

to distribute the Update further to “local agencies, Program Operators and Sponsors, and all other subrecipients of Federal financial assistance.” Update at 1, 3. USDA/FNS intended the Update to reach everyone implementing FNS programs and instructed that it did not “determine the outcome in any particular case.” Id. at 3. Thus, the Update has general applicability. See, e.g., B-333732, July 28, 2022 (explaining that USDA Thrifty Food Plan updates addressed to “all families” lacked particular applicability).

Second, the Update is not a rule relating to agency management or personnel. “A rule falls within the CRA exception for rules relating to agency management or personnel if it relates to purely internal agency matters, with no effect on non-agency parties.” B-334221, Feb. 9, 2023. Here, the Update relates primarily to non-agency parties. As discussed above, it is addressed to “all state directors” of USDA/FNS programs, among others, and it directs further distribution to other nonfederal entities. Update at 1. The Update’s stated purpose is to “provide direction to” such non-agency parties, to ensure their procedures comport with a USDA/FNS policy. Id. That policy, moreover, concerns the rights of private households to have their complaints of discrimination based on gender identity and sexual orientation processed and evaluated as complaints of discrimination based on sex. Id. at 3. Thus, the Update is not a rule relating to agency management or personnel. See B-333732, July 28, 2022 (USDA update to Thrifty Food Plan did not qualify for CRA’s second exception because it addressed “the amount of SNAP benefits for qualifying families”), B-333501, Dec. 14, 2021 (Centers for Disease Control and Prevention (CDC) mask requirement did not qualify for CRA’s second exception because it addressed public travelers and conveyance operators).

Third, and finally, the Update has a substantial impact on the rights and obligations of non-agency parties. We have recognized that agencies may meet the third CRA exception when implementing “new internal procedures” to ensure compliance with an “existing statutory obligation.” B-330190, Dec. 19, 2018. Thus, in B-330190, we considered a Department of Justice (DOJ) memorandum that adopted a zero tolerance policy with regard to prosecuting certain individuals who violated 8 U.S.C. §1325(a) by entering the country illegally. Id. We found that DOJ’s memo did not “alter individual rights” because there was no underlying change in the legal rights of individuals crossing the border. Id. Here, the Update purports merely to “clarify” existing requirements of anti-discrimination provisions. Update, at 1. However, unlike in B-330190, the Update forwards a novel interpretation of the law with respect to USDA/FNS-enforced statutes.

Prior to Bostock, sex discrimination under Title VII of the Civil Rights Act of 1964 was not universally understood to include discrimination on the basis of gender identity and sexual orientation; rather, the Supreme Court’s decision established that understanding as a matter of law. Bostock, at 1741, 1754. Importantly, the Update itself is not even a direct application of Bostock, but an extension of its holding (in the Title VII context) to the context of USDA/FNS-enforced statutes. The Update explains how USDA/FNS “determined” that discrimination on the basis of gender identity and sexual orientation can constitute sex discrimination under the statutes USDA/FNS enforces, and the implication is that USDA/FNS had not reached or announced that determination previously. Update at 3.

The Update does not qualify for CRA’s third exception, as it creates new policy and, in doing so, has a substantial impact on the

rights and obligations of non-agency parties. See B-333732 at 5 (USDA Thrifty Food Plan update had substantial impact by “granting increased benefit allotments” to families); B-333501 at 5 (CDC mask requirement had substantial impact by “impos[ing] new requirements on people who are traveling to wear masks”). Namely, it expands the obligations of state agencies and program operators by requiring them to “review” their discrimination complaint procedures and “make any changes necessary.” Update at 3. The Update also expands the rights of FNS benefit applicants by requiring that an applicant’s complaint alleging discrimination on the basis of gender identity and/or sexual orientation be processed and evaluated as a complaint of discrimination based on sex, which was not required prior to the Update.

CONCLUSION

The Update is a rule for CRA purposes because it meets the APA’s definition of a rule and no CRA exception applies. Therefore, the Update is subject to CRA’s requirement that it be submitted to Congress before it can take effect.

EDDA EMMANUELLI PEREZ,
General Counsel.

50TH ANNIVERSARY OF KIKKOMAN FOODS, INC.

Ms. BALDWIN. Mr. President, today I rise to recognize Kikkoman Foods, Inc., on its 50th anniversary. I am proud to honor this organization and the ongoing international exchange of food culture from Japan to Walworth, WI.

What began in 1973 as the first U.S.-based plant for the manufacturing of soy sauce has now become a strong part of the Walworth community. The Mogi family soy sauce recipe dates back over 300 years and was first introduced in the United States at a Navy Pier global business showcase. Crowds present in Chicago tried Kikkoman soy sauce for the first time. It was such a big hit that Kikkoman created a committee to investigate production in the United States. The committee settled on Walworth, WI, because they saw great potential in the proud tradition of Wisconsin agriculture and a midwestern work ethic. In addition, the Midwest region provided an optimal climate for the production of soy beans and wheat, essential components of soy sauce.

Soon, Kikkoman’s plant in Walworth aided the fusion of American and Japanese cuisine. In Walworth, soy sauce became a kitchen staple. Kikkoman continues to advance their mission of expanding the use of soy sauce as a “versatile flavor enhancer.” I appreciate the continued fusion of these two cultures and the partnerships of Kikkoman in the Wisconsin community. Together, Japanese technology and American agriculture blend to create a successful overseas expansion for Kikkoman.

Today, the plant in Walworth is Kikkoman’s North American production headquarters and produces an estimated 34 million gallons of soy sauce annually, more brewed soy sauce than any other facility around the world.

Since its introduction to Wisconsin, Kikkoman has been an essential contributor to the Wisconsin economy and shares the same commitment to the development of Wisconsin businesses, suppliers, service providers, and contractors. Ultimately, the Walworth Kikkoman production facility serves as an important example of the coprosperity and success of American and Japanese partnerships.

We in Wisconsin are grateful to Kikkoman for sharing the vibrant tradition and well-respected values of soy sauce brewing and the Japanese culinary tradition. I am honored to recognize the 50th anniversary of Kikkoman Foods, Inc., and look forward to their continued success in Wisconsin for years to come.

TRIBUTE TO KEN REICHARD

Mr. CARDIN. Mr. President, I rise to congratulate Kenneth Paul Reichard on his retirement and to thank him for his 17 years of outstanding service as my Montgomery County district director and his career of selfless service to the residents of the county and all Marylanders. This Monday, the city of Rockville will officially recognize Ken—a lifelong resident—for his service. On April 14, Representative JAMIE RASKIN interviewed Ken for one of his weekly “Local Hero” podcasts. The accolades Ken is receiving are well-deserved. As Montgomery County Council President Evan Glass stated, “Ken has been a terrific advocate for Montgomery County! We are all beneficiaries of his grace, good humor and leadership.” Ken is a local hero to Maryland and a personal hero to me. For the better part of two decades, Ken has been a lifeline to Montgomery County, helping to make sure that no citizen is left behind.

Ken was born at the original Montgomery General Hospital in Olney, MD, on August 17, 1943. His parents were Kenneth Henderson Reichard of Guilford Township, Franklin County, PA, and Gladys Lydia Martin Reichard of Reid, Washington County, MD. He is a descendent of a Revolutionary War soldier, George Barnard Reichard, from Pennsylvania, who fought from 1777 to 1780. He grew up in a union household on Horners Lane in Rockville with an older brother, Lee. Ken graduated from Richard Montgomery High School, Rockville, in 1961. While he attended high school, he started working part-time at the Safeway grocery store on Bradley Boulevard in Bethesda. He quickly joined the United Food and Commercial Workers International Union—UFCW—and became the local’s youngest business agent ever when he was just 21, winning his first election by 87 votes. He traveled to other stores around the State, and it wasn’t long before Ken was handling labor grievances and negotiating contracts. By the time he finished his career with UFCW, he was executive assistant to

the president of the national union, director of government affairs, and senior vice president. Then-Governor Parris Glendening tapped Ken to serve as assistant secretary and commissioner of labor and industry at the Maryland Department of Labor, Licensing, and Regulation. After that, he cochaired Senator John Kerry's 2004 Presidential campaign in Maryland with Heather Mizeur, who went on to serve as a member of the Maryland House of Delegates from 2007 to 2015, representing the 20th District in Montgomery County.

Given Ken's extensive knowledge of the issues, politics, and people of Montgomery County and beyond, my campaign contacted him and convinced him to serve as my metropolitan Washington-area representative when I first ran for the Senate in 2006. Ken has been with me ever since, and I am so grateful. He has met with countless constituents, businessowners, and elected officials; joined or represented me at field events; served as my liaison to organized labor; and handled special assignments. He has done it all with grace and insight and a quiet competence.

Ken married Sandra Lee Wiley on February 23, 1964, in Rockville, MD. Ken, now widowed, has three children: Cassie, Eric, and Paula; seven grandchildren: Lindsay, Caitlyn, Sampson, Tyler, Amanda, Sydney, and Drew; and two great-granddaughters: Maya and Stella. Ken was a member of Crusader Lutheran Church for a number of years and held several positions on the church counsel. Over the years, Ken has enjoyed volunteering for political campaigns and serving on several boards within Montgomery County, traveling in his motorhome, camping, building and fixing anything for the home, tending to an orchard of fruit trees, and appreciating classic cars.

There are few Marylanders—and even fewer Montgomery County residents—who have not benefited in one way or another from Ken's lifelong service to others. Ken has lived up to Douglas Adams's—author of "The Hitchhiker's Guide to the Galaxy"—maxim, "To give real service you must add something which cannot be bought or measured with money, and that is sincerity and integrity." I want to thank Ken's family for "sharing" him with the people of Montgomery County and all Marylanders. Above all, I want to thank Ken himself for his wise counsel and friendship over the years. While he no longer works for me in an official capacity, I will continue to rely on him unofficially in the weeks and months ahead while hoping that he spends more time with his family and friends and recreational pursuits.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF LACONIA MOTORCYCLE WEEK

• Ms. HASSAN. Mr. President, today it is my pleasure to recognize the 100th anniversary of Laconia, New Hampshire's Motorcycle Week. Over the last century, riders from New Hampshire and across the country have gathered in Laconia—the heart of New Hampshire's beautiful Lakes Region—to gather with friends, celebrate their shared passion for motorcycles, and ride together.

Many consider Laconia's Bike Week to be the oldest national motorcycle rally in the country. For decades, it was the largest motorcycle rally in the United States, and it still draws more than 300,000 people a year, which helps support the economy of the Lakes Region and the rest of New Hampshire as Bike Week participants patronize our small businesses. Laconia Bike Week is a well-known and beloved tradition for countless Granite Staters and bikers near and far. For many, just the name Bike Week evokes fond memories of Laconia rallies from past years, from cruising New Hampshire's highways and scenic byways, to spending time with friends, old and new.

Bike Week, of course, does not happen without effort; it takes time and dedication from the event organizers, who each summer come together to make this week possible. Nor is it by chance that this event takes place in New Hampshire; Bike Week is a part of the very fabric of the Granite State. Bike Week shows off our State's natural beauty; a ride through Laconia, with an open road ahead and a breeze from Lake Winnepesaukee blowing by, reminds us of why Granite Staters are always proud to call New Hampshire home. For bikers and nonbikers alike, the roar and thunder of engines, the thrill of zooming down a highway, the dazzling tricks and stunts performed at rallies—summon up our State's spirit.

One of the many pieces that makes Bike Week special is that riders have also regularly used the event as a means to raise awareness and support for critical issues facing New Hampshire and our country. In 1957, riders raised money to help fund polio research and support families who were grappling with that disease. This year also marks the 35th anniversary of the Meredith POW/MIA Awareness Vigil and the 30th anniversary of the Freedom Ride to honor American POW/MIA servicemembers, spearheaded by the Northeast POW/MIA Network. Over the past few years, more than 2,000 motorcyclists have joined the Freedom Ride to commemorate the sacrifice of POW/MIA servicemembers and raise awareness for the missing servicemembers who have not been found. The Freedom Ride reminds servicemembers, their families, and all Americans that POW/MIA servicemembers—both those who have returned and those who remain missing—will never be forgotten.

These acts of recognition and service have helped make Bike Week into a New Hampshire and American institution. For 100 years in Laconia, Americans from all backgrounds and walks of life have come together—united by their shared enthusiasm and their deep love for our beautiful country—and worked to make our community and our country a better place. One does not have to be a biker to appreciate that this spirit of enthusiasm, service, and love of country embodies New Hampshire—and America—at our best.

On behalf of Congress and all Granite Staters, I offer my congratulations to the event organizers for 100 years of Laconia Motorcycle Week. I have no doubt that Granite Staters and Americans across the country can look forward to it for generations to come.●

RECOGNIZING LOVE AT FIRST BITE MERCANTILE

• Mr. RISCH. Mr. President, Idaho small businesses are the backbone of our economy and our communities. These small businesses not only employ friends and neighbors, but they showcase Idaho's creativity and values. Idaho small businesses provide invaluable goods and services and are an intrinsic element of the Gem State. These small businesses deserve to be celebrated for the integral role they play in our communities. I am proud to relaunch Support Local Gems, a statewide initiative, on June 9, to encourage Idahoans to support the small businesses that make the Gem State special. As a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, I am pleased to honor Love at First Bite Mercantile as one of Idaho's Small Businesses of the Month for June 2023.

Love at First Bite opened its doors in Idaho Falls in 2009. Despite the recession, Juli and Mike Richards took the opportunity to make their dream a reality. By 2012, they had doubled in size and, in 2019, were able to expand again. Love at First Bite began when Juli and her daughter combined their chocolate and cupcake businesses but has since grown to offer a wide variety of products. In addition to gourmet food items, Love at First Bite is known for their line of specialty oils and vinegars, specialty drinks, home decor, beauty products, and jewelry.

The Richards are active members of the community and regularly contribute their sweet treats to community fundraisers and school events. Each summer, Love at First Bite donates products to local libraries as a tasty incentive for youth reading programs.

Congratulations to Juli and Mike Richards and all of the employees at Love at First Bite Mercantile for being selected as an Idaho Small Business of the Month for June 2023. You are an outstanding example of what it means to be one of Idaho's Local Gems. You make our great State proud, and I look