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6 ORGANIZATIONAL MEETING

7 WEDNESDAY, JANUARY 15, 2025

8 House of Representatives,

9 Committee on Energy and Commerce,

10 Washington, D.C.

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14 The committee met, pursuant to call, at 10:06 a.m. in
15 Room 2123, Rayburn House Office Building, Hon. Brett Guthrie
16 [chair of the committee] presiding.

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20 Present: Representatives Guthrie, Latta, Griffith,
21 Bilirakis, Hudson, Carter, Palmer, Dunn, Crenshaw, Joyce,
22 Weber, Allen, Balderson, Fulcher, Pfluger, Harshbarger,
23 Miller-Meeks, Cammack, Obernolte, James, Bentz, Houchin, Fry,
24 Lee, Langworthy, Kean, Rulli, Evans, Goldman, Fedorchak;
25 Pallone, DeGette, Schakowsky, Matsui, Castor, Tonko, Clarke,
26 Ruiz, Peters, Dingell, Veasey, Kelly, Barragan, Soto,
27 Schrier, Trahan, Fletcher, Ocasio-Cortez, Auchincloss,

28 Carter, Menendez, Mullin, Landsman, and McClellan.

29

30 Staff Present: Zachary Bannon, Press Secretary; Ansley
31 Boylan, Director of Operations; Clara Cargile, Professional
32 Staff Member, Energy; Jessica Donlon, General Counsel; Andrew
33 Furman, Professional Staff Member, Energy; Sydney Greene,
34 Director of Finance and Logistics; Jay Gulshen, Chief
35 Counsel, Health; Kate Harper, Chief Counsel, C&T; Brittany
36 Havens, Chief Counsel, O&I; Calvin Huggins, Staff Assistant;
37 Megan Jackson, Staff Director; Noah Jackson, Clerk, C&T; Adam
38 Joseph, Digital Director; Patrick Kelly, Staff Assistant;
39 Sophie Khanahmadi, Deputy Staff Director; Alex Khlopin,
40 Clerk, CMT; Brayden Lacefield, Special Assistant; Giulia
41 Leganski, Chief Counsel, CMT; John Lin, Senior Counsel, C&T;
42 Mary Martin, Chief Counsel, Energy; Joel Miller, Chief
43 Counsel; Elaina Murphy, Professional Staff Member, C&T;
44 Kaitlyn Peterson, Clerk, Energy; Gavin Proffitt, Professional
45 Staff Member, O&I; Chris Sarley, Member Services/Stakeholder
46 Director; Emma Schultheis, Clerk, Health; Peter Spencer,
47 Senior Professional Staff Member, Energy; Jake Tyner, Chief
48 Counsel, Environment; Matt VanHyfte, Communications Director;
49 Lydia Abma, Minority Policy Analyst; Hannah Anton, Minority
50 Policy Analyst; Sam Avila, Minority Health Fellow; Shana
51 Beavin, Minority Professional Staff Member; Keegan Cardman,
52 Minority Staff Assistant; Waverly Gordon, Minority Deputy
53 Staff Director and General Counsel; Tiffany Guarascio,
54 Minority Staff Director; Caitlin Haberman, Minority Staff

55 Director, Environment, Manufacturing, and Critical Materials;
56 Perry Hamilton, Minority Member Services and Outreach
57 Manager; Lisa Hone, Minority Chief Counsel, Innovation, Data,
58 and Commerce; Una Lee, Minority Chief Counsel, Health; Will
59 McAuliffe, Minority Chief Counsel, Oversight and
60 Investigations; Dan Miller, Minority Professional Staff
61 Member; Emma Roehrig, Minority Staff Assistant; Kylea Rogers,
62 Minority Policy Analyst; Andrew Souvall, Minority Director of
63 Communications, Outreach, and Member Services; and Tuley
64 Wright, Staff Director, Energy, Climate, and Grid Security.
65

66 *The Chair. First we will come to order and I will
67 recognize myself for an opening statement.

68 Good morning, and welcome, everyone, to the first
69 meeting of the House Committee on Energy and Commerce of the
70 119th Congress.

71 The Committee on Energy and Commerce is the oldest
72 standing committee -- standing legislative committee in the
73 U.S. House of Representatives, and is vested with the
74 broadest jurisdiction of any congressional authorizing
75 committee. With this expansive authority and distinguished
76 history comes a significant responsibility. What happens in
77 the people's house impacts America -- Americans in their
78 homes.

79 And the American people are counting on us to tackle the
80 most pressing issues, delivering results and improve their
81 lives. Together this committee will hit the ground running,
82 playing a pivotal role in restoring the American dream by
83 unleashing American energy, lowering the cost of health care,
84 and ensuring that America remains the world leader in
85 technological innovation.

86 As we look ahead to the new congress, maintaining
87 affordable and reliable energy will be key to America's
88 success, supporting both our economic and national security.
89 Unfortunately, over the past four years, the Biden-Harris
90 Administration has saddled the American people with higher

91 energy prices. But I am excited about changes we can make
92 with the new administration.

93 We must also take steps to protect our critical energy
94 infrastructure. It is time to fortify our national security
95 by strengthening the reliability of our electric grid. The
96 past four years saw the implementation of a rulemaking agenda
97 that has put American energy production in jeopardy, while
98 raising prices for American families. Energy and Commerce
99 Republicans will offer solutions to address these issues and
100 strengthen our grid by preserving existing baseload power,
101 including natural gas, nuclear, coal, and hydropower.

102 American leadership must extend into the development and
103 deployment of emerging technologies by removing burdensome
104 regulations and encouraging innovation. We will make sure
105 that our economy can out-compete the Chinese Communist Party.
106 Our leadership and artificial intelligence, advanced
107 manufacturing, and wireless technologies will create jobs and
108 unlock a generation of growth and prosperity.

109 And we need to make sure that every American has access
110 to that success. Unfortunately, the Biden-Harris
111 Administration failed on its own promise to connect all
112 Americans while bogging down the Broadband Equity and Access
113 Deployment Program with unnecessary red tape that prevented
114 even a single American from being connected, despite a \$42
115 billion price tag. We are prepared to put the country on a

116 new course, where we close the digital divide and make sure
117 everyone can enjoy the exciting technological developments
118 that have only just begun.

119 With broad health jurisdiction, this committee will
120 continue focusing on driving down the cost of care, providing
121 price transparency to consumers and business, supporting
122 innovation, and, most importantly, working to help restore
123 trust in public health.

124 We will closely examine the Medicare and Medicaid
125 programs to ensure they are working efficiently and better
126 serving the individuals they were originally designed to
127 assist. Additionally, we will work to address the opioid
128 epidemic, advancing policies to help individuals avoid
129 fentanyl poisoning, while also giving help to families and
130 individuals struggling with substance use disorder.

131 While the task before us is significant, the committee
132 will champion a bold vision to deliver the change demanded by
133 the American people. From health care and energy to
134 telecommunications and consumer protection policy, I look
135 forward to working together to ensure we successfully advance
136 solutions to our nation's greatest challenges.

137 It is an honor to serve as chairman of the House
138 Committee on Energy and Commerce, and I am confident, through
139 our collective efforts, we will lead the way to restoring the
140 American dream.

141 [The prepared statement of The Chair follows:]

142

143 *****COMMITTEE INSERT*****

144

145 *The Chair. I will now take the privilege of
146 introducing our new members. I want to welcome all of our
147 new members to the committee. I know that my good friend
148 from New Jersey is going to introduce the new members from
149 his side, but I will now begin by introducing our new
150 members.

151 First we have Congressman Cliff Bentz. He is from
152 Oregon's 2nd district. Congressman Bentz is a third-
153 generation Oregonian, raised on his family's cattle ranches
154 in Harney County. An attorney, he specializes in ranch
155 reorganizations and water law, and was a member of the Oregon
156 State Senate.

157 Welcome, Cliff -- Mr. Bentz, I guess I should say.

158 Next is Congresswoman Erin Houchin from Indiana's 9th
159 district. Congresswoman Houchin was a Hoosier small business
160 owner, operating a public relations company focused on
161 helping law enforcement communicate the good work they do.
162 In addition to her private-sector work, she served as a
163 member of the Indiana State Senate for nearly a decade, and
164 has held several leadership positions in her community.

165 Welcome, Congresswoman.

166 Congressman Russell Fry from South Carolina's 7th
167 district. Congressman Fry is a true example of the American
168 dream. He put himself through undergraduate education at the
169 University of South Carolina and law school at Charleston

170 School of Law. Congressman Fry served in the -- served South
171 Carolina as a member of the state's house of representatives.
172 As an Eagle Scout, Congressman Fry shares the sentiment that
173 you should leave your campsite better than you found it.

174 Welcome to the committee.

175 Congresswoman Laurel Lee joins us from Florida's 15th
176 district. Congresswoman Lee is a wife, mother, and daughter
177 of a two-star general in the United States Air Force. Laurel
178 grew up in a military family, born at Wright-Patterson Air
179 Force Base. Congresswoman Lee has been a lifelong public
180 servant, including being the 30th secretary of state of the
181 great State of Florida, and a judge for the 13th judicial
182 circuit court of Florida.

183 Welcome to the committee.

184 Next is Congressman Nick Langworthy from New York's 23rd
185 district. Congressman Langworthy has a deep background
186 rooted in public service, and represents the communities in
187 New York where he was raised and worked his entire life. His
188 deep-seated belief in the values of hard work is driven by
189 his upbringing, working in his family's restaurant business.

190 Welcome to the committee.

191 Congressman Tom Kean, Jr. joins us from New Jersey's 7th
192 district. From a young age, Congressman Kean has understood
193 and recognized the importance of civic engagement. As a
194 former staffer and member of the New Jersey General Assembly,

195 Tom has been dedicated to serving his community.

196 Welcome, Tom, to the committee.

197 Oh, I have left out a part. In addition to his
198 professional duties in Washington, D.C., he was the vice
199 president of a fire department, where he volunteered as a
200 fire fighter and emergency medical technician.

201 Thanks for -- welcome to the committee.

202 Next is Congressman Mike Rulli from Ohio's 6th district.
203 Over 100 years ago, Congressman Rulli's grandfather and
204 great-uncle founded Rulli Brothers Market, which he and his
205 brother ran together before he came to Congress. He is
206 extremely passionate about our nation's future, previously
207 serving as a member of the Ohio senate representing the 33rd
208 district.

209 Welcome to the committee.

210 Congressman Gabe Evans is from Colorado's 8th district.
211 Congressman Evans served his country in the U.S. Army in
212 Colorado National Guard as a black op helicopter and company
213 -- pilot and company commander, completing a combat
214 deployment to the Middle East.

215 Thank you for your service, and welcome to the
216 committee.

217 Congressman Craig Goldman is from the 12th district of
218 Texas. Congressman Goldman is a fifth generation Texan and
219 fourth generation Fort Worth native. Before entering public

220 office, Craig spent nearly a decade working alongside his
221 father at their family-run business in Fort Worth, and served
222 in the Texas State house, representing the 97th district.

223 Welcome to the committee.

224 And welcome, Congresswoman Julie Fedorchak from North
225 Dakota.

226 Congresswoman Fedorchak is a fourth-generation North
227 Dakotan, and brings a wealth of experience, previously
228 serving on the North Dakota Public Service Commission.

229 So welcome to the committee.

230 I now recognize the gentleman from New Jersey, Mr.
231 Pallone, for five minutes for his opening statement.

232 *Mr. Pallone. Well, thank you, Chairman Guthrie. I
233 want to begin by congratulating you on becoming chair of the
234 full committee. And over the last couple of congresses it
235 has been a pleasure working with you on some of the most
236 important bipartisan health care bills that we have advanced
237 out of the committee and seen passed into law.

238 And this committee, as you mentioned, has a strong and
239 proud tradition of bipartisan collaboration. I am hopeful
240 that bipartisan cooperation will continue this Congress, and
241 I look forward to working with you to advance policies that
242 will make a real difference in the lives of the American
243 people.

244 And I did want to particularly mention Beijing, China.

245 I do agree with you completely, as you know. Our previous
246 chair, Cathy Rodgers, was very constantly emphasizing to us
247 that -- the threats that we face, not only from a national
248 security point of view, but from an economic point of view
249 from Beijing. And I just want you to share that -- to say
250 that that is one of the things I think that we have to be
251 mindful of, and I appreciate your mentioning it.

252 I have to say, though, I am very concerned about what we
253 are hearing from President Trump. Democrats will fight any
254 efforts to gut health care, environmental, and consumer
255 protections that we fought so hard for to enact over the
256 years. And we are going to work to protect Americans' health
257 care from attempts to repeal Medicare price negotiation or
258 sabotage the Affordable Care Act or cut Medicaid funding for
259 low-income elderly and disabled Americans. And I am
260 concerned, from what I hear, that Republicans are crafting
261 plans to take -- to do what I consider take health care away
262 from low and middle-income Americans so they can provide huge
263 tax cuts for billionaires and big corporations.

264 So next year, thanks to Democrats finally empowering
265 Medicare to negotiate lower prescription drug prices, seniors
266 are expected to save \$1.5 billion in out-of-pocket costs on
267 the first 10 drugs that were negotiated, and that is a lot of
268 money. And Medicare is set to negotiate another 15 drugs
269 this year.

270 It was also another year of record enrollment in the
271 Affordable Care Act marketplaces, with nearly 24 million
272 Americans signing up so far for 2025. And these records are
273 thanks to Democrats' efforts to make the ACA more affordable,
274 saving Americans an average of \$800 annually on their
275 premiums. And nearly 80 million Americans are now enrolled
276 in Medicaid and the Children's Health Insurance Program,
277 thanks to Democrats easing unnecessary burdens that make it
278 impossible for people to enroll in and maintain their
279 coverage.

280 So again, we should be working together to build upon
281 these successes, not repealing or weakening them. And we
282 will also, as Democrats, oppose any efforts to repeal the
283 climate provisions in the Inflation Reduction Act that are
284 strengthening our economy, lowering energy costs, and
285 combating the worsening climate crisis that is costing lives
286 and livelihoods. We are seeing the results of the climate
287 crisis play out right now in California, with the devastating
288 wildfires in Los Angeles. It is just another reminder that
289 we have to continue to aggressively combat the climate
290 crisis.

291 Our investments in clean energy are growing our economy
292 for the future. So far more than 400,000 good-paying jobs
293 have been created, and the law is expected to create 9
294 million jobs over the next decade. Many of those are in

295 Republican districts. So if Republicans move forward with
296 any kind of agenda that puts polluters over people, that will
297 undermine our clean energy efforts, and that will also
298 surrender our clean energy leadership to our adversaries.

299 So again, I think that we can focus on fighting on
300 behalf of the American people on a bipartisan basis. We
301 should be focused on lowering everyday costs for American
302 families, growing our economy, protecting consumers, and
303 leading the clean energy transition.

304 [The prepared statement of Mr. Pallone follows:]

305

306 *****COMMITTEE INSERT*****

307

308 *Mr. Pallone. So let me now, if I can, welcome and
309 introduce the seven new Democratic members of the committee.
310 They are a diverse group in terms of their talent, and very
311 capable new members.

312 I am not saying as much about them as you did. Maybe
313 that is my fault, that I should have more information, but
314 you -- I think you know most of them.

315 So first is Representative Alexandria Ocasio-Cortez of
316 New York. I think most of you know she has been a strong
317 advocate for addressing the climate crisis and protecting the
318 environment, and also fighting to create a more just economy.

319 Then we have Representative Jake Auchincloss of
320 Massachusetts. He is in his third term. He has prioritized
321 promoting clean energy, lowering health care costs, and
322 ending gun violence. And I do know a little bit about his
323 family, because I have to say I often talk about how in my
324 district we have so many Republican presidents, particularly
325 from Ohio, as Bob Latta knows, but one of my predecessors in
326 Congress was a guy by the name of James Auchincloss. Not
327 Jake, but James Auchincloss. And I asked Jake one time
328 whether they were related, and in fact they are. So -- and
329 he was a Republican, too, James Auchincloss, just so you
330 know.

331 [Laughter.]

332 *Mr. Pallone. Then we have Representative Troy Carter

333 of Louisiana, who has focused on environmental justice,
334 mental health, and health equity during his four years in the
335 House. And of course, one of the reasons I like him is
336 because he is from Cajun country. So now we have a Cajun
337 country guy here.

338 And then we have, from my own state, very proud to have
339 Representative Rob Menendez, who is -- he used to be --
340 before he was in Congress he was on the Port Authority, and
341 he did a lot in our state to modernize our crumbling
342 infrastructure, and also increase affordability for American
343 families. So we have two New Jerseyans, one on your side and
344 one on our side.

345 And then we have Representative Kevin Mullin of northern
346 California who has fought to strengthen climate resilience
347 and to build an economy that works for everyone.

348 And we have Representative Greg Landsman of Ohio who has
349 been a strong advocate for children and families over his
350 entire career in Congress. The last two years in particular,
351 but even before.

352 And last but not least is Representative Jennifer
353 McCellan of Virginia. She is in her second term. She is
354 focused on a lot of issues, but I am very proud of her record
355 in preserving and being an advocate for reproductive health
356 care.

357 So congratulations to all the new members on both sides

358 of the aisle. Welcome, everyone. And obviously, after today
359 we get to work.

360 Thank you, Mr. Chairman.

361 *The Chair. Thank you. I do welcome everyone. I know
362 you mentioned our new member, Mr. Carter.

363 I think all of us watched you as you were dealing with
364 what was going on in your great city on New Year's Day. Our
365 thoughts and prayers are with you.

366 And I know, Ms. Barragan -- we have got a lot of
367 Californians on the committee, but I know you are LA and
368 surrounding LA. I think Obernolte is LA, the northern part
369 of it his district comes in, and our thoughts and prayers are
370 with you and all Californians. And hopefully the winds will
371 die down and we can get a handle on this. So thank you for
372 -- you are in our thoughts and prayers.

373 So the chairman reminds members that, pursuant to the
374 committee rules, all members' opening statements will be made
375 part of the record.

376 Are there any further opening statements?

377 *Ms. Castor. Mr. Chairman?

378 *The Chair. The gentlelady is recognized for one
379 minute.

380 *Ms. Castor. Thank you, Mr. Chairman. Welcome to all
381 of the new members. But I wanted to say to you, Mr.
382 Chairman, it is -- I think we got to know each other -- it

383 was probably 15 years ago on a trip to Afghanistan. And
384 since that time you have demonstrated that you are a
385 thoughtful and effective member, and I am really looking
386 forward to your leadership of this outstanding committee, the
387 committee that produces most legislation that passes through
388 the U.S. House. I am looking forward to working with Bob
389 Latta on the Energy Committee, as well.

390 But I -- you know, at the end of the year there were so
391 many bipartisan initiatives coming out of Energy and Commerce
392 that did not make it across the finish line. Whether we are
393 talking about community health centers, preventing maternal
394 deaths, mission zero, pediatric cancer, Hidden Fees Act, the
395 TICKET Act. And then we had a lot of bipartisan work to
396 protect kids online, their privacy and their safety, and the
397 SHINE for Autumn Act. So there were -- there was a lot of
398 work at the end of the year that just didn't get done. And I
399 am curious about your view of getting to work early to get
400 back to some of those bipartisan initiatives.

401 I am looking at Mr. Carter, everything that we did to
402 combat the gouging of pharmacy benefit managers, as well. So
403 just -- I am curious, before we go into the rules, what your
404 view is on getting back to that bipartisan work and trying to
405 get it enacted.

406 *The Chair. Well, thank you for asking that. We were
407 all -- I was disappointed that those didn't get past the

408 finish line at the end. There was a lot of hard work by
409 members on this committee, and bipartisan. I know that we
410 will have our moments, but most of you all know we work
411 almost every -- I was telling our new members almost every
412 bill we pass -- most of the bills we pass has a sponsor from
413 both sides of the aisle, and everything in that package was
414 one of those. They were important.

415 Trying to find the right avenue for them -- they are
416 still alive. They are -- they -- it is a priority of this
417 side of this committee, I know it is part of -- because they
418 were all bipartisan or they wouldn't have been in that bill.
419 We are just trying to find the right avenue to be able to
420 move those policies forward, and it is -- they are a
421 priority. So thanks for bringing that up.

422 Oh, Dr. Joyce, I was going to recognize you in a little
423 while later, but go ahead, Dr. Joyce.

424 *Mr. Joyce. Thank you, Chairman Guthrie. As we begin
425 this new Congress, the Energy and Commerce Committee stands
426 ready to meet the challenges that are facing our nation. As
427 the vice chairman of this committee, I look forward to
428 working with all 17 of our new members to achieve meaningful
429 victories that our constituents are expecting us to do.

430 Returning our nation to energy dominance, closing the
431 digital divide, and addressing the addressing the health care
432 issues that matter most to the American people will be

433 critical in the upcoming days. It is time to lower the cost
434 of medications. It is time to utilize the energy resources
435 that are underneath the feet to secure our electric grid.
436 And it is time to connect more Americans to fast and reliable
437 Internet. These will be issues that we will all face
438 together.

439 As the only member of this esteemed committee from the
440 Commonwealth of Pennsylvania, I am excited about the chance
441 to address these issues. And again, I extend welcome to all
442 17 of the new members.

443 Thank you, Mr. Chair, and I yield back.

444 *The Chair. Thank you. I was actually going to
445 announce as we were moving forward, but Dr. Joyce is the vice
446 chair of the full committee, and will be engaged in
447 everything we are doing.

448 So we really appreciate you taking that responsibility,
449 and look forward to working with you and the whole committee.
450 So --

451 *Mr. Joyce. Thank you, Chairman, and thank you, Ranking
452 Member Pallone.

453 *The Chair. Thank you.

454 And Ranking Member Pallone, want to announce the vice
455 chair of the --

456 *Mr. Pallone. Yes, I was going to do it later, too, but
457 I want to mention that Lizzie Fletcher is our vice ranking

458 member, and we are very proud of that.

459 Thank you, Lizzie.

460 *The Chair. Thank you.

461 *Mr. Pallone. I yield back.

462 *The Chair. Thank you. Any other opening statements?

463 Seeing none, the chairman now calls up the resolution to
464 adopt the committee rules for the 119th Congress, and asks
465 the clerk to report.

466 *The Clerk. Resolution offered by Chairman Guthrie.

467 *The Chair. Without objection, the first reading of the
468 resolution is dispensed with, and the resolution will be open
469 for amendment at any point.

470 [The resolution follows:]

471

472 *****COMMITTEE INSERT*****

473

474 *The Chair. The chairman recognizes himself for five
475 minutes on the resolution.

476 These committee rules are identical to the rules adopted
477 from the 118th Congress.

478 Okay, these are identical to the -- okay, that is why we
479 changed the -- are identical to the rules of the 118th
480 Congress. That said, I would like to quickly go through a
481 few policies the committee will follow this Congress.

482 We will have paperless hearings. The committee will
483 continue its policy of paperless hearings by electronically
484 distributing testimony before all hearings.

485 Subcommittee hearing protocol. Next a policy on
486 participation in subcommittee hearings of which you are not a
487 member. By right, all Members of the House are entitled to
488 non-participatory attendance at hearings, even if they are
489 not on the Energy and Commerce Committee. So they can sit on
490 the dais, but they cannot make a statement or question
491 witnesses. For members of the Energy and Commerce Committee,
492 however, you may question witnesses at a hearing even if you
493 are not on the relevant subcommittee. Members should let
494 this committee know if they plan to participate in any off-
495 subcommittee hearing, because we will need to make a
496 unanimous consent request, which traditionally has been
497 given.

498 In addition, you will not be recognized at the hearing

499 until all of the subcommittee members have been recognized.
500 That said, still try to attend as much of the subcommittee
501 hearing as possible so you have a better sense of what
502 questions have been asked and topics covered.

503 Showing up to the hearing on time. On a related note, I
504 encourage members to be prompt and show up on time for
505 hearings. This is a courtesy to both our witnesses and your
506 fellow members.

507 So markup protocols. The committee will continue its
508 longstanding tradition of giving bipartisan amendments
509 priority recognition. That means if the amendment is
510 sponsored by members on both sides of the aisle, those
511 amendments have priority when we have markups. For the last
512 several years priority recognition has been given to
513 amendments submitted at least two hours before the start of a
514 markup. Members are encouraged to submit their amendments as
515 soon as possible, but I believe two hours prior to the start
516 of a markup will be sufficient for all members to review the
517 amendments.

518 The majority leader follows protocols in scheduling
519 legislation for the floor and, while these protocols are not
520 binding in the -- in committee, I would encourage you to
521 observe the protocols in drafting legislation. Following
522 those protocols will help our bills be considered and passed
523 on the floor.

524 I intend to continue the committee's tradition to not
525 postpone or roll votes. I will only postpone or roll votes
526 if a unique situation arises. I will work with the minority
527 in determining a time to resume proceedings. That said, I
528 want to make sure that we know as -- as based on what
529 happens, we may have -- roll votes in the -- more in the
530 future than in the past. We want to make our markups
531 efficient. I think I heard that from my members. You
532 probably heard from your members, making markups more
533 efficient. And if we have to postpone our roll votes, we
534 will, we will be able to do that.

535 So other protocols. With regard to the chairman's
536 authority to call and convene meetings and markups, I will
537 try to the maximum practical extent to avoid scheduling
538 committee proceedings on days and at times that would
539 conflict with Democratic caucus meetings or Republican
540 conference meetings and other leadership functions -- to
541 avoid scheduling, I should say, other committee events.

542 I now recognize Mr. Pallone for a colloquy on the
543 subpoena authority.

544 *Mr. Pallone. I had two questions. I will start with
545 the subpoena authority, since that is what you mentioned.
546 But I also wanted to talk a bit about remote witness and the
547 House rule.

548 But with regard to the subpoena authority, Mr. Chairman,

549 the committee rules authorize the chair to issue subpoenas
550 after and to the extent practical consultation 72 hours in
551 advance of issuance between the Democratic leader of the
552 committee and the chair, and written notice must be provided
553 to committee members no later than one week from the date of
554 issuance.

555 The subpoena power, obviously, is one of the Congress's
556 most important tools for collecting information and needs to
557 legislate effectively, so experience shows that the mere
558 threat of subpoena is often sufficient to get Congress the
559 information that it needs. However, as with all government
560 authorities, the subpoena power should be used thoughtfully
561 to avoid abuse.

562 The current committee rule was written in the 114th
563 Congress. Then Chairman Upton used his authority five times
564 during that Congress. And then Mr. Walden, Chair Walden,
565 used the authority just once during the 115th Congress, and
566 in each case the subpoena was either requested by the witness
567 -- a so-called friendly subpoena -- or authorized only after
568 extensive attempts to gather the information from the witness
569 and being denied said information. Now, I did not use the
570 subpoena authority at all during the 116th and 117th
571 Congress, when I was the chair. And Chair Rodgers used the
572 authority just once during the 118th Congress. So I am
573 hopeful that reasonable and responsible exercise of this

574 authority continues.

575 So my question, Mr. Chairman: Will you commit to taking
576 reasonable steps before resorting to the subpoena authority,
577 such as building a committee record on the matter by
578 requesting voluntary briefings or interviews or information
579 requests, negotiating with objects of the subpoena so that it
580 can be tailored to the committee's specific needs?

581 *The Chair. I think that is reasonable, what you just
582 read and spoke about, and I intend to follow the rules set
583 forth in our committee rules with respect to subpoenas. But
584 I absolutely think that is reasonable.

585 *Mr. Pallone. Well, thank you.

586 Now, let me ask also, will the chairman commit to taking
587 reasonable steps, including a face-to-face conversation or
588 phone call or email to consult with me at least 72 hours
589 before issuing a subpoena?

590 *The Chair. Yes.

591 *Mr. Pallone. And to provide the required notice to
592 members after issuing a subpoena?

593 *The Chair. Yes, I will.

594 *Mr. Pallone. Okay. I think these exchanges are good
595 to get on the record, and I appreciate your -- the colloquy.
596 And I think it is important for the function of the
597 committee, when things do get heated, that we have these
598 understandings going in, you know, for both sides.

599 And so with that, Mr. Chairman -- I do want to ask about
600 remote -- or comment on the remote witness. Now, the remote
601 witness rule is actually a House rule that governs the
602 appearance of remote witnesses at committee hearings for the
603 119th Congress. But even before the COVID-19 pandemic, on a
604 bipartisan basis, the Energy and Commerce Committee allowed
605 witnesses to testify remotely when warranted. Allowing
606 witnesses to participate in hearings remotely provides the
607 ability to hear from people from all across the country and
608 all walks of life. It has been extremely valuable in
609 broadening the voices and opinions that we all hear from
610 during our hearings.

611 So Congress doesn't compensate witnesses for taking time
612 off from work and leaving their families to fly across the
613 country on short notice to participate in our hearings. So
614 before the last Congress the decision about whether to allow
615 specific remote witnesses, like other decisions related to
616 committee witnesses, was a decision made by the committee and
617 not by the House majority leadership. But it almost -- but
618 on an almost straight party line vote, the Republicans in the
619 House adopted rules that only allow non-governmental
620 witnesses to appear remotely at committee or subcommittee
621 proceedings at the discretion of the committee's chair, in
622 accordance with the regulations for section 3(I) of H.Res. 5.

623 The regulations prohibit remote participation by

624 witnesses unless a committee chair submits a letter to the
625 majority leader detailing the necessity for the witness to
626 participate remotely, a description of why the witness could
627 not participate in person, and why such testimony was
628 necessary for purposes of fulfilling Congress's Article I
629 responsibility. So it is a pretty strict and limited
630 situation. And then the majority leader would then have to
631 provide written approval of such remote participation.

632 Now, obviously, I don't like this because I think it
633 defies the way this committee works -- the House rules, that
634 is. So for any hearing the Republicans pick their witnesses
635 and the Democrats pick ours, and Republicans cannot object to
636 someone we pick, and vice versa. But my concern, Mr.
637 Chairman, is that the majority leader would be able to reject
638 our witnesses if they could not appear in person. And as a
639 committee I don't think we think we should be ceding that
640 control to any leadership outside of this committee.

641 I am concerned that this requirement could also be
642 abused to allow committees to hear from remote witnesses that
643 speak to Republican goals, but not those who speak to ours.
644 So I am concerned that these House rules provide unnecessary
645 restrictions on remote witnesses that will result in Congress
646 only hearing more from the wealthy and the well-connected who
647 can afford to come here, and that is a shame. You know, I
648 don't want to hear from D.C. lobbyists, I want to hear from,

649 you know, hardworking people at home when we have our
650 hearings.

651 But I understand that we have to comply with the House
652 rules. So I am interested in ensuring that the minority
653 retain our authority to select minority witnesses to the
654 greatest extent possible in compliance with the rules. As
655 the minority, we are best positioned to determine who are
656 witnesses and who -- you know, for given hearings -- that can
657 fulfill our Article I responsibility. And at times well-
658 qualified witnesses who can provide the committee with
659 valuable information and different perspectives may be unable
660 to appear in person because of financial hardships or family
661 responsibilities or even health concerns.

662 So, Mr. Chairman, let me just ask this question after
663 all that. There may be instances when non-governmental
664 witnesses selected by the minority are only available to
665 participate remotely due to extreme hardship or other
666 exceptional circumstances. So can I ask for your assurance
667 that you will work with me to get approval for minority-
668 selected remote witnesses under the House rule?

669 *The Chair. I commit to working with you to help get
670 approval through the Majority Leader's office for remote
671 witnesses for hearings.

672 *Mr. Pallone. I appreciate that, and I know I went on
673 here for a while about this, but I really do not agree with

674 the House rule. But thank you for your response, I
675 appreciate it.

676 And with that, Mr. Chairman, I will say that the
677 Democrats are prepared to support the rules package, and I
678 yield back.

679 *The Chair. Thank you. The gentleman yields back. Is
680 there any further discussion on the resolution?

681 Seeing no further discussion, the question now occurs on
682 approving the resolution to adopt the committee rules for
683 119th Congress.

684 All those in favor shall signify by saying aye.

685 All opposed, no.

686 The ayes have it, and the resolution is approved.

687 The chair calls up the resolution establishing the
688 subcommittees of the Energy and Commerce Committee for the
689 119th Congress, and asks the clerk to report.

690 *The Clerk. Resolution offered by Chairman Guthrie.

691 *The Chair. Without objection, the first reading of the
692 resolution is dispensed with, and the resolution will be open
693 for amendment at any point.

694 [The resolution follows:]

695

696 *****COMMITTEE INSERT*****

697

698 *The Chair. The chairman now recognizes himself for
699 five minutes on the resolution.

700 I look forward to our six subcommittees getting to work
701 this Congress. The jurisdictions for each subcommittee are
702 in front of you. The only changes made to the subcommittees
703 were to simplify a couple of subcommittee names and to make a
704 couple of clarifying edits to the jurisdiction of the
705 Subcommittee on Communications and Technology. So we added
706 streaming, which we -- when we wrote the rules it was kind of
707 relatively new, and we have to update as the time updates,
708 right? And to say that we update when the time of day -- so
709 we also added the Telecommunications Act of 1934. So that
710 was never listed in that group. So we are going from 1934 to
711 streaming. So the jurisdictions of all the subcommittees
712 remain the same with those two additions.

713 Is there any further discussion on the resolution?

714 Any discussion?

715 Seeing none, the question now occurs on approving the
716 resolution to adopt the committee subcommittees for the 119th
717 Congress.

718 All those in favor shall signify by saying aye.

719 All opposed, no.

720 The ayes have it and the resolution is approved.

721 I recognize myself for -- to announce the Republican
722 subcommittee rosters for the 119th Congress.

723 Members will find the Republican subcommittee rosters
724 and Democratic rosters at their seats. I know you are all
725 excited to get work on your respective subcommittees, and I
726 really appreciate Megan Jackson and Sophie Khanahmadi in my
727 office working with your office -- has worked -- and Tiffany
728 in your office has worked really hard to get the ratios and
729 to get members on both sides of the aisle on the
730 subcommittees that -- you all do it a little different than
731 we do, but get -- but make sure we have the slots, for the
732 most part, to get members of this committee on the
733 subcommittee of their highest interest, because we know we
734 are going to have a lot of work, and they are going to do a
735 lot of work, and we appreciate working with you and your
736 office to make sure we had the ratios necessary to
737 accommodate our member interests. So thanks to your side,
738 Mr. Pallone, for that. And thanks for our staff directors
739 for working on that.

740 I would also like to introduce, as we said, the vice
741 chairman of the full committee is going to be Dr. Joyce of
742 Pennsylvania, and I will read -- I didn't read his biography
743 earlier. He is a fellow American Academy of Dermatology, a
744 fellow -- he is not -- I am not a fellow, so a fellow of mine
745 -- he is a fellow in the American Academy of Dermatology.
746 John operated a private dermatology practice along with his
747 wife, Dr. Alice Joyce, for over 25 years in his hometown of

748 Altoona before coming to Congress in 2019. As a practicing
749 physician and small business owner, John brings a unique
750 perspective to the committee's work. And since coming to
751 Congress he has prioritized efforts to increase access to
752 affordable health care, energy, and broadband for the
753 Appalachian south central Pennsylvania communities he
754 represents.

755 And thank you, Dr. Joyce.

756 You announced your -- you wanted to say something on
757 Mrs. Fletcher?

758 *Mr. Pallone. Well, I didn't know I was going to talk
759 about Mrs. Fletcher any more than I already have. But all of
760 you know her.

761 [Laughter.]

762 *Mr. Pallone. And the one thing I will say is she is
763 very nice, but she can be tough when she has to be. So we
764 will see as time goes on.

765 But thank you, Lizzie, absolutely, for doing this.

766 You know, Mr. Chairman, I guess I could mention that we
767 have a rule in the -- amongst the Democrats that the vice
768 chair has to be someone who has served less than five terms
769 in Congress. And it is actually an elected position.

770 The other thing I could mention, if I -- if you don't
771 mind, is the ranking members. Now, you know, again, in our
772 Democratic caucus -- and I don't know if it is true in the

773 Republican conference -- I can't really officially announce
774 the ranking members because they actually have to go back to
775 the steering and policy committee and the caucus to be
776 ratified. We choose them amongst ourselves and make a
777 recommendation.

778 But the ranking members that we have recommended for the
779 Subcommittee on Commerce, Manufacturing, and Trade is Jan
780 Schakowsky. For the Subcommittee on Communications and
781 Technology is Doris Matsui. The Subcommittee on Energy is
782 Kathy Castor. And the Subcommittee on the Environment is
783 Paul Tonko. And for the Subcommittee on Health is Diana
784 DeGette. And for the Subcommittee on Oversight and
785 Investigations is Yvette Clarke. So thank you again.

786 I yield back.

787 *The Chair. I think ours were at their seats, but I
788 will say -- go down the list you just had. So our
789 subcommittee chair for Commerce, Manufacturing, and Trade is
790 Mr. Bilirakis. For Communications and Technology it is Mr.
791 Hudson. For Energy is Mr. Latta. For Environment is Mr.
792 Griffith. For Health is Mr. Palmer. And Oversight -- excuse
793 me. For Health is Mr. Carter, and Oversight and
794 Investigations is Mr. Palmer. I got that right. So thanks.

795 And you -- and I will -- well, you said she is both
796 tough and pleasant, I think you said. And I think that kind
797 of summarizes our committee. There are going to be issues

798 that we are going to not always agree on, and there are going
799 to be more opportunities to agree than disagree. And I think
800 that has been the -- what my friend from Florida, Ms. Castor,
801 brought up, that whole package of enormous importance to this
802 country that was in the final bill that didn't quite get
803 across the finish line. It is a great example of so many
804 members of this committee working together. We want to
805 continue that tradition. I know, as you said, we will work
806 together when we can and we will figure out how to move
807 forward when we can't. But we really appreciate the -- being
808 part of this committee. And I think -- welcome all the
809 members.

810 I think we have done all of our official business.
811 Without objection, the staff is authorized to make technical
812 and conforming changes to the resolutions considered by the
813 committee today.

814 So ordered.

815 Without objection, the committee will stand adjourned.

816 [Whereupon, at 10:43 a.m., the committee was adjourned.]