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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Margaret Grun Kibben, offered the following prayer:

With what can we come before You, O Lord, this day? How shall we honor You, O Lord, most exalted?

Shall we come before You with the sacrifice of our time and energy as proof of our dedication to serve You and the people we have been set apart to represent?

Will You be pleased with the multitude of our meetings and appointments, with the bounty of our hard-earned achievements? What should we lay before You to make up for our mistakes and missteps? How can we possibly atone for the transgressions of our souls?

Take away all that blinds us from what You have already shown us is good and acceptable in Your sight. Let us place before You the only sacrifice You require of us:

To do what is fair and just in all facets of our lives.

To be patient and compassionate, taking the initiative to show kindness even to those who are hard to be kind to.

To humble ourselves enough that we demonstrate that our love for You far exceeds our own self-interests.

In these offerings alone may we achieve what is the good pleasure of Your desire for our service to You and to this Nation. In your merciful name we pray.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House the approval thereof.

Pursuant to clause 1 of rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. LAMALFA) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMALFA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

CALIFORNIA'S WATER SUPPLY

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

Mr. LAMALFA. Mr. Speaker, I am going to report on the situation of California's water supply, which really is the Nation's water supply, as so much of our food source comes from California.

Mr. Speaker, 90 to 95 percent of our specialty crops—tomatoes, pistachios, almonds, walnuts—come from California if we are allowed to grow them.

Water supply is a core part of that.

We have a situation in northern California where each year it is a challenge to refill our lakes. Lake Oroville holds 3.5 million acre-feet; Lake Shasta, 4.5; Trinity Lake, 2.5 million—which is a total of about 10.5 million acre-feet. That is a lot of water.

We have the potential to build Sites Reservoir, another 1.5 million acre-feet. We could raise Shasta Dam and gain another 600,000 acre-feet for a total of 12.5 million acre-feet.

Yet, we aren't allowed to store that water. There is so much water now being devoted for other purposes that aren't for people, that are not for hydroelectric power. Indeed, they are tearing out hydroelectric dams in my district right now at a time when we want to go green with more CO₂-free power and electrify everything.

We have to do much better with corraling and saving our water supply for people's needs in California so it benefits the whole country.

RECOGNIZING SCHOOL BOARD MEMBERS

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

Ms. GARCIA of Texas. Madam Speaker, I rise today to recognize the hard-working school board members in my district in recognition of School Board Member Appreciation Month.

I am incredibly grateful for the extremely devoted school board members across Aldine ISD, Galena Park ISD, Channelview ISD, Sheldon ISD, Pasadena ISD, and Humble ISD.

These folks were elected by their communities to do some of the most important work a public servant can do. They are fostering the next generation of leaders by ensuring that our public schools are places where students can learn, explore, dream, and thrive.

I know that keeping our schools running smoothly comes with plenty of late nights and a lot of behind-the-scenes work. I know this firsthand because many of my family members have served or are serving on school boards.

Thanks to their work, our public schools continue to be the foundation of the great American Dream.

We must support our public schools. I thank them for their service, and we wish them Godspeed this year.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H111

WINTERGREEN COMMUNITY NEEDS EMERGENCY EXIT

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

Mr. GOOD of Virginia. Madam Speaker, I rise to support the ongoing efforts of the Wintergreen community to build an emergency exit road to keep their residents safe.

The Wintergreen community is located within the Blue Ridge National Park in Nelson County, Virginia, and is home to up to 10,000 residents at any given time. It is situated in a box canyon, but it only has one road that leads in or out.

For 20 years, the community has tried to work with the Park Service to construct an emergency exit but has been denied every time. The community is trying to fund and create a 400-foot emergency exit road to the Blue Ridge Parkway, which would be critical to saving lives in the event of a fire.

The Park Service continues to insist they do not have the authority to approve this action, so to remedy the situation, I am introducing the Blue Ridge Fire Safety Act to make it clear that the Park Service does have the authority to grant an emergency road construction permit.

Madam Speaker, I hope that common sense will prevail and prioritize the safety of this community.

REMEMBERING THE LIFE OF OFELIA VALDEZ-YEAGER

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

Mr. TAKANO. Madam Speaker, I rise today to remember the life of Ofelia Valdez-Yeager—a trailblazer for the Latino community in the Inland Empire.

She was a champion for all students, both in the classroom as a teacher and in her capacity as the first Latina to serve on the Riverside Unified School Board of Trustees.

As a founding member of LaNet, commonly referred to as the “Latino network,” she helped give a voice to the growing Latino population in Riverside.

Ofelia enriched our community and helped mobilize efforts that created the Cesar Chavez memorial and established The Cheech Marin Center for Chicano Art and Culture to downtown Riverside. I will miss her unwavering spirit and fierce advocacy dearly. My thoughts and prayers are with her family as they mourn the loss of a mother, wife, and grandmother.

RECOGNIZING MITCHELL WRIGHT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise today to recognize Mitchell Wright, a

social studies teacher at Watauga High School in North Carolina’s Fifth District.

Recently, I nominated Mitchell for the United States Capitol Historical Society Civic Education Workshop, a competitive program that selects only 16 educators from across the Nation to participate.

Last week, he was selected as part of this cohort and will travel to the Ruth-erford B. Hayes Presidential Library and Museum in Fremont, Ohio, in the latter part of February.

There, these 16 educators will develop new lesson plans and a variety of instructional materials relating to the electoral college that they will be able to share with their students.

Madam Speaker, I congratulate Mitchell on his selection to this program, and I thank the U.S. Capitol Historical Society for their continued work in creating novel instructional workshops such as this.

UKRAINE AND ISRAEL AID

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

Mr. HOYER. Madam Speaker, it has been 687 days since Putin invaded Ukraine.

It has been 379 days since we secured our last aid package for the Ukrainians.

It has been 97 days since Hamas launched its brutal terror attack on Israel and took numerous Israelis and Americans hostage.

It has been 79 days since MIKE JOHNSON became speaker, 71 days since he made aid to Israel contingent on completely unrelated partisan IRS cuts, breaking not only 75 years of bipartisan precedent but also the principles of the One Subject at a Time Act, which he sponsored back in 2017.

Madam Speaker, how many days will it be until Congress stands up for freedom and democracy once again? The answer ought to be today.

Instead, we find ourselves mired in the chaos sown by a majority party that refuses to give us a clean vote.

It must stop or I fear democracy’s days may be numbered.

Let us act and let us act now for the Ukrainians and for the Israelis, to oppose criminal invasions and terrorism.

RECOGNIZING UNIVERSITY OF MICHIGAN FOOTBALL TEAM

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

Mrs. McCLAIN. Madam Speaker, I rise today to recognize the University of Michigan football team for winning the national championship.

It is great to be a Michigan Wolverine.

Monday night, the Michigan football team completed their final test and stood atop as national champions.

Capping off a 15–0 season, team 144 will be enshrined as Big Ten champions, Rose Bowl champions, and now national champions.

Despite the accolades, this season for Michigan has been met with adversity on and off the field, but the players and the coaches and the team never wavered.

Michigan has a saying: “Those who stay will be champions,” and champions they have become.

These players are champions on and off the field. Team 144 is the epitome of what it means to be Michigan men and stand as champions because of it.

We are proud of these young men. We are so proud of Coach Harbaugh and his staff and all of those who are involved with this great program.

Madam Speaker, I congratulate Michigan. They are national champions. Go Blue.

RECOGNIZING RICHARD FRANCIS BRANI

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

Ms. SPANBERGER. Madam Speaker, I rise today to recognize Staff Sergeant Richard Francis Brani, a U.S. Army veteran who served during World War II and was recently awarded the Bronze Star Medal for his gallantry during the Battle of the Bulge.

Nearly 80 years ago, Mr. Brani valiantly served in three campaigns in the European Theater, including on the Western Front, where he distinguished himself as part of the 84th Infantry Division “Railsplitters.”

From the beaches of Normandy to the forests of the Ardennes, Mr. Brani and his regiment faced freezing temperatures, fierce enemy fire, and insurmountable odds as they warded off German forces. Amidst trials that tested their resolve, their bravery never wavered.

Last month, and at 100 years old, Mr. Brani was awarded the Bronze Star Medal for demonstrating extraordinary heroism during this critical turning point in World War II.

Mr. Brani’s service is a reminder of the sacrifices made by an entire generation, the sacrifices that led to the freedoms we hold dear today.

On behalf of a grateful Nation, I stand before the United States House of Representatives to thank Staff Sergeant Richard Francis Brani for his devoted service to our extraordinary country.

□ 0915

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER THE RULE SUBMITTED BY THE NATIONAL LABOR RELATIONS BOARD RELATING TO “STANDARD FOR DETERMINING JOINT EMPLOYER STATUS”

Ms. FOXX. Madam Speaker, pursuant to House Resolution 947, I call up the

joint resolution (H.J. Res. 98) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to “Standard for Determining Joint Employer Status”, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mrs. KIM of California). Pursuant to House Resolution 947, the joint resolution is considered read.

The text of the joint resolution is as follows:

H. J. RES. 98

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the National Labor Relations Board relating to “Standard for Determining Joint Employer Status” (88 Fed. Reg. 73946 (October 27, 2023)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce or their respective designees.

The gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX).

GENERAL LEAVE

Ms. FOXX. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Republicans are coming to the rescue of small business owners once again. The House will soon vote on a bipartisan Congressional Review Act resolution to rescind President Biden’s antifreedom, antigrowth joint employer rule.

Business-to-business relationships are fundamental to American commerce. At its most basic level, a joint employer standard should ensure that the entity calling the shots in the workplace is legally liable. That is why it is important to get this right.

Under the Trump National Labor Relations Board rule, it was right. The Trump NLRB made sure that clear criteria were met before an employer was deemed legally liable for an individual’s employment conditions.

Critically, the Trump rule recognized that the ability of businesses to control their destinies is a pillar of the American Dream. It established a standard that enticed countless men and women to start and grow small

businesses and employ millions of workers.

The Biden NLRB upended this easy-to-understand joint employer standard that promoted economic growth and job creation. Under the new joint employer rule, small business owners are going to be compelled to acquiesce to more Big Government regulation and union boss control.

Here is why: The traditional Trump rule stated that two or more businesses were considered joint employers under the National Labor Relations Act if they shared actual, direct, and immediate control over the essential terms and conditions of employment, including hiring, firing, discipline, supervision, and direction of employees. This predictable and clear standard ensured employers would not be saddled with collective bargaining obligations or with liability of a company they do not control.

Under the Biden NLRB rule, an employer now includes those who have only indirect or even potential control over employees’ essential terms and conditions of employment. Like a rerun of a low-rated TV show, we have seen this story before.

While the Trump Board restored the commonsense, traditional joint employer standard, the Biden NLRB’s rule largely revives an Obama-era standard. The Obama NLRB upended decades of precedent and broadly expanded the definition of joint employment. That means working families and small businesses are up against a confusing and damaging new rule from Biden’s NLRB, which will sow confusion and destabilize the economy in a time when persistently high prices are crushing hardworking Americans.

The results from Obama’s joint employer rule give us an eerie glimpse of what is to come. Franchise operational costs increased by \$33 billion. The decision caused 376,000 lost job opportunities in the franchise sector alone. It increased NLRB unfair labor practice charges by 93 percent, imposing significant litigation costs on businesses, both large and small.

Special interests are hard at work attempting to sweep these facts and the failed historical record under the rug. The AFL-CIO purports that the rule will in no way threaten or disrupt franchise arrangements or staffing firms. Big Labor set the line, and the Biden administration took the bait—hook, line, and sinker.

Moreover, this is not the only myth Big Labor is spreading about the resolution. Let me be clear. This resolution does nothing to restrict union activity. It does not alter the rights afforded to workers under the National Labor Relations Act. What it does is ensure the appropriate parties meet at the bargaining table to resolve labor disputes.

While the Biden NLRB’s joint employer rule takes the side of the special interest masters, House Republicans have heard the pleas and are taking the side of workers, small businesses, and the American entrepreneurial spirit.

Congress must stand with franchisees, small and large business owners, and millions of workers by voting with a bipartisan mandate to rescind the Biden NLRB’s joint employer rule.

Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to H.J. Res. 98, a Congressional Review Act resolution to repeal the National Labor Relations Board’s joint employer rule, which the Board finalized last October.

Through their unions, workers should be able to negotiate for higher pay, better benefits, and safer workplaces. However, that is not the case for millions of Americans, including janitors, housekeepers, cooks, and many others who are employed through subcontracts or temporary agencies.

The rise of what is called “fissured workplace,” where firms increasingly use overlapping arrangements of contracting, subcontracting, and temping, has weakened workers’ bargaining power and allowed large corporations to evade bargaining obligations and liabilities.

For example, if employees of a subcontractor were to unionize, the subcontractor could refuse to bargain over pay, hours, workplace safety, or other issues because its contract with the prime contractor essentially sets the wages for the employees. Whoever is setting the wages ought to be the one at the bargaining table.

If the workplace employer is essentially setting the wages, but you have to negotiate with the temp agency, and they say, “That is all we can pay, so talk to somebody else,” we need the somebody else at the table to be bargaining.

Likewise, a temp agency may be restrained on what it can pay because of the contract with the owner of the workplace.

Additionally, by evading bargaining obligations, the prime contractor who is actually setting the wages can shift liability for an unfair labor practice onto the subcontractor or the temp agency.

The NLRB rule fixes this problem by ensuring workers can negotiate with all entities controlling their working conditions. This protects small businesses from being held liable for labor violations that are the result of other employers’ actions.

By repealing the NLRB’s rule, H.J. Res. 98 would undermine workers’ ability to exercise their rights and reinstate the deficient Trump-era rule that narrowed the joint employer standard. Under the Trump-era standard, employers who control the working conditions could easily evade their obligations to collectively bargain with employees.

We should not go backward. The Biden-Harris administration’s joint

employer rule empowers workers and protects small businesses.

My colleagues have just claimed that there is a problem with franchisees and the franchising model. These claims are unfounded, as there is no credible evidence showing that the rule would adversely affect the franchise model.

In fact, if a problem arises, a strong joint employer standard will protect franchisees by ensuring the franchisors don't control the franchisees' labor relations and then leave the franchisees on the hook for the liabilities.

I want to highlight that the American Association of Franchisees and Dealers wrote in support of both the Protecting the Right to Organize Act—that is, the PRO Act—joint employer standard and the Biden-Harris joint employer rule that we are talking about today.

It is also important to point out that the NLRB has never found a franchisor to be a joint employer of a franchisee's employees.

The joint employer rule reflects the best interests of the American people and our economy.

Madam Speaker, I hoped that we would be standing with the workers and small business owners and not repeal a rule that protects them. I oppose the resolution, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Madam Speaker, I rise today in support of H.J. Res. 98, a resolution brought under the Congressional Review Act that will nullify the new joint employer rule finalized by the Biden administration's activist National Labor Relations Board.

The joint employer rule is a continuation of anti-employer, antiworker, pro-union activism spewing out of Biden's NLRB.

Originally created as a neutral Federal agency to safeguard employee rights, the NLRB has destroyed its reputation under the leadership of radical leftist General Counsel Jennifer Abruzzo.

If we fail to pass the resolution today and this new rule goes into effect, it will rescind the direct and immediate control standard and replace it with the Biden administration's indirect, reserved control standard.

These rules go to the heart of what it means to control your own business. The Biden administration threatens the existence of the franchise model used by so many great businesses across our Nation.

Years ago, when President Obama's NLRB tried to advance a similar rule, the International Franchise Association conducted a study on its impact. Research showed the Obama standard would have increased operational costs for franchisees collectively by as much as \$33 billion annually and led to the loss of 376,000 jobs.

Under the rule, something as simple as a franchisor giving a franchisee a

company handbook could be interpreted as exercising indirect control, and this opens up a floodgate of questions and unnecessarily creates a problem for the current structure.

Today, businesses are fighting to survive the consequences of Bidenomics. They are suffering high inflation, low workforce participation, high interest rates, and more. If you ask any franchisor, the last thing they would say they need is more government bureaucrats telling them how to run their businesses.

We must protect the model that is currently working for businesses and eliminate the threat of this new rule, and I urge my colleagues to vote for H.J. Res. 98.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. BONAMICI), who is a senior member of our committee and the ranking member of the Subcommittee on Early Childhood, Elementary, and Secondary Education.

□ 0930

Ms. BONAMICI. Madam Speaker, I rise today in support of workers and franchisees and in opposition to this harmful resolution.

The joint resolution we are debating today would reverse a rule of the National Labor Relations Board that clarifies who or what is a joint employer. Under this rule, employers can no longer use subcontractors or a staffing or temporary agencies to block the opportunity for hardworking Americans to bargain for fair wages or safer workplaces.

The Biden administration's joint employer rule will help workers and grow the middle class by restoring the NLRB's ability to consider an employer's control over an employee when determining joint employer status. This is not new. It was the law for decades.

Also, I want to push back on the arguments that some of my colleagues continue to make that a strong joint employer rule threatens the franchise model. It does not.

As a lawyer who formerly represented franchisees, I know the franchise model, and I know how it works. A franchisor does not have an employer relationship with the franchisee's employees. Additionally, franchisors do not determine the terms and conditions of their franchisee's employees. It is the franchisee who runs the business and controls the employees. That is freedom.

In fact, the rule actually helps franchisees, because it discourages franchisors from trying to micro-manage the franchisee's employees. In fact, as Ranking Member SCOTT has made clear, the NLRB has never found a franchisor to be a joint employer.

Now, the chair mentioned this increase in expenses. Well, they certainly are not the expenses of the franchisees. I would expect that a significant amount of that money has been lobbying against this rule and spreading

misinformation about how the sky is falling for franchisees when, I repeat, there has never been a franchisor who has been found to be a joint employer.

The rule works. Let's stand with workers and defeat this joint resolution.

For these reasons, I oppose H.J. Res. 98, and I encourage all of my colleagues to vote "no."

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. WILLIAMS), the distinguished chair of the Small Business Committee.

Mr. WILLIAMS of Texas. I thank the gentlewoman for yielding time.

Madam Speaker, I rise today in opposition to the National Labor Relations Board joint employer rule that will be disastrous for small businesses across the country, and I also am a franchisee.

The NLRB is attempting to adopt an overly broad new definition of a joint employer that will greatly increase the number of entities that are subject to costly new Department of Labor requirements.

Last fall, the Committee on Small Business held a hearing to examine the disastrous impact of the regulation as well as many others coming out of the Department of Labor.

We heard directly from job creators on how the new joint employer rule will prevent businesses from looking for growth opportunities because of the legal uncertainty caused by this rule.

If we continue to punish the businesses who provide over half the workforce and half the payroll, our economy is going to suffer. In a time where inflation remains stubbornly high, businesses cannot find qualified workers to hire, and supply chains remain fragile, we should not be adding another confusing regulation to the list of their troubles.

I am glad to see the CRA come to the floor today so we can provide regulatory relief to businesses already dealing with significant employee economic headwinds.

I urge my colleagues to support H.J. Res. 98.

In God we trust.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 4 minutes to the gentleman from California (Mr. TAKANO), a senior of our committee, and the ranking member of the Veterans' Affairs Committee.

Mr. TAKANO. Madam Speaker, I rise in strong opposition to this resolution.

The National Labor Relations Board, under President Biden, issued a final rule this past October that restores the Board's ability to consider the extent to which an employer controls the terms and conditions of someone's employment. So what does this mean?

Well, the Biden NLRB rule prevents employers from skirting accountability for complying with workplace

laws. Under the Trump administration, their NLRB 2020 rule severely hampered the American worker's ability to hold employers accountable.

I reject the characterization by the chairwoman that the Trump administration rule was pro-freedom. There is nothing pro-freedom about the Trump administration rule, except for the freedom to steal wages, to exact unfair labor practices, and other violations. That is a perversion of the word "freedom".

A trend called fissured work has become commonplace. What does fissured work mean? Fissured work is when a company adopts a dynamic of contracting and subcontracting. Instead of hiring the workers directly, they subcontract it out. That is how they avoid responsibility for being fair to the workers.

A prime example of this is temping. Today, roughly 3.1 million Americans are employed by a temping agency. These temporary work arrangements are characterized by their short duration, and employment can range from just a handful of days to months.

So let's say a company needs to hire a front-desk receptionist and enlists the help of a staffing agency. For an individual seeking a job opportunity who may not be able to secure full-time, long-term employment, maybe as quickly as he or she would like, a temporary staffing agency may seem very enticing.

If hired, the receptionist sent out by this staffing agency would essentially be performing work on behalf of a client company that directs the employee's work but does not receive a check signed by that client company, but, rather, the staffing agency writes the check.

This common practice is one for companies to pay employees less for work than a traditional, full-time employee would receive. In addition, many times these employees have hostile or unsafe workplaces.

Now, these fissured work arrangements at temp agencies often result in a lack of clarity regarding employer responsibilities and may become challenging for workers who are interested in organizing a union to negotiate collectively or hold employers accountable for labor standards.

For that receptionist who wants to negotiate his or her pay, the conversation with the company proves difficult to have. Who do you negotiate with: the temp agency or the company?

Fissured work is unfortunately rampant, and it is critical companies are not able to evade bargaining and responsibility of workers. This is the problem that the Biden NLRB joint employer rule seeks to fix.

If a company maintains its right to control how much a worker earns and how many hours they work a week and whether they can organize, then it also must maintain its responsibility for complying with the laws that protect workers. This is common sense. This

rule helps workers and protects small businesses that follow the rules.

This rule would upend the dynamic of allowing big companies to shield themselves from labor negotiations. Companies that engage in fissured employee arrangements would no longer be able to evade such responsibilities.

All companies should be held accountable irrespective of how many workers or geographically where employers are stationed.

The final rule is expected to take effect February 2024.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SCOTT of Virginia. Madam Speaker, I yield an additional 30 seconds to the gentleman from California.

Mr. TAKANO. Madam Speaker, I wish that my Republican colleagues were more focused on helping and empowering workers.

I urge opposition to the joint resolution.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. HERN), chair of the Republican Study Committee.

Mr. HERN. Madam Speaker, because of the successes that I have had in life, not many people know that my life began very differently.

My family was dependent on food stamps for most of my youth. My stepdad never worked, and my siblings and I paid the price for it. I knew from a young age that I would not let that be my life. From the moment I could start working, I did whatever it took to earn financial security—hog farming, welding, computer programming, the list goes on.

If it weren't for the McDonald's franchisee program, I wouldn't be here today. After 11 years of working in the restaurants, I was able to work my way into the franchisee program and purchase my first franchise location. I was able to build a successful company with over 20 locations and thousands of employees.

I have lived a truly American story, and my mission in life is to help every child who grew up like me—wondering where their next meal would come from, unsure if the lights would be on when they came home from school. I want those kids to know that our country is a place of opportunity and a place of hope for those who will work for it.

Today, we are here to provide congressional disapproval of a rule that would completely destroy the franchise model that gave me the opportunity to be successful.

I thank Congressman JAMES for introducing the CRA to shed light on how harmful the National Labor Standards Board rule is to small businesses and especially the franchise model. This new rule would have grave consequences on small businesses and the franchise model.

Have we not learned from our history? Under the Obama administration, the joint employer rule was expanded, and the data shows that franchises lost \$33.3 billion each year, 376,000 jobs were lost, and losses increased by 93 percent.

We have already seen this administration's spending habits wreak havoc on Americans in the form of inflation. We cannot allow the Biden administration to move forward with this rule that will have devastating effects on our economy.

We should learn from the mistake the Obama administration made and reject this new joint rule.

Madam Speaker, I urge my friends on both sides of the aisle to support H.J. Res. 98.

Ms. FOXX. Madam Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. DESAULNIER), the ranking member of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. DESAULNIER. Madam Speaker, I thank the gentleman for yielding and say hello to the Chairwoman.

When workers come together to bargain collectively for better wages, hours, and working conditions, workers, families, and our entire economy succeeds. However, they can only negotiate for these things if, in keeping with the principles of the National Labor Relations Act, all parties with power to control their employment are required to be at the table.

The Biden administration's joint employer rule makes sure that that is possible, and we should be supporting it, not trying to undo it.

If someone is hired by a subcontractor and that subcontractor has no ability to change the pay and hours of its employees because they are predetermined by the prime contractor, it might understandably refuse to bargain over those issues. Without the prime contractor at the table, these workers are denied their right to negotiate over these fundamental parts of their jobs.

The Trump-era joint employer rule allowed companies to control the workplace like an employer but dodge the legal responsibilities of one. The Biden administration's updated rule will set the law back on track, ensuring that if a company controls a worker's essential terms and conditions of employment they are accountable to answering to those workers directly.

As a former union member and the current ranking Democrat on the House Health, Employment, Labor, and Pensions Subcommittee of the Education and the Workforce Committee and a member of the Labor Caucus, I have seen firsthand that labor unions can be key to improving working conditions, pay, and a worker's voice.

When workers succeed, America succeeds.

I am also a former small business owner, and I appreciate that, as part of

its due diligence when putting this updated rule together, the NLRB did an analysis and concluded that it would not have an undue economic impact on small businesses.

I encourage my colleagues to vote against this resolution which would harm workers by overturning the Biden administration's joint employer rule.

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

Ms. FOXX. Madam Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. JAMES), and the prime sponsor of the resolution.

Mr. JAMES. Madam Speaker, I rise today in support of my resolution, H.J. Res. 98, to provide for congressional disapproval of the NLRB's recent joint employer rule.

I first thank the esteemed Member from North Carolina, Chairwoman FOXX, and her staff for working with me and my staff to get this joint resolution to the floor and, hopefully, through to the Senate.

I have been here for about a year, and it is readily apparent to me that too many people in this town are making rules that they will never live by in an area where they have never had to survive in the business world. Additionally, too many of my colleagues seem to be convinced that small business is the enemy and Big Government is here to save them.

Plainly put, this joint employer rule is part of the Biden administration's antifreedom, antigrowth, and antibusiness agenda that is gutting the American Dream.

Madam Speaker, the American people don't want Washington telling them how to start or manage a business in this country.

Don't take it from me. Franchise owners in my district have conveyed to me that they are choosing retirement over dealing with this harmful policy. They want the chance to create a better life for their families and their employees' families and not be controlled by out-of-control bureaucrats at the NLRB.

We already have the right to collectively bargain in this country, but this rule goes too far. This is the most glaring evidence yet that capitalism and choice are threats to this administration's socialist America last agenda.

When this regulation was enacted under the Obama administration, it cost franchise businesses \$33.3 billion per year. According to the International Franchise Association, around 26 percent of franchises are owned by people of color compared with 17 percent of independent businesses generally.

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Madam Speaker, I fear this harmful rule will lead to job losses, increases in the cost of living, and for Americans already suffering, fewer American Dreams being realized, as well.

It burns me up when I hear politicians talk about creating jobs. Politicians can't create jobs, but they sure can kill them. That is what this regulation does.

Bureaucrats don't create jobs; businesses create jobs. Republicans aim to make policy that will not only result in more jobs but more job creators.

These job creators, these entrepreneurs, these franchisees, and these independent contractors create good-paying jobs and give people opportunities to succeed. Overturning this joint employer rule is just the first step in the right direction.

I am the walking result of the American Dream. My father started our family business with one truck, one trailer, and no excuses. He worked 25 hours a day and 8 days a week with my mother by his side. When he handed that business down, my brother and I, with a wonderful team and the grace of God, were helped to grow it to higher heights. We put more effort into it, and that is the story of how this Nation grows and becomes more successful. Nonetheless, we can't allow this story to end.

Madam Speaker, I implore my colleagues to remember that small business on Main Street in their districts when they cast their vote today because the small business on Main Street will certainly remember them in November.

For these reasons and more, Madam Speaker, I urge a "yes" vote on H.J. Res. 98.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOYLE).

Ms. HOYLE of Oregon. Madam Speaker, today I rise in strong opposition to H.J. Res. 98 which would repeal the National Labor Relations Board joint employer standard.

Under President Biden, this rule was issued to protect workers' rights. Unfortunately, House Republicans want to repeal this strong standard. Today, I have heard a lot of misleading claims about this joint employer standard.

Simply put, this issue is about whether or not employers have to come to the bargaining table where the employer controls the means and manner of the workers' employment.

As a member of the Congressional Labor Caucus and someone who has spent 25 years in the private sector putting food on the table for my family, I believe that when workers come to bargain over their wages and working conditions, then those employers who do control the means and manner of workers' employment—and that is a standard by which we determine whether someone is a direct employee or an independent contractor—should be at the bargaining table as required by law.

When workers do better, employers do better, and our country does better.

This is exactly what the Biden administration's joint employer rule does.

What it doesn't do is impact the ability to utilize independent contractors when appropriate, and, as has been mentioned today, no franchisee has ever been categorized as a joint employer. This is more misinformation used to undermine the ability of workers to organize and bargain for better wages, hours, and working conditions.

This strong standard overturns the Trump administration's rule, and it cracks down on corporations that outsource jobs and use independent contractors to walk away from their duties as an employer creating an unlevel playing field and unfair competition for those employers who are willing to provide fair wages, hours, and safe working conditions for their workers as per the letter of the law.

In seeking to overturn the NLRB's new and stronger joint employer standard, House Republicans are working to help bad employers avoid their responsibility to employees and are undermining workers across this country.

Madam Speaker, I urge my colleagues to vote against this antiworker resolution.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. OBERNOLTE).

Mr. OBERNOLTE. Madam Speaker, I rise in strong support of this joint resolution which would overturn a completely nonsensical ruling by the National Labor Relations Board.

The NLRB is seeking to expand the definition of an employer to include what they call joint employers. That is an employer who exerts indirect control or even potential control over an employee.

Madam Speaker, it has been said that those who do not honor the mistakes of the past are doomed to repeat them, and we are about to make the same mistake that we made almost 10 years ago when the NLRB took this exact same action.

What happened?

It raised costs for small businesses by over \$33 billion and resulted in the loss of nearly 400,000 jobs.

Madam Speaker, that will happen again if this ruling is allowed to stand. It is completely appropriate that Congress is taking this action under the Congressional Review Act because this is a decision that has major consequences for employers across our country, and, yet, it has been made by a set of unelected bureaucrats.

Madam Speaker, under our Constitution, the power to regulate interstate commerce resides here in this Chamber in this building and not with an unelected executive branch agency.

Madam Speaker, this commonsense resolution would overturn that ruling, returning that power not only to Congress but to small businesses across our country, and I urge its adoption.

Mr. SCOTT of Virginia. Madam Speaker, may I inquire how much time is remaining on both sides.

The SPEAKER pro tempore. The gentleman from Virginia has 15½ minutes

remaining. The gentlewoman from North Carolina has 14½ minutes remaining.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SORENSEN).

Mr. SORENSEN. Madam Speaker, I rise today in opposition to H.J. Res. 98.

Last year, the administration took an important step to protect workers' rights by issuing an updated joint employer rule. Unfortunately, House Republicans are now trying to reverse the strong standard.

My colleagues across the aisle are making misleading claims today about this joint employer standard, arguing incorrectly about the impact on small business franchises.

Now, let me be clear. The joint employer issue is simply about whether or not an employer is obligated to come to the bargaining table.

I have heard from so many working families across central and northwestern Illinois who feel as if they are left behind and as if their government does not stand for them as they work paycheck to paycheck trying to do the right thing for themselves and their families.

All the while, big corporations automate jobs and misclassify workers all to save a quick buck while reporting record profits and forgetting whose labor got them to their positions of success in the first place.

As a member of the Congressional Labor Caucus, I believe that when workers come together to bargain for fair wages, for good benefits, and for safe workplaces, then every entity that has control over these conditions should be at the table, and it is required by law.

That is exactly what the Biden administration's joint employer rule does. The strong standard overturns the previous administration's rule which allowed corporations to easily outsource jobs so they could evade responsibility and undermine organized labor.

We cannot allow House Republicans to undermine workers in this country by overturning the National Labor Relations Board's joint employer standard.

To the hardworking people in my district, let me be clear. As their Member in Congress, I will always stand on the side of workers and fight for their protections.

Madam Speaker, I urge my colleagues to vote against this resolution.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Ms. VAN DUYN).

Ms. VAN DUYN. Madam Speaker, I rise today in support of this joint resolution to rescind this detrimental and job-killing regulation from the Biden administration. This final rule revives the Obama-era joint employer standard and leaves companies liable for employees whom they don't oversee or directly manage.

As co-chair of the Congressional Franchise Caucus and chair of the

Committee on Small Business' Oversight Subcommittee, I have heard from countless franchise businesses about this rule. Overwhelmingly, they would suffer drastically. They would lose out on income, opportunity, and autonomy over their business.

The cost is not small. A very similar 2015 standard cost the franchising sector over \$33 billion per year. It resulted in nearly 400,000 lost job opportunities, and it practically doubled litigation against franchises.

My home State of Texas continues to lead the Nation in job growth and is the fastest growing State for franchise establishments. This misguided policy would hurt these job creators who want nothing more than to provide for their families and offer job opportunities to our communities.

Madam Speaker, I urge my colleagues to support this resolution to push back on the Biden administration's vast overreach and give our small businesses the chance to survive and to thrive.

Mr. SCOTT of Virginia. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CASAR).

Mr. CASAR. Madam Speaker, I rise today in opposition to this Republican proposal because across our country and across my home State of Texas, working families are struggling to make ends meet while big corporations boast record-breaking profits.

We should all be celebrating this Biden-era NLRB rule to make sure that those same big companies have to bargain for better wages and better benefits with their workers and that those big companies can't throw contractors in the way in order to evade that baseline responsibility.

Nonetheless, unsurprisingly, my colleagues on the other side of the aisle are running to the rescue of those same big corporations and their record-breaking profits. The Republican majority wants to help those corporations be able to deny workers the benefits, the higher wages, the overtime, and the healthcare they deserve.

The most ironic thing that I have heard today from the Republicans who are for this resolution is they keep saying they want to defend small businesses. However, in fact, the Republican proposal today will allow big corporations to throw a small contractor in between themselves and their employees so that they can keep on underpaying their staff and provide fewer benefits than those workers deserve.

I will give you an example from my district, Madam Speaker. In my district, my constituents run YouTube Music which is used by millions of people across the world. YouTube Music, of course, is owned by YouTube and by Google. However, they don't get a check from Google. They get a check from a contractor that otherwise wouldn't exist except for the fact that they are there to essentially pass the check along to workers and shield

Google and YouTube from their responsibility to their workers.

That is why these folks who are helping make Google \$60 billion in profits just last year make as little as \$19 an hour. This Republican proposal is to shield enormous corporations like Google from their responsibility to make sure that the workers who create their profits actually get to share in American prosperity.

Workers have the right to bargain for fair wages and working conditions with every company that controls their terms and conditions of employment, and that is why we should defend this Biden-era NLRB rule to protect workers' rights to bargain.

Workers across the United States are saying "yes" to higher wages, they are saying "yes" to better healthcare, and they are saying "yes" to collective bargaining. It is time for Congress to catch up.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Madam Speaker, I thank the gentlewoman for yielding.

Madam Speaker, I strongly support H.J. Res. 98 to overturn the Biden administration's joint employer rule which would directly harm employees across this Nation—employees who can become and do become entrepreneurs, franchise owners, and small businesspeople because of their opportunity.

This misguided joint employer rule is a classic case of solving a problem that doesn't exist, and, in the process, it creates unnecessary barriers to success.

Madam Speaker, we have been here before. In 2015, the Obama NLRB implemented the Browning-Ferris decision—I remember it well—which rewrote the joint employment standard with disastrous results. To say otherwise denies the truth.

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It raised franchise operational costs by \$33 billion and caused 376,000 job losses. It increased NLRB unfair labor practice charges by 93 percent, imposing significant litigation costs on businesses, both large and small.

Despite the historical evidence that expanding the definition of joint employment harms economic growth and job creation, the Biden NLRB has decided to finalize a substantially similar rule anyway.

Michigan is home to over 23,000 franchise locations, employing approximately 248,000 people. However, as a result of this new regulatory burden, workers and small businesses in Michigan and across the country are at risk of losing jobs and opportunities to pursue their own American Dream.

Madam Speaker, I urge my colleagues to pass H.J. Res. 98 so we can return to a commonsense standard that workers and local employers have relied on for decades and promote success.

Mr. SCOTT of Virginia. Madam Speaker, I include in the RECORD three letters in opposition to H.J. Res. 98. The first is signed by the AFL-CIO, SEIU, and Teamsters. The second is signed by the United Steelworkers. The third is signed by a diverse group of organizations, including the National Organization for Women, the National Partnership for Women and Families, The Leadership Conference on Civil and Human Rights, and many more.

November 2, 2023.

DEAR REPRESENTATIVE: On behalf of the 12.5 million workers represented by the AFL-CIO, the 2 million workers represented by SEIU, and the 1.2 million workers represented by the International Brotherhood of Teamsters, we write to urge you to support the National Labor Relations Board's ("NLRB" or "the Board") recent final rule addressing joint-employer status under the National Labor Relations Act ("NLRA" or "the Act"). This important rule will ensure that workers have a real voice at the bargaining table when multiple companies control their working conditions. Accordingly, the undersigned unions strongly oppose any effort to nullify or weaken the rule, whether by legislation or resolution under the Congressional Review Act.

The rule, published on October 27, 2023, rescinds the Trump NLRB's 2020 joint-employer rule and replaces it with an updated standard that is based on well-established common-law principles and consistent with recent D.C. Circuit decisions identifying critical flaws in the Trump NLRB's approach to this issue. The Board's updated rule is welcome and necessary because the Trump rule was harmful to workers' organizing efforts, inconsistent with the governing legal principles, and against the policies of the Act.

The crux of this issue is simple—when workers seek to bargain collectively over their wages, hours and working conditions, every entity with control over those issues must be at the bargaining table. The Act protects and encourages collective bargaining as a means of resolving labor disputes. Collective bargaining cannot serve that purpose if companies with control over the issues in dispute are absent from the bargaining table. The Trump rule offered companies a roadmap to retain ultimate control over key aspects of workers' lives—like wages and working conditions—while avoiding their duty to bargain. This standard left workers stranded at the bargaining table and unable to negotiate with the people who could actually implement proposed improvements.

Companies are adopting business structures specifically designed to maintain control over the workers who keep their businesses running while simultaneously disclaiming any responsibility for those workers under labor and employment laws. Such businesses often insert second and third-level intermediaries between themselves and their workers. These companies seek to have it both ways—to control the workplace like an employer but dodge the legal responsibilities of an employer. This phenomenon is often called workplace "fissuring."

Fissured workplaces, sometimes involving staffing firms, temp agencies, or subcontractors, often leave workers unable to raise concerns, or collectively bargain with, the entity that actually controls their workplace. In such arrangements, multiple entities may share control over a worker's terms of employment. For example, if employees of a subcontractor were to unionize and bargain only with the subcontractor, it might simply

refuse to bargain over certain issues because its contract with the prime contractor governs those aspects of the work (e.g., pay, hours, safety, etc.). This harms workers because the entity that effectively determines workplace policy is not at the bargaining table, placing workers' desired improvements out of reach.

The way to ensure that workers can actually bargain with each entity that controls their work is to readily identify such entities as "joint employers." The Act requires joint employers to collectively bargain with employees over working conditions that they control. But the Trump NLRB's joint employer rule was designed to help companies with such control escape bargaining. The rule's standard for finding a joint employment relationship was unrealistic and overly narrow. It conditioned a company's joint employer status on proof that it actually exercised substantial direct and immediate control, discounting its reserved or indirect power to control a small list of working conditions. This conflicts with the governing common law principles, which make clear that a company's power to control working conditions must bear on its employer status (and thus its bargaining responsibilities under the Act) regardless of whether it has formally exercised that power. The new final rule correctly rescinded the Trump rule.

Critics of the new rule claim that its joint employer standard will outright destroy certain business models or dramatically change operations. Opponents claim, for example, that companies will be required to bargain over issues they have no control over, or will be automatically liable for another entity's unfair labor practices. This is simply untrue and a further attempt to leave workers with no opportunity to bargain with controlling entities. The final rule makes it clear that a joint employer's bargaining obligations extend only to those terms and conditions within its control. And current Board law—unchanged by the rule—only extends unfair labor practice liability to a joint employer if it knew or should have known of another employer's illegal action, had the power to stop it, and chose not to.

Similarly, critics claim that the new standard imposes blanket joint employer status on parties to certain business models like franchises, temp agencies, subcontractors, or staffing firms. This is also untrue. The rule does not proclaim that all franchisors are now joint employers with their franchisees, or that any company using workers from a temp agency is automatically their employer. The particular business model used by parties in any case is not determinative. Instead, the Board looks at every case individually, and grants companies a full and fair opportunity to explain the underlying business relationship and dispute whether they control the relevant workers' essential terms and conditions of employment. The Board conducts a fact-specific, case-by-case analysis that considers whether the putative joint employer controls essential terms and conditions of employment.

Make no mistake, the Board's rule may well result in the employees of a staffing firm, for example, being treated also as employees of the firm's client, but only if the client controls the employees' terms and conditions of employment. That is the only way workers can meaningfully bargain at work. But even in that situation, the workers are deemed employees only for purposes of the NLRA and collective bargaining, and the client would be obligated to bargain only about the terms it controls. It would still be up to workers to choose whether they want to organize a union and collectively bargain with their employer or employers. Nothing

in the NLRB's rule alters employers' responsibilities under any other state or federal law (e.g., tax laws, wage and hour laws, or workplace safety laws) or requires any changes to business structures. But it does make clear their responsibility under the NLRA to show up at the bargaining table.

The new rule is clear and commonsense: there is no bargaining obligation for an entity that cannot control workplace policies or working conditions. And for good reason—their presence at the bargaining table would be pointless. Workers have no interest in bargaining with a company that lacks the power to implement the workplace improvements they seek.

This rule simply invokes a more realistic joint employer standard on par with the standard enforced during the Obama administration, allowing a company's indirect or reserved control over working conditions to be sufficient for finding joint employer status. Workers' right to collectively bargain cannot be realized if the entity that has the power to change terms and conditions of employment is absent from the bargaining table.

For the reasons explained above, the undersigned unions oppose any effort to nullify the Board's rule. In particular, we urge Congress to oppose efforts to nullify the rule under the Congressional Review Act ("CRA"). Here, a successful CRA disapproval resolution would be particularly harmful: it would revert the NLRB's joint employer standard to the Trump Board's 2020 rule, which stymies workers at the bargaining table. And further, as explained above, at least one federal appeals court has strongly suggested that provisions of the 2020 rule are inconsistent with the NLRA, so litigation would likely invalidate that rule as well. This would create confusion for the workers, unions, and employers regulated by the NLRB. Not only could the two standards be nullified, leaving the Board's joint employer analysis in limbo, but the NLRB's ability to address that limbo would be unclear due to CRA limitations.

The CRA provides that once a disapproval resolution is passed, the underlying agency cannot issue a subsequent rule in "substantially the same form" as the disapproved rule unless it is specifically authorized by a subsequent law. Thus, if the Board's new rule is nullified under the CRA, and the prior Trump rule is invalidated by federal courts, the NLRB would be limited in issuing a clarifying rule. To avoid confusion and ensure stability for workers, unions, and employers, Congress must steer clear of using the CRA to address the joint employer standard.

For these reasons, we ask that you support the NLRB's joint employer rule and oppose any effort to weaken or nullify the clarified standard.

Sincerely,

AFL-CIO,
America's Unions.

UNITED STEELWORKERS,
Pittsburgh, PA, November 14, 2023.

Re United Steelworkers urges a NO vote on H.J. Res. 98, which would invalidate the National Labor Relations Board's new Standard for Determining Joint Employer Status.

House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 850,000 active members of the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW), I write to oppose a misguided and short-sighted Congressional Review Act (CRA) resolution—H.J. Res. 98. If this resolution passes, American workers will increasingly face a fractured

workplace and lose access to federally protected collective bargaining rights.

Updating the NLRB joint employer standard is necessary as employers are increasingly using “fissured” workplace models to keep the parent company from having to bargain with workers employed by the smaller contracted companies. The continued contracting out and increased usage of temporary workers leads to terrible outcomes for the most vulnerable, precisely because these workers lack the ability to meaningfully organize and collectively bargain with their appropriate employer(s).

For example, a 2014 National Employment Law Project report found that workers at subcontracted firms receive wages from 7–40 percent lower than their non-contracted out peers. That same study also showed that workers in subcontracted firms suffer higher rates of wage theft and unpaid overtime. Analysis from ProPublica has also shown that temp workers are at an increased risk of workplace injury. Lastly, and perhaps most chillingly, child workers have been found in meatpacking plants, while auto-supply chains in the South have had children as young as 14 years old working for subcontracted firms—sometimes with deadly consequences. If this resolution passes, Congress will have made it easier for corporations to shirk responsibility of their employment oversight, and make it harder for the American labor movement to stop labor abuses such as wage theft, unpaid overtime, workplace injuries, and child labor.

The NLRB had to act as the result of a partisan rulemaking process during the Trump administration. Prior to 2020, the NLRB’s assessment of a joint employer standard had been guided by common law for over 50 years. The NLRB, as a quasi-judicial body, would use case decisions to substantiate its joint employer standard.

The Trump administration’s NLRB dramatically broke with precedent and created a regulatory rulemaking process to establish a new joint employer standard. Through this final rule, the previous NLRB added non-statutory and non-common law requirements to the NLRB joint employer assessment—notably, the requirement that an employer must “possess and exercise . . . substantial direct and immediate control” over a worker’s “essential terms and conditions of employment” to be considered joint employers.

The problem with this Trump era rule is that it significantly constrained the NLRB’s ability to exercise jurisdiction over cases, and limited the scope of the joint employer standard on when the NLRB can weigh in. With such a weak standard, employers were able to simultaneously influence a worker’s wages, hours, and working conditions—all while being inoculated from having to bargain over those issues with their workers.

By returning to common-law principles in this new standard, the NLRB provides “a practical approach to ensuring that the entities effectively exercising control over workers’ critical terms of employment respect their bargaining obligations under the NLRA”.

Unfortunately, Representative James John (R-MI-10), along with 29 other Republicans, introduced a Congressional Review Act resolution to repeal the NLRB’s return to past precedent. USW strongly opposes the use of a CRA to undermine the NLRB. If a CRA were to be successfully used, it would prevent the federal agency from ever issuing a substantially similar rule, freezing in perpetuity a process that was designed to evolve with employment practices.

USW opposes H.J. Res 98 in the strongest terms and will educate union membership on any floor vote outcome. The NLRB’s released joint employer standard returns the country

to prior precedent, and strengthens the legal right of millions of workers across this country to collectively bargain with their appropriate employer(s). Again, I urge you to support this new standard and oppose H.J. Res. 98.

Sincerely,

DAVID MCCALL,
International President.

NOVEMBER 20, 2023.

Re NLRB Joint Employer Rule CRA.

Hon. CHARLES SCHUMER,
Hon. MITCH MCCONNELL,
Hon. BERNIE SANDERS,
Hon. BILL CASSIDY,
U.S. Senate, Washington, DC.
Hon. MIKE JOHNSON,
Hon. HAKEEM JEFFRIES,
Hon. VIRGINIA FOXX,
Hon. ROBERT “BOBBY” C. SCOTT,
House of Representatives, Washington, DC.

DEAR MEMBERS OF CONGRESS: The undersigned organizations write to share our opposition to the Congressional Review Act (CRA) challenge to the National Labor Relations Board’s 2023 Joint Employer Rule.

Millions of workers in precarious and subcontracted work depend on the joint-employer doctrine to protect their right to organize under the NLRA. In labor-intensive and underpaid industries like retail, hospitality, fast food, janitorial, construction, and delivery, workers hired through intermediary subcontractors like staffing agencies and specialized contract firms are effectively deprived of their labor rights because the law fails to recognize who their employers are. They provide work central to the hotels, retail operators, fast food chains, construction contractors, delivery companies, and other corporations that rely on their labor, but are unable to hold those employers accountable when their labor rights are violated. While this harms a broad range of workers, it has particularly damaging impacts for women, Black workers, immigrants, people of color, and people with disabilities who disproportionately hold precarious, low-paid jobs.

The Board’s new rule reaffirms that, under the NLRA, a worker may be jointly-employed when more than one entity shares or co-determines the essential terms and conditions of their work. What matters is not the corporate structure or what the companies call the work relationship; what matters is who has the power to control the essential terms of employment, like pay, discipline, and health & safety on the job.

Now, large corporations and industry trade groups are pushing Congress to vote for a CRA resolution to overturn the rule. Despite the claims made by these self-interested groups, the joint employer rule is a simple and necessary course correction that:

Rescinds the misguided 2020 rule, which improperly narrowed the NLRA’s coverage and unmoored the legal standard from the common law, by requiring workers to show that a business had “substantial direct and immediate control” over the essential terms of employment;

Grounds the legal analysis in the common law, building on the Obama-era Browning-Ferris decision that the 2020 Trump rule overrode;

Affirms that companies are liable for committing unfair labor practices (such as terminating workers for exercising their right to organize) and required to bargain with their workers as joint employers, where they control the essential terms and conditions of employment;

Accounts for forms of control that are “indirect” and “reserved,” as well as direct and actually exercised, in determining whether

or not there is an employment relationship; and

Recognizes that the “essential terms and conditions of employment” include workplace health and safety, and direction as to how to complete the work, as well as control over pay and discipline.

This rule is a major step toward safeguarding the labor rights of millions of workers in subcontracted employment, ensuring that corporations cannot skirt the law simply by outsourcing responsibility for their workers. Should a CRA to overturn this rule be brought to the floor, we strongly urge all Members of Congress to vote No.

Sincerely,

A Better Balance; AFL-CIO; American Federation of State, County, and Municipal Employees (AFSCME); APALA; Asian American Pacific Islander Civic Engagement Collaborative of New Virginia Majority; Bruckner Burch PLLC; Care in Action; Caring Across Generations; Center for Economic and Policy Research; Center for Law and Social Policy; Cincinnati Interfaith Workers Center; Clearinghouse on Women’s Issues; Communications Workers of America (CWA); Community Legal Services, Philadelphia; Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces.

CRLA Foundation; Demand Progress; Demos; Economic Policy Institute; Endangered Species Coalition; Equal Rights Advocates; Feminist Majority Foundation; Impact Fund; International Brotherhood of Teamsters; Japanese American Citizens League (JACL); Jobs to Move America; Jobs With Justice; Justice & Accountability Center of Louisiana; Justice at Work; Justice in Motion.

Kentucky Equal Justice Center; KIWA; Lawyers’ Committee for Civil Rights Under Law; Legal Aid at Work; Long Beach Alliance for Clean Energy; National Advocacy Center of the Good Shepherd; National Center for Law and Economic Justice; National Council for Occupational Safety and Health; National Domestic Workers Alliance; National Education Association; National Employment Lawyers Association; National Employment Law Project (NELP); National Institute for Workers’ Rights; National Organization for Women; National Partnership for Women & Families.

National Resource Center on Domestic Violence; National Women’s Law Center; New Jersey Association on Correction; North Carolina Justice Center; Northwest Workers’ Justice Project; Public Justice Center; Restaurant Opportunities Centers United; Santa Clara County Wage Theft Coalition; Service Employees International Union; Shriver Center on Poverty Law; TechEquity Collaborative; The Leadership Conference on Civil and Human Rights; The Legal Aid Society; The Women’s Employment Rights Clinic (WERC) at Golden Gate University (GGU); Transport Workers Union of America.

UAW; United Brotherhood of Carpenters and Joiners of America; United Food and Commercial Workers International Union (UFCW); Women Employed; Worker Justice Center of New York; Worker Power Coalition; Workers Defense Action Fund; Workplace Fairness; Workplace Justice Lab at Rutgers University; Workplace Justice Project at Loyola Law Clinic; Worksafe; Young Invincibles.

Mr. SCOTT of Virginia. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Madam Speaker, I thank the chairwoman for yielding the time.

Madam Speaker, I rise in support of H.J. Res. 98, which would nullify the

Biden administration's expanded joint employer standard, impacting franchises and small businesses across the Nation.

In October, President Biden's radical National Labor Relations Board appointees circumvented Congress to reimpose a broad joint employer standard that threatens the flexibility of businessowners, upends the franchise model as we know it, and negatively impacts the U.S. economy and workers.

We know and appreciate our local franchises and want to make sure they have the flexibility to operate efficiently and inspire future entrepreneurs. However, in a report released by the International Franchise Association, two-thirds of franchises expected the new standard to raise barriers to entry into franchising.

As a small business man, I know that in today's evolving economy, certainty in the workplace is a key ingredient to success for employers, job creators, and small businesses nationwide. Unfortunately, the Federal Government tends to get in the way, muddying the waters and blurring the lines in already difficult economic conditions.

Having started a small business, I know all too well how additional hurdles and barriers to entrepreneurship can stifle innovation. In fact, what we have in this administration is a war on small businesses.

At a time when workers and families are struggling to keep up with the inflationary reality of Bidenomics, it is appalling that this administration is now saddling entrepreneurs with further roadblocks.

Republicans will continue to promote policies that foster the entrepreneurial spirit and the small business community.

Madam Speaker, I urge support of H.J. Res. 98.

Mr. SCOTT of Virginia. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, I want to answer the question: Can't we all get along?

There is no doubt of Democrats' promotion and support of small businesses. They are in my district. We work every day to make sure they have access to credit and that they are able to pay their workers and benefit from programs like the PPP during COVID.

I don't know how many small businesses stop me to say we were a lifeline, the Democrats who passed the American Rescue Act and many other ways of helping.

Today, we rise to oppose what is not bringing people together; it is dividing people.

H.J. Res. 98 is another extreme attack on workers, and it undercuts the NLRB's ability to address workplace conditions in a fair and equitable manner. As we know, on October 27, 2023, the NLRB published a final rule addressing the standard for determining joint employer status. It is important

to highlight the following facts in support of this rule.

The rule is not to be against businesses, small businesses, or workers. It is, in fact, to be able to ensure good quality of work. Employees need to be able to collectively bargain with both joint employers to ensure the parties calling the shots are at the table.

This requirement is particularly important for employees of subcontractors and staffing agencies, such as janitors, housekeepers, cooks, and many others. They work on behalf of a company that directs their work but does not sign their paycheck.

I can assure you this can be a win-win situation, a good quality of life for our employees, great income for our small businesses, and a reasonable response to people's hard work.

Mr. Speaker, I rise to oppose H.J. Res. 98 because I stand for small businesses and for the workers. That is what Democrats do.

Mr. Speaker, I rise today in strong opposition to H.J. Res. 98, a joint resolution to disapprove the National Labor Relations Board's rule relating to a "Standard for Determining Joint Employer Status".

H.J. Res. 98 is yet another extreme attack on workers and undercuts the National Labor Relations Board's (NLRB) ability to address workplace conditions in a fair and equitable manner.

As we know, on October 27, 2023, the NLRB published a final rule addressing the Standard for Determining Joint-Employer Status.

It is important to highlight the following facts in support of this final 2023 rule:

The 2023 rule establishes that, under the National Labor Relations Act, two or more entities may be considered joint employers of a group of employees if each entity has an employment relationship with the employees, and if the entities share or codetermine one or more of the employees' essential terms and conditions of employment.

This 2023 rule rescinds and replaces the 2020 final rule that was promulgated by the prior Board and which took effect on April 27, 2020.

The 2023 rule more faithfully grounds the joint-employer standard in established common law agency principles.

In particular, the 2023 rule considers the alleged joint employers' authority to control essential terms and conditions of employment, whether or not such control is exercised, and without regard to whether any such exercise of control is direct or indirect.

The common law clearly recognizes that reserved control and indirect control are relevant to the analysis.

And including reserved control is important to account for situations in which an alleged joint employer maintains authority to control essential terms and conditions of employment but has not yet exercised such control.

The reality is that an entity holding such control may step in at any moment to affect essential terms.

Indeed, even when the entity remains on the sidelines, it may cast a shadow over the other employer's decision-making with respect to such terms.

By contrast, the 2020 rule made it easier for actual joint employers to avoid a finding of

joint-employer status because it set a higher threshold of "substantial direct and immediate control" over essential terms of conditions of employment, which has no foundation in common law.

In the 2023 rule, the joint-employer standard is only implicated if an entity employs the workers at issue and has authority to control at least one of these terms or conditions. Authority over other matters is not sufficient.

With passage of H.J. Res. 98, my colleagues across the aisle are now seeking to invalidate this 2023 rule that replaces the Trump-era regulation in the 2020 rule that was purposefully crafted to restrict workers' rights and undermine their legitimate organizing efforts.

Thus, this resolution seeks to invalidate the 2023 rule and quite simply weaken essential labor protections for working people across the economy.

We cannot roll back necessary protections for our American workers.

We must acknowledge the following harms that would result from the passage of H.J. Res. 98, because it would do the following:

Undermine workers and their collective bargaining. This disapproval resolution would prevent workers from comprehensive collective bargaining with all entities that have control over their employment;

Prohibit employer accountability. Employers should not be able to hide behind subcontractors, staffing agencies or temporary placement services when failing to provide fair wages and safe working conditions; and

Backtrack to Trump's regressive joint employer standard. The new 2023 Joint Employer standard is based on common-law agency principles. However, a disapproval resolution will restore the previous version of this standard issued by the Trump Administration.

Yes, H.J. Res. 98 undermines workers and their collective bargaining.

The National Labor Relations Board finalized a new Standard for Determining Joint-Employer Status that established that two or more entities may be considered joint employers if each has an employment relationship with the employees and has influence over the essential terms and conditions of employment.

Once deemed a joint employer, workers would be able to negotiate with all parties that hold influence over their employment.

With this CRA, House Republicans are undermining workers as they collectively bargain for higher wages, better benefits and safer working conditions.

This Republican-led CRA prohibits employer accountability.

Many employers have shielded themselves from accountability by using subcontractors, staffing agencies or temporary agencies. This new Joint Employer standard will ensure that any company with control over employees is responsible for those employees.

Temporary employment increased by almost 63 percent between April 2020

and July 2022, rapidly outpacing the growth of overall employment.

This has serious implications for workers potentially subject to subpar wages, training and work conditions found in staffing agencies when compared to direct-hire counterparts.

If H.J. Res. 98 were to become law, it would revoke the new standard and return to the previous version issued under the Trump Administration which enabled companies to more easily evade a joint-employer status and had no foundation in common law.

We must not allow extreme agendas to sabotage the tireless work of the National Labor Relations Board to safeguard workers' rights and address unfair labor conditions.

Workers have the right to bargain for fair wages and working conditions with every company that directly or indirectly controls their terms and conditions of employment.

Too often, companies deny workers this right by hiding behind subcontractors, staffing agencies, and temporary agencies.

Reversing this rulemaking will prevent workers from exercising their right to bargain for higher wages, better benefits, and safer working conditions.

Simply put, this legislation would mean lower wages for working families. This is beyond unacceptable and must be rejected.

I therefore urge my colleagues to oppose H.J. Res. 98, a joint resolution to disapprove the National Labor Relations Board's rule relating to a "Standard for Determining Joint Employer Status".

Ms. FOXX. Mr. Speaker, I yield myself some time as I may consume.

Mr. Speaker, I include in the RECORD a letter from the National Asian/Pacific Islander American Chamber of Commerce and Entrepreneurship, U.S. Black Chambers, and U.S. Hispanic Chamber of Commerce supporting H.J. Res. 98.

JANUARY 3, 2024.

DEAR MEMBER OF CONGRESS: On behalf of the undersigned organizations representing millions of minority-owned businesses across the United States, we write in support of the joint Congressional Review Act resolution concerning the National Labor Relations Board's (NLRB) joint-employer rule.

As discussed below, we support this bipartisan measure because of the opportunities it represents to bridge the racial wealth gap through entrepreneurship and fair competition. While our organizations agree with the aim of the National Labor Relations Act and the mission of the NLRB, this rule represents a broader need to modernize our laws for the diverse economy of the 21st century.

On October 26, 2023, the NLRB released a final rule setting forth a new standard for joint employer status under the National Labor Relations Act (NLRA). This rule would have a concerning impact on all small businesses, contractors, and franchisees around the country who could be held liable for potential NLRA violations for employees that they do not directly control, just by the virtue of entering a standard business-to-business contract.

We write you today, however, because we believe this rule could particularly impact

minority-owned small businesses and franchisees that rely on these contracts to sustain and grow their businesses. The rule will take effect on February 26, 2024, unless Congress acts.

The franchise model has been a driver for minority entrepreneurship and job creation, by allowing budding entrepreneurs to partner with well-known brands and bolster local ownership of Main Street businesses around the country. It has also been particularly successful on ramping first- and second-generation immigrants into business ownership. We believe that the unintended consequences of this rule could threaten the entire franchise modal. It is our experience that when business models are transformed—for better or worse—the minority community, often under-capitalized, shoulders a disproportionate burden of the immediate harm. We are very concerned that what will remain of the franchise model could undo progress toward diversity and inclusion in this major sector of the economy.

This is particularly harmful at a time when minority entrepreneurs are just beginning to reap the benefits of this model. A recent study found that minority entrepreneurs are more likely to own franchised businesses as opposed to non-franchised businesses. The franchise model can be a helpful tool to encourage higher rates of entrepreneurship among women, minorities, and other underrepresented groups. Below are some of the key findings:

Nearly one-third (32%) of survey respondents said they would not own a business without franchising. Women and other first-time businessowners were even more likely to consider the franchise opportunity as critical to their ability to launch a small business.

Nearly one-third (26%) of franchises are owned by minorities, compared with 17% of independent businesses.

On average, Black-owned franchisees earn 2.2 times more than Black-owned independent businesses; Hispanic-owned franchisees earn 1.6 times more than Hispanic-owned independent businesses; and Asian-owned franchisees earn 1.4 times more than Asian-owned independent businesses.

Beyond the concerns of the minority franchisee community that we represent, we also believe this rule could harm minority business success subcontracting to large prime contractors. Subcontracting is an important pathway for businesses that are just starting—which in recent years are more likely to be owned by minorities and women. This rule similarly threatens the relationship between subcontractors and their prime partners, undoing the important work that has already been done to diversify our supply chains.

For these reasons, we ask you to support the Congressional Review Act joint resolution of disapproval (H.J. Res. 98/S.J. Res. 49) to undo the NLRB's final rule on joint employer status. We must all collectively then ensure that policies that support a modern, diverse economy are at the front of the legislative calendar in the new year.

Sincerely,

NATIONAL ASIAN/PACIFIC
ISLANDER AMERICAN
CHAMBER OF COMMERCE
AND ENTREPRENEURSHIP
(NATIONAL ACE).
U.S. BLACK CHAMBERS, INC.
U.S. HISPANIC CHAMBER OF
COMMERCE.

Ms. FOXX. Mr. Speaker, this letter raises concerns about the NLRB joint employer rule's "impact on all small businesses, contractors, and franchisees around the country."

Particularly, the letter notes that the rule could "impact minority-owned small businesses and franchisees that rely on these contracts to sustain and grow their businesses."

The letter continues: "The franchise model has been a driver for minority entrepreneurship and job creation by allowing budding entrepreneurs to partner with well-known brands and bolster local ownership of Main Street businesses around the country. It has also been particularly successful on ramping first- and second-generation immigrants into business ownership."

Mr. Speaker, I urge my colleagues to consider these views, vote "yes" on H.J. Res. 98, and overturn the Biden NLRB joint employer rule. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, just very briefly, the joint employer rule would only weaken the critical protections for workers that congressional Democrats and President Biden have fought so hard to enact. This rule only requires that those who can control the conditions of work actually be at the bargaining table when the conditions of work are being negotiated. Without this kind of rule, employees would be stuck trying to negotiate wages with a temp agency that has no control over the wages.

We have heard a lot about the franchisee situation. Mr. Speaker, I include in the RECORD a comment letter from the American Association of Franchisees and Dealers that points out that franchisors should be at the bargaining table if they are, in fact, controlling the conditions, as this rule provides and as the resolution would overturn.

AMERICAN ASSOCIATION OF

FRANCHISEES & DEALERS,

Palm Desert, CA, December 7, 2022.

Re AAFD Comments on Proposed Joint Employer Rule (87 Fed. Reg. 54641).

LAUREN MCFERRAN,

Chairman, National Labor Relations Board,
Washington, DC.

ROXANNE L. ROTHSCILD,

Executive Secretary, National Labor Relations
Board, Washington, DC.

DEAR CHAIRMAN MCFERRAN AND MS. ROTHSCILD: On behalf of the American Association of Franchisees and Dealers ("AAFD") and its franchisee members, we respectfully offer our views and perspective on the September 7, 2022 National Labor Relations Board proposed rule that would expand the joint employer definition under the National Labor Relations Act. The joint employer debate is critical to the long-term equity ownership question of the franchised businesses.

AAFD is the oldest and largest national not for profit trade association advocating the rights and interests of franchisees and independent dealer networks. The AAFD supports more than 60 independent franchisee associations and trademark specific chapters, representing thousands of franchisee operated business outlets. Since our establishment in 1992, the AAFD has focused on its mission to define, identify and promote collaborative franchise cultures that respect the legitimate interests of both

franchisers and franchisees, cultures we describe as embracing our vision of Total Quality Franchising®. The AAFD came into existence in response to a franchising community that has been evolving towards increasingly one-sided and controlling franchise agreements and cultures whereby franchisee equity and business ownership has been continually eroding such that many modern franchise systems have lost all vestiges of business ownership. Interestingly, instructively and importantly, we make special note that the very issues that inspired the formation of the AAFD have also given rise to the Joint Employer doctrine.

For the reasons set forth below, AAFD urges the NLRB to adopt a joint employer standard that respects NLRB's decision in *Browning-Ferris Industries of California, Inc., d/b/a BFI Newby Island Recyclery*, 362 NLRB No. 186 (2015), and reaffirmed by the Court of Appeals for the DC Circuit, yet takes into account the unique relationships between the franchisees and franchisor needed to protect the brand.

FRANCHISOR COMMUNITY MISDIRECTION REGARDING THE DEFINITION AND FOUNDATION OF JOINT EMPLOYMENT STATUS

Franchisees respect a franchisor's ownership and control of its brand and a legitimate right to enforce system standards to protect the brand, and franchisees depend and rely on the list of benefits and support services from their franchisor. We do not believe that the many services franchisors historically provide to franchisees, and which have been disingenuously withdrawn under the 'guise' of the joint employer threat are, or should be, the focus of the joint employment standard.

Rather, the 'test' of joint employer status should be determined based upon the amount of economic control a franchisor directly or indirectly exerts by use of the franchise agreement, operations manual, or other means, over its franchisees and which negatively impact and eviscerate a franchisee's equity ownership in the franchised business.

We have specifically been asked to comment on the added economic burden placed on franchisees when their franchisor backs away from services in order to avoid Joint Employer attribution. It should be no surprise from our firm contention that franchisors unduly focus their arguments on matters of control on their legitimate interests (and we contend duties) to control and protect brand standards. As part of the franchisor's playbook to insulate itself from joint employer classification is to withdraw franchisee support of human resource services, placing an added economic burden on its franchisees. The AAFD contends that a franchisor's withdrawal of such services is a canard, indeed an integral part of the strategy to misdirect attention from the real issues and is intended to secure franchisee opposition to the joint employer doctrine. Stated simply, in the franchising context, a franchisor's provision of human resources to its franchisees should play a negligible role in determining whether the joint employer doctrine should apply to a franchisor's undue control over its franchisee's equity.

We contend that the human resources services traditionally provided by a franchisor are appropriate for the protection of any brand's important standards of service, products and reputation that are properly a part of brand standards. That said, we recognize that the joint employer doctrine is built upon the traditional evaluation of master/servant and employer/employee characteristics that we believe distract from the real issues of control to subvert and diminish franchisee equity interests. We believe that much of the franchisor community is engag-

ing in the art of misdirection in its arguments, tending to avert attention from the real economic basis for its opposition to the *Browning-Ferris* joint employer standard which is a bedrock of the traditional common law standard which incorporates both reserved and exercised control. The real concerns are the right to assert economic control, not the enforcement of legitimate brand standards, and include:

1. The claim that all the goodwill of the franchised business belongs to the franchisor, without any recognition of equity ownership by the franchisee whose capital and sweat equity are a major component of a franchise unit's existence and success.

2. Control over the ownership of the franchise location whereby the franchisor owns or controls the real estate which is leased or sublet to the franchisee impacting the franchisee's ownership of the business.

3. Abusive control or ownership of the assets of the business, such that a franchisee is little more than a sharecropper running the business for the benefit of the franchisor. Indeed, regarding McDonalds, it should be noted that McDonalds no longer refers to 'franchisees' in its agreements. In full claim of ownership, a McDonald's licensee is referred to legally as an 'operator' of a business that McDonald's fully owns.

4. The exercise of abusive control over the suppliers and supply chain of the of the operation. Far and beyond the enforcement of necessary system standards, many franchisors dictate sole sources of supply for the purpose of marking up the goods and services being purchased by franchisees, and regardless of the connection to the brand or brand standards. Franchisors now dictate where to buy insurance, process and control customer payments, and even business supplies, as well as dictating the source of brand related commodities—all of which could be potentially purchased at lower cost from competitive sources.

5. Control over the cost of labor by setting hours of operation that are not realistic for a particular franchise unit.

THE SOLUTION TO THE JOINT EMPLOYER DILEMMA

We join the industry in urging the NLRB to recognize the legitimacy of protecting brand standards, and to place its definition of joint employment on the real matter of 'who owns the franchised business equity.' The debate around joint employer is critical because it includes the broader debate beyond the impact of labor practices and also includes the question on who has control over the day-to-day business practices and who owns the equity in the business. We recognize that to refocus the inquiry of joint employer attribution in franchising may require some legislative revisions to the definition of 'control' to the control of equity (which is not a question in the typical master servant discussion). However, we believe that our solution to provide a franchisor exemption is completely consistent with the premise of the NLRA, and within the authority of the NLRB.

In establishing its test for Joint Employer, and advocating for the *Browning-Ferris* joint employer standard, we urge the NLRB to focus on minimum equity concerns:

1. The right to grow the business and manage its costs of operations, including the management and control of labor, goods, products and services purchased for operations.

2. The right to stay in business, to sell the business, or to transfer the business to heirs.

3. The right to manage the business finances, especially the right of the franchisor to pull funds from the franchisee's bank accounts, or whether the franchisee has the power over its own checkbook.

4. The very important, albeit sensitive, right to control the cost of supplies and suppliers. A significant promise of franchising is the power of volume purchasing, but the ability of a franchisor to dictate suppliers is fraught with the potential for abuse. A key inquiry to determine whether a franchisor has crossed the line of control over the business is whether the franchisee's interests are respected and protected where a franchisor reserves significant control over the franchisee's source of supplies.

5. Similarly, the control over the marketing budget is critical to a successful franchise system. A franchisor may control most of the marketing fund, but a line is crossed when a franchisee retains no ability to influence and direct its marketing dollars.

Quite simply, the solution to the joint employer 'threat' for franchise systems is to recognize franchisee equity ownership to franchisees in a sufficient amount that the franchisee is deemed to be the 'owner' rather than a mere 'operator' of the franchised business.

THE AAFD'S FRANCHISEE BILL OF RIGHTS PROVIDES THE APPROPRIATE TESTS FOR EXCESSIVE CONTROL

We submit the Franchisee Bill of Rights (attached), as appropriate criteria to measure and test whether a franchisor has crossed the line of excessive control. The Franchisee Bill of Rights provide fourteen indicia of a franchise system that respects the equity interests of franchisees.

It is instructive to note that the Franchisee Bill of Rights actually recognize, even require, a franchisor to provide and support brand standards. Providing the expected 'control' over brand standards should not be the determinative criteria for joint employer. We urge the focus on relative equity: the determination of whether the agreement and relationship fairly recognize that the franchisee has a significant equity right in the franchised business.

PROPOSAL TO CREATE A FRANCHISOR EXEMPTION FROM JOINT EMPLOYER ATTRIBUTION FOR FRANCHISE SYSTEMS THAT RECOGNIZE AN INDEPENDENT FRANCHISEE ASSOCIATION AND OFFER A COLLECTIVELY BARGAINED FRANCHISE AGREEMENT

The comparison of franchisee associations to labor unions is inevitable and appropriate. Owners of franchised small businesses organize for reasons that are similar to the reasons that employees form unions: to collectively bargain the rights and benefits of agreements of their engagement to provide services to their franchisor or employer. At its core, the National Labor Relations Act that established the NLRB was enacted to establish the right of employee groups to organize, and the NLRA recognizes important exemptions for companies that recognize unions and have a collectively bargained employment agreement that is ratified by a majority of union members and employees.

AAFD urges that a franchisor that has recognized an independent owners association and has embraced a collectively bargained franchise agreement that has been ratified by a majority of franchisees should also be exempt from the consequences and penalties arising from being determined to be the 'joint employer' of a franchisee's employees. In this regard, it should be noted that the AAFD has established an accreditation for franchisors that meet these tests which we label as our "Fair Franchising Seal." To date, 19 brands have been accredited by the AAFD, all of which have franchise agreements that recognize franchisee rights and equity interests while reaffirming the franchisor's essential interest in protecting

its brand standards. In essence, just as recognized in the NLRA, where the agreement defining rights and obligations has been collectively bargained, the reasons behind the purpose of the law have been met by the marketplace effectively doing its job!

COOPERATION WITH THE FEDERAL TRADE COMMISSION

We also urge the NLRB to work closely with the Federal Trade Commission on defining aspects of the relationship that exceed normal control in a brand. The franchise industry has many unique attributes, and the FTC is the federal agency most engaged with oversight of the industry. Many items, such as uniforms and training, which are critical to the existence of the brand, are immaterial to the employment relationship, and should not create joint employer status.

CONCLUSION

The AAFD appreciates the concerns of the NLRB, with respect to creating an appropriate 'test' for when a franchise system has crossed a line and become the 'joint employer' of a franchisee's putative employees. We believe that many franchisors exercise so much control over the franchised business that the franchisee retains limited if any equity ownership, or control over, in the franchised business. In such circumstances it is appropriate to deem the franchisor as the joint (and sometimes even the sole) employer of the franchised business employees. But we also believe that the establishment, support and enforcement of brand standards are not the appropriate target of any control test. Rather, the inquiry should be focused on the economic rights of business ownership that is promised and expected in a franchise relationship. Fair and balanced franchise agreements and relationships that respect the Franchisee Bill of Rights will provide and meet an appropriate test for determining joint employer status.

Respectfully submitted,

ROBERT L. PURVIN, JR.
Chair, Board of Trustees.

RICHARD E. STROINEY,
Chief Operating Officer and Executive Director.

KEITH R. MILLER,
Director of Public Policy and Engagement.

Mr. SCOTT of Virginia. Mr. Speaker, instead of advancing H.J. Res. 98, the House should prioritize legislation such as H.R. 20, the Protecting the Right to Organize Act, or the PRO Act, that strengthens workers' abilities to organize and collectively bargain.

This resolution goes in the exact opposite direction. For those reasons, I oppose the resolution and encourage all Members to do the same.

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

Ms. FOXX. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I include in the RECORD a letter from a coalition of more than 70 organizations, led by the International Franchise Association, supporting H.J. Res. 98.

NOVEMBER 9, 2023.

SUPPORT USING THE CONGRESSIONAL REVIEW ACT TO OVERTURN THE NLRB'S FINAL JOINT-EMPLOYER RULE

DEAR MEMBER OF CONGRESS: The undersigned organizations, on behalf of a diverse group of workers, small businesses, and critical sectors of our economy, write in strong support of H.J. Res. 98/S.J. Res. 49, a joint resolution of disapproval under the Congressional Review Act to nullify the National Labor Relations Board's (NLRB) Final Rule

on Joint-Employer Status. This misguided rule will harm millions of workers and small businesses across the country, and we urge you to vote to protect your constituents from the NLRB's overreach.

Issued in October 2023, the NLRB's Final Joint-Employer Rule institutes an unworkable, overly broad set of circumstances under which a company is considered a "joint employer" under federal law. The Final Rule will cripple small businesses in numerous sectors by exposing them to frivolous litigation, eliminating jobs, and slowing wage growth across the country—just like it did when a similar standard was implemented in 2015. At a time of continued economic uncertainty, it is alarming that the NLRB has chosen to move forward on such a divisive and damaging joint employer rule.

Fortunately, in the coming weeks, members of Congress will have the opportunity to vote to nullify the NLRB's Joint-Employer Final Rule by utilizing the Congressional Review Act. By voting in favor of H.J. Res. 98/S.J. Res. 49, members can demonstrate that they support workers and small businesses in their states. Accordingly, we urge your support for nullifying the NLRB's Final Rule and look forward to our continued partnership.

Sincerely,

Air Conditioning Contractors of America; American Bakers Association; American Car Rental Association; American Health Care Association; American Hospital Association; American Hotel & Lodging Association; American Pipeline Contractors Association; American Seniors Housing Association; American Staffing Association; American Supply Association; American Trucking Associations; Argentum; Asian American Hotel Owners Association; Associated Builders and Contractors; Associated Equipment Distributors.

Associated General Contractors of America; CAWA—Representing the Automotive Parts Industry; Coalition to Promote Independent Entrepreneurs; Family Business Coalition; FMI—The Food Industry Association; Franchise Business Services; Global Cold Chain Alliance; Heating, Air-conditioning, & Refrigeration Distributors International; HR Policy Association; IHRSA—The Health & Fitness Association; ICSC; Independent Electrical Contractors; International Foodservice Distributors Association; International Franchise Association; International Warehouse Logistics Associations.

NATSO, Representing America's Travel Plazas and Truckstops; National Association of Convenience Stores; National Association of Electrical Distributors; National Association of Home Builders; National Association of Manufacturers; National Association of Professional Employer Organizations; National Association of Realtors; National Association of Small Trucking Companies; National Association of Wholesaler-Distributors; National Center for Assisted Living; National Cotton Ginners Association; National Council of Chain Restaurants; National Federation of Independent Business (NFIB); National Franchisee Association; National Grocers Association.

National Lumber & Building Material Dealers Association; National Multifamily Housing Council (NMHC); National Ready Mixed Concrete Association; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National Small Business Association; National Tooling and Machining Association; National Waste & Recycling Association; Power & Communication Contractors Association; Precision Machined Products Association; Precision Metalforming Association; Real Estate Roundtable; Retail Industry Leaders Association (RILA).

Small Business & Entrepreneurship Council; TechNet; Technology & Manufacturing Association; The Association for Hose and Accessories Distribution; The Community Gyms Coalition; Tile Roofing Industry Alliance; Transportation Alliance; TRSA—The Linen, Uniform and Facility Services Association; Truck Renting and Leasing Association; Wholesale Florist and Florist Supplier Association; Workplace Policy Institute; Workplace Solutions Association; U.S. Chamber of Commerce.

Ms. FOXX. Mr. Speaker, the letter argues that the NLRB's joint employer rule is "misguided" and "will harm millions of workers and small businesses across the country." The letter also states the final rule "will cripple small businesses in numerous sectors by exposing them to frivolous litigation, eliminating jobs, and slowing wage growth across the country, just like it did when a similar standard was implemented in 2015."

The letter continues: "At a time of continued economic uncertainty, it is alarming that the NLRB has chosen to move forward on such a divisive and damaging joint employer rule."

Mr. Speaker, it is clear to me in listening to this debate this morning from speaker after speaker on the other side that they have no experience in the private sector and no idea of how our economy works. Our country has flourished economically because of freedom and the entrepreneurial spirit that exists in this country. They constantly want to squelch both of those principles.

I will point out a key difference in the Republican and Democratic Parties illustrated by the joint employer rule. Listen carefully to the language under debate. The conservative language: direct, immediate. The liberal language: indirect, potential.

Any casual observer of American politics can understand how the blatant attempt to smuggle legal ambiguity into the otherwise clear-cut law will be abused by a weaponized and partisan agency. It will open every American franchisor and franchisee to lawfare from the left if it does not toe the Democratic Party line.

With the spurious pretenses we have seen this administration use to go after Catholic Americans and concerned mothers, we don't need to give it another tool to go after American small businesses.

Therefore, Mr. Speaker, I urge the passage of the resolution, and I yield back the balance of my time.

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

Pursuant to House Resolution 947, the previous question is ordered on the joint resolution.

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.

Ms. FOXX. 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.

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

The motion to suspend the rules and pass H.R. 839; and

Passage of H.J. Res. 98.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, the remaining electronic vote will be conducted as a 5-minute vote.

CHINA EXCHANGE RATE TRANSPARENCY ACT OF 2023

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 839) to require the United States Executive Director at the International Monetary Fund to advocate for increased transparency with respect to exchange rate policies of the People's Republic of China, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 379, nays 1, not voting 52, as follows:

[Roll No. 9] YEAS—379

Adams Bishop (NC) Castro (TX)
Aderholt Bonamici Chavez-DeRemer
Aguilar Bost Cherfilus-
Alford Bowman McCormick
Allen Boyle (PA) Chu
Allred Brecheen Ciscomani
Amo Brown Clark (MA)
Amodei Brownley Clarke (NY)
Armstrong Buchanan Cleaver
Arrington Bucshon Cline
Auchincloss Budzinski Cloud
Babin Burchett Clyburn
Bacon Burgess Clyde
Baird Bush Cohen
Balderson Calvert Cole
Balint Cammack Collins
Banks Caraveo Connolly
Barr Carbajal Correa
Barragan Carey Costa
Bean (FL) Carl Courtney
Bentz Carson Craig
Bera Carter (TX) Crane
Bergman Cartwright Crawford
Bice Casar Crockett
Biggs Case Crow
Bilirakis Casten Cuellar
Bishop (GA) Castor (FL) Curtis

D'Esposito Jordan
Davids (KS) Joyce (OH)
Davidson Joyce (PA)
Davis (NC) Kamlager-Dove
De La Cruz Kaptur
Dean (PA) Kean (NJ)
DeGette Keating
DeLauro Kelly (MS)
DelBene Kelly (PA)
Deluzio Khanna
DeSaulnier Kiggans (VA)
DesJarlais Kildee
Diaz-Balart Kiley
Dingell Kilmer
Donalds Kim (CA)
Duarte Krishnamoorthi
Duncan Kustoff
Dunn (FL) LaHood
Edwards LaLota
Estes LaMalfa
Ellzey Emmmer Lamborn
Escobar Lamsman
Eshoo Larsen (WA)
Espallat Larson (CT)
Estes Latta
Evans LaTurner
Ezell Lawler
Fallon Lee (CA)
Feenstra Lee (FL)
Ferguson Lee (NV)
Finstad Lee (PA)
Fischbach Leger Fernandez
Fitzpatrick Lesko
Fleischmann Letlow
Fletcher Levin
Flood Lieu
Foster Lofgren
Foushee Loudermilk
Foxy Lucas
Frankel, Lois Luna
Franklin, Scott Luttrell
Frost Mace
Fry Magaziner
Fulcher Malliotakis
Gaetz Maloy
Gallego Mann
Garamendi Manning
Garbarino Mast
Garcia (TX) Matsui
Garcia, Mike McBath
Garcia, Robert McCaul
Gimenez McClain
Golden (ME) McClellan
Goldman (NY) McClintock
Gomez McCollum
Gonzales, Tony McCormick
Gonzalez, McGarvey
Vicente McGovern
Good (VA) McHenry
Gooden (TX) Menendez
Gottheimer Meng
Graves (LA) Meuser
Graves (MO) Mfume
Green (TN) Miller (IL)
Green, Al (TX) Miller (OH)
Greene (GA) Miller (WV)
Griffith Mills
Grijalva Molinaro
Grothman Moolenaar
Guest Mooney
Guthrie Moore (AL)
Hageman Moore (UT)
Harder (CA) Moran
Harris Morelle
Harshbarger Moskowitz
Hayes Moulton
Hern Mrvan
Higgins (LA) Mullin
Higgins (NY) Murphy
Hill Nadler
Himes Napolitano
Houchin Neal
Houlihan Neguse
Hoyer Newhouse
Hoyle (OR) Nickel
Hudson Norman
Huffman Obernoite
Huizenga Ocasio-Cortez
Hunt Ogles
Issa Omar
Ivey Owens
Jackson (IL) Pallone
Jackson (NC) Palmer
Jackson (TX) Panetta
Jackson Lee Pascrell
Jacobs Payne
James Pelosi
Jayapal Peltola
Johnson (OH) Pence

Perez Williams (TX) Wittman
Perry Wilson (SC) Womack
Peterson
Peters
Petterson
Pfluger
Pingree
Pocan
Porter
Posey
Pressley
Quigley
Ramirez
Raskin
Reschenthaler
Rodgers (WA)
Rogers (AL)
Rose
Rosendale
Ross
Rouzer
Ruiz
Ruppersberger
Rutherford
Ryan
Salazar
Salinas
Sanchez
Sarbanes
Schakowsky
Schiff
Schrier
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Self
Sessions
Sherman
Sherrill
Simpson
Slotkin
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (WA)
Smucker
Sorensen
Soto
Spanberger
Spartz
Stansbury
Stanton
Stauber
Steel
Stefanik
Steil
Steube
Stevens
Strickland
Strong
Sykes
Takano
Tenney
Thanedar
Thompson (CA)
Thompson (PA)
Timmons
Titus
Tlaib
Tokuda
Tonko
Torres (CA)
Torres (NY)
Trahan
Turner
Underwood
Valadao
Van Drew
Van Duyne
Van Orden
Vargas
Vasquez
Veasey
Velazquez
Walberg
Waltz
Wasserman
Schultz
Waters
Watson Coleman
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Wild
Williams (GA)
Williams (NY)

NAYS—1

Massie

NOT VOTING—52

Beatty Granger Pappas
Beyer Hinson Phillips
Blumenauer Horsford Rogers (KY)
Blunt Rochester Jeffries Roy
Boebert Johnson (GA) Scalise
Buck Johnson (SD) Scanlon
Burlison Kelly (IL) Schneider
Cardenas Kim (NJ) Scholten
Carter (GA) Kuster Sewell
Carter (LA) Langworthy Swallow
Comer Luetkemeyer Thompson (MS)
Crenshaw Lynch Tiffany
Davis (IL) Meeks Trone
Doggett Miller-Meeks Wagner
Fitzgerald Moore (WI) Wexton
Gallagher Nehls Wilson (FL)
Garcia (IL) Norcross
Gosar Nunn (IA)

□ 1038

Mses. HOULAHAN and SPANBERGER changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURLISON. Mr. Speaker, had I been present, I would have voted "yea" on rollcall No. 9.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER THE RULE SUBMITTED BY THE NATIONAL LABOR RELATIONS BOARD RELATING TO "STANDARD FOR DETERMINING JOINT EMPLOYER STATUS"

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. 98) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to "Standard for Determining Joint Employer Status", 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.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 206, nays 177, not voting 50, as follows:

[Roll No. 10] YEAS—206

Aderholt Bentz Burlison
Alford Bera Calvert
Allen Bergman Cammack
Amodei Bice Carey
Armstrong Biggs Carl
Arrington Bilirakis Carter (TX)
Babin Bishop (NC) Case
Bacon Bost Chavez-DeRemer
Baird Brecheen Ciscomani
Balderson Buchanan Cline
Banks Bucshon Cloud
Barr Burchett Clyde
Bishop (FL) Burgess Cole

Collins
Correa
Costa
Courtney
Crane
Crawford
Cuellar
Curtis
D'Esposito
Davidson
Davis (NC)
De La Cruz
DesJarlais
Diaz-Balart
Donalds
Duarte
Duncan
Dunn (FL)
Edwards
Ellzey
Emmer
Estes
Ezell
Fallon
Feenstra
Ferguson
Finstad
Fischbach
Fitzpatrick
Fleischmann
Flood
Foxy
Franklin, Scott
Fry
Fulcher
Gaetz
Garbarino
Garcia, Mike
Gimenez
Gonzales, Tony
Good (VA)
Gooden (TX)
Graves (LA)
Graves (MO)
Green (TN)
Greene (GA)
Griffith
Grothman
Guest
Guthrie
Hageman
Harris
Harshbarger
Hern
Higgins (LA)
Hill

NAYS—177

Adams
Aguilar
Allred
Amo
Auchincloss
Balint
Barragan
Beyer
Bishop (GA)
Bonamici
Bowman
Boyle (PA)
Brown
Brownley
Budzinski
Bush
Caraveo
Carbajal
Carson
Cartwright
Casar
Casten
Castor (FL)
Castro (TX)
Cherfilus-
McCormick
Chu
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Craig
Crockett
Crow
Davids (KS)
Dean (PA)
DeGette
DeLauro
DeBene

Houchin
Hudson
Hunt
Issa
Jackson (TX)
James
Johnson (LA)
Johnson (OH)
Jordan
Joyce (OH)
Joyce (PA)
Kean (NJ)
Kelly (MS)
Kelly (PA)
Kiggans (VA)
Kiley
Kim (CA)
Kustoff
LaHood
LaLota
LaMalfa
Lamborn
Latta
LaTurner
Lawler
Lee (FL)
Lesko
Letlow
Loudermilk
Lucas
Luna
Luttrell
Mace
Malliotakis
Maloy
Mann
Massie
Mast
McCaul
McClain
McClintock
McCormick
McHenry
Meuser
Miller (IL)
Miller (OH)
Miller (WV)
Mills
Molinaro
Moolenaar
Mooney
Moore (AL)
Moore (UT)
Moran
Murphy
Newhouse

Norman
Oberholte
Ogles
Owens
Palmer
Pence
Perry
Peters
Pfluger
Posey
Reschenthaler
Rodgers (WA)
Rogers (AL)
Rose
Rosendale
Rouzer
Rutherford
Ruthazer
Salazar
Schweikert
Scott, Austin
Self
Sessions
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spartz
Stauber
Steel
Stefanik
Steil
Steube
Strong
Tenny
Thompson (PA)
Timmons
Turner
Valadao
Van Drew
Van Dуйne
Van Orden
Walberg
Waltz
Weber (TX)
Webster (FL)
Westrup
Westerman
Williams (NY)
Williams (TX)
Wilson (SC)
Wittman
Womack
Yakym
Zinke

Keating
Khanna
Kildee
Kilmer
Krishnamoorthi
Landsman
Larsen (WA)
Larsen (CT)
Lee (CA)
Lee (NV)
Lee (PA)
Leger Fernandez
Levin
Lieu
Lofgren
Magaziner
Manning
Matsui
McBath
McClellan
McCollum
McGarvey
McGovern
Menendez
Meng
Mfume
Morelle
Moskowitz
Moulton
Mrvan
Mullin
Nadler
Napolitano
Neal
Neguse
Nickel
Ocasio-Cortez
Omar
Pallone
Panetta
Pascrell

Payne
Pelosi
Peltoia
Perez
Pettersen
Pingree
Pocan
Porter
Pressley
Quigley
Ramirez
Raskin
Ross
Ruiz
Ruppersberger
Ryan
Salinas
Sanchez
Sarbanes

Beatty
Blumenauer
Blunt Rochester
Boebert
Buck
Cardenas
Carter (GA)
Carter (LA)
Comer
Crenshaw
Davis (IL)
Doggett
Fitzgerald
Gallagher
Garcia (IL)
Gosar
Granger

NOT VOTING—50

Hinson
Horsford
Huizenga
Jeffries
Johnson (SD)
Kelly (IL)
Kim (NJ)
Kuster
Langworthy
Luetkemeyer
Lynch
Meeks
Miller-Meeks
Moore (WI)
Nehls
Norcross
Nunn (IA)

□ 1046

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. HUIZENGA. Mr. Speaker, had I been present, I would have voted "yea" on rollcall no. 10.
Stated against:
Mr. COURTNEY. Mr. Speaker, during rollcall vote number 10 on H.J. Res. 98, I mistakenly recorded my vote as "yea" when I should have voted "nay".

PERSONAL EXPLANATION

Mrs. HINSON. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 9, H.R. 839 and "yea" on rollcall No. 10, H.J. Res. 98.

PERSONAL EXPLANATION

Mr. LANGWORTHY. Mr. Speaker, due to a sick family member, I was unable to be present for votes today. Had I been present, I would have voted "yea" on rollcall No. 9 and "yea" on rollcall No. 10.

PERSONAL EXPLANATION

Mr. NUNN of Iowa. Mr. Speaker, in order to attend the funeral of a student who was a victim in the Perry school shooting in my District, I was unable to be present for floor votes today. Had I been present, I would have voted "yea" on rollcall No. 9, H.R. 839 and "yea" on rollcall No. 10, H.J. Res. 98.

PERSONAL EXPLANATION

Mr. ROY. Mr. Speaker, I unfortunately missed two votes today. Had I been present, I would have voted "yea" on rollcall No. 9 and "yea" on rollcall No. 10.

PERSONAL EXPLANATION

Mrs. WAGNER. Mr. Speaker, I regret that I was not present for votes today. Had I been present, I would have voted "yea" on rollcall No. 9 and "yea" on rollcall No. 10.

PERSONAL EXPLANATION

Ms. WEXTON. Mr. Speaker, I regret that I was not able to be present to vote today. Had

I been present, I would have voted "yea" on rollcall No. 9 and "nay" on rollcall No. 10.

TAIWAN NON-DISCRIMINATION ACT OF 2023

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 540) to require the Secretary of the Treasury to pursue more equitable treatment of Taiwan at the international financial institutions, and for other purposes, as amended.

The Clerk read the title of the bill.
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRESSURE REGULATORY ORGANIZATIONS TO END CHINESE THREATS TO TAIWAN ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 803) to direct certain financial regulators to exclude representatives of the People's Republic of China from certain banking organizations upon notice of certain threats or danger, and for other purposes, as amended.

The Clerk read the title of the bill.
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NO RUSSIAN AGRICULTURE ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4768) to require the Secretary of the Treasury to instruct the United States Executive Directors at the international financial institutions to advocate for investment in projects that decrease reliance on Russia for agricultural commodities, as amended.

The Clerk read the title of the bill.
The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

OFAC LICENSURE FOR
INVESTIGATORS ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6370) to require the Office of Foreign Assets Control to develop a program under which private sector firms may receive a license to conduct nominal financial transactions in furtherance of the firms' investigations, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MCHENRY) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ADJOURNMENT FROM FRIDAY,
JANUARY 12, 2024, TO TUESDAY,
JANUARY 16, 2024

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Tuesday next for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Mr. BURLISON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PENNSYLVANIA FARM SHOW

(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. Mr. Speaker, over the weekend, the Commonwealth of Pennsylvania kicked off one of my favorite events: The Pennsylvania Farm Show.

For more than a century, farmers have gathered each January at the Pennsylvania Farm Show in Harrisburg, Pennsylvania.

This weeklong event is the largest indoor agricultural exposition in the Nation, showcasing more than 6,000 animals, nearly 12,000 exhibits, and more than half a million visits.

Each year, I host a listening session at the farm show, and we cover a range of topics during the public forum.

This year, I held my listening session on January 6, the same day the farm show kicked off. I was joined by my fellow Pennsylvania Congressman, DAN MEUSER, and Pennsylvania Agriculture Secretary, Russell Redding.

Mr. Speaker, I thank them both for being there as we heard directly from Pennsylvania's farmers and producers.

I have been hosting this listening session as the Representative for Pennsylvania's 15th Congressional District for 14 years. Like every year, I look

forward to hearing directly from the backbone of our Nation, the hard-working men and women of American agriculture.

QUESTIONING REPUBLICAN COMMITMENT TO THE AMERICAN PEOPLE

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

Mr. PAYNE. Mr. Speaker, I rise today to question the Republican commitment to the American people.

They prefer to waste taxpayer dollars attacking hardworking, patriotic American civil servants and fail to address the issues facing our country.

In 7 days, government funding will run out.

Republicans should be working with Democrats to continue funding vital programs to help working Americans. They should be discussing how to protect Social Security, Medicare and Medicaid, how to support our allies of Ukraine and Israel, how to help the Palestinian families caught in the crossfire of the deadly conflict in Gaza, and how to provide the cleanest air and water possible for the American people.

Instead, they are too busy pandering for social media clicks with political stunts and continue to do absolutely nothing to help the American people.

I hope they know the voters are watching, and they will remember their inaction in November.

RECOGNIZING RYAN PASBORG

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

Ms. HAGEMAN. Mr. Speaker, I rise today to recognize Ryan Pasborg, a truly remarkable Wyomingite, whose exceptional character and heroic actions left a profound impression on both the community and the State of Wyoming.

The morning of February 2, 2022, began like any other for Ryan as he went about his daily commute to work. During his drive, he began to smell smoke, witnessed flames, and noticed three young children escaping from a burning home.

Ryan immediately stopped, and after speaking with the children, learned that their mother and younger brother were still inside the House. Without hesitation, and at great risk to himself, Ryan rushed into the burning home and managed to rescue both their younger brother and mother for whom he later administered CPR—all while on the phone with 911.

No lives were lost that day due to Ryan's selfless actions and unparalleled courage.

Upon being nominated, he was later rightfully awarded the Carnegie Medal, North America's highest civilian honor for heroism.

While Ryan's extraordinary actions that day will be remembered for generations, the courage, compassion, and integrity he exhibited are simply a part of who he is each and every day.

I urge all my colleagues to join me in recognizing Mr. Ryan Pasborg for his valor and commitment to the safety of his fellow Wyomingites.

□ 1100

HONORING DR. JOHN LOUIS
FLATEAU

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

Ms. CLARKE of New York. Mr. Speaker, I rise on this day to celebrate the extraordinary life of my dear brother and friend, Dr. John Louis Flateau, who was laid to rest this past Wednesday.

Dr. Flateau, a beloved scholar and public servant, dedicated his life to championing justice, equality, public service, and political empowerment.

His contributions spanned politics, education, and advocacy, leaving an indelible mark on Brooklyn, New York City, and New York State.

His legacy extends beyond the policies he championed. It lives on in the lives of many he touched. He was not merely a legislative force. He was a friend, confidant, and political mentor to so many, including both me and my mother, Dr. Una Clarke.

He had a profound impact on the lives of so many, from his tenure as a Medgar Evers College professor to his work in advancing voting rights.

As we reflect on Dr. Flateau's life, let us remember the countless stories of those who found hope and empowerment through his advocacy.

In his absence, we must continue to carry the torch that he lit to ensure that his vision continues to manifest itself.

Though Dr. Flateau may no longer be physically with us, the impact he made will echo on from generation to generation to come.

He is now with the ancestors, and he will be dearly and deeply missed.

HOUSE REPUBLICANS COMMITTED
TO SECURING BORDER

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

Mr. FULCHER. Mr. Speaker, how many more innocent lives need to be lost before Secretary Mayorkas and President Biden realize that securing our border is more than an immigration issue? It is a fundamental duty we owe to the American people.

Since President Biden took office, over 7 million encounters have taken place on our southern border, and that number continues to climb at an unsettling rate, with roughly 10,000 additional crossings each day.

The United States offers more legal immigration than anywhere in the world. The individuals entering illegally are not all coming with hopes of living out the American Dream. They are helping China bring more than 26,000 pounds of fentanyl across the border. They are trafficking an all-time high number of vulnerable women and children. They are known terrorists on the FBI watch list and more.

U.S. taxpayers are the ones footing the bill to cover emergency care, housing, shelter, and more for these illegal immigrants.

It is imperative the President and Senate pass the Secure the Border Act to fortify the safety of our country and protect our citizens.

CELEBRATING 20TH ANNIVERSARY OF CENTRAL AVENUE FARMERS' MARKET

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

Ms. KAMLAGER-DOVE. Mr. Speaker, I rise today to celebrate the 20-year anniversary of the Central Avenue Farmers' Market.

The Central Avenue Farmers' Market in Los Angeles is run by Sustainable Economic Enterprises of Los Angeles, SEE-LA, which has been a driving force in advancing regional food sustainability in California's 37th District. SEE-LA works hard to promote regional and local food vendors that offer a variety of fresh fruits, vegetables, juices, eggs, and an assortment of prepared foods.

Back in August, I was fortunate to visit the Central Avenue Farmers' Market after a tour of a local WIC facility. I loved walking through the market and speaking to vendors as they discussed the importance of fresh produce and local business.

The market is open to everyone, accepts CalFresh EBT, and has helped expand access to fresh produce for families on WIC and SNAP.

While House Republicans continue to push for devastating cuts to programs like these, SEE-LA has been a lifeline for so many families in need.

Mr. Speaker, I hope you will join me in celebrating the 20 years of SEE-LA's Central Avenue Farmers' Market.

REGARDING THE SALE OF U.S. STEEL

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

Mr. DELUZIO. Mr. Speaker, I represent many of the people who made the steel that built this country and who still make the steel this country relies on.

We are seeing today, unfortunately, corporate executives, egged on by Wall Street, selling off U.S. Steel to a foreign company.

U.S. Steel has benefited from strong action in this country: tariffs from President Biden and President Trump, the Inflation Reduction Act, defense spending, the infrastructure bill, and more, while chasing the biggest, fattest bid and blowing off the steelworkers whose work made them rich.

Profits matter, don't get me wrong, but other things matter, too: our workers, our jobs, our communities, and this country.

We need an economy that reflects that, that says that hard work matters, not just greed. Let's keep fighting for all that.

LET'S NOT BE ENEMIES

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

Ms. BALINT. Mr. Speaker, here we are in a new year, a new opportunity to actually do something for our people back home.

It is discouraging and frankly embarrassing that this has been the least productive Congress in U.S. history. The chaos and dysfunction in this Congress under Republican leadership has caused legislative paralysis and has prevented us from focusing our attention on the critical needs of our constituents.

More than that, the chaos, the fearmongering, and the dehumanizing rhetoric have dragged us ever closer to a crippling cynicism.

We are sent here to act in service of our communities and our constituents. We can't do that when we demonize each other, when we dehumanize each other, when we dehumanize our fellow Americans. We can't do that when we don't treat ourselves with basic human dignity.

This isn't some naive notion. It is reality. The nihilism and cynicism is threatening our democracy. It is eroding our communities. It is killing us.

Let's get back to being spirited political opponents and move away from being enemies.

PATHWAY TO RESIDENCY FOR CUBAN NATIONALS

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

Mr. MCGARVEY. Mr. Speaker, my hometown of Louisville is the fastest-growing Cuban community in the entire U.S.

Mr. Speaker, 14,000 Cubans have arrived in our city in just the last 2 years, enriching our social fabric by building families, contributing to our economy, and adding pasteles and cafecito to our menus in the process.

The Cuban Adjustment Act creates a clear pathway to residency for Cuban nationals who immigrate to the United States, but court rulings threaten the ability of Cubans recently issued an I-220A form to remain in the U.S.

This is wrong. It robs Cubans of the rights guaranteed them by the Cuban Adjustment Act. No one should have to live in this legal limbo, including the thousands of individuals who live in my district.

Today, I am sending a letter to DHS Secretary Mayorkas, urging him to correct this situation by granting parole in place status to any Cuban issued an I-220A. I know he is committed to ensuring no one is wrongly or arbitrarily removed from our country, and I will continue to work with him and my colleagues here until this is fixed.

PRICE CAPS FOR EPIPENS

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

Mr. FROST. Mr. Speaker, yesterday, I introduced the EPIPEN Act to cap the cost of any two-pack epinephrine auto-injector to \$60 for folks with private health insurance.

A few years ago, I had a life-threatening allergic reaction and had to use an expired EpiPen that I hadn't replaced due to the sky-high cost. If it wasn't for the EMTs, I would have died that night. They can cost more than \$650, even after insurance.

I am not alone. I heard from an American who can't afford to purchase enough EpiPens so that way her kid can have one in all the places they need it: their backpack, the school nurse, at daycare, at home, and in the car.

I heard from an American who keeps four expired EpiPens in the hopes that they will have enough active medication to save his life one day.

I heard from an American who hasn't filled a prescription in the past decade despite having severe allergies. She works in the medical field.

Folks, it is plain and simple: It doesn't have to be this way. We need Congress to step in, look out for working families, and cap these prices for lifesaving medications.

HONORING THE LIFE AND LEGACY OF COACH JIM HLAFFKA

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

Ms. BUDZINSKI. Mr. Speaker, it is with a heavy heart that I rise today to honor the life and legacy of Bunker Hill basketball Coach Jim Hlaffka, who passed away last month at 90 years old.

The love and respect Coach Hlaffka had for his players and the game was truly immeasurable. Under his leadership from 1959 to 2002, Bunker Hill teams had a record of 754-347.

During that time, he not only coached the Minutemen to six regional championship wins, but he also made lifelong impressions on countless young people.

Coach was known for his brilliant coaching and humility. He was always proud to talk about his players' accomplishments more than his own.

Jim Hlafka's unwavering dedication to the game of basketball and his leadership will never be forgotten throughout the Bunker Hill community. May his leadership, passion, and wisdom live on for generations of athletes to come.

CONGRATULATING RENSSELAER POLYTECHNIC INSTITUTE

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

Mr. TONKO. Mr. Speaker, I rise today to recognize the incredible students and faculty from Rensselaer Polytechnic Institute for their stellar first-place ranking in the 2023 National Cyber League competition.

The National Cyber League is a cybersecurity skills competition that reinforces learning, encourages collaboration, and develops students' necessary skills for future careers within the cybersecurity field.

The students at RPI, coached by Dr. Brian Callahan, placed first in the Nation out of a pool of more than 8,500 students and more than 500 colleges and universities around our great country.

Their achievement is truly remarkable, and I offer my hearty congratulations to these students and my thanks to the dedicated coaches and professors whose support and encouragement enabled this terrific success.

I congratulate Team RPI, and I appreciate the great work they have done.

SUPPORTING STRIKES ON HOUTH REBELS INSIDE YEMEN

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

Mr. DAVIS of North Carolina. Mr. Speaker, I rise in strong support of the strikes on the Houthi rebels inside Yemen.

Last night, the U.S. and coalition partners conducted strikes against numerous targets in Yemen used by Houthi rebels to endanger U.S. and international shipping vessels.

For months, Iranian-backed fighters have attempted to disrupt global commerce and wreak havoc in the Red Sea. These unprovoked attacks not only risk the lives of our servicemembers and innocent civilians; they threaten to disrupt the international economy.

When the circumstances demand it, we must rise to the occasion and act.

As a member of the House Committee on Armed Services, I will always support swift action to defend our national security interests.

SALUTING THE LATE CAROLYN MIDDLETON HALL

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

Ms. JACKSON LEE. Mr. Speaker, with sadness but yet with the joy of her life, I rise today to salute Carolyn Middleton Hall, who passed away in December 2023.

Carolyn Middleton Hall was married to our beloved Anthony Hall, a pilot, a great civic leader, a former member of the Houston City Council, and a champion of opportunity and equality for our community. She is the mother of Anthony and Ursula, two successful young people who are also contributing to this community.

I rise to salute the late Carol Middleton Hall for all she has done to make Houston a better place for all of us to live. She was a great educator and a lover of improving the lives of young people. She came from a political family. She spent her life with her father and uncle fighting for workers' rights and making sure that unions were strong in our community.

As her husband ascended to public life, being one of the pioneers as an African American serving in Houston, Carolyn was right there. You can always say that she was his best advocate for getting votes, with her smiling face, her willingness for service, and her unselfishness. Carolyn was right there helping to generate votes for her daughter, who is now serving as a judge.

She was also generating friends. You could not help but be a friend to Carolyn Middleton Hall.

Today, Mr. Speaker, I ask my colleagues to remember her and be reminded by our moment of silence that we will take as I conclude in order to honor an American whose name you may not know at every dinner table, but you should know of her kindness, her love, her belief in America, and her championing of the civic system of government, voting, and equality.

I champion and honor the late Carolyn Middleton Hall. May she rest in peace, and may she rest in power. I thank my dear sister, a Link and an AKA.

□ 1115

FORT MOSE GROUNDBREAKING PROJECT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 9, 2023, the gentleman from Florida (Mr. RUTHERFORD) is recognized for 60 minutes as the designee of the majority leader.

Mr. RUTHERFORD. Mr. Speaker, I rise today to recognize and celebrate Fort Mose Historic State Park in beautiful St. Augustine, Florida.

Fort Mose, a national historic landmark, is the site of the first legally sanctioned free Black settlement in the United States.

In the 1600s, enslaved people in the British Carolinas made their way south to freedom in St. Augustine, which at that time was under Spanish rule.

Next week, the park, along with the Florida State Parks Foundation and community partners will break ground on a full-scale reconstruction of the original fort that once stood there.

You can see the updated renderings of the fort here beside me. It is really going to be an amazing site.

This project is the realization of decades of dreams, dedication, and hard work from hundreds of individuals who share a love for the Fort Mose history and rich, rich story.

Thanks to the partnership of the Florida State Parks Foundation, the Fort Mose Historical Society, and Florida State Parks, the fort will be completed this winter, and it is expected to draw visitors from around the world to northeast Florida.

The reconstructed Fort Mose will have lasting impacts for St. Johns County, our State, and our Nation for generations to come.

So congratulations from Florida's Fifth Congressional District, to, again, the Fort Mose Historic State Park, and to all who have been involved in bringing this amazing story to life.

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

VISIT TO THE TEXAS SOUTHERN BORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 9, 2023, the Chair recognizes the gentleman from Wisconsin (Mr. GROTHMAN) for 30 minutes.

Mr. GROTHMAN. Mr. Speaker, it is our first week back from what I guess we refer to as Christmas or winter break, and at least 60 of us Republicans spent a couple days down at the Texas border to analyze one more thing, the complete disaster that we have going on with regard to what I will refer to as illegal immigration.

I will summarize one more time for the American public and for my colleagues what we find when we go down there.

First of all, it is apparent, in December of 2023, we will one more time hit an all-time high in the number of people who are let into our country. We are going to clear 300,000.

I remind the body that, as recently as 3 years ago, that number, the monthly number, may have been 5,000 or 10,000. So we have gone up by a factor of 30 times as many people crossing the border.

Sometimes comments out there made by the President imply that it is going to be very, very difficult to find a way to prevent 300,000 people from crossing the border every month. I remind the American public, without Congress doing anything, the prior administration had that number under 10,000.

I also want to point out these people are coming from all around the globe.

We were down in the Del Rio sector, the Eagle Pass entryway. Now, we are just talking here about people who formally check in with the Border Patrol. In the 33 days prior to us coming down there, people came in from 61 different countries.

Among the over 300,000 who come across in an average month, about 9,000 are unaccompanied minors. Can you imagine in this country, I mean, can you imagine us sending children to another place around the globe, a 12-year-old without either of their parents?

This is routine at the southern border. We saw one room where we were told, the prior week, there were 300 unaccompanied minors, people under 18, in that room at one time.

There is no appropriate oversight. When these people claim that they want sponsors in the country that are related to them somehow, an aunt, an uncle, whatever, we don't do DNA tests. We have no idea if—and it probably in some cases is—it is human trafficking.

The United States, instead of sending them back to their country of origin and having the courts in Guatemala or Brazil or wherever determine where this child goes, we will deliver them anywhere. The cartels will put a name on a T shirt and say, deliver this child to 123 Elm Street, and the U.S. Government kind of plays like UPS. We just take that child and deliver them wherever they want.

We have no idea whether the people who take care of them are good sponsors or bad sponsors; if they claim they are relatives, are they relatives or not?

I would suggest, as we debate in the next month what we are going to do with President Biden, our Republican negotiators add an addition to H.R. 2, a bill which we passed about 2 years ago, that we will stop taking unaccompanied minors in this country. As a matter of fact, we should stop taking people without both parents here, because, in America, we should be trying to keep families together.

Right now, the Border Patrol, through no fault of their own, are assisting young children here without either parent. As a matter of fact, sometimes they get children so young, they cannot yet talk, and then they have to try to track somebody down or, in some cases, just send them to foster care.

I hope the American public realizes that, by creating the perception around the world that now is the time that anybody can come into the United States as long as they claim asylum or, once they get into United States, we never try to deport them, we have people dying.

We heard another story when we were in Eagle Pass of a mother and two of her children who almost drowned in the Rio Grande. Fortunately, our wonderful Border Patrol was able to drag them out and at least save the mom and one child, but one child did die.

This is not unusual when we send the green light, providing you have the

Mexican drug cartels helping you across. Not only are people dying in the Rio Grande River; they are dying in the Pacific Ocean as people try to get around a fence that goes—I am guessing here—about a quarter of a mile into the Pacific Ocean.

I was down there a little while ago in San Diego. They were told that very day they had pulled someone out of the ocean. We were also told that the Mexican Government finds more people drowning in the Pacific Ocean on their side of the fence than our side of the fence.

We, again, heard about people sneaking across between the designated entryways, dehydrating to death in the New Mexico desert, in the Arizona desert. This should never happen, and the American people, generous as they are, they go out in the desert and put gallons of water, hoping that people who are going to dehydrate to death find the water in time.

Nevertheless, the current hodgepodge down there does result in deaths in the Pacific Ocean, deaths in the Rio Grande, and deaths in the Arizona and New Mexico deserts, and I think the people who continue on with the policy or pretend like it is some sort of mystery how we got here are at fault for those deaths.

One more time, we heard that the primary beneficiary down there is the Mexican drug cartels, that they are the ones who are now making more money sneaking people across the border than they do even selling drugs.

I personally heard, somebody was telling me in Wisconsin, in my district, somebody from India was paying \$70,000 to get here. Now, of course, once that person gets here, they are kind of tied down. In this case, they felt that person, after working 3 years, will have paid off his \$70,000.

However, when it comes to other countries, places like Guatemala or Nicaragua, the cartels kind of have the family back home as hostages to make sure that the person who came in this country eventually pays their 10 or \$12,000.

The next thing we find out is—I talked to a woman who was in charge of the medical analysis of the people coming across the border—and she got a little bit emotional—all the sexual assaults that are happening, which isn't surprising, because you have got to remember that the southern border is run by the Mexican drug cartels.

Apparently they do a good job of making the pitch how wonderful it would be on the trip, how wonderful it would be to go to America. However, again, the number of sexual assaults as we push people through the southern border, through the Mexican drug cartels, is something that is on the people that favor this policy and don't get rid of this policy.

The next thing pointed out is that people who come across the southern border are not necessarily poor people. They read the advertisements or find

the advertisements on social media, and they come here. The Border Patrol points out the clothes that people wear and whether they look particularly emaciated or not. They point out that frequently people are coming from other countries and throw away their ID. However, maybe you have somebody who is from Cuba. They go to Chile first when they leave Cuba, and then eventually they come to the United States, not because they were starving in Chile. They come to the United States because you make more money than Chile. We are a very wealthy country and, if you work hard, you are able to make money. Additionally, maybe the welfare benefits are more generous in the United States.

In any event, do not fall for the myth that people are coming here because they are emaciated and starving, and it is all they can do. They frequently—it is apparent to the Border Patrol—are by the standards of their home country, be it Brazil, be it Venezuela, be it Cuba, they just can make more money in the United States.

□ 1130

I think before the American public believes that that is an appropriate way to come here, the American public ought to stop and realize that with well over 1 billion people in China and India, just to pick two countries, if we have a policy of anybody who can just make more money in the United States can come here, then we can find ourselves with tens of millions more people and eventually hundreds of millions of more people here. I would guess, Mr. Speaker, if you talk to all the people in China and talk to all the people in India, a very high percentage would rather come to America. As it becomes more and more apparent that we have a President who doesn't care what is going on at the border, more and more people will come here.

I also want to point out that by having people come here, it drives down the wages for other people. We know there are powerful people who lobby us and who tell us that they don't like paying American workers so great a wage. There was a time when the Democratic Party at least pretended to care about the low-wage worker, but there is no question as we continue to let 300,000-plus people here a month ultimately it will drive down wages and hurt the American workers who are already here.

It will also create a situation in which people are sending these people back to their country of origin, but it also creates a situation as we have so many people checking in at the designated entryways that the Border Patrol provides for people, the Border Patrol will not have the manpower necessary to patrol what is going on between designated entryways, and that is how we get the drugs in this country that are killing over 100,000 Americans a year.

I have said before—I am old enough to remember the Vietnam war—in the

Vietnam war there were all sorts of articles and comments about the number of American troops who were dying. In 12 years in Vietnam, about 57,000 Americans died. Every year twice that many die of illegal drugs in the United States. Obviously, one of the first things we ought to do is cut off the spigot at the southern border, but the Biden administration does not care, and the drugs keep flowing across the border and our young Americans keep dying twice as many every year as died 12 years in Vietnam.

I will mention one more time that they get here or they frequently come here because of advertisements on social media around the world. These advertisements, of course, make things look good. I think the United States has to get out there and try to explain, once we enforce our border, that it is not all going to be that good, they may wind up sitting on the Mexican side of the border, and they may not wind up in the United States at all.

Again, I repeat, in that sector alone, which is one of nine sectors on the southern border, in the prior month, people came here from 61 different countries including countries, by the way, whose government may not necessarily be favorable to the United States and may wish the United States ill. We haven't had horrible terrorist attacks within the United States, but I think all Americans should remember 9/11 and remember right now you are dealing with a country who wants to wish the United States ill. We have a lot of single men coming here from countries all around the world and countries like say Syria, or Iran, or say the Houthis out of Yemen, there has never been an easier time to come into this country and put yourself in a position in which you can kill many Americans through terrorist attacks, destroy some of the American electrical grid. That is what is happening.

Again, I will point out that a lot of single men are coming across that border.

Mr. Speaker, ask yourself: Why are so many single men coming across the border?

So, in any event, I beg for Republican leadership—and I don't think that there is any hope that President Biden cares anymore but we used to have under 10,000 people cross the southern border a month, and that was before we built any wall which we should be building—now is the time to go back to the policies that were in effect 3 years ago when we had 10,000 people crossing the border.

Some people say to me: GLENN, why are they doing this?

They are doing this because they want to change America. Mr. Speaker, I just gave you statistics on people coming across the southern border. I want to also point out that few people are being deported. You would think that you wouldn't want everybody to come here, but at least once somebody committed a crime here that at least then you would kick somebody out.

Now, I was here under President Trump, when President Trump was perhaps rightfully criticized for not deporting enough people in this country who had broken the law. Believe it or not, under the Biden administration, we are deporting people at one-fourth to one-fifth the rate of the Trump administration who wasn't deporting enough people.

Think about that, Mr. Speaker. President Trump was criticized for not kicking out enough people when they broke the laws, and President Biden is kicking people out at about 20 to 25 percent of that rate.

What conclusion can you draw, Mr. Speaker, that he wants good people to come to this country or the appropriate conclusion that he wants anybody under the sun coming into this country?

As far as people who feel we are being mean by not letting people in the country, last fall I attended a ceremony in which new people who had come here legally became American citizens. We are now, I believe, in the next year when the final numbers are released, over 1 million people managed to become American citizens by doing it legally.

They are appropriately vetted, they have stayed in America for a while, and if you talk to them, Mr. Speaker, it is truly a joy. I haven't had anybody talk about serious proposals to reduce that 1 million figure. We are now bringing people in legally at the highest rates since 2006, and I wouldn't be surprised when the new numbers are out if new people are being sworn in at a greater rate than at any time in this century.

If anybody in the Republican leadership has any influence on the Biden administration, then they should do what they can to bring these numbers back under the 10,000 figure, and they should do what they can to begin deporting people who are in this country who shouldn't be here. Let's face it, if some of these people who have borrowed \$12 or \$20 or \$70,000 begin to be deported so that they no longer know whether they are going to be in the United States long enough to pay off the drug cartels, we are going to have a dramatic decrease in the number of people coming here.

So the next issue that has not changed since I was here before is we continue to have the war between Ukraine and Russia. I don't read anything about the Biden administration making any efforts to try and end that war. That is a war in which both countries should be very concerned about their young people, and both countries have shortages of their population. Ukraine has the second lowest birth rate in the world trailing only South Korea. Russia has a low birth rate and also suffers from so many of their young people trying to get out of the country.

Nevertheless, rather than approach France or Israel or Turkiye to try to negotiate some sort of truce there, the

administration seems perfectly happy to allow the carnage to go on. Not only is this a humanitarian disaster in its own right, but it creates a situation in which the U.S.' stature in the world continues to decline.

Since this war has begun, we have driven Russia and China together. They should both be our friends, but instead they are both more likely our enemies. It is the same thing with Iran, as we drive Iran and Russia together. At least we are told, we are supposed to be cautious about Iran; they are trying to make nuclear weapons. However, as long as the war goes on, Iran and Russia become closer and closer.

The solution clearly is to work through some sort of peace. People will say that we can't negotiate with Vladimir Putin. I remember the 1950s—I don't remember it personally—but you read about in the 1950s when we had the Korean war. In the Korean war the head of Red China was Mao Zedong, who may have been the greatest mass murderer in history.

Did Eisenhower say that we have to let this war go on and on and on, because we don't have 100 percent of what we want? We have to let it go on and on and on because we won't negotiate with the Communist Chinese?

No. President Eisenhower realized the world would be more stable; we now have a line between North Korea and South Korea. We haven't had a war there in almost 70 years now. Nevertheless, that is when we had a President Eisenhower who realized the world is safer when we don't have these hot wars going on.

Now, President Biden just sits there: Oh, we can't negotiate with Vladimir Putin, he is a bad person. Oh, Ukraine is not yet prepared to end the war, so we just have to let this thing go on for years.

We have had, we guess, over 30,000 dead on each side in countries which have such shortages of young people already.

I urge President Biden and maybe some of the people around him to think: What can I do to end this war?

Wouldn't it be a more stable world if we went back to where we were a couple of years ago and we slowly worked both Ukraine and Russia into the regular group of nations?

We hope that happens.

There is a third issue that has come to our attention. Yesterday, on my subcommittee which is a subcommittee of the Oversight and Accountability Committee, one more time we looked at the effect of offensive progressive policies in the military.

We currently have the head of the joint chiefs in what I thought was an inflammatory statement said he wanted to reduce the number of White officers in the military down to 42 percent. I think currently it is high 60s or something.

In other words, he wants to overtly have racial background used to decide who gets promoted in the military.

First of all, that is opposed to merit. I will tell you, Mr. Speaker, if our military is ever not number one, then we will have big problems in this country. Be that as it may, apparently, President Biden's first pick for head of the joint chiefs, thinks the most important thing is to put people in silos and say: Now we have to promote the Native American; now we have to promote the Hispanic American—whatever—and we aren't just going to promote the best people. That, by itself, is a problem.

Secondly, it is divisive. There is a reason why the hard left likes this DEI. The Marxists have not been able to take down America because we have such a strong and prosperous middle class. We love being Americans.

Marxists like to believe that they can destroy countries by setting the middle class against the rich and create a conflict or a civil war-type situation and destroy that country.

They realize now that they can't do it. The American middle class is too strong. Their religious beliefs are so strong. That is not the way they can take down America from within.

So they are coming to plan B. Plan B is that we are going to divide Americans by race, and we are going to say that because we have divided it by race, then we have achieved greater diversity, and with diversity comes a better corporation, a better college, what have you.

It bothers me the press never calls them out on how this diversity is supposed to make things better.

I suppose, normally, when you think of diversity, Mr. Speaker, you think of people who have had different life experiences. Maybe they had different majors. Maybe they had different jobs. Maybe if you are talking about the military, it would be somebody who was in the Navy and somebody who was in the Air Force where you had genuine different viewpoints on things.

However, the theory here they are talking about is racial differences.

Now, given that for the purpose of this sort of thing, you self-identify, and as we have more intermarriage in the United States which just by itself is a sign of nonprejudice, you are going to have some people who might be say one-half Mexican, one-half Cuban, one-half Jamaican, and one-half Korean.

Apparently, the people in favor of this feel that, therefore, they are going to bring different gifts or different viewpoints to the table. They should be challenged on that by the media.

If we have two kids who go to Silver Spring High School here, and one is one-quarter Mexican and one is one-quarter Korean and one is one-quarter Vietnamese, and they all live on the same block, and they all were on the same basketball team, and they all hung around with the same friends and went to the same church, then I challenge the advocates for this diversity stuff to tell me how these kids are going to have such a different view of the world.

Tell me especially how for a job of Navy fighter pilot, Army Corps of Engineers, how are they going to add something different because of where their grandmother was born, a grandmother maybe they never met, maybe they never spoke to?

Maybe they never even spoke Vietnamese, they never spoke Spanish, or they never even saw these countries, but we now have an ideology here in which people are supposed to bring something to the table because their grandmother or grandfather came from such and such a country.

It is ridiculous on its face.

□ 1145

Nevertheless, we have to put up with this praising of diversity as somehow bringing something to the table. It is not just the military, of course. It is Big Business, Big Education, and whatever. The people should be challenged on that.

The only reason you could possibly say it results in diversity is if you really are a racist and believe you have different gifts or talents genetically because you are one-quarter Cuban or one-quarter Nigerian or what have you. It is something that we ought to criticize. It is something we ought to get rid of.

By the way, one of the things we learned in the committee is that, right now, the military will pay people up to \$190,000 a year to be experts on diversity.

Do we want more diversity experts in this country? The cost is bad, but just as bad as the cost is that these people, to justify their existence, are going to run around and try to inflame people and sic people one against the other.

On our American seal, it says, "E Pluribus Unum," "out of many, one." We are supposed to take people from all around the globe who come here and now view themselves as equals and together with each other.

Not surprisingly, the Marxist people who like DEI in the military and other places view it as the opposite. They want to take people who are happy, well-adjusted Americans and say: You should be unhappy. You should not view yourself as an American. You should view yourself as a Cuban American. You should view yourself as a Burmese American. America is prejudiced against you. You should walk around with a chip on your shoulder and ask for something because your ancestors came from Burma or because your ancestors came from Brazil.

Clearly, the Marxists want to do this because this is a way to destroy America, to set people against each other. This is a way to say every promotion, every hiring, every government contract is a contest between groups, and in every election, we should vote for the party that does the most to look out for our group.

Mr. Speaker, I beg the President to rescind his drive toward DEI bureaucrats running the Pentagon.

I wish we would do something about the current head of the Joint Chiefs of Staff, who has just brazenly said he is going to discriminate against White people when it comes to promotions, and get back to the wonderful America that we had 20 or 30 years ago.

Examples of this DEI occur not only in the military but in other governmental agencies in the world. My hope is that as our negotiators negotiate the budget for the calendar year, October 30, all of these DEI bureaucrats are kicked out of the American Government and we get back to where we are Americans first and foremost and back to a time when merit determines who is promoted.

Mr. Speaker, those are three issues I hope the press would pick up on, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. JEFFRIES) for today on account of a family matter.

ADJOURNMENT

Mr. GROTHMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 49 minutes a.m.), under its previous order, the House adjourned until Tuesday, January 16, 2024, at noon for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

EC-2919. A letter from the Director, Regulations Management Division, Rural Development Innovation Center, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Development Grant (RBDG) Regulation: Tribes and Tribal Business References To Provide Equitable Access [Docket: RBS-23-BUSINESS-0006] (RIN: 0570-AB10) received January 3, 2024, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

EC-2920. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's direct final rule — Mississippi; Final Approval of State Underground Storage Tank Program Revisions, Codification, and Incorporation by Reference [EPA-R04-UST-2023-0410; FRL-11400-02-R4] received January 4, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

EC-2921. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Plan Approval; Kentucky; Revisions to Jefferson County Emissions Monitoring and Reporting [EPA-R04-OAR-2023-0097; FRL-11564-04-R4] received January 4, 2024, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

EC-2922. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations; Consistency Update for Maryland [EPA-R03-OAR-2022-0776; FRL-10292-02-R3] received January 4, 2024, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

EC-2923. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — State of Louisiana Underground Injection Control Program; Class VI Primacy [EPA-HQ-OW-2023-0073; FRL 9916-02-OW] received January 4, 2024, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Energy and Commerce.

EC-2924. A letter from the Chief, Division of Regulations, National Park Service, Department of the Interior, transmitting the Department's final rule — Commercial Visitor Services; Concession Contracts [NPS-WASO-36913; PPWOBADC0; PPMVSCS1Y.Y00000] (RIN: 1024-AE57) received January 9, 2024, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Natural Resources.

EC-2925. A letter from the Senior Congressional Liaison, Consumer Financial Protection Bureau, transmitting the Bureau's final rule — Civil Penalty Inflation Adjustment received January 9, 2024, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

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:

Ms. FOX: Committee on Education and the Workforce. H.R. 6914. A bill to require institutions of higher education to disseminate information on the rights of, and accommodations and resources for, pregnant students, and for other purposes; with an amendment (Rept. 118-344). Referred to the Committee of the Whole House on the state of the Union.

Mr. JORDAN: Committee on the Judiciary. Resolution Recommending that the House of Representatives find Robert Hunter Biden in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on the Judiciary (Rept. 118-345). Referred to the House Calendar.

Mr. COMER: Committee on Oversight and Accountability. Resolution Recommending that the House of Representatives find Robert Hunter Biden in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Accountability (Rept. 118-346). Referred to the House Calendar.

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. ARRINGTON (for himself, Mr. PFLUGER, Mr. ISSA, Mr. DOGGETT, Ms. JAYAPAL, and Mrs. DINGELL):

H.R. 6986. A bill to address patent thickets; to the Committee on the Judiciary.

By Mr. BILIRAKIS:

H.R. 6987. A bill to require the Secretary of Homeland Security to strengthen student

visa background checks and improve the monitoring of foreign students in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. D'ESPOSITO (for himself, Mr. COSTA, Mr. CARSON, Mr. SWALWELL, Mr. GRIJALVA, Mr. LAWLER, and Ms. SANCHEZ):

H.R. 6988. A bill to amend title 18, United States Code, to strengthen the enforcement of certain court ordered property distributions; to the Committee on the Judiciary.

By Mr. GOOD of Virginia:

H.R. 6989. A bill to amend an Act of Congress approved June 8, 1940, with respect to emergency permits for rights-of-way, and for other purposes; to the Committee on Natural Resources.

By Mr. LAHOOD:

H.R. 6990. A bill to modify the bases for ineligibility for countries to benefit from the Generalized System of Preferences, and for other purposes; to the Committee on Ways and Means.

By Mr. LATURNER (for himself, Ms. DAVIDS of Kansas, Mr. ESTES, and Mr. MANN):

H.R. 6991. A bill to designate the outpatient clinic of the Department of Veterans Affairs in Wyandotte County, Kansas City, Kansas, as the "Captain Elwin Shoptheese VA Clinic"; to the Committee on Veterans' Affairs.

By Ms. MATSUI (for herself and Mr. BUCSHON):

H.R. 6992. A bill to require the Secretary of Health and Human Services to establish a list of essential medicines, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PALMER:

H.R. 6993. A bill to allow individuals to choose to opt out of the Medicare part A benefit; to the Committee on Ways and Means.

By Ms. BROWN (for herself, Ms. ADAMS, Mr. AMO, Mrs. BEATTY, Mr. BISHOP of Georgia, Mr. CARSON, Mrs. CHERFILUS-McCORMICK, Mr. CONNOLLY, Mr. COURTNEY, Mr. DAVID SCOTT of Georgia, Ms. ESHOO, Mrs. FOUSHEE, Mrs. FLETCHER, Mr. FROST, Mr. GARAMENDI, Mr. GREEN of Texas, Mr. GRIJALVA, Mrs. HAYES, Ms. NORTON, Mr. HORSFORD, Mr. IVEY, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. LANDSMAN, Ms. LEE of California, Mrs. MCBATH, Ms. MCCLELLAN, Mr. MFUME, Ms. MOORE of Wisconsin, Mr. NEGUSE, Mr. PANETTA, Mr. PAYNE, Ms. SALINAS, Ms. SEWELL, Mr. SOTO, Ms. SPANBERGER, Mrs. SYKES, Ms. TLAIB, Mr. THOMPSON of Mississippi, Mr. TRONE, Mr. ALLRED, Ms. VELAZQUEZ, Mrs. WATSON COLEMAN, Ms. WILLIAMS of Georgia, Ms. WILSON of Florida, Ms. MENG, and Mr. SABLAN):

H. Res. 962. A resolution honoring Reverend Dr. Martin Luther King, Jr., by Celebrating Diversity, Promoting Tolerance, and Condemning Hate; to the Committee on the Judiciary.

By Mr. GOMEZ (for himself, Mrs. KIM of California, Ms. CHU, Mr. KIM of New Jersey, Mrs. STEEL, Ms. STRICKLAND, Mr. BEYER, Mr. GRIJALVA, Mr. PASCRELL, Mr. CONNOLLY, Ms. BONAMICI, Ms. BARRAGAN, Mr. WILSON of South Carolina, Mr. SWALWELL, Mr. COSTA, Mrs. MCBATH, Mr. LYNCH, Mr. KHANNA, Mr. RUIZ, Mr. LARSEN of Washington, Mr. FOSTER, Mr. LIEU, Mr. EVANS, Ms. NORTON, Mr. KRISHNAMOORTHY, Ms. WILLIAMS of Georgia, Mr. TAKANO, Ms. JACOBS, Ms. ROSS, Mrs. TORRES of California, Mr. MULLIN, Ms. SEWELL, Mr. NADLER, Ms. JACKSON LEE, Mrs. WATSON

COLEMAN, Mr. BOYLE of Pennsylvania, Ms. GARCIA of Texas, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. SCHIFF, Ms. ADAMS, Ms. LEE of California, Mr. ESPAILLAT, Mrs. PELTOLA, Mr. SMITH of Washington, Mr. CASE, Mr. ALLRED, Ms. KAMLAGER-DOVE, Mr. TONKO, Mr. GREEN of Texas, Mr. CÁRDENAS, Mr. GOTTHEIMER, Ms. STEVENS, Mr. VARGAS, Mr. SABLAN, Mr. RUPPERSBERGER, Mr. PHILLIPS, Ms. DELBENE, Mr. SOTO, Ms. SANCHEZ, Mr. BERA, Ms. WEXTON, Mr. PETERS, Ms. MENG, Ms. TOKUDA, Mr. TRONE, Ms. SCHAKOWSKY, Ms. PORTER, Ms. DEAN of Pennsylvania, Ms. TLAIB, Ms. JAYAPAL, Mr. DAVIS of Illinois, Mrs. NAPOLITANO, Mr. PANETTA, Mrs. FLETCHER, Ms. SHERRILL, Ms. LEE of Nevada, Mr. FROST, Mr. MOULTON, Mr. ISSA, Ms. ESHOO, Ms. TITUS, Mr. SHERMAN, Mr. SMITH of New Jersey, Mr. PAYNE, Mr. FITZPATRICK, Mr. DOGGETT, Ms. WILSON of Florida, and Ms. STANSBURY):

H. Res. 963. A resolution supporting the goals and ideals of Korean American Day; to the Committee on Oversight and Accountability.

By Mr. OGLES (for himself, Mr. NORMAN, Mr. CLYDE, Mr. WEBER of Texas, and Mrs. LUNA):

H. Res. 964. A resolution providing the sense of the House of Representatives that the House should not adjourn until the annual appropriation bills within the jurisdiction of all the subcommittees of the Committee on Appropriations for the current fiscal year are enacted into law; to the Committee on Appropriations.

CONSTITUTIONAL AUTHORITY AND SINGLE SUBJECT STATEMENTS

Pursuant to clause 7(c)(1) of rule XII and Section 3(c) of H. Res. 5 the following statements are submitted regarding (1) the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution and (2) the single subject of the bill or joint resolution.

By Mr. ARRINGTON:

H.R. 6986.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

Reducing patent thickets.

By Mr. BILIRAKIS:

H.R. 6987.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:

A bill that would increase security screenings for student visa applications and increase security and transparency compliance for institutions or exchange visitor programs participating in the Student and Exchange Visitor Program.

By Mr. D'ESPOSITO:

H.R. 6988.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

The single subject of this legislation is:

To amend title 18, United States Code, to strengthen the enforcement of certain court ordered property distributions.

By Mr. GOOD of Virginia:

H.R. 6989.

Congress has the power to enact this legislation pursuant to the following:

Article I Section VIII

The single subject of this legislation is:
To direct the Department of Interior to issue at least one permit for an emergency road.

By Mr. LAHOOD:
H.R. 6990.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the U.S. Constitution: "The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

The single subject of this legislation is:
The bill modifies the bases for ineligibility for countries that impose digital trade barriers and that benefit from the Generalized System of Preferences.

By Mr. LATURNER:
H.R. 6991.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:
To designate the outpatient clinic of the Department of Veterans Affairs in Wyandotte County, Kansas City, Kansas, as the "Captain Elwin Shopteese VA Clinic".

By Ms. MATSUI:
H.R. 6992.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution

The single subject of this legislation is:
health care

By Mr. PALMER:
H.R. 6993.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

The single subject of this legislation is:
This bill would allow an individual to opt out of Medicare Part A and utilize other healthcare options without being forced to lose their Social Security benefits.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

- H.R. 308: Mr. SCHIFF and Mr. GOTTHEIMER.
- H.R. 431: Mrs. STEEL.
- H.R. 522: Mr. TONY GONZALES of Texas and Mr. EDWARDS.
- H.R. 537: Mr. SMITH of New Jersey and Mr. PETERS.
- H.R. 603: Mr. NEWHOUSE.
- H.R. 625: Mr. COURTNEY and Mr. KIM of New Jersey.
- H.R. 1097: Mr. LAMALFA, Mr. HERN, Mr. MILLER of Ohio, Mr. LUTTRELL, and Ms. BUDZINSKI.
- H.R. 1111: Ms. BUSH and Mr. THANEDAR.
- H.R. 1181: Mr. ROUZER.
- H.R. 1468: Mr. GOMEZ.
- H.R. 1491: Ms. TOKUDA.
- H.R. 1555: Ms. KAMLAGER-DOVE and Mr. KHANNA.

- H.R. 1610: Mr. MAST.
- H.R. 1776: Mr. SCHNEIDER and Ms. BUSH.
- H.R. 1822: Mr. WEBSTER of Florida.
- H.R. 2406: Mr. ROSE.
- H.R. 2439: Mrs. DINGELL and Ms. SALINAS.
- H.R. 2447: Mr. SMITH of New Jersey.
- H.R. 2708: Mr. RASKIN.
- H.R. 2803: Mr. STANTON.
- H.R. 2870: Mr. SCHNEIDER and Mr. FOSTER.
- H.R. 2933: Mr. OGLE.
- H.R. 3194: Mr. GOLDMAN of New York.
- H.R. 3271: Mr. CISCOMANI and Mr. THOMPSON of Pennsylvania.
- H.R. 3433: Mr. GRAVES of Missouri.
- H.R. 3639: Mr. PETERS.
- H.R. 3875: Mr. PHILLIPS.
- H.R. 3949: Mr. GALLAGHER.
- H.R. 3950: Ms. SCHOLTEN.
- H.R. 3970: Mr. JACKSON of North Carolina.
- H.R. 4175: Ms. SALAZAR.
- H.R. 4275: Mr. JOHNSON of Ohio and Mr. BUCHSHON.
- H.R. 4389: Mr. SMITH of New Jersey.
- H.R. 4438: Mr. SMITH of New Jersey.
- H.R. 4727: Mr. VAN DREW.
- H.R. 4878: Mr. PAPPAS.
- H.R. 4974: Mr. CALVERT and Ms. CHU.
- H.R. 5041: Mr. VASQUEZ and Mr. KILDEE.
- H.R. 5518: Mr. LAWLER.
- H.R. 5624: Ms. JACOBS.
- H.R. 5909: Ms. CLARKE of New York.
- H.R. 5985: Mr. AGULLAR.
- H.R. 6046: Mr. LAWLER and Mr. MOONEY.
- H.R. 6049: Ms. SANCHEZ, Ms. BARRAGAN, Mr. DAVIS of North Carolina, Mr. RYAN, Ms. CARAVEO, and Mr. FROST.
- H.R. 6094: Mr. BILIRAKIS.
- H.R. 6095: Mr. RYAN.
- H.R. 6129: Mr. ROUZER.
- H.R. 6153: Mr. SELF.
- H.R. 6271: Mrs. MILLER-MEEKS.
- H.R. 6351: Mr. DUARTE and Ms. TOKUDA.
- H.R. 6373: Mr. LAWLER.
- H.R. 6591: Mr. MORAN.
- H.R. 6592: Mr. COURTNEY.
- H.R. 6610: Mr. COSTA, Ms. WILLIAMS of Georgia, Mr. LAWLER, and Mr. DAVIDSON.
- H.R. 6619: Mrs. MILLER of Illinois.
- H.R. 6645: Mrs. LUNA.
- H.R. 6683: Mr. AUSTIN SCOTT of Georgia, Mr. CARTER of Georgia, Mr. LATURNER, and Mr. KEAN of New Jersey.
- H.R. 6686: Ms. SALINAS.
- H.R. 6749: Ms. CRAIG.
- H.R. 6813: Mr. YAKYM and Mr. MANN.
- H.R. 6841: Mr. MULLIN and Mr. MOYLAN.
- H.R. 6914: Mr. LANGWORTHY.
- H.R. 6920: Mr. BISHOP of Georgia.
- H.R. 6939: Mr. GAETZ.
- H.R. 6941: Mr. GAETZ.
- H.R. 6942: Mr. GAETZ.
- H.R. 6944: Ms. LEE of California.
- H.R. 6958: Mr. LAWLER and Mr. MILLS.
- H.J. Res. 13: Mr. SCOTT of Virginia.
- H.J. Res. 59: Mr. LATURNER.
- H. Con. Res. 38: Mr. LAWLER.
- H. Con. Res. 60: Ms. NORTON.
- H. Res. 881: Mr. BLUMENAUER.
- H. Res. 901: Mr. ROGERS of Alabama.
- H. Res. 920: Mr. SELF.
- H. Res. 929: Ms. TOKUDA.
- H. Res. 941: Mr. DONALDS, Mr. GOODEN of Texas, Mrs. LUNA, Mrs. LESKO, and Mr. SELF.

H. Res. 955: Mr. MCHENRY, Mr. SWALWELL, Mr. LATURNER, Mr. BISHOP of Georgia, Mr. STANTON, Mr. CALVERT, Mr. SCOTT FRANKLIN of Florida, Mr. ALLRED, and Mr. JAMES.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 8, January 10, 2024, by Ms. DEGETTE on House Resolution 916, was signed by the following Members: Ms. DeGette, Mr. Beyer; Mr. Thompson of California, Ms. Tokuda, Mr. Evans, Ms. DeBene, Ms. Salinas, Ms. Tlaib, Mr. Raskin, Ms. Pelosi, Mrs. Hayes, Ms. Sánchez, Ms. Schakowsky, Mr. Aguilar, Mr. Casten, Ms. Strickland, Mrs. Foushee, Mr. Takano, Mr. Bera, Mr. Levin, Ms. Leger Fernandez, Mr. Thanedar, Ms. Clark of Massachusetts, Ms. Matsui, Ms. Garcia of Texas, Ms. McClellan, Ms. Sherrill, Ms. Brown, Ms. Eshoo, Ms. Velázquez, Ms. Scholten, Mr. Quigley, Ms. Jayapal, Mrs. Trahan, Mr. Sarbanes, Mr. Horsford, Mrs. Sykes, Mr. Amo, Mr. Keating, Mr. Sorensen, Ms. Williams of Georgia, Ms. Dean of Pennsylvania, Ms. McCollum, Mr. Mullin, Mr. Garamendi, Ms. Balint, Ms. Jacobs, Ms. Chu, Mr. Schiff, Ms. Lofgren, Mr. Jackson of North Carolina, Mrs. McBeth, Ms. Spanberger, Ms. Kelly of Illinois, Ms. Lee of Nevada, Ms. Escobar, Mr. Morelle, Mr. Menendez, Mrs. Torres of California, Ms. Titus, Mr. Courtney, Ms. Kuster, Mrs. Dingell, Mr. Frost, Ms. Brownley, Mr. Jackson of Illinois, Mrs. Cherfilus-McCormick, Mr. Green of Texas, Ms. Wild, Ms. Ross, Mr. Trone, Mr. Landsman, Ms. Jackson Lee, Mr. Hoyer, Mr. Boyle of Pennsylvania, Mr. Grimalva, Mr. McGovern, Ms. DeLauro, Ms. Lee of California, Mr. Schneider, Mr. Robert Garcia of California, Mr. David Scott of Georgia, Mr. Huffman, Mr. Carbajal, Mr. Scott of Virginia, Mrs. Watson Coleman, Ms. Hoyle of Oregon, Mr. Magaziner, Mr. Peters, Ms. Houlahan, Ms. Porter, Ms. Pressley, Ms. Stevens, Ms. Pettersen, Mr. Cárdenas, Mr. Correa, Mr. Larsen of Washington, Mr. Pallone, Mr. Auchincloss, Mr. Carson, Mr. Meeke, Ms. Bonamici, Ms. Clarke of New York, Mr. Allred, Mr. Goldman of New York, Ms. Manning, Ms. Schrier, Mr. Doggett, Ms. Craig, Mr. Johnson of Georgia, Mr. Foster, Mr. Blumenauer, Mr. Mfume, Mr. Gottheimer, Mrs. Fletcher, Ms. Meng, Ms. Lois Frankel of Florida, Ms. Barragan, Mrs. Beatty, Mr. Cohen, Ms. Kamlager-Dove, Ms. Crockett, Mr. Larson of Connecticut, Mr. Davis of Illinois, Mr. Deluzio, Mr. DeSaulnier, Ms. Budzinski, Mr. Garcia of Illinois, Mr. Kildee, Mr. Norcross, Mr. McGarvey, Mrs. Napolitano, Ms. Lee of Pennsylvania, Mr. Ivey, Mr. Himes, Mr. Payne, Ms. Sewell, Mr. Panetta, Mr. Smith of Washington, Mr. Cartwright, Mr. Pocan, Ms. Castor of Florida, Mr. Moulton, Mr. Soto, Mr. Ruiz, Mr. Nickel, Mr. Connolly, and Mr. Tonko.



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WASHINGTON, FRIDAY, JANUARY 12, 2024

No. 7

Senate

The Senate met at 8:45 a.m. and was called to order by the Honorable TINA SMITH, a Senator from the State of Minnesota.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 12, 2024.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the standing Rules of the Senate, I hereby appoint the Honorable TINA SMITH, a Senator from the State of Minnesota, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Ms. SMITH thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY,
JANUARY 16, 2024, AT 3 PM

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 3 p.m. on Tuesday, January 16, 2024.

Thereupon, the Senate, at 8:45 and 29 seconds a.m., adjourned until Tuesday, January 16, 2024, at 3 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S103

EXTENSIONS OF REMARKS

STOP SETTLEMENT SLUSH FUNDS ACT OF 2023

SPEECH OF

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 11, 2024

Ms. MCCOLLUM. Mr. Speaker, I rise in opposition to H.R. 788.

H.R. 788 would prevent the Department of Justice from negotiating settlements in court cases to include payments to third parties, such as nonprofits, community organizations, trusts, or foundations. This redirection of funds is especially important in cases when harm is difficult to monetize, such as assessing damage to the environment or unknown health outcomes to individuals resulting from chemical exposures. In these cases, third parties are able to utilize the small portion of settlements they receive to help rectify the harm done by the plaintiff. For example, after the 2010 BP oil spill in the Gulf of Mexico, \$20 million was redirected to groups aiming to restore the health of the Gulf—one way to further remedy the environmental harm caused by BP. It is critical the federal government retains its ability invest in harm remediation while holding bad actors accountable.

Congress should not be undermining the Department of Justice's ability to hold corporations accountable when they do harm to the public. The federal government must retain all its tools in its effort to protect the public interest and enforce our nation's laws. Instead of undermining the ability to settle cases with just outcomes for those impacted, we should be focused on passing legislation that serves the needs of the American people.

PROTECTING U.S. SECTOR INVESTMENTS IN HONDURAS

HON. STEVEN HORSFORD

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Mr. HORSFORD. Mr. Speaker, today, I rise in support of protections for U.S. private sector investments in Central America, which addresses the root causes of illegal immigration to the United States of America.

In 2023, it was announced that the Government of Honduras would open six new consulates in the United States. They are intended to address the needs of Hondurans who made the dangerous journey to the United States and entered the country illegally. This after-the-fact approach is emblematic of a multilateral failure to deal with the root cause of illegal immigration—a fundamental lack of opportunity in Central America. Once a local economy has failed to provide opportunity, job seekers are forced to look elsewhere to provide for their families. They often come to the U.S., but the battle is lost at this stage. Con-

sulates in foreign land serving those who arrived here due to shortcomings of broken political systems are too little, too late. What do those who emigrate desire most? A secure, well-paying job in their own country.

A thriving domestic private sector provides a job market that allows capable and ready-to-work individuals to support their families. We know this can be done. In fact, in Honduras, it has been proven that U.S. private sector investment, spent wisely and properly deployed, is creating thousands of jobs in the local economy. One prominent example is Honduras Prospera, a U.S.-led developer of special economic zones called ZEDEs. Prospera has invested over \$100 million to bring new industries and new opportunities into Honduras. But now the underpinning Honduran constitutional ZEDE-law is under attack by President Xiomara Castro's administration. They are threatening illegal retroactive repeal of the ZEDE law via an illegitimate reshuffling of the country's Supreme Court. We cannot stand by and allow the expropriation of U.S. investment while denying thousands of Hondurans the right to a stable job. And this action violates a 50-year legal stability guarantee under the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR).

Undermining U.S. private sector investment will have significant and lasting negative effects for the Honduran people. Over the past few years, Honduras has confronted both the destruction wrought by Category 4 Hurricanes Eta and Iota, along with the impact of the COVID-19 pandemic. As Hondurans work to rebuild, ensuring stable U.S. investment will afford Hondurans a fair working environment that provides good economic, educational, health care, labor, and housing opportunities. Better domestic opportunities help to reduce the pressures that lead citizens to irregular migration.

Sustained U.S. investment in Honduras is strongly in our national security interest. After breaking Honduras' alliance with Taiwan and establishing diplomatic ties with China, President Castro recently traveled to China to meet with President Xi Jinping "to jointly plan for the future development" and inaugurate Honduras' embassy in Beijing. The promise of Chinese investment is both a powerful motivator for President Castro and a growing concern for global stability in the region. Preserving and furthering U.S. investment and engagement in Honduras is critical for our national security.

I encourage my fellow Members of Congress to ensure that all hard-working Hondurans who wish to live and work in their country can have the opportunity to do so. So, let's request that U.S. agencies that control American visa access deny these benefits to any Honduran politician or policymaker advocating the expropriation of U.S. assets or investments. Strategic U.S. private sector investment is proving to make Honduras a land of opportunity for Hondurans while alleviating an ever-growing migration crisis here in the U.S.

TRIBUTE TO FORMER UNITED STATES SENATOR HERBERT (HERB) KOHL

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Ms. MOORE of Wisconsin. Mr. Speaker, it is with a heavy heart that I rise today to extend my deepest condolences to the family and community grieving the loss of the esteemed former United States Senator Herbert Hiken Kohl. Senator Herb Kohl, a notable figure in the political, sporting, and education spheres, passed away on December 27, 2023, at the age of 88.

Born in Milwaukee, Wisconsin, to the union of his Polish Jewish immigrant father, Max Kohl, and his Russian Jewish mother, Mary Kohl. Senator Kohl's humble beginnings trace back to Washington High School. He later earned a Bachelor of Science degree from the University of Wisconsin-Madison in 1956, where he also became a Pi Lambda Phi fraternity member. Continuing his academic pursuits, he obtained a Master of Business Administration degree from Harvard Business School in 1958, concurrently serving in the United States Army Reserve from 1958 to 1964.

Senator Kohl entered the political scene around the 1970s, initially as a donor and fundraiser for then Governor Patrick Lucey. Following Governor Lucey's 1974 inauguration, Senator Kohl assumed a prominent role as the chairman of the Wisconsin Democratic Party (WisDems). Under his leadership, WisDems achieved historic victories in the 1976 election, securing a supermajority in both chambers of the legislature. He remained chairman of WisDems until he resigned at the June 1977 state party convention.

A stalwart public servant, Senator Kohl dedicated four consecutive terms to representing Wisconsin as a U.S. Senator from 1989 to 2013. Notably, he holds the distinction of having an undefeated record in politics, winning all 72 counties in Wisconsin during the 2006 election. His bipartisan approach and commitment to addressing crucial issues earned him respect across party lines.

In addition to his political contributions, Senator Kohl left a permanent mark on the world of sports as the owner of the Milwaukee Bucks in the National Basketball Association. Acquiring the team in 1985, he guided them through challenges and triumphs, demonstrating his commitment to both the local community and the sport of basketball. Under Kohl's stewardship, the Bucks became a source of pride for Milwaukeeans, and his passion for keeping the Bucks in the city of Milwaukee was evident when he pledged \$100 million of his own money to support the construction of what many now know as the Fiserv Forum.

Beyond his political and sports achievements, Senator Kohl's passion extended to

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

uplifting Wisconsinites. A staunch supporter of public education, he funded efforts to bolster public schools, students, and educators in the state. Establishing the Herb Kohl Philanthropies, he recognized students, teachers, and schools with grants to support educational achievement. Since its founding, the Herb Kohl Foundation has distributed over \$20.9 million in grants and scholarships, impacting the lives of over 8,000 individuals and benefiting more than 3,000 schools.

A singular thread unites the various tributes pouring in from the realms of politics, sports, and philanthropy: Senator Herb Kohl's sincere and compassionate demeanor. Colleagues, allies, adversaries, and athletes alike enthusiastically praise him for his boundless generosity, unassuming modesty, and the enduring relationships he fostered throughout his life.

Mr. Speaker, Senator Herb Kohl stood as a beacon of moral principles during a time marked by commercializing professional sports and increasing political polarization. His legacy serves as a poignant reminder of the positive impact one person can make when guided by morality, empathy, and a genuine concern for the well-being of others. Herb Kohl was a man of the people, who truly cared for all Wisconsinites. His footprint on our state will remain forever.

CELEBRATING KOREAN-AMERICAN DAY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Mr. WILSON of South Carolina. Mr. Speaker, as Co-Chair of the Congressional Caucus on Korea, I am grateful to recognize Korean American Day. Celebrated annually on January 13, it commemorates the arrival of the first Korean immigrants on that day in 1903.

In 2003, President George W. Bush, proclaimed January 13, as Korean American Day, and in 2005, the U.S. House and Senate passed resolutions demonstrating their unanimous support for the recognition, and appreciation of the Korean American community.

South Carolina is blessed to be the home of a large and vibrant Korean American population. For almost 20 years, Columbia, South Carolina, has welcomed thousands of people from across the state for their Korean Festival, an experience filled with food, music, dancing, and traditions at the Korean Presbyterian Church on Richland Street.

I was also grateful to have celebrated the 70th Anniversary of the signing of the Korean Armistice Agreement on July 27, with Ambassador Hyun-Dong Cho and several members of the Korean National Assembly ruling party, People Power Party Leader, Assemblyman Gi-Hyeon Kim, members of the National Assembly Chul-Gyu Lee, Seok-Ki Kim, Sang-Bum Yoo, Min-Kuk Kang, and Chairman of the International Relations Committee of the People Power Party and former National Assemblyman Jae-Young Lee.

On several occasions, I have had the good fortune of visiting South Korea and have personally experienced the warmth of its people. In 2023, I visited North Korea at Pyongyang and I saw firsthand the contrast of dictatorship

there of darkness in the North as contrasted to the vibrancy of the South.

I am grateful for the vast contributions Korean Americans bring to our community, from business to culture, and to commemorate this day. Their continued success is a tribute to the American Dream fulfilled.

CELEBRATING THE LIVE OAKS CAREER CENTER JROTC CADETS

HON. BRAD R. WENSTRUP

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Mr. WENSTRUP. Mr. Speaker, I rise today to celebrate the hard work and dedication of the Live Oaks Career Center JROTC Cadets. Beginning as a local Army JROTC program in 1993 to teach high school students leadership and citizenship classes, the Live Oaks JROTC program has evolved into a nationally recognized leadership and citizenship program.

This year, three teams of Live Oaks JROTC Cadets competed against 216 other teams in the U.S. Army Cadet Command Junior ROTC Raider Challenge Championships at Fort Knox. The Live Oaks male and female teams finished first in their divisions, and the coed team came in fifth place. Twenty-eight cadets earned full-ride scholarships to the university of their choice due to their success.

Live Oaks' JROTC Cadets demonstrated incredible tenacity and grit in their championship success, qualities that will serve them well in their southern Ohio communities. I am proud to congratulate them today.

PERSONAL EXPLANATION

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Ms. SEWELL. Mr. Speaker, on January 12, I was unavoidably absent. Had I been present, I would have voted YES on passage of H. R. 839, Roll Call Vote No. 9 and I would have voted NO on passage of H.J. Res 98, Roll Call Vote No. 10.

PERSONAL EXPLANATION

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Ms. WATERS. Mr. Speaker, had I been present, I would have voted NAY on Roll Call No. 1, and NAY on Roll Call No. 2.

RECOGNIZING FIRE CHIEF EUGENE A. VANCE, III

HON. SCOTT PERRY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Mr. PERRY. Mr. Speaker, I'm honored, humbled, and saddened to posthumously rec-

ognize Steelton Fire Chief, Eugene A. Vance, III.

Upon graduating from Steelton-Highspire High School in 1972, Chief Vance dedicated his life to the service of our communities. As a 35-year veteran of the Commonwealth of Pennsylvania Department of General Services, he was a member of the Steelton Baldwin Hose Company No. 4 serving as Firefighter, Foreman, Captain, and Battalion Chief before earning the privilege of becoming Chief of the Steelton Fire Department in 1998. He also served on several Dauphin County volunteer fire companies, the Dauphin County Volunteer Fireman's Association, and County Volunteer Fire Chiefs Association.

Chief Vance retired from his official capacity in 2012, but continued to play a vital role, and his call to duty returned him to the Fire Chief position once again in 2016. He administered countless AED life-saving responses, and earned prestigious awards, honors, and accolades throughout his storied career—to name but a few, in 2012, he earned the Firefighter of the Year and was presented his bugle from the Department, and in 2020, he earned the Craig Webb Memorial Award for Excellence in Fire Service.

Chief Vance's life truly mattered; he made a mark on everyone he met—whether he knew them briefly, personally, professionally, or for a lifetime. He will be dearly missed.

Mr. Speaker, I'm honored to recognize Fire Chief Eugene A. Vance, III for his selfless, tireless, and dedicated service to his family, friends, fellow brave firefighters, our communities, Commonwealth, and United States of America. He is the standard by which we all should be judged. May God bless and keep him.

HONORING THE LIFE AND MEMORY OF U.S. ARMY SERGEANT ANDREW PAUL SOUTHARD

HON. ANDY BIGGS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Mr. BIGGS. Mr. Speaker, I rise to honor the life and service of United States Army Sergeant Andrew Paul Southard.

Andrew was a husband; a father; a son; a brother; an elite Nightstalker with the 160th Special Operations Aviation Regiment; and a resident of Apache Junction in Arizona's 'Fighting Fifth' District.

Tragically, his life was cut short as one of five Special Operations soldiers aboard a Blackhawk helicopter that went down in the Eastern Mediterranean Sea on Friday, November 10, 2023. His sacrifice, like that of all our courageous fallen, is the culmination of a life of duty and honor.

Andrew was born to Kim and Randy Southard in Spokane, Washington in 1996, and moved to Apache Junction, Arizona at the age of 11. From a young age, he embodied the integrity and compassion instilled in him by his family and tight-knit community. A former high school teacher shared this about Andrew after his passing:

"He didn't do things because he thought people were going to give him gratitude for doing it. He did it because he thought it was right."

And from a long-time classmate:

"My mother was battling cancer and it made it hard sometimes at school. I will never forget the compassion Andy showed me through the hard days at school. He never treated me differently, but always had a joke to keep me laughing and my mind off of what was going on at home. I will always be grateful for that."

Andrew graduated from Apache Junction High School in 2015. Coming from a military family he eagerly enlisted in the United States Army at the age of 18 and was assigned as a '15T' UH-60 Black Hawk Repairer stationed with the 1st Armored Division's Combat Aviation Brigade at Fort Bliss, Texas.

In this role, Andrew deployed to Egypt for a 13-month rotation as part of Task Force Sinai in support of peacekeeping operations, and deployed to Afghanistan in support of Operation Enduring Freedom.

Wherever he served, Andrew's unit members recognized both his selfless service and the energy and time he dedicated to those around him. Andrew was the type of soldier and man who, while at Fort Bliss, pulled a woman from a burning vehicle without even telling his friends about it.

When asked about his heroism, Andrew simply responded: "I feel like anyone would pull over. It was just my time and place where I was that day."

A friend and fellow soldier who completed Army basic training with Andrew shared:

"It's a statement to who he was. You ask anyone; if they knew him for seven years or just seven days, you understood the type of person he was and how much he would be there for you, how much he would invest in you and expect nothing in return."

Never content with the ordinary, Andrew stared down one of the most grueling challenges any military service member can endure by volunteering for the Army's legendary 160th Special Operations Aviation Regiment.

After completing Green Platoon, the regiment's rigorous training and assessment program in 2023, he earned his place with the First Battalion, 160th SOAR as an MH-60M Crew Chief based in Fort Campbell, Kentucky.

After the Hamas terror attacks of October 7, 2023, elements of the 160th SOAR were assigned to the Eastern Mediterranean Sea in support of our allies in Israel.

On November 10, during a refueling training exercise over the Mediterranean between Cyprus and Lebanon, Andrew's aircraft crashed after suffering a catastrophic malfunction.

Tragically, he and four of his teammates were killed. We mourn them:

Chief Warrant Officer Stephen R. Dwyer, Clarksville, Tennessee; Chief Warrant Officer Shane M. Barnes, Sacramento, California; Staff Sergeant Tanner W. Grone, Gorham, New Hampshire; and Sergeant Cade M. Wolfe, of Mankato, Minnesota.

Though we grieve, we celebrate Andrew's life along with his devoted wife Ashley, his sweet children Jack, Gavin, and Hallie, and his parents, brother, grandparents, and friends.

But we also recognize that his sacrifice epitomizes the way he lived his life; defending the defenseless, standing by his fellow soldiers, and doing what was right without the thought of recognition or reward. May each of us follow his valuable example of courage, service, and friendship.

CELEBRATING MITRE'S 65TH
ANNIVERSARY

HON. SETH MOULTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Mr. MOULTON. Mr. Speaker, I rise in celebration of MITRE's 65th anniversary of service to the Nation.

MITRE, a non-profit founded in 1958 in Bedford, Massachusetts, contributions have been both profound and wide-ranging, impacting not only national security but also advancing critical technology sectors and public welfare on a global scale.

For over six decades, MITRE has been at the forefront of technological and strategic development, adapting to and preempting global challenges from the Cold War era to the present day. Its pioneering work in the development of the Semi-Automatic Ground Environment (SAGE) and its collaboration on the Apollo Mission underscore its pivotal role in shaping defense and space exploration strategies.

MITRE's innovative endeavors in the fields of cybersecurity and artificial intelligence have set the benchmark for the industry. The Orange Book, penned by MITRE's Grace Hammonds Nibaldi, laid the foundation for modern cybersecurity, marking the organization as a thought leader for more than half a century. Similarly, MITRE's role in developing America's Traffic Alert and Collision Avoidance System (TCAS) exemplifies its commitment to creating the safest, most efficient airspace in the world.

Today, MITRE continues to spearhead transformative projects. The MITRE ATT&CK framework has become a cornerstone in cybersecurity, guiding threat models and critical infrastructure protection. Through initiatives like "Black Pearl," MITRE confronts issues such as human trafficking and narcotics, displaying its adaptability and influence across various domains. Moreover, MITRE's cutting-edge work in space traffic management, quantum computing, and BlueTech, along with its contributions during the COVID-19 pandemic, demonstrates its capacity to lead and innovate in response to emergent global issues.

Recognizing MITRE's multifaceted impact, from the development of the Standard Health Record for Oncology to modernizing judicial records, reflects its profound influence beyond the scope of traditional research and development organizations. Fast Company's description of MITRE as "the most important company you've never heard of" encapsulates the silent, yet significant footprint MITRE has left on modern society.

Finally, it is essential to acknowledge that MITRE's success is fundamentally a human story—driven by a team of dedicated individuals who have worked tirelessly behind the scenes, often without public acclaim, motivated by a shared commitment to the public good. As we honor MITRE on its 65th anniversary, we celebrate not just the organization's remarkable achievements but also the people who have made it all possible. Their uncredited service and relentless pursuit of innovation for the nation's benefit indeed set MITRE apart as a unique and invaluable institution.

Please join me in honoring MITRE and its talented staff on MITRE's 65th anniversary.

RECOGNIZING MR. JOHN
WINTERSTEEN

HON. DAVID SCHWEIKERT

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Mr. SCHWEIKERT. Mr. Speaker, I rise today along with my colleague, Congressman STANTON, to posthumously honor Mr. John Wintersteen, a dedicated public servant of Paradise Valley and a 30-year veteran of the U.S. Marine Corps. Mr. Wintersteen led the Paradise Valley Police Department as police chief from 1995 to 2009, protecting our local communities and showing exemplary care for the safety of residents across Paradise Valley. He founded the community's Martin Luther King Jr. Celebration nearly 26 years ago, helping to grow the celebration of Dr. King's life from 10 to 15 people when it first began to over 250 people coming to celebrate Dr. King's legacy. In retirement, Mr. Wintersteen continued to stay involved with the community by volunteering for the Rotary Club of Southwest USA and served on the board of Empire of Hope, where he helped fight issues of poverty and unemployment and promoted education and medical care in African countries. He also worked with the Creighton Community Foundation to provide food for families of students struggling with food insecurity.

I join the entire Paradise Valley community in mourning the loss of Mr. Wintersteen and extend my condolences to his family. While this year's MLK Day Celebration will undoubtedly be different without Mr. Wintersteen, I'm confident we will honor his memory at this event which he worked incredibly hard to bring our community together for. He had an unparalleled impact on everyone who knew him, and he will be deeply missed.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Mr. WILSON of South Carolina. Mr. Speaker, I was detained chairing a hearing in the Foreign Affairs Subcommittee on the Middle East, North Africa, and Central Asia. Had I been present, I would have voted "NAY" on Roll Call No. 6, H.R. 788.

RECOGNIZING THIRTY YEARS OF
BANNERMAN CASTLE LAND TRUST

HON. PATRICK RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Mr. RYAN. Mr. Speaker, I rise to recognize the Bannerman Castle Trust for thirty years of excellent work in historical preservation.

Since 1994, the Bannerman Castle Trust has overseen the preservation of the historic buildings on Pollepel Island, also known as Bannerman Island. Pollepel Island is located just off the eastern shore of the Hudson River between Beacon and Cold Spring, New York.

The island is home to Bannerman Castle and its surrounding structures, built by Scot-tish-American businessman Frank Bannerman

in 1901. Since then, Bannerman Castle has been a beacon of architectural beauty in the Hudson Valley.

The Bannerman Castle Trust is an official “Friends” organization of the New York State Office of Parks, Recreation and Historic Preservation, Taconic Region.

Over the past 30 years, the trust has been dedicated to maintaining and preserving educating community members and tourists about the history of the land.

Throughout this time, Neil Caplan, founder and Executive Director of the Bannerman Castle Trust, has dedicated his work to making this historic site safe and accessible to the public. By hosting kayak tours, river cruises, dinners, and even movie nights, Caplan and his team has continued to preserve this site and make it a special place within our community.

I want to personally thank Mr. Caplan and his Board of Directors for all their great work and years of service. I wish all the best in the next 30 years as Bannerman’s Castle is preserved and remains an important historical feature within our district.

HOMETOWN HERO SAISHEREN
SENPON

HON. BETH VAN DUYNÉ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 12, 2024

Ms. VAN DUYNÉ. Mr. Speaker, I rise today to recognize our Texas–24 Hometown Hero, Saisherén Senpon of Irving.

Ever since he was three years old, Saisherén has been practicing karate. Now, 20 years later, he has become an elite athlete

at Champion Karate Academy, earning a 3rd Degree Black Belt and a spot on the USA Karate Senior National Team.

As Mayor of Irving in 2014, I had the privilege of recognizing Saisherén for his accomplishments and am impressed by all that he has gone on to accomplish.

Following in his parents’ footsteps, both of whom were national champions in karate, Saisherén is a nine-time National Champion, multiple-time US Open champion, three-time Pan-American Champion, and a gold medalist in the Junior Pan American Games, Cali 2021. Most recently, he brought home the bronze medal in the 84kg category for Team USA at the Pan American Games, Santiago 2023. He currently stands at No. 47 in the world rankings.

Congratulations to Saisherén, and I wish him continued success in his karate career.

Daily Digest

Senate

Chamber Action

The Senate met at 8:45:00 a.m. in pro forma session, and adjourned at 8:45:29 a.m. until 3 p.m. on Tuesday, January 16, 2024.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 8 public bills, H.R. 6986–6993; and 3 resolutions, H. Res. 962–964, were introduced. **Page H132**

Additional Cosponsors: **Page H133**

Reports Filed: Reports were filed today as follows: H.R. 6914, to require institutions of higher education to disseminate information on the rights of, and accommodations and resources for, pregnant students, and for other purposes, with an amendment (H. Rept. 118–344);

Committee on the Judiciary. Resolution Recommending that the House of Representatives find Robert Hunter Biden in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on the Judiciary (H. Rept. 118–345); and

Committee on Oversight and Accountability. Resolution Recommending that the House of Representatives find Robert Hunter Biden in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Accountability (H. Rept. 118–346). **Page H132**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures. Consideration began Wednesday, January 10th.

China Exchange Rate Transparency Act of 2023: H.R. 839, amended, to require the United States Executive Director at the International Monetary Fund to advocate for increased transparency with respect to exchange rate policies of the People's

Republic of China, by a 2/3 yeas-and-nays vote of 379 yeas to 1 nay, Roll No. 9; **Page H124**

Taiwan Non-Discrimination Act of 2023: H.R. 540, amended, to require the Secretary of the Treasury to pursue more equitable treatment of Taiwan at the international financial institutions; **Page H125**

Pressure Regulatory Organizations To End Chinese Threats to Taiwan Act: H.R. 803, amended, to direct certain financial regulators to exclude representatives of the Peoples Republic of China from certain banking organizations upon notice of certain threats or danger; and **Page H125**

OFAC Licensure for Investigators Act: H.R. 6370, amended, to require the Office of Foreign Assets Control to develop a program under which private sector firms may receive a license to conduct nominal financial transactions in furtherance of the firms' investigations. **Page H126**

Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to "Standard for Determining Joint Employer Status": The House passed H.J. Res. 98, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to "Standard for Determining Joint Employer Status", by a yeas-and-nays vote of 206 yeas to 177 nays, Roll No. 10. **Pages H112–124, H124–125**

H. Res. 947, the rule providing for consideration of the bill (H.R. 788) and the joint resolutions (H.J. Res. 98) and (S.J. Res. 38) was agreed to yesterday, January 11th.

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure. Consideration began Thursday, January 11th.

No Russian Agriculture Act: H.R. 4768, amended, to require the Secretary of the Treasury to instruct the United States Executive Directors at the international financial institutions to advocate for investment in projects that decrease reliance on Russia for agricultural commodities. **Page H125**

Meeting Hour: Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 12 p.m. on Tuesday, January 16th for Morning Hour debate. **Page H131**

Quorum Calls—Votes: Two yea-and-nay votes developed during the proceedings of today and appear on pages H124 and H124–125.

Adjournment: The House met at 9 a.m. and adjourned at 11:49 a.m.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JANUARY 16, 2024

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Rules, Full Committee, hearing on H.R. 6914, the “Pregnant Students’ Rights Act”; H.R. 6918, the “Supporting Pregnant and Parenting Women and Families Act”; legislation on the Report to accompany the Resolution Recommending that the House of Representatives Find Robert Hunter Biden in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on the Judiciary; legislation on the Report to accompany the Resolution Recommending that the House of Representatives Find Robert Hunter Biden in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Accountability; and H. Res. 957, denouncing the Biden administration’s open-borders policies, condemning the national security and public safety crisis along the southwest border, and urging President Biden to end his administration’s open-borders policies, 4 p.m., H-313 Capitol.

Next Meeting of the SENATE

3 p.m., Tuesday, January 16

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Tuesday, January 16

Senate Chamber

Program for Tuesday: Senate will resume consideration of the motion to proceed to consideration of H.R. 2872, Amending the Permanent Electronic Duck Stamp Act (the legislative vehicle for the Continuing Resolution).

If a motion to discharge the Committee on Foreign Relations from further consideration of S. Res. 504, requesting information on Israel's human rights practices pursuant to section 502B(c) of the Foreign Assistance Act of 1961, is made, Senate will vote on or in relation to the motion to discharge at 5:30 p.m., followed by a vote on the motion to invoke cloture on the motion to proceed to consideration of H.R. 2872, Amending the Permanent Electronic Duck Stamp Act (the legislative vehicle for the Continuing Resolution).

House Chamber

Program for Tuesday: To be announced.

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