

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 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.

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 gentlewoman 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 gentlewoman 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