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No. 142

House of Representatives

The House met at 1 p.m., and was called to order by the Speaker pro tempore (Mr. BANKS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 5, 2023.

I hereby appoint the Honorable JIM BANKS to act as Speaker pro tempore on this day.

KEVIN MCCARTHY,
Speaker of the House of Representatives.

PRAYER

Rabbi Hannah Spiro, Hill Havurah, Washington, D.C., offered the following prayer:

Creator of the universe, as the Jewish New Year approaches, we ready ourselves for transitions and growth; beginnings and endings. We anticipate repair, learning, and forward movement in our country, and we prepare to handle challenges together.

The core Jewish belief imbuing this entire season is that of return. It is the idea that we are all born pure and beautiful, and as we move through our lives, we make mistakes or transgress, but every single day, and every new year, we have the power to return to our best selves through soul searching, healing, and making amends.

This new year, may each of us remember that potential within ourselves. May we return to our best selves; and as we do, may we see the beauty, inherent value, and possibility for positive change in all those around us. Together, may we cocreate a sweet new year.

Amen.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(z) of House Resolution

5, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore 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.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(z) of House Resolution 5, the House stands adjourned until 1 p.m. on Friday, September 8, 2023.

Thereupon (at 1 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Friday, September 8, 2023, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

EC-1783. A letter from the Alternate OSD FRLO, OUSD(A&S)(A)/DPC, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Source Restrictions on Auxiliary Ship Components (DFARS Case 2020-D017) [Docket DARS-2020-0036] (RIN: 0750-AL03) received August 16, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Armed Services.

EC-1784. A letter from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule — Cybersecurity Risk Management, Strategy, Governance, and Incident Disclosure [Release Nos.: 33-11216; 34-97989; File No.: S7-09-22] (RIN: 3235-AM89) received August 16, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Financial Services.

EC-1785. A letter from the Director, Regulatory Secretariat Division, Office of Acquisition Policy, General Services Administration, transmitting the Administration's final rule — General Services Administration Acquisition Regulation: Update to OMB Approval Table for Paperwork Reduction Act [GSAR Case 2022-G518; Docket No.: GSA-GSAR-2023-0021; Sequence No. 1] received August 14, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Accountability.

EC-1786. A letter from the Chief, Branch of Domestic Listing, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Cactus Ferruginous Pygmy-Owl [Docket No.: FWS-R2-ES-2021-0098; FF09E21000 FXES1111090FEDR 234] (RIN: 1018-BF25) received August 21, 2023, 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-1787. A letter from the Administrative Assistant, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of the Okaloosa Darter From the Federal List of Endangered and Threatened Wildlife [Docket No.: FWS-R4-ES-2021-0036; FF09E22000 FXES11130900000 234] (RIN: 1018-BE57) received August 11, 2023, 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-1788. A letter from the Agency Representative, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes to the Representation of Others Before the United States Patent and Trademark Office [Docket No.: PTO-C-2021-0045] (RIN: 0651-AD58) received August 16, 2023, 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.

EC-1789. A letter from the Attorney Advisor, Regulatory Affairs Division, Pipeline and Hazardous Materials Safety Administration, Office of Chief Counsel, Department of Transportation, transmitting the Department's correcting amendments — Pipeline Safety: Requirement of Valve Installation and Minimum Rupture Detention Standards

□ 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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[Docket No.: PHMSA-2013-0255; Amdt. Nos. 192-134, 195-106] (RIN: 2137-AF06) received August 17, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-1790. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting the Service's IRB only rule — Guidance on Requirements for Home Energy Audits for Purposes of the Energy Efficient Home Improvement Credit under Section 25C [Notice 2023-59] received August 21, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

EC-1791. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting the Service's IRB only rule — Low-Income Communities Bonus Credit Program (Rev. Proc. 2023-27) received August 21, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

EC-1792. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting the Service's IRB only rule — Section 5000D Excise Tax on Sales of Designated Drugs; Reporting and Payment of the Tax [Notice 2023-52] received August 21, 2023, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Ways and Means.

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 Mrs. HOUCHIN:

H.R. 5337. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify the application of prudence and exclusive purpose duties to the exercise of shareholder rights; to the Committee on Education and the Workforce.

By Mr. GOOD of Virginia:

H.R. 5338. A bill to amend the Employee Retirement Income Security Act of 1974 to establish that fiduciaries must act with prudence and loyalty when selecting service providers for pension plans; to the Committee on Education and the Workforce.

By Mr. ALLEN:

H.R. 5339. A bill to amend the Employee Retirement Income Security Act of 1974 to specify requirements concerning the consideration of pecuniary and non-pecuniary factors, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BANKS:

H.R. 5340. A bill to amend the Employee Retirement Income Security Act of 1974 to ensure that pension plans provide notice to participants and beneficiaries on risks associated with certain investments, and for other purposes; to the Committee on Education and the Workforce.

By Ms. ADAMS (for herself, Mr. KILDEE, Mr. SCOTT of Virginia, Mr. DAVIS of North Carolina, Ms. BUSH, Mr. BISHOP of Georgia, Ms. PINGREE, Ms. STRICKLAND, Ms. SEWELL, Ms. MCCLELLAN, and Mr. NICKEL):

H.R. 5341. A bill to exclude from gross income certain assistance provided to farmers, and for other purposes; to the Committee on Ways and Means.

By Mr. ARRINGTON (for himself, Mr. VICENTE GONZALEZ of Texas, Ms. GRANGER, Ms. VAN DUYN, Mr. GUTHRIE, Mr. VAN DREW, Mr. LATTI, Mr.

WEBER of Texas, Mr. MORAN, Mr. PFLUGER, Mr. MURPHY, Mr. CARTER of Georgia, Mr. CRENSHAW, Mr. GOOD of Virginia, Mr. BACON, Mr. SMUCKER, Mr. TONY GONZALES of Texas, Mr. ROY, and Mr. GOSAR):

H.R. 5342. A bill to amend title II of the Social Security Act to replace the windfall elimination provision with a formula equalizing benefits for certain individuals with noncovered employment, and for other purposes; to the Committee on Ways and Means.

By Mrs. CAMMACK:

H.R. 5343. A bill to appropriate amounts to carry out the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Armed Services, the Budget, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHAVEZ-DEREMER (for herself and Ms. PEREZ):

H.R. 5344. A bill to require the Secretary of Agriculture to establish a grant program to address forestry workforce development needs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TONY GONZALES of Texas:

H.R. 5345. A bill to amend title 18, United States Code, to prevent the use of explosive materials to assault, resist, or impede certain officers or employees; to the Committee on the Judiciary.

By Mr. JAMES:

H.R. 5346. A bill to establish Schedule F in the excepted service, and for other purposes; to the Committee on Oversight and Accountability.

By Mrs. LESKO:

H.R. 5347. A bill to give preferential consideration to grant applicants that are using such funds for school resource officers, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 5348. A bill to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Fair Labor Standards Act of 1938, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, and the Genetic Information Nondiscrimination Act of 2008 to require that individuals who perform work for employers as independent contractors be treated as employees; to the Committee on Education and the Workforce.

By Ms. SALAZAR (for herself, Ms. STEFANIK, Mr. DIAZ-BALART, Mr. GIMENEZ, Mrs. SPARTZ, Mr. MOONEY, Mr. BOST, Mr. DUNCAN, Mr. SMITH of New Jersey, Mr. CARTER of Georgia, Mr. CRENSHAW, Mr. LAMALFA, Mr. SESSIONS, Mrs. HINSON, Mr. FITZGERALD, Mrs. MILLER-MEEKS, Mr. BILIRAKIS, Mrs. STEEL, Ms. MALLIOTAKIS, Mr. VALADAO, Mr. FERGUSON, Mrs. MCCLAIN, Mr. C. SCOTT FRANKLIN of Florida, Ms. DE LA CRUZ, Mr. WALTZ, Mr. SMUCKER, Mr. MCCORMICK, and Mr. SELF):

H.R. 5349. A bill to develop and disseminate a civic education curriculum and oral history resources regarding certain political ideologies, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SCHNEIDER:

H.R. 5350. A bill to address the needs of workers in industries likely to be impacted by rapidly evolving technologies; to the Committee on Education and the Workforce.

By Mr. SHERMAN (for himself, Mr. BOYLE of Pennsylvania, Mr. KILDEE, Mr. MOULTON, Mr. PETERS, Mr.

LYNCH, Ms. SANCHEZ, Ms. NORTON, Ms. BROWNLEY, Ms. CLARKE of New York, Ms. JAYAPAL, Mr. SWALWELL, Mr. MCGOVERN, Mr. NADLER, Mr. PANNETTA, and Mr. GARAMENDI):

H.R. 5351. A bill to repeal the authority under the National Labor Relations Act for States to enact laws prohibiting agreements requiring membership in a labor organization as a condition of employment, and for other purposes; to the Committee on Education and the Workforce.

By Mr. JAMES:

H.J. Res. 86. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of years during which an individual may serve as a Member of Congress; to the Committee on the Judiciary.

By Mr. JAMES:

H.J. Res. 87. A joint resolution proposing an amendment to the Constitution of the United States to establish an upper limit on the age of eligibility for service as President, Vice President, or Member of Congress; to the Committee on the Judiciary.

By Mrs. MCCLAIN (for herself, Ms.

FOXX, Mr. JOYCE of Ohio, Mr. DUNCAN, Mr. SESSIONS, Mr. MILLS, Mr. EZELL, Mr. RUTHERFORD, Mr. BOST, Mr. LANGWORTHY, Mr. WILLIAMS of Texas, Mr. DUNN of Florida, Mr. CRENSHAW, Mr. BEAN of Florida, Mrs. MILLER of Illinois, Mr. BANKS, Mr. BURGESS, Mr. DESJARLAIS, Mrs. HINSON, Mr. GROTHMAN, Mr. WILSON of South Carolina, Ms. STEFANIK, Mr. THOMPSON of Pennsylvania, Mr. ALLEN, Mr. RESCHENTHALER, Mr. SMUCKER, Mr. SELF, Ms. VAN DUYN, Ms. TENNEY, Mr. SANTOS, Mr. EDWARDS, Mr. WESTERMAN, Mr. WEBER of Texas, Mr. OWENS, Mr. ROSENDALE, Mr. MCCORMICK, and Mr. WITTMAN):

H.J. Res. 88. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to "Improving Income Driven Repayment for the William D. Ford Federal Direct Loan Program and the Federal Family Education Loan (FFEL) Program"; to the Committee on Education and the Workforce.

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 Mrs. HOUCHIN:

H.R. 5337.

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

U.S. Constitution, Article I, Section 8.

The single subject of this legislation is:

To amend the Employee Retirement Income Security Act of 1974 to clarify the application of prudence and exclusive purpose duties to the exercise of shareholder rights.

By Mr. GOOD of Virginia:

H.R. 5338.

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

U.S. Constitution, Article I, Section 8.

The single subject of this legislation is:

To amend the Employee Retirement Income Security Act of 1974 to establish that fiduciaries must act with prudence and loyalty when selecting service providers for pension plans.