirety. Thus, they recommend deleting Section 541.301(e)(1), pertaining to registered or certified technologists; Section 541.301(e)(2), pertaining to nurses; Section 541.301(e)(3), relating to dental hygienists; Section 541.301(e)(4), pertaining to physicians assistants; Section 541.301(e)(6), relating to chefs; and Section 541.301(e)(8), relating to athletic trainers. The Board does not find good cause to remove these positions and descriptions. Some of these functions may exist directly or by analogy within the Office of Attending Physician. Furthermore, for positions that do not presently exist in the legislative branch but are reasonably foreseeable to exist in the future, the Board believes these descriptions will assist employing offices either directly or by analogy for positions created in years to come.

Sec. 541.304: Commenters broadly suggested that portions of the proposed regulations which arguably do not directly concern types or categories of employment in their component of the legislative branch should be deleted from the proposed regulations in its entirety. For example, one commenter recommends deleting all references to the practice of medicine in 541.304. The Board does not find good cause to remove these positions and descriptions. These functions may exist directly or by analogy within the Office of Attending Physician. Furthermore, for positions that do not presently exist in the legislative branch but are reasonably foreseeable to exist in the future, the Board believes these descriptions will assist employing offices either directly or by analogy for positions created in years to come.

Sec. 541.605: One commenter suggested that this section in its entirety, and the many references to this section, should be eliminated since Congressional employees are paid on a salary basis. The Board does not find good cause to remove the “fee basis” section. Although most, if not all, positions are paid on a salary basis, it is reasonably foreseeable that an employee could be hired on a fee basis in the future.

HOW TO READ THE ADOPTED AMENDMENTS

The text of the amendments adopted by the OCWR Board reproduces the text of the current regulations promulgated by the Secretary of Labor at 29 CFR Part 541, and shows changes adopted by the OCWR Board for the CAA version of these same regulations. Changes adopted by the Board are shown as follows: deletions are marked with a [bracket] and added text is within angled <<brackets>>. Therefore, if these regulations are adopted as proposed, the deletion within bracketed text will disappear from the regulations and the added text within angled brackets will remain. If these regulations are approved for the House of Representatives by resolution of the House, they will be promulgated with the prefix “H” appearing before each regulations section number. If these regulations are approved for the Senate by resolution of the Senate, they will be promulgated with the prefix “S” appearing before each regulation’s section number. If these regulations are approved for the other employing offices by joint or concurrent resolution of the House of Representatives and the Senate, they will be promulgated with the prefix “C” appearing before each regulation’s section number.

OVERTIME EXEMPTION REGULATIONS

PART 541—DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, AND COMPUTER [AND OUTSIDE SALES] EMPLOYEES**SUBPART A—GENERAL REGULATIONS****Sec.****541.0 Introductory statement.****541.1 Terms used in regulations.****541.2 Job titles insufficient.****541.3 Scope of the section 13(a)(1) exemptions.****541.4 Other laws and collective bargaining agreements.****SUBPART B—EXECUTIVE EMPLOYEES****541.100 General rule for executive employees.****[541.101 Business owner.]<<541.101 Reserved.>>****541.102 Management.****541.103 Department or subdivision.****541.104 Two or more other employees.****541.105 Particular weight.****541.106 Concurrent duties.****SUBPART C—ADMINISTRATIVE EMPLOYEES****541.200 General rule for administrative employees.****541.201 Directly related to management or general business operations.****541.202 Discretion and independent judgment.****541.203 Administrative exemption examples.****541.204 Educational establishments.****SUBPART D—PROFESSIONAL EMPLOYEES****541.300 General rule for professional employees.****541.301 Learned professionals.****541.302 Creative professionals.****541.303 Teachers.****541.304 Practice of law or medicine.****SUBPART E—COMPUTER EMPLOYEES****541.400 General rule for computer employees.****541.401 Computer manufacture and repair.****541.402 Executive and administrative computer employees.****[SUBPART F—OUTSIDE SALES EMPLOYEES] <<SUBPART F—Reserved.>>****[541.500 General rule for outside sales employees.]****[541.501 Making sales or obtaining orders.]****[541.502 Away from employer's place of business.]****[541.503 Promotion work.]****[541.504 Drivers who sell.]****SUBPART G—SALARY REQUIREMENTS****541.600 Amount of salary required.****541.601 Highly compensated employees.****541.602 Salary basis.****541.603 Effect of improper deductions from salary.****541.604 Minimum guarantee plus extras.****541.605 Fee basis.****541.606 Board, lodging or other facilities.****<<541.607—Reserved.>>****SUBPART H—DEFINITIONS AND MISCELLANEOUS PROVISIONS****541.700 Primary duty.****541.701 Customarily and regularly.****541.702 Exempt and nonexempt work.****541.703 Directly and closely related.****541.704 Use of manuals.****541.705 Trainees.****541.706 Emergencies.****541.707 Occasional tasks.****541.708 Combination exemptions.****[541.709 Motion picture producing industry.] <<541.709 Reserved.>>****541.710 Employees of public agencies.****SUBPART A—GENERAL REGULATIONS (§§ 541.0–541.4)****§ 541.0 Introductory statement.**

(a) Section 13(a)(1) of the Fair Labor Standards Act, as amended, provides an ex-

emption from the Act's minimum wage and overtime requirements for any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools)[, or in the capacity of an outside sales employee, as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act.]<< and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1).>> Section 13(a)(17) of the Act provides an exemption from the minimum wage and overtime requirements for computer systems analysts, computer programmers, software engineers, and other similarly skilled computer employees << and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1)>>.

(b) The requirements for these exemptions are contained in this part as follows: executive employees, subpart B; administrative employees, subpart C; professional employees, subpart D; computer employees, subpart E; outside sales employees, subpart F]. Subpart G contains regulations regarding salary requirements applicable to most of the exemptions, including salary levels and the salary basis test. Subpart G also contains a provision for exempting certain highly compensated employees. Subpart H contains definitions and other miscellaneous provisions applicable to all or several of the exemptions.

(c) Effective July 1, 1972, the Fair Labor Standards Act was amended to include within the protection of the equal pay provisions those employees exempt from the minimum wage and overtime pay provisions as bona fide executive, administrative, and professional employees (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools)[, or in the capacity of an outside sales employee under section 13(a)(1) of the Act]. The equal pay provisions in section 6(d) of the Fair Labor Standards Act are administered and enforced by the [United States Equal Employment Opportunity Commission] <<Office of Congressional Workplace Rights>>.

§ 541.1 Terms used in regulations.

Act means the Fair Labor Standards Act of 1938, as amended. [Administrator means the Administrator of the Wage and Hour Division, United States Department of Labor. The Secretary of Labor has delegated to the Administrator the functions vested in the Secretary under sections 13(a)(1) and 13(a)(17) of the Fair Labor Standards Act.] <<CAA means Congressional Accountability Act of 1995, as amended. Office means the Office of Congressional Workplace Rights. Employee means a "covered employee" as defined in section 101(a)(3) through (a)(8) of the CAA, 2 U.S.C. 1301(a)(3) through (a)(8), but not an "intern" as defined in section 203(a)(2) of the CAA, 2 U.S.C. 1313(a)(2). Employer, company, business, or enterprise each mean an "employing office" as defined in section 101(a)(9) of the CAA, 2 U.S.C. 1301(a)(9).>>

§ 541.2 Job titles insufficient.

A job title alone is insufficient to establish the exempt status of an employee. The exempt or nonexempt status of any particular employee must be determined on the basis of whether the employee's salary and duties meet the requirements of the regulations in this part.

§ 541.3 Scope of the section 13(a)(1) exemptions.

(a) The section 13(a)(1) exemptions and the regulations in this part do not apply to man-

ual laborers or other "blue collar" workers who perform work involving repetitive operations with their hands, physical skill and energy. Such nonexempt "blue collar" employees gain the skills and knowledge required for performance of their routine manual and physical work through apprenticeships and on-the-job training, not through the prolonged course of specialized intellectual instruction required for exempt learned professional employees such as medical doctors, architects and archeologists. Thus, for example, non-management production-line employees and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers and laborers are entitled to minimum wage and overtime premium pay under the Fair Labor Standards Act, and are not exempt under the regulations in this part no matter how highly paid they might be.

(b)(1) The section 13(a)(1) exemptions and the regulations in this part also do not apply to police officers, detectives, [deputy sheriffs, state troopers, highway patrol officers,] investigators, inspectors, [correctional officers, parole or probation officers,] park rangers, fire fighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work.

(2) Such employees do not qualify as exempt executive employees because their primary duty is not management of the [enterprise] <<employing office>> in which the employee is employed or a customarily recognized department or subdivision thereof as required under §541.100. Thus, for example, a police officer or fire fighter whose primary duty is to investigate crimes or fight fires is not exempt under section 13(a)(1) of the Act merely because the police officer or fire fighter also directs the work of other employees in the conduct of an investigation or fighting a fire.

(3) Such employees do not qualify as exempt administrative employees because their primary duty is not the performance of work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>> as required under §541.200.

(4) Such employees do not qualify as exempt professionals because their primary duty is not the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as required under §541.300. Although some police officers, fire fighters, paramedics, emergency medical technicians and similar employees have college degrees, a specialized academic degree is not a standard prerequisite for employment in such occupations.

§ 541.4 Other laws and collective bargaining agreements.

The Fair Labor Standards Act provides minimum standards that may be exceeded,

but cannot be waived or reduced. Employers must comply, for example, with any Federal[, State or municipal] laws, regulations or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the Act. Similarly, employers, on their own initiative or under a collective bargaining agreement with a labor union, are not precluded by the Act from providing a wage higher than the statutory minimum, a shorter workweek than the statutory maximum, or a higher overtime premium (double time, for example) than provided by the Act. While collective bargaining agreements cannot waive or reduce the Act's protections, nothing in the Act or the regulations in this part relieves employers from their contractual obligations under collective bargaining agreements.

SUBPART B—EXECUTIVE EMPLOYEES
(§§ 541.100–541.106)

§ 541.100 General rule for executive employees.

(a) The term “employee employed in a bona fide executive capacity” in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary basis pursuant to § 541.600 at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging or other facilities;

(2) Whose primary duty is management of the [enterprise] <<employing office>> in which the employee is employed or of a customarily recognized department or subdivision thereof;

(3) Who customarily and regularly directs the work of two or more other employees; and

(4) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

(b) The phrase “salary basis” is defined at § 541.602; “board, lodging or other facilities” is defined at § 541.606; “primary duty” is defined at § 541.700; and “customarily and regularly” is defined at § 541.701.

§ 541.101 Business owner.

The term “employee employed in a bona fide executive capacity” in section 13(a)(1) of the Act also includes any employee who owns at least a bona fide 20-percent equity interest in the enterprise in which the employee is employed, regardless of whether the business is a corporate or other type of organization, and who is actively engaged in its management. The term “management” is defined in § 541.102. The requirements of Subpart G (salary requirements) of this part do not apply to the business owners described in this section.]

§ 541.102 Management.

Generally, “management” includes, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting their rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used; apportioning the work among the employees; determining the type of materials, supplies,

machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget; and monitoring or implementing legal compliance measures.

§ 541.103 Department or subdivision.

(a) The phrase “a customarily recognized department or subdivision” is intended to distinguish between a mere collection of employees assigned from time to time to a specific job or series of jobs and a unit with permanent status and function. A customarily recognized department or subdivision must have a permanent status and a continuing function. For example, a large employer's human resources department might have subdivisions for labor relations, pensions and other benefits, equal employment opportunity, and personnel management, each of which has a permanent status and function.

(b) When an [enterprise] <<employing office>> has more than one [establishment] <<location>>, the employee in charge of each [establishment] <<location>> may be considered in charge of a recognized subdivision of the [enterprise] <<employing office>>.

(c) A recognized department or subdivision need not be physically within the employer's establishment and may move from place to place. The mere fact that the employee works in more than one location does not invalidate the exemption if other factors show that the employee is actually in charge of a recognized unit with a continuing function in the organization.

(d) Continuity of the same subordinate personnel is not essential to the existence of a recognized unit with a continuing function. An otherwise exempt employee will not lose the exemption merely because the employee draws and supervises workers from a pool or supervises a team of workers drawn from other recognized units, if other factors are present that indicate that the employee is in charge of a recognized unit with a continuing function.

§ 541.104 Two or more other employees.

(a) To qualify as an exempt executive under § 541.100, the employee must customarily and regularly direct the work of two or more other employees. The phrase “two or more other employees” means two full-time employees or their equivalent. One full-time and two half-time employees, for example, are equivalent to two full-time employees. Four half-time employees are also equivalent.

(b) The supervision can be distributed among two, three or more employees, but each such employee must customarily and regularly direct the work of two or more other full-time employees or the equivalent. Thus, for example, a department with five full-time nonexempt workers may have up to two exempt supervisors if each such supervisor customarily and regularly directs the work of two of those workers.

(c) An employee who merely assists the manager of a particular department and supervises two or more employees only in the actual manager's absence does not meet this requirement.

(d) Hours worked by an employee cannot be credited more than once for different executives. Thus, a shared responsibility for the supervision of the same two employees in the same department does not satisfy this requirement. However, a full-time employee who works four hours for one supervisor and four hours for a different supervisor, for example, can be credited as a half-time employee for both supervisors.

§ 541.105 Particular weight.

To determine whether an employee's suggestions and recommendations are given “particular weight,” factors to be considered include, but are not limited to, whether it is part of the employee's job duties to make such suggestions and recommendations; the frequency with which such suggestions and recommendations are made or requested; and the frequency with which the employee's suggestions and recommendations are relied upon. Generally, an executive's suggestions and recommendations must pertain to employees whom the executive customarily and regularly directs. It does not include an occasional suggestion with regard to the change in status of a co-worker. An employee's suggestions and recommendations may still be deemed to have “particular weight” even if a higher level manager's recommendation has more importance and even if the employee does not have authority to make the ultimate decision as to the employee's change in status.

§ 541.106 Concurrent duties.

(a) Concurrent performance of exempt and nonexempt work does not disqualify an employee from the executive exemption if the requirements of § 541.100 are otherwise met. Whether an employee meets the requirements of § 541.100 when the employee performs concurrent duties is determined on a case-by-case basis and based on the factors set forth in § 541.700. Generally, exempt executives make the decision regarding when to perform nonexempt duties and remain responsible for the success or failure of business operations under their management while performing the nonexempt work. In contrast, the nonexempt employee generally is directed by a supervisor to perform the exempt work or performs the exempt work for defined time periods. An employee whose primary duty is ordinary production work or routine, recurrent or repetitive tasks cannot qualify for exemption as an executive.

(b) For example, an assistant manager in a retail establishment may perform work such as serving customers, cooking food, stocking shelves and cleaning the establishment, but performance of such nonexempt work does not preclude the exemption if the assistant manager's primary duty is management. An assistant manager can supervise employees and serve customers at the same time without losing the exemption. An exempt employee can also simultaneously direct the work of other employees and stock shelves.

(c) In contrast, a relief supervisor or working supervisor whose primary duty is performing nonexempt work on the production line in a manufacturing plant does not become exempt merely because the nonexempt production line employee occasionally has some responsibility for directing the work of other nonexempt production line employees when, for example, the exempt supervisor is unavailable. Similarly, an employee whose primary duty is to work as an electrician is not an exempt executive even if the employee also directs the work of other employees on the job site, orders parts and materials for the job, and handles requests from the prime contractor.

SUBPART C—ADMINISTRATIVE EMPLOYEES (§§ 541.200–541.204)

§ 541.200 General rule for administrative employees.

(a) The term “employee employed in a bona fide administrative capacity” in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary or fee basis pursuant to § 541.600 at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S.

Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government), exclusive of board, lodging or other facilities;

(2) Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>>; and

(3) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

(b) The term "salary basis" is defined at § 541.602; "fee basis" is defined at § 541.605; "board, lodging or other facilities" is defined at § 541.606; and "primary duty" is defined at § 541.700.

§ 541.201 Directly related to management or general business operations.

(a) To qualify for the administrative exemption, an employee's primary duty must be the performance of work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>>. The phrase "directly related to the management or general business operations" refers to the type of work performed by the employee. To meet this requirement, an employee must perform work directly related to assisting with the running or servicing of the [business] <<employing office>>, as distinguished, for example, from working on a manufacturing production line or selling a product in a retail or service establishment.

(b) Work directly related to management or general business operations includes, but is not limited to, work in functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations; government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Some of these activities may be performed by employees who also would qualify for another exemption.

(c) An employee may qualify for the administrative exemption if the employee's primary duty is the performance of work directly related to the management or general business operations of the employer's customers<<, constituents and/or stakeholders>>. Thus, for example, employees acting as advisers or consultants to their employer's [clients or] customer<<, constituents or stakeholders>> (as tax experts or financial consultants, for example) may be exempt.

§ 541.202 Discretion and independent judgment.

(a) To qualify for the administrative exemption, an employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered. The term "matters of significance" refers to the level of importance or consequence of the work performed.

(b) The phrase "discretion and independent judgment" must be applied in the light of all the facts involved in the particular employment situation in which the question arises. Factors to consider when determining whether an employee exercises discretion and independent judgment with respect to matters of significance include, but are not

limited to: whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices; whether the employee carries out major assignments in conducting the operations of the [business] <<employing office>>; whether the employee performs work that affects business operations <<of the employing office>> to a substantial degree, even if the employee's assignments are related to operation of a particular segment of the [business] <<employing office>>; whether the employee has authority to commit the employer in matters that have significant financial impact; whether the employee has authority to waive or deviate from established policies and procedures without prior approval; whether the employee has authority to negotiate and bind the [company] <<employing office>> on significant matters; whether the employee provides consultation or expert advice to management; whether the employee is involved in planning longer short-term [business] <<employing office>> objectives; whether the employee investigates and resolves matters of significance on behalf of management; and whether the employee represents the [company] <<employing office>> in handling complaints, arbitrating disputes or resolving grievances.

(c) The exercise of discretion and independent judgment implies that the employee has authority to make an independent choice, free from immediate direction or supervision. However, employees can exercise discretion and independent judgment even if their decisions or recommendations are reviewed at a higher level. Thus, the term "discretion and independent judgment" does not require that the decisions made by an employee have a finality that goes with unlimited authority and a complete absence of review. The decisions made as a result of the exercise of discretion and independent judgment may consist of recommendations for action rather than the actual taking of action. The fact that an employee's decision may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment. For example, the policies formulated by the [credit] manager of a <<n>> [large corporation] <<employing office>> may be subject to review by higher [company] <<employing office>> officials who may approve or disapprove these policies. The [management consultant] <<department director>> who has made a study of the operations of a [business] <<department>> and who has drawn a proposed change in organization may have the plan reviewed or revised by superiors before it is [submitted to the client] <<approved>>.

(d) An employer's volume of [business] <<work>> may make it necessary to employ a number of employees to perform the same or similar work. The fact that many employees perform identical work or work of the same relative importance does not mean that the work of each such employee does not involve the exercise of discretion and independent judgment with respect to matters of significance.

(e) The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources. See also § 541.704 regarding use of manuals. The exercise of discretion and independent judgment also does not include clerical or secretarial work, recording or tabulating data, or performing other mechanical, repetitive, recurrent or routine work. An employee who simply tabulates data is not exempt, even if labeled as a "statistician."

(f) An employee does not exercise discretion and independent judgment with respect to matters of significance merely because the employer will experience financial losses if the employee fails to perform the job properly. For example, a messenger who is entrusted with carrying large sums of money does not exercise discretion and independent judgment with respect to matters of significance even though serious consequences may flow from the employee's neglect. Similarly, an employee who operates very expensive equipment does not exercise discretion and independent judgment with respect to matters of significance merely because improper performance of the employee's duties may cause serious financial loss to the employer.

§ 541.203 Administrative exemption examples.

(a) [Insurance claims adjusters] <<Employees who investigate claims>> generally meet the duties requirements for the administrative exemption, whether they work for an insurance company or other type of company, if their duties include activities such as interviewing [insureds,] witnesses [and physicians]; inspecting property damage; reviewing factual information to prepare damage estimates; evaluating and making recommendations regarding coverage of claims; determining liability and total value of a claim; negotiating settlements; and making recommendations regarding litigation.

(b) Employees in [the] financial services [industry] generally meet the duties requirements for the administrative exemption if their duties include work such as collecting and analyzing information regarding the customer's income, assets, investments or debts; determining which financial products best meet the customer's needs and financial circumstances; advising the customer regarding the advantages and disadvantages of different financial products; and marketing, servicing or promoting the employer's financial products. However, an employee whose primary duty is selling financial products does not qualify for the administrative exemption.

(c) An employee who leads a team of other employees assigned to complete major projects for the employer (such as [purchasing, selling or closing all or part of the business,] negotiating a real estate transaction or a collective bargaining agreement, or designing and implementing productivity improvements) generally meets the duties requirements for the administrative exemption, even if the employee does not have direct supervisory responsibility over the other employees on the team.

(d) An executive assistant or administrative assistant to a [business owner or senior executive of a large business] <<senior management official of an employing office>> generally meets the duties requirements for the administrative exemption if such employee, without specific instructions or prescribed procedures, has been delegated authority regarding matters of significance.

(e) Human resources managers who formulate, interpret or implement employment policies and management consultants who study the operations of a [business] <<employing office>> and propose changes in organization generally meet the duties requirements for the administrative exemption. However, personnel clerks who "screen" applicants to obtain data regarding their minimum qualifications and fitness for employment generally do not meet the duties requirements for the administrative exemption. Such personnel clerks typically will reject all applicants who do not meet minimum standards for the particular job or for employment by the [company] <<employing office>>. The minimum standards are usually set by the exempt human resources manager or other [company]

<<employing office>> officials, and the decision to hire from the group of qualified applicants who do meet the minimum standards is similarly made by the exempt human resources manager or other [company] <<employing office>> officials. Thus, when the interviewing and screening functions are performed by the human resources manager or personnel manager who makes the hiring decision or makes recommendations for hiring from the pool of qualified applicants, such duties constitute exempt work, even though routine, because this work is directly and closely related to the employee's exempt functions.

(f) Purchasing agents with authority to bind the [company] <<employing office>> on significant purchases generally meet the duties requirements for the administrative exemption even if they must consult with top management officials when making a purchase commitment for [raw] materials in excess of the contemplated [plant] needs.

(g) Ordinary inspection work generally does not meet the duties requirements for the administrative exemption. Inspectors normally perform specialized work along standardized lines involving well-established techniques and procedures which may have been catalogued and described in manuals or other sources. Such inspectors rely on techniques and skills acquired by special training or experience. They have some leeway in the performance of their work but only within closely prescribed limits.

(h) Employees usually called examiners or graders, such as employees that grade lumber, generally do not meet the duties requirements for the administrative exemption. Such employees usually perform work involving the comparison of products with established standards which are frequently catalogued. Often, after continued reference to the written standards, or through experience, the employee acquires sufficient knowledge so that reference to written standards is unnecessary. The substitution of the employee's memory for a manual of standards does not convert the character of the work performed to exempt work requiring the exercise of discretion and independent judgment.

(i) [Comparison shopping performed by an employee of a retail store who merely reports to the buyer the prices at a competitor's store does not qualify for the administrative exemption. However, the buyer who evaluates such reports on competitor prices to set the employer's prices generally meets the duties requirements for the administrative exemption.] <<Reserved.>>

(j) [Public sector i]<<I>>nspectors or investigators of various types, such as fire prevention or safety, building or construction, health or sanitation, environmental or soils specialists and similar employees, generally do not meet the duties requirements for the administrative exemption because their work typically does not involve work directly related to the management or general business operations of the employer. Such employees also do not qualify for the administrative exemption because their work involves the use of skills and technical abilities in gathering factual information, applying known standards or prescribed procedures, determining which procedure to follow, or determining whether prescribed standards or criteria are met.

§ 541.204 Educational establishments.

(a) The term "employee employed in a bona fide administrative capacity" in section 13(a)(1) of the Act also includes employees:

(1) Compensated on a salary or fee basis at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth

of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging, or other facilities; or on a salary basis which is at least equal to the entrance salary for teachers in the educational establishment by which employed; and

(2) Whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment or department or subdivision thereof.

(b) The term "educational establishment" means an elementary or secondary school system, an institution of higher education or other educational institution. Sections 3(v) and 3(w) of the Act define elementary and secondary schools as those day or residential schools that provide elementary or secondary education, as determined under State law. Under the laws of most States, such education includes the curriculums in grades 1 through 12; under many it includes also the introductory programs in kindergarten. Such education in some States may also include nursery school programs in elementary education and junior college curriculums in secondary education. The term "other educational establishment" includes special schools for mentally or physically disabled or gifted children, regardless of any classification of such schools as elementary, secondary or higher. Factors relevant in determining whether post-secondary career programs are educational institutions include whether the school is licensed by a state agency responsible for the state's educational system or accredited by a nationally recognized accrediting organization for career schools. Also, for purposes of the exemption, no distinction is drawn between public and private schools, or between those operated for profit and those that are not for profit.

(c) The phrase "performing administrative functions directly related to academic instruction or training" means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

(1) Employees engaged in academic administrative functions include: the superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program; the principal and any vice-principals responsible for the operation of an elementary or secondary school; department heads in institutions of higher education responsible for the administration of the mathematics department, the English department, the foreign language department, etc.; academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and other employees with similar responsibilities.

(2) Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers or dietitians do not perform academic administrative functions. Although such work is not considered academic admin-

istration, such employees may qualify for exemption under 541.200 or under other sections of this part, provided the requirements for such exemptions are met.

SUBPART D—PROFESSIONAL EMPLOYEES (§§ 541.300–541.304)

§ 541.300 General rule for professional employees.

(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary or fee basis pursuant to § 541.600 at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging or other facilities; and

(2) Whose primary duty is the performance of work:

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or

(ii) Requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

(b) The term "salary basis" is defined at § 541.602; "fee basis" is defined at § 541.605; "board, lodging or other facilities" is defined at § 541.606; and "primary duty" is defined at § 541.700.

§§ 541.301 Learned professionals.

(a) To qualify for the learned professional exemption, an employee's primary duty must be the performance of work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction. This primary duty test includes three elements:

(1) The employee must perform work requiring advanced knowledge;

(2) The advanced knowledge must be in a field of science or learning; and

(3) The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

(b) The phrase "work requiring advanced knowledge" means work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment, as distinguished from performance of routine mental, manual, mechanical or physical work. An employee who performs work requiring advanced knowledge generally uses the advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances. Advanced knowledge cannot be attained at the high school level.

(c) The phrase "field of science or learning" includes the traditional professions of law, medicine, theology, accounting, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, pharmacy and other similar occupations that have a recognized professional status as distinguished from the mechanical arts or skilled trades where in some instances the knowledge is of a fairly advanced type, but is not in a field of science or learning.

(d) The phrase "customarily acquired by a prolonged course of specialized intellectual instruction" restricts the exemption to professions where specialized academic training is a standard prerequisite for entrance into the profession. The best prima facie evidence that an employee meets this requirement is possession of the appropriate academic degree. However, the word "customarily" means that the exemption is also available

to employees in such professions who have substantially the same knowledge level and perform substantially the same work as the degreed employees, but who attained the advanced knowledge through a combination of work experience and intellectual instruction. Thus, for example, the learned professional exemption is available to the occasional lawyer who has not gone to law school, or the occasional chemist who is not the possessor of a degree in chemistry. However, the learned professional exemption is not available for occupations that customarily may be performed with only the general knowledge acquired by an academic degree in any field, with knowledge acquired through an apprenticeship, or with training in the performance of routine mental, manual, mechanical or physical processes. The learned professional exemption also does not apply to occupations in which most employees have acquired their skill by experience rather than by advanced specialized intellectual instruction.

(e)(1) *Registered or certified medical technologists.* Registered or certified medical technologists who have successfully completed three academic years of pre-professional study in an accredited college or university plus a fourth year of professional course work in a school of medical technology approved by the Council of Medical Education of the American Medical Association generally meet the duties requirements for the learned professional exemption.

(2) *Nurses.* Registered nurses who are registered by the appropriate State examining board generally meet the duties requirements for the learned professional exemption. Licensed practical nurses and other similar health care employees, however, generally do not qualify as exempt learned professionals because possession of a specialized advanced academic degree is not a standard prerequisite for entry into such occupations.

(3) *Dental hygienists.* Dental hygienists who have successfully completed four academic years of pre-professional and professional study in an accredited college or university approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association generally meet the duties requirements for the learned professional exemption.

(4) *Physician assistants.* Physician assistants who have successfully completed four academic years of pre-professional and professional study, including graduation from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant, and who are certified by the National Commission on Certification of Physician Assistants generally meet the duties requirements for the learned professional exemption.

(5) *Accountants.* Certified public accountants generally meet the duties requirements for the learned professional exemption. In addition, many other accountants who are not certified public accountants but perform similar job duties may qualify as exempt learned professionals. However, accounting clerks, bookkeepers and other employees who normally perform a great deal of routine work generally will not qualify as exempt professionals.

(6) *Chefs.* Chefs, such as executive chefs and sous chefs, who have attained a four-year specialized academic degree in a culinary arts program, generally meet the duties requirements for the learned professional exemption. The learned professional exemption is not available to cooks who perform predominantly routine mental, manual, mechanical or physical work.

(7) *Paralegals.* Paralegals and legal assistants generally do not qualify as exempt

learned professionals because an advanced specialized academic degree is not a standard prerequisite for entry into the field. Although many paralegals possess general four-year advanced degrees, most specialized paralegal programs are two-year associate degree programs from a community college or equivalent institution. However, the learned professional exemption is available for paralegals who possess advanced specialized degrees in other professional fields and apply advanced knowledge in that field in the performance of their duties. For example, if a law firm hires an engineer as a paralegal to provide expert advice on product liability cases or to assist on patent matters, that engineer would qualify for exemption.

(8) *Athletic trainers.* Athletic trainers who have successfully completed four academic years of pre-professional and professional study in a specialized curriculum accredited by the Commission on Accreditation of Allied Health Education Programs and who are certified by the Board of Certification of the National Athletic Trainers Association Board of Certification generally meet the duties requirements for the learned professional exemption.

(9) *Funeral directors or embalmers.* Licensed funeral directors and embalmers who are licensed by and working in a state that requires successful completion of four academic years of pre-professional and professional study, including graduation from a college of mortuary science accredited by the American Board of Funeral Service Education, generally meet the duties requirements for the learned professional exemption.]

(f) The areas in which the professional exemption may be available are expanding. As knowledge is developed, academic training is broadened and specialized degrees are offered in new and diverse fields, thus creating new specialists in particular fields of science or learning. When an advanced specialized degree has become a standard requirement for a particular occupation, that occupation may have acquired the characteristics of a learned profession. Accrediting and certifying organizations similar to those listed in paragraphs (e)(1), (e)(3), (e)(4) and (e)(8) of this section also may be created in the future. Such organizations may develop similar specialized curriculums and certification programs which, if a standard requirement for a particular occupation, may indicate that the occupation has acquired the characteristics of a learned profession.

§ 541.302 Creative professionals.

(a) To qualify for the creative professional exemption, an employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as opposed to routine mental, manual, mechanical or physical work. The exemption does not apply to work which can be produced by a person with general manual or intellectual ability and training.

(b) To qualify for exemption as a creative professional, the work performed must be "in a recognized field of artistic or creative endeavor." This includes such fields as music, writing, acting and the graphic arts.

(c) The requirement of "invention, imagination, originality or talent" distinguishes the creative professions from work that primarily depends on intelligence, diligence and accuracy. The duties of employees vary widely, and exemption as a creative professional depends on the extent of the invention, imagination, originality or talent exercised by the employee. Determination of exempt creative professional status, therefore, must be made on a case-by-case basis. This requirement generally is met by actors, mu-

sicians, composers, conductors, and soloists; painters who at most are given the subject matter of their painting; cartoonists who are merely told the title or underlying concept of a cartoon and must rely on their own creative ability to express the concept; essayists, novelists, short-story writers and screen-play writers who choose their own subjects and hand in a finished piece of work to their employers (the majority of such persons are, of course, not employees but self-employed); and persons holding the more responsible writing positions in advertising agencies. This requirement generally is not met by a person who is employed as a copyist, as an "animator" of motion-picture cartoons, or as a retoucher of photographs, since such work is not properly described as creative in character.

(d) Journalists may satisfy the duties requirements for the creative professional exemption if their primary duty is work requiring invention, imagination, originality or talent, as opposed to work which depends primarily on intelligence, diligence and accuracy. Employees of newspapers, magazines, television and other media are not exempt creative professionals if they only collect, organize and record information that is routine or already public, or if they do not contribute a unique interpretation or analysis to a news product. Thus, for example, newspaper reporters who merely rewrite press releases or who write standard recounts of public information by gathering facts on routine community events are not exempt creative professionals. Reporters also do not qualify as exempt creative professionals if their work product is subject to substantial control by the employer. However, journalists may qualify as exempt creative professionals if their primary duty is performing on the air in radio, television or other electronic media; conducting investigative interviews; analyzing or interpreting public events; writing editorials, opinion columns or other commentary; or acting as a narrator or commentator.

§ 541.303 Teachers.

(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act also means any employee with a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed. The term "educational establishment" is defined in § 541.204(b).

(b) Exempt teachers include, but are not limited to: Regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

(c) The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or

unlimited) used by the State to refer to different kinds of certificates. However, private schools and public schools are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and a teacher's certificate is not generally necessary for employment in institutions of higher education or other educational establishments. Therefore, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

(d) The requirements of §541.300 and Subpart G (salary requirements) of this part do not apply to the teaching professionals described in this section.

§ 541.304 Practice of law or medicine.

(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act shall mean:

(1) Any employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and is actually engaged in the practice thereof; and

(2) Any employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of the profession.

(b) In the case of medicine, the exemption applies to physicians and other practitioners licensed and practicing in the field of medical science and healing or any of the medical specialties practiced by physicians or practitioners. The term "physicians" includes medical doctors including general practitioners and specialists, osteopathic physicians (doctors of osteopathy), podiatrists, dentists (doctors of dental medicine), and optometrists (doctors of optometry or bachelors of science in optometry).

(c) Employees engaged in internship or resident programs, whether or not licensed to practice prior to commencement of the program, qualify as exempt professionals if they enter such internship or resident programs after the earning of the appropriate degree required for the general practice of their profession.

(d) The requirements of §541.300 and subpart G (salary requirements) of this part do not apply to the employees described in this section.

SUBPART E—COMPUTER EMPLOYEES (§§ 541.400–541.402)

§ 541.400 General rule for computer employees.

(a) Computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field are eligible for exemption as professionals under section 13(a)(1) of the Act and under section 13(a)(17) of the Act. Because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption.

(b) The section 13(a)(1) exemption applies to any computer employee who is compensated on a salary or fee basis at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging, or other facilities.

The section 13(a)(17) exemption applies to any computer employee compensated on an hourly basis at a rate of not less than \$27.63 an hour. In addition, under either section 13(a)(1) or section 13(a)(17) of the Act, the ex-

emptions apply only to computer employees whose primary duty consists of:

(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties, the performance of which requires the same level of skills.

(c) The term "salary basis" is defined at §541.602; "fee basis" is defined at §541.605; "board, lodging or other facilities" is defined at §541.606; and "primary duty" is defined at §541.700.

§ 541.401 Computer manufacture and repair.

The exemption for employees in computer occupations does not include employees engaged in the manufacture or repair of computer hardware and related equipment. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in §541.400(b), are also not exempt computer professionals.

§ 541.402 Executive and administrative computer employees.

Computer employees within the scope of this exemption, as well as those employees not within its scope, may also have executive and administrative duties which qualify the employees for exemption under subpart B or subpart C of this part. For example, systems analysts and computer programmers generally meet the duties requirements for the administrative exemption if their primary duty includes work such as planning, scheduling, and coordinating activities required to develop systems to solve complex business, scientific or engineering problems of the employer or the employer's customers<<, constituents or stakeholders>>. Similarly, a senior or lead computer programmer who manages the work of two or more other programmers in a customarily recognized department or subdivision of the employer, and whose recommendations as to the hiring, firing, advancement, promotion or other change of status of the other programmers are given particular weight, generally meets the duties requirements for the executive exemption.

<<SUBPART F—Reserved>>[SUBPART F— OUTSIDE SALES EMPLOYEES (§§ 541.500– 541.504)]

§ 541.500 General rule for outside sales employees.

(a) The term "employee employed in the capacity of outside salesman" in section 13(a)(1) of the Act shall mean any employee:

(1) Whose primary duty is:

(i) making sales within the meaning of section 3(k) of the Act, or

(ii) obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and

(2) Who is customarily and regularly engaged away from the employer's place or places of business in performing such primary duty.

(b) The term "primary duty" is defined at §541.700. In determining the primary duty of

an outside sales employee, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall be regarded as exempt outside sales work. Other work that furthers the employee's sales efforts also shall be regarded as exempt work including, for example, writing sales reports, updating or revising the employee's sales or display catalogue, planning itineraries and attending sales conferences.

(c) The requirements of subpart G (salary requirements) of this part do not apply to the outside sales employees described in this section.

§ 541.501 Making sales or obtaining orders.

(a) Section 541.500 requires that the employee be engaged in:

(1) Making sales within the meaning of section 3(k) of the Act, or

(2) Obtaining orders or contracts for services or for the use of facilities.

(b) Sales within the meaning of section 3(k) of the Act include the transfer of title to tangible property, and in certain cases, of tangible and valuable evidences of intangible property. Section 3(k) of the Act states that "sale" or "sell" includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition.

(c) Exempt outside sales work includes not only the sales of commodities, but also "obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer." Obtaining orders for "the use of facilities" includes the selling of time on radio or television, the solicitation of advertising for newspapers and other periodicals, and the solicitation of freight for railroads and other transportation agencies.

(d) The word "services" extends the outside sales exemption to employees who sell or take orders for a service, which may be performed for the customer by someone other than the person taking the order.

§ 541.502 Away from employer's place of business.

An outside sales employee must be customarily and regularly engaged "away from the employer's place or places of business." The outside sales employee is an employee who makes sales at the customer's place of business or, if selling door-to-door, at the customer's home. Outside sales does not include sales made by mail, telephone or the Internet unless such contact is used merely as an adjunct to personal calls. Thus, any fixed site, whether home or office, used by a salesperson as a headquarters or for telephonic solicitation of sales is considered one of the employer's places of business, even though the employer is not in any formal sense the owner or tenant of the property. However, an outside sales employee does not lose the exemption by displaying samples in hotel sample rooms during trips from city to city; these sample rooms should not be considered as the employer's places of business. Similarly, an outside sales employee does not lose the exemption by displaying the employer's products at a trade show. If selling actually occurs, rather than just sales promotion, trade shows of short duration (i.e., one or two weeks) should not be considered as the employer's place of business.

§ 541.503 Promotion work.

(a) Promotion work is one type of activity often performed by persons who make sales, which may or may not be exempt outside sales work, depending upon the circumstances under which it is performed. Promotional work that is actually performed incidental to and in conjunction with an employee's own outside sales or solicitations is

exempt work. On the other hand, promotional work that is incidental to sales made, or to be made, by someone else is not exempt outside sales work. An employee who does not satisfy the requirements of this subpart may still qualify as an exempt employee under other subparts of this rule.

(b) A manufacturer's representative, for example, may perform various types of promotional activities such as putting up displays and posters, removing damaged or spoiled stock from the merchant's shelves or rearranging the merchandise. Such an employee can be considered an exempt outside sales employee if the employee's primary duty is making sales or contracts. Promotion activities directed toward consummation of the employee's own sales are exempt. Promotional activities designed to stimulate sales that will be made by someone else are not exempt outside sales work.

(c) Another example is a company representative who visits chain stores, arranges the merchandise on shelves, replenishes stock by replacing old with new merchandise, sets up displays and consults with the store manager when inventory runs low, but does not obtain a commitment for additional purchases. The arrangement of merchandise on the shelves or the replenishing of stock is not exempt work unless it is incidental to and in conjunction with the employee's own outside sales. Because the employee in this instance does not consummate the sale nor direct efforts toward the consummation of a sale, the work is not exempt outside sales work.

§ 541.504 Drivers who sell.

(a) Drivers who deliver products and also sell such products may qualify as exempt outside sales employees only if the employee has a primary duty of making sales. In determining the primary duty of drivers who sell, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including loading, driving or delivering products, shall be regarded as exempt outside sales work.

(b) Several factors should be considered in determining if a driver has a primary duty of making sales, including, but not limited to: a comparison of the driver's duties with those of other employees engaged as truck drivers and as salespersons; possession of a selling or solicitor's license when such license is required by law or ordinances; presence or absence of customary or contractual arrangements concerning amounts of products to be delivered; description of the employee's occupation in collective bargaining agreements; the employer's specifications as to qualifications for hiring; sales training; attendance at sales conferences; method of payment; and proportion of earnings directly attributable to sales.

(c) Drivers who may qualify as exempt outside sales employees include:

(1) A driver who provides the only sales contact between the employer and the customers visited, who calls on customers and takes orders for products, who delivers products from stock in the employee's vehicle or procures and delivers the product to the customer on a later trip, and who receives compensation commensurate with the volume of products sold.

(2) A driver who obtains or solicits orders for the employer's products from persons who have authority to commit the customer for purchases.

(3) A driver who calls on new prospects for customers along the employee's route and attempts to convince them of the desirability of accepting regular delivery of goods.

(4) A driver who calls on established customers along the route and persuades reg-

ular customers to accept delivery of increased amounts of goods or of new products, even though the initial sale or agreement for delivery was made by someone else.

(d) Drivers who generally would not qualify as exempt outside sales employees include:

(1) A route driver whose primary duty is to transport products sold by the employer through vending machines and to keep such machines stocked, in good operating condition, and in good locations.

(2) A driver who often calls on established customers day after day or week after week, delivering a quantity of the employer's products at each call when the sale was not significantly affected by solicitations of the customer by the delivering driver or the amount of the sale is determined by the volume of the customer's sales since the previous delivery.

(3) A driver primarily engaged in making deliveries to customers and performing activities intended to promote sales by customers (including placing point-of-sale and other advertising materials, price stamping commodities, arranging merchandise on shelves, in coolers or in cabinets, rotating stock according to date, and cleaning and otherwise servicing display cases), unless such work is in furtherance of the driver's own sales efforts.]

SUBPART G—SALARY REQUIREMENTS (§§ 541.600–541.607)

§ 541.600 Amount of salary required.

(a) To qualify as an exempt executive, administrative or professional employee under section 13(a)(1) of the Act, an employee must be compensated on a salary basis at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal Government, or \$380 per week if employed in American Samoa by employers other than the Federal Government)], exclusive of board, lodging or other facilities. Administrative and professional employees may also be paid on a fee basis, as defined in § 541.605.

(b) The required amount of compensation per week may be translated into equivalent amounts for periods longer than one week. For example, the \$684-per-week requirement will be met if the employee is compensated biweekly on a salary basis of not less than \$1,368, semimonthly on a salary basis of not less than \$1,482, or monthly on a salary basis of not less than \$2,964. However, the shortest period of payment that will meet this compensation requirement is one week.

(c) In the case of academic administrative employees, the compensation requirement also may be met by compensation on a salary basis at a rate at least equal to the entrance salary for teachers in the educational establishment by which the employee is employed, as provided in § 541.204(a)(1).

(d) In the case of computer employees, the compensation requirement also may be met by compensation on an hourly basis at a rate not less than \$27.63 an hour, as provided in § 541.400(b).

(e) In the case of professional employees, the compensation requirements in this section shall not apply to employees engaged as teachers (see § 541.303); employees who hold a valid license or certificate permitting the practice of law or medicine or any of their branches and are actually engaged in the practice thereof (see § 541.304); or to employees who hold the requisite academic degree for the general practice of medicine and are engaged in an internship or resident program pursuant to the practice of the profession (see § 541.304). In the case of medical occupations, the exception from the salary or fee

requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, social workers, psychologists, psychometrists, or other professions which service the medical profession.

§ 541.601 Highly compensated employees.

(a)(1) Beginning on [January 1, 2020]<<the effective date of these Substantive Regulations>>, an employee with total annual compensation of at least \$107,432 is deemed exempt under section 13(a)(1) of the Act if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee as identified in subparts B, C or D of this part.

(2) Where the annual period covers periods both prior to and after [January 1, 2020]<<the effective date of these Substantive Regulations>>, the amount of total annual compensation due will be determined on a proportional basis.

(b)(1) "Total annual compensation" must include at least \$684 per week paid on a salary or fee basis as set forth in §§ 541.602 and 541.605, except that 541.602(a)(3) shall not apply to highly compensated employees. Total annual compensation may also include commissions, nondiscretionary bonuses and other nondiscretionary compensation earned during a 52-week period. Total annual compensation does not include board, lodging and other facilities as defined in § 541.606, and does not include payments for medical insurance, payments for life insurance, contributions to retirement plans and the cost of other fringe benefits.

(2) If an employee's total annual compensation does not total at least the amount specified in the applicable subsection of paragraph (a) by the last pay period of the 52-week period, the employer may, during the last pay period or within one month after the end of the 52-week period, make one final payment sufficient to achieve the required level. For example, for a 52-week period [beginning January 1, 2020], an employee may earn \$90,000 in base salary, and the employer may anticipate [based upon past sales] that the employee also will earn \$17,432 in [commissions]<<other payments>>. However, [due to poor sales] in the final quarter of the year, the employee actually only earns \$12,000 in [commissions]<<other payments>>. In this situation, the employer may within one month after the end of the year make a payment of at least \$5,432 to the employee. Any such final payment made after the end of the 52-week period may count only toward the prior year's total annual compensation and not toward the total annual compensation in the year it was paid. If the employer fails to make such a payment, the employee does not qualify as a highly compensated employee, but may still qualify as exempt under subparts B, C, or D of this part.

(3) An employee who does not work a full year for the employer, either because the employee is newly hired after the beginning of the year or ends the employment before the end of the year, may qualify for exemption under this section if the employee receives a pro rata portion of the minimum amount established in paragraph (a) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (b)(2) of this section within one month after the end of employment.

(4) The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply.

(c) A high level of compensation is a strong indicator of an employee's exempt status, thus eliminating the need for a detailed analysis of the employee's job duties. Thus, a highly compensated employee will qualify for exemption if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in subparts B, C or D of this part. An employee may qualify as a highly compensated executive employee, for example, if the employee customarily and regularly directs the work of two or more other employees, even though the employee does not meet all of the other requirements for the executive exemption under §541.100.

(d) This section applies only to employees whose primary duty includes performing office or non-manual work. Thus, for example, non-management production-line workers and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers, laborers and other employees who perform work involving repetitive operations with their hands, physical skill and energy are not exempt under this section no matter how highly paid they might be.

§ 541.602 Salary basis.

(a) General rule. An employee will be considered to be paid on a "salary basis" within the meaning of this part if the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of the employee's compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed.

(1) Subject to the exceptions provided in paragraph (b) of this section, an exempt employee must receive the full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work.

(2) An employee is not paid on a salary basis if deductions from the employee's predetermined compensation are made for absences occasioned by the employer or by the operating requirements of the [business] <<employing office>>. If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

(3) Up to ten percent of the salary amount required by §541.600(a) may be satisfied by the payment of nondiscretionary bonuses, incentives and commissions, that are paid annually or more frequently. The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply. This provision does not apply to highly compensated employees under §541.601.

(i) If by the last pay period of the 52-week period the sum of the employee's weekly salary plus nondiscretionary bonus, incentive, and commission payments received is less than 52 times the weekly salary amount required by §541.600(a), the employer may make one final payment sufficient to achieve the required level no later than the next pay period after the end of the year. Any such final payment made after the end of the 52-week period may count only toward the prior year's salary amount and not toward the salary amount in the year it was paid.

(ii) An employee who does not work a full 52-week period for the employer, either because the employee is newly hired after the

beginning of this period or ends the employment before the end of this period, may qualify for exemption if the employee receives a pro rata portion of the minimum amount established in paragraph (a)(3) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (a)(3)(i) of this section within one pay period after the end of employment.

(b) Exceptions. The prohibition against deductions from pay in the salary basis requirement is subject to the following exceptions:

(1) Deductions from pay may be made when an exempt employee is absent from work for one or more full days for personal reasons, other than sickness or disability. Thus, if an employee is absent for two full days to handle personal affairs, the employee's salaried status will not be affected if deductions are made from the salary for two full-day absences. However, if an exempt employee is absent for one and a half days for personal reasons, the employer can deduct only for the one full-day absence.

(2) Deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. The employer is not required to pay any portion of the employee's salary for full-day absences for which the employee receives compensation under the plan, policy or practice. Deductions for such full-day absences also may be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance thereunder. Thus, for example, if an employer maintains a short-term disability insurance plan providing salary replacement for 12 weeks starting on the fourth day of absence, the employer may make deductions from pay for the three days of absence before the employee qualifies for benefits under the plan; for the twelve weeks in which the employee receives salary replacement benefits under the plan; and for absences after the employee has exhausted the 12 weeks of salary replacement benefits. [Similarly, an employer may make deductions from pay for absences of one or more full days if salary replacement benefits are provided under a State disability insurance law or under a State workers' compensation law.]

(3) While an employer cannot make deductions from pay for absences of an exempt employee occasioned by jury duty, attendance as a witness or temporary military leave, the employer can offset any amounts received by an employee as jury fees, witness fees or military pay for a particular week against the salary due for that particular week without loss of the exemption.

(4) Deductions from pay of exempt employees may be made for penalties imposed in good faith for infractions of safety rules of major significance. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees, such as rules prohibiting smoking in explosive plants, oil refineries and coal mines.

(5) Deductions from pay of exempt employees may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed pursuant to a written policy applicable to all employees. Thus, for example, an employer may suspend an exempt employee without pay for three days for violating a generally applicable written policy prohib-

iting sexual harassment. Similarly, an employer may suspend an exempt employee without pay for twelve days for violating a generally applicable written policy prohibiting workplace violence.

(6) An employer is not required to pay the full salary in the initial or terminal week of employment. Rather, an employer may pay a proportionate part of an employee's full salary for the time actually worked in the first and last week of employment. In such weeks, the payment of an hourly or daily equivalent of the employee's full salary for the time actually worked will meet the requirement. However, employees are not paid on a salary basis within the meaning of these regulations if they are employed occasionally for a few days, and the employer pays them a proportionate part of the weekly salary when so employed.

(7) An employer is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. Rather, when an exempt employee takes unpaid leave under the Family and Medical Leave Act, an employer may pay a proportionate part of the full salary for time actually worked. For example, if an employee who normally works 40 hours per week uses four hours of unpaid leave under the Family and Medical Leave Act, the employer could deduct 10 percent of the employee's normal salary that week.

(c) When calculating the amount of a deduction from pay allowed under paragraph (b) of this section, the employer may use the hourly or daily equivalent of the employee's full weekly salary or any other amount proportional to the time actually missed by the employee. A deduction from pay as a penalty for violations of major safety rules under paragraph (b)(4) of this section may be made in any amount.

§ 541.603 Effect of improper deductions from salary.

(a) An employer who makes improper deductions from salary shall lose the exemption if the facts demonstrate that the employer did not intend to pay employees on a salary basis. An actual practice of making improper deductions demonstrates that the employer did not intend to pay employees on a salary basis. The factors to consider when determining whether an employer has an actual practice of making improper deductions include, but are not limited to: the number of improper deductions, particularly as compared to the number of employee infractions warranting discipline; the time period during which the employer made improper deductions; the number and geographic location of employees whose salary was improperly reduced; the number and geographic location of managers responsible for taking the improper deductions; and whether the employer has a clearly communicated policy permitting or prohibiting improper deductions.

(b) If the facts demonstrate that the employer has an actual practice of making improper deductions, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. Employees in different job classifications or who work for different managers do not lose their status as exempt employees. Thus, for example, if a manager [at a company facility] routinely docks the pay of engineers at that facility for partial-day personal absences, then all engineers at that facility whose pay could have been improperly docked by the manager would lose the exemption; engineers at other facilities or working for other managers, however, would remain exempt.

(c) Improper deductions that are either isolated or inadvertent will not result in loss of

the exemption for any employees subject to such improper deductions, if the employer reimburses the employees for such improper deductions.

(d) If an employer has a clearly communicated policy that prohibits the improper pay deductions specified in § 541.602(a) and includes a complaint mechanism, reimburses employees for any improper deductions and makes a good faith commitment to comply in the future, such employer will not lose the exemption for any employees unless the employer willfully violates the policy by continuing to make improper deductions after receiving employee complaints. If an employer fails to reimburse employees for any improper deductions or continues to make improper deductions after receiving employee complaints, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. The best evidence of a clearly communicated policy is a written policy that was distributed to employees prior to the improper pay deductions by, for example, providing a copy of the policy to employees at the time of hire, publishing the policy in an employee handbook or publishing the policy on the employer's Intranet.

(e) This section shall not be construed in an unduly technical manner so as to defeat the exemption.

§ 541.604 Minimum guarantee plus extras.

(a) An employer may provide an exempt employee with additional compensation without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly-required amount paid on a salary basis. Thus, for example, an exempt employee guaranteed at least \$684 each week paid on a salary basis may also receive additional compensation of a one percent commission on sales. An exempt employee also may receive a percentage of the sales or profits of the employer if the employment arrangement also includes a guarantee of at least \$684 each week paid on a salary basis. Similarly, the exemption is not lost if an exempt employee who is guaranteed at least \$684 each week paid on a salary basis also receives additional compensation based on hours worked for work beyond the normal workweek. Such additional compensation may be paid on any basis (e.g., flat sum, bonus payment, straight-time hourly amount, time and one-half or any other basis), and may include paid time off.

(b) An exempt employee's earnings may be computed on an hourly, a daily or a shift basis, without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly required amount paid on a salary basis regardless of the number of hours, days or shifts worked, and a reasonable relationship exists between the guaranteed amount and the amount actually earned. The reasonable relationship test will be met if the weekly guarantee is roughly equivalent to the employee's usual earnings at the assigned hourly, daily or shift rate for the employee's normal scheduled workweek. Thus, for example, an exempt employee guaranteed compensation of at least \$725 for any week in which the employee performs any work, and who normally works four or five shifts each week, may be paid \$210 per shift without violating the \$684-per-week salary basis requirement. The reasonable relationship requirement applies only if the employee's pay is computed on an hourly, daily or shift basis. It does not apply, for example, to an exempt store man-

ager paid a guaranteed salary per week that exceeds the current salary level who also receives a commission of one-half percent of all sales in the store or five percent of the store's profits, which in some weeks may total as much as, or even more than, the guaranteed salary.

§ 541.605 Fee basis.

(a) Administrative and professional employees may be paid on a fee basis, rather than on a salary basis. An employee will be considered to be paid on a "fee basis" within the meaning of these regulations if the employee is paid an agreed sum for a single job regardless of the time required for its completion. These payments resemble piecework payments with the important distinction that generally a "fee" is paid for the kind of job that is unique rather than for a series of jobs repeated an indefinite number of times and for which payment on an identical basis is made over and over again. Payments based on the number of hours or days worked and not on the accomplishment of a given single task are not considered payments on a fee basis.

(b) To determine whether the fee payment meets the minimum amount of salary required for exemption under these regulations, the amount paid to the employee will be tested by determining the time worked on the job and whether the fee payment is at a rate that would amount to at least the minimum salary per week, as required by §§ 541.600(a) and 541.602(a), if the employee worked 40 hours. Thus, an artist paid \$350 for a picture that took 20 hours to complete meets the \$684 minimum salary requirement for exemption since earnings at this rate would yield the artist \$700 if 40 hours were worked.

§ 541.606 Board, lodging or other facilities.

(a) To qualify for exemption under section 13(a)(1) of the Act, an employee must earn the minimum salary amount set forth in § 541.600, "exclusive of board, lodging or other facilities." The phrase "exclusive of board, lodging or other facilities" means "free and clear" or independent of any claimed credit for non-cash items of value that an employer may provide to an employee. Thus, the costs incurred by an employer to provide an employee with board, lodging or other facilities may not count towards the minimum salary amount required for exemption under this part 541. Such separate transactions are not prohibited between employers and their exempt employees, but the costs to employers associated with such transactions may not be considered when determining if an employee has received the full required minimum salary payment.

(b) Regulations defining what constitutes "board, lodging, or other facilities" are contained in 29 CFR part 531. As described in 29 CFR 531.32, the term "other facilities" refers to items similar to board and lodging, such as meals furnished at company restaurants or cafeterias or by hospitals, hotels, or restaurants to their employees; meals, dormitory rooms, and tuition furnished by a college to its student employees; merchandise furnished at company stores or commissaries, including articles of food, clothing, and household effects; housing furnished for dwelling purposes; and transportation furnished to employees for ordinary commuting between their homes and work.

[§ 541.607] [Reserved by 85 FR 34970 Effective: June 8, 2020] <<541.607—Reserved.>>

SUBPART H—DEFINITIONS AND MISCELLANEOUS PROVISIONS (§§ 541.700–541.710)

§ 541.700 Primary duty.

(a) To qualify for exemption under this part, an employee's "primary duty" must be

the performance of exempt work. The term "primary duty" means the principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

(b) The amount of time spent performing exempt work can be a useful guide in determining whether exempt work is the primary duty of an employee. Thus, employees who spend more than 50 percent of their time performing exempt work will generally satisfy the primary duty requirement. Time alone, however, is not the sole test, and nothing in this section requires that exempt employees spend more than 50 percent of their time performing exempt work. Employees who do not spend more than 50 percent of their time performing exempt duties may nonetheless meet the primary duty requirement if the other factors support such a conclusion.

(c) Thus, for example, assistant managers in a retail establishment who perform exempt executive work such as supervising and directing the work of other employees, ordering merchandise, managing the budget and authorizing payment of bills may have management as their primary duty even if the assistant managers spend more than 50 percent of the time performing nonexempt work such as running the cash register. However, if such assistant managers are closely supervised and earn little more than the nonexempt employees, the assistant managers generally would not satisfy the primary duty requirement.

§ 541.701 Customarily and regularly.

The phrase "customarily and regularly" means a frequency that must be greater than occasional but which, of course, may be less than constant. Tasks or work performed "customarily and regularly" includes work normally and recurrently performed every workweek; it does not include isolated or one-time tasks.

§ 541.702 Exempt and nonexempt work.

The term "exempt work" means all work described in §§ 541.100, 541.101, 541.200, 541.300, 541.301, 541.302, 541.303, 541.304, <<and>> 541.400 [and 541.500], and the activities directly and closely related to such work. All other work is considered "nonexempt."

§ 541.703 Directly and closely related.

(a) Work that is "directly and closely related" to the performance of exempt work is also considered exempt work. The phrase "directly and closely related" means tasks that are related to exempt duties and that contribute to or facilitate performance of exempt work. Thus, "directly and closely related" work may include physical tasks and menial tasks that arise out of exempt duties, and the routine work without which the exempt employee's exempt work cannot be performed properly. Work "directly and closely related" to the performance of exempt duties may also include recordkeeping; monitoring and adjusting machinery; taking notes; using the computer to create documents or presentations; opening the mail for the purpose of reading it and making decisions; and using a photocopier or fax machine. Work is not "directly and closely related" if the work is remotely related or completely unrelated to exempt duties.

(b) The following examples further illustrate the type of work that is and is not normally considered as directly and closely related to exempt work:

(1) Keeping time, production or sales records for subordinates is work directly and closely related to an exempt executive's function of managing a department and supervising employees.

(2) The distribution of materials, merchandise or supplies to maintain control of the flow of and expenditures for such items is directly and closely related to the performance of exempt duties.

(3) A supervisor who spot checks and examines the work of subordinates to determine whether they are performing their duties properly, and whether the product is satisfactory, is performing work which is directly and closely related to managerial and supervisory functions, so long as the checking is distinguishable from the work ordinarily performed by a nonexempt inspector.

(4) A supervisor who sets up a machine may be engaged in exempt work, depending upon the nature of the industry and the operation. In some cases the setup work, or adjustment of the machine for a particular job, is typically performed by the same employees who operate the machine. Such setup work is part of the production operation and is not exempt. In other cases, the setting up of the work is a highly skilled operation which the ordinary production worker or machine tender typically does not perform. In large plants, non-supervisors may perform such work. However, particularly in small plants, such work may be a regular duty of the executive and is directly and closely related to the executive's responsibility for the work performance of subordinates and for the adequacy of the final product. Under such circumstances, it is exempt work.

(5) A department manager in a retail or service establishment who walks about the sales floor observing the work of sales personnel under the employee's supervision to determine the effectiveness of their sales techniques, checks on the quality of customer service being given, or observes customer preferences is performing work which is directly and closely related to managerial and supervisory functions.

(6) A business consultant may take extensive notes recording the flow of work and materials through the office or plant of the client; after returning to the office of the employer, the consultant may personally use the computer to type a report and create a proposed table of organization. Standing alone, or separated from the primary duty, such note-taking and typing would be routine in nature. However, because this work is necessary for analyzing the data and making recommendations, the work is directly and closely related to exempt work. While it is possible to assign note-taking and typing to nonexempt employees, and in fact it is frequently the practice to do so, delegating such routine tasks is not required as a condition of exemption.

(7) A [credit] manager who makes and administers the [credit]<<budget>> policy of the [employer]<<employing office>>, establishes [credit]<<spending>> limits for [customers]<<the employing office>>, <<and>> authorizes [the shipment of orders on credit, and makes decisions on whether to exceed credit limits]<<expenditures>> would be performing work exempt under §541.200. Work that is directly and closely related to these exempt duties may include checking the status of accounts to determine whether the credit limit would be exceeded by the shipment of a new order, removing credit reports from the files for analysis, and writing letters giving credit data and experience to other employers or credit agencies.

(8) A traffic manager in charge of planning a company's transportation, including the most economical and quickest routes for shipping merchandise to and from the plant, contracting for common-carrier and other transportation facilities, negotiating with carriers for adjustments for damages to merchandise, and making the necessary rearrangements resulting from delays, damages or irregularities in transit, is performing exempt work. If the employee also spends part of the day taking telephone orders for local deliveries, such order-taking is a routine function and is not directly and closely related to the exempt work.

(9) An example of work directly and closely related to exempt professional duties is a chemist performing menial tasks such as cleaning a test tube in the middle of an original experiment, even though such menial tasks can be assigned to laboratory assistants.

(10) A teacher performs work directly and closely related to exempt duties when, while taking students on a field trip, the teacher drives a school van or monitors the students' behavior in a restaurant.

§ 541.704 Use of manuals.

The use of manuals, guidelines or other established procedures containing or relating to highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills does not preclude exemption under section 13(a)(1) of the Act or the regulations in this part. Such manuals and procedures provide guidance in addressing difficult or novel circumstances and thus use of such reference material would not affect an employee's exempt status. The section 13(a)(1) exemptions are not available, however, for employees who simply apply well-established techniques or procedures described in manuals or other sources within closely prescribed limits to determine the correct response to an inquiry or set of circumstances.

§ 541.705 Trainees.

The executive, administrative, professional, [outside sales] and computer employee exemptions do not apply to employees training for employment in an executive, administrative, professional, [outside sales] or computer employee capacity who are not actually performing the duties of an executive, administrative, professional, [outside sales] or computer employee.

§ 541.706 Emergencies.

(a) An exempt employee will not lose the exemption by performing work of a normally nonexempt nature because of the existence of an emergency. Thus, when emergencies arise that threaten the safety of employees, a cessation of operations or serious damage to the employer's property, any work performed in an effort to prevent such results is considered exempt work.

(b) An "emergency" does not include occurrences that are not beyond control or for which the employer can reasonably provide in the normal course of business. Emergencies generally occur only rarely, and are events that the employer cannot reasonably anticipate.

(c) The following examples illustrate the distinction between emergency work considered exempt work and routine work that is not exempt work:

(1) [A mine superintendent who pitches in after an explosion and digs out workers who are trapped in the mine is still a bona fide executive.] <<Reserved.>>

(2) Assisting nonexempt employees with their work during periods of heavy workload or to handle rush orders is not exempt work.

(3) Replacing a nonexempt employee during the first day or partial day of an illness may be considered exempt emergency work depending on factors such as the size of the [establishment]<<location>> and of the executive's department, the nature of the [industry]<<work performed by the employing office>>, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly.

(4) Regular repair and cleaning of equipment is not emergency work, even when necessary to prevent fire or explosion; however, repairing equipment may be emergency work if the breakdown of or damage to the equipment was caused by accident or carelessness that the employer could not reasonably anticipate.

§ 541.707 Occasional tasks.

Occasional, infrequently recurring tasks that cannot practicably be performed by nonexempt employees, but are the means for an exempt employee to properly carry out exempt functions and responsibilities, are considered exempt work. The following factors should be considered in determining whether such work is exempt work: Whether the same work is performed by any of the exempt employee's subordinates; practicability of delegating the work to a nonexempt employee; whether the exempt employee performs the task frequently or occasionally; and existence of an industry practice for the exempt employee to perform the task.

§ 541.708 Combination exemptions.

Employees who perform a combination of exempt duties as set forth in the regulations in this part for executive, administrative, professional, [outside sales] and computer employees may qualify for exemption. Thus, for example, an employee whose primary duty involves a combination of exempt administrative and exempt executive work may qualify for exemption. In other words, work that is exempt under one section of this part will not defeat the exemption under any other section.

§ [541.709 Motion picture producing industry.

The requirement that the employee be paid "on a salary basis" does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least \$1,043 per week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under subparts B, C, or D of this part, and who is employed at a base rate of at least the applicable current minimum amount a week is exempt if paid a proportionate amount (based on a week of not more than 6 days) for any week in which the employee does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if the employee is employed at a daily rate under the following circumstances:

(a) The employee is in a job category for which a weekly base rate is not provided and the daily base rate would yield at least the minimum weekly amount if 6 days were worked; or

(b) The employee is in a job category having the minimum weekly base rate and the daily base rate is at least one-sixth of such weekly base rate.] <<541.709 Reserved.>>

§ 541.710 [Employees of public agencies]<<Effect of certain deductions on exempt employee pay>>.

(a) An employee [of a public agency] who otherwise meets the salary basis requirements of §541.602 shall not be disqualified from exemption under §§541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system established by statute, ordinance or regulation, or by a policy or practice established

pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the [public agency] employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less

than one work-day when accrued leave is not used by an employee because:

- (1) Permission for its use has not been sought or has been sought and denied;
- (2) Accrued leave has been exhausted; or
- (3) The employee chooses to use leave without pay.

(b) Deductions from the pay of an employee [of a public agency] for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 1638, the Gilt Edge Mine Conveyance Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 3304, the AUTO for Veterans Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 3304

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|--------------------------------------|---|------|------|------|------|------|------|------|------|------|------|-----------|-----------|
| | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2022–2027 | 2022–2032 |
| Statutory Pay-As-You-Go Impact | 0 | 24 | 31 | 35 | 37 | 40 | 25 | 28 | 30 | –286 | 35 | 167 | –1 |

Components may not sum to totals because of rounding.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 3482, the National Center for the Advancement of Aviation Act of 2022, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 4081, the Informing Consumers about Smart Devices Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 5918, to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9/11 Educational Assistance, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5918

| | By fiscal year, in millions of dollars— | | | | | | | | | | | | |
|--------------------------------------|---|------|------|------|------|------|------|------|------|------|------|-----------|-----------|
| | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2022–2027 | 2022–2032 |
| Statutory Pay-As-You-Go Impact | 0 | 1 | 4 | 4 | 3 | 4 | 3 | 3 | 3 | –35 | 2 | 16 | –8 |

Components may not sum to totals because of rounding.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 6364, to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses, and for other purposes, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 6889, the Credit Union Board Modernization Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 6967, the Chance to Compete Act of 2022, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 8466, the Chai Suthammanont Healthy Federal Workplaces Act of 2022, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 8875, the Expanding Home Loans for Guard and Reservists Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

EC-5319. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

EC-5320. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

EC-5321. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

EC-5322. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

EC-5323. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

EC-5324. A letter from the Assistant Secretary for Defense for Nuclear, Chemical, and Biological Defense Programs, Department of Defense, transmitting a letter regarding the request made in House Report 116-453; to the Committee on Armed Services.

EC-5325. A letter from the Chair of the Board and Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's FY 2021 actuarial evaluation of the expected operations and status of the PBGC funds, pursuant to 29 U.S.C. 1308; Public Law 93-406, Sec. 4008 (as amended by Public Law 109-280, Sec. 412); (120 Stat. 936); to the Committee on Education and Labor.

EC-5326. A letter from the Administrator, Environmental Protection Agency, transmitting the report to Congress, "America's Water Infrastructure Act (AWIA) Report to Congress — Drinking Water Compliance Monitoring Data Strategic Plan", pursuant to 42 U.S.C. 300g-3(j)(1); July 1, 1944, ch. 373, title XIV, Sec. 1414 (as amended by Public Law 115-270, Sec. 2011); (132 Stat. 3849); to the Committee on Energy and Commerce.

EC-5327. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Zimbabwe that was declared in Executive Order 13288 of March 6, 2003, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

EC-5328. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a memorandum on the continued provision of Secret Service protection for former Assistant to the President for National Security Affairs Robert O'Brien, pursuant to Public Law 116-260, div. F, title V, Sec. 542; (134 Stat. 1477); to the Committee on Oversight and Reform.

EC-5329. A letter from the Secretary, Department of the Treasury, transmitting a letter regarding an administrative funding provision for the Department of the Treasury; to the Committee on Oversight and Reform.

EC-5330. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Depart-

ment's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31439; Amdt. No.: 4018] received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5331. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31437; Amdt. No.: 4016] received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5332. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2021-1075; Project Identifier MCAI-2021-00856-T; Amendment 39-22077; AD 2022-12-05] (RIN: 2120-AA64) September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5333. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Continental Aerospace Technologies, Inc., Lycoming Engines, and Textron Lycoming/Subsidiary of Textron, Inc. Reciprocating Engines [Docket No.: FAA-2022-0983; Project Identifier AD-2022-00614-E; Amendment 39-22132; AD 2022-16-03] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5334. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Embraer S.A. (Type Certificate Previously Held by Yavorã Indústria Aeronáutica S.A.) Airplanes [Docket No. FAA-2022-0976 Project Identifier AD-2022-00722-T Amendment 39-22130 AD 2022-16-01 RIN: 2120-AA64] received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5335. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Aviation Airplanes [Docket No.: FAA-2022-0390; Project Identifier MCAI-2021-00968-T; Amendment 39-22082; AD 2022-12-10] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5336. A letter from the Management and Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Transport Airplanes [Docket No.: FAA-2022-0883; Project Identifier MCAI-2021-01179-T; Amendment 39-22128; AD 2022-15-08] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5337. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Embraer S.A. (Type Certificate Previously Held by Yavorã Indústria Aeronáutica S.A.) Airplanes [Docket No.:

FAA-2022-0399; Project Identifier MCAI-2021-00983-T; Amendment 39-22083; AD 2022-12-11] (RIN: 2120-AA64) received September 22, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5338. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2022-0457; Project Identifier MCAI-2022-00263-T; Amendment 39-22125; AD 2022-15-05] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5339. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes [Docket No.: FAA-2022-0388; Project Identifier MCAI-2020-01604-T; Amendment 39-22088; AD 2022-13-02] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5340. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alexander Schleicher GmbH & Co. Segelflugzeugbau Gliders [Docket No.: FAA-2022-0288; Project Identifier MCAI-2021-00913-G; Amendment 39-22119; AD 2022-14-14] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5341. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Airplanes [Docket No.: FAA-2022-0508; Project Identifier MCAI-2021-01120-T; Amendment 39-22118; AD 2022-14-13] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5342. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cameron Balloons Ltd. Burner Assemblies [Docket No.: FAA-2022-0469; Project Identifier MCAI-2021-00124-Q; Amendment 39-22121; AD 2022-15-02] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5343. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2022-0010; Project Identifier AD-2021-00850-T; Amendment 39-22120; AD 2022-15-01] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5344. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. Turbofan Engines [Docket No.: FAA-2022-0877; Project

Identifier AD-2022-00506-E; Amendment 39-22123; AD 2022-15-04] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5345. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, the Veterans Health Care Act of 2023; to the Committee on Veterans' Affairs.

EC-5346. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, the Veterans Benefit Programs Improvement Act of 2023; to the Committee on Veterans' Affairs.

EC-5347. A letter from the Senior Bureau Official, Bureau of Legislative Affairs, Department of State, transmitting a notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities, pursuant to 22 U.S.C. 5858(a); Public Law 102-511, Sec. 508(a); (106 Stat. 3342); jointly to the Committees on Foreign Affairs and Appropriations.

EC-5348. A letter from the Chair of the Board of Directors, Office of Congressional Workplace Rights, transmitting notice of Adoption of Substantive Regulations and Submission for Congressional Approval, pursuant to 2 U.S.C. 1384(b)(1); Public Law 104-1, Sec. 304(b)(1); (109 Stat. 29); jointly to the Committees on House Administration and Education and Labor.

EC-5349. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, the Department of Veterans Affairs Miscellaneous Programs Improvement Act of 2023; jointly to the Committees on Veterans' Affairs and Oversight and Reform.

EC-5350. A letter from the Inspector General, Office of Inspector General, Department of Health and Human Services, transmitting report, "Medicare Telehealth Services During the First Year of the Pandemic: Program Integrity Risks", pursuant to Public Law 117-103, Sec. 308(c); (136 Stat. 808); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRIJALVA: Committee on Natural Resources. House Resolution 1247. Resolution of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the 2023-2028 five-year program for offshore oil and gas leasing, adversely; with an amendment (Rept. 117-497). Referred to the House Calendar.

Mr. GRIJALVA: Committee on Natural Resources. House Resolution 1248. Resolution of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the compliance with the obligations of the Mineral Leasing Act, adversely; with an amendment (Rept. 117-498). Referred to the House Calendar.

Mr. GRIJALVA: Committee on Natural Resources. House Resolution 1251. Resolution of inquiry directing the Secretary of Agriculture to transmit certain documents to the House of Representatives relating to the mineral withdrawal within the Superior National Forest, adversely; with an amendment (Rept. 117-499). Referred to the House Calendar.

Mr. GRIJALVA: Committee on Natural Resources. House Resolution 1252. Resolution of inquiry directing the Secretary of the Inte-

rior to transmit certain documents to the House of Representatives relating to the mineral withdrawal within the Superior National Forest, adversely; with an amendment (Rept. 117-500). Referred to the House Calendar.

Mr. GRIJALVA: Committee on Natural Resources. H. Res. 1253. Resolution of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the actions of the Department of the Interior's Departmental Ethics Office, adversely; with an amendment (Rept. 117-501). Referred to the House Calendar.

Mr. GRIJALVA: Committee on Natural Resources. H. Res. 1638. A bill to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes, with an amendment (Rept. 117-502). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H. Res. 6364. A bill to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses, and for other purposes (Rept. 117-503). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 5703. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide professional counseling services to victims of emergencies declared under such Act, and for other purposes (Rept. 117-504). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 3482. A bill to establish the National Center for the Advancement of Aviation; with an amendment (Rept. 117-505). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 7321. A bill to amend title 49, United States Code, to require certain air carriers to provide reports with respect to maintenance, preventive maintenance, or alterations, and for other purposes; with an amendment (Rept. 117-506). Referred to the Committee of the Whole House on the state of the Union.

Mr. DESAULNIER: Committee on Rules. House Resolution 1396. Resolution providing for consideration of the bill (H.R. 3843) to promote antitrust enforcement and protect competition through adjusting premerger filing fees, and increasing antitrust enforcement resources; providing for consideration of the bill (H.R. 7780) to support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits; providing for consideration of the bill (S. 3969) to amend the Help America Vote Act of 2002 to explicitly authorize distribution of grant funds to the voting accessibility protection and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Indian consortium, and for other purposes; and for other purposes (Rept. 117-507). Referred to the House Calendar.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 6965. A bill to promote travel and tourism in the United States, and for other purposes; with an amendment (Rept. 117-508, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 4081. A bill to require the disclosure of a camera or recording capa-

bility in certain internet-connected devices (Rept. 117-509). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. House Resolution 1264. Resolution of inquiry requesting the President to transmit to the House of Representatives certain documents relating to misinformation and the preservation of free speech, adversely (Rept. 117-510). Referred to the House Calendar.

Mr. PALLONE: Committee on Energy and Commerce. House Resolution 1261. Resolution of inquiry requesting the President to provide certain documents to the House of Representatives relating to communications and directives with the Federal Trade Commission, adversely (Rept. 117-511). Referred to the House Calendar.

Mr. PALLONE: Committee on Energy and Commerce. House Resolution 1271. Resolution of inquiry requesting the President transmit to the House of Representatives certain documents relating to activities of the National Telecommunications and Information Administration relating to broadband service, adversely (Rept. 117-512). Referred to the House Calendar.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 5141. A bill to amend the Public Health Service Act to expand the allowable use criteria for new access points grants for community health centers; with an amendment (Rept. 117-513). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 8163. A bill to amend the Public Health Service Act with respect to trauma care; with an amendment (Rept. 117-514). Referred to the Committee of the Whole House on the state of the Union.

Ms. VELAQUEZ: Committee on Small Business. House Resolution 1298. Resolution of inquiry directing the Secretary of the Treasury to transmit certain documents to the House of Representatives relating to the role of the Department of the Treasury in the Paycheck Protection Program of the Small Business Administration; with amendments (Rept. 117-515). Referred to the House Calendar.

Mr. PALLONE: Committee on Energy and Commerce. House Resolution 1244. Resolution of inquiry requesting the President and directing the Secretary of Health and Human Services to transmit, respectively, certain documents to the House of Representatives relating to any COVID-19 vaccine, adversely (Rept. 117-516). Referred to the House Calendar.

Ms. WATERS: Committee on Financial Services. H.R. 6889. A bill to mend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes; with amendments (Rept. 117-517). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEAL: Committee on Ways and Means. House Resolution 1269. Resolution of inquiry directing the Secretary of the Treasury to provide certain documents in the Secretary's possession to the House of Representatives relating to the impact of the OECD Pillar One agreement on the United States Treasury (Rept. 117-518), adversely Referred to the House Calendar.

Mr. NEAL: Committee on Ways and Means. House Resolution 1262. Resolution of inquiry directing the Secretary of Health and Human Services to provide to the House of Representatives certain documents in the Secretary's possession regarding the reinterpretation of sections 36B(c)(2)(C)(i)(II) and 5000A(e)(1)(B) of the Internal Revenue Code of 1986, commonly known as the "fix to the family glitch" (Rept. 117-519), adversely Referred to the House Calendar.

Mr. NEAL: Committee on Ways and Means. House Resolution 1285. Resolution requesting the President to transmit certain information to the House of Representatives relating to a waiver of intellectual property commitments under the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (Rept. 117-520), adversely Referred to the House Calendar.

Mr. NEAL: Committee on Ways and Means. House Resolution 1288. Resolution of inquiry directing the Secretary of Labor to provide to the House of Representatives certain documents in the Secretary's possession relating to Unemployment Insurance fraud during the COVID-19 pandemic (Rept. 117-521), adversely Referred to the House Calendar.

Mr. NEAL: Committee on Ways and Means. House Resolution 1246. Resolution of inquiry directing the Secretary of the Treasury to provide certain documents in the Secretary's possession to the House of Representatives relating to recovery rebates under section 6428B of the Internal Revenue Code of 1986 (Rept. 117-522), adversely Referred to the House Calendar.

Mr. NEAL: Committee on Ways and Means. House Resolution 1283. Resolution of inquiry directing the Secretary of the Treasury to provide to the House of Representatives a copy of the Internal Revenue Service Small Business/Self Employed Division Decision Memorandum regarding the decision to destroy approximately 30,000,000 paper information returns around the time of March 2021, and any other memorandum related to the decision to destroy those information returns (Rept. 117-523), adversely Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Foreign Affairs and the Judiciary discharged from further consideration. H.R. 6965 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. LOFGREN:

H.R. 8990. A bill to amend the Ethics in Government Act of 1978 to restrict trading and ownership of covered investments by senior government officials, and for other purposes; to the Committee on Oversight and Reform, and in addition to the Committees on House Administration, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JOHNSON of Texas (for herself, Ms. LOFGREN, Ms. BONAMICI, Ms. STEVENS, and Ms. SHERRILL):

H.R. 8991. A bill to direct the Administrator of the Environmental Protection Agency to conduct a measurement-based national methane research pilot study to quantify methane emissions from certain oil and gas infrastructure, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. BEYER (for himself, Mr. PETERS, Ms. DEGETTE, and Mr. LOWENTHAL):

H.R. 8992. A bill to require a Federal methane super-emitter detection strategy, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CASTEN (for himself and Mr. MELJER):

H.R. 8993. A bill to provide for methane emission detection and mitigation, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. KIM of New Jersey (for himself, Mr. MULLIN, Mrs. AXNE, Mr. VEASEY, Mr. LAWSON of Florida, Mr. WESTERMAN, and Mr. CAREY):

H.R. 8994. A bill to direct the Secretary of Health and Human Services to establish the Emergency Medical Services (EMS) Grant Program through which the Secretary may make grants to EMS organizations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERA:

H.R. 8995. A bill to require the Secretary of Health and Human Services to establish a program to reimburse health care providers for furnishing rabies postexposure prophylaxis to uninsured individuals; to the Committee on Energy and Commerce.

By Mr. BERGMAN:

H.R. 8996. A bill to require certain non-profit and not-for-profit social welfare organizations to submit disclosure reports on foreign funding to the Attorney General; and for other purposes; to the Committee on the Judiciary.

By Mr. BIGGS (for himself, Mr. NORMAN, Mrs. MILLER of Illinois, Mrs. BOEBERT, Mr. GOOD of Virginia, Mr. GOHMERT, Mr. CLINE, Mr. TIFFANY, Mr. GOSAR, Mr. MULLIN, Mr. WITTMAN, Mr. HARRIS, and Mr. PERRY):

H.R. 8997. A bill to prohibit the Administrator of General Services from awarding contracts for certain commercial payment systems under the SmartPay Program, and for other purposes; to the Committee on Oversight and Reform.

By Mr. BUDD:

H.R. 8998. A bill to amend the Securities Exchange Act of 1934 to create a safe harbor for finders and private placement brokers, and for other purposes; to the Committee on Financial Services.

By Mr. CAWTHORN:

H.R. 8999. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the expiration of emergency temporary standards after 6 months; to the Committee on Education and Labor.

By Mr. MICHAEL F. DOYLE of Pennsylvania (for himself, Mr. FITZPATRICK, Mr. PETERS, and Mr. MCKINLEY):

H.R. 9000. A bill to amend the Energy Policy Act of 2005 to establish a Hydrogen Technologies for Heavy Industry Grant Program, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. FLORES:

H.R. 9001. A bill to secure schools, to increase access to mental health resources, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GARCIA of Texas:

H.R. 9002. A bill to direct the Secretary of Veterans Affairs to establish a pilot program for gynecologic cancer care coordination at the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GOSAR:

H.R. 9003. A bill to allow States to authorize State and local law enforcement officers

to enforce the provisions of Federal immigration law relating to unlawful entry into the United States; to the Committee on the Judiciary.

By Mr. GRAVES of Louisiana:

H.R. 9004. A bill to allow the Secretary of the Interior to authorize geological and geophysical surveys for offshore oil and gas exploration; to the Committee on Natural Resources.

By Mrs. HARSHBARGER (for herself and Mr. ROY):

H.R. 9005. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program for the cognitive care of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. HERRELL (for herself and Mr. WESTERMAN):

H.R. 9006. A bill to establish deadlines for the Secretary of the Interior and the Secretary of Agriculture to complete certain environmental reviews, to establish notification rules for receipt of onshore right-of-way applications, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIM of New Jersey (for himself and Ms. SHERRILL):

H.R. 9007. A bill to authorize the Secretary of Health and Human Services to provide grants to medical and other health profession schools to expand or develop education and training programs for substance use prevention and treatment, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KUSTER:

H.R. 9008. A bill to increase the size of the Northeast Home Heating Oil Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MCBATH (for herself and Mr. ARMSTRONG):

H.R. 9009. A bill to establish an inspections regime for the Bureau of Prisons, and for other purposes; to the Committee on Oversight and Reform.

By Mr. MCCAUL (for himself, Mr. CHABOT, Mr. WILSON of South Carolina, Mr. BANKS, Mr. RESCHENTHALER, Mr. GALLAGHER, Mr. BURCHETT, Mr. JOHNSON of Ohio, Mr. KINZINGER, Mr. TIFFANY, Mr. BILIRAKIS, Mr. CURTIS, Mr. CRENSHAW, Mrs. MILLER-MEEKS, Mrs. RADEWAGEN, Mr. LAMBORN, Ms. TENNEY, Mr. GREEN of Tennessee, Ms. STEFANIK, Mr. BARR, Mr. ISSA, Mrs. KIM of California, Mr. DESJARLAIS, Mr. MEUSER, Mr. CARTER of Georgia, Mr. WOMACK, Ms. MACE, Mr. SMITH of New Jersey, Mrs. WAGNER, Mr. WALTZ, Mr. GOODEN of Texas, Mrs. CAMMACK, Mr. FALLON, Mrs. HINSON, Mr. KATKO, Mr. CLINE, and Ms. MALLIOTAKIS):

H.R. 9010. A bill to provide for United States policy toward Taiwan; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, Financial Services, Ways and Means, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McEACHIN:

H.R. 9011. A bill to amend the Federal Food, Drug, and Cosmetic Act to direct the Secretary of Health and Human Services to establish a process to allow the holders of abbreviated new drug applications to make labeling changes to include new or updated safety-related information, and for other

purposes; to the Committee on Energy and Commerce.

By Mrs. MILLER-MEEKS (for herself and Mr. WESTERMAN):

H.R. 9012. A bill to amend the National Environmental Policy Act of 1969 to limit the scope of environmental reviews required by such Act, and for other purposes; to the Committee on Natural Resources.

By Mr. NEHLS (for himself, Mr. GOODEN of Texas, Mr. BANKS, Mr. ELLZEY, Mr. WEBER of Texas, Mr. JACKSON, Mr. BACON, and Mr. JOYCE of Ohio):

H.R. 9013. A bill to authorize grants for crime victims to be distributed to angel families, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 9014. A bill to provide for supplemental appropriations to increase the number of Americorps members and to increase the living allowances of such members, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PANETTA (for himself and Mr. KELLY of Pennsylvania):

H.R. 9015. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion of gain from the sale of a principal residence, and for other purposes; to the Committee on Ways and Means.

By Mr. PETERS (for himself and Mr. MEUSER):

H.R. 9016. A bill to amend the Small Business Act to codify the scorecard program of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. PETERS (for himself and Mrs. MILLER-MEEKS):

H.R. 9017. A bill to amend title 38, United States Code, to promote assistance from entities recognized by the Secretary of Veterans Affairs for individuals who file certain claims under laws administered by the Secretary; to the Committee on Veterans' Affairs.

By Mr. PETERS (for himself, Mr. FITZPATRICK, and Mr. MICHAEL F. DOYLE of Pennsylvania):

H.R. 9018. A bill to require the Secretary of Energy to establish a hydrogen infrastructure finance and innovation pilot program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PORTER (for herself, Ms. DEGETTE, Mr. DOGGETT, Ms. SCHA-KOWSKY, Mr. POCAN, Mr. GRIJALVA, Mr. TAKANO, Ms. CASTOR of Florida, Ms. DELAURO, and Ms. JAYAPAL):

H.R. 9019. A bill to amend title XVIII of the Social Security Act to require complete and accurate data set submissions from Medicare Advantage organizations offering Medicare Advantage plans under part C of the Medicare program to improve transparency, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself, Mr. KELLY of Mississippi, Mr. KILDEE, Mr. KIM of New Jersey, Mr. KAHELE, and Mr. KILMER):

H.R. 9020. A bill to amend the Internal Revenue Code of 1986 to decrease the distance away from home required for a member of a reserve component of the Armed Forces to be eligible for the above-the-line deduction for travel expenses; to the Committee on Ways and Means.

By Mr. SARBANES:

H.R. 9021. A bill to establish uniform accessibility standards for websites and applications of employers, employment agencies, labor organizations, joint labor-management committees, public entities, public accommodations, testing entities, and commercial providers, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. STEVENS (for herself, Mrs. DINGELL, and Ms. JOHNSON of Texas):

H.R. 9022. A bill to support research, development, demonstration, and other activities to develop innovative vehicle technologies, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. TENNEY (for herself, Mr. JACOBS of New York, Mr. MULLIN, Mr. LAMBORN, Mr. CARTER of Georgia, Mr. OBERNOLTE, Mr. CHABOT, Mr. STAUBER, Mr. GOODEN of Texas, Mr. WEBER of Texas, Mr. CRENSHAW, Mr. STEUBE, Mr. VAN DREW, and Mrs. FLORES):

H.R. 9023. A bill to rescind certain balances made available to the Internal Revenue Service and redirect them to the U.S. Customs and Border Protection; to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIFFANY (for himself and Mr. WESTERMAN):

H.R. 9024. A bill to direct the Secretary of the Interior to submit a report and maintain publicly available data on expressions of interests, applications for permits to drill, and offshore geological and geophysical survey licenses, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VALADAO (for himself and Mr. WESTERMAN):

H.R. 9025. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to use certain previously completed environmental assessments and environmental impact statements to satisfy the review requirements of the National Environmental Policy Act of 1969, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIM of California (for herself, Mr. FITZPATRICK, Ms. SALAZAR, and Ms. SPANBERGER):

H. Res. 1397. A resolution condemning the Government of Iran's torture and murder of Mahsa Amini and its crackdown on protesters seeking basic human rights, and supporting the protesters in their demands for freedom; to the Committee on Foreign Affairs.

By Mrs. AXNE (for herself, Mrs. MILLER-MEEKS, Mr. RUPPERSBERGER, Mr. TRONE, Mr. CURTIS, and Mrs. LEE of Nevada):

H. Res. 1398. A resolution supporting the designation of the week beginning September 25, 2022, as "National Source Water Protection Week"; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself, Ms. DELBENE, Ms. CLARKE of New York, and Mr. LIEU):

H. Res. 1399. A resolution expressing support for the designation of the month of November 2022 as "National XR Month"; to the Committee on Oversight and Reform.

By Ms. SPEIER (for herself, Mr. SCHIFF, Ms. ESHOO, and Mr. PAL-LONE):

H. Res. 1400. A resolution condemning atrocities committed by the Republic of Azerbaijan; to the Committee on Foreign Affairs.

By Mr. TORRES of New York (for himself, Ms. VELÁZQUEZ, Miss GONZÁLEZ-COLÓN, Mr. SOTO, Mr. SAN NICOLAS, Ms. WILD, Mr. LARSON of Connecticut, Mr. GRIJALVA, and Mr. ESPAILLAT):

H. Res. 1401. A resolution expressing continued support for the people of Puerto Rico, and calling for the Federal Government to expedite the rebuilding of Puerto Rico's electrical grid; to the Committee on Natural Resources.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. LOFGREN:

H.R. 8990.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. JOHNSON of Texas:

H.R. 8991.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. BEYER:

H.R. 8992.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. CASTEN:

H.R. 8993.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article 1 of the Constitution

By Mr. KIM of New Jersey:

H.R. 8994.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. BERA:

H.R. 8995.

Congress has the power to enact this legislation pursuant to the following:

"Article I, Section 8 of the U.S. Constitution" which is basically referencing the entire section of the powers of Congress.

By Mr. BERGMAN:

H.R. 8996.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of article I of the Constitution. The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this

Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. BIGGS:

H.R. 8997.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. BUDD:

H.R. 8998.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3, providing the power to regulate "commerce with foreign nations, and among the several states."

By Mr. CAWTHORN:

H.R. 8999.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. MICHAEL F. DOYLE of Pennsylvania:

H.R. 9000.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution

By Mrs. FLORES:

H.R. 9001.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Ms. GARCIA of Texas:

H.R. 9002.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. GOSAR:

H.R. 9003.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. GRAVES of Louisiana:

H.R. 9904.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3 of the United States Constitution.

By Mrs. HARSHBARGER:

H.R. 9005.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Ms. HERRELL:

H.R. 9006.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. KIM of New Jersey:

H.R. 9007.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution

By Ms. KUSTER:

H.R. 9008.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the Constitution, Congress has the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof."

By Mrs. McBATH:

H.R. 9009.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 of the U.S. Constitution

By Mr. McCAUL:

H.R. 9010.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. McEACHIN:

H.R. 9011.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, U.S. Constitution

By Mrs. MILLER-MEEKS:

H.R. 9012.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 U.S. Constitution

By Mr. NEHLS:

H.R. 9013.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Ms. NORTON:

H.R. 9014.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution.

FOL. LIT.

By Mr. PANETTA:

H.R. 9015.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 18

By Mr. PETERS:

H.R. 9016.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. PETERS:

H.R. 9017.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. PETERS:

H.R. 9018.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. PORTER:

H.R. 9019.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. RYAN of Ohio:

H.R. 9020.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. SARBANES:

H.R. 9021.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution under the General Welfare Clause

By Ms. STEVENS:

H.R. 9022.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. TENNEY:

H.R. 9023.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 provides Congress with the power to "lay and collect Taxes, Duties, Imposts and Excises" in order to "provide for the . . . general Welfare of the United States."

By Mr. TIFFANY:

H.R. 9024.

Congress has the power to enact this legislation pursuant to the following:

Congress has the authority to enact this legislation pursuant to the powers granted under Article IV, Section 3, Clause 2 and Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. VALADAO:

H.R. 9025.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying out into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or office thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 72: Mrs. SPARTZ.
 H.R. 82: Mr. RYAN of New York.
 H.R. 475: Mr. MFUME.
 H.R. 812: Mrs. FLORES.
 H.R. 841: Ms. TITUS.
 H.R. 1111: Mr. CÁRDENAS.
 H.R. 1123: Mr. RYAN of New York.
 H.R. 1184: Mr. SWALWELL.
 H.R. 1309: Mr. LAWSON of Florida, Ms. MATSUI, Mrs. TRAHAN, Mr. MCGOVERN, Mr. CASTEN, and Mr. AUCHINCLOSS.
 H.R. 1321: Mr. DAVID SCOTT of Georgia.
 H.R. 1334: Mr. MFUME.
 H.R. 1361: Ms. MANNING.
 H.R. 1551: Mr. BLUMENAUER, Mr. MCGOVERN, and Mr. DESAULNIER.
 H.R. 1577: Mr. SCOTT of Virginia.
 H.R. 1661: Mr. BROWN of Maryland.
 H.R. 1670: Mr. MFUME.
 H.R. 1735: Mr. AGUILAR.
 H.R. 1861: Mr. RYAN of New York.
 H.R. 1948: Mr. BACON, Ms. WASSERMAN SCHULTZ, and Mr. AUCHINCLOSS.
 H.R. 2050: Mrs. DEMINGS, Mr. LYNCH, and Ms. CLARKE of New York.
 H.R. 2126: Ms. SCANLON.
 H.R. 2144: Miss RICE of New York.
 H.R. 2252: Mr. JACOBS of New York, Mr. BOWMAN, Mr. CARTWRIGHT, and Mr. DEFazio.
 H.R. 2328: Mr. MFUME.
 H.R. 2337: Mr. MFUME.
 H.R. 2373: Mr. ESPALLAT and Mrs. McBATH.
 H.R. 2489: Mr. MCGOVERN.
 H.R. 2515: Mrs. BICE of Oklahoma.
 H.R. 2517: Mr. LYNCH and Mr. MCGOVERN.
 H.R. 2549: Mr. FITZPATRICK.
 H.R. 2565: Mr. DOGGETT.
 H.R. 2718: Mr. KELLY of Pennsylvania.
 H.R. 2725: Mr. SIREs.
 H.R. 2811: Mr. SMITH of New Jersey and Ms. MALLIOTAKIS.
 H.R. 2840: Mr. SEAN PATRICK MALONEY of New York.
 H.R. 2910: Mrs. BOEBERT.
 H.R. 2974: Mrs. KIRKPATRICK, Mr. JOHNSON of Louisiana, Mr. LUETKEMEYER, Ms. WASSERMAN SCHULTZ, Mr. SOTO, and Mr. JOHNSON of Ohio.
 H.R. 3085: Mr. MCGOVERN.
 H.R. 3109: Mr. QUTIGLEY, Mr. BERGMAN, and Mr. AMODEI.
 H.R. 3172: Mr. MICHAEL F. DOYLE of Pennsylvania and Mr. LYNCH.
 H.R. 3207: Mr. CASE.
 H.R. 3287: Mr. PHILLIPS.

- H.R. 3352: Mr. POCAN and Mr. RUPPERS-BERGER.
- H.R. 3455: Mr. DUNN.
- H.R. 3517: Mr. TRONE and Ms. BROWN of Ohio.
- H.R. 3614: Mr. MOULTON.
- H.R. 3685: Mr. JOHNSON of Louisiana.
- H.R. 3816: Mr. DEFazio.
- H.R. 3860: Mr. ARMSTRONG.
- H.R. 3929: Mr. MFUME.
- H.R. 4085: Mr. HERN.
- H.R. 4101: Mr. PAPPAS.
- H.R. 4110: Mr. DUNN.
- H.R. 4141: Mrs. MILLER of West Virginia.
- H.R. 4151: Mr. PFLUGER.
- H.R. 4379: Ms. SANCHEZ.
- H.R. 4385: Mr. AGUILAR and Ms. CASTOR of Florida.
- H.R. 4436: Mr. CASTEN.
- H.R. 4603: Ms. WILD and Mr. CUELLAR.
- H.R. 4612: Mr. LYNCH.
- H.R. 4624: Mr. OBERNOLTE.
- H.R. 4785: Mr. BUCHSON.
- H.R. 4965: Mr. UPTON.
- H.R. 5141: Mrs. TORRES of California.
- H.R. 5244: Ms. SLOTKIN and Mr. MICHAEL F. DOYLE of Pennsylvania.
- H.R. 5338: Mr. SESSIONS.
- H.R. 5365: Mr. BUDD.
- H.R. 5377: Ms. WASSERMAN SCHULTZ.
- H.R. 5430: Mr. CÁRDENAS and Mrs. DINGELL.
- H.R. 5444: Mrs. LAWRENCE, Mrs. WATSON COLEMAN, and Mr. GARCÍA of Illinois.
- H.R. 5546: Mr. AGUILAR.
- H.R. 5595: Mr. SMITH of Washington.
- H.R. 5605: Mr. BROWN of Maryland.
- H.R. 5703: Ms. PLASKETT.
- H.R. 5727: Mr. TAKANO.
- H.R. 5750: Ms. BARRAGÁN, Mr. CARTER of Louisiana, Mr. GRIJALVA, Mr. DAVID SCOTT of Georgia, Ms. VELÁZQUEZ, and Mr. MCEACHIN.
- H.R. 5801: Mr. O'HALLERAN.
- H.R. 5899: Mr. PETERS.
- H.R. 6056: Mr. NORMAN.
- H.R. 6100: Mr. LAWSON of Florida.
- H.R. 6117: Ms. WATERS and Ms. SPANBERGER.
- H.R. 6134: Ms. TITUS.
- H.R. 6331: Mr. POCAN.
- H.R. 6394: Ms. DELBENE and Mr. CARBAJAL.
- H.R. 6592: Mr. GOODEN of Texas.
- H.R. 6681: Mrs. MILLER of Illinois.
- H.R. 6720: Mr. KHANNA and Ms. PORTER.
- H.R. 6785: Ms. MATSUI, Ms. NEWMAN, and Mr. BLUMENAUER.
- H.R. 6794: Mr. RYAN of New York.
- H.R. 6889: Ms. WILLIAMS of Georgia, Ms. BOURDEAUX, Mr. CROW, Mrs. LURIA, Mr. KILMER, Mr. FINSTAD, and Mr. FULCHER.
- H.R. 6965: Mr. HIGGINS of New York and Mr. SOTO.
- H.R. 7048: Mr. C. SCOTT FRANKLIN of Florida.
- H.R. 7053: Mr. AGUILAR.
- H.R. 7109: Mrs. LURIA.
- H.R. 7267: Mr. STAUBER.
- H.R. 7346: Mr. PANETTA.
- H.R. 7438: Mrs. HINSON.
- H.R. 7474: Ms. SCANLON, Mr. TAKANO, and Mr. DEFazio.
- H.R. 7477: Ms. SANCHEZ and Mr. DANNY K. DAVIS of Illinois.
- H.R. 7526: Mr. KIM of New Jersey.
- H.R. 7534: Mr. AGUILAR.
- H.R. 7555: Mr. NORCROSS.
- H.R. 7559: Ms. LETLOW and Mr. CALVERT.
- H.R. 7630: Mr. KATKO, Mrs. NAPOLITANO, Mr. FLEISCHMANN, Mr. PANETTA, Mr. GRIJALVA, Ms. LOIS FRANKEL of Florida, Mr. CARSON, Ms. SHERRILL, and Ms. CASTOR of Florida.
- H.R. 7644: Ms. MATSUI and Mr. CASE.
- H.R. 7724: Mr. EVANS.
- H.R. 7773: Mr. MCGOVERN and Ms. NORTON.
- H.R. 7775: Ms. SLOTKIN, Ms. NORTON, Mr. AUCHINCLOSS, and Mr. MCGOVERN.
- H.R. 7826: Mr. MORELLE.
- H.R. 7892: Mr. FITZPATRICK.
- H.R. 7961: Mr. VICENTE GONZALEZ of Texas and Mr. AGUILAR.
- H.R. 7987: Ms. KAPTUR.
- H.R. 7995: Ms. NORTON and Mr. TIFFANY.
- H.R. 8000: Mr. BUDD.
- H.R. 8039: Mr. KIM of New Jersey.
- H.R. 8040: Mr. HUFFMAN.
- H.R. 8058: Mr. BUDD.
- H.R. 8105: Mr. BEYER, Mrs. TRAHAN, Mr. HIMES, and Ms. LOIS FRANKEL of Florida.
- H.R. 8111: Mr. AGUILAR.
- H.R. 8188: Mr. LANGEVIN and Mr. O'HALLERAN.
- H.R. 8200: Mr. RYAN of New York.
- H.R. 8213: Mrs. WATSON COLEMAN and Mr. AGUILAR.
- H.R. 8227: Mr. CURTIS.
- H.R. 8316: Mr. RYAN of New York.
- H.R. 8354: Mr. JOHNSON of Louisiana.
- H.R. 8368: Mr. AGUILAR.
- H.R. 8432: Mr. ROUZER.
- H.R. 8446: Ms. TITUS, Mr. EVANS, Ms. TLAIB, Mr. ALLRED, Ms. STANSBURY, Mr. MOULTON, Mr. COHEN, Mr. MALINOWSKI, Mr. KEATING, Mr. BERA, Ms. SHERRILL, Mr. SHERMAN, Ms. STRICKLAND, Mr. GALLEGO, Mr. KRISHNAMOORTHY, Mr. LAHOOD, Mr. KINZINGER, Mrs. WAGNER, Mr. MANN, Mr. AUSTIN SCOTT of Georgia, Mr. DEUTCH, Mr. LIEU, Mr. PANETTA, Ms. CRAIG, and Mr. PHILLIPS.
- H.R. 8558: Mr. POCAN.
- H.R. 8585: Mr. LYNCH and Ms. NORTON.
- H.R. 8590: Ms. ADAMS.
- H.R. 8610: Mrs. MILLER-MEEKS.
- H.R. 8654: Ms. PORTER.
- H.R. 8657: Mr. BACON.
- H.R. 8681: Mrs. MILLER-MEEKS, Mr. MFUME, and Miss González-Colón.
- H.R. 8685: Mr. FOSTER, Mr. MCEACHIN, and Mr. HUFFMAN.
- H.R. 8695: Mr. TONKO.
- H.R. 8699: Ms. TITUS.
- H.R. 8725: Mr. KEATING.
- H.R. 8729: Mr. GREEN of Tennessee.
- H.R. 8731: Mr. JOHNSON of Louisiana, Mr. ALLEN, and Mr. ROUZER.
- H.R. 8736: Mr. LIEU, Mr. GARBARINO, Mr. GREEN of Tennessee, Ms. STEFANIK, Mrs. CAMMACK, Mr. GRIJALVA, Mrs. RADEWAGEN, Mr. DESJARLAIS, Mr. TONKO, Mr. WITTMAN, Ms. MANNING, Ms. CASTOR of Florida, Mr. THOMPSON of Pennsylvania, Mr. CARTER of Louisiana, Mr. HIGGINS of New York, Mr. LAMALFA, Mr. LANGEVIN, and Mr. KRISHNAMOORTHY.
- H.R. 8743: Ms. NEWMAN.
- H.R. 8746: Mr. GRIJALVA.
- H.R. 8747: Mr. JACOBS of New York, Mr. MEUSER, and Mr. FLEISCHMANN.
- H.R. 8760: Mr. PAYNE.
- H.R. 8770: Mr. RASKIN and Mr. CARTWRIGHT.
- H.R. 8793: Mr. MCGOVERN and Ms. CLARKE of New York.
- H.R. 8800: Ms. BROWNLEY, Mr. BACON, Mr. SESSIONS, Mrs. AXNE, Mr. DAVID SCOTT of Georgia, Ms. VAN DUYN, and Ms. SLOTKIN.
- H.R. 8805: Ms. CHENEY.
- H.R. 8814: Mr. CARL, Mr. MOORE of Utah, Mr. GREEN of Tennessee, and Mr. BIGGS.
- H.R. 8820: Mr. WILLIAMS of Texas.
- H.R. 8821: Ms. SCANLON and Mr. PHILLIPS.
- H.R. 8829: Mr. TONKO and Ms. KELLY of Illinois.
- H.R. 8833: Mr. GREEN of Texas.
- H.R. 8834: Mr. ESPAILLAT.
- H.R. 8846: Mr. KATKO and Ms. SPANBERGER.
- H.R. 8856: Mr. BLUMENAUER.
- H.R. 8869: Mr. GUEST.
- H.R. 8870: Mrs. BOEBERT.
- H.R. 8876: Ms. CONWAY, Mr. FLEISCHMANN, Ms. MALLIOTAKIS, Mr. SIMPSON, Ms. SALAZAR, Ms. WILD, Mr. MOORE of Utah, Ms. SHERRILL, Mr. WALBERG, Mr. WILSON of South Carolina, Mrs. MCBATH, Mr. ISSA, and Ms. NORTON.
- H.R. 8883: Mr. WEBER of Texas.
- H.R. 8913: Mr. ARRINGTON, Mrs. MILLER of West Virginia, Mr. KUSTOFF, Mr. CHABOT, Mrs. CAMMACK, Mr. MCCAUL, Mrs. WAGNER, Mr. CARTER of Georgia, Mr. MOOLENAAR, Mr. MEUSER, Mr. FEENSTRA, Mr. PFLUGER, Mrs. MILLER-MEEKS, Mr. ROUZER, Mr. RESCHENTHALER, Mr. VAN DREW, Mr. TAYLOR, Mrs. STEEL, Mr. NORMAN, Ms. VAN DUYN, Mr. GOODEN of Texas, Ms. SALAZAR, Mr. KELLY of Pennsylvania, Mr. HERN, Mr. BUDD, Mr. MOORE of Utah, Mr. DUNN, and Mr. BOST.
- H.R. 8916: Ms. JACOBS of California, Mr. AUCHINCLOSS, Mr. GARCÍA of Illinois, Mr. KIM of New Jersey, Mr. LARSEN of WASHINGTON, Ms. MANNING, Mrs. CAROLYN B. MALONEY of New York, Ms. MOORE of Wisconsin, Mr. PAPPAS, and Mr. MCEACHIN.
- H.R. 8968: Mr. ALLEN, Mr. COSTA, and Mrs. FLORES.
- H.R. 8971: Mr. ESPAILLAT.
- H.R. 8972: Ms. MOORE of Wisconsin.
- H.R. 8977: Mr. WALTZ and Mr. SAN NICOLAS.
- H.R. 8981: Ms. CONWAY.
- H.R. 8983: Mr. ALLEN.
- H.R. 8988: Mr. MULLIN.
- H. J. Res. 28: Mr. NORCROSS.
- H. J. Res. 91: Mr. BUDD.
- H. Con. Res. 21: Mr. LATTA.
- H. Con. Res. 65: Mr. WILLIAMS of Texas, Mr. PASCRELL, Mrs. MILLER of West Virginia, Mr. GROTHMAN, Mr. POSEY, and Mr. DONALDS.
- H. Res. 404: Mr. ALLEN and Mr. KELLY of Pennsylvania.
- H. Res. 1030: Mr. LIEU.
- H. Res. 1138: Mr. MEEKS.
- H. Res. 1156: Mr. COLE.
- H. Res. 1209: Mr. AGUILAR.
- H. Res. 1306: Mr. UPTON and Mr. HIGGINS of New York.
- H. Res. 1329: Mrs. BUSTOS.
- H. Res. 1351: Mrs. LEE of Nevada, Ms. WATERS, Ms. BARRAGÁN, and Mr. WELCH.
- H. Res. 1365: Ms. BONAMICI.
- H. Res. 1382: Mr. SCHIFF, Mr. CARTER of Louisiana, Mrs. BEATTY, Mrs. DEMINGS, Mr. JEFFRIES, and Ms. STRICKLAND.
- H. Res. 1392: Mrs. CAROLYN B. MALONEY of New York, Mr. POCAN, Mr. MFUME, Mr. CASTEN, and Mr. DESAULNIER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 8446: Mr. PFLUGER.