

Amazon warehouse workers were required for a long time to sign noncompete agreements. I read a story the other day of a company called Camp Bow Wow that pays people to pet-sit. They required their pet sitters to sign noncompete agreements.

The reason that noncompete agreements are being used at industrial-level scale today is not to protect the trade secrets of sandwich making or pet sitting; it is to keep wages down. It is to prevent low-income workers from being able to go out and get a better job and thus pressure their existing employer to increase wages. This practice has become pervasive throughout our economy, and it is just a fundamental restraint on free trade.

Now, many of these noncompete agreements end up being nonenforceable. A lot of State laws don't allow you to have a noncompete agreement for a low-wage worker. But in practice, it doesn't really matter because when that individual tries to leave and they get told they can't because of a noncompete agreement, they don't know that it is nonenforceable in State law or if they do know, they don't have the resources to contest the cause in a court of law. So what do they do? They just end up staying.

The FTC filed a complaint in January of this year against two Michigan-based companies that required their security guards to sign noncompete agreements prohibiting them from working for a competing business within a 100-mile radius. Despite the fact that these security guards were making very low wages, the company's noncompete included a restriction that required the employee to pay a \$100,000 penalty for any alleged violation of the clause. The intention here is simply to bind the employee to the company, to give them no ability to bargain for a higher wage because they might be able to get a better wage somewhere else. There is no proprietary information that those security guards possess.

What is equally interesting is that there is increasingly great data to show that there is actually no reason to have noncompete agreements even for higher income workers. The imposition of noncompete agreements on low-wage workers is primarily about just trying to restrain wages, but the imposition of noncompete agreements on higher income workers is about impeding innovation. It is about a company that doesn't want competitors, so they bind their executives to noncompete agreements such that their executives can't go work for a competing company or can't go out and start a company that may compete.

What is so maddening is that there are plenty of protections in our existing law that protect companies from intellectual property theft or patent theft. If what you worry about is your trade secrets being appropriated by a competitor, well, the law already protects you from that. You don't have to deny your employees or your execu-

tives the ability to go work for another company.

California rightly has the reputation as probably the world's center of innovation, right? More startups, more world-changing companies have come out of California than any other State and probably than any other part of the world. California was the first or one of the first in this country to ban noncompete agreements. California decided it didn't need noncompete agreements to protect intellectual property in a State that probably has a greater interest in protecting intellectual property than any other State. In fact, California's economic engine is dependent on their prohibition of noncompete agreements because by prohibiting noncompete agreements, California has a culture in which startups are encouraged, in which executives can leave one company and start another.

Eric Yuan was an executive at Cisco Webex. If he wasn't working in California, he might have had a noncompete agreement applied to him, but he didn't, and so he could leave and start a company that was arguably competing with Cisco Webex—a company called Zoom.

To many economists on the right and the left, this is becoming a no-brainer. Noncompete agreements are bad for wage growth. Noncompete agreements are bad for innovation. Noncompete agreements are bad for low-income workers. Noncompete agreements are bad for high-income workers.

So today I am on the floor to talk about what the data tells us about noncompete agreements as a means to encourage my colleagues to take a look at a piece of legislation that we are introducing today, the Workforce Mobility Act, a pretty simple piece of legislation that would ban the use of noncompete agreements for both high-income and low-income workers.

It is a bipartisan piece of legislation. Senator TODD YOUNG, Senator KEVIN CRAMER, Senator TIM KAINE, and I are introducing this bill today. I don't know that there is another policy that the four of us can find common ground on, but we find common ground on this issue because maybe if you are a progressive, you come to this issue through the rights of workers and boosting their wages. If you are a conservative, you come to this issue through the restraint on free trade that exists through the perpetuation of noncompete agreements. But all across America, this is a pretty bipartisan issue, and here in the Senate, it is bipartisan as well.

I am glad that the FTC, just a week or so ago, announced that they were going to undertake a rule to ban noncompete agreements. I congratulate the Biden administration and the FTC for taking a leadership role. It may be that that rule, once it is adopted and in place, will do the work of this legislation, but we know that rules are only as good as the commitment of one particular administration.

So my hope and my recommendation is that no matter what the FTC does when it comes to restrictions on noncompete agreements, that we pass the Workforce Mobility Act so that we provide a guarantee in the law that noncompete agreements are not going to stand in the way of wages rising or small businesses starting.

There is a lot of public support out there as 92 percent of voters think that it is way too hard today to start or grow a new business and as 80 percent of voters—again, across party lines—support policies that allow people who want to start a new business more freedom by reducing the restrictions that come when you try to venture out on your own. Increasingly, one of the primary restrictions that exists for people who want to start a new business, who want to become entrepreneurs, are these noncompete agreements.

So I am coming to the floor today to recommend this bipartisan piece of legislation to my colleagues, to point to the States that have already adopted these restrictions, and to show how not only does the sky not fall when you get rid of noncompete agreements but that startups flourish and that wages increase.

Finally, I come to recommend to my colleagues that, in an environment where it is going to be a little harder to find agreement between Republicans and Democrats, this is a place where we can find that common ground. In one piece of policy, we can stick up for low-income workers and the free market. This is something that we can do together to help raise wages and to help power our economy.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 21—SUPPORTING THE OBSERVATION OF NATIONAL TRAFFICKING AND MODERN SLAVERY PREVENTION MONTH DURING THE PERIOD BEGINNING ON JANUARY 1, 2023, AND ENDING ON FEBRUARY 1, 2023, TO RAISE AWARENESS OF, AND OPPOSITION TO, HUMAN TRAFFICKING AND MODERN SLAVERY

Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Ms. CORTEZ MASTO, Ms. MURKOWSKI, Mr. BLUMENTHAL, Mrs. CAPITO, Mr. BROWN, Ms. COLLINS, Mr. DURBIN, Ms. KLOBUCHAR, Mr. MARKEY, Mr. WYDEN, and Mr. PADILLA) submitted the following resolution; which was considered and agreed to:

S. RES. 21

Whereas the United States abolished the transatlantic slave trade in 1808 and abolished chattel slavery and prohibited involuntary servitude in 1865;

Whereas, because the people of the United States remain committed to protecting individual freedom, there is a national imperative to eliminate human trafficking and modern slavery, which is commonly considered to mean—

(1) the recruitment, harboring, transportation, provision, or obtaining of an individual through the use of force, fraud, or coercion for the purpose of subjecting that individual to involuntary servitude, peonage, debt bondage, or slavery; or

(2) the inducement of a commercial sex act by force, fraud, or coercion, or in which the individual induced to perform that act is younger than 18 years of age;

Whereas forced labor and human trafficking generates revenues of approximately \$150,000,000,000 annually worldwide, and there are an estimated 50,000,000 victims of human trafficking and modern slavery across the globe;

Whereas victims of human trafficking are difficult to identify and are subject to manipulation, force, fraud, coercion, and abuse;

Whereas children and youths experiencing homelessness are vulnerable and susceptible to manipulation, making them a prime target for the lucrative criminal industry of human trafficking;

Whereas the Department of Justice has reported that human trafficking and modern slavery has been reported and investigated in each of the 50 States and the District of Columbia;

Whereas the Department of State has reported that the top 3 countries of origin of federally identified human trafficking victims in the United States in fiscal year 2021 were the United States, Mexico, and Honduras;

Whereas, to help businesses in the United States combat child labor and forced labor in global supply chains, the Department of Labor has identified 158 goods from 77 countries that are made by child labor and forced labor;

Whereas, since 2007, the National Human Trafficking Hotline has identified 82,301 cases of human trafficking involving 164,839 victims;

Whereas there are known risk factors that contribute to youths running away, including domestic violence, child sexual abuse, and neglect, and runaway youths who experience homelessness are potential targets for human trafficking;

Whereas, of the more than 26,500 endangered runaways reported to the National Center for Missing and Exploited Children in 2020, 1 in 6 were likely child sex trafficking victims;

Whereas youth experiencing homelessness experience high rates of human trafficking and 1 in 5 homeless youths is a victim of sex trafficking, labor trafficking, or both;

Whereas 22 percent of youths who experience homelessness were approached for paid sex on their first night of homelessness;

Whereas LGBTQ youths are disproportionately affected, accounting for 33.8 percent of sex trafficking victims;

Whereas youths facing homelessness have a lower probability of being trafficked if they have a supportive adult in their life;

Whereas the Administration for Native Americans of the Department of Health and Human Services reports that American Indian, Alaska Native, and Pacific Islander women and girls have a heightened risk for sex trafficking;

Whereas the Department of Justice found that studies on the topic of human trafficking of American Indians and Alaska Natives suggest there are—

(1) high rates of sexual exploitation of Native women and girls;

(2) gaps in data and research on trafficking of American Indian and Alaska Native victims; and

(3) barriers that prevent law enforcement agencies and victim service providers from identifying and responding appropriately to Native victims;

Whereas, according to the Government Accountability Office, from fiscal year 2013 through fiscal year 2016, there were only 14 Federal investigations and 2 Federal prosecutions of human trafficking offenses in Indian country;

Whereas, to combat human trafficking and modern slavery in the United States and globally, the people of the United States, the Federal Government, and State, Tribal, and local governments must be—

(1) aware of the realities of human trafficking and modern slavery; and

(2) dedicated to stopping the horrific enterprise of human trafficking and modern slavery;

Whereas the United States should hold accountable all individuals, groups, organizations, governments, and countries that support, advance, or commit acts of human trafficking and modern slavery;

Whereas, through education, the United States must also work to end human trafficking and modern slavery in all forms in the United States and around the world;

Whereas victims of human trafficking deserve a trauma-informed approach that integrates the pursuit of justice and provision of social services designed to help them escape, and recover from, the physical, mental, emotional, and spiritual trauma they endured;

Whereas combating human trafficking requires a whole-of-government effort that rests on a unified and coordinated response among Federal, State, Tribal, and local agencies and that places equal value on the prevention of trafficking, the identification and stabilization of victims, and the investigation and prosecution of traffickers;

Whereas laws to prosecute perpetrators of human trafficking and to assist and protect victims of human trafficking and modern slavery have been enacted in the United States, including—

(1) the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(2) title XII of the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4; 127 Stat. 136);

(3) the Justice for Victims of Trafficking Act of 2015 (Public Law 114-22; 129 Stat. 227);

(4) sections 910 and 914(e) of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114-125; 130 Stat. 239 and 274);

(5) section 1298 of the National Defense Authorization Act for Fiscal Year 2017 (22 U.S.C. 7114);

(6) the Abolish Human Trafficking Act of 2017 (Public Law 115-392; 132 Stat. 5250);

(7) the Trafficking Victims Protection Act of 2017 (Public Law 115-393; 132 Stat. 5265);

(8) the Frederick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018 (Public Law 115-425; 132 Stat. 5472);

(9) the Trafficking Victims Protection Reauthorization Act of 2017 (Public Law 115-427; 132 Stat. 5503);

(10) the Violence Against Women Act Reauthorization Act of 2022 (Public Law 117-103; 136 Stat. 840);

(11) the Abolish Trafficking Reauthorization Act of 2022 (Public Law 117-347; 136 Stat. 6199);

(12) the Trafficking Victims Prevention and Protection Reauthorization Act of 2022 (Public Law 117-348; 136 Stat. 6211); and

(13) the End Human Trafficking in Government Contracts Act of 2022 (Public Law 117-211; 136 Stat. 2248);

Whereas the Justice for Victims of Trafficking Act of 2015 (Public Law 114-22; 129 Stat. 227) established the United States Advisory Council on Human Trafficking to provide a formal platform for survivors of human trafficking to advise and make recommendations on Federal anti-trafficking policies to the Interagency Task Force to

Monitor and Combat Trafficking established by the President;

Whereas the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration issued a final rule (80 Fed. Reg. 4967) to implement Executive Order 13627, entitled “Strengthening Protections Against Trafficking in Persons in Federal Contracts”, that clarifies the policy of the United States on combating trafficking in persons as outlined in the Federal Acquisition Regulation by strengthening the prohibition on contractors from charging employee recruitment fees;

Whereas, although such laws and regulations are currently in force, it is essential to increase public awareness, particularly among individuals who are most likely to come into contact with victims of human trafficking and modern slavery, regarding conditions and dynamics of human trafficking and modern slavery, precisely because traffickers use techniques that are designed to severely limit self-reporting and evade law enforcement;

Whereas January 1 is the anniversary of the effective date of the Emancipation Proclamation;

Whereas February 1 is—

(1) the anniversary of the date on which President Abraham Lincoln signed the joint resolution sending the 13th Amendment to the Constitution of the United States to the States for ratification to forever declare, “Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction”; and

(2) a date that has long been celebrated as National Freedom Day, as described in section 124 of title 36, United States Code; and

Whereas, under the authority of Congress to enforce the 13th Amendment to the Constitution of the United States “by appropriate legislation”, Congress, through the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.), updated the post-Civil War involuntary servitude and slavery statutes and adopted an approach of victim protection, vigorous prosecution, and prevention of human trafficking, commonly known as the “3P” approach: Now, therefore, be it

Resolved, That the Senate supports—

(1) observing National Trafficking and Modern Slavery Prevention Month during the period beginning on January 1, 2023, and ending on February 1, 2023, to recognize the vital role that the people of the United States have in ending human trafficking and modern slavery;

(2) marking the observation of National Trafficking and Modern Slavery Prevention Month with appropriate programs and activities, culminating in the observance on February 1, 2023, of National Freedom Day, as described in section 124 of title 36, United States Code;

(3) urging continued partnerships with Federal, State, Tribal, and local agencies, as well as survivors of human trafficking, social service providers, and nonprofit organizations to address human trafficking with a collaborative, victim-centered approach; and

(4) all other efforts to prevent, eradicate, and raise awareness of, and opposition to, human trafficking and modern slavery.

SENATE RESOLUTION 22—CONGRATULATING THE SOUTH DAKOTA STATE UNIVERSITY JACKRABBITS ON WINNING THE 2023 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I FOOTBALL CHAMPIONSHIP SUBDIVISION TITLE

Mr. THUNE (for himself and Mr. ROUNDS) submitted the following resolution; which was considered and agreed to:

S. RES. 22

Whereas, on January 8, 2023, the South Dakota State University (referred to in this preamble as “SDSU”) Jackrabbits defeated the North Dakota State University Bison by a score of 45 to 21 in the 2023 National Collegiate Athletic Association (referred to in this preamble as the “NCAA”) Division I Football Championship Subdivision (referred to in this preamble as the “FCS”) Championship game in Frisco, Texas;

Whereas this is the first national championship for the SDSU Jackrabbits football program and first team national championship in the NCAA Division I era for SDSU athletics;

Whereas the SDSU Jackrabbits finished the 2022-2023 season with an overall record of 14 wins and 1 loss, with 8 wins and 0 losses in the Missouri Valley Football Conference, including earning a number 1 seed in the FCS playoffs;

Whereas the SDSU Jackrabbits have qualified for the FCS playoffs the past 11 seasons;

Whereas the 2022-2023 SDSU Jackrabbits—

(1) averaged 34.2 points and 384.6 yards per game; and

(2) allowed only 15.8 points and 273.9 yards per game on average;

Whereas the SDSU head coach, John Stiegelmeier, was awarded the 2022 American Football Coaches Association National Coach of the Year Award for the FCS and the Stats Perform 2022 Eddie Robinson Coach of the Year Award;

Whereas Coach Stiegelmeier, a native of Selby, South Dakota, announced his retirement after 26 seasons as head coach of the SDSU Jackrabbits, finishing his head coaching career at SDSU, his alma mater, with a record of 199 wins and 112 losses; and

Whereas SDSU President Barry Dunn and Athletic Director Justin Sell have cultivated a standard of excellence within SDSU athletics and guided the athletic programs at SDSU to national prominence: Now, therefore, be it:

Resolved, That the Senate—

(1) congratulates and honors the South Dakota State University football team on a successful season and for winning the 2023 National Collegiate Athletic Association Division I Football Championship Subdivision title;

(2) recognizes the hard work, dedication, determination, and commitment of the South Dakota State University football players, coaches, and staff;

(3) commends the Head Coach of the South Dakota State University Jackrabbits football team, John Stiegelmeier, for his dedication and service to the South Dakota State University football program; and

(4) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the President of South Dakota State University, Barry Dunn;

(B) the Athletic Director of South Dakota State University, Justin Sell; and

(C) the Head Coach of the South Dakota State University Jackrabbits football team, John Stiegelmeier.

SENATE RESOLUTION 23—DEMANDING THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA AND THE COMMUNIST PARTY OF CHINA IMMEDIATELY RELEASE MARK SWIDAN

Mr. CRUZ (for himself and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 23

Whereas Mark Swidan is being unjustly and arbitrarily detained by the Government of the People's Republic of China and the Communist Party of China (CPC), according to the United States Government and the United Nations Human Rights Council (UNHRC) Working Group on Arbitrary Detention;

Whereas Mark Swidan is a United States citizen from Luling, Texas, and is a resident of Houston, Texas;

Whereas, on November 13, 2012, Mark Swidan was abducted by officers of the Public Security Bureau while on a business trip to the People's Republic of China, and on December 21, 2012, Swidan was formally arrested following an indictment issued by the Public Prosecutions Office of the People's Procuratorate of Jiangmen City alleging that Swidan was part of a criminal conspiracy with 11 other individuals to manufacture and traffic drugs;

Whereas, on April 30, 2019, a Chinese court sentenced Swidan to death, which he has appealed;

Whereas security officials in the People's Republic of China repeatedly attempted to coerce Swidan into signing a confession, but Swidan refused to sign a confession and pleaded not guilty;

Whereas, according to evidence evaluated by the UNHRC Working Group on Arbitrary Detention—

(1) no drugs were found on Swidan or in his hotel room;

(2) the prosecution did not produce any forensic evidence of the alleged offenses;

(3) records in Swidan's passport indicate he was not in the People's Republic of China during the time of the offenses; and

(4) the 11 other individuals indicted in relation to the alleged conspiracy could not identify Swidan;

Whereas officials of the People's Republic of China and the CPC have maliciously and systematically denied Swidan's mother Katherine Swidan, a resident of Texas, and other members of his family the ability to contact him;

Whereas officials of the People's Republic of China and the CPC have denied and continue to deny United States diplomats full consular access to Swidan, in violation of international norms;

Whereas Swidan's detention has been and continues to be inhumane, and includes exposure to extreme weather conditions, sleep deprivation, and physical and psychological abuse;

Whereas Swidan's health has precipitously deteriorated and security officials in People's Republic of China continue to deny independent or competent medical care and evaluation to Swidan;

Whereas humanitarian organizations of the United States, including the Dui Hua Foundation, which helped put this case before the Working Group, and the Global Liberty Alliance, which has asked the Sister Cities programs to sever relationships with Jiangmen until Swidan is released, have sought to highlight the injustice and conditions of Swidan's detention;

Whereas the UNHRC Working Group on Arbitrary Detention—

(1) found that Swidan is being held in violation of customary international law;

(2) emphasized the nonconformity by the People's Republic of China with international norms, including the Universal Declaration of Human Rights; and

(3) stressed that “the appropriate remedy would be to release Mr. Swidan immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law”: Now, therefore, be it

Resolved, That the Senate—

(1) demands that the Government of the People's Republic of China and the Communist Party of China immediately release Mark Swidan;

(2) condemns the Government of the People's Republic of China and the Communist Party of China for refusing to provide Swidan with—

(A) regular communication with his family;

(B) access to United States diplomats; and

(C) independent and competent medical care and evaluation; and

(3) calls on the United States Government to deepen and prioritize efforts to secure the release of Swidan, including by—

(A) urging Chinese counterparts at every level of engagement to release Swidan, and

(B) using the voice and vote of United States diplomats in international forums to highlight Swidan's case.

SENATE RESOLUTION 24—SUPPORTING THE OBSERVATION OF “NATIONAL GIRLS & WOMEN IN SPORTS DAY” ON FEBRUARY 1, 2023, TO RAISE AWARENESS OF AND CELEBRATE THE ACHIEVEMENTS OF GIRLS AND WOMEN IN SPORTS

Mrs. FEINSTEIN (for herself, Mrs. CAPITO, Mrs. MURRAY, Ms. CANTWELL, Mrs. BLACKBURN, Ms. HIRONO, Ms. SINEMA, Ms. COLLINS, Ms. HASSAN, Ms. KLOBUCHAR, Ms. BALDWIN, and Ms. DUCKWORTH) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 24

Whereas “National Girls & Women in Sports Day” began in 1987 as a day to recognize and acknowledge the success and progress of girls and women in sports;

Whereas athletic participation helps develop self-discipline, initiative, confidence, and leadership skills, and opportunities for athletic participation should be available to all individuals;

Whereas, because the people of the United States remain committed to protecting equality, it is imperative to eliminate the existing disparities between male and female youth athletic programs;

Whereas the share of athletic participation opportunities of high school girls has increased more than sixfold since the enactment of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) (referred to in this preamble as “title IX”), but high school girls still experience—

(1) a lower share of athletic participation opportunities than high school boys; and

(2) a lower level of athletic participation opportunities than high school boys enjoyed over 50 years ago;

Whereas 60 percent of high school girls participate in a sport;

Whereas female participation in college sports has nearly tripled since the enactment of title IX, but female college athletes