

Colonel Hallstrom has served in the Air National Guard since 1985, and today, he is the commander of the 193rd Special Operations Medical Group.

Colonel Hallstrom served this country in several missions, including Operations Desert Storm, Continuing Hope, Enduring Freedom, and Iraqi Freedom.

Colonel Hallstrom also achieved the rank of chief flight surgeon by logging more than 173 combat hours.

In addition to being a commanding officer in the Air National Guard, Colonel Hallstrom is also a physician in DuBois, Pennsylvania, where he practices physical medicine, rehabilitation, and pain medicine.

Madam Speaker, please join me in congratulating Colonel Hallstrom on his many years of service to our country. We understand that freedom is not free. On behalf of a grateful Nation, we thank him for his service and his commitment to our country.

□ 1215

#### PROVIDING FOR CONSIDERATION OF S. 4524, SPEAK OUT ACT; AND FOR OTHER PURPOSES

Ms. SCANLON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1464 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 1464

*Resolved*, That upon adoption of this resolution it shall be in order to consider in the House the bill (S. 4524) to limit the judicial enforceability of predispute nondisclosure and nondisparagement contract clauses relating to disputes involving sexual assault and sexual harassment. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees; and (2) one motion to commit.

SEC. 2. (a) At any time through the legislative day of Friday, November 18, 2022, the Speaker may entertain motions offered by the Majority Leader or a designee that the House suspend the rules as though under clause 1 of rule XV with respect to multiple measures described in subsection (b), and the Chair shall put the question on any such motion without debate or intervening motion.

(b) A measure referred to in subsection (a) includes any measure that was the object of a motion to suspend the rules on the legislative day of November 14, 2022, November 15, 2022, November 16, 2022, November 17, 2022, or November 18, 2022, in the form as so offered, on which the yeas and nays were ordered and further proceedings postponed pursuant to clause 8 of rule XX.

(c) Upon the offering of a motion pursuant to subsection (a) concerning multiple measures, the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated to the end that all such motions are considered as withdrawn.

SEC. 3. Notwithstanding clause 8 of rule XX, further proceedings on a vote by the yeas and nays on the question of adoption of a motion that the House suspend the rules offered on the legislative day of November 14, 2022, or November 15, 2022, may be postponed through the legislative day of November 18, 2022.

SEC. 4. On any legislative day during the period from November 21, 2022, through November 28, 2022, the Journal of the proceedings of the previous day shall be considered as approved.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of this resolution as though under clause 8(a) of rule I.

SEC. 6. Each day during the period addressed by section 4 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 7. Each day during the period addressed by section 4 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

SEC. 8. Each day during the period addressed by section 4 of this resolution shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII.

SEC. 9. House Resolution 1463 is hereby adopted.

The SPEAKER pro tempore (Ms. ESHOO). The gentlewoman from Pennsylvania is recognized for 1 hour.

Ms. SCANLON. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Minnesota (Mrs. FISCHBACH), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

##### GENERAL LEAVE

Ms. SCANLON. Madam Speaker, I ask unanimous consent that all Members be given 5 legislation days to revise and extend their remarks.

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

There was no objection.

Ms. SCANLON. Madam Speaker, yesterday the Committee on Rules met and reported a rule, House Resolution 1464, providing for consideration of S. 4524, the Speak Out Act, under a closed rule. The rule provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary as well as one motion to commit.

The rule further provides the majority leader or his designee the ability this week to en bloc requested roll call votes on suspensions. The rule also provides roll call votes on suspension bills considered on November 14 or 15 may be postponed through November 18.

Lastly, the rule provides standard recess instructions for the district work period from November 21 through November 28 and deems passage of House Resolution 1463.

Madam Speaker, today's rule provides for consideration of the Speak Out Act, a straightforward, bipartisan bill, that passed the Senate unanimously, to prevent nondisclosure

agreements from silencing victims of sexual assault and harassment.

Over the past 5 years, we have seen numerous cases of women and men disclosing their experiences of sexual harassment in the workplace. As more people came forward, others felt empowered to share their experiences, and offenders who had long gotten away with such reprehensible conduct increasingly faced consequences to their actions.

While many high-profile cases focused on movie executives, actors, TV personalities, professional athletes, and elected officials, sexual assault and harassment has been endemic in American workplaces for a very long time. The silencing of survivors with nondisclosure agreements has played a significant role in allowing such misconduct to continue.

Over the span of multiple congressional hearings, we have heard firsthand accounts of how harassment affects workers in all industries, from farms to offices to restaurants to colleges. Sexual harassment is pervasive in U.S. workplaces. It is not a problem unique to athletes and celebrities that we see on TV.

However, the one thing that many of the stories have in common is that the perpetrators are often people in positions of power, CEOs, bosses, managers, and executives, and these people have access to expensive lawyers and PR teams to exploit flaws in our legal system to protect themselves and silence those they have abused.

Now, thanks to the courage of survivors and the increasing power of women and other historically underrepresented groups in the workplace, there is a newfound recognition of the social and economic consequences of a status quo that enables or excuses such misconduct, and there is new momentum to ensure that the American workplace environment is safe and fair for all.

I am so encouraged that this Congress has been able to come together and pass legislation to address this problem. Earlier this year, Congress passed bipartisan legislation that now prevents companies from using forced arbitration agreements to resolve cases of sexual assault or harassment.

Forced arbitration clauses are widespread in employment contracts and generally prevent workers from suing their employer in court. Arbitration proceedings overwhelmingly benefit the employer because the employer decides the venue, terms of mediation, and even the arbitrators themselves. Forced arbitration, combined with nondisclosure agreements, meant that victims were kept silent and forced into settlements over which they had little control and kept predators from facing accountability for their actions.

Even more concerning, the silencing of survivors of abuse through forced arbitration and nondisclosure agreements thwarts an important tool for preventing future misconduct. Abusers

who are not held responsible are free and, in a sense, encouraged to offend again. Given the stigma that victims of such abuse often encounter, they are less likely to come forward if they think the abuse they endured was an isolated incident.

With the passage of the Speak Out Act, both of these legal gimmicks will be banned in cases of sexual assault in the workplace, freeing workers and making corporations take responsibility for actually creating a safe work environment. These laws won't end sexual harassment and abuse in the workplace overnight, but it will now make it easier for victims to seek justice and deter bad behavior.

As a woman, and the mother of a daughter, like at least a third of women in the American workplace, both of us have experienced or witnessed such workplace behavior, so I wholly support this legislation.

In my view, passing the Speak Out Act should be an easy task for the House of Representatives. It is a simple, sensible bill, and it passed unanimously in the Senate, an institution not always known for finding consensus.

Here in the House, the Speak Out Act should receive similar treatment, passage with an overwhelming, if not unanimous, majority. But we have been forced by the obstruction of a number of our more extreme Republican colleagues to expend the time needed to pass a rule, engage in hours of debate, and take four votes to pass the bill in the House, when we have numerous pressing items demanding Congress' attention before year's end.

The fact that the bill passed with all 100 Senators in support, in an evenly divided Senate, should tell you that if there were serious problems with the bill, they have already been resolved. Anyone who has actually read the legislation knows that.

NDA's are meant to protect trade secrets and business dealings. Why would anyone try to enable their use in covering up sexual assault?

I am here to get results for my constituents, and that includes measures to ensure that our workplaces are free from sexual assault and abuse.

Madam Speaker, I strongly encourage all my colleagues to support today's rule, and I reserve the balance of my time.

Mrs. FISCHBACH. Madam Speaker, I thank the Representative from Pennsylvania for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Today, we are here to consider House Resolution 1464, providing for the consideration of the Speak Out Act, among other provisions.

Let me be clear: House Republicans agree that victims of sexual harassment and assault deserve justice. Unfortunately, due to the fact that this bill is poorly drafted and questionable findings from the Senate bill remain that were specifically stripped out of

the House version during Judiciary markup, there are still several legitimate concerns surrounding the unintended consequences of H.R. 8227, the Speak Out Act.

We must maintain respect for the victims and their privacy. Making settlements less valuable to defendants by making confidentiality provisions unenforceable could leave victims worse off.

This bill may force victims of sexual assault and sexual harassment to take their claims to court in a public process, but some victims may be reluctant to speak out in any form if they know that their stories will be public.

Furthermore, removing the benefit of confidentiality may remove the incentives that defendants have to settle and give them more reason to fight harder in court, which may not be in the plaintiff's best interest.

The bill is also worded in a way that may also apply to certain post-dispute nondisclosure and non-disparagement clauses, broadly making both predispute and post-dispute nondisclosure and non-disparagement clauses unenforceable and may affect existing settlements.

This begs the question: What is the point of drawing up a contract if Congress will eventually step in after the fact and invalidate it? What is more, this bill would effectively impose a new regulatory floor that comes from the top down, overtaking the role of the State. Republicans do not believe in a one-size-fits-all approach, especially in this case, where it may do more harm than good for these victims.

This legislation should remind us all to think carefully about federalism and when Congress should enact Federal regulatory floors.

States have traditionally decided how to regulate contract clauses, and some have already passed laws to regulate these specific clauses relating to sexual harassment and assault.

The bill even uses State and Tribal laws to define terms within it, but this bill should supersede those State decisions in some cases.

Though I believe this bill is well-intentioned, it would be a mistake to rush to pass it as is, where significant concerns need to be addressed.

Madam Speaker, it is for those reasons I oppose this rule and ask Members to do the same.

Madam Speaker, I reserve the balance of my time.

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

□ 1230

Mrs. FISCHBACH. Madam Speaker, as I said in my opening remarks, the bill under consideration by this rule is well-intentioned but flawed. It deserves additional time to thoughtfully consider legitimate concerns. House Republicans are committed to ensuring victims of sexual violence receive the justice they are entitled to, but that does not mean the flaws outlined should be ignored.

Madam Speaker, again, I oppose the rule, and I encourage Members to do the same.

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

Ms. SCANLON. Madam Speaker, I am looking forward to the fact that by the end of the week, the Speak Out Act will be signed into law.

While these reforms to the nondisclosure agreements and forced arbitration agreements will only go so far, they will create a more even playing field for survivors of sexual assault and harassment. Thousands of people will be freed from the unfair burdens of NDAs, and I sincerely hope this brings justice and closure to those who need it.

I also recognize that there is a lot more this Congress should do to support both workers and victims of sexual assault.

We can't ignore the disproportionate power that most employers hold over their employees, which can often lead to unfair outcomes for workers. Whether it is NDA agreements that silence victims, contracts that undercut workers' pay or rights, forced arbitration clauses, or egregious noncompete agreements, there is much more work to do to guarantee an even playing field for all workers in this economy.

I am proud of the work House Democrats have accomplished for workers this Congress. Although the Senate filibuster has greatly curtailed the scope of what we should do, Democrats and President Biden have secured multiple wins for workers over the past 2 years, and the Speak Out Act is another victory in that column.

Madam Speaker, I urge all my colleagues to support today's rule.

Ms. JACKSON LEE. Madam Speaker, I rise in support of H. Res. 1464, the rule providing for consideration of S. 4524, The Speak Out Act.

I commend you and Rules Committee Chairman MCGOVERN for providing this rule to allow The Speak Out Act to be brought before us for debate and a vote, as it reflects our priorities for the American people.

Our Democratic Party Caucus deeply believes in women's rights, from reproductive rights to workplace rights, including the right to engage in one's career without being subjected to sexual harassment or abuse that impairs lives and livelihoods.

By bringing this rule to the House, and allowing consideration of The Speak Out Act, our leadership emphatically asserts that women's rights are American rights; that the right to be treated with dignity and respect in the workplace is a priority of Democrats, and that those rights must not be deterred.

The Speak Out Act would limit the judicial enforceability of predispute nondisclosure and nondisparagement contract clauses relating to disputes involving sexual assault and sexual harassment.

This bill is critical to ending the culture of silence that quiets the voices of survivors of sexual harassment. Ending the cycle of abuse starts with eliminating the power that perpetrators have over their victims.

Currently, companies can sue workers for breaking an NDA. The threat of legal retaliation is daunting enough to keep workers from coming forward with stories of abuse.

These NDAs have become commonplace in many industries. Harvard Business Review has estimated that over one third of the U.S. workforce is bound by NDAs.

These NDAs not only appear in settlements after a victim of sexual harassment has raised their voice, but also have become routinely included in standard employment contracts that are used at the time of hiring.

Typically, NDAs work to provide confidentiality and protection, but they have increasingly been used to protect power dynamics that enable abusers to continue their dangerous and disgusting behavior.

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

The reality is that many of these women have no voice because the system rewards male manipulators and penalizes women who challenge the status quo. This is institutionalized abuse.

The Speak Out Act can change this reality by preventing employers from enforcing non-disclosure or non-disparagement agreements (NDAs) in instance's when employees and workers report sexual misconduct.

In the wake of the #MeToo and #TimesUp movements, our country has become acutely aware that men in power frequently leverage that power abusively to exploit women.

Sexual abuse and harassment can destroy a victim's financial security, mental health, and career path.

By standing up for their rights, the women who have been subjected to abuse often become mired in a lengthy and costly lawsuit that drains their finances, imposes a heavy psychic toll, and impairs their future job prospects by creating a misimpression that they are disruptive workers.

Women face a disturbing choice when sexually assaulted in the workplace: report the abuse publicly and face litigation, leave the company and abandon their income, or the choice that many are forced to make, put their heads down and pretend it did not happen.

Passing this rule to allow consideration of The Speak Out Act aims to provide victims with a third option to pursue justice.

It is time to amend the NDA system to strip the power from abusive employers and give it back to the employee.

Ms. SCANLON. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on adoption of the resolution.

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

Mrs. FISCHBACH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 215, nays 208, not voting 9, as follows:

[Roll No. 479]

YEAS—215

Adams	Beatty	Bourdeaux
Aguilar	Bera	Bowman
Allred	Beyer	Boyle, Brendan
Auchincloss	Bishop (GA)	F.
Axne	Blumenauer	Brown (MD)
Barragán	Blunt Rochester	Brown (OH)
Bass	Bonamici	Brownley

Bush	Jacobs (CA)	Peltola
Bustos	Jayapal	Perlmutter
Butterfield	Jeffries	Peters
Carbajal	Johnson (GA)	Phillips
Cárdenas	Johnson (TX)	Pingree
Carson	Jones	Pocan
Carter (LA)	Kahele	Porter
Cartwright	Kaptur	Pressley
Case	Keating	Price (NC)
Casten	Kelly (IL)	Quigley
Castor (FL)	Khanna	Raskin
Castro (TX)	Kildee	Rice (NY)
Cherfilus-	Kilmer	Ross
McCormick	Kim (NJ)	Roybal-Allard
Chu	Kind	Ruiz
Cicilline	Kirkpatrick	Ruppersberger
Clark (MA)	Krishnamoorthi	Rush
Clarke (NY)	Kuster	Ryan (NY)
Cleaver	Lamb	Ryan (OH)
Clyburn	Langevin	Sánchez
Cohen	Larsen (WA)	Sarbanes
Connolly	Larson (CT)	Scanlon
Cooper	Lawrence	Schakowsky
Correa	Lawson (FL)	Schiff
Costa	Lee (CA)	Schneider
Courtney	Lee (NV)	Schrader
Craig	Leger Fernandez	Schrier
Crow	Levin (CA)	Scott (VA)
Cuellar	Levin (MI)	Scott, David
Dauids (KS)	Lieu	Sewell
Davis, Danny K.	Lofgren	Sherman
Dean	Lowenthal	Sherrill
DeFazio	Luria	Sires
DeGette	Lynch	Slotkin
DeLauro	Malinowski	Smith (WA)
DeBene	Maloney,	Spanberger
Demings	Carolyn B.	Speier
DeSaulnier	Maloney, Sean	Stansbury
Dingell	Manning	Stanton
Doggett	Matsui	Stevens
Escobar	McBath	Strickland
Eshoo	McCollum	Swalwell
Espallat	McEachin	Takano
Evans	McGovern	Thompson (CA)
Fletcher	McNerney	Thompson (MS)
Foster	Meeks	Titus
Frankel, Lois	Meng	Tlaib
Gallego	Mfume	Tonko
Garamendi	Moore (WI)	Torres (CA)
Garcia (IL)	Mouille	Torres (NY)
Garcia (TX)	Moulton	Trahan
Golden	Mrvan	Trone
Gomez	Murphy (FL)	Underwood
Gonzalez,	Nadler	Vargas
Vicente	Napolitano	Veasey
Gottheimer	Neal	Velázquez
Green, Al (TX)	Neguse	Wasserman
Grijalva	Newman	Schultz
Harder (CA)	Norcross	Waters
Hayes	O'Halleran	Watson Coleman
Higgins (NY)	Ocasio-Cortez	Wild
Himes	Omar	Williams (GA)
Horsford	Pallone	Wilson (FL)
Houlahan	Panetta	Yarmuth
Hoyer	Pappas	
Huffman	Pascrell	
Jackson Lee	Payne	

NAYS—208

Aderholt	Carl	Fitzgerald
Allen	Carter (GA)	Fitzpatrick
Amodei	Carter (TX)	Fleischmann
Armstrong	Cawthorn	Flood
Arrington	Chabot	Flores
Babin	Cheney	Foxx
Bacon	Cline	Franklin, C.
Baird	Cloud	Scott
Balderson	Clyde	Fulcher
Banks	Cole	Gaetz
Barr	Comer	Gallagher
Bentz	Conway	Garbarino
Bergman	Crawford	Garcia (CA)
Bice (OK)	Crenshaw	Gibbs
Biggs	Curtis	Gimenez
Bilirakis	Davidson	Gohmert
Bishop (NC)	Davis, Rodney	Gonzales, Tony
Boebert	DesJarlais	Gonzalez (OH)
Bost	Diaz-Balart	Good (VA)
Brady	Donalds	Gooden (TX)
Brooks	Duncan	Gosar
Buchanan	Dunn	Granger
Buck	Ellzey	Graves (LA)
Bucshon	Emmer	Graves (MO)
Budd	Estes	Green (TN)
Burchett	Fallon	Greene (GA)
Burgess	Feenstra	Griffith
Calvert	Ferguson	Grothman
Cammack	Finstad	Guest
Carey	Fischbach	Guthrie

Harris	Massie	Schweikert
Harshbarger	Mast	Scott, Austin
Hartzler	McCarthy	Sempolinski
Hern	McCaul	Sessions
Herrell	McClain	Simpson
Hice (GA)	McClintock	Smith (MO)
Higgins (LA)	McHenry	Smith (NE)
Hill	McKinley	Smith (NJ)
Hinson	Meijer	Smucker
Hollingsworth	Meuser	Spartz
Hudson	Miller (IL)	Stauber
Huizenga	Miller (WV)	Steel
Jackson	Miller-Meeks	Stefanik
Jacobs (NY)	Moolenaar	Steil
Johnson (LA)	Moore (AL)	Steube
Johnson (OH)	Moore (UT)	Stewart
Johnson (SD)	Murphy (NC)	Taylor
Jordan	Nehls	Tenney
Joyce (OH)	Newhouse	Thompson (PA)
Joyce (PA)	Norman	Tiffany
Katko	Obernolte	Timmons
Keller	Owens	Turner
Kelly (MS)	Palazzo	Upton
Kelly (PA)	Palmer	Valadao
Kim (CA)	Pence	Van Drew
Kustoff	Perry	Van Duyne
LaHood	Pluger	Wagner
LaMalfa	Posey	Walberg
Lamborn	Reschenthaler	Waltz
Latta	Rice (SC)	Weber (TX)
LaTurner	Rodgers (WA)	Webster (FL)
Lesko	Rogers (AL)	Wenstrup
Letlow	Rogers (KY)	Westerman
Long	Rose	Williams (TX)
Loudermilk	Rosendale	Wilson (SC)
Lucas	Rouzer	Wittman
Luetkemeyer	Roy	Womack
Mace	Rutherford	Yakym
Malliotakis	Salazar	Zeldin
Mann	Scalise	

NOT VOTING—9

Doyle, Michael	Kinzinger	Welch
F.	Mooney	Wexton
Herrera Beutler	Mullin	
Issa	Suoizzi	

□ 1317

Mr. KATKO changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE  
RESOLUTION 8, 117TH CONGRESS

Axne (Stevens)	Jacobs (NY)	Porter (Neguse)
Beyer	(Sempolinski)	Rice (NY) (Meng)
(Blumenauer)	Johnson (TX)	Rice (SC)
Connolly	(Stevens)	(Valadao)
(Pallone)	Kirkpatrick	Ryan (OH)
Courtney	(Pallone)	(Correa)
(Perlmutter)	Lawson (FL)	Sherrill
DeFazio	(Evans)	(Pallone)
(Pallone)	McEachin	Speier (Correa)
Gonzalez,	(Trone)	Wild (Evans)
Vicente	Morelle (Meng)	Wilson (FL)
(Correa)	Newman (Correa)	(Cicilline)
Horsford (Kelly	Palazzo	
(IL))	(Bilirakis)	

## SUPPORTING THE GOALS AND IDEALS OF "MOVE OVER" LAWS

The SPEAKER pro tempore (Ms. WILLIAMS of Georgia). Pursuant to House Resolution 1464, House Resolution 1463 is hereby adopted.

The text of the resolution is as follows:

H. RES. 1463

Whereas the House of Representatives recognizes law enforcement, fire and rescue, emergency medical services, tow truck operators, and transportation workers as traffic incident management responders (as such term is defined by the Traffic Incident Management Handbook of the Federal Highway Administration);