

**Statement of Representative Anna G. Eshoo**  
House Committee on Energy and Commerce Full Committee Markup  
2123 Rayburn House Office Building  
April 28, 2015

Mr. Chairman, I'm opposed to both of the bills before the Committee today. If enacted, they would exacerbate climate change and fail to address the problem of abusive patent demand letters.

California is currently experiencing the worst drought in our state's history, and scientists say it is made more severe because of the warming climate in California. High temperatures have caused record low levels of mountain snowpack and water evaporation in reservoirs, rivers, and soil. This means mandatory water cuts, fallowed fields, and higher risk of wildfires as we enter the dry season. With continued increases in global temperatures due to carbon emissions, droughts like California's will become even more common across the country.

In the absence of Congressional action to address climate change, the Administration is taking strong action which I support. But the bill before us today would allow the Clean Power Plan to be blocked indefinitely and would set a dangerous precedent of allowing states to opt out of national air quality standards. The Supreme Court has upheld the authority of the EPA to regulate carbon emissions on three separate occasions since 2007, yet this bill would allow lawsuits to permanently delay the Clean Power Plan. The bill also removes the federal backstop that has made the Clean Air Act one of the most successful environmental laws in our nation's history, cutting harmful air pollution by 90 percent since its passage in 1970. Under the premise of protecting ratepayers who will actually see their bills go down under the Clean Power Plan, this bill is a major step backward for our country.

Patent trolls and the abusive demand letters they send represent a serious drain on our national economy and negatively impact innovation in our country. Unfortunately, in its current form, the Targeting Rogue and Opaque Letters (TROL) Act fails to adequately address the well-documented problem of abusive demand letters.

In 2011, Innovation IP Ventures began sending demand letters to chain motels and coffee shops simply for using Wi-Fi. More recently, a patent troll known as MPHJ Technologies sent more than 16,000 letters to businesses in which they demanded \$1,000 per worker, simply for using basic scan-to-e-mail technology. The impact of these demand letters is particularly devastating for small businesses.

Simply put, the vague, deceptive and unfair practices of patent trolls must be stopped. This means enacting legislation that enhances disclosure, provides effective enforcement and protects existing state consumer protection laws. Comprehensive patent reform should also address the increasing problem of abusive patent litigation. It's why I'm an original cosponsor of the bipartisan Innovation Act, which overwhelmingly passed the House in the previous Congress.

Regrettably, the TROL Act fails to achieve these goals. As the National Association of REALTORS described in an April 23rd letter to the Committee, the current draft "provides too many options for trolls to continue their patterns of harassment with little consequence." For all of the above reasons and without further changes, I cannot support the TROL Act.