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7 MARKUP ON:

8 H.R. ____ (BUCSHON), TO ESTABLISH A SUPPLY CHAIN RESILIENCY
9 AND CRISIS RESPONSE PROGRAM IN THE DEPARTMENT OF COMMERCE,
10 AND FOR OTHER PURPOSES;

11 H.R. 5390 (MILLER-MEEKS, BUCSHON, JOHNSON, KUSTER, SCHRIER
12 AND SPANBERGER), THE CRITICAL INFRASTRUCTURE MANUFACTURING
13 FEASIBILITY ACT;

14 H.R. 5398 (JOHNSON AND PHILLIPS), THE ADVANCING TECH STARTUPS
15 ACT;

16 H.R. 5146 (JOYCE AND PENCE), THE ADVANCING GIG ECONOMY ACT;

17 H.R. 3950 (BILIRAKIS AND SCHAKOWSKY), THE TRANSPARENCY IN
18 CHARGES FOR KEY EVENTS TICKETING (TICKET) ACT;

19 H.R. ____, THE SPECULATIVE TICKETING BAN DISCUSSION DRAFT;

20 H.R. ____ (KIM), THE NO HIDDEN FEES ON EXTRA EXPENSES FOR
21 STAYS ACT;

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22 H.R. 6125 (VALADAO AND PETERSEN), THE ONLINE DATING SAFETY
23 ACT OF 2023;

24 H.R. 5202 (WASSERMAN SCHULTZ, BURGESS, CARTER, ALLRED,
25 CASTOR, WILLIAMS, GARCIA, FLOOD, ROSS, BACON AND GOTTHEIMER),
26 THE VIRGINIA GRAEME BAKER POOL AND SPA SAFETY REAUTHORIZATION
27 ACT;

28 H.R. 2964 (MCCLAIN AND PELTOLA), THE WASTEWATER
29 INFRASTRUCTURE POLLUTION PREVENTION AND ENVIRONMENTAL SAFETY
30 (WIPPES) ACT;

31 H.R. 5556 (CURTIS), THE REINFORCING AMERICAN-MADE PRODUCTS
32 ACT;

33 H.R. 1797 (TORRES, GARBARINO, CLARKE, RYAN, BOWNMAN,
34 D'ESPOSITO, ESPAILLAT AND GOLDMAN), THE SETTING CONSUMER
35 STANDARDS FOR LITHIUM-ION BATTERIES ACT;

36 H.R. ____ (BALDERSON AND CASTOR), THE AWNING SAFETY ACT OF
37 2023;

38 H.R. 4310 (TRAHAN, CAREY, PORTER AND STEWART), THE YOUTH
39 POISONING PROTECTION ACT;

40 H.R. 4814 (SOTO, BURGESS, TRAHAN AND GUTHRIE), THE CONSUMER
41 SAFETY TECHNOLOGY ACT; AND

42 H.R. 906 (DUNN, BOYLE, DAVIDSON AND PEREZ), THE RIGHT TO

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43 EQUITABLE AND PROFESSIONAL AUTO INDUSTRY REPAIR (REPAIR) ACT.
44 THURSDAY, NOVEMBER 2, 2023
45 House of Representatives,
46 Subcommittee on Innovation, Data, and Commerce,
47 Committee on Energy and Commerce,
48 Washington, D.C.

49
50

51 The Subcommittee met, pursuant to call, at 10:06 a.m. in
52 2123 of the Rayburn House Office Building, Hon. Gus
53 Bilirakis, [chairman of the subcommittee] presiding.

54 Present: Representatives Bilirakis, Bucshon, Walberg,
55 Duncan, Dunn, Pence, Armstrong, Allen, Fulcher, Harshbarger,
56 Cammack, Rodgers (ex officio); Schakowsky, Castor, Dingell,
57 Kelly, Blunt Rochester, Soto, Trahan, Clarke, and Pallone (ex
58 officio).

59 Staff Present: Jolie Brochin, Clerk; Sarah Burke,
60 Deputy Staff Director; Sydney Greene, Director of Operations;
61 Jessica Herron, Clerk; Nate Hodson, Staff Director; Tara
62 Hupman, Chief Counsel; Noah Jackson, Clerk; Peter Kielty,
63 General Counsel; Emily King, Member Services Director; Tim

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64 Kurth, Chief Counsel; Kaitlyn Peterson, Clerk; Brannon Rains,
65 Professional Staff Member; Emma Schultheis, Staff Assistant;
66 Teddy Tanzer, Senior Counsel; Dray Thorne, Director of
67 Information Technology; Viswajith Mallampati, Intern; Hannah
68 Anton, Minority Policy Analyst; Keegan Cardman, Minority
69 Staff Assistant; Daniel Greene, Minority Professional Staff
70 Member; Tiffany Guarascio, Minority Staff Director; Perry
71 Hamilton, Minority Member Services and Outreach Manager; Lisa
72 Hone, Minority Chief Counsel, Innovation, Data, and Commerce;
73 Mackenzie Kuhl, Minority Digital Manager; Joe Orlando,
74 Minority Junior Professional Staff Member; and C.J. Young,
75 Minority Deputy Communications Director.

76

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77 *Mr. Bilirakis. Good morning, everyone, and welcome to
78 today's subcommittee markup: 16 bills and discussion drafts.

79 The proposals on today's agenda represent a range of
80 work this subcommittee has within its jurisdiction. I will
81 tell you, what a great subcommittee. It is an honor to serve
82 as your chairman.

83 These proposals focus on the safety and transparency of
84 consumer products and services that our constituents rely on
85 every day.

86 I want to thank all the bills' sponsors with legislation
87 on our agenda today for their hard work in getting to this
88 point of the legislative process.

89 These proposals will help save lives and protect
90 consumers from dangerous products, provide price transparency
91 regarding event tickets and lodging accommodation fees,
92 disclose important information to consumers related to
93 product claims, and raise awareness about the tools needed to
94 get their vehicles repaired.

95 I am particularly excited to be voting on the TICKET
96 Act. We have been working on this for a long time, a
97 bipartisan bill that I have sponsored along with my good

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98 friend and colleague, Ranking Member Schakowsky. The TICKET
99 Act will bring upfront price transparency to consumers as it
100 relates to event tickets.

101 Live events have long been plagued by annoying hidden
102 fees at the end of the checkout transaction. We have all
103 experienced it. I am glad that the industry has recognized
104 the need to change this process to bring more transparency to
105 the market about the true price of a ticket. It is not a lot
106 to ask.

107 In our legislative hearing we also heard about the
108 consumer harms related to speculative ticketing, which is why
109 we are continuing to work bipartisan way to address this
110 issue. I am thankful for the partnership with Ranking Member
111 Schakowsky on this initiative, and remain hopeful we will get
112 to a bipartisan agreement that protects fans from bad actors
113 and provides certainty in the market. Today represents
114 another step forward on that front as we continue to build
115 support for full committee consideration.

116 Another bill we are marking up today is the Virginia
117 Graeme Baker Pool and Spa Safety Reauthorization Act. I want
118 to thank Dr. Burgess and Representative Wasserman Schultz for

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119 their bipartisan work to reauthorize this CPSC grant program
120 to state and local governments for safer swimming facilities,
121 community education, and pool safety enforcement
122 requirements.

123 Representative Curtis also has legislation before us,
124 H.R. 5556, the Reinforcing American-Made Products Act, which
125 has a bipartisan companion bill in the Senate. This common-
126 sense bill will ensure that we have one national standard for
127 Made in America labels on American products, which provides
128 certainty for businesses, manufacturers, and consumers alike,
129 ensuring we keep our incentives for companies to make their
130 products here at home.

131 There are many other great proposals on the markup. Dr.
132 Bucshon, for instance, has been endeavoring to find a
133 bipartisan path on supply chain management that follows a
134 regular process that was subverted last Congress by the
135 Democratic leadership. Representative Miller-Meeks'
136 bipartisan bill focuses on critical infrastructure
137 manufacturing feasibility, while my friend, Bill Johnson, is
138 working on advancing tech startups around the country and Dr.
139 Joyce has his legislation to better understand and promote

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140 the gig economy.

141 We are all additionally able to provide significant
142 consumer protections in place through bipartisan efforts by
143 better safeguards against lithium ion batteries, patio
144 awnings, flushable wipes, and high concentration sodium
145 nitrate.

146 Lastly, I am glad we are able to advance Representative
147 Young Kim's draft measure to provide upfront fee transparency
148 within the hotel and lodging industry, which I know has
149 received significant interest from both sides of the aisle.

150 I look forward to considering all of these measures and,
151 additional, the ones that I have not addressed, and to having
152 a constructive conversation that, if we cannot resolve any
153 differences here in subcommittee, that we will continue to
154 work towards consensus beyond today and do the necessary work
155 before full committee consideration.

156 So again, these are great bills, and I am really excited
157 about them. It is all about consumer protection.

158 So again, thank you for _ to the bills' sponsors, and I
159 will yield back the balance of my time, and now I will
160 recognize Representative Schakowsky, the ranking member of

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161 the subcommittee, for five minutes for her opening statement.

162 Now we are going to finish _ apparently, we have a vote,
163 folks, around 10:15. So we are going to try to finish up all
164 the opening statements, if possible. But I will recognize
165 Representative Schakowsky. It is only one vote, I
166 understand. And then we are clear for a few hours. So it
167 might take that long.

168 All right, thank you. I will recognize Representative
169 Schakowsky for her five minutes.

170 *Ms. Schakowsky. Thank you so much, Mr. Chairman.
171 There are actually 16 bills and proposals that are in this
172 markup. And certainly, some are bills _ many of them, most
173 of them are bills that are bipartisan. Some are not and some
174 are just works in progress. In my view, not all of these
175 bills really are ready for prime time, but I know that we can
176 work together to make it happen. Several _ four of them are
177 just drafts.

178 I look forward so much to working with you, especially
179 _ and I wanted to start also with the TICKET Act, a bill that
180 we have worked on together. This bill ends the surprise junk
181 fees that can actually add to the cost of a ticket as much as

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182 40 percent and more. The TICKET Act makes the _ but the
183 TICKET Act makes the price that you see be the price that you
184 pay, and that means that we are going to have upfront
185 pricing, upfront billing, so that you know exactly what you
186 have to pay.

187 We also have a draft that will eliminate the so-called
188 speculative tickets, which means that someone can sell you a
189 ticket that actually doesn't even exist right now. So I am
190 very happy that we have that draft legislation, and look
191 forward to working more about it _ more on it.

192 A small number of bills, I think, are just simply not
193 the right bills and not the right solution. One of them, I
194 believe, is the gig economy bill, which I am really
195 distressed that it leaves out workers. It is a _ it does a
196 study, but it does not even include a study of what the gig
197 economy, which is mostly made up of _ you know, this _ we are
198 talking about workers _ that does not even include them in
199 it. And so we certainly have to do more there.

200 Where am I? I am not sure. Are you sure? Okay, sorry.
201 Here we go, okay.

202 I do want to also say _ I do also want to say that one

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203 thing that I am really, really concerned about, I am
204 concerned that the House of Representatives right now is
205 trying to diminish our ability to actually do the work that
206 we need to do to help consumers. Some of these bills are
207 going to require that we put funding into consumer protection
208 of _ in various ways.

209 And yet what we see is that there are many cuts, when we
210 come to the legislative votes, that would actually diminish
211 our support of the Federal Trade Commission _ where is all
212 the _ okay _ that would actually diminish our support for
213 things like the Federal Trade Commission, which helps us to
214 make sure that we enforce the rules that we put into place;
215 the Consumer Product Safety Commission, a small but mighty
216 agency that is working to protect our children, all
217 consumers. And yet, if we make cuts in the Consumer Product
218 Safety Commission funding, we are going to be in deep
219 trouble. It is going to get more dangerous for consumers.
220 The Department of Commerce and the NHTSA, the National
221 Highway Traffic Safety Administration, we want to make sure
222 that these agencies have the funding that they need.

223 So as we move forward in this session of Congress, and

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224 we are voting on the budgets, and we are voting on the
225 appropriations, we want to make sure that our goals that we
226 are setting _ some of which we are setting today _ are going
227 to be able to be enacted. And so I just wanted to raise that
228 as a priority for us. Let's fund the things that we care
229 about, and do it in the appropriations process.

230 Thank you, and I yield back.

231 *Mr. Bilirakis. I thank the ranking member, and now I
232 will recognize the chair of the full committee, my good
233 friend, Cathy McMorris Rodgers _ thank you _ for five
234 minutes.

235 *The Chair. Thank you, Chairman Bilirakis. Today we
236 are considering a broad range of proposals meant to improve
237 people's lives across the country. We are strengthening our
238 supply chains, promoting American innovation in emerging
239 technologies, and improving the safety and reliability of
240 products and services Americans use every day. Thank you to
241 all the members who are leading and working on these
242 bipartisan bills.

243 Representatives Johnson and Phillips are working on the
244 Advancing Tech Startups Act, which will look at how to foster

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245 a regulatory environment where small businesses and startups
246 can thrive and succeed, not just in places like Silicon
247 Valley.

248 Representatives Joyce and Pence are advancing the Gig
249 Economy Act, and it will review how to help diversify our job
250 market and address labor shortages.

251 And Representatives Miller-Meeks, Bucshon, Johnson,
252 Kuster, and Schrier are leading on the Critical
253 Infrastructure Manufacturing Feasibility Act to boost
254 American manufacturing. For America to lead, we need to
255 improve the resiliency of our supply chains and prevent China
256 from controlling every aspect of our economy. We are
257 discussing solutions today that will map and monitor our
258 supply chains to identify where vulnerabilities exist, using
259 new technologies like blockchain to do so. It is important
260 that this committee has an across-the-board view on how
261 important blockchain can be.

262 Other bills will encourage private-public cooperation
263 and the voluntary sharing of information, not pressure
264 tactics by the Biden Administration. Companies need to know
265 their information is secure and safe in order to participate,

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266 and this bill will help establish those assurances.

267 We also need to make sure that information is being
268 shared between businesses and Federal agencies when that _
269 when it is being shared, it is protected and secured. Just
270 this past July we saw several Federal agencies hit in a
271 massive global cyber attack. To mitigate these risks and
272 prevent future attacks, we need to make sure that the
273 information businesses voluntarily submit is protected from
274 bad actors and unnecessary litigation.

275 Our supply chains will never be secure if the government
276 only seeks to throw money at a problem we don't fully
277 understand. Mr. Bucshon's legislation, in coordination with
278 Ms. Blunt Rochester, will create a program to map and monitor
279 supply chains to identify vulnerabilities and help us better
280 mitigate risk. This builds off the bipartisan America
281 COMPETES Act from 2020 by fostering American leadership and
282 innovation in emerging technologies like blockchains and AI.

283 We are also considering proposals that will make
284 products and services safer, increase transparency and
285 disclosures for people across the country. Many of us have
286 heard directly from people in our communities about these

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287 issues.

288 Representative David Valadao's bill, for example, would
289 combat romance scams by going after the con artists who prey
290 on lonely people, especially adults over 60, who were scammed
291 for 139 million in 2020 alone.

292 Representative Young Kim's legislation will protect
293 people from deceptive advertising and hidden fees when they
294 are booking travel, so they will know the full price of
295 accommodations like resort fees up front. These fees are
296 often hidden, resulting in people paying much more than they
297 initially expected.

298 A bill by Representative Torres and Garbarino and Clarke
299 will help ensure rechargeable batteries used to power
300 products like e-scooters don't explode as a result of
301 inferior quality.

302 Representative Balderson and Representative Castor are
303 leading on a bill so that retractable awnings to _ that are
304 attached to people's homes, are safe, secure, and not
305 endangering homeowners and others.

306 Subcommittee Chair Bilirakis and Ranking Member
307 Schakowsky have important legislation to strengthen event

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308 ticketing transparency.

309 And Dr. Dunn has a bipartisan proposal so people have
310 the right to repair their vehicles. Members on both sides of
311 the aisle have important perspectives to share on this
312 proposal, and I look forward to hearing those and discussing
313 the amendments to the draft legislation. We are at a
314 critical moment where the status quo is no longer acceptable,
315 and clear rules are needed. I hope we can work together to
316 find the bipartisan solutions to provide ease and
317 accessibility to millions of vehicle owners.

318 We have an ambitious docket today, and we still have a
319 lot of work ahead on many of these bills. This is just the
320 next step in the process, and constructive feedback is
321 welcome as we further review and refine our work.

322 This committee has a rich history of coming together on
323 behalf of those we serve, and I hope we will build on that
324 legacy today with bipartisan agreement and stakeholder
325 support as we move these important solutions forward.

326 I yield back.

327 *Mr. Bilirakis. I thank the chair, and I recognize the
328 ranking member of the full committee, Mr. Pallone, for his

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329 five minutes.

330 *Mr. Pallone. Thank you, Chairman Bilirakis.

331 This subcommittee has no greater responsibility than to
332 protect the American people from threats to consumers and
333 commerce. We work to protect consumers from the threats of
334 unsafe products that result in the loss of 50,000 lives and
335 more than 12.5 million injuries every year. We work to
336 prevent threats to our nation's industrial might and critical
337 supply chains, threats that crippled our response to the
338 COVID-19 public health crisis and harmed our ability to
339 initially address its economic repercussions. And we work to
340 prevent consumers from being taken advantage of and gouged by
341 unscrupulous businesses.

342 So today I am pleased that we are considering several
343 bills championed by Democratic members to help address these
344 threats, and I commend the bills' sponsors for finding a
345 bipartisan approach to these bills that will help save lives
346 and empower consumers.

347 However, there are several bills that the Republican
348 majority has noticed that need more work, and I would
349 strongly urge my Republican colleagues to work with me before

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350 full committee markup to address my concerns. But I would
351 like to focus on two of the most concerning bills.

352 First, Representative Bucshon's supply chain discussion
353 draft does not reflect lessons learned during the pandemic.
354 One of our key lessons was the importance of ensuring that
355 the Federal Government is equipped with the tools and
356 authorities it needs to address supply chain vulnerabilities
357 before they become full-blown crises. The discussion draft
358 the Republicans are making _ are marking up today doesn't
359 take this action, but the Supply Chains Act does.
360 Unfortunately, committee Republicans have been unwilling to
361 move that legislation.

362 The supply chains bill, which is co-led by
363 Representatives Blunt Rochester, Dingell, Kelly, and Wild has
364 been endorsed by over 160 stakeholders, including
365 manufacturers, innovators, workers, consumer groups, and
366 local governments. And I am disappointed that, despite the
367 overwhelming support this legislation has received, and
368 several compromises that Representative Blunt Rochester has
369 offered, many of the Supply Chains Act's vital provisions
370 have not yet been incorporated into the Bucshon discussion

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371 draft. And while we are not there yet, I remain optimistic
372 that, with Representative Blunt Rochester's leadership, we
373 can get to a good place before any full committee markup.

374 Second, I want to focus on the REPAIR Act. It needs a
375 lot of work. Quite frankly, I do not understand the decision
376 to include the REPAIR Act on this markup without even any
377 attempt by the Republican majority to bring impacted parties
378 together and address mounting concerns.

379 It is indisputable that cars and car repair have grown
380 increasingly complicated. We should take great care to make
381 sure that nefarious actors do not gain access to cars'
382 operating systems and the consumer data that those systems
383 collect. At the same time, millions of Americans live far
384 from auto dealerships or can't afford to use their repair
385 services, and so we should make sure that consumers can
386 choose the automobile repair services that best fit their
387 needs. And that is why I broadly support the goal of the
388 REPAIR Act, which is to affirm a consumer's right to repair
389 their vehicles.

390 But this goal can't be achieved with legislation that is
391 not ready for markup consideration. The Federal Trade

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392 Commission and the National Highway Traffic Safety
393 Administration, NHTSA, are the Federal agencies that would
394 need to implement core provisions of the REPAIR Act. They
395 have provided extensive feedback, and raised concerns about
396 cybersecurity, vehicle safety, and administrative
397 feasibility. But none of this feedback has been addressed.

398 And in recent days we have been inundated by opponents
399 and supporters of the right to repair. Many believe, as I
400 do, that the REPAIR Act is simply not ready for committee
401 consideration, and I stand ready to work with my Republican
402 colleagues on refining and advancing work on the right to
403 repair and the other legislation being considered today. But
404 I first must hear from Republicans that they are prepared to
405 join us and do the hard work to get to a good place on these
406 bills before proceeding to a full committee markup.

407 To date, the process for this markup has been flawed.
408 Subcommittee Democrats were not notified of what bills would
409 be considered today until two days ago. A flawed process
410 will lead to flawed legislation and missed opportunities to
411 find bipartisan consensus. After all, unless all of these
412 bills receive strong bipartisan support here in the

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413 committee, there is no chance, really, that they ever become
414 law. And that ultimately hurts the American people. So
415 let's not let that happen. Let's work together on a
416 bipartisan basis.

417 And with that, Mr. Chairman, I yield back.

418 *Mr. Bilirakis. I thank the ranking member. Are there
419 any other opening statements?

420 Okay, without objection, the first _ so what we will do
421 now is we are going to go through the first bill. Now,
422 folks, I understand now there are two votes, the PQ and the
423 rule, so we are going to try to get through the first bill.
424 So let's start without further _ we don't want any further
425 delay.

426 So the chair calls up the discussion draft to establish
427 a supply chain resiliency and crisis response program in the
428 Department of Commerce, and asks the clerk to report.

429 *The Clerk. A discussion draft to establish a supply
430 chain resiliency and crisis response program in the
431 Department of Commerce, and for other purposes.

432 *Mr. Bilirakis. Thank you.

433 Without objection, the first reading is dispensed with,

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434 and the legislation will be open for amendment at any point.

435 So ordered.

436 [The bill follows:]

437

438 *****COMMITTEE INSERT*****

439

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440 *Mr. Bilirakis. Does anyone want to speak on the bill
441 before we get to the amendments?

442 Okay, are there any bipartisan amendments?

443 [Pause.]

444 *Mr. Bilirakis. Very good. I am going to recognize Dr.
445 Bucshon to offer his amendment in the nature of a substitute.
446 You are recognized, sir.

447 *Mr. Bucshon. Mr. Chairman, I have an amendment at the
448 desk.

449 *Mr. Bilirakis. The clerk will read the amendment,
450 please.

451 *The Clerk. An amendment in the nature of a substitute
452 to the discussion draft offered by Dr. Bucshon. Strike all
453 after the enacting clause _

454 *Mr. Bilirakis. Without objection, the first reading of
455 the amendment is dispensed with.

456 [The amendment of Mr. Bucshon follows:]

457

458 *****COMMITTEE INSERT*****

459

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460 *Mr. Bilirakis. Now I will recognize Dr. Bucshon to
461 explain his amendment.

462 *Mr. Bucshon. Thank you, Mr. Chairman. I am glad to
463 see the legislation establishing a supply chain resiliency
464 and crisis response program is included in today's markup.

465 The last few years have demonstrated real
466 vulnerabilities in many of the supply chains relied upon by
467 the American people, from our manufacturers to our health
468 care providers to our warfighters. Establishing a program
469 within the Department of Commerce to work alongside other
470 stakeholders to map out and monitor our various supply chains
471 will help us prevent shocks from happening and respond when
472 any shocks do occur. Over the last month I have been proud
473 to work alongside my colleague, Representative Blunt
474 Rochester, to find a bipartisan compromise that will
475 accomplish this goal.

476 My amendment includes updated language reflective of our
477 work, such as designating an assistant secretary within the
478 Department of Commerce to administer the supply chain
479 program, encouraging the Department of Commerce to work with
480 international allies and partners in securing supply chains

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481 from competitors and adversaries, and directing Commerce to
482 develop best practices to prevent supply chain shocks.

483 I understand that this is not a finished product yet,
484 and that we will continue to discuss how best to accomplish
485 the goals that we share.

486 I am also happy to continue working alongside
487 Representative Blunt Rochester on an additional bill
488 regarding blockchain promotion and deployment. This is
489 critical, as blockchains and other distributed ledger
490 technologies hold great promise for a variety of sectors.

491 So I would again like to thank Representative Blunt
492 Rochester, her staff, and both majority and minority
493 committee staff for their continued efforts to work together
494 to make our country's supply chain stronger and more
495 resilient.

496 Mr. Chairman, I yield back the balance of my time.

497 *Mr. Bilirakis. So the gentleman considered the
498 amendment withdrawn?

499 *Mr. Bucshon. No, there is others that _

500 *Mr. Bilirakis. Okay.

501 *Mr. Bucshon. _ would like to speak on the bill first.

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502 *Mr. Bilirakis. I know, I know, I know, yes, I know,
503 all right.

504 Well, why don't we have you, Representative Blunt
505 Rochester, speak on the amendment first?

506 *Ms. Blunt Rochester. All right. Thank you, Mr.
507 Chairman. I move to strike the last word.

508 *Mr. Bilirakis. You are recognized.

509 *Ms. Blunt Rochester. Thank you, Chairman Bilirakis.

510 Back in September _ September 20, to be exact _ our
511 legislative hearing on supply chains, I laid out my vision
512 for a comprehensive, credible, and robust supply chains
513 package to compete globally and create good-paying American
514 jobs. The vision incorporated key elements of my Supply
515 Chains Act, legislation that has garnered the support of over
516 160 organizations.

517 Since then, Mr. Bucshon and I have been working
518 diligently together on bipartisan legislation to protect our
519 health, wealth, and national security because our country
520 depends on it. While the amendment is not a finished
521 product, I do think it demonstrates progress towards the
522 bipartisan vision.

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523 Mr. Bucshon, thank you for your work and that of your
524 team that you have put in for this important legislation.

525 These issues are incredibly important to our country.
526 We need to make sure we get this right. And I think the
527 amendment shows we are getting closer to what the country
528 needs for this moment.

529 The amendment includes my provision establishing focused
530 government leadership by assigning the responsibility for
531 supply chain and manufacturing resilience to an assistant
532 secretary in the Department of Commerce. It also includes
533 voluntary standards that are crucial to winning back our
534 global leadership, instead of allowing our competitors to
535 dictate the rules of the road. Finally, it embraces the need
536 for a national strategy that elevates supply chain resilience
537 to the forefront of U.S. national policy at a time when
538 American jobs are threatened by the war in Ukraine and
539 foreign actors on the other side of the globe.

540 But we are still working towards an agreement on other
541 vital matters. As I noted in September, we must ensure that
542 all stakeholders are consulted as the Department of Commerce
543 develops policies to make supply chains resilient, and that

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544 includes labor and representatives from America's workforce.
545 While the amendment attempts to bridge this gap, there is
546 still more work to be done.

547 I also want to make sure the program envisioned by the
548 amendment does not inadvertently deprive the American people
549 of their fundamental right to pursue justice in the courts.
550 It is crucial that we both safeguard sensitive business
551 information, while ensuring the normal course of legal and
552 judicial review is left undisturbed.

553 Finally, I appreciate the willingness of Mr. Bucshon to
554 separate the blockchain program found in the discussion draft
555 into a new bill. I look forward to continuing our work on a
556 bipartisan blockchain policy that can make the U.S. a leader
557 in this technology, and I am excited to reach an agreement
558 that satisfies these needs because there is much at stake for
559 our country. We cannot and will not lose this global
560 competition, and the surest way to win is to follow the
561 simple premise that if we can make it in America, then we
562 should.

563 Thank you, Mr. Chairman, and I yield back.

564 *Mr. Bilirakis. Thank you. I appreciate it very much.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

565 The gentlelady yields back, and we will go ahead and recess
566 now, and we will get back because we have got a lot of work
567 to do.

568 So let's recess now, and we have two votes, the PQ and
569 the rule, and then we will come back immediately to begin on
570 these great bills.

571 Thank you very much.

572 [Recess.]

573 *Mr. Bilirakis. The committee will come to order.

574 All right, well, before we left off we were on the
575 establishment and supply chain resiliency and crisis response
576 program under the Department of Commerce, and we were on the
577 ANS. So we have discussion on the ANS, and I understand that
578 Representative Dingell would like to speak on the ANS.

579 You are recognized for five minutes.

580 *Mrs. Dingell. Thank you, Mr. Chair. I move to strike
581 the last word.

582 *Mr. Bilirakis. You are recognized.

583 *Mrs. Dingell. Thank you.

584 I must express my disappointment regarding the supply
585 chain discussion draft that we are considering today. It

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586 lacks several crucial provisions found in the Supply Chains
587 Act, a piece of legislation that I am co-leading with
588 Representatives Blunt Rochester, Kelly, and Wild.

589 I fully acknowledge that the draft before us is a work
590 in progress, and does not accurately represent the current
591 state of negotiations. I understand discussions between
592 Representatives Blunt Rochester and Bucshon are ongoing.

593 To be clear, I stand firmly behind Representative Blunt
594 Rochester's efforts. I am hopeful that necessary edits can
595 be made to ensure we secure the kind of overwhelming support
596 the Supply Chains Act has received. It has been endorsed by
597 160 stakeholders because it gives the Federal Government the
598 authorities and tools needed to strengthen our industrial
599 base and support our supply chain resilience.

600 But effective legislation demands a comprehensive
601 approach. It must include the identification of an entity at
602 the Federal level charged with leading a government-wide
603 effort to strengthen supply chains. It must also promote
604 voluntary industry standards as a preemptive measure to
605 address vulnerabilities before Federal intervention becomes
606 necessary.

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607 Additionally, it should guarantee the inclusion of all
608 supply chain experts in decision-making _ in the decision-
609 making processes, protect the right to seek justice in the
610 courts, and establish a strategy for the efficient and
611 effective execution of these critical functions.

612 I was heartened to see Representative Bucshon has filed
613 an amendment that moves towards many of these goals. With
614 these ongoing negotiations, I remain optimistic and I am
615 hopeful that we can identify bipartisan solutions. I would
616 like to extend my gratitude to Representative Bucshon, who is
617 a good friend, and I love working with him, and for his work
618 on this alongside his work on other bills in front of this
619 subcommittee today.

620 It is important to address supply chain vulnerabilities
621 proactively to prevent them from escalating into full-blown
622 crises. And quite frankly, we have seen full-blown crises
623 not only during the pandemic, but I had too many automobiles
624 that sat on parking lots for months and people out of work
625 because of our supply chain vulnerabilities.

626 We must act before we face debilitating shortages,
627 before the government is forced to invest billions of dollars

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628 in rebuilding our national semiconductor capacity, and before
629 other nations come to threaten our automobile industry's
630 innovative and manufacturing edge. And they are there,
631 trying to do just that.

632 Supply chain legislation is not just important for this
633 committee, but it is critical for this country. It is vital
634 that we work together to get something done.

635 Thank you, Mr. Chairman, and I yield back.

636 *Mr. Bilirakis. Thank you. The gentlelady yields back.
637 Is there anyone on this side, on the Republican side, who
638 wishes to speak on the ANS?

639 If not, I understand that _

640 *Mr. Bucshon. Mr. Chairman?

641 *Mr. Bilirakis. Yes. You are recognized, sir.

642 *Mr. Bucshon. Thank you. I want to thank again
643 Representative Blunt Rochester. And with the optimism that
644 we will continue to work together to find common ground, at
645 this point I will withdraw my amendment.

646 *Mr. Bilirakis. Very good. Consider the amendment
647 withdrawn.

648 I believe that Representative Kelly would like to speak

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649 on _ well, now you can speak on the bill, if that is okay
650 with you. I will recognize you for five minutes.

651 *Ms. Kelly. Mr. Chair, I would move to strike the last
652 word.

653 *Mr. Bilirakis. Yes, you are recognized.

654 *Ms. Kelly. Supply chain vulnerabilities cannot be
655 addressed if they are not identified. But for far too many
656 suppliers and producers, particularly small and medium
657 manufacturers, the cost and complexity of supply chain
658 mapping and monitoring can be a substantial barrier.

659 In the early stages of the COVID-19 pandemic, 70 percent
660 of companies surveyed stated that they were retroactively
661 trying to identify if any of their suppliers were located in
662 lockdown regions of China.

663 We must heed the lessons learned from the COVID-19
664 supply chain crisis. That is why I am the proud sponsor of
665 the Supply Chain Mapping and Monitoring Act and co-lead of
666 the Supply Chain Act under the leadership of Lisa Blunt
667 Rochester. These vital bills identify a specific office at
668 the Department of Commerce charged with monitoring supply
669 chains, identifying supply chain gaps and vulnerabilities,

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670 preserving the right to seek justice in the courts, and
671 addressing supply chain risk. That is why I am disappointed
672 that the supply chain discussion draft under consideration
673 today does not include vital provisions from the Supply
674 Chains Act, legislation that has garnered the support of over
675 160 stakeholders.

676 And I have a letter I would like to submit for the
677 record.

678 But I recognize that the discussion draft does not
679 reflect the current state of negotiations, as discussions
680 between my two colleagues, Representatives Blunt Rochester
681 and Bucshon, are ongoing. I support Representative Blunt
682 Rochester's efforts, and hope modifications can be made to
683 ensure the discussion draft receives as much overwhelming
684 support as the Supply Chains Act.

685 Thank you, and I yield back.

686 *Mr. Bilirakis. Thank you very much.

687 Well, I want to recognize Representative Bucshon. Does
688 the gentleman _ we are going to make it official here now _
689 does the gentleman wish to withdraw his amendment?

690 *Mr. Bucshon. Yes, I do, Mr. Chairman. I wish to

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691 withdraw the amendment.

692 *Mr. Bilirakis. Okay, without objection, that is so
693 ordered.

694 All right. Any further amendments?

695 All right, no further amendments. Is there any
696 discussion on the bill?

697 Seeing none, and _ what we will do now is all those in
698 favor signify by saying aye. We are talking about the bill.

699 All those opposed?

700 The ayes have it, the legislation is agreed to, and the
701 clerk will report the result. We know what the result is.
702 The legislation is agreed to, and we will go on to the next
703 bill.

704 The next bill, the chair calls up H.R. 5390, and asks
705 the clerk to report.

706 *The Clerk. H.R. 5390, to direct the Secretary of
707 Commerce to conduct a study on the feasibility of
708 manufacturing in the United States _

709 *Mr. Bilirakis. Without objection, the first reading is
710 dispensed with, and the bill will open _ it is open for
711 amendments at this point.

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712 So ordered.

713 [The bill follows:]

714

715 *****COMMITTEE INSERT*****

716

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717 *Mr. Bilirakis. Does anyone want to speak on the bill?

718 Yes?

719 *Ms. Schakowsky. I don't have an amendment.

720 *Mr. Bilirakis. Okay.

721 *Ms. Schakowsky. I don't have an amendment.

722 *Mr. Bilirakis. On the bill? On the bill? You would
723 like to speak on the bill? Okay. All right, not on the
724 bill.

725 Yes, I do have a statement. Yes, that is okay. No
726 problem. So I now recognize myself for five minutes to
727 discuss the underlying bill, and to speak in support of the
728 Critical Infrastructure Manufacturing Feasibility Act.

729 I want to thank Representatives Miller-Meeks, Bucshon,
730 Johnson, Kuster, Schrier, and Spanberger for their leadership
731 on this issue.

732 This bill will require the Department of Commerce to
733 study within critical infrastructure sectors any products
734 that are in high demand and that are imported due to
735 manufacturing material or supply chain constraints, and then
736 examine the costs and benefits of manufacturing here in the
737 United States. This legislation can help us to analyze the

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738 feasibility of manufacturing these products domestically in
739 the United States, while it will create opportunities for
740 businesses in our country.

741 I am strongly supportive of finding pathways forward to
742 increase our capacity to manufacture products domestically
743 here in the United States. In fact, I am co-chair of the
744 newly-formed Domestic Pharmaceutical Manufacturing Caucus
745 with my colleague, Buddy Carter, and we are looking at ways
746 to bring back American manufacturing of biopharmaceuticals
747 here, as well, and our work on the health care subcommittee.
748 Whether it is in that sector or other critical infrastructure
749 sectors, the future of American manufacturing cannot be
750 compromised by increasing our dependence on countries like
751 China.

752 I also appreciate that this bill really complements the
753 work of Representatives Bucshon and Blunt Rochester with the
754 work that they are doing on the broader supply chain mapping
755 and monitoring, and look forward to seeing how these efforts
756 can coalesce to help secure our country's future.

757 I urge my colleagues to support this bipartisan
758 legislation to improve opportunities for manufacturing of

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759 critical products in the United States.

760 Okay, and I yield back. Does anyone else want to _ any
761 discussions on the bill?

762 All right. Now I will recognize Representative
763 Schakowsky for an amendment. Is that correct? Oh, she does
764 not have an amendment.

765 *Ms. Schakowsky. Not for this one.

766 *Mr. Bilirakis. Oh, not for this one. For the next
767 one, maybe. All right. Okay, very good.

768 So the question now is on forwarding H.R. 5390 to the
769 full committee.

770 All those in favor, say aye.

771 All those opposed?

772 The ayes have it, the ayes have it, and the bill is
773 agreed to, and the clerk will report the results. The
774 legislation is agreed to, and we go on to the next bill.

775 The chair calls up H.R. 5398, and asks the clerk to
776 report.

777 *The Clerk. H.R. 5398, to require the Secretary of
778 Commerce to conduct a study _

779 *Mr. Bilirakis. Without objection, the first reading is

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780 dispensed with, and the bill will be open for amendment at
781 any point.

782 So ordered.

783 [The bill follows:]

784

785 *****COMMITTEE INSERT*****

786

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787 *Mr. Bilirakis. Does anyone wish to speak on the bill?

788 Yes I do, yes. Okay, I recognize myself for five
789 minutes to discuss the underlying bill in support of the
790 Advancing Tech Startups Act.

791 Before I begin, I would like to ask for unanimous
792 consent to enter into the record a letter from the Consumer
793 Technology Association in support of the legislation.

794 Without objection, so ordered.

795 [The information follows:]

796

797 *****COMMITTEE INSERT*****

798

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799 *Mr. Bilirakis. I want to thank Representatives Johnson
800 and Phillips for this important legislation and their
801 continued bipartisan collaboration over the past few years.

802 This bill would require DoC, the Department of Commerce,
803 to conduct a study and report on the impact of technology
804 startups, and how Congress could better promote them.

805 For this entire year our subcommittee has emphasized the
806 importance of America leading in the development of standards
807 and deployment of emerging technologies. One piece to
808 reinforce our leadership in this space is to ensure America
809 remains a competitive and innovative country where small
810 businesses and startups can thrive. That means reducing
811 barriers to innovation that prohibit these companies from
812 starting in the first place.

813 This bill would also require an examination to list
814 places across the U.S. dedicated to the growth of these
815 companies. I strongly believe these companies shouldn't be
816 limited to a few locations around the country where they can
817 begin their journey.

818 This committee has worked across the aisle before to
819 secure our technological leadership through the America

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820 COMPETES Act, which the provisions of this bill were
821 previously part of. That work generated a lot of what this
822 subcommittee is examining to secure technological leadership,
823 and the time is now to get this piece across the finish line,
824 as well.

825 I urge my colleagues to support this bipartisan bill.
826 Let's get this bill to the President's desk and secure a path
827 for backbone _ again, small business is the backbone of
828 America. I don't have to tell you that. To promote _ we
829 must promote the growth of technology startups, which
830 contribute to increase the competitiveness of the United
831 States economy around the world.

832 And I will yield back. Does anyone else wish to speak
833 on the bill?

834 Are there any amendments at the desk, bipartisan or any
835 amendments whatsoever?

836 All right, anybody _ why don't we go ahead and call _ we
837 will do a voice vote on this, I believe, but I am not
838 certain. Yes?

839 All right, we will get _ we will do a roll call, then,
840 if that is okay. So the clerk will call the roll.

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841 *The Clerk. Bilirakis?
842 *Mr. Bilirakis. Yes.
843 *The Clerk. Bilirakis votes aye.
844 Bucshon?
845 *Mr. Bucshon. Yes.
846 *The Clerk. Bucshon votes aye.
847 Walberg?
848 *Mr. Walberg. Aye.
849 *The Clerk. Walberg votes aye.
850 Duncan?
851 *Mr. Duncan. Aye.
852 *The Clerk. Duncan votes aye.
853 Dunn?
854 *Mr. Dunn. Aye.
855 *The Clerk. Dunn votes aye.
856 Lesko?
857 [No response.]
858 *The Clerk. Pence?
859 *Mr. Pence. Aye.
860 *The Clerk. Pence votes aye.
861 Armstrong?

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862 *Mr. Armstrong. Yes.

863 *The Clerk. Armstrong votes aye.

864 Allen?

865 *Mr. Allen. Aye.

866 *The Clerk. Allen votes aye.

867 Fulcher?

868 *Mr. Fulcher. Aye.

869 *The Clerk. Fulcher votes aye.

870 Harshbarger?

871 *Mrs. Harshbarger. Aye.

872 *The Clerk. Harshbarger votes aye.

873 Cammack?

874 *Mrs. Cammack. Aye.

875 *The Clerk. Cammack votes aye.

876 Schakowsky?

877 *Ms. Schakowsky. Aye.

878 *The Clerk. Schakowsky votes aye.

879 Castor?

880 *Ms. Castor. Aye.

881 *The Clerk. Castor votes aye.

882 Dingell?

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883 *Mrs. Dingell. Aye.

884 *The Clerk. Dingell votes aye.

885 Kelly?

886 *Ms. Kelly. Aye.

887 *The Clerk. Kelly votes aye.

888 Blunt Rochester?

889 *Ms. Blunt Rochester. Aye.

890 *The Clerk. Blunt Rochester votes aye.

891 Soto?

892 *Mr. Soto. Aye.

893 *The Clerk. Soto votes aye.

894 Trahan?

895 *Mrs. Trahan. Aye.

896 *The Clerk. Trahan votes aye.

897 Clarke?

898 *Ms. Clarke. Aye.

899 *The Clerk. Clark votes aye.

900 Pallone?

901 *Mr. Pallone. Aye.

902 *The Clerk. Pallone votes aye.

903 Rodgers?

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904 *The Chair. Yes.

905 *The Clerk. Rodgers votes aye.

906 *Mr. Bilirakis. The clerk will report the result.

907 [Pause.]

908 *The Clerk. Chair Bilirakis, on that vote we have 21
909 ayes and 0 noes.

910 *Mr. Bilirakis. That is what we like to hear. The
911 legislation is agreed to.

912 Onto the next bill, the chair calls up H.R. 5146 and
913 asks the clerk to report.

914 *The Clerk. H.R. 5146, to require the Secretary of
915 Commerce to conduct a study _

916 *Mr. Bilirakis. Without objection, the first reading is
917 dispensed with, and the bill will be open for amendment at
918 any point.

919 So ordered.

920 [The bill follows:]

921

922 *****COMMITTEE INSERT*****

923

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924 *Mr. Bilirakis. Does anyone wish to speak on the bill?

925 Yes. Okay, the gentlelady is recognized, Ms.

926 Schakowsky, for five minutes on the bill.

927 *Ms. Schakowsky. Okay, thank you, Mr. Chairman. I move
928 to speak the _ to strike the last word.

929 *Mr. Bilirakis. You are recognized.

930 *Ms. Schakowsky. Thank you. Nowhere in this bill is
931 the Department of Commerce directed to study the effects of
932 the gig economy that it has on workers.

933 Let me be clear. The American people are the gig
934 economy. Without workers, the gig economy does absolutely
935 not work. Workers are the key. The absence of the gig
936 economy workers in the study is sadly typical, I am afraid,
937 of this kind of situation.

938 There are countless labor concerns that have to _ that
939 come to the forefront in the gig economy, including low
940 wages, long and uncertain hours, and hazardous work
941 conditions, and this bill would study none of these. None of
942 that is in this legislation.

943 The legislation also fails to provide the Department of
944 Commerce with the resources that it really needs to carry out

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945 this study. And meanwhile, House Republicans are proposing a
946 cut to the Department of Commerce of nearly \$3 billion.

947 So it is going to be very hard for us to really move
948 forward with a substantial study. And it is absolutely
949 essential that included in that study be the workers
950 themselves, who really are the heart of the gig economy.

951 And with that I yield back.

952 *Mr. Bilirakis. The gentlelady yields back, and now I
953 recognize Representative Pence for five _

954 *Mr. Pence. Mr. Chairman, I move to strike the last
955 word.

956 *Mr. Bilirakis. You are recognized, sir.

957 *Mr. Pence. Thank you, Mr. Chairman.

958 You know, I urge my colleagues to join me in supporting
959 H.R. 5146, the Advancing Gig Economy Act, which I co-~~led~~ with
960 Congressman John Joyce. This bill seeks to uncover barriers
961 to businesses conducting interstate trade by studying the
962 impact of the independent workforce on our economy.

963 Over the past few years, Hoosiers in southern Indiana
964 felt the ripples in our economy, and we learned from years of
965 dealing with the aftermath of the pandemic the difficulties

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966 companies face in quelling workforce shortages. Many small
967 businesses and startups use 1099 employees to give them
968 flexibility as they grow and develop their companies. In
969 fact, survey after survey shows independent work is popular
970 and growing, even where access to benefits is less important.

971 My wife works with about 800 gig economy folks that get
972 1099s every year. They choose to do that. It is wonderful
973 work. It is supplemental work.

974 Today 1 in 10 workers engage in independent work as
975 their primary source of income, and as many as 1 in 3 use
976 independent work as a supplementary source of income.

977 Another significant driver toward independent work is
978 the ability to use technology in rural parts of our country,
979 like southern Indiana. An independent worker can provide
980 care to parents, spouses, or children while making a living.

981 This is a study that looks at the whole picture of the
982 independent workforce and how it will be beneficial and could
983 help contribute to improving our economy and supplemental
984 income to those that make that choice.

985 I urge support of this bill, and I yield back the
986 balance of my time.

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987 *Mr. Bilirakis. The gentleman yields back. I thank
988 him, and I wanted to see if there was any more discussion on
989 the bill.

990 You are recognized, sir.

991 *Mr. Pallone. Thank you, Chairman.

992 *Mr. Bilirakis. For five minutes.

993 *Mr. Pallone. Thank you, Chairman. I move to strike
994 the last word.

995 *Mr. Bilirakis. You are recognized.

996 *Mr. Pallone. Federally-funded research is critical for
997 effective policymaking, as it often serves as a foundation
998 for laws that better our health, create more jobs, and
999 improve our standard of living, and that is why Congress
1000 often commissions Federal agencies to explore pressing public
1001 policy issues and identify opportunities to use the levers of
1002 government to improve the lives of the American people.

1003 But Congress should not spend precious taxpayer money on
1004 unnecessary or poorly designed studies, and the study
1005 proposed by this act is, in my opinion, neither necessary nor
1006 well constructed. There is already a massive body of
1007 research on the gig economy. What more needs to be done, and

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1008 why should we be spending Federal dollars to do it?

1009 Even if this were a good use of Federal spending, the
1010 scope of the study being commissioned is too narrowly focused
1011 on the impact the gig economy has on business, and it leaves
1012 out the impact of the gig economy on workers, consumers'
1013 safety, accessibility, and the environment.

1014 And unlike workers classified as employees, gig workers
1015 are not entitled to minimum wage, overtime pay, unemployment
1016 insurance, workers compensation, paid sick days, paid family
1017 leave, health and safety protections, the right to unionize,
1018 and discrimination and sexual harassment protections. But
1019 without such core protections, it should be no surprise that
1020 14 percent of gig workers earn less than the Federal minimum
1021 wage, more than 29 percent of gig workers make less than the
1022 state minimum wage, and well over half of gig workers report
1023 that they are seeking a new job.

1024 So some studies suggest that ridesharing drivers are far
1025 more likely to be involved in accidents than other drivers,
1026 and that ride hailing services contribute to more congestion
1027 and carbon emissions. Short-term rentals have been
1028 scrutinized for lack of basic safety features typically found

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1029 in traditional hotels, like carbon monoxide detectors and
1030 fire safety protections.

1031 The Advancing Gig Economy Act does not provide the
1032 Department of Commerce resources to carry out the study,
1033 which means funds would have to be diverted from the agency's
1034 other core functions. Now, House Republicans are advancing
1035 legislation that would cut the Department of Commerce's
1036 funding by 13 percent, which is nearly 2.75 billion below the
1037 President's budget request. Can we really expect the
1038 Department of Commerce to do more with so much less? I don't
1039 think so.

1040 And there are many stark challenges facing the American
1041 people that fall within this subcommittee's jurisdiction,
1042 including the pervasive invasion of people's privacy; 46,000
1043 deaths and 5.4 million injuries suffered in auto crashes each
1044 year; 50,000 deaths and 12.5 million injuries related to
1045 consumer products each year; and over 5 million cases of
1046 fraud, identity theft, and other scams reported to Federal
1047 consumer protection authorities last year alone. So
1048 exploring ways to address these pervasive threats to
1049 consumers and commerce is worthwhile, but studying the impact

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1050 of the gig economy on American business is not.

1051 And for that reason I would oppose this bill, Mr.
1052 Chairman, and yield back the balance of my time.

1053 *Mr. Bilirakis. I thank the gentleman. He yields back,
1054 and does anybody on the Republican side wish to speak on the
1055 bill?

1056 All right, and I understand Mrs. Trahan wishes to speak
1057 on the bill.

1058 You are recognized for five minutes.

1059 *Mrs. Trahan. Thank you, Chair Bilirakis. I would like
1060 to call into question the presumptions that this bill makes
1061 about millions of hardworking Americans by expressing _
1062 expressly directing the government to find ways to promote
1063 the gig economy without acknowledging the lack of protections
1064 that are afforded to gig workers.

1065 This bill gives congressional approval to a system
1066 designed by corporations to avoid having to pay workers a
1067 fair wage. This bill presumes that the gig economy is a good
1068 system and a system worth promoting, but that assumption
1069 could very well be false. Too often we have seen
1070 congressional Republicans design legislation to cut workers

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1071 out of the equation, and this bill seems to be another
1072 misguided step in that direction.

1073 I urge my colleagues to oppose this bill, and I yield
1074 back.

1075 *Mr. Bilirakis. The gentlelady yields back. Does
1076 anyone on the Republican side want to speak on the bill?

1077 All right, seeing none, are there any bipartisan
1078 amendments to the bill?

1079 Any amendments to the bill?

1080 Seeing none, we will go to a roll call. A roll call
1081 vote has been requested. The clerk will call the roll.

1082 *The Clerk. Bilirakis?

1083 *Mr. Bilirakis. Yes.

1084 *The Clerk. Bilirakis votes aye.

1085 Bucshon?

1086 *Mr. Bucshon. Yes.

1087 *The Clerk. Bucshon votes aye.

1088 Walberg?

1089 *Mr. Walberg. Aye.

1090 *The Clerk. Walberg votes aye.

1091 Duncan?

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1092 *Mr. Duncan. Aye.
1093 *The Clerk. Duncan votes aye.
1094 Dunn?
1095 *Mr. Dunn. Yes.
1096 *The Clerk. Dunn votes aye.
1097 Lesko?
1098 [No response.]
1099 *The Clerk. Pence?
1100 *Mr. Pence. Aye.
1101 *The Clerk. Pence votes aye.
1102 Armstrong?
1103 *Mr. Armstrong. Yes.
1104 *The Clerk. Armstrong votes aye.
1105 Allen?
1106 *Mr. Allen. Aye.
1107 *The Clerk. Allen votes aye.
1108 Fulcher?
1109 *Mr. Fulcher. Fulcher, aye.
1110 *The Clerk. Fulcher votes aye.
1111 Harshbarger?
1112 *Mrs. Harshbarger. Aye.

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1113 *The Clerk. Harshbarger votes aye.
1114 Cammack?
1115 *Mrs. Cammack. Aye.
1116 *The Clerk. Cammack votes aye.
1117 Schakowsky?
1118 *Ms. Schakowsky. No.
1119 *The Clerk. Schakowsky votes no.
1120 Castor?
1121 *Ms. Castor. No.
1122 *The Clerk. Castor votes no.
1123 Dingell?
1124 *Mrs. Dingell. No.
1125 *The Clerk. Dingell votes no.
1126 Kelly?
1127 *Ms. Kelly. No.
1128 *The Clerk. Kelly votes no.
1129 Blunt Rochester?
1130 *Ms. Blunt Rochester. Aye.
1131 *The Clerk. Blunt Rochester votes aye.
1132 Soto?
1133 *Mr. Soto. No.

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1134 *The Clerk. Soto votes no.
1135 Trahan?
1136 *Mrs. Trahan. No.
1137 *The Clerk. Trahan votes no.
1138 Clarke?
1139 *Ms. Clarke. No.
1140 *The Clerk. Clark votes no.
1141 Pallone?
1142 *Mr. Pallone. No.
1143 *The Clerk. Pallone votes no.
1144 Rodgers?
1145 *The Chair. Aye.
1146 *The Clerk. Rodgers votes aye.
1147 *Mr. Bilirakis. The clerk will report the result.
1148 *The Clerk. Chair Bilirakis, on that vote we have 12
1149 ayes and 9 noes.
1150 *Mr. Bilirakis. Thank you very much. The bill is
1151 agreed to. And the bill, H.R. 5146, will be reported to the
1152 full committee.
1153 Okay, next the chair calls up H.R. 3950, and asks the
1154 clerk to report.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1155 *The Clerk. H.R. 3950, to require sellers of event
1156 tickets to discuss _

1157 *Mr. Bilirakis. Without objection, the first reading is
1158 dispensed with, and the bill will be open for amendment at
1159 any point.

1160 [The bill follows:]

1161

1162 *****COMMITTEE INSERT*****

1163

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1164 *Mr. Bilirakis. And I wish to speak on the bill. I
1165 will recognize myself for five minutes to speak on the
1166 underlying bill.

1167 Today we have an opportunity to move forward bipartisan
1168 legislation that addresses price transparency in the live
1169 event ticket marketplace, which has long been plagued by
1170 hidden and confusing fees tacked on at the end of the
1171 checkout process.

1172 I am glad to finally be addressing this issue on a
1173 bipartisan basis and a bicameral basis, as a matter of fact,
1174 with my colleague, Ranking Member Schakowsky. And I know
1175 that Senator Cruz has a bill, a companion bill, in the
1176 Senate. I am grateful for her partnership, of course, the
1177 ranking member on this bill, and know that we have truly been
1178 working together on a collaborative basis to get this
1179 language right, in a way that ultimately protects consumers
1180 and fans of those concerts, sports events, and other live
1181 performances.

1182 Our bill, H.R. 3950, the TICKET Act, will require ticket
1183 issuers, including issuers on the secondary market for these
1184 live events, to clearly and conspicuously disclose at the

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1185 beginning of the transaction and throughout the ticket
1186 purchasing process the total ticket price for the event, and
1187 an itemized list of the base ticket price and each fee
1188 associated with the total price. Full transparency. This
1189 upfront pricing requirement also includes the total ticket
1190 price in any advertisements or other marketing activities, as
1191 well.

1192 I am grateful that industry stakeholders have recognized
1193 the need for upfront pricing and their commitment to
1194 implementing these requirements for the sake of consumers.
1195 We truly have a broad consensus of stakeholders who support
1196 transparency, and I am glad we can move this initiative
1197 forward. It is long overdue.

1198 The other item at hand is the issue of the so-called
1199 speculative tickets, which _ we have heard very clearly from
1200 stakeholders from multiple sides of the debate, including at
1201 our legislative hearing, that these tickets that are being
1202 sold to consumers by those who don't actually have full or
1203 constructive possession of the ticket, it is fraudulent and
1204 deceptive in our opinions.

1205 I am glad that Ranking Member Schakowsky and I both

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1206 agree that we need to go further than what is currently in
1207 our bill. That is why we are also considering our
1208 speculative ticketing ban draft in our markup here today, and
1209 that comes after this bill.

1210 While we have come a long way, a long way towards
1211 reaching an agreement on language with regards to the bill
1212 and our TICKET Act here, unfortunately, we are not quite
1213 there yet. But this is just the subcommittee. However, I
1214 want to be clear. I am committed to continuing our work and
1215 making changes that need to be made to this bill and to our
1216 speculative ticket discussion draft to ensure that
1217 speculative tickets are addressed more fully. I believe we
1218 can reach a consensus agreement between the subcommittee
1219 markup today and the full committee markup, and I hope that
1220 Ms. Schakowsky shares this commitment. I believe she does.

1221 I am also interested in working to make the necessary
1222 technical amending changes to ensure that all-in price
1223 provisions works for everyone. This is a responsible way to
1224 do things.

1225 At the end of the day, I want to ensure the bill we put
1226 out at the full committee level is the best policy with the

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1227 highest amount of consensus across stakeholders and across
1228 the aisle. With that, I ask my colleagues to support H.R.
1229 3950, the TICKET Act.

1230 And I yield back the balance of my time. Yes, yes, I am
1231 going to recognize Representative Schakowsky for her five
1232 minutes. I appreciate it very much.

1233 I know you wish to strike the last word, correct?

1234 *Ms. Schakowsky. Yes.

1235 *Mr. Bilirakis. You are recognized.

1236 *Ms. Schakowsky. Thank you, Mr. Chairman. I really
1237 want to echo what you said, and just tell you what a pleasure
1238 it has been to work with you on the TICKET Act. It is really
1239 so important.

1240 This is one of the things that is one of the biggest
1241 irritations, anxiety for many people who want to go to a
1242 venue. There are people who do it regularly, and there are
1243 people who make a decision to go, for example _ you know, you
1244 are finally going to bring your child to Taylor Swift. They
1245 have been begging you. It is a lot of money, and it is a big
1246 commitment to do that.

1247 So, you know, we want to make sure that there is no

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1248 surprise billing. And this has happened not only in the area
1249 of venues and tickets to events, but, you know, throughout
1250 our economy, airlines and renting hotel rooms, et cetera.
1251 But today we are talking about tickets and ticket venues.

1252 I had an example, I can give an example. You know, I,
1253 as a thoughtful boss, bought tickets for all of my staff for
1254 the baseball game that was held by the Members of Congress,
1255 and I was happy to do that, and surprised _ willing to pay
1256 anyway, but found that there was this 27 percent increase at
1257 the end of the transaction. That is what happens. You think
1258 you know how much you have to pay, and then there is the
1259 hidden costs that come when you actually have to pay. And so
1260 what _ we want to make sure what we call upfront pricing _ so
1261 that the consumer can see it immediately, and get it done.

1262 So the second bill, as you said, is talking about
1263 something so obvious, right, that if you are sold a ticket,
1264 and the seller tells you you have the ticket, but the seller
1265 really doesn't have the ticket, you pay for it, that that has
1266 to be illegal. And so we need to work on that, and we are
1267 going to work together, too, on the draft to make sure that
1268 that is included, too, so that everyday people who have a lot

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1269 of money, but particular people, this is a very special
1270 occasion for them to be able to afford these events, have
1271 what they believe is the cost, and make the decision based on
1272 their view, not on somebody adding on _ the seller adding on
1273 to the price.

1274 So this is, I think, a very popular bill that I am
1275 hoping that all of us on both sides of the aisle will work on
1276 together, as you and I have, Mr. Chairman.

1277 And with that I yield back.

1278 *Mr. Bilirakis. Very well said. The gentlelady yields
1279 back, and now I want to ask on the Republican side if there
1280 is anybody to speak on the bill.

1281 Seeing none, is there anyone on the Democrat side?

1282 Yes, okay. Ms. Castor, you are recognized for five
1283 minutes.

1284 *Ms. Castor. I move to strike the last word.

1285 *Mr. Bilirakis. Yes, you are recognized.

1286 *Ms. Castor. Yes, thank you, Mr. Chairman. I am
1287 heartened that the committee now is going to tackle the
1288 problem of hidden fees in event ticket sales. It has really
1289 gotten out of hand. It is not just Taylor Swift and Beyonce.

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1290 It is across all venues, all ticket sales.

1291 And what has happened is a lot of the sales now _ we
1292 don't sleep out for Bruce Springsteen tickets overnight,
1293 where you used to camp out in front of the Turtles record
1294 store. It is all online. And as the ticket sales have
1295 migrated to online, the sellers have really saddled consumers
1296 with these fees. And you know what I am talking about. I
1297 know everyone has gone through and they have clicked through
1298 to get to, okay, you pick your seat, you pick your price
1299 level, and then you click on the checkout, and all of a
1300 sudden, lo and behold, I would be _ 27 percent, you said,
1301 Rep. Schakowsky? Just these enormous fees. And you are
1302 like, where is this coming from? And consumers are being
1303 gouged.

1304 So it is _ I am so heartened that the committee is going
1305 to take this important first step to ensure that the true
1306 ticket price is presented to the consumer, and they are not
1307 over the barrel by the time they have spent 15 minutes, a
1308 half hour going through this to try to select their seat and
1309 their fees.

1310 And there is another important part of the bill in

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1311 addition to the true ticket price being disclosed, and that
1312 is what Ranking Member Schakowsky said: clearly disclosing
1313 to consumers whether the ticket issuer has actual or
1314 constructive possession of the event ticket at the time of
1315 the sale. Because the other problem that happens that I have
1316 heard from venues and consumers back in _ home in Florida is
1317 that when you don't actually have the ticket, it really hurts
1318 the venue. It hurts the consumer when you _ that sale falls
1319 through. And that is an economic harm to these venues and to
1320 the people. Many mom-and-pop businesses are being hurt by
1321 these fall-through sales.

1322 So, I am also really heartened, Mr. Chairman and Ranking
1323 Member and Chairman McMorris Rodgers and Ranking Member
1324 Pallone, that you are saying let's work to improve it even
1325 more, because I think there is another area that we should
1326 address, and that is the _ what they do to collect
1327 unnecessary data on you. You know, when you are _ when you
1328 sign up to purchase a ticket, sometimes they are asking for
1329 information that is not necessary whatsoever, or they are
1330 having you sign up for an app, through an app, and then that
1331 app is going to track you, track your location, gather data

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1332 that is completely unnecessary.

1333 And we have heard a lot in this committee about how
1334 Americans are plagued by unnecessary mass data collection.
1335 We heard during the last legislative hearing how this
1336 predatory practice has infiltrated the ticketing industry.
1337 Mr. Breyault from the National Consumers League spoke about
1338 consumers being forced to click through multiple screens,
1339 provide personal information just to get to the point to see
1340 the price of the ticket. And he went on to say that this
1341 seems to be a way to try to hide the ball and make it harder
1342 for consumers to shop. So I am sure you all have experienced
1343 this, as well.

1344 So this committee knows better than any other about the
1345 alarming increase of data collection, which is aggregated and
1346 monetized without our consent. The ticketing industry is an
1347 area ripe to address some of these data concerns. And I was
1348 going to offer an amendment today to limit the amount of
1349 personal data that ticket operators can collect, only
1350 allowing the collection of data that is relevant and
1351 reasonably necessary for the purchase of a ticket. But
1352 seeing as you all have said, okay, let's work on this, we can

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1353 improve it as we move forward, Mr. Chairman, I want to ask
1354 you if you are willing to consider these kind of improvements
1355 to the bill as we move forward.

1356 *Mr. Bilirakis. Absolutely. And I _ this is one of the
1357 reasons we need the national privacy standard, as well.

1358 *Ms. Castor. True.

1359 *Mr. Bilirakis. So I appreciate it. I am willing to
1360 work with you on this.

1361 *Ms. Castor. Thank you very much. I look forward to
1362 continuing our important work to protect consumers' personal
1363 information.

1364 I yield _

1365 *Ms. Schakowsky. Can I just say, too _

1366 *Mr. Bilirakis. Yes.

1367 *Ms. Schakowsky. I really appreciate that. And it does
1368 underscore our need for a comprehensive privacy bill, but
1369 certainly in this instance.

1370 And I want to just say that the 24 _ what I said, 27
1371 percent _ that I had to pay more is actually less than _
1372 sometimes it goes up to 40, 50 percent additional charge on
1373 those. It is a lot of money that people have to pay, and

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1374 they shouldn't have to give their private information.

1375 *Ms. Castor. It is completely outrageous, and I am
1376 really grateful to the _ for the bipartisan work on the
1377 TICKET Act, and look forward to working on it.

1378 I yield back.

1379 *Mr. Bilirakis. Okay, if there is no further
1380 discussion, let's move to the amendatory process. We have an
1381 amendment.

1382 Representative Armstrong, you are recognized for your
1383 amendment.

1384 *Mr. Armstrong. Thank you, Mr. Chairman. I do have an
1385 amendment at the desk, and as _

1386 *Mr. Bilirakis. The clerk needs to call the _ yes, on
1387 the amendment.

1388 *The Clerk. Can the member please specify the
1389 amendment?

1390 *Mr. Armstrong. Sure.

1391 [Pause.]

1392 *Mr. Armstrong. I don't have the specification, I am
1393 sorry. Which one is it? Oh, 0221.

1394 *The Clerk. Thank you.

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1395 *Mr. Armstrong. I have it, I just had it on the wrong
1396 sheet, I apologize.

1397 *The Clerk. Amendment to H.R. 3950, offered by Mr.
1398 Armstrong. Page 2, after line 21, insert the following:
1399 Refund Requirements. Cancellation or postponement.
1400 Beginning 90 days after the date of the enactment of this
1401 act _

1402 *Mr. Bilirakis. Without objection, the amendment is
1403 dispensed with.

1404 Excuse me. Yes, yes, one second.

1405 *Mr. Armstrong. Yes.

1406 *Mr. Bilirakis. Let's call up the amendment again, the
1407 first reading.

1408 *Voice. Hold on.

1409 *Mr. Bilirakis. Okay.

1410 *The Clerk. An amendment to H.R. 3950, offered by Mr.
1411 Armstrong. Page 2, after line 21, insert the following:
1412 Refund Requirements. Cancellation or postponement.
1413 Beginning 90 days after the date of the enactment of this
1414 act, if an event is canceled or postponed or for some other
1415 reason _

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1416 *Mr. Bilirakis. If you could suspend, please, I
1417 understand that is the wrong amendment.

1418 Yes, we will get this clarified in a second.

1419 [Pause.]

1420 *Mr. Armstrong. This is the amendment, I just don't
1421 have the number.

1422 [Pause.]

1423 *Mr. Bilirakis. Okay, will the clerk read the
1424 amendment, please?

1425 *The Clerk. An amendment to H.R. 3950, offered by Mr.
1426 Armstrong of North Dakota. Page 2, strike lines 11 through
1427 21; page 2 _

1428 *Mr. Bilirakis. Without objection _

1429 *Mr. Armstrong. Can we read the whole _

1430 *Mr. Bilirakis. Yes, let's read the whole thing so
1431 everybody knows, please. Thank you.

1432 *The Clerk. Page 2, strike lines 11 through 21; page 2,
1433 line 22, strike C and insert B; page 2, line 24, strike "or
1434 B'"; page 3, line 6, strike subsections A and B and insert
1435 subsection A; page 3, line 14, strike "or B'"; page 3, line
1436 23, strike D and insert C.

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1437 *Mr. Bilirakis. Very good.

1438

1439 [The amendment of Mr. Armstrong follows:]

1440

1441 *****COMMITTEE INSERT*****

1442

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1443 *Mr. Bilirakis. And now we will recognize
1444 Representative Armstrong for his five minutes to explain the
1445 amendment.

1446 *Mr. Armstrong. Thank you, Mr. Chairman, and I
1447 appreciate the bipartisan work on this, and also
1448 Congresswoman Castor's work for data privacy. If we can do
1449 transparency in privacy, I am 100 percent all in.

1450 And I intended to withdraw this amendment at the
1451 conclusion of my remarks, but this is going on something both
1452 the chairman and the ranking member discussed.

1453 And the amendment would simply strike section 2(b),
1454 titled "Disclosure of Speculative Ticketing.'" I have
1455 concerns that this language would have the unintended
1456 consequence of affirming the practice of speculative
1457 ticketing in Federal law. While section 2(b) includes a
1458 disclosure to the consumer, it offers minimal protection for
1459 what is inherently a deceptive practice, which is selling an
1460 item without actual or constructive possession of it.

1461 This provision also contradicts section 2 of the
1462 ticketing discussion draft that we are also considering. The
1463 discussion draft would prohibit a ticket issuer or secondary

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1464 market ticket issuer from selling a ticket unless it has
1465 actual or constructive possession of that ticket. The
1466 discussion draft would allow for a secondary ticketing
1467 exchange to offer a service to purchase tickets on behalf of
1468 consumers.

1469 I would ask that the committee work towards addressing
1470 the disparity between these provisions, and I urge a
1471 prohibition on speculative ticketing sales, especially
1472 because many of these cases will be fought in various state
1473 and Federal jurisdictions across the country, and disparities
1474 like this can cause significant confusion to both the courts
1475 and the litigants.

1476 I also seek unanimous consent to enter into the record a
1477 letter from Fix the Tix Coalition, which also addresses these
1478 concerns.

1479 And thank you, Mr. Chairman. With that I withdraw my
1480 amendment.

1481 *Mr. Bilirakis. Okay. Let's do it formally. Does the
1482 gentleman wish to withdraw his amendment?

1483 *Mr. Armstrong. I do, sir.

1484 *Mr. Bilirakis. All right, very good. Without

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1485 objection, so ordered.

1486 Are there any further amendments?

1487 Yes, you are recognized, Mr. Pallone, for your
1488 amendment.

1489 *Mr. Pallone. Thank you, Mr. Chairman. I have an
1490 amendment at the desk labeled _ it looks like SI _ no,
1491 SLW_0221. At least I think that is how it is labeled.

1492 *The Clerk. An amendment to H.R. 3950, offered by Mr.
1493 Pallone. Page 2, after line 21, insert the following:
1494 Refund Requirements. Cancellation or postponement.
1495 Beginning 90 days after the date of the _

1496 *Mr. Bilirakis. Without objection, the first reading is
1497 dispensed with.

1498 {The amendment of Mr. Pallone follows:]

1499

1500 *****COMMITTEE INSERT*****

1501

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1502 *Mr. Bilirakis. You are recognized, Mr. Pallone, for
1503 your five minutes to explain your amendment.

1504 *Mr. Pallone. Thank you, Mr. Chairman.

1505 I want to say I am pleased to see the committee is
1506 taking the steps we have heard so far with this bill in
1507 restoring fairness and transparency to the event ticket
1508 marketplace by ensuring the first price you see on an event
1509 ticket is the price you pay. So I want to applaud Chair
1510 Bilirakis and Ranking Member Schakowsky for all the work they
1511 have done up to this point to advance this bill, and I hope
1512 they can continue to work together in a bipartisan manner and
1513 produce a bill with the strongest possible protections for
1514 consumers.

1515 But I also wanted to commend my friend and colleague,
1516 Representative Pascrell, for his leadership around ticketing
1517 and all the hard work he has put out into our legislation,
1518 the BOSS and SWIFT Act. Now, the amendment I am offering
1519 today is inspired by provisions in the BOSS and SWIFT Act
1520 that would mandate refund requirements and provide
1521 transparency for consumers about ticket sellers' refund
1522 policies.

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1523 Consumers should not be left on the hook if a ticket
1524 issuer cancels an event, or for some other reason fails to
1525 honor a legitimate ticket. Consumers should also know what
1526 the policy regarding refunds is for an event, and how to
1527 obtain a refund before they purchase a ticket. Consumers
1528 deserve to enjoy their favorite artists and other live
1529 entertainment without fear that they will be left on the hook
1530 when an event is canceled.

1531 Now, I know I heard the chairman say earlier that he
1532 wants to work with us further on this bill as we proceed to
1533 full committee, so I would ask the chairman and the ranking
1534 member, if you are willing to address this refund policy at
1535 some point before we move to full committee, I would _ I will
1536 withdraw the amendment.

1537 *Mr. Bilirakis. Absolutely, I am willing to work with
1538 you, off course.

1539 *Mr. Pallone. All right. I see you both nodding.

1540 *Ms. Schakowsky. Me, as well.

1541 *Mr. Bilirakis. She is nodding her head yes.

1542 *Mr. Pallone. All right. Well, thanks a lot. And with
1543 that I will withdraw the _

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1544 *Mr. Bilirakis. So does the gentleman wish to withdraw
1545 the amendment?

1546 *Mr. Pallone. Yes. All right, very good. Without
1547 objection, so ordered.

1548 Okay, are there further amendments?

1549 All right, Ms. Blunt Rochester, you are recognized to
1550 explain your amendment. Of course we will bring it up. The
1551 clerk will read the amendment first.

1552 *Ms. Blunt Rochester. Thank you, Mr. Chairman. I have
1553 an amendment at the desk labeled SLW_0222.

1554 *The Clerk. An amendment to H.R. 3950, offered by Ms.
1555 Blunt Rochester. Page 2, after line 21, insert the
1556 following: Deceptive URLs. Disclosure of secondary sale
1557 required.

1558 *Mr. Bilirakis. Without objection, the first reading is
1559 dispensed with.

1560 [The amendment of Ms. Blunt Rochester follows:]

1561

1562 *****COMMITTEE INSERT*****

1563

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1564 *Mr. Bilirakis. And you are recognized, Ms. Blunt
1565 Rochester, to explain your amendment.

1566 *Ms. Blunt Rochester. Thank you. Thank you, Mr.
1567 Chairman.

1568 First I want to start off by thanking Chairman Bilirakis
1569 and Ranking Member Schakowsky for your bipartisan leadership
1570 on the TICKET Act.

1571 I also want to take a moment _ it was already mentioned
1572 a few times, but not in the context of the economy _ I would
1573 like to thank Beyonce and Taylor Swift for energizing our
1574 economy.

1575 And I am also offering this amendment, which I intend to
1576 withdraw, that would require full disclosure for and
1577 transparency for consumers from companies issuing tickets on
1578 the secondary market, and that would prohibit the
1579 unauthorized inclusion of specific names and trademarks in
1580 URLs that consumers interact with during a ticket purchase.

1581 From dark patterns to deceptive marketing tactics, there
1582 are many ways that consumers are at risk when shopping
1583 online. Checking a URL or the web link to ensure that it
1584 looks legitimate is a defensive way many consumers are taught

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1585 to protect themselves. That makes it all the more concerning
1586 that consumers may be tricked by intentional references to
1587 trusted venues, artists, or teams in URLs used at the point
1588 of contact for the ticket purchase.

1589 The TICKET Act is an important step forward in ensuring
1590 that consumers are empowered with information they need to
1591 make informed choices about where, how, and from whom they
1592 purchase tickets. URLs should help consumers identify where
1593 they are online, not cause greater confusion. This amendment
1594 would help do just that.

1595 I will withdraw my amendment, unless my colleagues wish
1596 to weigh in.

1597 And thank you, Mr. Chairman, and I yield back.

1598 *Mr. Bilirakis. So does the gentlelady wish to withdraw
1599 her amendment?

1600 *Ms. Blunt Rochester. Yes, Mr. Chair.

1601 *Mr. Bilirakis. Without objection, so ordered, and I am
1602 willing to work with you on this particular amendment, and I
1603 believe the gentlelady _ yes, the ranking member _ is, as
1604 well.

1605 *Ms. Schakowsky. Yes.

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1606 *Mr. Bilirakis. Thank you. Thank you so much for
1607 withdrawing.

1608 All right. And now what we are going to do is vote on _
1609 the question now occurs on forwarding H.R. 3950 to the full
1610 committee.

1611 All those in favor, say aye.

1612 All those opposed?

1613 The ayes have it and the bill is agreed to, so the
1614 legislation is agreed to that is H.R. 3950, forwarded to the
1615 full committee. So ordered.

1616 Okay, the chair calls up the speculative ticking ban
1617 discussion draft, and asks the clerk to report.

1618 *The Clerk. A discussion draft to prohibit speculative
1619 ticketing as an unfair or deceptive act or practice, and for
1620 other _

1621 *Mr. Bilirakis. Without objection, the first reading is
1622 dispensed with. The legislation will be open for amendment
1623 at any point.

1624 So ordered.

1625 [The bill follows:]

1626

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1627 *****COMMITTEE INSERT*****

1628

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1629 *Mr. Bilirakis. Any amendments?

1630 All right, we will have some discussion on the bill. I
1631 will recognize myself for five minutes to speak on the
1632 underlying draft bill.

1633 So as I mentioned _ so it is a discussion draft. As I
1634 mentioned previously, we have a significant proposal before
1635 us, draft legislation that moves to prohibit the use of
1636 speculative ticketing as an unfair and deceptive act or
1637 practice.

1638 Again, I want to thank Representative Schakowsky, the
1639 ranking member, for her bipartisan cooperation and
1640 collaboration on this effort.

1641 We have been negotiating this discussion draft language
1642 in good faith, and I am confident we will ultimately reach an
1643 agreement that can achieve the best policy solution for
1644 consumers who often get duped and defrauded by bad actors
1645 looking to make money from fake tickets, ticket sales. And
1646 this is not difficult to do, and it is happening everywhere
1647 in all of our districts.

1648 Our intent here is to hold bad actors fully accountable
1649 by the Federal Trade Commission. No fan should be caught

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1650 left with nowhere to turn when they have been sold a fake
1651 ticket that they thought they had purchased from an
1652 illegitimate website selling tickets that don't exist. I
1653 mean, could you imagine getting a ticket for your child and
1654 then it turns out that, you know, on the day of the event,
1655 you realize it is fake? I mean, my goodness, it is just not
1656 a good situation. You break the child's heart. This type of
1657 fraudulent deception is unacceptable and needs to be banned.

1658 Despite these bipartisan concerns, we do have language
1659 in this discussion draft bill that would allow secondary
1660 market ticket sellers to provide consumers with a choice to
1661 receive a service that pays individuals to procure tickets on
1662 one's behalf. This service can be provided for convenient
1663 purposes and for consumers who may not have the time or
1664 capability to obtain a ticket at the time it goes on sale to
1665 the public. But we must ensure this is not being advertised
1666 directly as a ticket itself, and we are working to address
1667 this issue.

1668 Another provision we have heard from stakeholders on all
1669 sides of the spectrum is the issue of fake websites, where
1670 unscrupulous bad actors again take advantage of lookalike

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1671 counterfeit-type websites to sell fake tickets that don't
1672 exist. This type of practice should be illegal, and I am
1673 hopeful we can address this policy moving forward.

1674 Representative Schakowsky, I know that we are close, we
1675 are very close to an agreement here that will ensure that all
1676 these consumer protections are in place for the sake of fans,
1677 artists, local small businesses, and customers alike. And I
1678 know they are making a lot of progress in the Senate. They
1679 have already had markups on these particular _ on this
1680 particular issue. I hope that you will continue,
1681 Representative Schakowsky, to work with me on these
1682 provisions to address this consumer harm fully and
1683 appropriately by the time we get to full committee markup _
1684 and we still have some work to do.

1685 With that, I urge my fellow subcommittee members to
1686 support this discussion draft bill before us, and I yield
1687 back the balance of my time.

1688 Does anyone else wish to talk about the _ actually, the
1689 draft, the bill draft?

1690 *Ms. Schakowsky. Excellent _

1691 *Mr. Bilirakis. You are recognized.

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1692 *Ms. Schakowsky. Thank you. Let me just strike the _

1693 *Mr. Bilirakis. Yes, to strike the last word.

1694 *Ms. Schakowsky. Very, very briefly, let me just say
1695 not only do I want to thank our chairman and the many
1696 individuals who have been involved, but I also just want to
1697 thank the stakeholders that have been involved in working on
1698 this. We continue to work with the stakeholders as we move
1699 forward. We need to get legislation passed. I know there
1700 are a number of members on our subcommittee that are
1701 interested, as well, and I feel confident that we are going
1702 to be able to move forward on this legislation.

1703 So thank you, Mr. Chairman.

1704 *Mr. Bilirakis. Very good. Thank you.

1705 Anyone else?

1706 All right, seeing none _ and there are no amendments, I
1707 understand, am I correct?

1708 All right, the question now occurs on forwarding the
1709 speculative ticketing ban to the full committee.

1710 All those in favor, say aye.

1711 All those opposed, no.

1712 The ayes have it, and the bill is agreed to, and the

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1713 legislation is agreed to, will be forwarded to the full
1714 committee. So we appreciate that moving along.

1715 The chair calls up the No Hidden Fees on Extra Expenses
1716 for Stays discussion draft, and asks the clerk to report.

1717 *The Clerk. A discussion draft to prohibit unfair and
1718 deceptive advertising of prices for hotel rooms and other
1719 places _

1720 *Mr. Bilirakis. Without objection, the first reading is
1721 dispensed with, and the bill will be open for amendment at
1722 any point.

1723 [The bill follows:]

1724

1725 *****COMMITTEE INSERT*****

1726

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1727 *Mr. Bilirakis. Are there any amendments?

1728 Oh, she wants to speak on the bill. Okay, very good.

1729 You are recognized _ Ms. Castor is recognized to speak on the
1730 bill.

1731 *Ms. Castor. Well, thank you, Mr. Chairman.

1732 *Mr. Bilirakis. To strike the last word, correct?

1733 *Ms. Castor. I move to strike the last word.

1734 *Mr. Bilirakis. You are recognized.

1735 *Ms. Castor. Thank you so much. I have been talking
1736 with Congresswoman Kim about this bill. Here is another
1737 bipartisan effort, where we are going to come down on the
1738 side of consumers against a lot of these hidden fees. And,
1739 Mr. Chairman, you know, coming from the Sunshine State, how
1740 some visitors are often lured into hotels or motel rooms or
1741 lodging that also do not disclose all of the fees online, and
1742 it is a real trap for consumers as they plan their vacations
1743 with their scarce, you know, savings.

1744 And this is going to be an effort, but the way the _ as
1745 we move the discussion draft into legislation, I think the _
1746 right now there are a couple of provisions that need a hard
1747 look. One is a preemption, one is a safe harbor provision

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1748 that I understand is just a giant loophole which would
1749 undermine the intent of the entire bill. These _ I
1750 understand that these provisions are not contained in the
1751 Senate versions. Not all the time is the Senate better. You
1752 know, we dispute that often times. But here I think it would
1753 be wise to align them so that we can ensure that we are
1754 really helping the consumers here, and making sure, when they
1755 go to book online, that all the fees are disclosed and that
1756 they are not coming into an online trap where they lose their
1757 hard-earned savings.

1758 So I hope you will again _ can agree to _ you and
1759 Ranking Member Schakowsky will work on this bill as we get it
1760 introduced and move forward.

1761 *Mr. Bilirakis. Definitely. And does the gentle lady
1762 yield back?

1763 *Ms. Castor. I yield back my time.

1764 *Mr. Bilirakis. Okay, very good. Now I am going to
1765 recognize Mrs. Cammack, who is a primary cosponsor of this
1766 particular piece of legislation.

1767 And I will recognize you to speak on the bill for five
1768 minutes.

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1769 *Mrs. Cammack. Well, thank you, Chairman Bilirakis, my
1770 fellow Gator _

1771 *Mr. Bilirakis. And you strike the last word, correct?

1772 *Mrs. Cammack. Yes, I do.

1773 *Mr. Bilirakis. Okay, very good.

1774 *Mrs. Cammack. I move to strike the last word and speak
1775 in support and call up Representative Kim's No Hidden Fees on
1776 Extra Expenses for Stays legislation.

1777 This bill will help consumers understand what they are
1778 paying for at the time that they book and pay for the
1779 reservation and check out of a hotel.

1780 Now, as someone who calls the Sunshine State home, I,
1781 along with my other tourist destination states, like
1782 Representative Castor and Representatives Dunn and Bilirakis,
1783 we all understand how important legislation like this is.
1784 Tourism is the number-one economic driver for Florida. And
1785 so it is very important that, as we have visitors from all
1786 over not just the state, the country, but the world come to
1787 places like Florida, that they aren't surprised with hidden
1788 fees. So this is a very timely bill, and we are very excited
1789 for this legislation and working through it.

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1790 So I think it goes without saying that this is a
1791 bipartisan effort, that, you know, we don't want Americans
1792 who don't have time to wait until checkout to know what they
1793 need to owe.

1794 And I would say broadly I want to thank the
1795 stakeholders, including the American Hotel and Lodging
1796 Association and Travel Tech, for all their work on reaching a
1797 consensus, something that doesn't happen very often in this
1798 town. So we are grateful for the work that has been done,
1799 and we stand ready to work in a bipartisan fashion so long as
1800 we know what changes are being sought in advance of today's
1801 markup.

1802 So thank you again, Mr. Chairman, I yield back.

1803 *Mr. Bilirakis. I appreciate the gentle lady yields
1804 back.

1805 Is there any further discussion on the bill?

1806 Seeing none, let's go to the amendatory process.

1807 Yes, on the bill?

1808 *Mr. Soto. Yes.

1809 *Mr. Bilirakis. Okay. You are recognized, sir, for
1810 five minutes.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1811 *Mr. Soto. Thank you, Chairman _

1812 *Mr. Bilirakis. _ for a good friend of mine. Thank
1813 you.

1814 *Mr. Soto. It wouldn't be a true Sunshine State moment
1815 unless we talked a little bit about Florida tourism in the
1816 IDC Committee.

1817 [Laughter.]

1818 *Mr. Soto. I am honored to represent a top tourism
1819 destination of Orlando, Florida. We pride ourselves on being
1820 a family-friendly destination.

1821 Chairman, as you know, also representing the state,
1822 families save for years to put together these vacations. I
1823 often get asked about how old should my child be when they
1824 get there, and whether they will, you know, be old enough to
1825 enjoy Disney or Universal or SeaWorld. Gatorland is in the
1826 district, another great attraction, fun spot. I could go on.

1827 And so, as they are saving for years to come down to
1828 have these amazing experiences and memories, families should
1829 be able to rely on the price that they see online. The price
1830 should be the price at the end of the day, and I know most
1831 hotels, attractions are very transparent about that,

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1832 especially if you buy direct. But we have seen some
1833 gamesmanship over the years with these teaser rates, and then
1834 it ends up costing families when they should know at the
1835 front end. We want them to have a good experience in Orlando
1836 and across Florida, and be able to save accordingly, knowing
1837 honest information.

1838 So thank you for bringing this bill forward, and I
1839 concur with Representative Castor. We have a little work to
1840 do, but we will get there.

1841 Thank you. I yield back.

1842 *Mr. Bilirakis. I appreciate it very much. I thank the
1843 gentleman, and he yields back.

1844 Are there any amendments to the bill, bipartisan
1845 amendments?

1846 Any amendments?

1847 Yes, okay, I will recognize Representative Pallone for
1848 offering his amendment and explaining it.

1849 *Mr. Pallone. Thank you, Chairman, I have an amendment
1850 at the desk labeled CBN_013.

1851 *Mr. Bilirakis. Yes. The clerk will speak to the
1852 amendment.

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1853 *The Clerk. An amendment to the discussion draft,
1854 offered by Mr. Pallone. Page 2, strike line 15 and all that
1855 follows through page _

1856 *Mr. Bilirakis. Without objection, the first reading is
1857 dispensed with.

1858 [The amendment of Mr. Pallone follows:]

1859

1860 *****COMMITTEE INSERT*****

1861

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1862 *Mr. Bilirakis. You are recognized, Mr. Pallone.

1863 *Mr. Pallone. Thank you, Mr. Chairman.

1864 Consumers should not be presented with surprise fees
1865 when they go to buy a ticket or check out from a hotel.
1866 Hotels and online travel agencies have many names for these
1867 types of fees: resort fees, amenities fees, facilities fees.
1868 Regardless of what they are called, surprise fees that
1869 consumers do not expect make it hard to comparison shop and
1870 can burden household finances. And that is why I am proud
1871 that President Biden and House Democrats continue to work to
1872 prevent junk fees.

1873 While I support the intent of the discussion draft
1874 before us today to require disclosure of mandatory fees
1875 before a consumer purchases a hotel room or books a short-
1876 term place to stay, I have concerns with provisions in the
1877 bill.

1878 In particular, the bill contains a safe harbor provision
1879 that would provide a massive loophole for online travel
1880 companies, and undermine the intent of the bill. The safe
1881 harbor would protect companies that display incorrect
1882 information if they do not have sufficient information to

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1883 display all mandatory lodging fees. Rather than
1884 incentivizing companies that are in the business of
1885 disclosing hotel costs to confirm and display all applicable
1886 fees, this safe harbor will encourage bad actors to avoid
1887 obtaining accurate information so that they appear to be
1888 offering the lowest possible prices, and then leave consumers
1889 paying unexpected fees at checkout.

1890 The amendment that I offer today would strike the safe
1891 harbor provision in this legislation. But again, I know that
1892 you have stated that you are willing to work with Democrats
1893 before this bill is brought in front of the full committee so
1894 that we can pass this strong bipartisan bill, and so I would
1895 ask that, if you could commit to working with me on this
1896 surprise fee aspect, I would withdraw my amendment, Mr.
1897 Chairman.

1898 *Mr. Bilirakis. Yes, I commit to working with you. I
1899 believe the ranking member does, as well, so _

1900 *Mr. Pallone. All right.

1901 *Mr. Bilirakis. So does the gentleman wish to withdraw
1902 his amendment?

1903 *Mr. Pallone. Yes, I do.

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1904 *Mr. Bilirakis. Okay, very good. Without objection,
1905 that is so ordered. So we appreciate that very much.
1906 Are there further amendments?
1907 Nothing further? All right, very good. The question
1908 now is on forwarding the No Hidden Fees on Extra Expenses for
1909 Stays Act to the full committee.
1910 All in favor, say aye.
1911 All opposed?
1912 The ayes have it and the bill is agreed to. Very good.
1913 Moving on, next is _ the chair calls up H.R. 6125 and
1914 asks the clerk to report.
1915 *The Clerk. H.R. 6125, to require online dating service
1916 providers to provide broadband notifications to online dating
1917 services' members _
1918 *Mr. Bilirakis. Without objection, the first reading is
1919 dispensed with, and the bill will be open for amendment at
1920 any point.
1921 [The bill follows:]
1922
1923 *****COMMITTEE INSERT*****
1924

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1925 *Mr. Bilirakis. And I am going to recognize myself for
1926 five minutes to discuss the underlying bill.

1927 I wanted to extend my support to the Online Dating
1928 Safety Act of 2023 by Representative Valadao and
1929 Representative Pettersen. This bill requires _ would require
1930 the online dating service providers to issue a fraud ban
1931 notification to their members who have received or responded
1932 to a message from a banned member on the online dating
1933 service.

1934 A lot of our seniors, unfortunately, fall prey to
1935 fraudulent messages and scams happening on these online
1936 dating platforms, not just seniors, though. Naive users send
1937 money or personal financial information to the fraudsters on
1938 that platform.

1939 The fraud ban notification would include information
1940 about the banned member they have interacted with, and some
1941 information regarding ways to avoid online fraud. It is very
1942 important to inform users and to protect them from bad
1943 actors, especially as the communication from the online
1944 dating service moves to other platforms over time.

1945 I urge my colleagues to support this bill to protect

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1946 consumers of online dating services from fraudsters, and I
1947 yield back the balance of my time.

1948 Representative Pallone, you are recognized. The ranking
1949 member is recognized for five minutes.

1950 *Mr. Pallone. Thank you, Mr. Chairman.

1951 *Mr. Bilirakis. You wish to strike the last word,
1952 correct?

1953 *Mr. Pallone. Thank you.

1954 *Mr. Bilirakis. Yes, very good.

1955 *Mr. Pallone. Today, as more and more consumers report
1956 using online dating services, it is important that we are
1957 proactive in preventing harm, especially on online dating
1958 apps and other online platforms. And while I support the
1959 intent behind this piece of legislation, I have concerns
1960 regarding provisions in the bill.

1961 For example, I do not understand why the bill includes a
1962 provision expressly limiting liability and specifying that
1963 the bill does not create a private right of action. More
1964 fundamentally, I think we should consider whether to do more
1965 to make sure that online dating services ban customers who
1966 have defrauded or otherwise harmed other customers.

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1967 So, as the bill is currently drafted, Mr. Chairman, I
1968 cannot support it, and I would ask our members to vote
1969 against it. And with that I yield back the balance of my
1970 time.

1971 *Mr. Bilirakis. Does anyone else wish to speak on the
1972 bill?

1973 Okay, we are ready to vote on the bill.

1974 All those in favor, say aye. And this is 6125.

1975 Those opposed?

1976 The ayes have it, the ayes have it, and the bill is
1977 agreed to.

1978 *Mr. Pallone. Sorry _

1979 *Mr. Bilirakis. Yes, would you like a roll call?

1980 All right, very good, the clerk will call the roll.

1981 *The Clerk. Bilirakis?

1982 *Mr. Bilirakis. Yes.

1983 *The Clerk. Bilirakis votes aye.

1984 Bucshon?

1985 *Mr. Bucshon. Yes.

1986 *The Clerk. Bucshon votes aye.

1987 Walberg?

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1988 [No response.]
1989 *The Clerk. Duncan?
1990 [No response.]
1991 *The Clerk. Dunn?
1992 *Mr. Dunn. Yes.
1993 *The Clerk. Dunn votes aye.
1994 Lesko?
1995 [No response.]
1996 *The Clerk. Pence?
1997 *Mr. Pence. Aye.
1998 *The Clerk. Pence votes aye.
1999 Armstrong?
2000 *Mr. Armstrong. Yes.
2001 *The Clerk. Armstrong votes aye.
2002 Allen?
2003 [No response.]
2004 *The Clerk. Fulcher?
2005 *Mr. Fulcher. Aye.
2006 *The Clerk. Fulcher votes aye.
2007 Harshbarger?
2008 *Mrs. Harshbarger. Aye.

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2009 *The Clerk. Harshbarger votes aye.
2010 Cammack?
2011 [No response.]
2012 *The Clerk. Schakowsky?
2013 *Ms. Schakowsky. No.
2014 *The Clerk. Schakowsky votes no.
2015 Castor?
2016 *Ms. Castor. No.
2017 *The Clerk. Castor votes no.
2018 Dingell?
2019 *Mrs. Dingell. No.
2020 *The Clerk. Dingell votes no.
2021 Kelly?
2022 *Ms. Kelly. No.
2023 *The Clerk. Kelly votes no.
2024 Blunt Rochester?
2025 *Ms. Blunt Rochester. No.
2026 *The Clerk. Blunt Rochester votes no.
2027 Soto?
2028 *Mr. Soto. No.
2029 *The Clerk. Soto votes no.

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2030 Trahan?

2031 [No response.]

2032 *The Clerk. Clarke?

2033 *Ms. Clarke. No.

2034 *The Clerk. Clark votes no.

2035 Pallone?

2036 *Mr. Pallone. No.

2037 *The Clerk. Pallone votes no.

2038 Rodgers?

2039 *The Chair. Aye.

2040 *The Clerk. Rodgers votes aye.

2041 *Mr. Bilirakis. How is the gentleman, Mr. Bucshon,

2042 recorded?

2043 *The Clerk. Mr. Duncan is not recorded.

2044 *Mr. Duncan. Aye.

2045 *The Clerk. Duncan votes aye.

2046 *Mr. Bilirakis. How is Mr. Bucshon recorded?

2047 *The Clerk. Mr. Bucshon is recorded as aye.

2048 *Mr. Bilirakis. How is the chair recorded?

2049 *The Clerk. The chair is recorded as aye.

2050 [Pause.]

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2051 *Mr. Bilirakis. How is Mr. Walberg _
2052 *The Clerk. Mr. Walberg is not recorded.
2053 *Mr. Walberg. Aye.
2054 *The Clerk. Walberg votes aye.
2055 [Pause.]
2056 *Mrs. Cammack. How is _
2057 *The Clerk. Mrs. Lesko is _
2058 *Mrs. Cammack. Cammack.
2059 *The Clerk. Mrs. Cammack, excuse me, is not recorded.
2060 *Mrs. Cammack. Cammack, yes.
2061 *The Clerk. Cammack votes aye.
2062 *Mr. Bilirakis. Can you please call the names of those
2063 that are not recorded at this time?
2064 *The Clerk. Rep. Lesko is not recorded; Rep. Allen is
2065 not recorded; and Rep. Trahan is not recorded.
2066 *Mr. Bilirakis. Okay, the clerk will report the result.
2067 *The Clerk. Chair Bilirakis, on that vote we have 10
2068 ayes and 8 noes.
2069 *Mr. Bilirakis. The legislation, it is H.R. 6125, is
2070 agreed to.
2071 The chair calls up H.R. 5202, and asks the clerk to

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2072 report.

2073 *The Clerk. H.R. 5202, to reauthorize the Virginia
2074 Graeme Baker Pool and Spa Safety Act, and _

2075 *Mr. Bilirakis. Without objection, the first reading is
2076 dispensed with, and the bill will be open for amendment at
2077 any point.

2078 So ordered.

2079 [The bill follows:]

2080

2081 *****COMMITTEE INSERT*****

2082

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2083 *Mr. Bilirakis. And I am going to strike the last word
2084 and speak on the bill. I now recognize myself again for five
2085 minutes to discuss the underlying bill.

2086 I want to thank my good friend and fellow Floridian,
2087 Debbie Wasserman Schultz, and my friend and E&C colleague,
2088 Dr. Burgess, for leading this effort and for their bipartisan
2089 cooperation on moving this important reauthorization bill.

2090 I am fully supportive of this important program
2091 implementing the CPSC. This bill, which is named in memory
2092 of Virginia, who drowned while entrapping _ entrapped by a
2093 hot tub drain in 2002, was enacted into law in 2008 and
2094 remains a key education and training tool for state and local
2095 governments to keep their kids safe through the pool safety
2096 requirements. I worked with Representative Wasserman Schultz
2097 on this on the state level many years ago. I urge members
2098 from both sides of the aisle to support this bill to increase
2099 the safety and supervision of our children near pools and
2100 spas.

2101 And I yield back the balance of my time, if anybody _
2102 unless someone else wants my time.

2103 Does anybody else want to speak on the bill on the

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2104 Democrat side?

2105 *Ms. Castor. Mr. Chairman?

2106 *Mr. Bilirakis. Are we okay? Yes, Representative
2107 Castor, you are recognized.

2108 *Ms. Castor. I have an ANS at the desk.

2109 *Mr. Bilirakis. You have an ANS at the desk.

2110 *Ms. Castor. It's Burgess _

2111 *Mr. Bilirakis. All right, is there anybody else _

2112 *Ms. Castor. Burgess _

2113 *Mr. Bilirakis. _ who wants to speak on the bill?

2114 All right, why don't we go with the ANS? If the clerk
2115 would report the ANS _

2116 *Ms. Castor. It is Burgess_060.

2117 *The Clerk. An amendment in the nature of a substitute
2118 to H.R. 5202, offered by _

2119 *Mr. Bilirakis. Without objection, the reading is
2120 dispensed with.

2121 [The amendment of Ms. Castor follows:]

2122

2123 *****COMMITTEE INSERT*****

2124

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2125 *Mr. Bilirakis. And Representative Castor is recognized
2126 on the ANS.

2127 *Ms. Castor. Thank you, chairman Bilirakis.

2128 Members, drowning remains a leading cause of death
2129 across America, and drowning can happen in seconds any time
2130 there is access to water. About 11 people die each day from
2131 drowning in the United States, and drowning kills nearly
2132 4,000 people each year. Of injury-related deaths, drowning
2133 is a leading cause of accidental death in children aged 1 to
2134 4, and the second-most likely leading cause of accidental
2135 death in children aged 1 to 4. And there are disparities in
2136 drowning deaths, with higher rates of drowning for people of
2137 color and for those living in rural areas.

2138 The Virginia Graeme Baker Pool and Spa Safety Act was
2139 originally passed in 2007. It has improved the safety of all
2140 pools and spas by increasing layers of protection and
2141 promoting parental supervision. The law has three
2142 components.

2143 It provides for a grant program that incentivizes states
2144 and municipalities to adopt their own pool and spa safety
2145 laws and support education efforts. These grants provide

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2146 critical support for local officials to enforce safety
2147 requirements and educate communities about drowning and
2148 entrapment dangers.

2149 The law also directs the Consumer Product Safety
2150 Commission to launch Pool Safely, a national drowning
2151 prevention education campaign, and it requires every public
2152 pool in America to install safe drain covers that prevent
2153 suction entrapment.

2154 The reauthorization of the Act builds on the success of
2155 the initiative. It makes key changes. It extends the grant
2156 eligibility to both non-profits and Indian tribes, as well as
2157 creates a grant awareness campaign to create _ to expand the
2158 reach of the program to new jurisdictions.

2159 The CPSC would be required to prioritize grant
2160 applicants with several factors, such as areas with the
2161 highest drowning incidents and entities targeting underserved
2162 minority or rural populations, and it requires after-action
2163 reports from grant recipients and additional transparency and
2164 reporting from the CPSC to maximize the effectiveness of the
2165 initiative over time.

2166 My amendment, also drafted by Congressman Burgess, would

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2167 simply clarify the CPSC staffing requirements to ensure the
2168 agency is equipped to carry out the grant program. It is
2169 imperative that we reauthorize and expand this initiative to
2170 promote the safe enjoyment of pools and protect lives.

2171 I want to thank my friend and fellow Floridian,
2172 Congresswoman Wasserman Schultz, for her dedication and
2173 commitment to preventing drownings and protecting our
2174 children.

2175 I also want to thank our colleague, Representative
2176 Burgess, for working with us to extend this initiative on a
2177 bipartisan basis.

2178 And I want to thank my fellow Floridian and neighbor,
2179 Chairman Bilirakis, for putting this bill _ including it on
2180 the markup list today, and thank Ranking Member Schakowsky
2181 for her leadership, as well, so that we can do everything
2182 possible to help save lives.

2183 Thanks, and I yield back.

2184 *Mr. Bilirakis. Thank you, I appreciate it.

2185 Is there any further discussion on the amendment?

2186 No? Okay.

2187 All those in favor of the amendment should signify by

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2188 saying aye.

2189 All right, all those opposed?

2190 The ayes have it, and the amendment is agreed to.

2191 Are there any further amendments on this particular
2192 bill, H.R. 5202?

2193 I don't _ seeing none, let's vote on the bill.

2194 All in favor of 5202, H.R. 5202, say aye.

2195 All right, all opposed?

2196 Okay, the ayes have it, and the bill, 5202 _

2197 *Voice. We would like a _

2198 *Mr. Bilirakis. Oh, let's _ yes, the roll call has been
2199 requested. If the clerk could call the roll, we would
2200 appreciate that very much. Thank you.

2201 *The Clerk. Bilirakis?

2202 *Mr. Bilirakis. Yes.

2203 *The Clerk. Bilirakis votes aye.

2204 Bucshon?

2205 *Mr. Bucshon. Aye.

2206 *The Clerk. Bucshon votes aye.

2207 Walberg?

2208 *Mr. Walberg. Aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2209 *The Clerk. Walberg votes aye.

2210 Duncan?

2211 *Mr. Duncan. Aye.

2212 *The Clerk. Duncan votes aye.

2213 Dunn?

2214 *Mr. Dunn. Aye.

2215 *The Clerk. Dunn votes aye.

2216 Lesko?

2217 [No response.]

2218 *The Clerk. Pence?

2219 *Mr. Pence. Aye.

2220 *The Clerk. Pence votes aye.

2221 Armstrong?

2222 *Mr. Armstrong. Aye.

2223 *The Clerk. Armstrong votes aye.

2224 Allen?

2225 *Mr. Allen. Aye.

2226 *The Clerk. Allen votes aye.

2227 Fulcher?

2228 *Mr. Fulcher. Fulcher is aye.

2229 *The Clerk. Fulcher votes aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2230 Harshbarger?
2231 *Mrs. Harshbarger. Aye.
2232 *The Clerk. Harshbarger votes aye.
2233 Cammack?
2234 [No response.]
2235 *The Clerk. Schakowsky?
2236 *Ms. Schakowsky. Aye.
2237 *The Clerk. Schakowsky votes aye.
2238 Castor?
2239 *Ms. Castor. Aye.
2240 *The Clerk. Castor votes aye.
2241 Dingell?
2242 *Mrs. Dingell. Aye.
2243 *The Clerk. Dingell votes aye.
2244 Kelly?
2245 *Ms. Kelly. Aye.
2246 *The Clerk. Kelly votes aye.
2247 Blunt Rochester?
2248 *Ms. Blunt Rochester. Aye.
2249 *The Clerk. Blunt Rochester votes aye.
2250 Soto?

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2251 *Mr. Soto. Aye.

2252 *The Clerk. Soto votes aye.

2253 Trahan?

2254 [No response.]

2255 *The Clerk. Clarke?

2256 *Ms. Clarke. Aye.

2257 *The Clerk. Clark votes aye.

2258 Pallone?

2259 *Mr. Pallone. Aye.

2260 *The Clerk. Pallone votes aye.

2261 Rodgers?

2262 [No response.]

2263 *Mr. Bilirakis. Madam Clerk, how am I recorded?

2264 *The Clerk. Chair Bilirakis is recorded as aye.

2265 *Mr. Bilirakis. Thank you. How is Representative

2266 Walberg recorded?

2267 *The Clerk. Mr. Walberg is recorded as aye.

2268 *Mr. Bilirakis. Okay, how is Representative Cammack

2269 recorded?

2270 *The Clerk. Representative Cammack is not recorded.

2271 *Mrs. Cammack. Cammack, aye.

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2272 *The Clerk. Cammack votes aye.

2273 *Mr. Bilirakis. How is Chairman Rodgers recorded?

2274 *The Clerk. Chair Rodgers is not recorded.

2275 *The Chair. Chair Rodgers votes aye.

2276 *The Clerk. Rodgers votes aye.

2277 *Mr. Bilirakis. Thank you. So H.R. 5202, as amended,
2278 is agreed to and forwarded to the full committee.

2279 The chair calls up H.R. 2964, and asks the clerk to
2280 report.

2281 [Pause.]

2282 *Mr. Bilirakis. If you could, let's ask the clerk to
2283 report the result of the last bill. I believe I skipped over
2284 that. I apologize.

2285 *The Clerk. On that vote there were 20 ayes and 0 noes.

2286 *Mr. Bilirakis. Very good, excellent. That is what we
2287 like to hear.

2288 So we will report H.R. _ what is it, what did I say?

2289 *The Clerk. H.R. 2964 _

2290 *Mr. Bilirakis. Yes, very good. Thank you very much.

2291 We will report it to the committee, and we will start off

2292 with H.R. 2964. If the clerk will report, I appreciate it.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2293 *The Clerk. H.R. 2964, to require the Federal Trade
2294 Commission to issue regulations requiring certain products to
2295 have do-not-flush labeling, and for other purposes.

2296 *Mr. Bilirakis. Without objection, the first reading is
2297 dispensed with, and the bill will be open for amendment at
2298 any point.

2299 So ordered.

2300 [The bill follows:]

2301

2302 *****COMMITTEE INSERT*****

2303

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2304 *Mr. Bilirakis. Does anyone want to talk on the bill?

2305 Yes, Representative Pallone, you are recognized for five
2306 minutes on the particular bill. This is _ okay, H.R. 2964.

2307 Is there anyone on my side? Yes, correct, the sponsor
2308 of the bill, is that correct? The primary cosponsor of the
2309 bill.

2310 Yes, Mr. Walberg, you are recognized for five minutes,
2311 and you are speaking for the bill.

2312 You are recognized, sir.

2313 *Mr. Walberg. I appreciate the opportunity to speak _

2314 *Mr. Bilirakis. Absolutely.

2315 *Mr. Walberg. _ on this bill, the Wastewater
2316 Infrastructure Pollution Prevention and Environmental Safety,
2317 or WIPPES Act, that was introduced by my friend and colleague
2318 from Michigan, Representative McClain, and Representative
2319 Peltola from Alaska.

2320 This bill would help ensure consumers know, from the
2321 label on the packaging, whether certain disposable wipes are
2322 safe for our nation's wastewater and sewer systems. Many
2323 consumers are unaware that flushing these products creates
2324 significant problems for plumbing, wastewater treatment

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2325 facilities, as well as septic systems. These actions can not
2326 only lead to major backups, but also add huge costs to
2327 homeowners and municipal governments.

2328 If any of you haven't toured a wastewater facility, do
2329 so and ask to see this problem. You will never forget it.

2330 By requiring manufacturers to add a common-sense label
2331 of "Do not flush" to the packaging when appropriate, H.R.
2332 2964 will ensure consumers have the information they need to
2333 properly dispose of these products. And you will find that
2334 very few will have this label on it, because they aren't
2335 suitable for flushing.

2336 I urge my colleagues to support this common-sense
2337 legislation that protects our underground infrastructure and
2338 helps prevent homeowners and taxpayers from having to pay for
2339 expensive repairs. Thank you.

2340 I urge the support and I yield back.

2341 *Mr. Bilirakis. I thank the gentleman. He yields back.
2342 And for what purpose does the gentleman from New Jersey wish
2343 to _

2344 *Mr. Pallone. Mr. Chairman, I move to strike the last
2345 word to speak in _

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2346 *Mr. Bilirakis. You are recognized, sir.

2347 *Mr. Pallone. And I am speaking in opposition to the
2348 bill.

2349 *Mr. Bilirakis. Yes, you are recognized.

2350 *Mr. Pallone. Thank you, Mr. Chairman. While I support
2351 the intent of the WIPPES Act, which is to ensure wipe
2352 manufacturers label their products as non-flushable in order
2353 to protect wastewater infrastructure from damage, I must
2354 oppose the bill in its current form.

2355 According to technical assistance from both the FTC and
2356 the EPA, there are fundamental issues with the bill as
2357 written that must be addressed before we move forward. It is
2358 my understanding that the current language poses
2359 implementation challenges that may lead to unnecessary
2360 confusion for not only regulators, but for industry and
2361 consumers alike.

2362 Before we can move forward on any bill that looks to
2363 preempt state laws, we must ensure it implements the
2364 strongest possible standards for consumers, and I ask that my
2365 Republican colleagues commit to working with me to make
2366 necessary changes to ensure that the WIPPES Act will be

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2367 effective in its goal, and not rush this bill to a full
2368 committee markup.

2369 So while I plan to vote against H.R. 2964 today, I am
2370 hopeful that my concerns can be addressed, and will
2371 positively contribute to the bill's intended outcome. So
2372 again, I look forward to improving the bill before the full
2373 committee markup.

2374 And with that, Mr. Chairman, I yield back.

2375 *Mr. Bilirakis. Thank you. Thank you, I appreciate it.
2376 The gentleman yields back. Is there anyone on my side, on
2377 the Republican side, that wishes to speak?

2378 Anyone wish to be recognized on the Democrat side?

2379 Are there any amendments, any bipartisan amendments to
2380 the bill?

2381 Any amendments to the bill, partisan amendments to the
2382 bill?

2383 Okay, then, we are going to call the roll, and I will
2384 ask the clerk to call the roll on 2964.

2385 *Voice. This is just a voice vote.

2386 *Mr. Bilirakis. Oh, okay. I understand there is no
2387 request for a roll call, so we will go with a voice vote.

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2388 All in favor, say aye.

2389 All opposed?

2390 Okay, so H.R. _ according to the chair, H.R. 2964 is
2391 forwarded to the full committee.

2392 All right, let's move on here. Next the chair calls up
2393 H.R. 5556, and asks the clerk to report.

2394 *The Clerk. H.R. 5556, to make exclusive the authority
2395 of the Federal Government to regulate the labeling _

2396 *Mr. Bilirakis. Without objection, the full reading is
2397 dispensed with, and the bill will be open for amendment at
2398 any point.

2399 [The bill follows:]

2400

2401 *****COMMITTEE INSERT*****

2402

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2403 *Mr. Bilirakis. Is there any discussion on the bill,
2404 the underlying bill?

2405 I have a couple of things I want to say, and then I will
2406 recognize the other side, absolutely. I recognize myself for
2407 five minutes on this particular bill, the American-Made
2408 Products Act.

2409 I am strongly supportive of this consumer-friendly bill
2410 that has been introduced by my friend, Representative John
2411 Curtis. This bill will ensure the reinforcement of American-
2412 made products are consistent nationwide.

2413 I understand that we have had a productive conversation
2414 with the minority on this effort in a bipartisan fashion, and
2415 I want to keep those going, these discussions going, to
2416 ensure we reach a bipartisan deal with our friends on the
2417 other side of the aisle.

2418 This bill places the duty on the Federal Government to
2419 regulate the labeling of products that are made in the United
2420 States with Made in America or Made in America labeling
2421 standards. It is important that the FTC enforces this
2422 regulation, and to make sure that these _ that this
2423 supersedes any conflicting state laws through a national

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2424 standard. American consumers deserve the right to know
2425 whether the products they purchase are made in America or
2426 not.

2427 I urge my colleagues on both sides of the aisle to
2428 support this legislation to encourage consumers to support
2429 American businesses.

2430 And I will yield back the balance of my time. Is there
2431 further discussion on the bill, the underlying bill?

2432 Seeing none, we will go through the amendatory process,
2433 and I will recognize Representative Schakowsky for an
2434 amendment. I believe she has an amendment.

2435 *Ms. Schakowsky. An amendment at the desk. Do you see
2436 it?

2437 *The Clerk. An amendment to H.R. 5556, offered by Ms.
2438 Schakowsky of Illinois. Page 2, strike lines _

2439 *Mr. Bilirakis. Without objection, the first reading is
2440 dispensed with, and the bill will be open for amendment _
2441 well, anyway, this is an amendment. So, again, without
2442 objection, the first reading is dispensed with.

2443 [The amendment of Ms. Schakowsky follows:]

2444

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2445 *****COMMITTEE INSERT*****

2446

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2447 *Mr. Bilirakis. And you are recognized, Ms. Schakowsky,
2448 to explain your amendment, five minutes.

2449 *Ms. Schakowsky. Thank you very much, Mr. Chairman.

2450 I am a great supporter of Made in America, made in the
2451 United States. And the label, it absolutely empowers
2452 consumers and businesses, and is a very important thing that
2453 _ position that we have.

2454 But I believe that any change to the existing law must
2455 protect the integrity of the Made in America label. And my
2456 amendment codifies the existing Federal Trade Commission,
2457 FTC, standard for these labels. And so I _ and if we are to
2458 go forward for preemption of the states, which is in the
2459 legislation, then we must ensure strong Federal
2460 qualifications for Made in America. And that is the
2461 intention of this legislation.

2462 I do though, Mr. Chairman, want to thank you for a
2463 commitment that you will work to me _ with me on this to add
2464 that, hopefully, to the legislation at the end of the day.
2465 And with that I will withdraw _

2466 *Mr. Pallone. Can I ask the gentlewoman not to withdraw
2467 it until _

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2468 *Ms. Schakowsky. Oh, okay.

2469 *Mr. Pallone. _ others have had a chance to speak on
2470 it?

2471 *Ms. Schakowsky. Sorry. Oh, I am so sorry.

2472 *Mr. Pallone. That is all right.

2473 *Mr. Bilirakis. Okay. Does the gentlelady yield back?

2474 *Ms. Schakowsky. I yield back.

2475 *Mr. Bilirakis. Yes, we are on the amendment. So does
2476 anyone from the Republican side wish to speak on the
2477 amendment?

2478 No? Okay. I will recognize _ I believe Representative
2479 Pallone wants to speak on the amendment. Is that correct?

2480 *Mr. Pallone. Yes, I do.

2481 *Mr. Bilirakis. Do you wish to strike the last word?

2482 *Mr. Pallone. Yes.

2483 *Mr. Bilirakis. Okay.

2484 *Mr. Pallone. And I _

2485 *Mr. Bilirakis. Very good. You are recognized, sir.

2486 *Mr. Pallone. And I know our Ranking Member Schakowsky
2487 is going to withdraw, but I just wanted to say a few words in
2488 support of it before that happens, because the Made in the

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2489 USA label, as the gentlewoman said, is very important, and it
2490 empowers consumers to make more informed purchasing
2491 decisions, and rewards American manufacturers that invest,
2492 employ, innovate, and produce their products in the United
2493 States, including many small businesses that can gain a
2494 competitive edge based on labeling their products as Made in
2495 America.

2496 And I have to say, Mr. Chairman, I often look at the
2497 labels, and so they are very important to me, personally.

2498 I think that we have to ensure that any modification to
2499 existing Made in the USA law puts consumers and American
2500 producers first, and protects the integrity of the Made in
2501 the USA label. And that is why I support the Schakowsky
2502 amendment, which codifies the existing Federal Trade
2503 Commission standard for unqualified Made in the USA labels.

2504 The FTC standard requires all or virtually all of a
2505 product to have been made in America to be affixed with a
2506 Made in the USA label, and that means all significant parts,
2507 processing, and labor that go into a product must be of
2508 American origin. Such a robust standard ensures that the
2509 Made in the USA label distinguishes domestically produced

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2510 products from foreign goods.

2511 And so, should this subcommittee advance legislation
2512 that preempts states' authority to establish standards for
2513 Made in the USA labels, we must ensure that we codify the FTC
2514 standard. And that is because when Federal law is not as
2515 strong as it could be, states provide an important backstop.

2516 So I urge my colleagues to support the amendment. I
2517 know it is going to be withdrawn, but I know that we are
2518 going to work on it as we go to full committee.

2519 So thank you, both of you, again.

2520 *Mr. Bilirakis. And I thank the gentleman. The
2521 gentleman yields back?

2522 All right, very good. Does anybody else wish to discuss
2523 on the Republican side this particular amendment?

2524 If none, I am going to recognize the gentlelady from
2525 Illinois for the purpose of withdrawing her amendment.

2526 You are recognized, ma'am.

2527 *Ms. Schakowsky. Yes, I _

2528 *Mr. Bilirakis. Does the gentlelady wish to withdraw
2529 her amendment?

2530 *Ms. Schakowsky. Yes, with your commitment that we will

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2531 work together on this.

2532 *Mr. Bilirakis. Absolutely.

2533 *Ms. Schakowsky. I withdraw.

2534 *Mr. Bilirakis. Without objection, so ordered.

2535 Okay, now we are going to vote on the bill. We are

2536 going to vote on the bill H.R. 5556. I am going to ask for

2537 the yeas and nays.

2538 All in favor of H.R. 5556, say aye.

2539 All opposed?

2540 All right, I consider H.R. 5556 approved and referred to

2541 the full committee.

2542 Without objection.

2543 The chair calls up H.R. 1797, and asks the clerk to

2544 report.

2545 *The Clerk. H.R. 1797, to require the Consumer Product

2546 Safety Commission to promulgate a consumer product safety

2547 standard with respect to rechargeable lithium ion batteries.

2548 *Mr. Bilirakis. Without objection, the first reading is

2549 dispensed with, and the bill will be open for amendment at

2550 any point.

2551 [The bill follows:]

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2552

2553 *****COMMITTEE INSERT*****

2554

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2555 *Mr. Bilirakis. First, any discussion on the bill, the
2556 underlying bill?

2557 No? Seeing none, I am going to recognize, I believe,
2558 Representative Clarke.

2559 You are recognized to explain the _ your amendment,
2560 offer the _ an amendment for nature _ to the nature of a
2561 substitute. You are recognized, Representative Clarke.

2562 *Ms. Clarke. Thank you, Mr. Chairman. I have an
2563 amendment at the desk labeled Clark_027.

2564 *Mr. Bilirakis. If the clerk could read the amendment,
2565 we would appreciate it.

2566 *The Clerk. An amendment in the nature of a substitute
2567 to H.R. 1797, offered by Ms. Clarke of New York. Strike all
2568 after the enacting clause and insert the following _

2569 *Mr. Bilirakis. Without objection, the first reading is
2570 dispensed with.

2571 [The amendment of Ms. Clarke follows:]

2572

2573 *****COMMITTEE INSERT*****

2574

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2575 *Mr. Bilirakis. You are recognized, Representative
2576 Clarke, to explain your amendment.

2577 *Ms. Clarke. Mr. Chairman, I move to strike the last
2578 word.

2579 *Mr. Bilirakis. You are recognized.

2580 *Ms. Clarke. Thank you. I am happy to see this
2581 committee take up meaningful legislation to protect consumers
2582 and address the myriad of challenges they face today. And I
2583 am proud to say the Setting Consumer Standards for Lithium
2584 Ion Batteries Act does just that.

2585 Introduced with my colleagues from New York,
2586 Representative Torres, Representative Garbarino,
2587 Representative Ryan, Representative Bowman, Representative
2588 D'Esposito, Representative Espaillat, and Representative
2589 Goldman, this bipartisan, common-sense legislation directs
2590 the Consumer Product Safety Commission to set a mandatory
2591 safety standard for lithium ion batteries in personal
2592 mobility devices such as electric bikes and scooters.

2593 Fires caused by lithium ion batteries in e-bikes and
2594 other devices have already killed 14 people and injured 93
2595 others in New York this year. Since 2021, unsafe

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2596 micromobility devices have been linked to hundreds of fires
2597 and over two dozen fatalities.

2598 The simplest way that we can protect consumers from
2599 fires caused by micromobility devices is to require them to
2600 meet certain mandatory safety standards, and this bill does
2601 just that.

2602 The ANS offered today is reflective of the feedback
2603 received from CPCS [sic] and productive discussions with my
2604 colleagues across the aisle. Changes made to the underlying
2605 text include providing CPSC with additional time to
2606 promulgate the safety standard, as well as flexibility for
2607 CPSC to modify the standard via rulemaking.

2608 This bill is supported by industry stakeholders and fire
2609 chiefs alike, and I urge my colleagues to support the
2610 amendment in the nature of a substitute.

2611 I thank you, Mr. Chairman, Ranking Member, and I yield
2612 back the balance of my time.

2613 *Mr. Bilirakis. Is there any further discussion on the
2614 ANS on the Republican side, Democrat side?

2615 Okay. So now we will vote on the amendment in the
2616 nature of a substitute for 1797.

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2617 All in favor, say aye.

2618 All opposed?

2619 The amendment in the nature of a substitute is agreed
2620 to, and I believe there is a roll call vote that has been
2621 requested on H.R. _ as amended, H.R. _ excuse me, 1797, as
2622 amended. If the clerk would call the roll, we would
2623 appreciate that.

2624 *The Clerk. Bilirakis?

2625 *Mr. Bilirakis. Yes.

2626 *The Clerk. Bilirakis votes aye.

2627 Bucshon?

2628 [No response.]

2629 *The Clerk. Walberg?

2630 *Mr. Walberg. Aye.

2631 *The Clerk. Walberg votes aye.

2632 Duncan?

2633 *Mr. Duncan. Aye.

2634 *The Clerk. Duncan votes aye.

2635 Dunn?

2636 *Mr. Dunn. Aye.

2637 *The Clerk. Dunn votes aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2638 Lesko?
2639 [No response.]
2640 *The Clerk. Pence?
2641 *Mr. Pence. Aye.
2642 *The Clerk. Pence votes aye.
2643 Armstrong?
2644 *Mr. Armstrong. Yes.
2645 *The Clerk. Armstrong votes aye.
2646 Allen?
2647 *Mr. Allen. Aye.
2648 *The Clerk. Allen votes aye.
2649 Fulcher?
2650 *Mr. Fulcher. Fulcher is aye.
2651 *The Clerk. Fulcher votes aye.
2652 Harshbarger?
2653 *Mrs. Harshbarger. Aye.
2654 *The Clerk. Harshbarger votes aye.
2655 Cammack?
2656 [No response.]
2657 *The Clerk. Schakowsky?
2658 *Ms. Schakowsky. Aye.

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2659 *The Clerk. Schakowsky votes aye.
2660 Castor?
2661 *Ms. Castor. Aye.
2662 *The Clerk. Castor votes aye.
2663 Dingell?
2664 *Mrs. Dingell. Aye.
2665 *The Clerk. Dingell votes aye.
2666 Kelly?
2667 *Ms. Kelly. Aye.
2668 *The Clerk. Kelly votes aye.
2669 Blunt Rochester?
2670 *Ms. Blunt Rochester. Aye.
2671 *The Clerk. Blunt Rochester votes aye.
2672 Soto?
2673 *Mr. Soto. Aye.
2674 *The Clerk. Soto votes aye.
2675 Trahan?
2676 [No response.]
2677 *The Clerk. Clarke?
2678 *Ms. Clarke. Aye.
2679 *The Clerk. Clark votes aye.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2680 Pallone?

2681 *Mr. Pallone. Aye.

2682 *The Clerk. Pallone votes aye.

2683 Rodgers?

2684 *The Chair. Aye.

2685 *The Clerk. Rodgers votes aye.

2686 *Mr. Bilirakis. How is Representative Cammack recorded?

2687 *The Clerk. Ms. Cammack is not recorded.

2688 *Mrs. Cammack. Aye.

2689 *The Clerk. Cammack votes aye.

2690 *Mr. Bilirakis. Excellent. The clerk will report the

2691 result.

2692 [Pause.]

2693 *Mr. Bucshon. Is Bucshon recorded?

2694 *The Clerk. Mr. Bucshon is not recorded.

2695 *Mr. Bucshon. Aye.

2696 *The Clerk. Bucshon votes aye.

2697 *Mr. Bilirakis. Anyone else?

2698 The clerk will report the result.

2699 *The Clerk. Chair Bilirakis, on that vote we have 20

2700 ayes and 0 noes.

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2701 *Mr. Bilirakis. H.R. 1797, as amended, is agreed to and
2702 forwarded to the full committee.

2703 The chair calls up Awning Safety Act discussion draft,
2704 and asks the clerk to report.

2705 *The Clerk. A discussion draft to require the Consumer
2706 Product Safety Commission to promulgate a mandatory customer
2707 product safety standard with respect _

2708 *Mr. Bilirakis. Without objection, the first reading is
2709 dispensed with, and the legislation will be open for
2710 amendment at any point.

2711 [The bill follows:]

2712

2713 *****COMMITTEE INSERT*****

2714

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2715 *Mr. Bilirakis. Does anyone wish to speak on the
2716 discussion draft?

2717 I do. Well, I will go ahead and get started. I now
2718 recognize myself for five minutes to discuss the underlying
2719 bill.

2720 I strongly support the Consumer Protection Safety
2721 Commission Awning Safety Act, drafted up by Representative
2722 Balderson and Representative Castor. This bill will save
2723 lives, and will require the CPSC to promulgate a mandatory
2724 standard regarding retractable awnings within the
2725 jurisdiction of the CPSC related to the risk of injury or
2726 death from the awning unexpectedly opening and striking a
2727 person.

2728 Motorized and retractable awnings on the patio and home
2729 settings can present a great risk of accidental injury or
2730 even death to consumers. A mandatory standard enforced by
2731 the CPSC would enhance the safety of consumers. This is a
2732 very important bill. Like all the bills that we have, it
2733 affects people directly, and we want to save lives.

2734 So with that, I will yield back. And more than likely
2735 Representative Castor _ for what purpose, Representative

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2736 Castor?

2737 *Ms. Castor. I move to strike the last word.

2738 *Mr. Bilirakis. You are recognized.

2739 *Ms. Castor. Thank you, Mr. Chairman, and I want to
2740 thank Representative Balderson for introducing the Awning
2741 Safety Act with me. It is an important consumer protection
2742 bill which would prompt the Consumer Product Safety
2743 Commission to promulgate a safety standard for fixed and
2744 freestanding motorized retractable awnings.

2745 Awnings are a necessary part of our lives. They shield
2746 us from the hot sun and the elements. And the last thing
2747 that people should be worried about is a defective awning.
2748 But there are too many cases of awnings opening unexpectedly
2749 with great force. In 2019 a motorized awning product was
2750 recalled after 14 incidents, including 1 fatal injury. The
2751 CPSC has worked quickly with the manufacturer to recall the
2752 product and provide a remedy for consumers, but it is really
2753 surprising, the number of significant awning recalls.

2754 So we want to give the CPSC additional _ an additional
2755 push to continue their work to save lives and keep families
2756 safe. That is why Rep. Balderson and I are working to

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2757 improve product oversight here, and I want to thank the
2758 professionals at the Consumer Product Safety Commission and
2759 our professional staff, too, for identifying this product.
2760 We really need to educate the public and help them identify
2761 dangerous products so all Americans can enjoy the great
2762 outdoors without the fear of injury or death from products
2763 that they presume to be safe.

2764 So with that I will yield back my time and encourage a
2765 yes vote on the Awning Safety Act.

2766 *Mr. Bilirakis. I appreciate it. Thank you very much.
2767 The gentlelady yields back. Is there anyone on the
2768 Republican side?

2769 Are there any amendments, any bipartisan amendments?

2770 Any amendments at all?

2771 No? All right, then let's _ all those in favor _
2772 because there is no roll call at this point _ all those in
2773 favor, say aye of the particular legislation.

2774 All opposed?

2775 The ayes have it, and the bill is agreed to. The
2776 legislation is agreed to.

2777 And we will move on. Next is _ the chair calls up H.R.

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2778 4814, and asks the clerk to report.

2779 Okay, we skipped one. Okay, let's go with this one
2780 first. The chair calls up H.R. 4310, and asks the clerk to
2781 report.

2782 *The Clerk. H.R. 4310, to ban the sale of products with
2783 a high concentration of sodium nitrite to individuals, and
2784 for other purposes.

2785 *Mr. Bilirakis. Without objection, the first reading is
2786 dispensed with, and the bill will be open for amendment at
2787 any point.

2788

2789

2790 [The bill follows:]

2791

2792 *****COMMITTEE INSERT*****

2793

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2794 *Mr. Bilirakis. Mrs. Trahan, you are recognized to
2795 explain the bill.

2796 *Mrs. Trahan. Thank you. I move to strike the last
2797 word.

2798 *Mr. Bilirakis. Yes, you are recognized.

2799 *Mrs. Trahan. Thank you, Mr. Chairman. I am grateful
2800 for the bipartisan agreement from the chair and the ranking
2801 member to include the Youth Poisoning Protection Act in
2802 today's markup. At a time when so many in our country,
2803 particularly young children and young adults, are struggling
2804 with their mental health, this bipartisan, bicameral
2805 legislation is urgently needed.

2806 Nearly two years ago, The New York Times published a
2807 story on their investigation into an online forum where
2808 anonymous users encouraged those in despair and thinking of
2809 harming themselves to end their lives. The report detailed
2810 how this forum, one of many like it that operate in the
2811 shadows of the Internet, presents itself as a community where
2812 those suffering from mental illness and suicide ideation can
2813 find help. But within seconds of visiting the website, you
2814 are met with countless posts dedicated to why you should end

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2815 your life and "goodbye threads," where other users describe
2816 their suicide attempts in real time. Some users have made it
2817 their purpose to share instructions on suicide methods,
2818 including a relatively unknown method that has become
2819 popularized on these forums.

2820 Many threads link directly to listings for sodium
2821 nitrite, a chemical intended for curing meat and fish that is
2822 lethal when high concentrations are ingested. Despite no
2823 known recreational use for the chemical with a concentration
2824 of over 10 percent, those same listings offer, in its nearly
2825 purest form, 99.9 percent in many cases. Sodium nitrite is
2826 promoted on the forum as a painless way to die by suicide,
2827 but survivors have detailed nausea, vomiting, intense stomach
2828 pains, and heart palpitations as the substance chokes off
2829 oxygen delivery to critical organs.

2830 When notified by my office of the product's
2831 popularization as a suicide method, many websites, including
2832 Amazon, that sold the product have taken down their listings
2833 or limited sales only to other businesses with a proven use
2834 for it. But there are bad actors out there looking to
2835 capitalize on people experiencing suicidal ideation by

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2836 creating websites for the sole purpose of selling the
2837 chemical as suicide kits.

2838 Earlier this year a man in Toronto, Canada was arrested
2839 for operating a website that marketed itself as a company
2840 selling meat preservatives, but only sold sodium nitrite,
2841 while offering instructions on how to use it to end one's
2842 life. So far the website has been linked to the deaths of
2843 over 120 people globally, although the actual number is
2844 likely far higher, since the culprit was selling multiple
2845 kits a day for years.

2846 In a recent toxicology publication based on data from
2847 the National Poison Data System points to a rise in self
2848 poisonings using sodium nitrite in the United States in the
2849 last half decade. However, despite the important step taken
2850 by Canadian officials to arrest this disturbed individual and
2851 shut down his website, there are still retailers to this day
2852 who sell highly concentrated amounts of sodium nitrite to the
2853 general public, despite knowing what many buyers plan to use
2854 it for. And right now there is no law on the books to stop
2855 them from doing so.

2856 Mr. Chairman, the Youth Poisoning Protection Act changes

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2857 that by prohibiting the consumer sale of sodium nitrite
2858 products with a concentration higher than 10 percent, the
2859 usefulness threshold agreed upon by independent experts. I
2860 will note for my colleagues that this bill solely limits the
2861 sale of this product to consumers.

2862 There are some businesses that cure meat and fish in
2863 bulk, and need to purchase sodium nitrite in high
2864 concentrations as part of that process. This bill will not
2865 affect them. It solely seeks to end the straight-to-consumer
2866 sale of highly concentrated sodium nitrite that is helping
2867 fuel the efforts of anonymous suicide forum users pushing
2868 each other to end their lives.

2869 It is simple, it is straightforward, and it has the
2870 potential to save lives, and that is why I am so grateful to
2871 my colleagues on both sides of the aisle and in both chambers
2872 who were instrumental in drafting this legislation:
2873 Representatives Mike Carey, Katie Porter, and Chris Stewart,
2874 as well as Senators Tammy Duckworth and J.D. Vance.

2875 I urge the members of the subcommittee to join us in
2876 supporting this strong bipartisan legislation.

2877 Thank you, Mr. Chairman. I yield back.

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2878 *Mr. Bilirakis. Thank you. The gentlelady yields back.
2879 I want to thank her for offering this legislation.
2880 Unfortunately, it is necessary, and we have got to do
2881 everything we can to save these kids' lives. It is a shame
2882 that we have to do this. But again, it is necessary. And I
2883 want to be a cosponsor of the bill, as well.

2884 So let's _ if there are any further discussion on the
2885 bill _ no further discussion? We will vote on the bill.

2886 All in favor of H.R. 4310, say aye.

2887 Anyone opposed, say no.

2888 All right, the bill is approved. The legislation will
2889 be forwarded to the full committee. And the _ again, the
2890 legislation is agreed to, and we will keep going.

2891 [Pause.]

2892 *Mr. Walberg. [Presiding] Now the chair calls up H.R.
2893 4814, and asks the clerk to report.

2894 *The Clerk. H.R. 4814, to direct the Consumer Product
2895 Safety Commission to establish a pilot program to explore the
2896 use of artificial intelligence in support of the mission of
2897 the Commission, and to direct the Secretary of Commerce and
2898 the Federal Trade Commission to study and report on the use

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2899 of blockchain technology and digital tokens, respectively.

2900 *Mr. Walberg. Thank you.

2901 Without objection, the first reading is dispensed with,
2902 and the bill will be open for amendments at any point.

2903 So ordered.

2904 [The bill follows:]

2905

2906 *****COMMITTEE INSERT*****

2907

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2908 *Mr. Walberg. Does anyone wish to speak on the bill?

2909 Mr. Soto, you are recognized for your comments on the
2910 bill.

2911 *Mr. Soto. Thank you, Chairman. I am honored to be
2912 able to introduce the Consumer Safety Technology Act, along
2913 with Representatives Burgess, Trahan, Guthrie, and Castor.
2914 Thank you all for your support. And thank you, Chairman, for
2915 helping agenda this bill for today's markup.

2916 The bill requires various agencies to explore the use of
2917 emerging technologies in the context of consumer protection
2918 and safety through a pilot program, a study, and a report, as
2919 well. It is a combination of three bills that _ from the
2920 117th Congress that continue to have bipartisan support as it
2921 passed out of the House last term.

2922 It is pretty simple. The crooks already are using
2923 artificial intelligence. We need to make sure the cops on
2924 the beat are able to do that, too, and to be able to identify
2925 anti-consumer activities online that is tracking trends and
2926 injuries involving consumer products, identifying consumer
2927 product hazards, monitoring the sale of recalled consumer
2928 products, and identifying consumer products that do not meet

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2929 specified requirements related to product safety.

2930 We heard that this will also help save money and limited
2931 resources at the Consumer Product Safety Commission in our
2932 committee hearing just a few weeks ago.

2933 The second title directs the Department of Commerce to
2934 study potential applications of blockchain, how it could be
2935 used to address fraud and other unfair and deceptive trade
2936 practices done in consultation with the FTC. The key about
2937 blockchain technology is a fixed ledger. Once you add stuff
2938 to it, it can't be removed under existing technology. So it
2939 really underpins saving and storing information in a
2940 trustworthy way on the Internet.

2941 And lastly, title 3 deals with digital token taxonomy.
2942 It has the Federal Trade Commission reporting on how to
2943 address unfair and deceptive trade practices related to
2944 digital tokens, and any recommendations from Federal agencies
2945 to both protect consumers and promote innovation.

2946 For that and more, thank you, Chairman, and I yield
2947 back.

2948 *Mr. Walberg. I thank the gentleman for the good
2949 explanation of the bill.

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2950 Does anyone else want to speak on the bill?

2951 Representative Cammack, you are identified.

2952 *Mrs. Cammack. Thank you, Mr. Chairman. I move to
2953 strike the last word on the underlying bill.

2954 I want to thank my colleagues, Representatives Guthrie,
2955 Soto, Trahan, Burgess, and Castor for their _ this _ their
2956 work on this legislation. I also want to thank specifically
2957 Representative Soto for his continued support on blockchain
2958 and other distributed ledger technologies.

2959 We have seen how China is working to move quickly ahead
2960 in this space and claim global leadership here. So I think
2961 that the work of this subcommittee has done this. Congress
2962 and the previous Congress can be imperative to understand how
2963 to secure American leadership in this space.

2964 We have also seen how misconstrued this technology can
2965 be framed, so let me be clear. Blockchain does not mean
2966 Bitcoin. I can't believe I have to say that, but I feel like
2967 I have to. Blockchains have so many different applications
2968 if we _ as we have learned throughout hearings earlier this
2969 year. So we must work to prevent this technology from being
2970 thought of by just one application.

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2971 I do worry, however, that this language may conflict
2972 with the work of Dr. Bucshon and Ms. Rochester on the broader
2973 supply chain and blockchain, a topic that this subcommittee
2974 has spent ample time on. So I am also curious as how it may
2975 be duplicative of some of the work that this committee is
2976 doing as a whole within the America COMPETES Act.

2977 So I would ask my friend, Representative Soto, to work
2978 with us prior to full committee so that we may ensure that
2979 there are no duplicative or conflicting requirements with the
2980 other blockchain legislation that is in the ecosystem
2981 currently.

2982 And with that I yield back.

2983 *Mr. Soto. Will the gentlelady yield?

2984 *Mrs. Cammack. I will yield to my friend from Florida.

2985 *Mr. Soto. I am honored to be able to work with you on
2986 this. We want to make sure we are not having duplicative
2987 language, whether it is in the Energy and Commerce Committee
2988 or in the Ag Committee. I enjoy our continued partnership
2989 and work together.

2990 *Mrs. Cammack. Thank you to my friend from Florida.

2991 And with that, Mr. Chairman, I yield.

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2992 *Mr. Walberg. I am enjoying such bipartisan joy
2993 together, I appreciate that.

2994 [Laughter.]

2995 *Mr. Walberg. Are there any bipartisan amendments to be
2996 offered?

2997 Are there any other amendments to be offered?

2998 Seeing none, the question now occurs on forwarding H.R.
2999 4814 to the full committee.

3000 All those in favor, say aye.

3001 Those opposed, no.

3002 The ayes have it, and the bill is agreed to.

3003 [Pause.]

3004 *Mr. Walberg. The chair calls up H.R. 906, and asks the
3005 clerk to report.

3006 *The Clerk. H.R. 906, to ensure consumers have access
3007 to data relating to their motor vehicles, critical repair
3008 information and tools, and to provide them choices _

3009 *Mr. Walberg. Without objection, the first reading is
3010 dispensed with, and the bill will be open for amendment at
3011 any point.

3012 So ordered.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3013 [The bill follows:]

3014

3015 *****COMMITTEE INSERT*****

3016

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3017 *Mr. Walberg. Does anyone wish to speak on the bill?

3018 I recognize Representative Dunn to speak on the bill.

3019 *Mr. Dunn. Thank you very much, Mr. Chairman. I am so
3020 happy that the REPAIR Act is being considered by this
3021 subcommittee today.

3022 My bill is motivated by the preservation of consumer
3023 choice, as well as the restoration of a fair and free
3024 marketplace in the automobile repair industry.

3025 When I buy a product _ a house, a stove or a car _ it
3026 belongs to me. When you buy a product, it belongs to you.
3027 But currently, when we buy vehicles our options to repair and
3028 service our own property are diminishing. We are on a
3029 problematic path for consumer choice. Soon I may not be
3030 allowed to repair my own car.

3031 Cars are effectively computers on wheels now, which is
3032 great for the sake of innovation. At the same time, it is
3033 important to preserve the large industry that is entirely
3034 dedicated to repairing vehicles. We cannot allow the repair
3035 industry to be vertically integrated at the expense of
3036 American jobs and the expense of losing the right to repair
3037 your own car.

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3038 Now, as technology continues to develop faster than
3039 consumer protection laws, it is time for an update. I
3040 believe the REPAIR Act is a proper response to a vertically
3041 integrated repair industry. I am grateful for the 46
3042 cosponsors, including the support of Representatives
3043 Davidson, Gluesenkamp Perez, and Boyle.

3044 I also enjoy support from some of my esteemed colleagues
3045 on this committee _ Mr. Walberg, Ms. Castor, as well as the
3046 ranking member's of verbal support of the REPAIR Act at the
3047 latest September hearing.

3048 I understand, as we move to consider this bill as a
3049 committee of the whole, some of my colleagues have the desire
3050 to strengthen language regarding cybersecurity and data
3051 protection. I welcome engaging in and working with each and
3052 every one of you to make sure that we pass this much-needed,
3053 consequential law with vital cybersecurity data privacy
3054 protections.

3055 And speaking of data privacy, I would like to submit the
3056 following article for the record: Most Major _ it is
3057 entitled, "Most Major Car Companies Admit They May Be Selling
3058 Your Personal Information, a New Study Finds.'" Mr.

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3059 Chairman?

3060 *Mr. Walberg. Without objection, so ordered.

3061 [The information follows:]

3062

3063 *****COMMITTEE INSERT*****

3064

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3065 *Mr. Dunn. This was published less than two months ago
3066 by Business Insider _ and I quote _ "Cars are getting an F in
3067 data privacy. Most major manufacturers admit that they may
3068 be selling your personal information, a new study finds, with
3069 half of them saying they would share it with the government
3070 or with law enforcement without a court order.''

3071 This committee has been dedicated to improving cyber
3072 security and individual data privacy. As written, the REPAIR
3073 Act intends to reflect this, and will continue to get
3074 stronger.

3075 I have heard from vehicle manufacturers who have a bias,
3076 honestly, to protect this continued vertical integration, a
3077 system where owners must go to the OEMs for their repair
3078 functions. And for this reason I am not supportive of a
3079 current memorandum of understanding, or MOU, that some of my
3080 opponents of the bill are offering as an equitable
3081 alternative.

3082 Over this past summer I took to the pages of The Hill to
3083 write an op ed expressing my views on this, which I would
3084 also like to submit for the record today, Mr. Chairman.

3085 [Pause.]

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3086 *Mr. Dunn. Mr. Chair? I submit for the record.

3087 *Mr. Bilirakis. [Presiding] Yes.

3088 *Mr. Dunn. Thank you, sir.

3089 *Mr. Bilirakis. Without objection, so ordered.

3090 [The information follows:]

3091

3092 *****COMMITTEE INSERT*****

3093

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3094 *Mr. Dunn. When you have an MOU that is enforced by the
3095 very same entities that are competing with the after-market
3096 auto repair, it is _ you know, it is inherently
3097 unenforceable.

3098 Moreover, this specific MOU included less than five
3099 percent of the independent repair shops. My bill, the REPAIR
3100 Act, seeks to represent 100 percent of them.

3101 Since presenting my argument against this MOU, I have
3102 heard from some who want a "FTC-enforced MOU.'" If you feel
3103 that way, I invite my colleagues to cosponsor this bill,
3104 because it is enforced by the FTC instead of by the OEMs, and
3105 there is specific language to provide consumer choice.

3106 Cybersecurity and data protection will continue to be
3107 strong and get stronger, too, compared to the current
3108 situation that Stellantis created to monetize the car owners'
3109 personal data. Let's protect the independent repair industry
3110 and the hard-working men and women that they employ, as well
3111 as the rights of the owners to repair their property where
3112 and when they see fit.

3113 With that, Mr. Chairman, I yield back.

3114 *Mr. Bilirakis. The gentleman yields back. And for

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3115 what purpose does Representative Kelly wish to be recognized?

3116 *Ms. Kelly. Mr. Chair, I move to strike the last _

3117 *Mr. Bilirakis. You are recognized.

3118 *Ms. Kelly. Thank you.

3119 I appreciate the subcommittee's deliberations to protect
3120 consumers' rights to repair their vehicles. Independent
3121 repair shops perform over 70 percent of automotive repairs in
3122 the United States, serving our consumers and car
3123 manufacturers well.

3124 Price remains competitive. Access to local repair shops
3125 provide convenience for consumers, and repairs can be
3126 completed in an efficient manner. However, I am concerned
3127 about the REPAIR Act in its current form. This is a
3128 transformation _ transformative, excuse me _ moment for the
3129 industry, and it is critical that any legislation put forward
3130 upholds privacy, safety, and security for consumers across
3131 the country.

3132 As wireless repair and diagnostic data sharing becomes
3133 more prevalent in vehicles, it is imperative we determine the
3134 most secure methods for safely making repairs and diagnostic
3135 data accessible, while strengthening consumer protections

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3136 around access to sensitive data.

3137 Similarly, we should consider limits to what data is
3138 accessible and how cybersecurity would be addressed before
3139 regulations are established.

3140 I also think we should explore whether there are unique
3141 issues involving repairs to commercial, heavy-duty vehicles,
3142 and how they differ from light-duty passenger vehicles prior
3143 to full committee action.

3144 That said, I look forward to continuing to work with
3145 Rep. Dunn, Ranking Member Schakowsky, and my colleagues on
3146 this committee to address concerns put forward by key
3147 stakeholders.

3148 And I yield back.

3149 *Mr. Bilirakis. The gentlelady yields back.

3150 For what purpose does our chair, Mrs. Rodgers, wish to
3151 speak?

3152 *The Chair. Thank you, Mr. Chairman. I move to strike
3153 the last word.

3154 *Mr. Bilirakis. You are recognized.

3155 *The Chair. I would like to thank Dr. Dunn, Dr.
3156 Bucshon, and all of my colleagues for their work on this

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3157 topic.

3158 I understand that there are several amendments that have
3159 been filed to address different concerns from relevant
3160 stakeholders. Subcommittee markups are an opportunity for
3161 this type of civil discourse to occur, and discuss areas for
3162 improvement and revisions in the base text and amendments.
3163 This is exactly why a subcommittee markup is beneficial,
3164 providing members the opportunity to share their views and
3165 see where agreement can be formed.

3166 I would highly encourage my colleagues to offer and
3167 withdraw their amendments with the goal of working with each
3168 other between this subcommittee markup and the full
3169 committee. We will have time to collaborate and consider
3170 changes and additional language on this topic. I encourage
3171 all respective parties to work in good faith to find a
3172 resolution.

3173 I yield back.

3174 *Mr. Bilirakis. I want to thank the gentlelady for her
3175 leadership.

3176 Okay, next we _ does anyone on the Democrat side wish to
3177 speak on the bill? We will get to the amendatory process,

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3178 but on the bill?

3179 No one? All right, then I will take my turn. I now
3180 recognize myself for five minutes to speak on the bill.

3181 I want to thank Dr. Dunn for his work on this
3182 legislation, H.R. 906, the REPAIR Act. We certainly
3183 appreciate him as a valued member of the subcommittee, and I
3184 look forward to continuing to work with him on this
3185 particular issue, as well as all the other policy areas of
3186 focus that are priorities for him and for our subcommittee.

3187 The intent of this legislation is to help consumers have
3188 access and choice for where they get their motor vehicles
3189 repaired. I think we all can agree that vehicle ownership
3190 should have the right to repair and maintain their
3191 automobiles at a place they feel works best for them, and to
3192 get access to the information needed to make those repairs
3193 effectively.

3194 Furthermore, I think almost every one of us on the
3195 subcommittee can point to honest, hard-working, independent
3196 auto repair shops _ I know I can _ in our districts who do
3197 the critical work needed to keep our cars safe on the road
3198 and back to working condition, as well as the significant

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3199 infrastructure needed to ensure after-market parts and repair
3200 options are available in a fast and affordable manner.

3201 I was able to visit a salvaged parts center in my
3202 district in Crystal River, Florida, a beautiful place, and I
3203 found it very informative to hear their concerns about the
3204 industry and their efforts to protect consumers. So I
3205 commend Dr. Dunn for putting his ideas forward for how to
3206 better provide that protection, choice, and access to
3207 consumers.

3208 However, one thing that has been made abundantly clear
3209 through the many amendments that have been filed here today
3210 is that there are members on both sides of the aisle that
3211 have significant concerns about the language of the bill, and
3212 the other possible implications it could have for public
3213 safety and cybersecurity, and I appreciate all those
3214 concerns. And I do think that those concerns are really
3215 important, and they need to be fleshed out, so I agree with
3216 the chair of the full committee.

3217 I know Dr. Bucshon and Representative Dingell have a
3218 bipartisan ANS that they would like to discuss, and there
3219 have been other amendments filed that ensure that any data

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3220 generated for these vehicles can't be used for improper uses
3221 such as targeting _ targeted advertising.

3222 I even have an amendment myself that deals with
3223 autonomous vehicles and self-driving cars, which I believe
3224 should be discussed in a separate setting than here in this
3225 particular bill. But when we get to my amendment, I am
3226 planning to offer and withdraw it. I encourage others to do
3227 the same.

3228 And I tell you what, this is _ I am very proud of all
3229 the members today. They are doing an outstanding job. We
3230 are working collaboratively in the best interests of our
3231 constituents. In that spirit, I am urging the supporters of
3232 this bill to sit down and negotiate with those who are
3233 opposed to try to find common ground, find a consensus on the
3234 dais. I ask that Dr. Dunn work with me and with Dr. Bucshon,
3235 Representative Dingell, Representative Walberg,
3236 Representative Allen, Ranking Member Schakowsky, and, of
3237 course, the chair, and others to address the various concerns
3238 that are going to be raised today.

3239 We need to get this bill right to ensure that consumers
3240 have a right to repair in a way that can ensure public safety

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3241 on our roads. There is no doubt that there is still a lot of
3242 work that needs to be done before any possibility of full
3243 committee consideration to find a path forward, and I really
3244 look forward to working with all of you.

3245 With that, I appreciate and look forward to hearing
3246 these debates today. And of course, I will yield back the
3247 balance of my time.

3248 Is there anyone on the Democratic side? Otherwise, I
3249 recognize _ for what purpose _

3250 *Mr. Pence. Mr. Chairman, I move _

3251 *Mr. Bilirakis. Mr. Pence.

3252 *Mr. Pence. _ to strike the last word.

3253 *Mr. Bilirakis. Yes, yes. For what purpose do you have
3254 _ what would you like to speak on?

3255 *Mr. Pence. I move to strike the last word.

3256 *Mr. Bilirakis. Okay. You are recognized, sir.

3257 *Mr. Pence. Okay. Thank you, Mr. Chairman.

3258 I would like to echo concerns raised by my colleagues
3259 today. This bill is a work in progress, and there are a
3260 number of outstanding issues to work through. And I would
3261 like to thank Dr. Dunn for bringing this to the forefront. I

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3262 think, as the chairman just mentioned, maybe a broader
3263 hearing on this, bringing all the constituents together and
3264 talk about all the different issues, as indicated by all the
3265 amendments that have been offered today.

3266 You know, in my district, I have got Cummins Engine
3267 Company, auto manufacturers, independent repair shops, after-
3268 market manufacturers, and dealerships alike that I hear from
3269 on a regular basis on this topic. There is a broad scope of
3270 repair, data accessibility, and advanced technology issues
3271 that need to be addressed and worked through.

3272 I agree with my colleagues on the importance of right to
3273 repair, and the need to protect consumers' access to their
3274 own data in an ever-increasing digital world, particularly in
3275 rural America. As we continue working towards finding common
3276 ground on the right to repair, I urge my colleagues to
3277 consider spending time learning the issues on both sides and
3278 how we can work together.

3279 And thank you, Mr. Chair, I yield back the balance of my
3280 time _

3281 *Mr. Duncan. Will the gentleman yield?

3282 *Mr. Pence. Yes, I will yield my time.

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3283 *Mr. Duncan. I thank the gentleman. I agree with you.
3284 This is a work in progress. And you know, I am proud the MOU
3285 was worked on during the summer between all parties involved,
3286 but Congress is probably going to have to act on this.

3287 And I appreciate all the amendments. As my colleague
3288 from Indiana said, it shows there is some areas to address,
3289 and we need to find the sweet spot, Mr. Chairman, on this
3290 piece of legislation. It affects the auto dealers, but it
3291 also affects the shadetree mechanics like myself and the
3292 numerous repair shops around the country that folks take
3293 their cars to.

3294 So I thank the gentleman for yielding, and I look
3295 forward to the work on this, and I yield back.

3296 *Mr. Pence. I yield back.

3297 *Mr. Bilirakis. Thank you very much. The gentleman
3298 yields back, and I want to thank the chair again for regular
3299 order and going through the _ this is what these
3300 subcommittees are all about, and it is actually working. So
3301 we appreciate that very much.

3302 Is there anybody on the Democrat side that wishes to
3303 speak on the bill?

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3304 All right, otherwise, we will get to the amendatory
3305 process.

3306 Oh, yes, Mr. Fulcher, I believe, would like to speak on
3307 the _

3308 *Mr. Fulcher. Thank you, Mr. Chairman.

3309 *Mr. Bilirakis. _ bill on the Republican side.

3310 *Mr. Fulcher. Thank you _

3311 *Mr. Bilirakis. You are recognized, sir.

3312 *Mr. Fulcher. Thank you, Mr. Chairman, and I am going
3313 to actually defer, because some of my colleagues have raised
3314 some of the same questions I had, just _ security and
3315 ownership of information garnered from vehicles is of
3316 concern, but I am confident now, with the previous dialogue,
3317 that we are going to be able to work that out prior to the
3318 final bill.

3319 With that I yield back.

3320 *Mr. Bilirakis. The gentleman yields back. Why don't
3321 we go ahead to the amendatory process? Let's see, I am going
3322 to recognize Dr. Bucshon.

3323 For what purpose, sir?

3324 *Mr. Bucshon. Mr. Chairman, I have an amendment at the

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3325 desk in the nature of a substitute.

3326 *Mr. Bilirakis. You are recognized. If the clerk could
3327 read the amendment, I would appreciate it.

3328 *The Clerk. An amendment in the nature of a substitute
3329 to H.R. 906, offered by Mr. Bucshon of Indiana. Strike all
3330 after the enacting clause, and insert the following. Section
3331 1, short title.

3332 *Mr. Bilirakis. Without objection, the reading is
3333 dispensed with.

3334 [The amendment of Mr. Bucshon follows:]

3335

3336 *****COMMITTEE INSERT*****

3337

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3338 *Mr. Bilirakis. Thank you, Mr. Chairman, and I am
3339 grateful for my colleague, Representative Dingell, for
3340 co-leading this amendment in the nature of a substitute.

3341 Across the United States, and especially in rural
3342 districts like Indiana's 8th district that I represent, over
3343 75 percent of post-warranty repairs are completed at
3344 independent auto repair shops. These independent shops and
3345 licensed dealerships together keep all of our constituents'
3346 vehicles on the road and at affordable prices, and this is a
3347 concept that I support.

3348 In 2014 repair shops nationwide and automobile
3349 manufacturers came together and agreed to a memorandum of
3350 understanding preserving the ability of consumers to get
3351 their car repaired at the place of their choosing. I was
3352 glad to see that this commitment was renewed this past
3353 summer.

3354 So rather than looking at passing texts that institute
3355 new requirements that expands the rulemaking authority for
3356 the already overly-aggressive FTC and that experts say would
3357 make vehicles potentially less safe and more vulnerable to
3358 cyber attacks, I think Congress should use a standard that

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3359 has a proven track record. That is exactly what this
3360 amendment would do. It would codify the existing memorandum
3361 of understanding that has been in place nationwide for nearly
3362 a decade, and add enforcement authority under section 5 of
3363 the FTC Act to give consumers and manufacturers additional
3364 certainty and protection when it comes to the safety of their
3365 vehicle and access to getting it repaired where they choose.

3366 I have other concerns with the REPAIR Act-based text,
3367 including, but not limited to, the fact that it allows the
3368 FTC to require access to additional types of data, regardless
3369 of whether those types of data are related to motor vehicle
3370 repair. It imperils manufacturers' confidential business
3371 information, and it lacks adequate protections for consumer
3372 data that are in line with the other goals of this committee
3373 that we are advancing, such as a national data privacy
3374 framework.

3375 I cannot support the REPAIR Act in its current written
3376 form, and I believe that codifying the current MOU would be a
3377 more sensible approach at this time.

3378 Additionally, Mr. Chairman, I would like to submit
3379 documents for the record related to this issue, and we have

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3380 already done that.

3381 One piece is technical assistance provided by NHTSA from
3382 the REPAIR Act which highlights data security concerns and
3383 other issues with the base text.

3384 Next is a letter from NHTSA to various vehicle
3385 manufacturers detailing how the Massachusetts right to repair
3386 law is preempted by the SAFETY Act.

3387 With that, Mr. Chairman, thank you for the time, and I
3388 yield back.

3389 *Mr. Bilirakis. I appreciate it very much. The
3390 gentleman yields back.

3391 On the amendment _ again, on the ANS _ is there anyone
3392 on the Democrat side that wishes to speak?

3393 I believe Representative Dingell _ are you _ would you
3394 wish to speak on the amendment?

3395 *Mrs. Dingell. Yes _

3396 *Mr. Bilirakis. Okay.

3397 *Mrs. Dingell. _ Mr. Chair.

3398 *Mr. Bilirakis. You are recognized _

3399 *Mrs. Dingell. Thank you, Mr. Chair.

3400 *Mr. Bilirakis. _ to strike the last word.

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3401 *Mrs. Dingell. I move to strike the last word, and I am
3402 very grateful to join my colleague, Mr. Bucshon, in co-
3403 introducing this bill. And I want to thank both the full
3404 committee chair and you, Mr. Chairman, for encouraging us to
3405 continue to work together before this reaches the full
3406 committee level.

3407 I want to begin by making absolutely clear I support the
3408 right to repair. Folks should have the right to fix
3409 something when it breaks and they can do it by themselves _
3410 you wouldn't want me to, but others can _ or by taking it to
3411 an independent repair shop.

3412 But I have significant concerns with H.R. 906, the
3413 REPAIR Act, as it is now, and I cannot support it in its
3414 current form. The underlying bill is overly broad and, in my
3415 view, poses a significant risk to consumers nationwide. On
3416 top of this, it contains significant loopholes that will
3417 undermine our competitiveness, our national security, and the
3418 security of consumer data.

3419 I want to remind my colleagues that for almost 10 years
3420 now, thanks to a national memorandum of understanding between
3421 the auto manufacturers and the after-market repair community,

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3422 the auto industry has provided the necessary tools and
3423 information for independent repair facilities to diagnose,
3424 repair, and maintain vehicles. I repeat: independent repair
3425 shops have and have had all the information they need to
3426 diagnose and repair issues today, tomorrow, and into the
3427 future.

3428 So, to be blunt, the REPAIR Act aims to address a
3429 problem that, in reality, does not exist, and that is why I
3430 am honored to be offering this substitute amendment with my
3431 colleague, Representative Bucshon.

3432 Our substitute amendment seeks to codify the existing
3433 MOU between auto manufacturers and the independent repair
3434 shops which, again, grants independent repair shops access to
3435 all the same data necessary to diagnose and repair that
3436 manufacturers provide to the dealers.

3437 And in addition to codifying the MOU, the substitute
3438 amendment empowers the FTC to oversee compliance and enforce
3439 in the event of violations. This enforcement mechanism takes
3440 the current MOU agreement a step further, aligning it with
3441 the Administration's goals, and officially putting the right
3442 to repair one's vehicle into law, rather than solely relying

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3443 on voluntary commitments.

3444 I firmly believe that this substitute amendment is the
3445 best path forward, and I urge my colleagues to support it.
3446 Even the National Highway Traffic Safety Administration, as
3447 my colleague mentioned earlier, has expressed reservations
3448 about the underlying REPAIR Act, citing its excessive breadth
3449 and potential privacy and safety concerns. It is evident
3450 that there are serious issues with this bill, and why we have
3451 offered this alternative.

3452 I want to remind my colleagues that 75 percent of the
3453 work done on out-of-warranty vehicles is currently being done
3454 by independent repair shops. If right to repair were really
3455 an issue, how are such a high volume of repairs already being
3456 done at independent repair shops?

3457 Today we exist in a thriving and competitive market, and
3458 the REPAIR Act, as it is currently written, will not fix
3459 that. The substitute amendment, on the other hand, commits
3460 into statute the MOU and creates the robust enforcement
3461 mechanism.

3462 So my question to those in favor of the REPAIR Act:
3463 What more do you want? What is it you want?

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3464 Are we truly seeking right to repair, or are we pursuing
3465 broader objectives like access to intellectual property, a
3466 wide variety of data, or telematics?

3467 Are we opening a Pandora's box that could affect the
3468 future of consumer privacy, cybersecurity, or driving and
3469 vehicle safety?

3470 I really want to work with my colleagues on this
3471 committee on a path forward, and I believe that my colleague
3472 from Indiana and I _ this proposed amendment _ is a step in
3473 the right direction. So with all those concerns being said,
3474 I really want to work with everybody before we go to the full
3475 committee, and I also think that we would benefit from the
3476 results of an ongoing GAO report on this very subject
3477 requested by Ranking Member Schakowsky.

3478 We have an opportunity to do this right, and it should
3479 benefit us all with the available _ information available to
3480 us. We, as a committee, must consider the broader
3481 implications of this bill, and I look forward to working with
3482 all of my colleagues.

3483 And in the interest of that, I won't introduce the six
3484 other amendments I might have.

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3485 [Laughter.]

3486 *Mrs. Dingell. Thank you, Mr. Chair, and _

3487 *Mr. Bilirakis. And I appreciate that very much.

3488 *Mrs. Dingell. _ I yield back.

3489 *Mr. Bilirakis. Thank you. Thank you. And I
3490 understand Dr. Bucshon would like to be recognized.

3491 *Mr. Bucshon. If no other people are planning to speak
3492 on the amendment, Mr. Chairman, with all the good will we see
3493 here at the committee today to continue to work together to
3494 address all of these issues, at this time I would like to
3495 withdraw my amendment.

3496 *Mr. Bilirakis. Okay, there is another amendment at the
3497 desk. And who would like to be recognized?

3498 For what purpose, Dr. Bucshon?

3499 *Mr. Bucshon. I have an amendment at the desk, Mr.
3500 Chairman, Bucshon _

3501 *Mr. Bilirakis. Okay, you are recognized, sir.

3502 *Mr. Bucshon. _ 033.

3503 *Mr. Bilirakis. You are recognized, sir.

3504 If the clerk could read the amendment, we would
3505 appreciate it.

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3506 *The Clerk. Thank you. Just to clarify, did you say
3507 that was Trahan_033?

3508 *Mr. Bucshon. No, Bucshon.

3509 *Mr. Bilirakis. Bucshon.

3510 *Mr. Bucshon. Bucshon, yes. The numbers are the same.
3511 I don't know why it says Bucshon _ yes.

3512 *The Clerk. Thank you. An amendment to H.R. 906,
3513 offered by Mr. Bucshon of Indiana. Page 5, line 3, strike
3514 data and insert data _

3515 *Mr. Bilirakis. Without objection, should the _ the
3516 amendment should be _ the reading is dispensed with on first
3517 reading. Yes.

3518 [The amendment of Mr. Bucshon follows:]

3519

3520 *****COMMITTEE INSERT*****

3521

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

3522 *Mr. Bilirakis. You are recognized, sir, for your _ to
3523 _ explanation of your amendment.

3524 *Mr. Bucshon. Thank you, Mr. Chairman.

3525 NHTSA, the agency directly responsible for ensuring that
3526 vehicles are safe for all road users, has expressed concern
3527 with the standardized access platform provisions of the
3528 REPAIR Act. In technical assistance that the agency provided
3529 after last month's legislative hearing for the REPAIR Act,
3530 NHTSA expressed concerns _ and I quote _ "no standardized
3531 access platform exists,'" and that NHTSA would not be able to
3532 issue standards as would be required by this _ the underlying
3533 legislation, the REPAIR Act.

3534 Additionally, it said the designation of a standardized
3535 access platform _ and I quote _ "creates large-scale
3536 cybersecurity risks.'" DHS, DoD, and other security agencies
3537 would need to be involved in administration of such an
3538 entity. These agencies are not consulted under the current
3539 bill, and the inclusion of such a platform potentially could
3540 endanger road users.

3541 My amendment follows the technical assistance provided
3542 by NHTSA, and strikes the standard access platform language

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3543 from the bill. There is an existing regime where repairers
3544 are able to access data necessary for repair, and this policy
3545 within the base text of the REPAIR Act will only create
3546 vulnerabilities for road users.

3547 Thank you, Mr. Chairman, I yield back.

3548 *Mr. Bilirakis. Is there any further discussion on this
3549 particular amendment?

3550 Yes, yes, the gentleman, Dr. Bucshon, is recognized.

3551 *Mr. Bucshon. Mr. Chairman, again, as with the current
3552 _ the previous amendment, because it is very clear that all
3553 of us want to work together in a bipartisan way at the
3554 committee for a pathway to move forward, at this time I will
3555 withdraw this amendment.

3556 *Mr. Bilirakis. Without objection, that is so ordered.
3557 Thank you. I appreciate it very much.

3558 For what purpose does Mrs. Trahan, Ms. Trahan, or Dr.
3559 Trahan _

3560 *Mrs. Trahan. No doctor.

3561 *Mr. Bilirakis. For what purposes does she wish to be
3562 recognized?

3563 *Mrs. Trahan. Thank you, Mr. Chairman. I have an

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3564 amendment at the desk labeled Trahan_033.

3565 *Mr. Bilirakis. Okay. If the clerk could read the
3566 amendment, we would appreciate it.

3567 *The Clerk. An amendment to H.R. 906, offered by Mrs.
3568 Trahan of Massachusetts. Page 8, after line 2 _

3569 *Mr. Bilirakis. Without objection, the reading of the
3570 amendment is dispensed with.

3571

3572 [The amendment of Mrs. Trahan follows:]

3573

3574 *****COMMITTEE INSERT*****

3575

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3576 *Mrs. Trahan. Mr. Chairman, this amendment adds common-
3577 sense privacy protections to the REPAIR Act, privacy
3578 protections that I know this committee understands the value
3579 of, given the breadth of our work last Congress on the
3580 American Data Privacy and Protection Act.

3581 Right to repair is a critically important issue that
3582 will decrease costs for consumers, promote competition and
3583 innovation, and strengthen our economy. My home state of
3584 Massachusetts overwhelmingly supports right to repair.
3585 Massachusetts passed a right to repair ballot initiative in
3586 2012, and in 2019 expanded protections to enable wireless
3587 access to telematics data, with 75 percent of voters
3588 supporting the measure, and I commend the hard work of
3589 Congressman Dunn in building the bipartisan coalition in
3590 support of the REPAIR Act today.

3591 As we all know, ensuring the right to repair for
3592 automobiles requires providing access to vehicle-generated
3593 data to independent repair shops in the same way that
3594 automotive manufacturers and dealerships access that data.
3595 Modern automobiles both collect and use many types of
3596 personal data, including audio and video recordings for

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3597 features like voice assistance and automated braking and
3598 steering.

3599 My amendment seeks to establish a _ basic consumer
3600 protections for the data made accessible by this bill. Quite
3601 simply, it establishes a right for consumers to revoke data
3602 access and ensure that their data is deleted. It also
3603 restricts the use of vehicle-generated data to ensure that it
3604 is not sold to data brokers or online advertisers. I support
3605 independent repair shops, but I don't want to enable or
3606 incentivize the sale of motor vehicle owners' private
3607 information.

3608 I will not be requesting a vote on my amendment at this
3609 time, but I ask Representative Dunn to commit to working with
3610 me to address these concerns.

3611 *Mr. Dunn. I am delighted to commit to work with
3612 Representative Trahan.

3613 *Mrs. Trahan. Thank you, Mr. Dunn.

3614 *Mr. Dunn. Thank you.

3615 *Mrs. Trahan. I would like to call attention to another
3616 amendment that I have at the desk, which is labeled
3617 Trahan_34.

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3618 While my first amendment dealt with the use of data by
3619 independent repair shops, it is not fair to limit their data
3620 use without acknowledging the uncomfortable fact that data is
3621 already up for sale. There is nothing stopping vehicle
3622 manufacturers from collecting, licensing, and selling our
3623 data today, and most of them are already doing it.

3624 Vehicle manufacturers' privacy policies reveal that they
3625 are using our data to collect, infer, and sell details about
3626 all of our personal lives. For example, Stellantis set up a
3627 whole business unit exclusively dedicated to monetizing the
3628 data it collects from tens of millions of American vehicles.
3629 I think we should just put a stop to it.

3630 While I won't be asking for a vote on this amendment
3631 either, my proposal would extend basic privacy protections to
3632 vehicle-generated data collected by the manufacturers, as
3633 well. I hope that my colleagues on both sides of the aisle
3634 will support these common-sense measures to protect
3635 consumers' privacy, and I yield back.

3636 *Mr. Bilirakis. Yes. Will the _ is the gentlelady
3637 prepared to withdraw her amendment? Now this is 033.

3638 Yes, I understand. Why don't we _ okay. Why don't we

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3639 do that, then? We will have Blunt Rochester, Ms. Blunt
3640 Rochester speak on the amendment, and then I will make the
3641 request.

3642 *Ms. Blunt Rochester. Thank you. Thank you, Mr.
3643 Chairman, and thank you for the recognition as I move to
3644 strike the last word.

3645 I would first like to speak in support of Mrs. Trahan's
3646 amendments.

3647 And I think most people can agree that getting your car
3648 repaired can at times be time consuming, inconvenient, and
3649 sometimes even an expensive undertaking. And when someone
3650 needs for their car to be fixed, or their vehicle, it is
3651 crucial that consumers have the ability to choose a repair
3652 option that works for them, whether that is at an independent
3653 repair shop in their neighborhood or with the authorized
3654 vehicle dealer. The REPAIR Act, which we are marking up
3655 today, is not a perfect solution, but it is a good starting
3656 point. Consumers want and deserve access to the basic
3657 information and tools necessary for the repair of their
3658 vehicles.

3659 But this debate is also about something more

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3660 fundamental: the right a consumer has to the data collected
3661 about them by their vehicle. This is a principle I
3662 wholeheartedly support. That is why I support and propose a
3663 _ the proposed amendments by Mrs. Trahan would strengthen
3664 data security and privacy protections for consumers.

3665 An overly broad definition of "vehicle-generated data"
3666 could lead to the unnecessary disclosure of personal consumer
3667 data, and could increase cybersecurity vulnerabilities. In
3668 fact, these concerns underscore the persistent and
3669 overarching need for a comprehensive Federal privacy
3670 framework that our committee continues to work on.

3671 I urge my colleagues to continue their work on a
3672 solution that, number one, promotes the right to repair;
3673 number two, protects privacy; and number three, empowers
3674 consumers.

3675 Thank you, Mr. Chairman, and I yield back.

3676 *Mr. Bilirakis. Thank you. Thank you very much.

3677 So, Dr. Trahan, we have a couple of things to do here,
3678 some work to do. Would _ Dr. Trahan, does the gentlelady
3679 wish to withdraw her amendment 033?

3680 *Mrs. Trahan. Yes, I will withdraw both amendments _

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3681 *Mr. Bilirakis. Well, let's go one at a time.

3682 *Mrs. Trahan. Okay.

3683 *Mr. Bilirakis. Without objection, so ordered.

3684 And now I am going to ask Dr. Trahan if she wishes to
3685 withdraw 034, and I would like a response from her on that.

3686 *Mrs. Trahan. Yes, Mr. Chairman. I look forward to
3687 working with my colleagues before the _

3688 *Mr. Bilirakis. Without objection, so ordered.

3689 Okay, I think we are ready now. Okay, so I have an
3690 amendment. I am going to recognize myself. I have an
3691 amendment at the desk. It is BILIFL_42. I like that number,
3692 Jackie Robinson. Can't beat that.

3693 *The Clerk. An amendment to H.R. 906, offered by Mr.
3694 Bilirakis of Florida.

3695 *Mr. Bilirakis. Without objection, the reading of the
3696 amendment is dispensed with.

3697 [The amendment of Mr. Bilirakis follows:]

3698

3699 *****COMMITTEE INSERT*****

3700

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3701 *Mr. Bilirakis. And I recognize myself for five minutes
3702 to speak on the amendment, and then I plan to withdraw the
3703 amendment.

3704 My amendment to the REPAIR Act would ensure that fully
3705 autonomous self-driving vehicles are not inadvertently
3706 covering [sic] the bill and creating unintended consequences
3707 to this future technology.

3708 I understand from the sponsors and supporters of the
3709 REPAIR Act that they did not necessarily intend to cover
3710 autonomous vehicles, and my amendment would clarify this
3711 under the definition of "motor vehicle," that they are not
3712 within the scope, and it is also _ it would clarify that
3713 trade secrets would not be divulged.

3714 As all on this subcommittee know, we have been very
3715 active with respect to the AVs, and they are going to _ there
3716 are discussions, particularly between Representative Latta
3717 and Representative Dingell, on potential AV legislation. We
3718 have held hearings where I have been able to discuss the
3719 possible societal benefits this has for American leadership
3720 on the global scale for the U.S. economy, the public safety,
3721 and, speaking from personal experience, the significance _

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3722 again, the significant mobility and accessibility benefits
3723 that can have for disabled seniors, but people that are
3724 visually impaired, as well, whether they are seniors or
3725 younger people.

3726 When we speak of autonomous vehicles, these are level 4
3727 or level 5 vehicles, as defined by the Society of Automotive
3728 Engineers, that are driven entirely by the vehicle's unique
3729 automated driving system technology, and not a human driver.
3730 It is critical emerging technology, and distinct from even
3731 the driver-assist technologies and vehicles today. The AV
3732 industry has evolved as a fleet-managed model, rather than
3733 direct sales to consumers. This is for AV companies and the
3734 ride hail business shuttles or delivery. Thus, I do not
3735 believe that AVs are implicated by the policies of the REPAIR
3736 Act, which deal with consumer choice for the vehicles they
3737 own.

3738 Further, we are still at very early stages of scaling to
3739 offer only thousands of vehicles in very selective locations,
3740 rather than millions nationwide. And the technology is
3741 evolving extremely rapidly. That is why we need a bill as
3742 soon as possible. And I commend the gentlelady with working

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3743 with Chairman Latta on this particular bill. We got to get
3744 across the finish line as soon as possible.

3745 Thus, I believe it is prudent to ensure that this
3746 emerging technology can retain its current model as the
3747 technology itself is still growing and evolving by limiting
3748 the scope of the motor vehicles considered under the bill, at
3749 least until AV ownership is made a reality some time in the
3750 near future. My amendment provides this clarity to keep AVs
3751 out of the scope here until that future date _ again, I _
3752 that future date comes. And in my opinion, it makes a lot of
3753 sense.

3754 Dr. Dunn, I am willing to withdraw this amendment, but I
3755 do hope that you will work with me on this particular issue
3756 regarding autonomous vehicles, and I ask that we resolve this
3757 before any full committee consideration of this underlying
3758 bill. I hope I can get that commitment from my colleague and
3759 fellow Floridian. And before you give me that commitment,
3760 there may be somebody else who wants to speak on my
3761 particular amendment.

3762 Democrat side? Republican side? No.

3763 So, Dr. Dunn, you are recognized, and I would like to

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3764 get some assurances from you. I think _

3765 *Mr. Dunn. Mr. Chairman, I am very happy to commit to
3766 work with you on this. I think some excellent ideas have
3767 been brought forward in this amendment processes, and I am
3768 delighted to include them in the final product.

3769 *Mr. Bilirakis. Very good. Thank you so much.

3770 *Mr. Dunn. Thank you.

3771 *Mr. Bilirakis. So with that commitment and in the
3772 spirit, of course, of bipartisanship as well, and
3773 cooperation, I withdraw this amendment.

3774 And without objection, so ordered.

3775 So for what purpose does Mr. Allen from the great state
3776 of Georgia seek recognition?

3777 *Mr. Allen. Mr. Chairman, I have an amendment at the
3778 desk.

3779 *Mr. Bilirakis. So would the clerk please read the
3780 amendment?

3781 *The Clerk. Can the member please specify the
3782 amendment?

3783 *Mr. Allen. ALLEGA_012.

3784 *The Clerk. An amendment to H.R. 906 offered by Mr.

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3785 Allen of Georgia.

3786 *Mr. Bilirakis. Without objection, the reading of the
3787 amendment is dispensed with.

3788 [The amendment of Mr. Allen follows:]

3789

3790 *****COMMITTEE INSERT*****

3791

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3792 *Mr. Bilirakis. And the gentleman is recognized to
3793 explain his amendment.

3794 *Mr. Allen. Thank you, Mr. Chairman.

3795 This amendment _ and we have heard this over and over
3796 here today _ would ensure that the vehicle data that is
3797 shared with after-market parts manufacturers and independent
3798 repair shops is limited to information needed to diagnose and
3799 repair vehicles.

3800 Proponents have said that the REPAIR Act is needed to
3801 ensure that independent repair shops have access to the data
3802 and information that they need to diagnose and repair
3803 vehicles. If that is the case, then the data that is
3804 required to be shared with independent repair shops under the
3805 bill should be clearly and unequivocally limited to data
3806 needed to diagnose and repair vehicles only.

3807 However, the bill has _ as drafted, specifically
3808 authorizes the Federal Trade Commission to expand the types
3809 of data that are required to be shared with after-market
3810 parts manufacturers and independent repair shops, regardless
3811 of whether those types of data are related to vehicle repair
3812 only. By limiting the data to that needed _ that _ by

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3813 limiting the data to that _ needed to diagnose and repair a
3814 vehicle, this amendment aligns the bill with the stated
3815 intent of the proponents.

3816 Additionally, my amendment would explicitly disallow any
3817 person provided access to vehicle-generated data to use it
3818 for any purpose related to advertising, including the sending
3819 of targeted advertisements to a vehicle owner.

3820 With that, I yield back.

3821 *Mr. Bilirakis. Thank you. I appreciate it.

3822 Is there any further discussion on this particular
3823 amendment offered by Representative Allen, any further
3824 discussion?

3825 All right. Does the gentleman wish to withdraw his
3826 amendment?

3827 *Mr. Allen. Mr. Chairman, I withdraw my amendment under
3828 the understanding that this bill will not come before the
3829 full committee for consideration until the concerns
3830 highlighted in today's markup have been resolved.

3831 *Mr. Bilirakis. Fair enough. Without objection, the
3832 amendment _ so ordered. So ordered. The amendment is
3833 withdrawn.

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3834 Are there any further amendments to this particular
3835 bill?

3836 Seeing none, we are ready to vote, and this is a voice
3837 vote.

3838 So all in favor of the legislation before us, say aye.

3839 All opposed?

3840 The legislation is agreed to.

3841 Without objection, staff will be authorized to make
3842 technical and conforming changes to the legislation approved
3843 by the subcommittee today.

3844 So ordered.

3845 Without objection, the subcommittee stands adjourned.

3846 [Whereupon, at 1:52 p.m., the subcommittee was
3847 adjourned.]