

We believe that the examples given in the Proposed Rule, while necessarily incomplete, do serve the purpose of providing adequate guidance to plan fiduciaries. We also believe the Department's examples focus fiduciaries on economically material considerations.

At LAM, we have embedded ESG insights into our relevant investment research and portfolio construction functions. We have developed a proprietary ESG integration framework using (among other things) materiality mapping, which is being implemented across relevant investment platforms. As an active asset manager that has incorporated ESG considerations into its proprietary research, LAM is able to regularly provide our clients with examples of how such considerations have positively influenced investment outcomes. We have made these investments into our platform because we believe that investors—including plan fiduciaries—need to understand how ESG factors impact the financial productivity, operational risks, and valuations of the companies whose shares and bonds are in their portfolios.

Paragraph (c)(3) of the Proposed Rule amends the "tie breaker" standard in the 2020 Rule to allow fiduciaries to use broader discretion when comparing investment options. Under the proposal, a fiduciary evaluating two suitable investment options may select the ESG option over the non-ESG option where both would "equally serve the financial interests of the plan over the appropriate time horizon," instead of limiting the use of the "tie-breaker" standard to situations in which both are "economically indistinguishable." LAM agrees with this more comprehensive approach as it recognizes that fiduciaries should have the freedom to choose an investment for the purposes of diversification or to hedge against broad categories of risk, both of which can lead to better financial performance for a portfolio.

The Proposed Rule rescinds paragraph (d)(2)(ii) of the current regulation which prevents an investment option to serve as a qualified default investment alternative (QDIA) if it includes the use of non-pecuniary factors in its investment objectives even if the option is prudent from a risk and return perspective. LAM believes the 2020 Rule in this regard is contrary to goals of ERISA as it could potentially exclude financially prudent investment options on the simple basis that they consider economically material ESG factors. As previously stated, LAM believes that consideration of economically material factors should not be prohibited on the sole basis that they are of an environmental, social, or governance nature.

We believe that plan fiduciaries should include assessments of material ESG issues when evaluating retirement plan investments. The risks identified by an ESG-integrated assessment are often ultimately detrimental, and the opportunities identified can be quite additive, to the financial performance and value of assets in an investment portfolio. Importantly, the Proposed Rule greatly reduces the current uncertainty surrounding a fiduciary's consideration of material ESG factors. It restores trust in fiduciaries by allowing them to use their professional judgement to evaluate all material factors when selecting investment options for plan participants and beneficiaries.

In light of the foregoing, we recommend that the Department adopt and implement the Proposed Rule as written. We would be happy to provide the Department with additional information concerning our comments. Any requests should please be directed to our General Counsel, Mark Anderson.

Respectfully submitted,

NIKITA SINGHAL,
Co-Head Sustainable
Investment & ESG.

JENNIFER ANDERSON,
Co-Head Sustainable
Investment & ESG.

Mr. SCOTT of Virginia. Mr. Speaker, this is just a small sample of the financial industry's support for the underlying rule. We should not overturn the rule with this resolution.

Mr. Speaker, for these reasons, I oppose H.J. Res. 30, I encourage all Members to do the same, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I urge my colleagues to support H.J. Res. 30, to stop the Biden administration from decimating the retirement savings of millions of Americans.

ESG funds will not give retirees the secure future they need. According to a former BlackRock senior executive, ESG funds underperformed the broader market compared to non-ESG funds over the last 5 years.

Retirees are already worried about the rising costs of goods and services, not whether a company is using plastic straws in its cafeteria.

Americans deserve to have a secure retirement. This means retirement plans need to focus solely on workers' financial interests. That is why I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in opposition to H.J. Res. 30, and I encourage my colleagues to vote against this measure.

H.J. Res. 30 would nullify a Department of Labor rule concerning the fiduciary duties with respect to employee benefit plans.

Under the rule issued on December 1, 2022, plan fiduciaries may consider climate change and other environmental, social, and governance (ESG) factors when they make investment decisions and when they exercise shareholder rights, including voting on shareholder resolutions and board nominations.

One of my greatest joys as a Member of Congress is the opportunity to work on behalf of the people of the United States of America, to ensure that every voice is heard, and every right is upheld.

In addition, the future of the American People relies heavily on thoughtful investments in key areas that include ESG as this is the backbone of our environment and the state of livelihoods of our growing communities.

Under the Employee Retirement Income Security Act of 1974, fiduciaries of private pension plans must act in the interest of plan participants, including when making investment decisions.

If participants want to invest their employee benefits into environmental, social, and governance factors, the government should not be against it just because it goes against a particular party's interests.

The rule "Financial Factors in Selecting Plan Investments," issued on November 13, 2020, required fiduciaries to make investment decisions based solely on "pecuniary factors."

That rule included a "tiebreaker" standard, under which fiduciaries could consider other benefits when "alternative investment options are economically indistinguishable."

The 2022 rule clarified how plan fiduciaries may consider climate change and other envi-

ronmental, social, or governance (commonly referred to as ESG) factors when making investment decisions.

Under the new regulation, fiduciaries may consider "the economic effects of climate change and other environmental, social, or governance factors," but investment decisions "may not subordinate the interests of the participants and beneficiaries in their retirement income or financial benefits under the plan to other objectives and may not sacrifice investment return or take on additional investment risk."

This bill establishes the disapproval of the final rule "Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights."

The world is seeing more climate related disasters than ever before.

These disasters are greatly impacting the way that the public prepares their finances for potential strains.

In 2017 Hurricane Harvey ravaged many communities in my home state and devastated the livelihoods of many working-class Americans.

Many of my constituents experienced economic hardships that are still being felt today.

With an increase in natural disasters, we must protect the American public and provide them with opportunities to invest in their needs.

This point serves to acknowledge the importance we must put into our people and communities as things change and we continue to progress into the future.

Strategic and thoughtful investments in our people, environments, and livelihoods should be of utmost importance.

In essence, our future is dependent on how we invest in the now.

The American people want a future, and we can provide that by thoughtfully planning through our strategic investments in the American people of all backgrounds and the diverse environments in which we aim to thrive in for decades to come.

The SPEAKER pro tempore (Mr. DESJARLAIS). All time for debate has expired.

Pursuant to the House Resolution 166, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCOTT 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 question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 51 minutes p.m.), the House stood in recess.

□ 1645

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of West Virginia) at 4 o'clock and 45 minutes p.m.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF THE RULE SUBMITTED BY THE DEPARTMENT OF LABOR RELATING TO "PRUDENCE AND LOYALTY IN SELECTING PLAN INVESTMENTS AND EXERCISING SHAREHOLDER RIGHTS"

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on passage of the joint resolution (H.J. Res. 30) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to "Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights", on which the yeas and nays were ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The vote was taken by electronic device, and there were—yeas 216, nays 204, not voting 13, as follows:

[Roll No. 124]

YEAS—216

Aderholt	Curtis	Greene (GA)
Alford	D'Esposito	Griffith
Allen	Davidson	Grothman
Amodoi	De La Cruz	Guest
Armstrong	DesJarlais	Guthrie
Arrington	Diaz-Balart	Hageman
Babin	Donalds	Harris
Bacon	Duarte	Harshbarger
Baird	Duncan	Hern
Balderson	Dunn (FL)	Higgins (LA)
Banks	Edwards	Hill
Barr	Ellzey	Hinson
Bean (FL)	Emmer	Houchin
Bentz	Estes	Hudson
Bergman	Ezell	Huizenga
Bice	Fallon	Hunt
Biggs	Feenstra	Issa
Bilirakis	Ferguson	Jackson (TX)
Bishop (NC)	Finstad	James
Boebert	Fischbach	Johnson (LA)
Bost	Fitzgerald	Johnson (OH)
Brecheen	Fitzpatrick	Johnson (SD)
Buchanan	Fleischmann	Jordan
Bueshon	Flood	Joyce (PA)
Burchett	Foxx	Kean (NJ)
Burgess	Franklin, C.	Kelly (MS)
Burlison	Scott	Kelly (PA)
Calvert	Fry	Kiggans (VA)
Cammack	Fulcher	Kiley
Carey	Gaetz	Kim (CA)
Carl	Gallagher	LaHood
Carter (GA)	Garbarino	LaLota
Carter (TX)	Garcia, Mike	LaMalfa
Chavez-DeRemer	Gimenez	Lamborn
Ciscomani	Golden (ME)	Langworthy
Cline	Gonzales, Tony	Latta
Cloud	Good (VA)	LaTurner
Clyde	Gooden (TX)	Lawler
Cole	Gosar	Lee (FL)
Collins	Granger	Lesko
Comer	Graves (LA)	Letlow
Crane	Graves (MO)	Loudermilk
Crenshaw	Green (TN)	Lucas

Luetkemeyer	Obernoite	Stauber
Luna	Ogles	Steel
Luttrell	Owens	Stefanik
Mace	Palmer	Steil
Malliotakis	Pence	Stewart
Mann	Perry	Strong
Massie	Pfleger	Tenney
Mast	Posey	Thompson (PA)
McCaul	Reschenthaler	Tiffany
McClain	Rodgers (WA)	Timmons
McClintock	Rogers (AL)	Turner
McCormick	Rogers (KY)	Valadao
McHenry	Rose	Van Drew
Meuser	Rosendale	Van Dуйne
Miller (IL)	Rouzer	Van Orden
Miller (OH)	Roy	Van Orden
Miller (WV)	Rutherford	Wagner
Miller-Meeeks	Salazar	Walberg
Mills	Santos	Waltz
Molinaro	Scalise	Weber (TX)
Moolenaar	Schweikert	Webster (FL)
Mooney	Scott, Austin	Wenstrup
Moore (AL)	Self	Westerman
Moore (UT)	Sessions	Williams (NY)
Moran	Simpson	Wilson (SC)
Murphy	Smith (MO)	Wittman
Nehls	Smith (NE)	Womack
Newhouse	Smith (NJ)	Yakym
Norman	Smucker	Zinke
Nunn (IA)	Spartz	

NAYS—204

Adams	Garcia, Robert	Norcross
Agullar	Goldman (NY)	Ocasio-Cortez
Allred	Gomez	Omar
Auchincloss	Gonzalez,	Pallone
Balint	Vicente	Panetta
Barragan	Gottheimer	Pappas
Beatty	Green, Al (TX)	Pascrell
Bera	Grijalva	Payne
Beyer	Harder (CA)	Pelosi
Bishop (GA)	Hayes	Peltola
Blumenauer	Higgins (NY)	Perez
Blunt Rochester	Himes	Peters
Bonamici	Horsford	Petersen
Bowman	Houlihan	Phillips
Boyle (PA)	Boyle (PA)	Pingree
Brown	Hoyle (OR)	Pocan
Brownley	Huffman	Porter
Budzinski	Ivey	Pressley
Bush	Jackson (IL)	Quigley
Caraveo	Jackson (NC)	Ramirez
Carbajal	Jackson Lee	Raskin
Cárdenas	Jacobs	Ross
Carson	Jayapal	Ruiz
Carter (LA)	Jeffries	Ruppersberger
Cartwright	Johnson (GA)	Ryan
Casar	Kamlager-Dove	Salinas
Case	Kaptur	Sánchez
Casten	Keating	Scanlon
Castor (FL)	Kelly (IL)	Schakowsky
Cheriflus-	Khanna	Schiff
McCormick	Kildee	Schneider
Chu	Kilmer	Scholten
Cicilline	Kim (NJ)	Schrier
Clark (MA)	Krishnamoorthi	Scott (VA)
Clarke (NY)	Kuster	Scott, David
Clyburn	Landsman	Sewell
Cohen	Larsen (WA)	Sherman
Connolly	Larson (CT)	Sherrill
Correa	Lee (CA)	Slotkin
Costa	Lee (NV)	Smith (WA)
Courtney	Lee (PA)	Sorensen
Craig	Leger Fernandez	Soto
Crockett	Levin	Spanberger
Crow	Lieu	Stansbury
Cuellar	Lynch	Stanton
Davids (KS)	Magaziner	Stevens
Davis (NC)	Manning	Strickland
Dean (PA)	Matsui	Swalwell
DeGette	McBath	Sykes
DeLauro	McCollum	Takano
DeBene	McGarvey	Thanedar
Deluzio	McGovern	Thompson (CA)
DeSaulnier	Meeks	Thompson (MS)
Dingell	Menendez	Titus
Doggett	Meng	Tlaib
Escobar	Mfume	Tokuda
Eshoo	Moore (WI)	Tonko
Espinallat	Morelle	Torres (CA)
Evans	Moskowitz	Torres (NY)
Fletcher	Moulton	Trahan
Foster	Mrvan	Trone
Foushee	Mullin	Underwood
Frankel, Lois	Nadler	Vargas
Frost	Napolitano	Vasquez
Gallego	Neal	Veasey
Garamendi	Neguse	Velázquez
Garcia (TX)	Nickel	

Wasserman	Watson Coleman	Wilson (FL)
Schultz	Wexton	
Waters	Williams (GA)	

NOT VOTING—13

Buck	García (IL)	Steube
Castro (TX)	Joyce (OH)	Wild
Cleaver	Kustoff	Williams (TX)
Crawford	Lofgren	
Davis (IL)	Sarbanes	

□ 1716

Ms. GARCIA of Texas, Messrs. SCOTT of Virginia, GARAMENDI, VEASEY, MOSKOWITZ, Ms. BARRAGÁN, Messrs. MRVAN and HUFFMAN changed their vote from "yea" to "nay."

So the joint resolution was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for: Mr. JOYCE of Ohio. Madam Speaker, I regrettably missed rollcall No. 124. Had I been present, I would have voted "yea" on rollcall No. 124.

PERSONAL EXPLANATION

Mr. SARBANES. Madam Speaker, due to testing positive for COVID-19 and following recommended isolation protocols, I was unable to vote today. Had I been present, I would have voted "nay" on rollcall no. 122, "nay" on rollcall no. 123, and "nay" on rollcall no. 124.

MOMENT OF SILENCE IN MEMORY OF THE HONORABLE JAMES BROYHILL

(Mr. BISHOP of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of North Carolina. Madam Speaker, it is my honor to gather with other Members of the North Carolina delegation on the floor this evening to acknowledge the passing of a great North Carolinian, the Honorable Jim Broyhill, who passed away at the age of 95 last week.

Today, there was a gathering in Winston-Salem, North Carolina, in celebration of his life, and my fellow Members and I have come to the floor this evening to ask the House to stand in a moment of silence in recognition of the service of this North Carolinian, who served 23 years in this House, served briefly in the United States Senate, and was substantially responsible for re-creating political competition and a revitalized Republican Party in the State of North Carolina.

On behalf of the North Carolina delegation, I ask the House do now observe a moment of silence in honor of Senator Jim Broyhill.

HOUR OF MEETING ON TOMORROW

Ms. STEFANIK. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.