

the incumbent to: (1) file a report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App. §101 et seq.); or (2) perform confidential, policy-determining, or policy-advocating functions equivalent to those performed by Executive Schedule (5 U.S.C. §§5312 through 5316) or Schedule C (5 CFR §§213.3301–213.3302) appointees in the executive branch.

§ 920.102 Positions covered by Fair Chance Act regulations.

(a) *Positions covered.* Except as provided in paragraph (b), this part applies to all covered employee positions in any employing office.

(b) *Exempt positions.* For purposes of this part an exempt position is any position for which an employing office is required by statutory authority to make inquiries into an applicant's criminal history prior to extending an offer of employment to the applicant.

Subpart B—Timing of Inquiries Regarding Criminal History

§ 920.201. Limitations on criminal history inquiries.

(a) *Applicability.* An employee of an employing office may not request, in oral or written form (including through the Declaration for Federal Employment (Office of Personnel Management Optional Form 306) or any similar successor form, the USAJOBS internet website, or any other electronic means) that an applicant for employment with an employing office disclose criminal history record information regarding the applicant before the employing office extends a conditional offer to the applicant. This includes the following points in the recruitment and hiring process:

(1) Initial application, through a job opportunity announcement on USAJOBS, or through any recruitment/public notification such as on the employing office's website/social media, etc.;

(2) After an employing office receives an initial application through its back-end system, through shared service providers/recruiters/contractors, or orally or via email and other forms of electronic notification; and

(3) Prior to, during, or after a job interview. This prohibition applies to employing office personnel, including when they act through shared service providers, contractors (acting on behalf of the employing office) involved in the employing office's recruitment and hiring process, or automated systems (specific to the employing office or governmentwide).

(b) *Exceptions for certain positions.* (1) The prohibition under paragraph (a) of this section shall not apply with respect to an applicant for an appointment to a position:

(i) Which is exempt in accordance with § 920.102(b);

(ii) That requires a determination of eligibility for access to classified information;

(iii) Has been designated as a sensitive position under the Position Designation System issued by OPM and the Office of Director of National Intelligence (or similar authority in the legislative branch), which describes in greater detail agency requirements for designating positions that could bring about a material adverse effect on the national security, or that requires the performance of duties consistent with a national security position as defined in 5 CFR §1400.102.

(iv) Is a Federal law enforcement officer position meeting the definition in section 115(c) of title 18, U.S. Code.

(2) The prohibition under paragraph (a) of this section shall not apply with respect to an applicant for a political appointment.

§ 920.202. Violations.

(a) An employing office employee may not request, orally or in writing, information

about an applicant's criminal history prior to making a conditional offer of employment to that applicant unless the position is exempted or excepted in accordance with § 920.201(b).

(b) A violation (or prohibited action) as defined in paragraph (a) of this section occurs when an employing office employee (or employing office personnel, shared service providers, or contractors acting at the direction of an employing office employee) involved in the employing office's recruitment and hiring process, either personally or through automated systems (specific to the employing office or governmentwide), make oral or written requests of an applicant or applicants prior to giving a conditional offer of employment as a covered employee—

(1) In a job opportunity announcement on USAJOBS or in any recruitment/public notification such as on the employing office's website or social media;

(2) In communications sent after an employing office receives an initial application, through an employing office's talent acquisition system, shared service providers/recruiters/contractors, orally or in writing (including via email and other forms of electronic notification); or

(3) Prior to, during, or after a job interview or other applicant assessment.

(c) When a prohibited request, announcement, or communication is publicly posted or simultaneously distributed to multiple applicants, it constitutes a single violation.

(d) Any violation as defined in paragraph (a) of this section is subject to the claim and penalty procedures under subchapter IV of title 2 (other than section 1407 or 1408 of title 2, or a provision of this subchapter that permits a person to obtain a civil action or judicial review) and the OCFR Procedural Rules, consistent with these regulations.

**EXECUTIVE COMMUNICATIONS,
ETC.**

Under clause 2 of rule XIV,

EC-6304. A letter from the Chair of the Board of Directors, Office of Congressional Workplace Rights, transmitting notification of proposed rulemaking, pursuant to 2 U.S.C. 1384(b)(3); Public Law 104-1, Sec. 304(b)(3); (109 Stat. 29), was taken from the Speaker's table, referred jointly to the Committees on House Administration and Education and the Workforce.

**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. AUSTIN SCOTT of Georgia: Committee on Rules. House Resolution 1612. Resolution providing for consideration of the bill (H.R. 7673) to prohibit the Secretary of Energy from prescribing or enforcing energy conservation standards for clothes washers that are not cost-effective or technologically feasible, and for other purposes; providing for consideration of the bill (S. 4199) to authorize additional district judges for the district courts and convert temporary judgeships; and providing for consideration of the Senate amendment to the bill (H.R. 5009) to reauthorize wildlife habitat and conservation programs, and for other purposes (Rept. 118-825). Referred to the House Calendar.

Mr. GREEN of Tennessee: Committee on Homeland Security. H.R. 6229. A bill to amend the Homeland Security Act of 2002 to authorize a program to assess the threat, vulnerability, and consequences of terrorism or other security threats, as appropriate, to

certain events, and for other purposes (Rept. 118-826, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 5874. A bill to amend the United States-Mexico Transboundary Aquifer Assessment Act to reauthorize the United States-Mexico transboundary aquifer assessment program; with an amendment (Rept. 118-827). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 6235. A bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998 to address harmful algal blooms, and for other purposes; with an amendment (Rept. 118-828, Pt. 1). Ordered printed.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 7072. A bill to require the Secretary of Agriculture to convey certain National Forest System land in the Chequamegon-Nicolet National Forest to Tony's Wabeno Redi-Mix, LLC, and for other purposes; with an amendment (Rept. 118-829, Pt. 1). Ordered to be printed.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 7375. A bill to amend the Mineral Leasing Act to improve the assessment of expression of interest fees, and for other purposes; with an amendment (Rept. 118-830). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 6482. A bill to amend the Geothermal Steam Act of 1970 to promote timely exploration for geothermal resources under geothermal leases, and for other purposes; with an amendment (Rept. 118-831). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 1437. A bill to authorize livestock producers and their employees to take black vultures in order to prevent death, injury, or destruction to livestock, and for other purposes; with an amendment (Rept. 118-832). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 8450. A bill to direct the Secretary of the Interior to evaluate certain minerals for designation as critical minerals; with an amendment (Rept. 118-833). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 7776. A bill to amend the Boulder Canyon Project Act to authorize the Secretary of the Interior to expend amounts in the Colorado River Dam fund, and for other purposes (Rept. 118-834). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 1647. A bill to redesignate the Salem Maritime National Historic Site as the "Salem Maritime National Historical Park", and for the purposes (Rept. 118-835). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 3119. A bill to provide for the issuance of a Manatee Semipostal Stamp (Rept. 118-836, Pt. 1). Ordered to be printed.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 8704. A bill to require the Secretary of Commerce to establish a grant program to foster enhanced coexistence between ocean users and North Atlantic right whales and other large cetacean species; with an amendment (Rept. 118-837 Pt. 1). Ordered to be printed.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 6085. A bill to prohibit the implementation of the Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revision, Wyoming, and for other purposes; with

an amendment (Rept. 118-838). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 6547. A bill to prohibit the Secretary of the Interior from implementing the Draft Resource Management Plan and Draft Supplemental Environmental Impact Statement for the Colorado River Valley Field Office and Grand Junction Field Office Resource Management Plans; with an amendment (Rept. 118-839). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee On Natural Resources. H.R. 1395. A bill to amend the Water Infrastructure Improvements for the Nation Act to reauthorize Delaware River Basin conservation programs, and for other purposes; with an amendment (Rept. 118-840, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee On Natural Resources. H.R. 5401. A bill to provide a one-time grant for the operation, security, and maintenance of the National September 11 Memorial & Museum at the World Trade Center to commemorate the events, and honor the victims, of the terrorist attacks of September 11, 2001, and for other purposes; with an amendment (Rept. 118-841). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 6127. A bill to provide for the standardization, consolidation, and publication of data relating to public outdoor recreational use of Federal waterways among Federal land and water management agencies, and for other purposes; with an amendment (Rept. 118-842, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 8931. A bill to redesignate Saratoga National Historical Park as Saratoga National Battlefield Park (Rept. 118-843). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 8946. A bill to convey the reversionary interest of the United States in certain land in Sacramento, California (Rept. 118-844). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 9516. A bill to amend the Federal Lands Recreation Enhancement Act to provide for lifetime National Parks and Federal Recreational Lands Passes for family members of members of the Armed Forces who lost their lives while serving their country; with an amendment (Rept. 118-845, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Tennessee: Committee on Homeland Security. H.R. 7365. A bill to provide PreCheck to certain severely injured or disabled veterans, and for other purposes; with an amendment (Rept. 118-846, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 7938. A bill to amend the Klamath Basin Water Supply Enhancement Act of 2000 to provide the Secretary of the Interior with certain authorities with respect to projects affecting the Klamath Basin watershed, and for other purposes; with an amendment (Rept. 118-847). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 8012. A bill to establish the Jackie Robinson Ballpark National Commemorative Site in the State of Florida, and for other purposes; with an amendment (Rept. 118-848). Referred to the Committee of the Whole House on the state of the Union.

Mr. WESTERMAN: Committee on Natural Resources. H.R. 8308. A bill to reauthorize the Nutria Eradication and Control Act of 2003 (Rept. 118-849). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Tennessee: Committee on Homeland Security. H.R. 9668. A bill to establish in the Department of Homeland Security a working group relating to countering terrorist, cybersecurity, border and port security, and transportation security threats posed to the United States by the Chinese Communist Party, and for other purposes (Rept. 118-850, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. WILLIAMS of Texas: Committee on Small Business. H.R. 8033. A bill to amend title 5, United States Code, to clarify the information required to be included in a certification by an agency that a rule will not have a significant economic impact on a substantial number of small entities (Rept. 118-851, Pt. 1). Ordered to be printed.

Mr. WILLIAMS of Texas: Committee on Small Business. H.R. 9030. A bill to amend chapter 6 of title 5, United States Code (commonly known as the "Regulatory Flexibility Act"), to ensure complete disclosure of an agency's annual regulatory agenda (Rept. 118-852, Pt. 1). Ordered to be printed.

Mr. WILLIAMS of Texas: Committee on Small Business. H.R. 9031. A bill to require Federal agency heads to submit a report on the implementation of the Regulatory Flexibility Act, and for other purposes (Rept. 118-853, Pt. 1). Ordered to be printed.

Mr. WILLIAMS of Texas: Committee on Small Business. H.R. 9032. A bill to amend chapter 6 of title 5, United States Code (commonly known as the "Regulatory Flexibility Act"), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes (Rept. 118-854, Pt. 1). Ordered to be printed.

Mr. WILLIAMS of Texas: Committee on Small Business. H.R. 9033. A bill to amend title 5, United States Code, to apply regulatory flexibility analysis requirements for the Department of Labor (Rept. 118-855, Pt. 1). Ordered to be printed.

Mr. WILLIAMS of Texas: Committee on Small Business. H.R. 9085. A bill to amend title 5, United States Code, to make certain modifications to how agencies conduct periodic reviews of agency rules, and for other purposes (Rept. 118-856, Pt. 1). Ordered to be printed.

Mr. SMITH of Missouri: Committee on Ways and Means. H.R. 190. A bill to amend the Internal Revenue Code of 1986 to reinstate the exception for de minimis payments by third party settlement organizations with respect to returns relating to payments made in settlement of payment card and third party network transactions, as in effect prior to the enactment of the American Rescue Plan Act; with an amendment (Rept. 118-857). Referred to the Committee of the Whole House on the State of the Union.

Mr. GREEN of Tennessee: Committee on Homeland Security. H.R. 9689. A bill to amend the Homeland Security Act of 2002 to establish a DHS Cybersecurity Internship Program, and for other purposes (Rept. 118-858). Referred to the Committee of the Whole House on the state of the Union.

Mr. GREEN of Tennessee: Committee on Homeland Security. H.R. 9769. A bill to ensure the security and integrity of United States critical infrastructure by establishing an interagency task force and requiring a comprehensive report on the targeting of United States critical infrastructure by People's Republic of China state-sponsored cyber actors, and for other purposes (Rept. 118-859). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 1395 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 6127 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 6229 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Veterans' Affairs discharged from further consideration. H.R. 7365 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 9516 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committees on Foreign Affairs, Financial Services, Ways and Means, and the Judiciary discharged from further consideration. H.R. 9668 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 Mr. BACON:

H.R. 10332. A bill to require the Secretary of Defense to designate the Joint Force Headquarters-Department of Defense Information Network as a subordinate unified command under the United States Cyber Command, and for other purposes; to the Committee on Armed Services.

By Mr. BACON:

H.R. 10333. A bill to establish a hackathon program in the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. BACON:

H.R. 10334. A bill to amend section 333 of title 10, United States Code, to modify the authority to build the capacity of foreign security forces; to the Committee on Armed Services.

By Ms. BARRAGÁN (for herself and Ms. TLAIB):

H.R. 10335. A bill to amend the Federal Water Pollution Control Act to increase certain criminal fines, and for other purposes; to the Committee on Transportation and Infrastructure, 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 Mrs. BEATTY:

H.R. 10336. A bill to improve access for diverse-owned asset management firms, and for other purposes; to the Committee on Oversight and Accountability, and in addition to the Committees on Education and the Workforce, Financial Services, Transportation and Infrastructure, Armed Services, and House Administration, for a period to be