

# CONGRATULATING CLARION KIWANIS CLUB ON ITS 100TH AN- NIVERSARY

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to congratulate the Kiwanis Club of Clarion, Pennsylvania, on their 100th anniversary.

Since the club's founding on December 16, 1922, the members of the Kiwanis Club have been a crucial part of the community in Clarion.

The Kiwanis Club is an international organization of volunteers that strives to serve the needs of children. The Kiwanis Club has over 550,000 members internationally and seeks to help children by fighting hunger, improving literacy rates, and improving children's health and educational outcomes.

Across the world, Kiwanis Club members have taken part in over 150,000 service projects to benefit communities and to help make them better places to live.

Today, the Clarion Kiwanis continue to carry out the club's mission of giving back to the community by hosting regular fundraisers to benefit children and providing an annual scholarship for students in Clarion County.

Please join me in congratulating the Clarion Kiwanis Club on 100 years of service and thanking them for their many years of giving back to Clarion County.

## MARKING THE 1984 ANTI-SIKH MASSACRE

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

Mr. NORCROSS. Madam Speaker, today, I rise in solidarity with the south Jersey Sikh community. This month marks 38 years since anti-Sikh rioters in India massacred Sikhs over 3 days.

The massacre was retaliation for the assassination of Indian Prime Minister Indira Gandhi. There were mass rapes and lynchings. Sikhs' homes and their businesses were destroyed, senselessly slaughtered for nothing more than their beliefs and their religion.

Following the slaughter, some of the Sikhs chose to flee India. Today, many of them call south Jersey home. They built lives for themselves, contributing to the education, economic, religious, and cultural richness of our region.

They also carry the knowledge of those dark days. They keep the names and the memories of those who were lost in those days very much alive.

In memory of those Sikhs lost to this senseless violence between November 1 and 3 of 1984, and with respect to those who carry on their legacy in south Jersey today, I stand here in solidarity with my Sikh brothers and sisters.

# HANDS OFF WOMEN'S REPRODUCTIVE DECISIONS

(Ms. MANNING asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MANNING. Madam Speaker, the midterm elections delivered a strong message to the GOP: Politicians should keep their hands off women's reproductive decisions.

Voters in California, Michigan, and Vermont enshrined abortion access into their State constitutions, and Kentucky voters rejected a ballot measure threatening abortion protections.

Postelection polls show a majority of voters want to see Congress protect abortion rights. But regardless of how unpopular their views, Republicans in Congress doubled down on their attacks on women's bodies.

We know it is going to be an uphill battle to codify Roe, and House Republicans made it clear they won't stop with banning abortion. Last July, 193 House Republicans voted against my bill to protect the right to birth control, a measure 95 percent of voters agree with.

The right to abortion and to birth control are critical issues for the American people. So, I ask my colleagues across the aisle: Why aren't they critical to you?

## PUTTING PEOPLE OVER POLITICS

(Ms. PLASKETT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PLASKETT. Madam Speaker, today, I rise to highlight some of the historic results my colleagues and I have been able to deliver to the American people over the last 2 years. By putting aside political agendas and working for the betterment of our communities, we have made real change.

In the 117th Congress, House Democrats fought to pass landmark packages to address the disenfranchisement inherently embedded in our country.

We helped ensure more of our people can thrive by passing the American Rescue Plan, the bipartisan infrastructure law, the CHIPS and Science Act, and the Inflation Reduction Act.

Still, there is more work to be done. My colleagues and I remain committed to putting money back in the pockets of American workers and families by addressing inflation, lowering healthcare costs, and bolstering domestic manufacturing to create new, good-paying jobs—not scaring people, supporting them.

## DEFENDING AMERICA'S BORDERS

(Mrs. GREENE of Georgia asked and was given permission to address the House for 1 minute.)

Mrs. GREENE of Georgia. Madam Speaker, we have watched tens of bil-

lions of dollars be sent to defend another nation's border that is not our own.

Every single day, our border is invaded by people from foreign lands and also by drugs. Over 300 people are dying every single day. Americans are dying every single day from fentanyl poisoning.

Yet, the Biden administration and this Congress have not done anything to protect our Nation's border and the American people.

Just to remind everyone, the building that we are standing in, the Federal Government and everyone's paychecks here are paid by the American taxpayers. The American taxpayers and the American people deserve to have a secure border and deserve the protection of the Federal Government from the Mexican cartels that funnel drugs into America to kill Americans.

I am calling for an audit of every single penny that has been sent to Ukraine, including aid money and any other moneys that have been given to the Ukrainian Government to defend their national security while our national security has been ignored.

This must be done. It has to be done as soon as possible for the American people. They deserve transparency, and they deserve to see where their money is going.

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## SUPPORTING OUR SELFLESS VETERANS

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

Mr. MRVAN. Madam Speaker, I rise today in support of the Strengthening VA Cybersecurity Act, legislation I introduced to support and protect our selfless veterans.

The VA is the largest integrated healthcare network in the United States, and it stores millions of records with personal information for veterans and their families.

This legislation will require the VA to obtain an independent cybersecurity assessment of its most critical information systems and develop a timeline and budget to fix any identified weaknesses and deficiencies.

We must continue to work to ensure that the VA has the tools it needs to effectively protect against new and emerging cybersecurity threats and safeguard our veterans' information.

I look forward to continuing to collaborate with all of my colleagues to move this commonsense and bipartisan legislation forward.

## 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, November 15, 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 November 15, 2022, at 4:39 p.m.

Appointment:  
United States-China Economic and Security Review Commission.

With best wishes, I am,

Sincerely,

CHERYL L. JOHNSON,  
Clerk.

### SPEAK OUT ACT

Mr. NADLER. Madam Speaker, pursuant to House Resolution 1464, I call up the bill (S. 4524) to limit the judicial enforceability of predispute nondisclosure and nondisparagement contract clauses relating to disputes involving sexual assault and sexual harassment, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1464, the bill is considered read.

The text of the bill is as follows:

S. 4524

*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 “Speak Out Act”.

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Sexual harassment and assault remain pervasive in the workplace and throughout civic society, affecting millions of Americans.

(2) Eighty-one percent of women and 43 percent of men have experienced some form of sexual harassment or assault throughout their lifetime.

(3) One in 3 women has faced sexual harassment in the workplace during her career, and an estimated 87 to 94 percent of those who experience sexual harassment never file a formal complaint.

(4) Sexual harassment in the workplace forces many women to leave their occupation or industry, or pass up opportunities for advancement.

(5) In order to combat sexual harassment and assault, it is essential that victims and survivors have the freedom to report and publicly disclose their abuse.

(6) Nondisclosure and nondisparagement provisions in agreements between employers and current, former, and prospective employees, and independent contractors, and between providers of goods and services and consumers, can perpetuate illegal conduct by silencing those who are survivors of illegal sexual harassment and assault or illegal retaliation, or have knowledge of such conduct, while shielding perpetrators and enabling them to continue their abuse.

(7) Prohibiting nondisclosure and nondisparagement clauses will empower survivors to come forward, hold perpetrators accountable for abuse, improve transparency around illegal conduct, enable the pursuit of justice, and make workplaces safer and more productive for everyone.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **NONDISCLOSURE CLAUSE.**—The term “nondisclosure clause” means a provision in a contract or agreement that requires the parties to the contract or agreement not to disclose or discuss conduct, the existence of a settlement involving conduct, or information covered by the terms and conditions of the contract or agreement.

(2) **NONDISPARAGEMENT CLAUSE.**—The term “nondisparagement clause” means a provision in a contract or agreement that requires 1 or more parties to the contract or agreement not to make a negative statement about another party that relates to the contract, agreement, claim, or case.

(3) **SEXUAL ASSAULT DISPUTE.**—The term “sexual assault dispute” means a dispute involving a nonconsensual sexual act or sexual contact, as such terms are defined in section 2246 of title 18, United States Code, or similar applicable Tribal or State law, including when the victim lacks capacity to consent.

(4) **SEXUAL HARASSMENT DISPUTE.**—The term “sexual harassment dispute” means a dispute relating to conduct that is alleged to constitute sexual harassment under applicable Federal, Tribal, or State law.

#### SEC. 4. LIMITATION ON JUDICIAL ENFORCEABILITY OF NONDISCLOSURE AND NONDISPARAGEMENT CONTRACT CLAUSES RELATING TO SEXUAL ASSAULT DISPUTES AND SEXUAL HARASSMENT DISPUTES.

(a) **IN GENERAL.**—With respect to a sexual assault dispute or sexual harassment dispute, no nondisclosure clause or nondisparagement clause agreed to before the dispute arises shall be judicially enforceable in instances in which conduct is alleged to have violated Federal, Tribal, or State law.

(b) **CONTINUED APPLICABILITY OF STATE LAW.**—Nothing in this Act shall prohibit a State or locality from enforcing a provision of State law governing nondisclosure or nondisparagement clauses that is at least as protective of the right of an individual to speak freely, as provided by this Act.

(c) **CONTINUED APPLICABILITY OF FEDERAL, STATE, AND TRIBAL LAW.**—This Act shall not be construed to supersede a provision of Federal, State, or Tribal Law that governs the use of pseudonyms in the filing of claims involving sexual assault or sexual harassment disputes.

(d) **PROTECTION OF TRADE SECRETS AND PROPRIETARY INFORMATION.**—Nothing in this Act shall prohibit an employer and an employee from protecting trade secrets or proprietary information.

#### SEC. 5. APPLICABILITY.

This Act shall apply with respect to a claim that is filed under Federal, State, or Tribal law on or after the date of enactment of this Act.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary.

The gentleman from New York (Mr. NADLER) and the gentleman from Ohio (Mr. JORDAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. NADLER. 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 S. 4524.

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

There was no objection.

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

Madam Speaker, S. 4524, the Speak Out Act, empowers survivors of sexual misconduct by prohibiting the use of nondisclosure and nondisparagement clauses that serve to silence survivors who entered into agreements containing those clauses before a dispute arises.

Often buried in the fine print of contracts of adhesion that workers and consumers sign every day to secure employment, goods, or services, these confidentiality clauses have contributed to the culture of silence in cases involving sexual misconduct. As such, they have routinely enabled sexual predators to evade accountability.

The confidential nature of these clauses makes it extremely difficult to fully diagnose the scope of this problem. Nevertheless, experts estimate that more than one-third of workers in the United States are required to sign a nondisclosure agreement in their employment contracts.

This is particularly concerning because of the rampant nature of sexual abuse in the workplace. An estimated 81 percent of women and 43 percent of men will experience sexual harassment in their lifetimes, and more than half of all women report being subjected to unwanted sexual activity while in the workplace.

But these appalling numbers do not even tell the full story. The Equal Employment Opportunity Commission found that the vast majority of survivors simply never report incidents of sexual harassment or sexual assault.

Today, we will take an important step toward fixing this problem by banning the enforcement of nondisclosure and nondisparagement clauses agreed to before a sexual harassment or sexual assault dispute arises. For the purpose of this bill, a dispute arises when a person chooses to exercise their legal rights by asserting a claim of sexual harassment or sexual assault in some official context, such as by complaining to a government agency or by filing a lawsuit.

This legislation continues Congress' important work to protect the rights of survivors to come forward and hold perpetrators accountable for abuse.

Earlier this year, on a bipartisan basis, we enacted H.R. 4445, which empowered survivors to decide whether they resolve their disputes in court or through arbitration. That bill was an example of how Congress can and should function. We worked together, across the aisle, to identify a problem, establish a bipartisan solution to that problem, and pass legislation to restore the rights of millions of Americans to their day in court.

The Speak Out Act is an opportunity for us to work together once again to end the oppressive culture of silence hiding sexual misconduct, promote transparency and accountability, and make the workplace safer for everyone.