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6 MARKUP OF:

7 H.J. RES. 34, PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER
8 CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF A RULE SUBMITTED
9 BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO "OIL AND
10 NATURAL GAS SECTOR: EMISSION STANDARDS FOR NEW,
11 RECONSTRUCTED, AND MODIFIED SOURCES REVIEW'';

12 H.R. 2928, THE "CYBER SENSE ACT OF 2021'';

13 H.R. 2931, THE "ENHANCING GRID SECURITY THROUGH
14 PUBLIC-PRIVATE PARTNERSHIPS ACT'';

15 H.R. 3078, THE "PIPELINE AND LNG FACILITY CYBERSECURITY
16 PREPAREDNESS ACT'';

17 H.R. 3119, THE "ENERGY EMERGENCY LEADERSHIP ACT''; AND

18 H.R. 2668, THE "CONSUMER PROTECTION AND RECOVERY ACT.''

19

20 THURSDAY, JUNE 10, 2021

21

22 House of Representatives,

23 Committee on Energy and Commerce,

24 Washington, D.C.

25

26

27

28 The subcommittee met, pursuant to call, at 11:03 a.m.
29 via Webex, Hon. Frank Pallone [chairman of the committee]
30 presiding.

31

32 Present: Representatives Pallone, Rush, Eshoo, DeGette,
33 Doyle, Schakowsky, Butterfield, Castor, Sarbanes, McNerney,
34 Welch, Tonko, Clarke, Schrader, Cardenas, Ruiz, Peters,
35 Dingell, Veasey, Kuster, Kelly, Barragan, Blunt Rochester,
36 Soto, O'Halleran, Rice, Craig, Schrier, Trahan, Fletcher;
37 Rodgers, Upton, Burgess, Scalise, Latta, Guthrie, McKinley,
38 Kinzinger, Griffith, Bilirakis, Johnson, Bucshon, Mullin,
39 Hudson, Walberg, Carter, Duncan, Palmer, Dunn, Curtis, Lesko,
40 Pence, Crenshaw, Joyce, and Armstrong.

41

42 Staff Present: Jeff Carroll, Staff Director; Lisa
43 Goldman, Senior Counsel; Waverly Gordon, General Counsel;
44 Jessica Grandberry, Staff Assistant; Tiffany Guarascio,
45 Deputy Staff Director; Perry Hamilton, Deputy Chief Clerk;
46 Fabrizio Herrera, Staff Assistant; Alex Hoehn-Saric, Chief
47 Counsel, Communications and Consumer Protection; Zach Kahan,
48 Deputy Director Outreach and Member Service; Rick Kessler,
49 Senior Advisor and Staff Director, Energy and Environment;
50 Dustin Maghamfar, Air and Climate Counsel; David Miller,
51 Counsel; Meghan Mullon, Policy Analyst; Kaitlyn Peel, Digital
52 Director; Tim Robinson, Chief Counsel; Chloe Rodriguez,
53 Deputy Chief Clerk; Kylea Rogers, Staff Assistant; Caroline
54 Wood, Staff Assistant; Tuley Wright, Senior Energy and
55 Environment Policy Advisor; Kate Arey, Minority Content
56 Manager and Digital Assistant; Sarah Burke, Minority Deputy
57 Staff Director; Michael Cameron, Minority Policy Analyst,
58 CPC, Energy, Environment; William Clutterbuck, Minority Staff
59 Assistant; Jerry Couri, Minority Deputy Chief Counsel for
60 Environment; Theresa Gambo, Minority Financial and Office
61 Administrator; Jack Heretik, Minority Press Secretary; Nate
62 Hodson, Minority Staff Director; Sean Kelly, Minority Press
63 Secretary; Peter Kielty, Minority General Counsel; Emily
64 King, Minority Member Services Director; Bijan Koohmaraie,
65 Minority Chief Counsel; Tim Kurth, Minority Chief Counsel,
66 CPC; Mary Martin, Minority Chief Counsel, Energy and

67 Environment; Brandon Mooney, Minority Deputy Chief Counsel
68 for Energy; Clare Paoletta, Minority Policy Analyst, Health;
69 Brannon Rains, Minority Policy Analyst, CPC, Energy,
70 Environment; Olivia Shields, Minority Communications
71 Director; Peter Spencer, Minority Senior Professional Staff
72 Member, Energy; Michael Taggart, Minority Policy Director;
73 Everett Winnick, Minority Director of Information Technology.
74

75 *The Chairman. And the committee will now come to
76 order. I will knock again.

77 We are meeting today to consider six bills that address
78 critical issues facing our nation. Due to the COVID-19
79 public health emergency, today's markup is being held
80 remotely. All members will be participating via video
81 conferencing as part of our markup.

82 Microphones will be set on mute for purposes of
83 eliminating inadvertent background noise. You will need to
84 unmute your microphone each time you wish to speak.

85 I was just handed a gavel; I now have a gavel.

86 Additionally, I ask that you use the raise hand feature
87 of the software platform when you wish to be recognized,
88 including to give an opening statement or to offer an
89 amendment. After you are recognized to speak, please use the
90 lower hand feature of the software platform so that I know
91 that you no longer seek recognition. But if for some reason
92 that doesn't work, and you want to be recognized, you know,
93 you can wave your hand or do something, because I don't want
94 to miss anybody because they don't know how to use the
95 feature.

96 So during voice votes you will need to unmute yourself
97 so that we can hear your response. If you would like to
98 request a recorded vote, please do so immediately after you
99 respond to the voice vote. During recorded votes you will

100 need to mute yourself to respond to the clerk, once your name
101 is called.

102 In responding to the clerk, I ask that, instead of just
103 saying aye or nay, that you respond with a phrase like,
104 "Frank Pallone from New Jersey votes aye.'" We just are
105 doing that because it provides additional time for the voting
106 member to be identified and made visible on the platform. So
107 don't just say aye or nay, say, "Anna Eshoo from California
108 votes aye,'" that type of thing, okay?

109 Amendments and motions should be set to Chloe Rodriguez
110 and Perry Hamilton, and documents for the record to Ed
111 Kaczmariski at the email addresses we have provided to staff.
112 All documents will be entered into the record at the
113 conclusion of the markup.

114 So I am now going to recognize myself for three minutes.

115 Again, the full committee and the subcommittee chairs
116 that have bills up today, and the ranking members of the full
117 committee in those subcommittees will have three minutes for
118 an opening statement, while the other members will have one
119 minute, if they choose to do so. So I will start by
120 recognizing myself for an opening statement on the three
121 bills.

122 Today the committee is continuing its work to combat
123 climate change, improve energy cybersecurity, and protect
124 consumers.

125 First we will consider H.J. Res. 34, a joint resolution
126 providing for congressional disapproval of the Trump
127 Environmental Protection Agency's 2020 Methane Recision Rule.
128 The Trump EPA action removed direct Federal limits on methane
129 pollution from new and modified oil and gas facilities.

130 The oil and gas sector is the largest industrial emitter
131 of methane, a potent climate disrupting greenhouse gas.
132 Methane is responsible for approximately one-third of the
133 planet's warming and resulting climate disruption. Under the
134 Clean Air Act, EPA has a responsibility to protect public
135 health from dangerous climate pollution like methane.
136 Effectively mitigating climate change and avoiding the worst
137 climate endangerment requires strong methane pollution
138 standards for both new and existing oil and gas sources.

139 But because of the Trump recision rule, there are now no
140 clean air protections in place to curb dangerous methane
141 pollution from the U.S. oil and gas sector. The Trump
142 recision rule was a thinly-veiled attempt to limit regulation
143 of the oil and gas industry at the expense of our health, our
144 safety, and our planet, at a time when these protections, I
145 think, are needed, more than ever. And it was such an
146 outrageous overreach that it was opposed by not only
147 environmentalists, but also by many in the fossil fuel
148 industry.

149 Favorably reporting H.J. Res. 34 today soundly rejects

150 and nullifies, in my opinion, one of the most egregious
151 environmental rollbacks of the Trump EPA. It would restore
152 the robust clean air pollution standards established in 2012
153 and 2016, and clears the path for stronger protections in the
154 future.

155 A second set of bills are on cybersecurity, four
156 bipartisan energy cybersecurity bills. Members of the
157 committee have worked together on these bills for many
158 congresses, and I hope this year we will finally enact them
159 into law. After all, cyber threats to the U.S. energy
160 systems have only increased in recent years, culminating with
161 the Colonial Pipeline ransomware attack last month. These
162 bills will bolster the cybersecurity of our energy system.

163 And finally, we will consider what I consider an
164 urgently-needed bill to protect consumers and ensure law
165 breakers do not get to profit from fraud, scams, and other
166 illegal conduct. H.R. 2668, the Consumer Protection and
167 Recovery Act, Tony Cardenas's bill, would restore the Federal
168 Trade Commission's authority under section 13(b) of the FTC
169 Act to go to court to get victimized consumers and businesses
170 their money back. Action is needed now, after the Supreme
171 Court gutted this authority earlier this year. We must
172 protect consumers and ensure the FTC remains the premier
173 consumer protection agency in the world.

174 So all these bills, I think, are important to protect

175 our safety, security, and well-being.

176 And with that I would now yield to Mrs. Rodgers, the
177 ranking member, for an opening statement.

178 *Mrs. Rodgers. Good morning, Mr. Chairman.

179 *Chairman Neal. Hi.

180 *Mrs. Rodgers. Good morning, members of the Energy and
181 Commerce Committee.

182 I am sitting here in Spokane, Washington, joining this
183 markup, and I am very disappointed. I am frustrated, and I
184 am asking, "Why are we still doing 100 percent virtual
185 work?'"

186 The science is clear. The CDC guidance allows us to be
187 in person. We are voting on the floor in person. The White
188 House is holding in-person events with Democrat members of
189 this committee. It is holding daily press briefings in
190 person. States across America are open, with no
191 restrictions, because they are following the CDC guidance.

192 Can the members who insist on keeping Energy and
193 Commerce closed really tell us why we are locked down at
194 home, when their states are open? No. I am almost certain
195 that they are following the science, visiting friends and
196 family indoors, without masks and social distance, doing in-
197 person events in their districts, indoors without mask and
198 social distance, dining inside a restaurant at 100 percent
199 capacity, maybe even planning a vacation to London after

200 President Biden committed to reopening travel to the UK just
201 yesterday.

202 Why? Because the CDC says it is safe. I am asking you
203 to follow the same standards, and reopen this committee. We
204 are doing a disservice for the citizens we were elected to
205 represent. They are returning to work. So why do we think
206 that we should be any different?

207 What is the plan for opening the Energy and Commerce
208 Committee? It is safe. Again, President Biden's CDC
209 guidance allows for it. Energy and Commerce is in charge of
210 public health. We should be leading by example, not
211 promoting more fear and being anti-science.

212 I am heartbroken, and I am really concerned about the
213 damage this will have on the Energy and Commerce Committee.
214 Surely, we all remember that we are the best committee on
215 Capitol Hill. We pride ourselves in attracting the Members
216 that are eager to do the hard work necessary to legislate and
217 deliver results. Virtual work is eroding this. It is
218 contributing to the polarization of Congress, and it is
219 damaging the culture of this committee.

220 We should be engaging in the most important debates of
221 our time, and doing the people's work. That is our rich
222 history on the Energy and Commerce Committee. And it is not
223 happening behind computer screens, when we are muted and
224 miles apart. Let's end this virtual charade, and let's

225 reopen. Let's reopen. We are duly elected to serve, and it
226 is an abuse of power to keep us effectively from doing our
227 jobs, so that the majority can maintain command and control.

228 I urge you to reopen. It is time. It is time that
229 Energy and Commerce Democrats follow the science.

230 And I yield back.

231 *The Chairman. Thank you, Mrs. Rodgers. I am just
232 going to say I disagree with you about the in-person, and
233 move on.

234 I recognize now Mr. Rush, chairman of the Subcommittee
235 on Energy, for three minutes for an opening statement.

236 [Pause.]

237 *The Chairman. I think he is muted. Bobby?

238 *Mr. Rush. I want to thank you, Mr. Chairman. This
239 hearing --

240 *The Chairman. You are recognized.

241 *Mr. Rush. -- presents an opportunity to advance pieces
242 of legislation that would support the Federal Government's
243 response to a variety of looming and pressing challenges.
244 Among these challenges is the resiliency, reliability, and
245 security of our energy system, especially in the face of bad
246 actors.

247 In the wake of the recent Colonial Pipeline crisis, our
248 committee has demonstrated its steadfast and bipartisan
249 commitment to move legislation that will confront cyber and

250 physical security vulnerabilities within our energy system.
251 This is demonstrated by my bill, H.R. 3119, the Energy
252 Emergency Leadership Act, which is co-led by my friend and
253 colleague, Congressman Walberg.

254 With this legislation, a new Department of Energy
255 assistant secretary with jurisdiction over all energy and
256 security functions will be created.

257 I am also proud to join Ranking Member Upton, Chairman
258 Pallone, and Ranking Member McMorris Rodgers in introducing
259 H.R. 3078, the Pipeline and LNG Facility Cybersecurity
260 Preparedness Act, which would create a program at DoE to
261 improve the physical and cybersecurity pipeline and related
262 facilities. There is -- this bill is really a good bill that
263 will improve our nation's cybersecurity.

264 Mr. Chairman, with that I yield back the balance of my
265 time.

266 *The Chairman. Thank you, Mr. Rush. Next I would
267 recognize Mr. Upton, the ranking member of the Subcommittee
268 on Energy, for three minutes.

269 *Mr. Upton. Well, thank you, Mr. Chairman. I know that
270 we have worked well together for a lot of years, and I know
271 that you understand the benefits for the committee to conduct
272 these markups in person. And the discussions that we have
273 had deliberating the bills in person, indeed, improve our
274 work. And I hope that we can return to our normal practices

275 as soon as we can. We are all tired of this Hollywood Square
276 approach. Looking at 50-some members on a couple of
277 different screens is pretty crazy.

278 We are all honorable men and women, and we prescribe to
279 a lot of different honor codes. And, you know, in the last
280 24 hours I have been to a lot of different events. I have
281 been to a Costco, I have been to a -- I just returned from a
282 major supermarket, Hardings. I have been to the post office.
283 I have been to a major university. I have seen hundreds of
284 people in the last 24 hours. And tomorrow I am going to be
285 sitting in right field. in the Wrigley Field bleachers, 40-
286 some thousand people, against the Cardinals.

287 If you have been vaccinated, the word is you don't need
288 a mask. Most of us have been vaccinated. You ought to
289 accept the honor code. And if we have been vaccinated, allow
290 us to be there in person to conduct this important business.

291 Now, turning to that business, let me note that I do --
292 bringing up four different bipartisan bills this morning.
293 These are necessary to strengthen the nation's energy
294 security. No, these are not new bills. We moved them
295 through the committee in the past. And three of the bills --
296 H.R. 2928, 3078, and 3119 -- were passed by the House under
297 suspension last fall.

298 We have got a good record to back up why all of these
299 four bills are important, extending over the many years of

300 the committee oversight of the energy sector and Department
301 of Energy responsibilities. The bills build on our
302 substantive work to modernize the DoE's core emergency
303 authorities, which are to ensure the reliable supply of
304 energy and power, especially when people need it most.

305 The supply of fuels and electricity in this nation
306 involve one of the most advanced and complex energy
307 infrastructures in the world. This includes an extensive
308 system of -- for storing and transporting fuels and refined
309 products. It includes a vast, complex electricity system to
310 deliver uninterrupted power from the producers of power to
311 consumers. These systems for generating, storing,
312 transmitting, and delivering the fuels and the power continue
313 to become more interconnected and complex, far more complex
314 than what DoE was first organized to address, energy
315 securities in the late seventies.

316 So we have done good work in recent years to make sure
317 DoE's authorities match its evolving responsibilities over
318 the energy sector. These bills build on that work. They
319 help DoE carry out its responsibilities, and it is important
320 to note that they do not -- authorities in other agencies
321 over critical infrastructures.

322 So, Mr. Chairman, I look forward to seeing these bills
323 move. And again, I look forward to seeing you in person as
324 early as next week. I yield back.

325 *The Chairman. Thank you, Mr. Upton, and thank you for
326 your input on these bills that we have today.

327 Next I recognize Mrs. Schakowsky, chair of the
328 Subcommittee on Consumer Protection, for three minutes.

329 *Ms. Schakowsky. Thank you, Mr. Chairman. Today this
330 committee will mark up my subcommittee vice chair's --
331 Cardenas's bill, the Consumer Protection and Recovery Act.

332 This legislation is urgently needed to ensure that the
333 Federal Trade Commission can protect consumers by putting
334 money back in their pocket, and back in the pockets of
335 victims of fraud and scams and other illegal activity. This
336 is exactly what Congress originally intended, and what the
337 people really need.

338 The authority under the -- under Section 13(b) of the
339 Federal Trade Commission Act has been the FTC's most
340 effective law enforcement tool over 40 years. Since 2018
341 alone, the FTC has used its 13(b) authority to recover \$1.2
342 billion for consumers. Nearly half of that has gone to the
343 states of my Republican colleagues. Just a few examples:
344 that includes over \$100 million recovery -- dollars recovered
345 for the Texas consumers; over \$81 million for Florida
346 consumers; \$49 million for Pennsylvania; and \$30 million in -
347 - back in the pockets of Michigan consumers.

348 Unfortunately, this authority was stripped away from the
349 FTC just a month ago, a decision by the United States Supreme

350 Court. And so only criminals and scammers really benefit
351 from this decision, while consumers lose. We are here today
352 to right that wrong.

353 For decades, the FTC used Section 13(b) to recover
354 billions of dollars for millions of consumers in a wide
355 variety of cases, including telecommunications fraud,
356 securities and privacy, and anti-competitive pharmaceutical
357 prices, scams that target seniors, and veterans, and deprive
358 consumers of their rights.

359 Under this -- under section 13(b), companies that scam
360 consumers not only have to stop doing the wrong thing, but
361 they have to put money back in the pockets of consumers and
362 make them whole. And so we must provide the FTC the means to
363 quickly make consumers whole. They deserve better than
364 leaving them in victimhood.

365 This is not a partisan -- I really want to stress it is
366 not a partisan issue. This is simply an issue of protecting
367 Americans from fraud and abuse. And lawbreakers must pay,
368 literally, pay what they owe. And I hope that my colleagues
369 will join with us in order to quickly approve this
370 legislation.

371 Thank you, and I yield back.

372 *The Chairman. Thank you, Ms. Schakowsky.

373 I am going to go through the subcommittee chairs and
374 ranking members with the three minutes. But those of you who

375 want to follow and do a one-minute opening, just a reminder
376 that you should raise your hand electronically, so that we
377 can get to you.

378 So next is Mr. Bilirakis, ranking member of the
379 Subcommittee on Consumer Protection and Commerce, for three
380 minutes.

381 *Mr. Bilirakis. Thank you, Mr. Chairman, I appreciate
382 it.

383 Two weeks ago, the Consumer Protection and Commerce
384 Subcommittee held its first virtual markup this Congress.
385 Unfortunately, it was very challenging, with unnecessary
386 confusion instead of sincere collaboration, because of the
387 technical difficulties. These screens are keeping us
388 divided. And I know we could better resolve our differences
389 if we met here in person.

390 As I mentioned in that markup, we are missing a great
391 opportunity to enact privacy legislation. And Chair
392 Schakowsky, I understand you would like to begin privacy
393 roundtables soon. I really appreciate your seriousness to
394 work on that issue, and remain eager to learn more about the
395 process. And we have already had one roundtable, which I
396 feel was very productive, with regard to privacy.

397 However, if we fail to set a goal to hold these hearings
398 and markups, our committee will drop the ball again this
399 Congress. We don't want that.

400 Mr. Cardenas, when you first announced your goal to
401 introduce this legislation to expand section 13(b) of the FTC
402 Act, I hoped to work in a bipartisan manner with you. Sadly,
403 this has not been the case so far. The majority's process
404 moving H.R. 2668 forward has turned a real chance to enact
405 bipartisan legislation into broken promises.

406 During our legislative hearing, the full slate of FTC
407 commissioners was excluded from sharing their viewpoints to
408 improve the legislation, despite it happening in the Senate.
409 Prior to the hearing, Republicans introduced much-needed
410 legislation with hopes of being included in broader
411 conversation to enact FTC reforms. But each was rejected.

412 This bill was pushed to its subcommittee markup without
413 a good faith effort to address real concerns. We were given
414 less than a week's notice on a late Friday night that this
415 bill would be marked up in subcommittee, and just before we
416 received incomplete answers to a letter sent to DoJ, and a
417 seemingly coordinated response to our questions for the
418 record from FTC Acting Chair Slaughter shortly thereafter.

419 It seems as though the fix has been in from the start.
420 That is the way I see it.

421 Lastly, Mr. Chairman, just 38 hours ago we learned
422 secondhand this bill would be on the markup today.

423 To my Democratic colleagues, we all want to protect
424 consumers, but this is not how this committee should be --

425 should operate. I will offer an amendment today that we
426 believe is a fair and equitable compromise to protect
427 consumers. I remain sincere and hopeful we can work
428 together.

429 So let's end this partisanship. Let's open the doors to
430 2123 Rayburn, and let's get back to doing good work for the
431 American people together.

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

433 *The Chairman. Thank you, Mr. Bilirakis. Next I
434 recognize Mr. Tonko, chairman of the Subcommittee on
435 Environment and Climate Change, for three minutes.

436 *Mr. Tonko. Thank you, Chairman Pallone. You can hear
437 me?

438 *The Chairman. Yes.

439 *Mr. Tonko. Thank you. Thank you. Thank you for your
440 leadership, and thank you for moving so much legislation
441 forward.

442 Today we will consider one resolution, H.J. Res. 34,
443 referred to the Subcommittee on Environment and Climate
444 Change.

445 Methane is a potent greenhouse gas with a global warming
446 potential 84 times worse than carbon dioxide over a 20-year
447 period. We know, indeed, how critical it is to address
448 methane to achieve our climate targets. It is why EPA had
449 taken good, well-supported steps previously to reduce methane

450 emissions and other harmful air pollution from the oil and
451 gas sector.

452 H.J. Res. 34 is a resolution of disapproval for the
453 Trump Administration's 2020 recision rule. If enacted, it
454 would reinstate the pollution reduction requirements that
455 were part of the established efforts in 2012 and 2016. A
456 companion resolution has already passed in the Senate with
457 bipartisan support, and the resolution has support from a
458 diverse coalition of stakeholders.

459 I do want to thank Representatives DeGette and Peters
460 for their work on this resolution, and their multi-year
461 efforts of curbing methane pollution.

462 I believe this is a very important bit of our achieving
463 our climate goals and decarbonizing our environment. I
464 encourage members to support this resolution. And with that,
465 Mr. Chair, I yield back.

466 *The Chairman. Thank you, Mr. Tonko. So I next
467 recognize Mr. McKinley, ranking member of the Subcommittee on
468 Environment and Climate Change, for three minutes.

469 *Mr. McKinley. Thank you, Mr. Chairman. We are here
470 today, once again, virtually, but in more than one sense of
471 the word. There has been no customary legislative process
472 for the majority of these bills in this Congress. We may
473 have had markups or hearings in previous congresses, but this
474 is a new Congress, and we have 13 new members on the

475 committee. That is nearly a quarter of our membership. And
476 we are still, once again, not meeting in person. Our Senate
477 counterparts have managed to do it. The CDC has released
478 guidelines.

479 Now, so let me just digress for a minute. On Monday
480 afternoon, members of the Environmental Subcommittee are
481 holding a bipartisan, in-person -- in-person -- forum on the
482 threat of rising energy prices. It is in the Gold Room. No
483 mask required. You prohibited us from using either of our
484 committee rooms. What difference does two floors make?

485 Now, so let me turn to today's bills. I have serious
486 concerns about the resolution before us. The resolution is
487 not about reducing methane emissions. It is about furthering
488 regulations -- regulating fossil fuels out of existence.
489 Even the EPA has said this resolution "clearly clears the
490 path for EPA to promulgate even stronger standards," even
491 though methane emissions from the oil and gas sector have
492 paled in comparison to other energy activities. In fact, in
493 recent years methane emissions from oil and gas have dropped
494 by 15 percent in the United States, while natural gas
495 production has doubled even more -- without more regulations.
496 The private sector is doing its part.

497 So, Mr. Chairman, this is nothing but a political
498 solution in search of a problem. States all regulate -- are
499 adequately regulating these emissions. And overturning this

500 rule would increase costs, hurting smaller, independent
501 operations and the livelihoods they support. They shouldn't
502 be collateral damage. Is that really -- Mr. Chairman, is
503 this really what America wants, higher prices and lost jobs?
504 Is this what you call environmental justice?

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

506 *The Chairman. Thanks, Mr. McKinley. We -- oh, these
507 are the people. Okay, I am sorry. I guess some people
508 weren't able to raise their hands electronically.

509 But anyway, as I said, we are going to do one-minute,
510 now, opening statements for anybody who wants to. Some
511 members have raised their hand, electronically. Please do
512 so. And if you can't, you know, wave or something.

513 So the first one is Ms. Eshoo of California is
514 recognized for one minute.

515 *Ms. Eshoo. Thank you, Mr. Chairman. And good morning,
516 colleagues.

517 First, I want to say that I support the bills that are
518 before us, and the -- I just want to say a few words about
519 the FTC bill.

520 The Supreme Court asked for the Congress to clarify, and
521 that is what this legislation does. Every single one of us
522 have listened to constituents in town hall meetings, letters
523 that they sent to us, e-mails of how they have been scammed.
524 And so I don't even think -- this is not partisan.

525 Bipartisanship is wonderful. This is nonpartisan. If you
526 look at the list, every single state, every single
527 congressional district, our constituents have been impacted
528 by this.

529 So I think this clarification is not only a good one, I
530 think it is absolutely necessary. Who wants to go home and
531 say, "I stood in the way of you being -- your funds being
532 restored"? That doesn't make sense.

533 And my Republican colleagues, our Republican colleagues,
534 have raised over and over again meeting virtually. As one
535 member of the committee, I really want to know if everyone is
536 vaccinated, and that all of the staff is vaccinated. And if
537 that can be established, I think that that would be very
538 important.

539 This virus is a killer. And we can't just take for
540 granted -- I am not going to take for granted, sitting in
541 closed quarters, that some people are vaccinated and others
542 aren't. I know it is sensitive, but, because you are raising
543 it, I want you to know how I view it.

544 So I think that I have used up my time, and I yield
545 back, and I thank the chairman for recognizing me.

546 *The Chairman. Thank you, Ms. Eshoo. So I have only
547 two more people that have asked for an opening, and that is
548 Mike Burgess and Bill Johnson. So we will go to Mike Burgess
549 now for one minute.

550 *Mr. Burgess. Thank you, Mr. Chairman. And I have an
551 opening statement I will submit for the record, and I will
552 post it on appropriate social media, because I am sure
553 everyone wants to read it. But I do feel that it is
554 important to add my voice to those who have already made
555 statements about this fact that we are meeting virtually for
556 a markup.

557 I mean, it is one thing to meet virtually for a hearing,
558 but a markup is a different situation. And we should be
559 gathered in one room.

560 I respect the people who have raised concerns about I
561 can't know that everyone is vaccinated. But look, the CDC
562 said I am vaccinated, you are vaccinated, we are good. The
563 person who is at risk is the person who is not vaccinated.
564 So let's make an N95 mask available to them, a face shield
565 available to them, again, if they so desire. But we should
566 be back in the hearing room, having these hearings real-time,
567 face to face.

568 There are things that you miss if you are not able to be
569 physically present during the time of a markup: the ability
570 to provide additional input, to provide for staff additional
571 input. This is something that we are missing by these
572 virtual markups, and it is time for us to get back to normal.
573 If we believe in the vaccine, let's act like it.

574 I yield back.

575 *The Chairman. Thank you, Dr. Burgess.

576 So now I do have Peter Welch, and then Bill Johnson.

577 Peter, the gentleman from Vermont is recognized for one
578 minute.

579 *Mr. Welch. Thanks, Frank. I am not quite sure how I
580 got on the list. I am happy to listen to my colleagues, but
581 I look forward to making progress on this important hearing.
582 Thank you.

583 *The Chairman. Thank you. And then we have Bill
584 Johnson recognized for one minute, the gentleman from Ohio.

585 *Mr. Johnson. Well, thank you, Chairman Pallone and
586 Ranking Member Rodgers.

587 You know, having spent over 40 years in information
588 technology, I understand how critically important
589 cybersecurity is. As we become more reliant on technology,
590 even more so during the pandemic, our networks become more
591 and more susceptible to cyber attacks by criminals and
592 hostile nations.

593 The cyber attack on the Colonial Pipeline is an alarming
594 example of the vulnerabilities in America's critical
595 infrastructure. The ability of our adversaries to threaten
596 our national security and harm our economy is very real.
597 Unfortunately, the attack on the Colonial Pipeline isn't the
598 only example. Dozens of government agencies, a Florida
599 city's water supply, and ferry services off of Cape Cod have

600 all been victims to the sharp rise in recent cyber attacks.

601 It is past time that we act to protect our critical
602 infrastructure, our energy grid, our pipelines, and resources
603 that produce fuel for our power generation. This committee
604 has passed three bipartisan cybersecurity bills to protect
605 America's pipelines multiple times, and I am hopeful we can
606 do so again today.

607 With that, I yield back.

608 *The Chairman. Thank you. The gentleman from Alabama,
609 Mr. Palmer, had his hand up, recognized for one minute.

610 *Mr. Palmer. Thank you, Mr. Chairman. I want to
611 associate myself with Ranking Member McMorris Rodgers and the
612 others about the need to meet in person. And I would like to
613 make a motion that the committee majority provide in writing
614 the scientific basis for not allowing us to meet in person.
615 I will make this request in writing to the chairman.

616 But I would also like to ask that, if every Democrat
617 member of the committee has been vaccinated, that they at
618 least be willing to meet with those of us who have been
619 vaccinated, and to meet in person, and with that I yield
620 back.

621 *The Chairman. All right. Rather than entertain that
622 motion now, let's get through the opening statements, and
623 then we will go to it.

624 Does anyone else -- I don't have anybody else who has

625 asked for an -- to make an opening statement.

626 All right. So, Mr. Palmer, would you mind, instead of
627 making a motion, that -- I mean, I can either -- look, I can
628 state now why I disagree with Mrs. Rodgers, or I can, you
629 know, give you something in writing. I mean, why don't I
630 just explain now, and maybe that will satisfy you?

631 If not, you know, I could --

632 *Mr. Palmer. I would prefer that you do it in writing.
633 I mean --

634 *The Chairman. All right.

635 *Mr. Palmer. -- this is an egregious assault on
636 representative government. It an abuse of power, and I would
637 like to have it in writing.

638 *The Chairman. I have talked to Mrs. Rodgers, and I
639 would certainly be willing to discuss it further. And if you
640 want me to put something in writing, I gladly will. If -- I
641 don't even know if the motion is in order, but I would be
642 willing to do it, if that is all right. And if you withdraw
643 your motion, I will send you something in writing next --

644 *Mr. Palmer. I appreciate that, Mr. Chairman. Thank
645 you.

646 *The Chairman. All right --

647 *Mr. Burgess. Mr. Chairman? Mr. Chairman, Burgess
648 here.

649 If I could, as you know, I have sent a letter to the

650 Speaker on this very issue. I have asked you, Chairman
651 McGovern, Chairman Yarmuth, as the chair of the various
652 committees on which I sit, to help me with the Speaker's
653 office. I have gotten no response out of the Speaker's
654 office.

655 And, as you are providing a written response to Mr.
656 Palmer, I would also like a response to the letters that I
657 have sent you, if that wouldn't be too much to ask.

658 *The Chairman. Yes, I am not aware of it. But is it on
659 the same topic, Dr. Burgess?

660 *Mr. Burgess. Yes. As you know, we wrote --

661 *The Chairman. No, I will respond to Mr. Palmer's
662 request, and send it to everyone on the committee, not just
663 him. I will respond to what he said, and, you know, put it
664 in writing to all of you.

665 *Mr. Burgess. I would appreciate you bringing it up
666 with the Speaker, as well, which was the --

667 *The Chairman. Well, the Speaker, I am not aware of
668 what you have done with the Speaker, but I would be more than
669 willing to --

670 *Mr. Burgess. Your staff has several copies of the
671 letter, I assure you.

672 *The Chairman. Well, I will take a look at the
673 Speaker's letter, but I -- you know, I will just explain why
674 -- I have told Mrs. Rodgers, but I will explain in writing

675 why I don't want to have the in-person hearings yet.

676 Now, does this indicate there are two more members that
677 want to do openings?

678 *Voice. They might be having trouble raising their
679 hands.

680 *The Chairman. Are Mr. McNerney and Mr. Crenshaw -- you
681 both would like to do an opening, is that correct?

682 All right, then, we will go to Mr. McNerney, who is
683 recognized for one minute.

684 *Mr. McNerney. Okay, thank you, Mr. Chairman.

685 We will be considering two great security bills today
686 that my friend and co-chair of the Grid Innovation Caucus,
687 Bob Latta, and I have been working on for a long time: H.R.
688 2931, the Enhancing Grid Security Through Public-Private
689 Partnership Act; and 2928, the Cyber Sense Act. These are
690 important bills, they will make a difference. The growing
691 cyber threats in recent -- have highlighted the need and
692 urgency to do this.

693 Today we will also be considering legislation to reverse
694 the Trump Administration's rescission rule. This rule's
695 deregulation of the methane emission marked a significant
696 retreat in combating climate change, and it is absolutely
697 critical that we reverse this harmful rule.

698 And lastly, we need to move quickly to restore the
699 Federal Trade Commission's authority to go after those who

700 have stolen money from consumers, and to get this money back
701 to consumers. This is especially important for districts
702 like mine, where many are struggling to pay rent and put food
703 on the tables. Consumers who have been defrauded deserve to
704 get their money back. We need to give the Federal Trade
705 Commission authority to do this.

706 Thank you, I yield back.

707 [Pause.]

708 *Ms. DeGette. Frank, you are muted.

709 *The Chairman. I had a request for one minute from Mr.
710 Crenshaw of Texas. He is recognized for one minute.

711 *Mr. Crenshaw. Sorry about that, Mr. Chairman, my staff
712 must have jumped the gun on that one, but I -- look, I will
713 be very brief. I just want to echo the comments of everyone
714 else. The science says -- the CDC says we can meet in
715 person. If you are vaccinated, you are safe. You don't need
716 to know everybody else's medical history. That is an
717 infringement on their privacy. And you are safe. Everybody
718 is safe.

719 And I know that everybody is going back home and meeting
720 with lots of other people in person. Everybody knows this.
721 America is doing it. We should show that leadership. It is
722 unfortunate that we haven't. We have been leading from
723 behind at this point.

724 But look, these are complicated discussions, and we

725 should be meeting in person to have those discussions. And
726 if we don't believe the CDC's scientific method, we should --
727 we have jurisdiction over them. We should drag them in front
728 of the committee, and question their scientific method if we
729 don't believe that what they are saying is correct.

730 So I will leave it at that, and look forward to a --
731 hopefully, a productive markup.

732 *The Chairman. Thank you. And, as I have a request
733 from Morgan Griffith, the gentleman is recognized, Mr.
734 Griffith, for one minute.

735 *Mr. Griffith. Thank you, Mr. Chairman, I appreciate
736 it.

737 And I just wanted to add I have been coming to most of
738 the meetings. I know I live closer than some, but I have
739 done most of it from here, in the committee room. That is
740 why I had my mask on, trying to follow the rules and all
741 that. But I don't mind sharing that I have been vaccinated,
742 but I agree with Mr. Crenshaw that the real -- and Dr.
743 Burgess -- the real danger is if somebody is not vaccinated,
744 and they come in contact with somebody. For those of us that
745 are vaccinated, there is no problem.

746 And I just wish we could get back, because we can do
747 much better business. I miss, in the committee meetings,
748 talking to my Democratic colleagues, and trying to smooth out
749 problems before they erupt. And we are just not able to do

750 that. And we are not as effective doing our jobs for the
751 American people when we are not all in the room together,
752 wherever it is, the Gold Room, here in the committee room, or
753 somewhere else.

754 And I yield back, and thank you very much for your
755 consideration.

756 *The Chairman. Thank you. Now that -- I have no more
757 requests for opening statements.

758 Mr. Duncan is recognized for one minute, and then Mr.
759 Pence.

760 *Mr. Cardenas. Will you recognize me, Mr. Chairman?

761 *The Chairman. Yes, for one minute.

762 *Mr. Cardenas. Okay, thank you so much.

763 Well, I really appreciate the continued requests to meet
764 in person. I do look forward to seeing both my Republican
765 and Democratic colleagues much more often than we do today,
766 under the circumstances.

767 However, I personally have witnessed members of this
768 committee, literally, get in the face of other members over
769 this issue of wearing a mask or not, et cetera. When you
770 look at that issue, in and of itself, which sounds a little
771 simple and a little ridiculous, that people would actually do
772 such a thing, that is what makes it very difficult for us to
773 meet in person.

774 It is not the science at this moment that is keeping us

775 from meeting each other, meeting in person. It is the fact
776 that we live in America, and we cannot and will not be
777 requiring people to tell us whether they have been
778 vaccinated.

779 For example, there may be a member of a committee,
780 Republican or Democrat, who would love to get vaccinated, but
781 for medical reasons they have not. And for them to have to
782 divulge that publicly, or what have you, and then perhaps get
783 into why they haven't been able to do that, that is an issue.

784 So the fact of the matter is, in a perfect world, we
785 could have 100 percent compliance of all members and all
786 staff. But the fact that there may be an exception, and
787 people have rights and liberties in this country, that is
788 what makes it incredibly difficult for us to do so today.

789 I hope that we can do it soon, and I am sure that the
790 chairman and the Speaker and the House physician, et cetera,
791 are doing everything that they can to give us the best advice
792 possible, so that we can respect and protect every single
793 individual the best we can.

794 Thank you very much. I am sorry, Mr. Chairman, I went
795 over my time.

796 *The Chairman. Thank you. So I still have Mr. Pence
797 and Mr. Duncan requests, so we will recognize, based on
798 seniority, Mr. Pence of Indiana for one minute.

799 *Mr. Pence. Thank you, Mr. Chair. You know, one of the

800 -- we keep talking about whether we would hold an in-person
801 committee hearing, and I have a question, but maybe just a
802 point. Can't we have a hybrid, where those that are
803 uncomfortable or concerned about their health, or the health
804 of others, they could Zoom it in, while those that feel good,
805 feel that they are okay to come in, are vaccinated, and they
806 could attend in the appropriate numbers in the committee?

807 Is there a reason we can't consider hybrid?

808 *The Chairman. Mr. Pence, I do not want to do the in-
809 person, which, you know, would be necessary for hybrid. And
810 since Mr. Palmer has asked me to put it in writing, let me
811 just do that in the next 24 hours, and then you will all see
812 the reason.

813 But at this point, I don't want to. I don't think we
814 should go back to in-person or hybrid.

815 *Mr. Pence. All right. Thank you, Mr. Chair. I yield.

816 *The Chairman. And -- thank you -- and so next I have
817 Mr. Duncan of South Carolina.

818 *Mr. Duncan. Thank you Mr. Chairman. You know, states
819 are opening up. As you heard Fred Upton say, ballparks are
820 opening up, concerts are happening, folks are gathering. And
821 I ask my Democratic colleagues, why did you get vaccinated?

822 You got vaccinated because you did not want to get
823 exposed -- or catch the virus, should you get exposed. And
824 there is no reason we can't meet in person, because you are

825 vaccinated and I am vaccinated. I am not worried about
826 catching the virus, because I believe in the vaccine. And if
827 I have concerns, or if you have concerns, wear a mask.

828 Why do we wear a mask? So that, if we are exposed to
829 the virus, we don't catch it. Or, if we happen to have the
830 virus, we don't transmit it. Wear a mask. But if you are
831 vaccinated, let's get back together, Mr. Chairman.

832 Virtual hearings, Zoom meetings, they are getting old.
833 And we can be more effective. We are supposed to be leaders
834 in the United States Congress. States are opening up,
835 churches are opening up, colleges, universities are opening
836 up. Everyone, except the United States House of
837 Representatives under Speaker Pelosi and your leadership, Mr.
838 Chairman, are not opening up. And it is time for us to get
839 back in person.

840 With that, I yield back.

841 *The Chairman. Thank you. Does anybody else want to
842 make an opening statement?

843 All right. Now, I would ask those of you who raised
844 your hand electronically to lower it electronically, so I
845 don't get confused, if that is all right. Lower your hand,
846 if --

847 *Ms. Schrier. Chairman?

848 *The Chairman. Who is that?

849 *Ms. Schrier. This is Kim Schrier.

850 *The Chairman. Yes.

851 *Ms. Schrier. I would just love to comment for a moment
852 about the whole --

853 *The Chairman. -- recognize the gentlewoman for one
854 minute.

855 *Ms. Schrier. Thank you, Mr. Chairman. I would just
856 love to comment, just for a moment, about the CDC guidance,
857 because the CDC guidance is not everything is safe, open up;
858 if you are vaccinated, you safe. You are safe in a small --
859 in an enclosed place if people who are not vaccinated wear
860 masks.

861 And there is a fundamental problem with trust. Trust in
862 the Congress, trust in the country, about whether people who
863 are not vaccinated are, in good faith, going to wear masks.
864 That includes staff, that includes Members of Congress.
865 There are new variants circulating. And I think that, you
866 know, if we had that trust, we could have a different
867 conversation.

868 But no vaccine is 100 percent effective. In fact, with
869 the delta virus, we are looking at down in the seventies.
870 And I just think that we need to build that trust in our
871 colleagues, that if they are not vaccinated, they will wear
872 masks. And I think many of us simply don't feel that faith.

873 I too look forward to being in person. I can see a
874 hybrid model. There is many ways to do this. But I would

875 ask for some evidence that there can be trust.

876 *The Chairman. I thank the gentlewoman.

877 Is there anyone else who would like to make an opening
878 statement? Otherwise, I am going to move on.

879 *Mr. Soto. Mr. Chairman?

880 *The Chairman. Who is that?

881 *Mr. Soto. Representative Soto.

882 *The Chairman. Oh, yes. Darren? Yes, you are
883 recognized for one minute, the gentleman from Florida.

884 *Mr. Soto. Thank you, Mr. Chairman. I appreciate this
885 amazing confidence we have in our vaccines, bipartisan
886 confidence, and I hope all of you will go back to your
887 districts to convince constituents who are hesitant to take
888 the vaccine, to take this newfound confidence and to help get
889 America vaccinated.

890 And I appreciate the promise from our colleagues across
891 the aisle that you are all going to get vaccinated, too. And
892 if not, what are you talking about? Thanks much.

893 *The Chairman. So everyone whose hand is up has spoken.
894 So please take your hand down once you have spoken, and I
895 don't see any others who are requesting to speak.

896 So, pursuant to committee rules, members' written
897 opening statements shall be made part of the record. Please
898 submit written opening statements electronically to the email
899 address we have provided.

900 And now we are going to start consideration of the first
901 bill, which is the methane bill.

902 At this time the chair calls up H.J. Res. 34, providing
903 for congressional disapproval under chapter 8 of title 5,
904 United States Code, of a rule submitted by the Environmental
905 Protection Agency relating to oil and natural gas sector
906 emission standards for new, reconstructed, and modified
907 sources review.

908 And the clerk will report the title of that bill.

909 *The Clerk. H.J. Res. 34, providing for congressional
910 disapproval under chapter 8 of title 5, United States Code --

911 *The Chairman. Without objection, Madam Clerk, the
912 first reading --

913 *Mr. Burgess. Mr. Chairman?

914 *The Chairman. Yes?

915 *Mr. Burgess. I object to the suspension of the reading
916 of the bill.

917 *The Chairman. You want the bill read in its entirety,
918 Dr. Burgess?

919 *Mr. Burgess. Yes. It is not a very long bill. It
920 significantly affects the economy of this country. The
921 economy of this country is not going in the right direction,
922 and I think the American people need to know what we are
923 voting on.

924 *The Chairman. All right. The clerk will continue to

925 read.

926 *The Clerk. H.R. Res. 34, providing for congressional
927 disapproval under chapter 8 of title 5, United States Code,
928 of a rule submitted by the Environmental Protection Agency
929 relating to "Oil and Natural Gas Sector: Emission Standards
930 for New, Reconstructed, and Modified Sources Review."

931 In the House of Representatives, March 26, 2021, Ms.
932 DeGette, for herself; Mr. Peters, Mr. Lamb, Ms. Barragan, Mr.
933 Blumenauer, Ms. Blunt Rochester, Mr. Casten, Mr. Cohen, Mr.
934 Connolly, Mr. Cooper, Mr. DeFazio, Ms. Escobar, Mr.
935 Espaillat, Mr. Grijalva, Mr. Huffman, Mr. Khanna, Ms. Kuster,
936 Ms. McCollum, Ms. Moore of Wisconsin, Ms. Norton, Mr. Pappas,
937 Mr. Quigley, Mr. Raskin, Mr. Sires, Ms. Velazquez, Mr.
938 Welch, Mr. Hastings, Mr. Lowenthal, and Ms. Lee of
939 California submitted the following joint resolution, which
940 was referred to the Committee on Energy and Commerce.

941 Joint Resolution, providing for congressional
942 disapproval under chapter 8 of title 5, United States Code,
943 of a rule submitted by the Environmental Protection Agency
944 relating to "Oil and Natural Gas Sector: Emission Standards
945 for New, Reconstructed, and Modified Sources Review."

946 Resolved by the Senate and House of Representatives of
947 the United States of America in Congress assembled, that
948 Congress disapproves the rule submitted by the Environmental
949 Protection Agency relating to "Oil and Natural Gas Sector

950 Emission Standards for New, Reconstructed, and Modified
951 Sources Review,' ' published at 85 Federal Register 57018,
952 September 14, 2020, and such rule has -- shall have no force
953 or effect.

954 *The Chairman. So the bill is read and open for
955 amendment at any point.

956 [The bill follows:]

957

958 *****COMMITTEE INSERT*****

959

960 *The Chairman. Are there any members seeking
961 recognition --

962 *Mrs. Rodgers. Mr. Chairman? Oh, I am sorry, I forgot
963 to --

964 *Ms. DeGette. Mr. Chairman?

965 *Mrs. Rodgers. Mr. Chairman?

966 *The Chairman. Yes, Ms. DeGette?

967 *Ms. DeGette. Mr. Chairman, I move to strike the last
968 word on the bill.

969 *The Chairman. All right. And then did I also hear the
970 ranking member ask to strike the last word?

971 Okay, Ms. DeGette, go ahead.

972 *Ms. DeGette. Okay --

973 *The Chairman. -- recognized for five minutes.

974 *Ms. DeGette. Thank you, Mr. Chairman. I want to thank
975 you for including H.J. Res. 34 in today's markup.

976 And I also want to thank Representatives Peters, Lamb,
977 and all the members who the clerk's name just read, for
978 joining me in spearheading this important effort (sic).

979 Climate change is an existential threat to our planet.
980 And what climate scientists around the world are telling us
981 is, if we don't act fast, it could soon be too late to stave
982 off the worst effects of this crisis.

983 One of the most important things we can do right now is
984 to reduce the amount of methane that is being released into

985 our atmosphere. And that is exactly what H.J. Res. 34 does.
986 It restores the methane waste prevention requirements that
987 were put into place by the Obama Administration in 2016.

988 The methane is a highly potent greenhouse gas, as we all
989 know. In fact, when it is released into the atmosphere, it
990 becomes about 84 times more potent than carbon dioxide.
991 Methane is often accompanied by other volatile organic
992 compounds and pollutants that cause respiratory damage, birth
993 defects, and even cancer. And in 2018 the oil and gas
994 industry was the largest industrial source of methane
995 pollution in the United States.

996 When the Trump Administration rolled back the 2016
997 regulations, which required the companies to reduce methane
998 emissions from their sites, they put both the public health
999 and our environment at risk. And if allowed to stand, the
1000 Trump Administration's rule would increase our nation's
1001 methane emissions by nearly 1.6 million tons by 2025.

1002 Let me say this again: If the Trump rule stands, it is
1003 going to increase the methane emissions by nearly 1.6 million
1004 tons in just a few years.

1005 The previous Administration's actions in rolling back
1006 these rules were so egregious that even major natural gas
1007 producers and consumers, the very businesses that might
1008 benefit the most from these drawbacks, spoke out against
1009 them, and in support of methane regulation, like the rules

1010 that we are seeking to restore today.

1011 And Mr. Chairman, I have several letters that -- and
1012 statements by some of the nation's biggest oil and gas
1013 companies in support of methane regulation, including Exxon,
1014 Occidental Petroleum, BP, Shell, and Equinor, as well as the
1015 Edison Electric Institute, which represents an industry that
1016 accounts for about one-third of the nation's demand for
1017 natural gas.

1018 All of these companies oppose the Trump rollback, and
1019 the reason they do is because they understand what so many of
1020 us on this panel know, and what so many people across the
1021 country have come to understand: If we are going to get
1022 serious about ending the climate crisis, we have to get
1023 serious about preventing methane waste and pollution in our
1024 atmosphere.

1025 And, Mr. Chairman, I would ask unanimous consent to put
1026 into the record letters from Equinor, from BP, and also a
1027 compendium of energy companies supporting Federal methane
1028 regulations that has been provided to the minority.

1029 *The Chairman. We have those letters, is what you are
1030 saying. So without objection, so ordered.

1031 [The information follows:]

1032

1033 *****COMMITTEE INSERT*****

1034

1035 *Ms. DeGette. Thank you so much. H.R. Res. 34 will do
1036 -- will undo the previous Administration's dangerous rollback
1037 of our nation's methane standards, and restore the EPA's
1038 methane waste prevention requirements that will better help
1039 protect the health and resources of the American people.

1040 And again, I want to thank you for considering this
1041 important legislation as part of today's markup, and yield
1042 back the balance of my time.

1043 *The Chairman. Thank you. I now recognize the ranking
1044 member, Mrs. Rodgers, for five minutes.

1045 *Mrs. Rodgers. Thank you, Mr. Chairman. I move that
1046 consideration of H.J. Res. 34 be postponed until June 14,
1047 2021.

1048 *The Chairman. I was hoping that we could get through
1049 the opening statements before we did the motions. Is that
1050 okay with you, or you want to go --

1051 *Mrs. Rodgers. Yes, I can do that, thank you.

1052 *The Chairman. Let's do that, and then we will go to
1053 your motion.

1054 *Mrs. Rodgers. Okay.

1055 *The Chairman. Go ahead, you are recognized for five
1056 minutes.

1057 *Mrs. Rodgers. Oh --

1058 *The Chairman. If you want to strike the last word.
1059 This is to strike the last word on the bill.

1060 *Mrs. Rodgers. Okay. Yes, Mr. Chairman, I move to
1061 strike the last word.

1062 *The Chairman. The gentlewoman is recognized.

1063 *Mrs. Rodgers. Well, thank you, Mr. Chairman.

1064 The Biden Administration is waging a war on American
1065 energy. We saw the ramifications of it yesterday, with the
1066 news that the Keystone XL pipeline developer announced the
1067 permanent termination of the project. And this is a cutting-
1068 edge, modern, first-ever renewable pipeline. And this
1069 methane resolution is another attack on American energy,
1070 millions of jobs created across the country.

1071 Thanks to the shale revolution, the U.S. has become the
1072 world's leading producer of oil and natural gas, and a net
1073 exporter. This was the goal when Jimmy Carter, President
1074 Jimmy Carter, created the Department of Energy in the 1970s,
1075 it was to make us energy independent, to lift our dependence
1076 upon Middle Eastern oil. It was recognized how important it
1077 was that America not be dependent upon other countries for
1078 important energy.

1079 President Biden's policies, like canceling the Keystone
1080 XL pipeline, and drilling on public lands -- prohibiting
1081 drilling on public lands, are only crushing jobs and raising
1082 prices. Energy reliability, energy affordability is on the
1083 line. In just a few months of the Biden Administration,
1084 gasoline prices have begun surging upwards, back to the

1085 President Obama-era heights of above \$3. Actually, in
1086 Washington State, I have seen over \$4 pretty regularly.

1087 The United States also has lost our net importer status,
1088 and we are facing a growing reliance upon other countries for
1089 importing important energy.

1090 This partisan resolution is also a attack on states, and
1091 the principles of cooperative federalism. Methane is already
1092 regulated by the states, and additional EPA methane
1093 regulations are redundant. Methane is already captured by
1094 pollution controls for VOCs, and oil and gas producing states
1095 have effective methane regulations in place.

1096 This resolution is just the tip of the iceberg. It is
1097 going to lead to more back room regulations spanning the
1098 entire range of America's domestic manufacturing industries.
1099 President Biden's statement of administration policy in the
1100 resolution says it all: "The resolution will clear the
1101 pathway for EPA to promulgate even stronger standards under
1102 section 111 of the Clean Air Act."

1103 EPA could use this resolution to regulate any of the 70-
1104 plus source categories already under the Clean Air Act under
1105 section 111 list, including manufacturing, chemicals, paper,
1106 metals, and many others. These are the kind of regulations
1107 that harm America's jobs, America's competitiveness, American
1108 manufacturing. So I urge my colleagues to vote no on this
1109 resolution and, I yield back the balance of my time.

1110 *The Chairman. Thank you. We will go to a Democrat. I
1111 have Mr. Cardenas.

1112 You have five minutes to strike the last word.

1113 [Pause.]

1114 *The Chairman. Or is -- you left over from the
1115 previous?

1116 All right. Well, if -- anyone who had their hand up
1117 before, and is -- doesn't want to speak, please lower their
1118 hand.

1119 I have -- Scott Peters is recognized for five minutes.

1120 *Mr. Peters. Thank you, Mr. Chairman, I move to strike
1121 the last word.

1122 *The Chairman. The gentleman is recognized.

1123 *Mr. Peters. Thank you. Thank you for hosting this
1124 markup. And we need to address methane emissions for several
1125 reasons, and I just want to focus on three in my time here.

1126 First, controlling methane is the single most important
1127 step we can take today to combat the climate crisis. That is
1128 because methane is a super pollutant, more than 80 times as
1129 potent as carbon dioxide, and is responsible for about 25
1130 percent of the man-made warming we experience today.

1131 My Republican colleagues never miss a chance to point
1132 out that the natural gas revolution has contributed to our
1133 historic energy independence, and has cut our carbon dioxide
1134 emissions from energy productions. But -- they are right,

1135 but there is still a problem, and that problem is fugitive
1136 methane emissions. While burning natural gas produces 40
1137 percent lower carbon dioxide emissions than burning coal,
1138 almost all that benefit is wiped out if fugitive methane
1139 leaks persist, even at a low level.

1140 Put simply, to reap the climate benefits of natural gas,
1141 you have to address methane.

1142 Second, controlling methane emissions is critical to the
1143 economic competitiveness of the U.S. gas industry. That is
1144 why so many of them support rescinding the Trump actions.
1145 Last year a French -- the French Government blocked a power
1146 utility in France from signing a \$7 billion, 20-year contract
1147 to buy LNG from a facility in Brownsville, citing concerns
1148 that U.S. natural gas is too dirty.

1149 I understand oil and gas are not going away tomorrow,
1150 and I understand the important role the industry plays in
1151 supplying us with reliability and economic opportunity, and
1152 that for many U.S. communities, the industry isn't just an
1153 economic feature, but also a cultural one. However, world
1154 markets and domestic politics and the planet itself will not
1155 tolerate natural gas as a so-called bridge fuel, unless the
1156 industry can prove, with real credibility and transparency,
1157 that it has fixed its methane challenge.

1158 U.S. gas can be the cleanest in the world, but a
1159 workable, durable, and effective regulatory environment has

1160 to facilitate that.

1161 Third, U.S. companies can lead the world in developing
1162 technologies to monitor and reduce methane emissions. Small
1163 businesses currently comprise two-thirds of the methane
1164 mitigation industry, and these companies represent the best
1165 of American innovation, creating economic opportunity and
1166 tackling global challenges at the same time.

1167 I thank Ms. DeGette for her leadership in bringing
1168 forward this resolution of disapproval. This is a critical
1169 first step to properly address methane emissions.

1170 However, I would be remiss to emphasize that our work is
1171 just getting started (sic). We have to work together --
1172 Republicans, Democrats, the Administration, industry, and
1173 environmental groups, and many others -- to develop a new,
1174 ambitious, and long-term Federal framework for reducing
1175 methane emissions. The framework should be based on the
1176 latest science, minimize costs for industry, and incentivize
1177 technological innovation.

1178 On Earth Day I introduced the Methane Act, which I
1179 believe fits this framework. My bill would provide a durable
1180 foundation for the EPA to use performance-based standards and
1181 robust emissions measurement, reporting, and verification
1182 requirements to achieve ambitious methane emissions
1183 reductions, establish U.S. leadership internationally, and
1184 provide businesses with regulatory certainty and flexibility

1185 to innovate.

1186 My hope is for a bipartisan, bicameral coalition around
1187 this bill, and to work with all the relevant stakeholders to
1188 make necessary tweaks to meet our common goals. And that
1189 said, I am proud to be a co-lead on the resolution we are
1190 marking up today, and I am glad we are taking an important
1191 first step for reducing methane emissions. It is critical.

1192 Thank you, Mr. Chairman. I yield back.

1193 *The Chairman. I thank the gentleman. Next I have Dr.
1194 Burgess move to strike the last word.

1195 You are recognized for five minutes.

1196 *Mr. Burgess. Thank you, Mr. Chairman. I ask unanimous
1197 consent to strike the last word.

1198 *The Chairman. The gentleman is recognized.

1199 *Mr. Burgess. This move to strike the -- this joint
1200 resolution to strike the Environmental Protection Agency
1201 review under the Trump Administration is a continuing effort
1202 on the Democratic side to undo all things Trump. Well, I get
1203 that, from a political perspective. I don't understand why
1204 you pursue it when it hurts the country, when it hurts
1205 average Americans, and, in fact, it hurts working-class
1206 Americans and low-income Americans, which you are (sic).

1207 In 2020, the EPA issued its new regulations that right-
1208 sized new source performance standards for the oil and gas
1209 industry. So, despite the language in the media, despite the

1210 language from Congress, despite the language from interest
1211 groups, the EPA found that the Trump-era methane rules had,
1212 in fact, no or negligible impact on emissions.

1213 At the same time, barriers to entry were lifted, and
1214 companies of all sizes, not just the biggest of the big, but
1215 midsize and small-sized companies, were able to compete and
1216 able to produce, and this allowed America to regain its
1217 position as a global energy leader.

1218 Throughout the Trump Administration, Americans
1219 benefitted from, year over year, every year, cleaner air and
1220 water. Greenhouse gas emissions fell throughout the four
1221 years of the Trump presidency. So here is the simple lesson:
1222 Promoting innovation and investment in the energy sector is a
1223 better way to promote economic and environmental success than
1224 through a regulatory pathway.

1225 This committee has such a rich history of working on
1226 these issues and, in fact, working on them in a bipartisan
1227 fashion. I don't know if, when we passed the 2015 omnibus
1228 bill, which was signed into law by President Obama, I don't
1229 know if I could have accurately identified how important the
1230 United States having energy independence, how important that
1231 would be to us, not just from a Department of Energy
1232 perspective, not necessarily even from a consumer
1233 perspective, but to the Department of State, to the
1234 Department of Defense, how much more flexibility they had in

1235 being able to defend our interests worldwide by America being
1236 energy independent. I don't know if I really understood that
1237 completely when I voted for that omnibus bill back in 2015.

1238 But what I do know is, within a week, export of Permian
1239 Basin crude out of the Port of Corpus Christi was occurring.
1240 And the economy, which had lagged in the doldrums since the
1241 2008 recession, suddenly found signs of life, and it ticked
1242 up every year after that. To be sure, deregulation in the
1243 Trump Administration, tax reform in the Trump Administration
1244 really, significantly helped. But it was that one feature --
1245 and again, it was policy out of the Energy and Commerce
1246 Committee.

1247 Well, another policy out of the Energy and Commerce
1248 Committee back in 2005, the Energy Policy Act of 2005, which
1249 allowed for the exposition of hydraulic fracking and
1250 horizontal drilling, which resulted in the shale revolution,
1251 and it brought abundant natural gas, not just to this
1252 country. Now we are exporting it. And as a consequence, the
1253 United States again assured itself of that energy and
1254 economic dominance.

1255 Who dislikes that? I will tell you who. Vladimir Putin
1256 dislikes that. He has fought the shale revolution every year
1257 since 2012. We might as well put Vladimir Putin as a
1258 cosponsor on your resolution, because certainly he would be
1259 supportive of that activity.

1260 Look, we should be favoring America and Americans. We
1261 should be helping those who are not as fortunate as others.
1262 And one of the ways to do that is with the economic
1263 independence that energy independence provides for us.

1264 Now, this resolution's impact, on so many levels, we
1265 have seen sharp prices, the increase of gasoline and
1266 electricity, four percent inflation in April, five percent in
1267 May. This is not helping -- hurting people at the upper ends
1268 of the income scale. It is hurting those who are lower on
1269 the income scale. We have got to be sensitive about what we
1270 are doing in this community. We affect 40 to 50 percent of
1271 the nation's economy in this committee. And if we are not
1272 sensitive to what is occurring because of our policies, we
1273 are going to be hurting average Americans.

1274 I so urge us to be very careful where we tread with
1275 this. We are not gaining on emissions reduction. We are
1276 simply helping those people who are not -- who do not have an
1277 interest in American energy security and American energy
1278 independence.

1279 Thank you, Mr. Chairman. I urge a no vote on this
1280 resolution, and I will yield back.

1281 *The Chairman. I thank the gentleman. Next I have Ms.
1282 Clarke. The gentlewoman from New York is recognized to
1283 strike the last word for five minutes.

1284 *Ms. Clarke. Thank you, Mr. Chairman. I move to strike

1285 the last word.

1286 *The Chairman. The gentlewoman is recognized.

1287 *Ms. Clarke. I want to thank my colleagues,
1288 Congresswoman DeGette and Congressman Peters, for introducing
1289 this very crucial piece of legislation.

1290 Let's be very clear. From the Trump Administration's
1291 first day in office until its last, every conceivable attempt
1292 was made to undermine our nation's environmental protections
1293 and destabilize the foundation of science on which our laws
1294 and regulations are built. Methane regulations are no
1295 exception to this effort.

1296 Despite strong support for methane regulations from even
1297 the oil and gas industry itself, the Trump EPA used its last
1298 few days in power to attempt to roll back standards that
1299 regulate fossil fuel emissions from one of the most potent
1300 planet-warming gases that exist.

1301 According to the United Nations Global Methane
1302 Assessment, urgent steps must be taken to reduce methane
1303 emissions this decade in order to avoid the most devastating
1304 impact of the climate crisis. The Trump EPA rollback flies
1305 in the face of the global community's clarion call to
1306 decrease our methane emissions, and it is contradictory to
1307 the agency's mission of protecting our environment and public
1308 health.

1309 This type of last-minute dismantling of our key

1310 environmental safeguards is exactly what the Congressional
1311 Review Act exists to protect us -- to protect against.

1312 I urge us to move swiftly in voting on this resolution,
1313 so that we can follow the wisdom of our colleagues in the
1314 Senate, and quickly pass the legislation on the floor.

1315 With that, Mr. Chairman, I thank you and I yield back
1316 the balance of my time.

1317 *The Chairman. I thank the gentlewoman. Next I have
1318 the gentleman from Ohio, Mr. Johnson.

1319 *Mr. Johnson. Well, thank you, Mr. Chairman. I move to
1320 strike the last word.

1321 *The Chairman. The gentleman is recognized for five
1322 minutes.

1323 *Mr. Johnson. Mr. Chairman, I am very disappointed to
1324 see this harmful methane resolution making its way through
1325 our committee today, with the Biden Administration's
1326 blessings.

1327 That said, I certainly understand that it fits in
1328 perfectly with the Administration's radical environmental
1329 agenda, which includes ending the Keystone XL pipeline,
1330 pushing unrealistic and dangerous green energy mandates, and
1331 doing everything within its power to curtail the production
1332 of America's cheap and abundant fossil fuel resources and the
1333 good-paying jobs that go along with it.

1334 We on the Energy Subcommittee heard one example of this

1335 just a few weeks ago, when I got Secretary Granholm to say
1336 out loud that, instead of the President's official position,
1337 which is a temporary pause on new drilling permits on Federal
1338 lands, she admitted that the Administration's real goal is a
1339 full hydraulic fracturing ban.

1340 To those of my colleagues who have served in the
1341 military, this tactic may look familiar to you. In military
1342 strategic planning we call this the element of surprise. And
1343 how do you achieve the element of surprise on the
1344 battlefield? It is done with the art of deception. That is,
1345 make your adversary think you are doing one thing, while you
1346 are actually doing something quite different. In other
1347 words, conceal your intentions in order to gain a tactical
1348 advantage.

1349 When this Administration says they don't want to ban
1350 hydraulic fracturing, that they don't want to take America
1351 away from the head of the global energy table, and that they
1352 don't want to increase supply chain dependence on China, all
1353 the while the Administration's policies are paving the way
1354 for onerous EPA regulations, shutting down pipeline projects,
1355 and declaring war on domestic plastic manufacturing in the
1356 Clean Future Act, my friends, something else is going on
1357 here.

1358 Today we can add this methane resolution to the list,
1359 and it is really starting to add up. In fact, we are seeing

1360 the results. As the economy recovers from the pandemic, and
1361 oil and gas prices rise with the increase in demand, you
1362 would normally see an increase in new wells being drilled,
1363 and more rigs being brought online. But reports suggest
1364 that, at least in some places, this is not the case.

1365 Under pressure from investors and liberal board members
1366 devoted to the radical global environmental movement and the
1367 risks of an extremely uncertain regulatory environment, oil
1368 and gas producers are cutting back on the drilling
1369 investments they normally would make. This is costing jobs
1370 in Texas, Ohio, North Dakota, and all across America right
1371 now, and could also lead to fuel shortages, resulting in even
1372 higher prices at the pump and at the grocery store.

1373 And while we waste time debating these efforts to
1374 cripple America's domestic energy industry, our foreign
1375 adversaries are taking advantage. For example, Russia's Nord
1376 Stream 2 pipeline is getting closer and closer to being fully
1377 operational every day, thanks to President Biden lifting
1378 sanctions on the builder of the pipeline, a well-known
1379 Vladimir Putin crony.

1380 And then, our own Secretary of State, Tony Blinken, this
1381 week declared the completion of Nord Stream 2 was "a fait
1382 accompli, a foregone conclusion, that America couldn't have
1383 done anything about it.'" I wonder how that went over with
1384 our allies in Ukraine.

1385 Simply put, this is not the kind of global leadership we
1386 so desperately need right now. President Biden is lifting
1387 sanctions on our adversaries' oil and gas industry, while
1388 leading efforts like this methane resolution to essentially
1389 impose sanction on American industries and workers. Vladimir
1390 Putin is laughing and profiting.

1391 We are better than this, Mr. Chairman. And I believe
1392 this committee has a chance to show some leadership here.
1393 What we should be talking about is how to expand America's
1394 hard-earned energy dominance.

1395 Mr. Chairman, let's keep America's pipelines open, and
1396 let's work on issues that used to be bipartisan. For
1397 example, exporting more American liquefied natural gas around
1398 the world, which strengthens America's geopolitical strength,
1399 while blunting the influence of bad actors, like Russia's
1400 Putin, who want to trap Europe into energy dependence.
1401 Perhaps in the next markup we will include my legislation,
1402 the Unlocking our Domestic LNG Potential Act, which would
1403 help do just that.

1404 With that, I urge my colleagues to oppose this
1405 counterproductive methane resolution, and let's get back to
1406 working for American workers and American industries, not
1407 against them.

1408 Mr. Chairman, with that I yield back.

1409 *The Chairman. Thank you, Mr. Johnson. Next we have

1410 the gentlewoman from Florida. Kathy Castor is recognized to
1411 strike the last word for five minutes.

1412 *Ms. Castor. -- to strike the last word.

1413 *The Chairman. The gentlewoman is recognized.

1414 *Ms. Castor. Thank you very much, Chairman Pallone. I
1415 want to thank my good friends, Congresswoman DeGette and
1416 Congressman Peters, for your outspoken advocacy on this
1417 matter.

1418 I strongly support H.J. Res. 34 because it is vitally
1419 important that we control methane pollution and leaks.
1420 Methane is a highly potent gas that, pound for pound, traps
1421 more than 80 times as much heat on our planet in the short
1422 term as carbon dioxide. Plugging methane pollution leaks is
1423 good for our public health, reduces asthma, heart attacks,
1424 premature deaths. It is good for the climate. It is good
1425 for business. It will create thousands and thousands of jobs
1426 all across America.

1427 And that is why there is broad consensus from energy
1428 companies, local communities, the tourism industry, labor,
1429 environmental organizations, environmental justice
1430 organizations, and faith leaders on this issue, on methane
1431 pollution control. In fact, last year, when the Select
1432 Committee on the Climate Crisis was extending broad outreach
1433 to determine solutions for solving the climate crisis, this
1434 was an area of very broad consensus after we asked that same

1435 broad coalition and scientists what we should be doing to
1436 help save our planet. That, and we made recommendations
1437 along the lines here.

1438 And actually, this is a fairly modest step. It is an
1439 important step, it is an easy step, it is one that has broad
1440 support. And that was before the National Oceanic and
1441 Atmospheric Administration's report in April, where they
1442 said, despite the COVID-19 pandemic and various shutdowns,
1443 CO2 and methane emissions surged in 2020, including the
1444 largest recorded increase in methane emissions since they
1445 have been keeping records over the past 37 years.

1446 People know it. In fact, a recent Morning Consult poll
1447 found the overwhelming majority of Americans, including 81
1448 percent of Republicans, support congressional actions
1449 requiring oil and gas companies to regularly check for and
1450 fix methane leaks.

1451 So, again, this is the least we can do, but it is an
1452 important step, a very important step. And I think it goes a
1453 long way to answering our moral call to action on behalf of
1454 our kids and future generations. So thank you, and let's
1455 move this resolution as quickly as possible.

1456 Thanks, and I yield back.

1457 *The Chairman. Thank you, Ms. Castor. Next we go to
1458 Mr. Latta from Ohio.

1459 You are recognized for five minutes.

1460 *Mr. Latta. Well, thank you, Mr. Chairman. And thanks
1461 for recognizing me. I oppose H.J. Res. 34.

1462 My district is home to over 60,000 manufacturing jobs.
1463 And just in the last couple of weeks we have had
1464 announcements of over, probably, 4,000 more jobs being
1465 located here. And we want to make sure that hardworking
1466 Americans out there have jobs. We want to make sure they
1467 have good-paying jobs. We have to make sure that they have
1468 the energy to make sure that they can turn those machines on
1469 in the morning, when they -- Americans get up to go to work.
1470 So it is important that we make sure that we have the energy
1471 out there for them.

1472 You know, when we talk about our friends across the pond
1473 -- and I have met, and a lot of you have met with them, too,
1474 in Central and Eastern Europe -- you know, they all ask me
1475 how, you know, we were able to do what we did. Well, by
1476 producing the natural gas and the oil that we have, and
1477 become world leaders. And it is pretty much about having the
1478 regulations in place that companies can get out there and do
1479 it, and they did it.

1480 And what do these countries want? They want a good
1481 supply of -- that is going to be there for them, especially
1482 in Central and Eastern Europe, because, again, you look at
1483 the Ukraine, the Eastern Europeans, they don't want to be
1484 shut off by the Russians, being held hostage by them. They

1485 want that supply.

1486 So it is important for us to make sure that we have that
1487 energy, not only for us to take care of ourselves in this
1488 country, that we never have again this situation we had back
1489 in the mid-1970s that most of us remember, that -- with the
1490 gas lines and the fear of not having any energy in the
1491 winter, that we have to put on sweaters, turn down the
1492 thermostat, and walk to work. That is not what we are about,
1493 as Americans. We are out there to make sure that we can
1494 solve the problems that are before us.

1495 With our friends in France, of course, we know that the
1496 French are heavily nuclear, and so that they are not going to
1497 be promoting on the natural gas side.

1498 So I think it is really important we take these into
1499 consideration, we think about this resolution before us
1500 today. And I oppose the resolution, and Mr. Chairman, I
1501 yield back the balance of my time. Thank you.

1502 *The Chairman. Thank you. Next I have the gentlewoman
1503 from Texas. Lizzie Fletcher is recognized.

1504 *Mrs. Fletcher. Well, thank you, Mr. Chairman, I move
1505 to strike the last word.

1506 *The Chairman. The gentlewoman is recognized.

1507 *Mrs. Fletcher. Thank you, Mr. Chairman. I would like
1508 to address some of the comments that we have heard today and,
1509 frankly, some of the hyperbole that we have heard about this

1510 particular bill, and how it will hurt domestic energy
1511 production.

1512 I would be surprised if there is a member of this
1513 committee or of this Congress who represents more people who
1514 work in the pipeline industry than I do. And what we are
1515 hearing from some of our colleagues here today about this
1516 bill is not what they are saying.

1517 So let me say that again: The arguments against this
1518 bill are not what the industry is saying. And Ms. DeGette
1519 identified some companies in her comments, and I think it is
1520 just really important to understand that, and to focus on
1521 what we are here to talk about today.

1522 Over the last 15 years the shale revolution has changed
1523 the industries in ways we couldn't imagine two decades ago.
1524 The rapid retirement of coal-powered plants and replacement
1525 with natural gas plants has been responsible for the majority
1526 of the power sector's emissions reductions in the last
1527 decade. And that is really important as we talk about
1528 climate change.

1529 Natural gas has a really important role to play in our
1530 fuel mix, right now and into the future. But it also
1531 requires extraction and transportation policies that
1532 recognize that methane leaks hurt climate goals and make
1533 American gas less competitive on the world market.

1534 The policy and the Trump methane rule is not it. It

1535 eliminated a common-sense requirement that oil and gas
1536 companies monitor and limit methane leaks from wells,
1537 compressor stations, and other midstream operations.

1538 And again, the Trump rollback wasn't supported by the
1539 industry. I have met with countless people and companies who
1540 work in the oil and gas sector in my district who all oppose
1541 the rollback. And it is not only because these companies
1542 have already invested millions and millions of dollars to be
1543 in compliance, but also because they understand the value of
1544 American natural gas truly being a cleaner burning fuel.

1545 I agree with what Mr. Johnson just said, that we should
1546 support U.S. LNG. But the people who work in the industry
1547 know that this rule has hurt American competitiveness on the
1548 world market. France, Ireland, and other countries have now
1549 blocked U.S. LNG imports, citing methane emissions as making
1550 our gas too dirty to be considered a clean-burning fuel. Why
1551 do you think Cheniere, the largest U.S. LNG company, has
1552 publicly supported this CRA action to restore thoughtful
1553 methane standards?

1554 And Cheniere isn't an anomaly. The midstream industry
1555 also supports a return to stable regulatory framework for
1556 methane standards. INGA, the Interstate Natural Gas
1557 Association of America, has endorsed a return to the Obama
1558 standard, as well. And I have heard from a lot of companies
1559 individually, and the people who work there, that support the

1560 previous standard.

1561 Voting for this bill protects American jobs and our
1562 energy independence. Ensuring that U.S. natural gas stays a
1563 clean, competitive fuel source is key for domestic energy
1564 security.

1565 And I want to be clear here. This bill isn't a vote for
1566 or against the energy industry, as many of my colleagues
1567 across the aisle have just claimed. Industry, by and large,
1568 supports the methane regulation that was in place before the
1569 last Administration gutted the rules. Many companies lobbied
1570 at the time in an effort to keep the rules in place. So, you
1571 know, we are not voting against the energy industry here.

1572 And this bill doesn't need to be partisan. When the CRA
1573 was before the Senate, it passed on a bipartisan basis. If
1574 my true -- if my colleagues truly want to support the energy
1575 industry, and so many of the people who work in this industry
1576 in my district and across the country, I urge them to vote in
1577 favor of this bill.

1578 And with that, thank you, Mr. Chairman, I will yield
1579 back.

1580 *The Chairman. I thank the gentlewoman. Next we have
1581 the gentleman from Pennsylvania. Mr. Joyce is recognized for
1582 five minutes.

1583 *Mr. Joyce. Mr. Chairman, I move to strike the last
1584 word.

1585 *The Chairman. The gentleman is recognized for five
1586 minutes.

1587 *Mr. Joyce. Mr. Chairman, this partisan resolution is
1588 unnecessary for a number of reasons.

1589 At its core, this is a solution that is looking for a
1590 problem. The oil industry already is voluntarily reducing
1591 methane emissions, and the United States has led the world in
1592 reducing greenhouse gas emissions in the last two decades.

1593 Innovation: that is the ultimate answer to cutting
1594 emissions. We cannot afford to stifle advancement. As a
1595 nation, we cannot regulate our way to a cleaner environment.

1596 Most importantly, new methane regulations are
1597 duplicative of existing Federal and state regulations under
1598 the Clean Air Act for volatile organic compounds known as
1599 VOCs. There is no dispute about whether new methane
1600 regulations are duplicative. In fact, for this reason, the
1601 EPA determined in an earlier rulemaking that rescinding the
1602 methane limits will not actually change the amount of methane
1603 emission reductions.

1604 This solution is not about methane emissions. This
1605 solution is not about climate change. The truth is we
1606 already regulate methane. The EPA and the states have strong
1607 standards in place for volatile organic compounds and
1608 methane. The existing standards and the pollution control
1609 equipment installed at oil and gas facilities help to manage

1610 both methane and volatile organic compounds, because they are
1611 both produced from the same sources, and have similar
1612 chemistry and similar behavior.

1613 The real intent of this misguided resolution is simple.
1614 The oil and gas sector is just the tip of the iceberg. Its
1615 true purpose is to give EPA authority to section 111 of the
1616 Clean Air Act, and to regulate every other sector of our
1617 economy. That is not the right -- that is not the way
1618 forward.

1619 Congress must continue to embrace the bottom-up
1620 innovation that will result in leaps in efficiency far
1621 greater than any mandate, instead of expensive over-
1622 regulation that will take money out of working Americans'
1623 pockets. As a nation, we can do better.

1624 I urge my colleagues to join me in voting no on this
1625 resolution, and I yield the balance of my --

1626 *Mrs. Rodgers. Mr. Joyce, Dr. Joyce, would you yield to
1627 me?

1628 *Mr. Joyce. I yield the balance of my time to our
1629 ranking member, Mrs. Rodgers.

1630 *Mrs. Rodgers. Thank you. Thank you, Dr. Joyce. I
1631 just -- I heard some citing what France and Ireland had to
1632 say. I wanted to point the committee to today's Wall Street
1633 Journal editorial about -- it is titled, "America's Gift to
1634 Dictators.'" And I thought I would just highlight what they

1635 had to say about Russia and China taking advantage of U.S.
1636 energy disarmament.

1637 Russia is laying down thousands of miles of oil and gas
1638 pipelines to supply Europe and Asia. Putin is gloating that
1639 Russia's Nord Stream 2 gas pipeline to Germany will soon be
1640 finished, as Mr. Biden has refused to sanction Russian
1641 companies running the project. But he didn't care about
1642 upsetting Canada when he killed the Keystone XL pipeline, nor
1643 Alaskans when he suspended ANWR leases.

1644 Mr. Biden wants to curtail North American energy
1645 development, while he stands by Russia -- uses its natural
1646 resources for strategic gain. That includes coal, by the
1647 way. Russia is spending more than 10 billion on railroad
1648 upgrades to boost its coal exports. According to a new
1649 report by the Global Energy Monitor, coal producers in
1650 Australia, China, India, Russia, and South Africa are
1651 planning mining projects that would increase global output by
1652 30 percent. China has 112 coal mines under construction. It
1653 is also developing shale.

1654 You know, as we are continuing to see a surrender -- and
1655 this is their -- this is still quoting the Wall Street
1656 Journal -- surrender of one of America's major strategic
1657 economic advantages in the name of saving the climate,
1658 banishing fossil fuels in the United States won't eliminate
1659 carbon emissions, but it will be produced somewhere else.

1660 But it will cost us the jobs, the economic growth, and the
1661 geopolitical leverage that the United States of America has
1662 enjoyed. I urge you to reconsider the movement, this
1663 position on this resolution today, Mr. Chairman, and members
1664 of this committee.

1665 *Mr. Guthrie. Ranking Member, this is Brett Guthrie.
1666 Would you yield to --

1667 *Mrs. Rodgers. Yes, I will yield to you, Mr. Guthrie.

1668 *Mr. Guthrie. All I want to do is --

1669 *The Chairman. You only have 15 -- you have 15 --

1670 *Mr. Guthrie. Fifteen seconds. I know, Mr. Chairman.
1671 You have -- going to do in writing.

1672 I just want to enter into the record the CDC guidance,
1673 the interim public health guidance for fully vaccinated
1674 people for May 28th, the CDC guidance, into the record.

1675 *The Chairman. I am glad to do it, but do you have a
1676 written copy you can give us?

1677 *Mr. Guthrie. Well, the CDC guidance, yes, we will make
1678 that available.

1679 *The Chairman. All right. Without objection, so
1680 ordered.

1681 [The information follows:]

1682

1683 *****COMMITTEE INSERT*****

1684

1685 *The Chairman. And if you want to have your own time,
1686 you can. I just wanted you to know that the other time had
1687 expired.

1688 So next we go to Mr. Rush from Illinois, recognized for
1689 five minutes.

1690 *Mr. Rush. I want to thank you, Mr. Chairman. Mr.
1691 Chairman, I move to strike the last word.

1692 *The Chairman. The gentleman is recognized.

1693 *Mr. Rush. Mr. Chairman, it has been said over and over
1694 and over again this morning, and I want to join, and be
1695 perfectly clear. Methane is an incredibly and most harmful
1696 heat-trapping greenhouse gas that is 25 times more powerful
1697 than carbon dioxide. Although the carbon dioxide stays in
1698 the atmosphere longer than methane, we know that the methane
1699 released from the natural gas system and from other sources,
1700 such as from livestock, are key causes contributing to the
1701 global climate crisis.

1702 Considering these alarming facts, Mr. Chairman, I
1703 certainly want to join my colleagues in thanking our
1704 distinguished colleague, Chairwoman Diana DeGette, as well as
1705 Chairman Scott Peters, and also Colin Lamb, for their fine
1706 work on H.J. Res. 34.

1707 This resolution would undue Trump's senseless rollback
1708 of vital methane regulations that were put forth by the Obama
1709 Administration to curtail this climate-warming threat to our

1710 climate, and our overall health and well-being.

1711 Today's vote on this resolution is an important step,
1712 Mr. Chairman, in our dedicated mission to tackle the climate
1713 crisis. And with that I sincerely urge all of my colleagues
1714 to join me in supporting this resolution.

1715 Mr. Chairman, if there is anyone to use the remaining of
1716 my time, I would yield to them. And if not, Mr. Chairman, I
1717 yield back.

1718 *The Chairman. Thank you, Mr. Rush. Next -- I have two
1719 more people at this point. I have Kelly Armstrong and Annie
1720 Kuster. But others can add themselves, if they want.

1721 So I now recognize the gentleman from North Dakota, Mr.
1722 Armstrong, for five minutes to strike the last word.

1723 *Mr. Armstrong. Thank you, Mr. Chairman. We are
1724 talking about -- when you are talking about the letters
1725 submitted to the committee from large oil companies, I just
1726 think we should talk a little bit about who they are, what
1727 they are, and where they do their business.

1728 Equinor is a Norwegian company. Shell is a Dutch
1729 company, and they have their own problems in -- with a court
1730 ruling in their home country right now. Exxon and BP are
1731 international oil and gas companies. What they all have in
1732 common is anywhere north of 85 percent of their production
1733 will not be subject to this CRA, because the vast majority of
1734 their production does not exist in the United States, and

1735 almost none of it exists onshore.

1736 So when you are talking about companies who support
1737 this, what you -- who you are not hearing from -- and I have
1738 no doubt my good friend, Congresswoman Fletcher, represents a
1739 lot of pipeline companies. I am fairly certain I represent
1740 more independent oil and gas companies and independent oil
1741 workers than probably anybody else on this call. And you are
1742 not hearing from small and medium-sized oil companies about
1743 this. And it is not because they don't -- they want to
1744 pollute, and it is not because they are not already being
1745 regulated. It is because they don't want to be dual
1746 regulated under burdensome, duplicative regulation from the
1747 wellhead to the market.

1748 And you know who is not regulated with this CRA? An
1749 offshore rig in Azerbaijan. And I don't recall hearing
1750 anywhere that the Biden Administration asked that this CRA
1751 and the regulations in this CRA got put into the Nord Stream
1752 2 project before they would agree to back it moving forward,
1753 because it didn't.

1754 But the real problem with this CRA, even for those who
1755 support methane reduction and methane regulation, is it is
1756 going to stifle innovation. You are assuming states aren't
1757 already doing this. North Dakota is doing it through the
1758 DEQ. New Mexico is doing this. There is robust methane
1759 regulation that exists right now.

1760 The problem is, when you get to an EPA regulation of
1761 this nature, you cut out new and innovative technology
1762 because of the very nature of Federal regulation. It is
1763 unwieldy. It is unable to be used. And you stop -- whether
1764 it is all of the things we are doing and innovating, and
1765 small oil and gas companies are doing it right now in North
1766 Dakota. But what it does represent is the latest unnecessary
1767 attack on our country's independent oil and gas producers.

1768 It is going to -- I have said before it is going to be
1769 duplicative regulation. And let's be clear, this is only the
1770 beginning of the regulatory push that will continue to make
1771 it more and more difficult for oil and gas producers in the
1772 United States to stay in business. Even the Biden
1773 Administration's statement of administrative policy outlines
1774 that this CRA will clear a pathway for future regulatory
1775 opportunities across the oil and gas sector.

1776 But it is not just companies that are going to
1777 disappear. It is entire towns, where everywhere from the
1778 teachers to the police officers to the postal employees to
1779 the restaurant workers are essentially part of the oil and
1780 gas industry. It is the entire western half of my state.

1781 This is not the first time that communities in North
1782 Dakota have been devastated by Federal energy policy. It is
1783 going on right now with Waters of the U.S. again. This is
1784 not the first time -- we have seen, firsthand, what -- coal

1785 production and generation which have continued to suffer due
1786 to anti-carbon energy policies.

1787 These communities are told to rely on insufficient
1788 Federal assistance programs that many on this committee will
1789 claim support a just energy transition. On Tuesday I had the
1790 opportunity to actually discuss this with the Secretary of
1791 Commerce. I highlighted the significant deficiencies in
1792 these programs. But we continue to attack and demonize North
1793 American oil and gas production, at the same time where we
1794 are the only country in the world who has actually met the
1795 Paris Climate Accord emissions since we removed ourselves
1796 from those.

1797 Think about that. That isn't because -- that isn't in
1798 spite of the shale revolution that started in the Bakken and
1799 continues in the Permian. It is because of it. And at the
1800 same time, when we talk about other countries talking about
1801 our methane reductions -- or methane rules and failure to
1802 import, let's be clear. Prior to this, when hydraulic
1803 fracturing first got -- first became a viable way to unleash
1804 this tremendous resource, they wouldn't take our gas, because
1805 it was fracked gas. And that is -- and at the same time,
1806 they were taking gas from our strategic adversary, who
1807 actually increases carbon emissions in the world, which is
1808 Russia.

1809 I appreciate the ranking member reading the Wall Street

1810 Journal article, and I just hope people recognize that what
1811 we are really doing here is not lowering methane emissions
1812 worldwide. We are putting U.S. companies and small companies
1813 and communities at danger --

1814 *Ms. DeGette. Will the gentleman yield?

1815 *Mr. Armstrong. -- so that we -- what? Yes, I just
1816 want to make one point, and then I will give you my last 15
1817 seconds.

1818 And this is just a continuation of us working towards
1819 outsourcing our guilt. And with that I will yield my last 12
1820 seconds.

1821 *Ms. DeGette. Thank you. Well, I just --

1822 *The Chairman. Does the gentlewoman just want to take
1823 her own time? Why not?

1824 *Ms. DeGette. You know what? I will get some time from
1825 somebody else. Thank you.

1826 *The Chairman. We have Annie Kuster, and then we can go
1827 to you, Diana, if you want.

1828 So I have -- I recognize the gentleman from New
1829 Hampshire for five minutes to strike the last word.

1830 *Ms. Kuster. Thank you, Chairman Pallone. And I just
1831 want to say for the record I want to commend Dr. Kim Schrier.
1832 I think most of us would be more than willing to come back to
1833 hearings in person if we knew that all of our colleagues were
1834 vaccinated.

1835 But I am very troubled by the fact that, not only in
1836 terms of the public record are only half Republicans
1837 vaccinated, but I presume there are more who are, but they
1838 are not willing to say so publicly. And that is where the
1839 issue with the trust lies.

1840 So I want to thank my good friend and colleague,
1841 Congresswoman DeGette, for her leadership on this critical
1842 issue. Reducing methane emissions of domestic oil and gas
1843 producers is one of the single most important actions that
1844 Congress can take to combat the climate crisis. The Methane
1845 Waste Prevention Act does just that by requiring the EPA and
1846 the Bureau of Land Management to set strict standards that
1847 will clamp down on harmful emissions and improve air quality
1848 for all Americans.

1849 Methane accounts for about 10 percent of all U.S.
1850 greenhouse gas emissions, but is 80 times more powerful in
1851 warming our atmosphere in the short term, compared to carbon
1852 dioxide. Research undertaken by the Environmental Defense
1853 Fund found that the U.S. oil and gas industry emitted over 13
1854 million metric tons of methane each year, which is enough
1855 natural gas to fuel 10 million homes. This is a disturbing
1856 statistic for my constituents, who end up paying through the
1857 nose on the coldest days of winter and the hottest days of
1858 summer.

1859 To compound this issue, New Hampshire has one of the

1860 highest rates of childhood asthma in the entire country.
1861 Today's markup moves us one step closer to cleaning our air
1862 and protecting the health of all Americans.

1863 I was pleased to help introduce this legislation with my
1864 colleagues on this committee to take a firm stance in
1865 tackling our climate crisis and restoring American global
1866 leadership in the mitigation of greenhouse gas emissions.
1867 And with that I urge all of my colleagues to support this
1868 bill, and I yield the rest of my time --

1869 *Ms. DeGette. Will the gentlelady yield to me?

1870 *Ms. Kuster. -- to Representative DeGette.

1871 *Ms. DeGette. Thank you so much. I thank the
1872 gentlelady for yielding. And I just want to respond to Mr.
1873 Armstrong's allegation that the only people who support this
1874 resolution are foreign oil corporations, because that is
1875 simply not the case. If you look at the document that has
1876 already been entered into the record, the signer -- the
1877 companies that have all signed onto this are all doing
1878 business in the United States.

1879 And we can certainly get you a copy of this, Mr.
1880 Armstrong. The companies who have quotes supporting this in
1881 this document are BP America; Shell U.S.; Equinor North
1882 America; Total USA; Exxon Mobil, talking about their
1883 facilities in the United States; Jonah Energy; Pioneer
1884 Natural Resources; EQT Corporation; Interstate National Gas

1885 Association of America, which is an American natural gas
1886 association; Cheniere; DTE Energy; Equitrans Midstream
1887 Corporation; Occidental Petroleum; Devon Industry; the Center
1888 for Liquefied Natural Gas; Austin Energy; Calpine
1889 Corporation; Pacific Gas and Electric Company; Tenaska, Inc.;
1890 and others, which is -- joint comments that they put out.

1891 And also, as I said earlier, the Edison Electric
1892 Institute, which supports a whole consortium of U.S.-related
1893 gas companies.

1894 I want to agree with my colleagues, Congressman Castor
1895 and others, who say that we -- and Congressman Peters, my
1896 cosponsor of this -- this is just a first step towards
1897 regulating methane.

1898 And why wouldn't we do it? It causes climate change,
1899 and it also causes our constituents to have severe health
1900 consequences. And so it just is really important to do. It
1901 should be bipartisan, because it is supported by the
1902 industry, as well as environmental groups.

1903 I just want to say for the record, this is not foreign
1904 companies who say they support this. This is people doing
1905 business right here in the U.S.

1906 With that, Ms. Kuster, thank you so much for yielding to
1907 me, and I yield back.

1908 *Ms. Kuster. And I yield back to the chairman.

1909 *The Chairman. Thank you. I don't think we have a

1910 Republican yet, but I see Mr. McNerney.

1911 Mr. Nerney, you are recognized for five minutes.

1912 *Mr. McNerney. Well, I thank the chairman for
1913 recognizing me.

1914 This is an important debate. Either you believe in
1915 climate change, that human activity is causing it, and that
1916 we need to do something about it, or you don't. It is pretty
1917 simple, in my mind.

1918 We have all heard that carbon emissions -- that methane
1919 emissions are much more effective at trapping gas than carbon
1920 is. And your vote on this will put you on the record
1921 forever, forever, for the future to see how you came down on
1922 the climate issue.

1923 Moreover, reducing methane emissions is in the
1924 industry's interest. Bad actors, if they continue to cause
1925 big emissions -- and it is just a few companies that do this
1926 -- it is going to cause a backlash against the entire
1927 industry. I met with the AGA, and they were clear. They
1928 wanted reasonable regulations to keep the bad actors from
1929 making the industry -- for giving the industry a black eye.

1930 But if you want to talk about the transition to clean
1931 energy, clean energy creates more jobs per unit of energy
1932 than fossil fuels. And these are good jobs. I have been
1933 there. I have been in the renewable industry. They were
1934 good, clean jobs, well-paying. And so, when you talk about

1935 losing jobs, if you continue to allow carbon emissions, and
1936 don't support renewable energy, you are actually hurting
1937 people that want these good jobs.

1938 So with that, I yield back. If anyone wants to take the
1939 time, I will give you a minute.

1940 *Mr. Cardenas. Mr. McNerney, this is Cardenas, if you
1941 would yield.

1942 *Mr. McNerney. Tony, I yield to you.

1943 *Mr. Cardenas. Thank you so much.

1944 Look, I appreciate this debate, and one thing that I
1945 would like to point out is that the United States of America,
1946 for hundreds of years, has been recognized as a country that
1947 has the guts and the will to look at the long game, to look
1948 at the present and the future. And that is what I believe
1949 has garnered respect around the world for us, that we have
1950 been able to look at what is important for today, and also
1951 make very good decisions about what is best for the United
1952 States for tomorrow.

1953 But being that we have been the world leader for
1954 generations now, I think it is important for us to understand
1955 that what we are talking about here today is truly about the
1956 American spirit and about being leaders, not worrying about
1957 the fear mongering of jobs being lost, or what have you,
1958 because, let me tell you, in the long game, climate change,
1959 global warming, that is going to decimate industry, it is

1960 going to cost capitalists billions and, eventually, trillions
1961 of dollars if we don't get it right now.

1962 So I just -- I support this resolution before us, and I
1963 believe it is the right thing to do. And I think this debate
1964 is good. It is healthy. But at the same time, it does
1965 expose the fact that sometimes the politics here in the
1966 United States gets short-sighted, instead of looking at the
1967 long picture and the big picture, which is what has garnered
1968 the United States of America the respect and appreciation
1969 around the world as leaders.

1970 So today, in my opinion, we are making sure that we are
1971 taking care of the short game. But more importantly, this is
1972 truly who we are, as a country, that we are leaders when it
1973 comes to the big picture, and the long-term picture for the
1974 sake of the United States of America, and also in leading the
1975 world by example.

1976 Thank you very much, Mr. McNerney, I yield back to you.

1977 *The Chairman. Mr. McNerney, do you yield back?

1978 *Mr. McNerney. I yield back to the chair.

1979 *The Chairman. All right, thank you. I believe that is
1980 everyone who wanted to speak on the underlying bill.

1981 I see Mr. Palmer's hand up.

1982 Would you like to speak, strike the last word? You are
1983 recognized for five minutes.

1984 *Mr. Palmer. I want to strike the last word.

1985 We talked about the consequences from your perspective,
1986 but I think there is also the unintended consequences. We
1987 talked about the -- my colleagues have talked about the
1988 economic consequences, but Ranking Member McMorris Rodgers
1989 bringing up the Wall Street Journal editorial, I think, needs
1990 further discussion. And that is in the context of the
1991 geopolitical consequences and national security consequences.

1992 Russia and China both have a tremendous amount to gain
1993 from the actions that my Democratic colleagues and the Biden
1994 Administration are taking in regard to energy. It has
1995 serious consequences for Eastern Europe. We will be under
1996 the shadow of Russia.

1997 I would like to point out that Anders Rasmussen, former
1998 president -- premier of Denmark, and who is now the secretary
1999 general of the North Atlantic Treaty Organization, is --
2000 reported on the fact that Russia engaged in a massive
2001 disinformation campaign, funding environmental groups
2002 fighting fracking in Europe. And the reason they did that,
2003 it was all to the benefit of Russia, as the Wall Street
2004 Journal editorial points out, again, as Ranking Member
2005 McMorris Rodgers has brought to our attention.

2006 We need to dig deeper into this issue before we take
2007 these actions.

2008 And I would like to point out, too, that the San
2009 Francisco-based Energy Foundation China has provided over

2010 \$330 million through various grant-making organizations, like
2011 the MacArthur Foundation, to environmental groups. The
2012 environmental groups that are based in China do nothing to
2013 oppose China's energy efforts. They know better. The
2014 Chinese Government will crack down on them. China is
2015 persistent in expanding their coal mining, their coal power
2016 generation, and their activities in the Arctic and in the
2017 South China Sea, which are more energy for their economy and
2018 for their efforts to -- power around globe.

2019 So I think there is this issue of unintended
2020 consequences involving the geopolitical aspects of what we
2021 are doing to our own energy industry, and that we should take
2022 that into serious consideration for what it is going to mean
2023 to the nations that live in fear of Russia, and live in fear
2024 of China.

2025 And I yield back.

2026 *Mr. Armstrong. Hold on, Gary, can I have your time?

2027 *Mr. Palmer. I yield to Mr. Armstrong.

2028 *Mr. Armstrong. Thank you, Mr. -- Congressman Palmer.
2029 I just want to be clear.

2030 I am perfectly aware that Exxon and BP are U.S.
2031 companies, and I am aware that Shell and Equinor do business
2032 in the United States. What I am saying is they do the vast,
2033 vast, vast, vast majority of their business, whether they are
2034 a U.S. company or not, not in the United States. Those are

2035 the facts.

2036 And second, the list you read off, which I appreciate,
2037 with the exception of Devon Energy, which are -- which does a
2038 lot of business in North Dakota, and they are my friends,
2039 they are great corporate citizens, you are still not hearing
2040 from the independent producers who are, one, already are
2041 regulated by the Department of Environmental Quality, which
2042 is regulation as good or more robust than the EPA is now in
2043 North Dakota, and you continue to get regulated from the
2044 wellhead to wherever they -- so with that I yield back.

2045 *Mr. Palmer. Reclaiming my time, I would like to point
2046 out that the Natural Resources Defense Council office in
2047 China has never sued the Chinese for any of their energy
2048 activities, despite the fact that the National Resource
2049 Defense Council has boasted of suing the Trump Administration
2050 about once every 10 days, despite the United States having
2051 the largest emissions reduction in the world. They have even
2052 sued the United States Navy multiple times to limit or halt
2053 naval training exercises in the Pacific over environmental
2054 concerns. But they did nothing about China building islands
2055 in the South China Sea with no regard for any impact on the
2056 environment in South China Sea, or Chinese naval operations
2057 in the region.

2058 With that I yield back.

2059 *The Chairman. All right. I believe -- does -- that

2060 ends the people who want to speak on the underlying bill, so
2061 I am going to go now to the ranking member's motion to
2062 postpone.

2063 The gentlewoman -- the gentleman is recognized. I think
2064 you had -- did you want to repeat your motion, Mrs. Rodgers?

2065 [No response.]

2066 *The Chairman. Well, the gentlewoman moved that the
2067 committee postpone -- Madam Clerk, what was the gentlewoman's
2068 motion?

2069 [No response.]

2070 *The Chairman. Mrs. Rodgers had a motion to postpone to
2071 a certain date, to a date certain?

2072 *The Clerk. The motion was to postpone until June 14,
2073 2021.

2074 *The Chairman. All right, so the gentlewoman is
2075 recognized.

2076 *Mrs. Rodgers. Thank you. Thank you. I am back,
2077 sorry.

2078 *The Chairman. All right. So a motion to postpone
2079 until June 14th, and the gentlewoman is recognized to speak
2080 on her motion.

2081 *Mrs. Rodgers. Great, thank you. Thank you, Mr.
2082 Chairman, members of the committee.

2083 Yes, this is a resolution to postpone consideration --
2084 or a motion, a motion to postpone consideration until June

2085 14, 2021, postpone consideration of this resolution. We will
2086 be back in D.C. on that date, and it would be possible to
2087 hold this markup in person.

2088 I seem to be hearing from the majority that they are not
2089 comfortable meeting in person until they are 100 percent
2090 certain that 100 percent of the members and staff of this
2091 committee have been vaccinated. It is really a self-imposed
2092 standard. It is not being driven by the CDC, it is not being
2093 driven by science. It is the majority saying that they know
2094 better, that they know better than the CDC, they know better
2095 than the science, they know better than many states across
2096 the country that are opening up.

2097 You know, I can't help but think, you know, how many
2098 times in this committee, in the Energy and Commerce
2099 Committee, do we hear that decisions should be based on the
2100 latest science?

2101 And, you know, I believe it is fundamental in the Energy
2102 and Commerce Committee that we make decisions based upon
2103 learning from the science. We recognize that science
2104 evolves. We have all learned a lot about the science
2105 surrounding COVID since March, 2020. So it begs the
2106 question: Why isn't the majority opening up this committee?
2107 Why is the majority shutting down voices of the duly-elected
2108 representatives of the people? I see it as an abuse of
2109 power.

2110 You know, COVID has resulted in a lot of fear. Fear is
2111 not the way to govern, it is not the way to lead. Fear
2112 creates stress, it is paralyzing. You know, fear is a liar,
2113 and it shuts people down. And one of the biggest lessons of
2114 COVID is the importance of making -- not making decisions in
2115 a vacuum.

2116 You know, so we have made all these decisions to protect
2117 people's physical health, but we must take into consideration
2118 people's mental health. That is one of the big lessons of
2119 COVID. You know, right now, what are we seeing? We are
2120 seeing record stress, record anxiety, record suicide
2121 attempts.

2122 This committee should be making wise, targeted
2123 decisions. That is leadership.

2124 COVID has taken a toll on all of us. It is going to
2125 have deep, lasting impacts. And I think every day that goes
2126 by we are seeing the heartbreaking impacts of COVID.

2127 This is a time for us to lead as a committee. This is a
2128 time for us to bring hope, to bring healing to our country.
2129 You don't do that by continuing to keep us locked down, by
2130 continuing to isolate us, as members of this committee, by
2131 shutting down the voices of the duly-elected representatives
2132 of the people.

2133 And with that, I would ask for support of this motion to
2134 delay until we can be back in person together, and do this

2135 markup the way that it should be done, that would help this
2136 committee function, that would help us heal, as a committee.
2137 So, Mr. Chairman, I ask for your consideration, and I yield
2138 back.

2139 *The Chairman. The gentlewoman --

2140 *Ms. Kelly. Mr. Chairman, I move to table the motion.

2141 *The Chairman. The gentlewoman, the vice chair, Robin
2142 Kelly, has moved to table the gentlewoman's motion.

2143 So the motion to table is in order, and it is not
2144 debatable. So the question is, shall the subcommittee -- I
2145 am sorry -- shall the committee table the motion to postpone?

2146 All those in favor would say aye.

2147 All those opposed, say no.

2148 In the opinion of the chair, the noes --

2149 *Voice. I just voted.

2150 *The Chairman. In the opinion of the chair, the ayes
2151 have it, and the motion --

2152 *Voice. Go ahead.

2153 *Mrs. Rodgers. Mr. Chairman, I would ask for a recorded
2154 vote.

2155 *The Chairman. The gentlewoman has requested a recorded
2156 vote. A recorded vote has been ordered.

2157 The question now occurs on the motion to table the
2158 motion to postpone. So if you are voting aye, you are voting
2159 to table the motion to postpone. And those opposed would say

2160 no.

2161 And so the clerk shall call the roll.

2162 Again, if you vote aye, you are moving to table the
2163 motion to postpone.

2164 The clerk shall call the roll.

2165 *The Clerk. Mr. Rush?

2166 *Mr. Rush. Rush of Illinois votes aye.

2167 *The Clerk. Mr. Rush votes aye.

2168 Ms. Eshoo?

2169 *Ms. Eshoo. Eshoo votes aye.

2170 *The Clerk. Ms. Eshoo votes aye.

2171 Ms. DeGette?

2172 *Ms. DeGette. DeGette votes aye.

2173 *The Clerk. Ms. DeGette votes aye.

2174 Mr. Doyle?

2175 *Mr. Doyle. Mr. Doyle votes aye.

2176 *The Clerk. Mr. Doyle votes aye.

2177 Ms. Schakowsky?

2178 *Ms. Schakowsky. Schakowsky votes aye.

2179 *The Clerk. Ms. Schakowsky votes aye.

2180 Mr. Butterfield?

2181 *Mr. Butterfield. Butterfield votes aye.

2182 *The Clerk. Mr. Butterfield votes aye.

2183 Ms. Matsui?

2184 [No response.]

2185 *The Clerk. Ms. Castor?

2186 *Ms. Castor. Ms. Castor votes aye.

2187 *The Clerk. Ms. Castor votes aye.

2188 Mr. Sarbanes?

2189 *Mr. Sarbanes. Mr. Sarbanes votes aye.

2190 *The Clerk. Mr. Sarbanes votes aye.

2191 Mr. McNerney?

2192 *Mr. McNerney. Mr. McNerney of California votes aye.

2193 *The Clerk. Mr. McNerney votes aye.

2194 Mr. Welch?

2195 *Mr. Welch. Mr. Welch votes aye.

2196 *The Clerk. Mr. Welch votes aye.

2197 Mr. Tonko?

2198 *Mr. Tonko. Mr. Tonko of New York votes aye.

2199 *The Clerk. Mr. Tonko votes aye.

2200 Ms. Clarke?

2201 [No response.]

2202 *The Clerk. Mr. Schrader?

2203 *Mr. Schrader. Mr. Schrader from Oregon votes aye.

2204 *The Clerk. Mr. Schrader votes aye.

2205 Mr. Cardenas?

2206 *Mr. Cardenas. Cardenas from California votes aye.

2207 *The Clerk. Mr. Cardenas votes aye.

2208 Mr. Ruiz?

2209 *Mr. Ruiz. Ruiz from California votes aye.

2210 *The Clerk. Mr. Ruiz votes aye.
2211 Mr. Peters?
2212 *Mr. Peters. Peters votes aye.
2213 *The Clerk. Mr. Peters votes aye.
2214 Mrs. Dingell?
2215 *Mrs. Dingell. Dingell votes aye.
2216 *The Clerk. Mrs. Dingell votes aye.
2217 Mr. Veasey?
2218 *Mr. Veasey. Veasey votes aye.
2219 *The Clerk. Mr. Veasey votes aye.
2220 Ms. Kuster?
2221 *Ms. Kuster. Kuster votes aye.
2222 *The Clerk. Ms. Kuster votes aye.
2223 Ms. Kelly?
2224 *Ms. Kelly. Kelly votes aye.
2225 *The Clerk. Ms. Kelly votes aye.
2226 Ms. Barragan?
2227 *Ms. Barragan. Barragan votes aye.
2228 *The Clerk. Ms. Barragan votes aye.
2229 Mr. McEachin?
2230 [No response.]
2231 *The Clerk. Ms. Blunt Rochester?
2232 *Ms. Blunt Rochester. Ms. Blunt Rochester of Delaware
2233 votes aye.
2234 *The Clerk. Ms. Blunt Rochester votes aye.

2235 Mr. Soto?

2236 *Mr. Soto. Votes aye.

2237 *The Clerk. Mr. Soto votes aye.

2238 Mr. O'Halleran?

2239 *Mr. O'Halleran. O'Halleran votes aye.

2240 *The Clerk. Mr. O'Halleran votes aye.

2241 Miss Rice?

2242 *Miss Rice. Miss Rice votes aye.

2243 *The Clerk. Miss Rice votes aye.

2244 Ms. Craig?

2245 *Ms. Craig. Ms. Craig votes aye.

2246 *The Clerk. Ms. Craig votes aye.

2247 Ms. Schrier?

2248 *Ms. Schrier. Ms. Schrier votes aye.

2249 *The Clerk. Ms. Schrier votes aye.

2250 Mrs. Trahan?

2251 *Mrs. Trahan. Trahan votes aye.

2252 *The Clerk. Mrs. Trahan votes aye.

2253 Mrs. Fletcher?

2254 *Mrs. Fletcher. Mrs. Fletcher votes aye.

2255 *The Clerk. Mrs. Fletcher votes aye.

2256 Mrs. Rodgers?

2257 *Mrs. Rodgers. Mrs. Rodgers votes no.

2258 *The Clerk. Mrs. Rodgers votes no.

2259 Mr. Upton?

2260 *Mr. Upton. Upton votes no.
2261 *The Clerk. Mr. Upton votes no.
2262 Mr. Burgess?
2263 *Mr. Burgess. Burgess votes no.
2264 *The Clerk. Mr. Burgess votes no.
2265 Mr. Scalise?
2266 *Mr. Scalise. Mr. Scalise votes no.
2267 *The Clerk. Mr. Scalise votes no.
2268 Mr. Latta?
2269 *Mr. Latta. Latta votes no.
2270 *The Clerk. Mr. Latta votes no.
2271 Mr. Guthrie?
2272 *Mr. Guthrie. Guthrie votes no.
2273 *The Clerk. Mr. Guthrie votes no.
2274 Mr. McKinley?
2275 *Mr. McKinley. McKinley votes no.
2276 *The Clerk. Mr. McKinley votes no.
2277 Mr. Kinzinger?
2278 [No response.]
2279 *The Clerk. Mr. Griffith?
2280 [No response.]
2281 *The Clerk. Mr. Bilirakis?
2282 *Mr. Griffith. No, it wasn't.
2283 *The Clerk. Mr. Johnson?
2284 *Mr. Johnson. Mr. Johnson votes --

2285 *Mr. Griffith. Can you hear me?

2286 *Mr. Johnson. -- no.

2287 *The Clerk. Mr. Johnson votes no.

2288 Mr. Long?

2289 *Mr. Griffith. Mr. Chairman? Mr. Chairman? Mr.

2290 Chairman?

2291 *The Chairman. Yes?

2292 *Mr. Griffith. Something was going on. I was unmuted,

2293 but you all couldn't hear me, and I voted no.

2294 *The Chairman. Do we have him recorded as a no, Madam

2295 Clerk?

2296 *The Clerk. Mr. Griffith is no.

2297 *The Chairman. All right, thank you. Let's continue.

2298 *The Clerk. Mr. Long?

2299 [No response.]

2300 *Mr. McKinley. Billy.

2301 *The Clerk. Mr. Bucshon?

2302 *Mr. Bucshon. Mr. Bucshon votes no.

2303 *The Clerk. Mr. Bucshon votes no.

2304 Mr. Mullin?

2305 [No response.]

2306 *The Clerk. Mr. Hudson?

2307 [No response.]

2308 *The Clerk. Mr. Walberg?

2309 *Mr. Walberg. Mr. Walberg votes no.

2310 *The Clerk. Mr. Walberg votes no.
2311 Mr. Carter?
2312 [No response.]
2313 *The Clerk. Mr. Duncan?
2314 *Mr. Duncan. Mr. Duncan of South Carolina votes no.
2315 *The Clerk. Mr. Duncan votes no.
2316 Mr. Palmer?
2317 *Mr. Palmer. Palmer of Alabama votes no.
2318 *The Clerk. Mr. Palmer votes no.
2319 Mr. Dunn?
2320 *Mr. Dunn. Dunn from Florida votes no.
2321 *The Clerk. Mr. Dunn votes no.
2322 Mr. Curtis?
2323 [No response.]
2324 *The Clerk. Mrs. Lesko?
2325 *Mrs. Lesko. Lesko votes no.
2326 *The Clerk. Mrs. Lesko votes no.
2327 Mr. Pence?
2328 *Mr. Pence. Pence votes no.
2329 *The Clerk. Mr. Pence votes no.
2330 Mr. Crenshaw?
2331 *Mr. Crenshaw. Crenshaw votes no.
2332 *The Clerk. Mr. Crenshaw votes no.
2333 Mr. Joyce?
2334 *Mr. Joyce. Joyce of Pennsylvania votes no.

2335 *The Clerk. Mr. Joyce votes no.
2336 Mr. Armstrong?
2337 *Mr. Armstrong. No.
2338 *The Clerk. Mr. Armstrong votes no.
2339 Chairman Pallone?
2340 *The Chairman. Pallone votes yes.
2341 *The Clerk. Mr. Pallone votes aye.
2342 *Ms. Clarke. Mr. Chairman?
2343 *The Chairman. Yes.
2344 *Ms. Clarke. Mr. Chairman, how am I recorded? This is
2345 Congresswoman Yvette Clarke.
2346 *The Chairman. Madam Clerk, how is Ms. Clarke recorded?
2347 *The Clerk. Ms. Clarke is not recorded.
2348 *Ms. Clarke. Mr. Chairman, Ms. Clarke of New York votes
2349 yes.
2350 *The Clerk. Ms. Clarke votes aye.
2351 *The Chairman. Any other members wish to be recorded
2352 that have not been?
2353 *Mr. Bilirakis. Mr. Chairman --
2354 *Mr. Carter. I do.
2355 *Mr. Bilirakis. -- this is Bilirakis. Bilirakis is --
2356 recorded.
2357 *The Chairman. Mr. Carter, how are -- how do you want
2358 to vote?
2359 *Mr. Carter. I want to vote no.

2360 *The Clerk. Mr. Carter votes no.

2361 *The Chairman. Mr. Bilirakis?

2362 *Mr. Bilirakis. Mr. Chairman --

2363 *The Chairman. Mr. Bilirakis?

2364 *Mr. Bilirakis. Bilirakis votes no.

2365 *The Clerk. Mr. Bilirakis votes no.

2366 *The Chairman. Ms. Schakowsky, are you recorded?

2367 *The Clerk. Ms. Schakowsky voted aye.

2368 *The Chairman. All right, is there any other member who

2369 is not recorded who wishes to vote?

2370 Okay, Madam Clerk, would you give us the results?

2371 *The Clerk. On that vote, Mr. Chairman, the ayes were

2372 30 and the nays were 21.

2373 *The Chairman. Okay, the vote is 30 ayes to 21 noes,

2374 and the motion to table is agreed to.

2375 So now we are going to go back to amendments. Are there

2376 any members who seek recognition to offer an amendment?

2377 *Mr. Duncan. Mr. Chairman, I have an amendment at the

2378 desk.

2379 *The Chairman. And that is Mr. --

2380 *Mr. Duncan. Duncan.

2381 *The Chairman. Duncan, okay. Mr. Duncan, what is your

2382 amendment labeled? Does the clerk have it?

2383 *Mr. Duncan. Republic Amendment 1.

2384 *The Chairman. Does the clerk have it?

2385 *The Clerk. Yes.

2386 *The Chairman. The clerk will report the amendment.

2387 *The Clerk. Amendment to H.J. Res. 34, offered by Mr.
2388 Duncan of South Carolina. Page 2, line 4, strike the period
2389 and insert, "and Congress disapproves Russia's Nord Stream 2
2390 Pipeline.'"

2391 *The Chairman. Without objection, the reading of the
2392 amendment will be dispensed with, and --

2393 *Ms. Kelly. Mr. Chair, I would like to reserve a point
2394 of order.

2395 *The Chairman. The vice chair, Ms. Kelly, offers a
2396 point of order.

2397 Would you state your point of order, please?

2398 *Ms. Kelly. The amendment violates the germaneness
2399 requirement of rule 16, clause 7. The amendment is not
2400 germane, because the amendment introduces a new subject to
2401 the text proposed to be amended. Specifically, the amendment
2402 subject matter is not contained in the underlying text. The
2403 subject matter of the committee print is -- that is it.

2404 I urge the chair to sustain the point of order.

2405 *The Chairman. The gentleman -- the gentlewoman from
2406 Illinois, the vice chair, has raised a point of order, that
2407 the amendment is not germane because the amendment and the
2408 underlying bill did not share the same fundamental purpose.
2409 The fundamental purpose of the underlying bill is to

2410 disapprove of the rule submitted by EPA relating to oil and
2411 natural gas sector emission standards for new, reconstructed,
2412 and modified sources review under the authority granted to
2413 Congress by the Congressional Review Act, and that the
2414 amendment has a different purpose.

2415 So, because the amendment has a different purpose, the
2416 chair finds that the amendment and the underlying bill do not
2417 share the same fundamental purpose, and, as such, the
2418 amendment is not germane to the underlying measure. For that
2419 reason, the point of order is sustained.

2420 *Mr. Duncan. Mr. Chairman, I ask for a roll call.

2421 *The Chairman. Yes. Now, Madam -- can I ask counsel?
2422 What is the roll call on, now? The -- what is == what are we
2423 voting on, and what are the ayes versus the nays on this?

2424 *Mr. Duncan. So you have made a personal decision, as
2425 chairman, to sustain the point of order?

2426 *The Chairman. Yes.

2427 *Mr. Duncan. Could we get clarification from the --

2428 *The Chairman. The counsel is -- the gentleman has
2429 asked for a roll call. Is that -- is it in order for -- to
2430 have a roll call? And what would members be voting on, if it
2431 is in order? That is what I am asking the counsel.

2432 *Mr. Duncan. I just want to appeal the ruling of the
2433 chair, please.

2434 *The Chairman. So you want to appeal the ruling of the

2435 chair?

2436 *Mr. Duncan. Yes, sir.

2437 *Mrs. Rodgers. Yes, Mr. Chairman. Mr. Chairman, I
2438 would like to ask for a parliamentary inquiry, please.

2439 *The Chairman. Yes, but just so we know, so now that
2440 the gentleman has appealed the ruling of the chair, and a
2441 Democrat, if they want to, can move to table the gentleman's
2442 appeal -- but if -- that is how we would proceed.

2443 But if Mrs. Rodgers --

2444 *Mrs. Rodgers. Okay.

2445 *The Chairman. Who had asked the question?

2446 *Mrs. Rodgers. Mr. Chairman, I did. Mr. Chairman --

2447 *The Chairman. Yes.

2448 *Mrs. Rodgers. Mrs. Rodgers asked for a parliamentary
2449 inquiry.

2450 *The Chairman. Yes, proceed.

2451 *Mrs. Rodgers. Historically, when someone moves to
2452 strike the last word to introduce an amendment, they are
2453 recognized for five minutes to speak on that amendment prior
2454 to the chairman making a ruling or a decision. And I would
2455 just ask if Mr. Duncan would be afforded the five minutes
2456 traditionally granted.

2457 *The Chairman. Yes, I have no problem with that. I
2458 just wanted everyone to understand what is happening here.
2459 He is appealing my ruling. As of this time we don't have a

2460 motion to table --

2461 *Ms. DeGette. I move to table the motion.

2462 *The Chairman. All right, but let me do this. At the
2463 ranking member's request, I will ask Mr. Duncan to speak on
2464 it, because if we move to table, then there is no more
2465 debate.

2466 So you can speak for five minutes --

2467 *Mrs. Rodgers. Mr. Chairman, a parliamentary inquiry.
2468 Mrs. Rodgers is -- traditionally, the minority is given an
2469 opportunity to speak on the germaneness of the amendment
2470 before --

2471 *The Chairman. Well, he has moved to appeal the ruling
2472 of the chair. So let him speak now. And if anyone else
2473 wants to speak, they can, on the germaneness, before we move
2474 to table.

2475 I mean, I understand what you are saying, but, I mean --

2476 *Mrs. Rodgers. Okay.

2477 *The Chairman. It is kind of the same thing.

2478 So, Mr. Duncan, you are recognized for five minutes.

2479 *Mrs. Rodgers. Okay, tell me again.

2480 *Mr. Duncan. Thank you, Mr. Chairman. And this just
2481 points to the need for us to be in the committee room,
2482 meeting in person. The points have been made. I am not
2483 going to continue to berate that, but this points to that
2484 fact.

2485 Mr. Chairman, this amendment is straightforward. It
2486 expresses Congress's disapproval for the completion of Nord
2487 Stream 3 pipeline.

2488 While I commend the committee today for taking up four
2489 bills to enhance our energy security, we must also address
2490 the actions by the Biden Administration to do the exact
2491 opposite, and actually impede energy security and national
2492 security. President Biden's decision to waive sanctions on
2493 the Nord Stream 2 pipeline will effectively ensure its
2494 completion.

2495 This project was slowed during the Trump Administration,
2496 but this Biden Administration pass is a gift to Vladimir
2497 Putin, and will aid his efforts to increase his stranglehold
2498 over Europe. We have seen it time and again, Russia turns on
2499 and off the energy spigot in order to influence policies in
2500 Europe. Under the Trump Administration, and through
2501 innovation in the private sector, the United States is the
2502 number-one oil and gas producer in the world. In fact, they
2503 have met or exceeded the Paris Climate Accord guidelines and
2504 mandates.

2505 So a 2018 report by the House Committee on Science,
2506 Space, and Technology determined, "As the threat of American
2507 energy continues to grow, so does the Kremlin's incentive to
2508 influence energy operations in Europe and the United States.
2509 Moreover, as they have demonstrated, the Kremlin will use any

2510 and all tools at their disposal to preserve Russia's dominant
2511 energy status. The Colonial Pipeline cyber attack is the
2512 most recent reminder of this longstanding effort by the
2513 Russians to undermine American production and transportation
2514 of energy. The FBI has blamed the pipeline attack on the
2515 Darkside, a ransomware group based in Russia.''

2516 The decision to waive sanctions will continue to play
2517 into Putin's hand, while undercutting our security, jobs,
2518 competitiveness, and geopolitical influence of America.
2519 Putin would love nothing more than for America to be energy
2520 dependent, and President Biden is helping him achieve this
2521 goal.

2522 As a side note, New England imports natural gas, not
2523 from Texas, Mrs. Fletcher, but from Russia.

2524 By waiving sanctions, President Biden is treating a
2525 pipeline that increases Russian influence far better than the
2526 pipelines that enhance our influence. As one of his very
2527 first acts, President Biden revoked the key permit for the
2528 Keystone XL pipeline, which was critical to our energy
2529 security and a top priority for our Canadian allies. Just
2530 yesterday, the Keystone XL project was officially cancelled.
2531 It is truly baffling and illogical that President Biden is
2532 willing to greenlight Russian energy projects over American
2533 energy projects and jobs. Projects like the Keystone
2534 Pipeline and the Atlantic Coast Pipeline would have continued

2535 the U.S. trend in leading the world in carbon emission
2536 reductions.

2537 President Biden's own DoE Secretary recently admitted
2538 pipelines are the best way to transport oil and gas.

2539 From an environmental perspective, it makes no sense to
2540 favor higher-emitting Russian natural gas over more carbon-
2541 friendly American LNG to meet the rising global demand.
2542 According to DoE, Russian natural gas exported Europe has a
2543 lifecycle greenhouse gas emissions profile 41 percent higher
2544 than American LNG exported to Europe. If Europe were to
2545 switch from dirtier Russian natural gas to U.S. LNG, global
2546 emissions would be reduced by over 70 million tons each year.
2547 We have the ability and, arguably, the moral responsibility
2548 to export our clean-burning natural gas to countries
2549 dependent on corrupt regimes like Russia.

2550 As Rick Perry said, when the U.S. exports energy, we are
2551 exporting freedom. Although Russian gas is cheaper,
2552 countries like Poland are willing to pay a premium to avoid
2553 Russian gas because they understand Russia influences the
2554 policies in Europe by controlling the spigot.

2555 We often talk about environmental justice in this
2556 committee. And in my opinion, waiving the Nord Stream 2
2557 sanctions is in direct opposition to that objective. The
2558 move is, essentially, a reward to Vladimir Putin, who
2559 continues to crack down on dissidents, imprison Alexei

2560 Navalny, Russian opposition leader, and threaten the
2561 sovereignty of its European neighbors.

2562 For the entirety of the Trump Administration, Democrats
2563 were obsessed with the Russian influence over the Trump
2564 Administration's policy, repeatedly calling him a Russian
2565 agent. If Trump had waived sanctions on a Russian company
2566 and a friend of Putin like the Biden Administration just did,
2567 there would be an immediate call for an investigation.

2568 This amendment does not make any changes to the
2569 underlying bill, it simply adds a new clause, and I would
2570 urge my colleagues to vote in favor of my amendment. And we
2571 -- to vote to table the motion of the chair on the
2572 germaneness, and I yield back.

2573 *The Chairman. All right. Now, let me repeat again
2574 where we are.

2575 Ms. Kelly, the vice chair, moved a point of order on Mr.
2576 Duncan's amendment based on germaneness. I sustained the
2577 point of order.

2578 Mr. Duncan then appealed my ruling, and Ms. DeGette was
2579 about to move to table the appeal before we had Mr. Duncan
2580 speak.

2581 So I would like --

2582 *Ms. DeGette. And I do make that motion to table, Mr.
2583 Chairman.

2584 *The Chairman. Okay, so Ms. DeGette has moved to table

2585 the gentleman, Mr. Duncan's, appeal. And the motion to table
2586 is not debatable.

2587 So the question is, shall the committee table the
2588 gentleman from South Carolina's appeal?

2589 All those in favor of the motion to table should vote
2590 aye, and all those opposed to the motion to table should vote
2591 no.

2592 So let's say all those in favor, say aye.

2593 And all those opposed, say no.

2594 In the --

2595 *Mr. Duncan. Mr. Chairman, I ask for a roll call vote,
2596 please.

2597 *The Chairman. Okay, we will have a roll call vote on
2598 that. A recorded vote has been ordered.

2599 The question now occurs on the motion to table Mr.
2600 Duncan's motion to appeal the ruling of the chair.

2601 Again, if you wish to table, you should vote yes. If
2602 you don't, you should vote no.

2603 And the clerk shall call the roll.

2604 *The Clerk. Mr. Rush?

2605 *Mr. Rush. Rush of Illinois votes aye.

2606 *The Clerk. Mr. Rush votes aye.

2607 Ms. Eshoo?

2608 *Ms. Eshoo. Eshoo votes aye.

2609 *The Clerk. Ms. Eshoo votes aye.

2610 Ms. DeGette?

2611 *Ms. DeGette. DeGette votes aye.

2612 *The Clerk. Ms. DeGette votes aye.

2613 Mr. Doyle?

2614 *Mr. Doyle. Mr. Doyle votes yes.

2615 *The Clerk. Mr. Doyle votes aye.

2616 Ms. Schakowsky?

2617 *Ms. Schakowsky. Schakowsky votes aye.

2618 *The Clerk. Ms. Schakowsky votes aye.

2619 Mr. Butterfield?

2620 *Mr. Butterfield. Butterfield votes aye.

2621 *The Clerk. Mr. Butterfield votes aye.

2622 Ms. Matsui?

2623 [No response.]

2624 *The Clerk. Ms. Castor?

2625 *Ms. Castor. Ms. Castor votes aye.

2626 *The Clerk. Ms. Castor votes aye.

2627 Mr. Sarbanes?

2628 *Mr. Sarbanes. Mr. Sarbanes votes aye.

2629 *The Clerk. Mr. Sarbanes votes aye.

2630 Mr. McNerney?

2631 *Mr. McNerney. McNerney votes aye.

2632 *The Clerk. Mr. McNerney votes aye.

2633 Mr. Welch?

2634 [No response.]

2635 *The Clerk. Mr. Tonko?

2636 *Mr. Tonko. Paul Tonko of New York votes aye.

2637 *The Clerk. Mr. Tonko votes aye.

2638 Ms. Clarke?

2639 *Ms. Clarke. Ms. Clarke of New York votes aye.

2640 *The Clerk. Ms. Clarke votes aye.

2641 Mr. Schrader?

2642 [No response.]

2643 *The Clerk. Mr. Cardenas?

2644 *Mr. Cardenas. Cardenas of California votes aye.

2645 *The Clerk. Mr. Cardenas votes aye.

2646 Mr. Ruiz?

2647 *Mr. Ruiz. Ruiz from California votes aye.

2648 *The Clerk. Mr. Ruiz votes aye.

2649 Mr. Peters?

2650 *Mr. Peters. Peters votes aye.

2651 *The Clerk. Mr. Peters votes aye.

2652 Mrs. Dingell?

2653 *Mrs. Dingell. Dingell votes aye.

2654 *The Clerk. Mrs. Dingell votes aye.

2655 Mr. Veasey?

2656 [No response.]

2657 *The Clerk. Ms. Kuster?

2658 *Ms. Kuster. Kuster votes aye.

2659 *The Clerk. Ms. Kuster votes aye.

2660 Ms. Kelly?

2661 *Ms. Kelly. Ms. Kelly votes aye.

2662 *The Clerk. Ms. Kelly votes aye.

2663 Ms. Barragan?

2664 *Ms. Barragan. Barragan votes aye.

2665 *The Clerk. Ms. Barragan votes aye.

2666 Mr. McEachin?

2667 [No response.]

2668 *The Clerk. Ms. Blunt Rochester?

2669 *Ms. Blunt Rochester. Blunt Rochester of Delaware votes

2670 aye.

2671 *The Clerk. Ms. Blunt Rochester votes aye.

2672 Mr. Soto?

2673 *Mr. Soto. Soto votes aye.

2674 *The Clerk. Mr. O'Halleran?

2675 [No response.]

2676 *The Clerk. Miss Rice?

2677 *Miss Rice. Rice votes aye.

2678 *The Clerk. Miss Rice votes aye.

2679 Ms. Craig?

2680 *Ms. Craig. Craig votes aye.

2681 *The Clerk. Ms. Craig votes aye.

2682 Ms. Schrier?

2683 *Ms. Schrier. Schrier votes aye.

2684 *The Clerk. Ms. Schrier votes aye.

2685 Mrs. Trahan?
2686 *Mrs. Trahan. Trahan votes aye.
2687 *The Clerk. Mrs. Trahan votes aye.
2688 Mrs. Fletcher?
2689 *Mrs. Fletcher. Fletcher votes aye.
2690 *The Clerk. Mrs. Fletcher votes aye.
2691 Mrs. Rodgers?
2692 *Mrs. Rodgers. Mrs. Rodgers votes no.
2693 *The Clerk. Mrs. Rodgers votes no.
2694 Mr. Upton?
2695 *Mr. Upton. Upton votes no.
2696 *The Clerk. Mr. Upton votes no.
2697 Mr. Burgess?
2698 *Mr. Burgess. Votes no.
2699 *The Clerk. Mr. Burgess votes no.
2700 Mr. Scalise?
2701 *Mr. Scalise. Scalise votes no.
2702 *The Clerk. Mr. Scalise votes no.
2703 Mr. Latta?
2704 *Mr. Latta. Latta votes no.
2705 *The Clerk. Mr. Latta votes no.
2706 Mr. Guthrie?
2707 *Mr. Guthrie. Guthrie votes no.
2708 *The Clerk. Mr. Guthrie votes no.
2709 Mr. McKinley?

2710 *Mr. McKinley. McKinley votes hell, no.
2711 *The Clerk. Mr. McKinley votes no.
2712 Mr. Kinzinger?
2713 [No response.]
2714 *The Clerk. Mr. Griffith?
2715 *Mr. Griffith. Griffith votes no.
2716 *The Clerk. Mr. Griffith votes no.
2717 Mr. Bilirakis?
2718 *Mr. Bilirakis. Bilirakis votes no.
2719 *The Clerk. Mr. Bilirakis votes no.
2720 Mr. Johnson?
2721 *Mr. Johnson. Johnson votes no.
2722 *The Clerk. Mr. Johnson votes no.
2723 Mr. Long?
2724 [No response.]
2725 *The Clerk. Mr. Bucshon?
2726 *Mr. Bucshon. Bucshon votes no.
2727 *The Clerk. Mr. Bucshon votes no.
2728 Mr. Mullin?
2729 *Mr. Mullin. Mullin votes no.
2730 *The Clerk. Mr. Mullin votes no.
2731 Mr. Hudson?
2732 [No response.]
2733 *The Clerk. Mr. Walberg?
2734 *Mr. Walberg. Mr. Walberg votes no.

2735 *The Clerk. Mr. Walberg votes no.
2736 Mr. Carter?
2737 *Mr. Carter. Carter votes no.
2738 *The Clerk. Mr. Carter votes no.
2739 Mr. Duncan?
2740 *Mr. Duncan. Mr. Duncan of South Carolina votes no.
2741 *The Clerk. Mr. Duncan votes no.
2742 Mr. Palmer?
2743 *Mr. Palmer. Mr. Palmer of Alabama votes no.
2744 *The Clerk. Mr. Palmer votes no.
2745 Mr. Dunn?
2746 *Mr. Dunn. Dunn of Florida votes no.
2747 *The Clerk. Mr. Dunn votes no.
2748 Mr. Curtis?
2749 [No response.]
2750 *The Clerk. Mrs. Lesko?
2751 *Mrs. Lesko. Lesko votes no.
2752 *The Clerk. Mrs. Lesko votes no.
2753 Mr. Pence?
2754 *Mr. Pence. Pence votes no.
2755 *The Clerk. Mr. Pence votes no.
2756 Mr. Crenshaw?
2757 *Mr. Crenshaw. Crenshaw votes no.
2758 *The Clerk. Mr. Crenshaw votes no.
2759 Mr. Joyce?

2760 *Mr. Joyce. Joyce votes no.

2761 *The Clerk. Mr. Joyce votes no.

2762 Mr. Armstrong?

2763 [No response.]

2764 *The Clerk. Chairman Pallone?

2765 *The Chairman. Pallone votes aye.

2766 I think Armstrong voted no, didn't he?

2767 *Mr. Armstrong. No.

2768 *Mr. Welch. Hi, how am I recorded? This is Peter

2769 Welch.

2770 *The Clerk. Mr. Welch is not recorded.

2771 *Mr. Welch. Mr. Welch votes aye.

2772 *The Clerk. Mr. Welch votes aye.

2773 Chairman Pallone votes aye.

2774 Mr. Armstrong votes no.

2775 *The Chairman. All right, but we had several members

2776 who didn't respond.

2777 So who still wants to vote?

2778 *Mr. Schrader. Congressman Schrader would like to vote.

2779 *The Chairman. Mr. Schrader?

2780 *Mr. Schrader. Congressman Schrader from Oregon votes

2781 aye.

2782 *The Chairman. Madam Clerk?

2783 *The Clerk. Mr. Schrader votes aye.

2784 *Mrs. Rodgers. Mr. Chairman? It is Cathy here. Would

2785 the clerk call the names of those who are not recorded,
2786 please?

2787 *The Chairman. Yes, please. I think I heard Hudson
2788 vote no, also. But go back, let's go through the roll,
2789 whoever we missed.

2790 *The Clerk. Ms. Matsui?

2791 [No response.]

2792 *The Clerk. Mr. Veasey?

2793 *Mr. Veasey. Veasey votes aye.

2794 *The Clerk. Mr. Veasey votes aye.

2795 Mr. McEachin?

2796 [No response.]

2797 *The Clerk. Mr. Soto?

2798 *Mr. Soto. Votes aye.

2799 *The Clerk. Mr. Soto votes aye.

2800 Mr. O'Halleran?

2801 [No response.]

2802 *The Clerk. Mr. Kinzinger?

2803 [No response.]

2804 *The Clerk. Mr. Long?

2805 [No response.]

2806 *The Clerk. Mr. Hudson?

2807 [No response.]

2808 *The Clerk. Mr. Curtis?

2809 [No response.]

2810 *The Clerk. That is everyone.

2811 *Mr. Duncan. Mr. Chairman, I heard, as you did, Mr.
2812 Hudson vote no.

2813 *The Chairman. Madam Clerk, I heard him distantly vote
2814 no.

2815 *The Clerk. Okay, Mr. Hudson votes no.

2816 *The Chairman. All right. Is there anyone else who
2817 hasn't been recorded, who seeks to vote?

2818 All right, if not, the clerk will report the tally.

2819 *The Clerk. On that vote, Mr. Chairman, the yeas were
2820 29, and the nays were 23.

2821 *The Chairman. Okay, so the vote is 29 ayes to 23 noes,
2822 and the motion to table is agreed to.

2823 So now, are there any other members seeking recognition?

2824 I mean, are there any other members who want to -- who
2825 have an amendment?

2826 Okay, if not then, if there is no further debate, we are
2827 going to proceed. Okay, then we are going to proceed to the
2828 actual vote on the resolution.

2829 The question now occurs on favorably reporting H.J. Res.
2830 34 to the full House.

2831 All those in favor of reporting H.J. Res. 34 to the
2832 House, signify by saying aye.

2833 All those opposed can signify by saying no.

2834 In the opinion of the chairs, the ayes have it, and --

2835 *Voice. Mr. Chairman?

2836 *The Chairman. -- H.J. Res. 34 --

2837 *Voice. Mr. Chairman, I request a recorded vote.

2838 *The Chairman. A recorded vote has been requested, so a

2839 recorded vote is ordered.

2840 Those in favor of reporting H.J. Res. 34 to the House

2841 will say aye, and those opposed will say no, and the clerk

2842 shall call the roll.

2843 *The Clerk. Mr. Rush?

2844 *Mr. Rush. Rush of Illinois votes aye.

2845 *The Clerk. Mr. Rush votes aye.

2846 Ms. Eshoo?

2847 *Ms. Eshoo. Eshoo votes aye.

2848 *The Clerk. Ms. Eshoo votes aye.

2849 Ms. DeGette?

2850 *Ms. DeGette. DeGette votes aye.

2851 *The Clerk. Ms. DeGette votes aye.

2852 Mr. Doyle?

2853 *Mr. Doyle. Mr. Doyle votes aye.

2854 *The Clerk. Mr. Doyle votes aye.

2855 Ms. Schakowsky?

2856 *Ms. Schakowsky. Schakowsky votes aye.

2857 *The Clerk. Ms. Schakowsky votes aye.

2858 Mr. Butterfield?

2859 *Mr. Butterfield. Butterfield votes aye.

2860 *The Clerk. Butterfield votes aye.
2861 Ms. Matsui?
2862 [No response.]
2863 *The Clerk. Ms. Castor?
2864 *Ms. Castor. Ms. Castor votes aye.
2865 *The Clerk. Ms. Castor votes aye.
2866 Mr. Sarbanes?
2867 *Mr. Sarbanes. Sarbanes votes aye.
2868 *The Clerk. Mr. Sarbanes votes aye.
2869 Mr. McNerney?
2870 *Mr. McNerney. McNerney votes aye.
2871 *The Clerk. Mr. McNerney votes aye.
2872 Mr. Welch?
2873 *Mr. Welch. Mr. Welch votes aye.
2874 *The Clerk. Mr. Welch votes aye.
2875 Mr. Tonko?
2876 *Mr. Tonko. Paul Tonko of New York votes aye.
2877 *The Clerk. Mr. Tonko votes aye.
2878 Ms. Clarke?
2879 *Ms. Clarke. Ms. Clarke of New York votes aye.
2880 *The Clerk. Ms. Clarke votes aye.
2881 Mr. Schrader?
2882 *Mr. Schrader. Schrader of Oregon votes aye.
2883 *The Clerk. Mr. Schrader votes aye.
2884 Mr. Cardenas?

2885 *Mr. Cardenas. Cardenas from California votes aye.
2886 *The Clerk. Mr. Cardenas votes aye.
2887 Mr. Ruiz?
2888 *Mr. Ruiz. Ruiz from California votes aye.
2889 *The Clerk. Mr. Ruiz votes aye.
2890 Mr. Peters?
2891 *Mr. Peters. Peters votes aye.
2892 *The Clerk. Mr. Peters votes aye.
2893 Mrs. Dingell?
2894 *Mrs. Dingell. Dingell votes aye.
2895 *The Clerk. Mrs. Dingell votes aye.
2896 Mr. Veasey?
2897 *Mr. Veasey. Veasey votes aye.
2898 *The Clerk. Mr. Veasey votes aye.
2899 Ms. Kuster?
2900 *Ms. Kuster. Kuster votes aye.
2901 *The Clerk. Ms. Kuster votes aye.
2902 Ms. Kelly?
2903 *Ms. Kelly. Ms. Kelly votes aye.
2904 *The Clerk. Ms. Kelly votes aye.
2905 Ms. Barragan?
2906 *Ms. Barragan. Barragan votes aye.
2907 *The Clerk. Ms. Barragan votes aye.
2908 Mr. McEachin?
2909 [No response.]

2910 *The Clerk. Ms. Blunt Rochester?
2911 *Ms. Blunt Rochester. Blunt Rochester from Delaware
2912 votes aye.
2913 *The Clerk. Ms. Blunt Rochester votes aye.
2914 Mr. Soto?
2915 *Mr. Soto. Soto votes aye.
2916 *The Clerk. Mr. Soto votes aye.
2917 Mr. O'Halleran?
2918 [No response.]
2919 *The Clerk. Miss Rice?
2920 *Mr. O'Halleran. O'Halleran votes aye.
2921 *The Clerk. Mr. O'Halleran votes aye.
2922 Miss Rice?
2923 *Miss Rice. Rice votes aye.
2924 *The Clerk. Miss Rice votes aye.
2925 Ms. Craig?
2926 *Ms. Craig. Craig votes aye.
2927 *The Clerk. Ms. Craig votes aye.
2928 Ms. Schrier?
2929 *Ms. Schrier. Schrier votes aye.
2930 *The Clerk. Ms. Schrier votes aye.
2931 Mrs. Trahan?
2932 *Mrs. Trahan. Trahan votes aye.
2933 *The Clerk. Mrs. Trahan votes aye.
2934 Mrs. Fletcher?

2935 *Mrs. Fletcher. Fletcher votes aye.
2936 *The Clerk. Mrs. Fletcher votes aye.
2937 Mrs. Rodgers?
2938 *Mrs. Rodgers. Mrs. Rodgers votes no.
2939 *The Clerk. Mrs. Rodgers votes no.
2940 Mr. Upton?
2941 [No response.]
2942 *The Clerk. Mr. Burgess?
2943 *Mr. Burgess. Votes no.
2944 *The Clerk. Mr. Burgess votes no.
2945 Mr. Scalise?
2946 *Mr. Scalise. Scalise votes no.
2947 *The Clerk. Mr. Scalise votes no.
2948 Mr. Latta?
2949 *Mr. Latta. Latta votes no.
2950 *The Clerk. Mr. Latta votes no.
2951 Mr. Guthrie?
2952 *Mr. Guthrie. Guthrie votes no.
2953 *The Clerk. Mr. Guthrie votes no.
2954 Mr. McKinley?
2955 *Mr. McKinley. McKinley votes no.
2956 *The Clerk. Mr. McKinley votes no.
2957 Mr. Kinzinger?
2958 [No response.]
2959 *The Clerk. Mr. Griffith?

2960 *Mr. Griffith. Mr. Griffith votes no.
2961 *The Clerk. Mr. Griffith votes no.
2962 Mr. Bilirakis?
2963 *Mr. Bilirakis. Bilirakis votes no.
2964 *The Clerk. Mr. Bilirakis votes no.
2965 Mr. Johnson?
2966 *Mr. Johnson. Johnson votes no.
2967 *The Clerk. Mr. Johnson votes no.
2968 Mr. Long?
2969 [No response.]
2970 *The Clerk. Mr. Bucshon?
2971 *Mr. Bucshon. No.
2972 *The Clerk. Mr. Bucshon votes no.
2973 Mr. Mullin?
2974 *Mr. Mullin. Mullin votes no.
2975 *The Clerk. Mr. Mullin votes no.
2976 Mr. Hudson?
2977 [No response.]
2978 *The Clerk. Mr. Walberg?
2979 *Mr. Walberg. Walberg votes no.
2980 *The Clerk. Mr. Walberg votes no.
2981 Mr. Carter?
2982 *Mr. Carter. Carter votes no.
2983 *The Clerk. Mr. Carter votes no.
2984 Mr. Duncan?

2985 *Mr. Duncan. Mr. Duncan votes no.
2986 *The Clerk. Mr. Duncan votes no.
2987 Mr. Palmer?
2988 *Mr. Palmer. Mr. Palmer votes no.
2989 *The Clerk. Mr. Palmer votes no.
2990 Mr. Dunn?
2991 *Mr. Dunn. Dunn of Florida votes no.
2992 *The Clerk. Mr. Dunn votes no.
2993 Mr. Curtis?
2994 [No response.]
2995 *The Clerk. Mrs. Lesko?
2996 *Mrs. Lesko. Lesko votes no.
2997 *The Clerk. Mrs. Lesko votes no.
2998 Mr. Pence?
2999 *Mr. Pence. Pence votes no.
3000 *The Clerk. Mr. Pence votes no.
3001 Mr. Crenshaw?
3002 *Mr. Crenshaw. Crenshaw votes no.
3003 *The Clerk. Mr. Crenshaw votes no.
3004 Mr. Joyce?
3005 *Mr. Joyce. Joyce votes no.
3006 *The Clerk. Mr. Joyce votes no.
3007 Mr. Armstrong?
3008 *Mr. Armstrong. No.
3009 *The Clerk. Mr. Armstrong votes no.

3010 Chairman Pallone?

3011 *The Chairman. Pallone votes aye.

3012 *The Clerk. Mr. Pallone votes aye.

3013 *The Chairman. Does any member still need to record

3014 their vote?

3015 *Mr. Schrader. How is Mr. Schrader recorded?

3016 *The Chairman. Mr. Schrader? Madam Clerk, how is Mr.

3017 Schrader recorded?

3018 *Mr. Curtis. Mr. Chairman?

3019 *The Clerk. Mr. Schrader voted aye.

3020 *Mr. Schrader. Thank you.

3021 *The Chairman. Someone else spoke.

3022 *Mr. Curtis. Curtis votes no.

3023 *The Chairman. Who was that, Hudson?

3024 *The Clerk. Mr. Curtis.

3025 *The Chairman. Oh, Mr. Curtis. How is Mr. Curtis

3026 recorded?

3027 *The Clerk. Mr. Curtis is not recorded.

3028 *The Chairman. Mr. Curtis?

3029 *Mr. Curtis. Curtis votes no.

3030 *The Chairman. Mr. Curtis votes --

3031 *Mr. Curtis. Curtis votes no. Can you hear me?

3032 *The Chairman. Yes --

3033 *The Clerk. Mr. Curtis votes no.

3034 *The Chairman. All right. Any other member?

3035 *Mr. Curtis. Thank you.

3036 *The Chairman. You are welcome.

3037 All right. If not, the clerk will report the tally.

3038 *The Clerk. On that vote, Mr. Chairman, the yeas were
3039 30, and the nays were 22.

3040 *The Chairman. Thank you. So the vote on H.J. Res. to
3041 the full House is 30 ayes to 22 noes. And as a result, H.J.
3042 Res. 34 is reported to the full House.

3043 Now we are going to go to the four cybersecurity bills.
3044 These are the ones that are bipartisan, so hopefully we won't
3045 have too much debate.

3046 The chair calls up the first bill, H.R. 2928, the Cyber
3047 Sense Act of 2021, and the clerk will report the bill.

3048 *The Clerk. H.R. 2931 (sic), a bill to provide for
3049 certain programs and developments in the Department of Energy
3050 concerning the cybersecurity --

3051 *The Chairman. Without objection, Madam Clerk, without
3052 objection, the first reading of the bill will be dispensed
3053 with. The bill is now considered as read.

3054 Without objection, the bill is considered as read and
3055 open for amendment.

3056 [The bill follows:]

3057

3058 *****COMMITTEE INSERT*****

3059

3060 *The Chairman. Are there any -- well, let's do -- let's
3061 go to the underlying bill. Are there any members seeking
3062 recognition to speak on the underlying bill, H.R. 2928?

3063 *Mr. Latta. Mr. Chairman?

3064 *The Chairman. Yes.

3065 *Mr. Latta. This is Bob Latta, I would like to strike
3066 the last word.

3067 *The Chairman. Yes, the gentleman from Ohio is
3068 recognized for five minutes.

3069 *Mr. Latta. Well, thank you very much, Mr. Chairman.
3070 And I am pleased that we are marking up H.R. 2928, the first
3071 of two bills I have introduced and worked closely with my
3072 good friend, the gentleman from California, Mr. McNerney,
3073 over the last few congresses.

3074 This bipartisan effort will identify and promote the use
3075 of cybersecurity products in the bulk power system. It will
3076 also establish a testing process and a cybersecurity
3077 vulnerability reporting process and database.

3078 Given the recent cyber attacks on our critical
3079 infrastructure, including the Colonial Pipeline hack, now is
3080 the time for Congress to act, and passing this legislation
3081 will be a giant step forward. We, as a nation, need to
3082 better prepare to guard against these types of attacks, and
3083 H.R. 2928 will assist in this effort.

3084 I ask my colleagues to support the legislation and, Mr.

3085 Chairman, I yield back the balance of my time. Thank you
3086 very much.

3087 *The Chairman. Thank you. I have Mr. Armstrong and Ms.
3088 Schakowsky's hands raised. I guess this is about this one.
3089 If not, we will see.

3090 So Ms. Schakowsky seeks recognition on this?

3091 All right, let me -- if you don't want to speak, take
3092 your hand down. So right now I have got only Bobby Rush.

3093 Mr. Rush, do you want to speak on this?

3094 [Pause.]

3095 *The Chairman. Mr. Rush, do you -- he might just have
3096 had his hand up from before.

3097 *Mr. McNerney. Mr. Chairman, I would like to speak on
3098 this. This is Mr. McNerney.

3099 *Mr. McNerney. Mr. McNerney is recognized for five
3100 minutes.

3101 Mr. McNerney?

3102 *Mr. McNerney. Mr. Chairman, I thank you for
3103 recognizing me, and bringing this bill to the committee. We
3104 have --

3105 [Audio malfunction.]

3106 *The Chairman. Did he get muted somehow?

3107 *Mr. Rush. Mr. Chairman?

3108 *The Chairman. Jerry, it is your -- you have the floor,
3109 go ahead.

3110 *Mr. McNerney. Thank you, Mr. Chairman. We have moved
3111 this bill out of our committee twice, once during the last
3112 Congress and once during the 115th Congress, and we passed it
3113 out of the whole House in the last Congress.

3114 The Cyber Sense Act is a common-sense legislation that
3115 takes the steps to improve the security of our electric grid
3116 infrastructure. It would establish a program to identify
3117 cyber-secure products for the bulk power grid through a
3118 testing and verification program.

3119 The bulk power system is essential for providing
3120 reliable electric power to the American people. We must
3121 ensure that this is as secure as possible. Any vulnerable
3122 component in the system is a threat to our security, and this
3123 bill will take important steps to strengthen the system.

3124 It would also require the DoE to provide technical
3125 assistance to electric utilities, manufacturers, and other
3126 relevant stakeholders related to cybersecurity
3127 vulnerabilities, in order -- in products under the Cyber
3128 Sense program.

3129 In today's world, where there are billions of connected
3130 devices in use, and the number is rapidly increasing, and
3131 where we see -- we are seeing cyber threats continue to
3132 increase, this likely -- this legislation is badly needed.

3133 I thank my good friend and colleague, Representative Bob
3134 Latta, for working with me on this legislation over the

3135 years.

3136 We are going to do it this time, Bob.

3137 I urge all my colleagues to support this, and I yield
3138 back.

3139 *The Chairman. Thank you, Mr. McNerney. Now, Mr. --
3140 was there was a Republican?

3141 If not, I am going to move to Mr. Rush.

3142 Mr. Rush, you are recognized.

3143 *Mr. Rush. Mr. Chairman, I move to strike the last
3144 word.

3145 *The Chairman. The gentleman is recognized for five
3146 minutes.

3147 *Mr. Rush. Mr. Chairman, thank you so much.

3148 In the face of recent threats to our nation's critical
3149 infrastructure, the security of our crucial energy system is
3150 essential, and more essential than ever. That is why I am
3151 pleased, very pleased, that my colleagues, Congressman
3152 McNerney and Congressman Latta, introduced this fine piece of
3153 legislation, H.R. 2928, the Cyber Sense Act of 2021.

3154 Testing and identifying the cybersecurity products used
3155 within the bulk power system is an important element in the
3156 security of this system. Therefore, I support this bill's
3157 aim to create a DoE program to do just that.

3158 Equally important, Mr. Chairman, is that this bill
3159 requires DoE to engage stakeholders through assistance to

3160 further reduce their cybersecurity vulnerability.

3161 This proposal, as well as other legislation being
3162 considered today, would support our ability to impede further
3163 attacks, while maintaining the reliability of this all-
3164 important system. I urge, Mr. Chairman, all my colleagues to
3165 support this bipartisan piece of legislation.

3166 And now, with that, I yield back the balance of my time.

3167 *The Chairman. Thank you, Mr. Rush.

3168 Anyone else want to speak on this bill?

3169 Okay, if not -- I don't think I heard any -- does
3170 someone want to speak?

3171 *Mr. Soto. Yes, Representative Soto.

3172 *The Chairman. Mr. Soto is recognized for five minutes.

3173 *Mr. Soto. Thank you, Mr. Chairman. I think we all
3174 have seen over the last few months that our nation is under
3175 attack by cyber terrorists harbored by Russia: the
3176 SolarWinds attack was on the Federal Government itself; the
3177 Colonial Pipeline, a key part of our oil and gas
3178 infrastructure in the Southeast, was hacked; JBS, a key part
3179 of our beef production, also hacked.

3180 As we see President Biden go to the G7 this week, they
3181 have acted quickly, with the full audit for SolarWinds,
3182 sanctions against those responsible for SolarWinds; an
3183 executive order to improve DHS's ability to improve
3184 government networks against hackers; and requiring energy

3185 companies to provide notices of hacks; as well as a high-
3186 profile meeting with Putin this week.

3187 It is time for the Congress to get serious, too. That
3188 is why I am thrilled to support the bipartisan Cyber Sense
3189 Act of 2021, which identifies and promotes cyber-secure
3190 products, establishes a testing process for cyber products'
3191 vulnerability reporting processes and databases.

3192 In short, this, and the suite of bills we are about to
3193 vote on, will help address and acknowledge that the 21st
3194 century brings the next state's evolving cyber threats, and
3195 our nation must be prepared, and this committee must step up,
3196 and I am pleased to see us doing so today.

3197 *The Chairman. Thank you, Mr. Soto.

3198 Anyone else want to speak on this bill?

3199 I don't believe we have any amendments. Are there any
3200 amendments?

3201 I don't think so, because this is all agreed to.

3202 So the question now occurs on favorably -- Ms. Eshoo,
3203 did you want to speak?

3204 Yes, you are recognized for five minutes.

3205 *Ms. Eshoo. Thank you, Mr. Chairman. I just want to
3206 say a few words about the bill. It is a good bill, because
3207 it allows the DoE to, you know, to work with the private
3208 sector.

3209 But I think it is very important for everyone to

3210 understand that the private sector is in charge of the
3211 private sector. Companies small, medium, and large have to
3212 make the consistent investments to make sure that their
3213 systems are secure. In the case of the oil company, they
3214 left themselves wide open. And thank goodness the FBI was
3215 able to come in and help retrieve most of the ransom that was
3216 paid. That is the public sector coming in to save the
3217 private sector.

3218 So over and over again, we have seen these attacks. I
3219 think that these are really national security issues. So I
3220 think that we are on the right track, but I just wanted to
3221 state this for the record. Every company, every company,
3222 small, medium, large in our country -- yes, it is wonderful
3223 to get assistance, really professional assistance, from the
3224 from the DoE, which is what the bill allows. But in the last
3225 analysis, they are responsible to secure their systems.

3226 So I yield back, and thank you.

3227 *The Chairman. Thank you, Ms. Eshoo.

3228 Unless there are further comments, I am going to move.
3229 The question now occurs.

3230 The question now occurs on favorably reporting H.R. 2928
3231 to the full House.

3232 All those in favor of reporting H.R. 2928 to the House
3233 will signify by saying aye.

3234 All those opposed will say no.

3235 Okay, in the opinion of the chair, the ayes have it, and
3236 the -- H.R. 2928 is reported to the full House.

3237 Now we are going to go to the second cybersecurity bill.

3238 *Mrs. Rodgers. Mr. Chairman?

3239 *The Chairman. Yes?

3240 *Mrs. Rodgers. Mr. Chairman, I ask for two days to
3241 submit additional views on the legislation considered by the
3242 committee today.

3243 *The Chairman. Yes, so ordered.

3244 *Mrs. Rodgers. Thank you.

3245 *The Chairman. The chair calls up H.R. 2931, the
3246 Enhancing Grid Security Through Public-Private Partnerships
3247 Act, and the clerk will --

3248 *Voice. They are still --

3249 *The Chairman. -- and the clerk will report the bill.

3250 *The Clerk. H.R. 2931, to provide for certain programs
3251 and developments in the Department of Energy concerning the
3252 cybersecurity and vulnerabilities of and physical threats to
3253 the electric grid, and for other purposes.

3254 *The Chairman. Without objection, Madam clerk, the
3255 first reading of the bill will be dispensed with, and the
3256 bill is now considered as read.

3257 And without objection, the bill is considered as read,
3258 and open for amendment at any point.

3259

3260 [The bill follows:]

3261

3262 *****COMMITTEE INSERT*****

3263

3264 *The Chairman. Are there any members seeking
3265 recognition to speak on the bill, H.R. 2931?

3266 I see -- well, I think these might be from the last one.
3267 Mr. Latta, did you -- were you asking to speak on this
3268 one?

3269 *Mr. Latta. Yes, Mr. Chairman, I move to strike the
3270 last word.

3271 *The Chairman. Yes, the gentleman is recognized.

3272 *Mr. Latta. Well, thank you very much, Chairman. And
3273 again, this is the second of two bipartisan bills that my
3274 good friend, the gentleman from California, Mr. McNerney, and
3275 I have worked to improve the resiliency of our nation's grid
3276 against cyber attacks. Both of these bills passed
3277 overwhelmingly in the last House, and in the last Congress --
3278 or, pardon, in the House in the last Congress. And I hope we
3279 will see the same level of support in this Congress.

3280 When these bills are passed again on the House floor, I
3281 call on the Senate to quickly take them up, so they can be --
3282 to get to the President's desk for a signature as soon as
3283 possible. We can't allow criminal cyber behavior like what
3284 occurred with Colonial Pipeline to continue to go
3285 unchallenged. Both H.R. 2928 and 2931 will help in this
3286 cyber -- fight against cyber attacks.

3287 And again, when you look at H.R. 2931, it directs the
3288 Secretary of Energy, in consultation with the states and

3289 other Federal agencies and industry stakeholders, to create
3290 and implement a program to enhance the physical and
3291 cybersecurity of our electric utilities. So it is a very,
3292 very important piece of legislation.

3293 Again, I want to thank the chairman and the ranking
3294 member and Mr. McNerney for all of their hard efforts and
3295 working on this piece of legislation, and I urge my
3296 colleagues to support this bill.

3297 Mr. Chairman, I yield back the balance of my time.

3298 *The Chairman. All right. So again, if you don't want
3299 to speak, you know, and you spoke before, lower your hand.
3300 Right now I have four: Darren Soto, Bobby Rush, Jerry
3301 McNerney, and Anna Eshoo.

3302 So Bobby Rush would be next, if he would like to speak.

3303 *Mr. Rush. Mr. Chairman, I move to strike the last
3304 word.

3305 *The Chairman. The gentleman is recognized for five
3306 minutes.

3307 *Mr. Rush. Thank you, Mr. Chairman.

3308 Mr. Chairman, H.R. 2931, the Enhancing Grid Security
3309 through Public-Private Partnerships Act, was introduced by my
3310 friends, Congressman McNerney and Congressman Latta, and it
3311 is a bill that will provide DoE and stakeholders another tool
3312 in our important work to fortify our energy system through --
3313 against external threats.

3314 This legislation will allow the DoE to do better
3315 training, as well as share their best practices and data to
3316 improve the physical and cybersecurity of electric utilities.
3317 A program like this, Mr. Chairman, will support the
3318 Department of Energy, electric utilities, and other
3319 stakeholders in mitigating a variety of threats to the
3320 security and resiliency of our nation's electric
3321 infrastructure.

3322 Therefore, Mr. Chairman, I really commend my two
3323 esteemed colleagues for their continued bipartisan leadership
3324 on this effort, and I urge members to support them and this
3325 bill, as well.

3326 Thank you, and with that I yield back.

3327 *The Chairman. Thank you, Mr. Rush.

3328 Seeing no Republican, next in seniority is Anna Eshoo.
3329 The gentlewoman from California is recognized.

3330 *Ms. Eshoo. Thank you, Mr. Chairman. I move to strike
3331 the last word. I will be very quick.

3332 What is the difference between 2928, that we just voted
3333 for, and 2931? I keep reading through it, and I don't really
3334 know what the difference is between the two. What is this --
3335 what does 2931 do that 2928 doesn't?

3336 *The Chairman. If you give me a minute, I will tell
3337 you.

3338 *Ms. Eshoo. I yield back.

3339 *The Chairman. All right.

3340 *Mr. Latta. Mr. Chairman, this is Bob Latta. May I
3341 speak to this?

3342 *The Chairman. Yes, sure. The gentleman --

3343 *Mr. Latta. Thank you very much, Mr. Chairman. To my
3344 good friend from California, the Cyber Sense Act, we really -
3345 - what we want to make sure is that we are testing -- that
3346 you can go out and test the product, and so that when a
3347 company goes out and gets it, that they know that it has been
3348 tested, and it is secure, before they go on installing it.
3349 So that is really important.

3350 And we also want to make sure that, you know, that the
3351 DoE is out there promoting the -- and determining the testing
3352 process for it. So that is where you get into the actual
3353 testing.

3354 So both those are very, very important, in what each
3355 bill does to make sure that we have a good protection out
3356 there with cybersecurity.

3357 Thank you, Mr. Chairman.

3358 *The Chairman. Thank you.

3359 All right. Next I have, in order of seniority, Mr.
3360 McNerney.

3361 *Mr. McNerney. I thank the chairman for recognizing me,
3362 and I want to talk about H.R. 2931. I appreciate Ms. Eshoo's
3363 question. The Cyber Sense Act really is about testing

3364 components. This one is more about training, and making sure
3365 that the companies know how to use the equipment.

3366 This is another important piece of legislation that we
3367 need to pass quickly to help secure our nation's grid. The
3368 Colonial Pipeline attack, coming on the heels of the cyber
3369 attack that SolarWinds identified is a glaring warning that
3370 we can't wait any longer.

3371 Again, I am proud to author this bill with my friend,
3372 Bob Latta. H.R. 2931 would create a program to enhance the
3373 physical and cybersecurity of electric utilities. The
3374 program would develop methods for assessing security
3375 vulnerabilities. It would also provide cybersecurity
3376 training to electric utilities events, the cybersecurity of
3377 utility third-party vendors, and promote sharing of best
3378 practices on data collection in the electric sector.

3379 Under this legislation the Secretary of Energy would
3380 work in consultation with states, Federal agencies, and
3381 industry stakeholders to create the program. By encouraging
3382 these partnerships, we will be in a better position to keep
3383 our nation's lights on, and to protect our grid from growing
3384 cyber threats.

3385 Additionally, H.R. 2931 would require the interruption
3386 cost estimate calculator, which is used to calculate the
3387 return on investment -- on utility investments, to be updated
3388 at least every two years to ensure that the calculations are

3389 accurate. Currently, it is a much longer period of time, so
3390 the results aren't that confident.

3391 And again, I want to thank my friend, Bob Latta, for
3392 working with me on this piece of legislation, as well. We
3393 are the co-chairs of the Grid Innovation Caucus, and we want
3394 to make sure that the grid is updated as needed to meet
3395 future needs.

3396 We voted, again, this bill out of committee twice, once
3397 during the last Congress, and once during the Congress before
3398 that, and we voted it out of the House in the last Congress.
3399 I hope we can move quickly to pass this in Congress. And
3400 with Bob Latta's support, we can get the Senate to do the
3401 same thing.

3402 With that, I will yield back.

3403 *The Chairman. Thank you, Mr. McNerney.

3404 I only have now Mr. Soto, maybe.

3405 Did you want to be recognized?

3406 *Mr. Soto. Mr. Chairman, my hand was left up from the
3407 last debate.

3408 *The Chairman. All right. If there is anyone else who
3409 wants to speak on this bill -- because, if not, I don't
3410 believe we have any amendments, and we can just move to send
3411 it to the House.

3412 So the question now occurs on favorably reporting H.R.
3413 2931 to the full House.

3414 All those in favor of reporting H.R. 2931 to the House
3415 with signify by saying aye.

3416 All those opposed will say no.

3417 In the opinion of the chair, the ayes have it. And, as
3418 a result, H.R. 2931 is reported to the full House.

3419 The next and third of the cybersecurity bills is H.R.
3420 3078.

3421 The chair calls up H.R. 3078, the Pipeline and LNG
3422 Facility Cybersecurity Preparedness Act, and the clerk will
3423 report the bill.

3424 *The Clerk. H.R. 3078, to require the Secretary of
3425 Energy to carry out a program relating to physical security
3426 and cybersecurity for pipelines and liquefied natural gas
3427 facilities,

3428 *The Chairman. Without objection, the first reading of
3429 the bill would be dispensed with, and the bill is now
3430 considered as read.

3431 And without objection, the bill is considered as read
3432 and open for amendments.

3433 [The bill follows:]

3434

3435 *****COMMITTEE INSERT*****

3436

3437 *The Chairman. Are there any members seeking
3438 recognition to speak on H.R. 3078?

3439 I see only Mr. Joyce's hand up. Mr. Joyce is
3440 recognized, and then I see Mr. Upton.

3441 Mr. Joyce, do you seek to speak on this, John?

3442 [No response.]

3443 *The Chairman. I can't hear him. Fred Upton had his
3444 hand up.

3445 Mr. Upton, did you want to speak on it?

3446 *Mr. Upton. I do -- strike the last --

3447 *The Chairman. The gentleman is -- Michigan is
3448 recognized for five minutes.

3449 *Mr. Upton. And I will be very brief -- use of time. I
3450 just -- this is a bipartisan bill. I want to thank Chairman
3451 Rush, yourself, Mr. Pallone, CMR. This is going to
3452 strengthen DoE's ability to respond to physical and cyber
3453 threats to our nation's pipelines.

3454 Colonial Pipeline was more than a wake-up call. We have
3455 been talking about this for a long time. So this bill is
3456 going to, hopefully, address the -- as a sector-specific
3457 agency for energy, DoE has got to play a stronger lead role
3458 to protect our nation.

3459 This is going to require the Secretary to carry out a
3460 program to coordinate Federal agencies, states, and the
3461 energy sector to ensure the security, resiliency, and

3462 survivability of natural gas pipelines. It is going to
3463 authorize DoE to coordinate a response and recovery to
3464 physical and cyber incidents impacting the energy sector.
3465 And it is going to allow DoE to perform pilot demonstration
3466 projects.

3467 So it is not a regulatory program. Other agencies, as
3468 we have learned, like TSA, have a role to play. But when it
3469 comes to cybersecurity for pipelines, DoE -- this is its core
3470 responsibility. They have got to be prepared. We need every
3471 tool in the toolbox. It is time for us to act.

3472 And I would urge all of my colleagues on both sides to
3473 support it, and I would yield back my time. Thank you,
3474 everybody.

3475 *The Chairman. Thank you, Mr. Upton.

3476 So now I have Bobby Rush, John Joyce, and Dan Crenshaw.
3477 So, Bobby, the gentleman from Illinois, is recognized for
3478 five minutes.

3479 Mr. Rush?

3480 [No response.]

3481 *The Chairman. Mr. Rush, did --

3482 *Mr. Rush. Mr. Chairman, I move to strike the last
3483 word.

3484 *The Chairman. The gentleman is recognized for five
3485 minutes.

3486 *Mr. Rush. Mr. Chairman, H.R. 3078, the Pipeline and

3487 LNG Facility Cybersecurity Preparedness Act, is designed to
3488 strengthen the Department of Energy's response to physical
3489 and cybersecurity threats in our nation's pipeline and liquid
3490 gas.

3491 The recent ransomware attacks on our critical
3492 infrastructure is, Mr. Chairman, proof positive that we must
3493 take concrete steps to remedy the energy sector's
3494 vulnerabilities to these dangerous threats. With this in
3495 mind, Mr. Chairman, I am proud to join my friend and
3496 colleague, Ranking Member Upton; you, Mr. Chairman, Chairman
3497 Pallone; and Ranking Member McMorris Rodgers in an effort to
3498 secure the resiliency of elements within our energy system
3499 through this bill. And I thank the ranking member, Mr.
3500 Upton, for his work on this issue.

3501 And I ask that all my colleagues support this piece of
3502 legislation. With that, Mr. Chairman, I yield back the
3503 balance of my time.

3504 *The Chairman. Thank you, Mr. Rush.

3505 Mr. Joyce, did you want to speak at this time?

3506 *Mr. Joyce. Yes, Mr. Chairman.

3507 *The Chairman. The gentleman is recognized for five
3508 minutes.

3509 *Mr. Joyce. I speak today in support of H.R. 3078, the
3510 Pipeline and LNG Facility Cybersecurity Preparedness Act.

3511 Now, more than ever, it is evident that securing our

3512 energy grid must be one of our top priorities, both in this
3513 committee and across Congress. Just weeks ago, foreign
3514 adversaries demonstrated exactly how vulnerable our cyber
3515 ecosystem is by effectively shutting down the Colonial
3516 Pipeline, and halting the delivery of gas across the South
3517 and the Mid-Atlantic.

3518 While pipelines continue to be the safest way to
3519 transport oil throughout the United States, we in Congress
3520 must act now to protect this critical infrastructure. This
3521 legislation will provide the U.S. Department of Energy with
3522 additional resources to develop programs to assist our
3523 nation's pipelines and LNG facilities with securing their
3524 cyberspace from the various actors.

3525 As we are seeing time and time again, threats from
3526 adversaries will only continue to escalate as bad actors
3527 manipulate our cyber vulnerabilities. The Department of
3528 Energy needs this legislation to fight back against any
3529 threats our country faces with swift action and minimal
3530 damage.

3531 I will continue to advocate for securing our nation's
3532 energy sector, and making sure that the United States
3533 continues to set the standard for creating cyber-safe spaces
3534 for government and for industry. Again, I support this
3535 proactive legislation, and recommend that the committee
3536 advance this vital policy.

3537 Thank you, and I yield back.

3538 *The Chairman. Thank you, Mr. Joyce.

3539 Now I see Mrs. Dingell's hand is up. Mrs. Dingell is
3540 recognized for five minutes to strike the last word.

3541 *Mrs. Dingell. Thank you, Chairman Pallone, and I do
3542 move to strike the last word.

3543 Cyber attacks by state and non-state actors are on the
3544 rise, and happened, unfortunately, for many years, though we
3545 are starting to see it and understand it more. On the
3546 Cybersecurity and Infrastructure Security Agency's webpage,
3547 it clearly states, "The U.S. energy infrastructure fuels the
3548 economy of the 21st century. Without a stable energy supply,
3549 health and welfare are threatened, and the U.S. economy
3550 cannot function.'" That is true.

3551 And with the recent ransomware cyber attacks of the
3552 Colonial Pipeline system, we have just seen the real tangible
3553 impacts of this kind of attack on our energy sector. It
3554 caused serious fuel shortages, and disrupted the lives of
3555 millions of Americans. That is why I am a very proud
3556 cosponsor of this bipartisan legislation led by the leaders
3557 of our Energy Subcommittee, Representative Rush and Upton.

3558 H.R. 3078, the Pipeline and LNG Facility Cybersecurity
3559 Preparedness Act, is a critical and timely bill that would
3560 strengthen the Department of Energy's ability to respond to
3561 physical and cyber threats to our nation's pipeline and

3562 liquefied natural gas facilities.

3563 The Secretary of Energy has said she needs this. It is
3564 a common-sense and urgently-needed bill that I urge all of my
3565 colleagues to vote in favor of, and advance to the House
3566 floor.

3567 In 2012, former Secretary of Defense, Leon Panetta,
3568 warned of an impending cyber Pearl Harbor that would cause
3569 physical destruction and the loss of life, and an attack that
3570 would paralyze and shock the nation. Let's pass this bill,
3571 and let's do the other cybersecurity energy bills we are
3572 marking up today to ensure it doesn't happen.

3573 And we are going to work together in a very bipartisan
3574 way to protect the United States energy sector from the
3575 worst. Thank you, and I yield back, Mr. Chairman.

3576 *The Chairman. Thank you, Mrs. Dingell. And next I
3577 have the gentleman from Texas, Mr. Crenshaw.

3578 *Mr. Crenshaw. Thank you, Mr. Chairman, and thank you
3579 to the sponsors of this bipartisan bill. It is important.
3580 And I just want to take the time to highlight why it is so
3581 important.

3582 There is obviously vast agreement in this committee that
3583 Russia is not our friend, and that, through third-party
3584 actors, it is likely that they have been responsible for a
3585 variety of attacks on our infrastructure, including the
3586 Colonial Pipeline. And that concerns us, and this bill helps

3587 address that issue.

3588 But it is also worth highlighting the broader
3589 geopolitical challenge that we are facing with respect to
3590 Russia. It is not just in these cyber attacks that they are
3591 trying to hurt us. They are also trying to spin false
3592 narratives about the oil and gas industry. And this -- of
3593 course, this -- I didn't get to speak before on this, my own
3594 fault, but it is related. And it is worth pointing out that
3595 pipelines are so important to our energy infrastructure, and
3596 to our energy independence, and important to global
3597 emissions, too. The primary way to reduce emissions with
3598 respect to methane, for instance, would be to stop flaring,
3599 and put that into a pipeline.

3600 Our own national laboratories have done studies on this,
3601 and shows that Russian natural gas is well over 40 percent
3602 more emissions than U.S. natural gas. We are just cleaner
3603 producers. And so it is simply not true that these
3604 supposedly high-minded environmentalists in France, for
3605 instance, working for ENGIE, declined to do business with
3606 Texas LNG companies because of our emissions. And I got them
3607 to admit this privately to me, by the way, that the real
3608 reason was geopolitical concerns. That is what they said.
3609 The Russians are trying to outcompete us, both economically
3610 in that sense, and also, in a more malicious way, through
3611 these cyber attacks.

3612 Our committee needs to be fully aware of that, so that
3613 we can come together as Americans and say, "Look, we should
3614 be the ones providing cleaner energy to the world," because
3615 there are certain facts we cannot escape, such as the fact
3616 that global demand will increase, energy demand will increase
3617 by at least 25 percent in the next 20 years. If we continue
3618 to cede that energy dominance to places like Russia, to
3619 places like Iran, which -- I just got word that we lifted
3620 sanctions on their energy production, by the way -- lifting
3621 sanctions on Nord Stream 2, that is also not a good thing.
3622 We are ceding that energy dominance to them.

3623 This will increase global emissions. That is something
3624 we cannot ignore -- Subcommittee for the Environment, as well
3625 as the Select Committee on Climate Change, I do believe these
3626 are problems we must address, but we have to think about how
3627 we are doing it, and maybe the unintended consequences of
3628 some of these policies.

3629 But thank you. Thank you all for supporting this bill.
3630 I think it is a great bill, and a good show of
3631 bipartisanship.

3632 I yield back, Mr. Chairman.

3633 *The Chairman. Thank you. Next we go to the
3634 gentlewoman from New York, Ms. Clarke.

3635 Is -- her hand was up. Is Yvette Clarke there?

3636 *Ms. Clarke. I am, Mr. Chairman, and I move to strike

3637 the last word.

3638 *The Chairman. The gentlewoman is recognized for five
3639 minutes.

3640 *Ms. Clarke. I thank you, Mr. Chairman, and I thank the
3641 chairman of the Subcommittee on Energy, Mr. Rush, and the
3642 ranking member.

3643 We know that, over the past year, our critical
3644 infrastructure has been put to the test. Over these last few
3645 weeks in particular, we have seen the need for critical
3646 investment in our nation's cybersecurity infrastructure. Put
3647 simply, cybersecurity must be at the foundation of our 21st-
3648 century economy, both to protect us from our adversaries, and
3649 to preserve our nation's competitiveness on the global stage.

3650 I have had the pleasure of serving in a leadership
3651 capacity on both the Homeland Security Committee and the
3652 Energy and Commerce Committee, each with their own unique set
3653 of priorities when it comes to this important question of
3654 safeguarding our critical infrastructure. From this
3655 experience and perspective, I can confidently say that the
3656 interconnectedness of our future is unavoidable, and demands
3657 that we pursue a cohesive path forward that ensures
3658 collaboration wherever possible, and avoids duplication of
3659 the responsibilities that might trigger uncertainty and cause
3660 unnecessary roadblocks in future times of crisis.

3661 My experience tells me that this Congress is uniquely

3662 poised to address our cybersecurity needs on multiple levels.
3663 We can and we must utilize this moment to ensure our nation's
3664 response will enhance the work of both CISA and its partners,
3665 such as DoE, so that each Federal agency can appropriately
3666 address infrastructure security concerns within their own
3667 areas of expertise.

3668 And so I urge my colleagues to always consider the
3669 holistic picture of the Federal agency apparatus as we strive
3670 to lay the groundwork that will undergird our nation's
3671 cybersecurity practices and protocols. I look forward to
3672 moving forward common-sense cybersecurity legislation to the
3673 President's desk.

3674 And with that, Mr. Chairman, I yield back, and
3675 wholeheartedly support our committee's pursuit of this
3676 legislation, and I yield back.

3677 *The Chairman. I thank the gentlewoman, and I believe
3678 the ranking member, Mrs. Rodgers, would like to strike the
3679 last word.

3680 *Mrs. Rodgers. Thank you, Mr. Chairman. I move to
3681 strike the last word.

3682 *The Chairman. The gentlewoman is recognized for five
3683 minutes.

3684 *Mrs. Rodgers. Thank you, Mr. Chairman.

3685 Cyber attacks pose a significant and rapidly-growing
3686 threat to our nation's economic and national security. The

3687 threat permeates every aspect of this committee's
3688 jurisdiction, from health care to energy. For years we have
3689 heard the sounding of the alarm. Now, following the Colonial
3690 cyber attack, the threat of a paralyzing attack on our
3691 nation's critical infrastructure is no longer hypothetical.
3692 Congress must act.

3693 For these reasons I am pleased to join Chairman Rush and
3694 Chairman Pallone in cosponsoring Ranking Member Upton's
3695 legislation, H.R. 3078, the Pipeline and LNG Facility
3696 Cybersecurity Preparedness Act.

3697 I am also pleased the committee has taken up three
3698 additional cybersecurity bills to strengthen DoE's emergency
3699 response capabilities and protect the electrical grid.

3700 As the nation witnessed the cyber attack and shutdown of
3701 the Colonial Pipeline system, pipelines are absolutely
3702 critical to deliver the fuels that we are dependent upon.
3703 Following the Colonial shutdown, we saw gas stations across
3704 the East Coast run out of gasoline, and airports scramble to
3705 secure enough jet fuel to keep planes in the air.
3706 Incredibly, gas stations right here in the Nation's Capitol
3707 reported outages for almost two weeks due to the supply
3708 disruption.

3709 Given the cascading impacts that a cyberattack can have
3710 across the nation's energy supply chain, a coordinated
3711 government approach to cyber and physical security of

3712 pipelines led by the Department of Energy is essential in
3713 ensuring the safe and reliable flow of energy across the U.S.

3714 In 2015 this committee led the effort to designate DoE
3715 as the sector-specific agency for the energy sector under the
3716 FAST Act. Now Congress must act again to provide DoE with
3717 the additional authorities and responsibilities to strengthen
3718 the security of pipelines.

3719 While H.R. 3078 does not provide DoE with any regulatory
3720 authority, I share the view that it may be time to discuss
3721 establishing minimum pipeline security standards similar to
3722 the framework that Congress enacted to secure the electrical
3723 grid. For over a decade the Federal Energy Regulatory
3724 Commission, in coordination with the North American Electric
3725 Reliability Corporation, has successfully established and
3726 enforced mandatory cybersecurity standards for the bulk power
3727 system.

3728 I look forward to supporting these cyber bills in
3729 committee today, and passing them to the House floor at the
3730 next available opportunity.

3731 And thank you, I yield back.

3732 *The Chairman. Thank you. And let me yield myself five
3733 minutes to strike the last word, and to basically agree with
3734 what the ranking member said.

3735 As we know, the Colonial Pipeline cyber attack
3736 underscored the threats our energy system faces from

3737 malicious cyber attacks, and I want to commend all the
3738 sponsors of these bills for their hard work to make our
3739 energy system more resilient to cyber attacks: Chairman
3740 Rush, Ranking Member Upton, Representatives McNerney, Latta,
3741 and Walberg put these energy cybersecurity issues front and
3742 center for a long time.

3743 And I want to just specifically mention this bill, H.R.
3744 3078. This bill is a priority, and a common-sense first step
3745 in response to the Colonial attack. I strongly urge its
3746 unanimous adoption.

3747 But at the same time, going along with what Mrs. Rodgers
3748 said, I believe the committee must consider energy
3749 cybersecurity within the framework of energy reliability. It
3750 is time that we consider mandatory, enforceable reliability
3751 standards for our nation's pipeline network, similar to the
3752 successful cooperative model our committee put in place for
3753 the electric sector under Chairman Barton and Ranking Member
3754 Dingell in -- 2005.

3755 So I look forward to continuing to work on this
3756 important topic with my colleagues on the committee on a
3757 bipartisan basis.

3758 Now, does anyone else seek recognition? If not, we are
3759 going to move this to the full House.

3760 All right. The question now occurs on favorably
3761 reporting H.R. 3078 to the full House.

3762 All those in favor of reporting H.R. 3078 to the House
3763 will signify by saying aye.

3764 All those opposed will say no.

3765 In the opinion of the chair, the ayes have it. And
3766 therefore, the bill, H.R. 3078, is reported to the House.

3767 *Mrs. Rodgers. Mr. Chairman?

3768 *The Chairman. Yes?

3769 *Mrs. Rodgers. Mr. Chairman, I ask for two days to
3770 submit additional views on the legislation considered by the
3771 committee today.

3772 *The Chairman. So ordered.

3773 The chair will now call up H.R. 3119, the Energy
3774 Emergency Leadership Act, and the clerk will report the bill.

3775 *The Clerk. H.R. 3119, to amend the Department of
3776 Energy Organization Act with respect to functions assigned to
3777 assistant secretaries, and for other purposes.

3778 *The Chairman. Without objection, the first reading of
3779 the bill would be dispensed with. The bill is now considered
3780 as read.

3781 And, without objection, the bill is considered as read
3782 and open for amendment.

3783 [The bill follows:]

3784

3785 *****COMMITTEE INSERT*****

3786

3787 *The Chairman. Are there any members seeking
3788 recognition to speak on the bill, strike the last word?

3789 No one?

3790 Well, I have Dan Crenshaw and John Joyce, but that might
3791 be from previous bills.

3792 Okay, all right, then we are going to move to report the
3793 bill.

3794 The question now occurs on favorably --

3795 *Mr. Walberg. Mr. Chairman? Mr. Chairman?

3796 *The Chairman. Yes?

3797 *Mr. Walberg. Tim Walberg here. I thought I had my
3798 hand raised.

3799 *The Chairman. Oh, you can be recognized. Go ahead,
3800 strike the last word, and recognized for five minutes.

3801 *Mr. Walberg. I appreciate that, Mr. Chairman. I do
3802 ask that the last word be stricken.

3803 I would like to thank my good friend from Illinois, Mr.
3804 Rush, for continuing to work with me to get the Energy
3805 Emergency Leadership Act across the finish line.

3806 If my record-keeping is correct, I believe this is the
3807 third time we have seen this bill come before the committee,
3808 each time passed on a bipartisan basis. And frankly, given
3809 what we have seen just over the last few months with
3810 disruptions to our energy supply, it is well past due for all
3811 four of these bipartisan energy security measures to be

3812 enacted into law.

3813 Mr. Chairman, our nation's economy and the health and
3814 safety of the American public depend upon the reliable and
3815 uninterrupted supply of fuels and electricity. Hazards of
3816 all forms, including natural disasters, digital, and cyber
3817 attacks are no longer just threats; they are occurring at an
3818 alarming rate. Whether it is power outages in Texas and
3819 California due to weather events, or foreign adversaries
3820 hacking into our pipelines or grid, it is critical that we
3821 better equip our Federal agencies to prevent and respond to
3822 attacks in a way that fully protects the public.

3823 Presidential administrations of both parties have
3824 recognized this by providing the Department of Energy with
3825 the responsibilities, expertise, and tools to ensure the
3826 reliable supply of energy. It is time Congress does its part
3827 by requiring the energy emergency and cybersecurity functions
3828 at DoE to be organized under the leadership of an assistant
3829 secretary confirmed by the Senate. This will ensure the
3830 Department has focused and accountable leadership with high-
3831 level continuity through future administrations.

3832 H.R. 3119 will encourage more effective and seamless
3833 information-sharing with Federal and industry stakeholders on
3834 energy security threats, risks, and incidents, as well as
3835 recovery and response. By passing this bill we, as a
3836 committee, are doing our part to strengthen the agency and

3837 our Federal Government against all energy-related hazards.

3838 I thank you, and thank my colleagues who supported this
3839 bill, and I urge a yes vote on the bill.

3840 *The Chairman. Thank you, Mr. Walberg.

3841 Does anyone else wish to speak on this bill? If not, we
3842 will move to passage --

3843 *Mr. Rush. Mr. Chairman, I have my hand raised.

3844 *The Chairman. All right, the gentleman, Mr. Rush, the
3845 gentleman from Illinois, is recognized for five minutes.

3846 *Mr. Rush. Thank you, Mr. Chairman. I move to strike
3847 the last word.

3848 Mr. Chairman, the recent Colonial Pipeline ransomware
3849 attack, as has been stated, has put our nation and the energy
3850 sector on high alert. And as a response to the Colonial
3851 crisis that -- our President, President Biden, called on the
3852 Secretary of Energy and the DoE's Office of Security (sic),
3853 Energy Security, and Emergency Response, CESER, to act on
3854 behalf of the Federal Government.

3855 Through their robust and timely agency response and
3856 coordination with the company, it is clear, Mr. Chairman,
3857 that DoE and the CESER office finally appoint sector-specific
3858 risk management and emergency response leaders. It is in
3859 this vein, Mr. Chairman, where we are officially arming DoE
3860 with an assistant secretary that would keep a laser beam
3861 focus on this work and -- this fundamental work. That is why

3862 I am pleased that this bill would authorize this vitally-
3863 needed and new position. And I am pleased that it is on
3864 today's agenda.

3865 Mr. Chairman, words cannot express how pleased I am with
3866 my colleague, Congressman Walberg, who has made this historic
3867 effort, effort that we must recognize and take notice of
3868 today, and I want to commend him for making this a bipartisan
3869 effort.

3870 And with that I yield back the balance of my time.

3871 *The Chairman. Thank you, Mr. Rush.

3872 Does anyone else -- I don't see any other hands up.

3873 Does anyone else want to speak on this?

3874 Okay, if not, we will go to the question. The question
3875 now occurs on favorably reporting H.R. 3119 the full House.

3876 All those in favor of reporting H.R. 3119 to the House
3877 will signify by saying aye.

3878 All those opposed will say no.

3879 In the opinion of the chair, the ayes have it, and, as a
3880 result, H.R. 3119 is reported to the full House.

3881 *Mrs. Rodgers. Mr. Chairman?

3882 *The Chairman. Yes.

3883 *Mrs. Rodgers. I ask for two days to submit additional
3884 views on the legislation considered by the committee today.

3885 *The Chairman. So ordered.

3886 *Mrs. Rodgers. Thank you.

3887 *The Chairman. Yes, we have one more bill, which is not
3888 bipartisan. This is H.R. 2668, related to the powers of the
3889 FTC.

3890 The chair calls up H.R. 2668, the Consumer Protection
3891 and Recovery Act, as forwarded by the Subcommittee on
3892 Consumer Protection and Commerce, and the clerk will report
3893 the title of the bill.

3894 *The Clerk. Committee print to H.R. 2668, a bill to
3895 amend the Federal Trade Commission Act to firmly confirm the
3896 authority of the Federal Trade Commission to seek permanent
3897 injunctions and other equitable relief for violations of any
3898 provision of law enforced by the Commission.

3899 *The Chairman. Without objection, the first reading of
3900 the bill would be dispensed with. The bill is now considered
3901 as read.

3902 And without objection, the bill is considered as read
3903 and open for amendment at any point.

3904 [The bill follows:]

3905

3906 *****COMMITTEE INSERT*****

3907

3908 *The Chairman. And I am going to --

3909 *Mr. Bilirakis. Mr. Chairman?

3910 *The Chairman. Yes?

3911 *Mr. Bilirakis. Mr. Chairman, I move to strike the last
3912 word.

3913 *The Chairman. Mr. Bilirakis?

3914 *Mr. Bilirakis. Yes, I move to strike the last word.

3915 *The Chairman. All right, let me just -- I assume you
3916 are going to be opposed to it, so maybe I shouldn't, but that
3917 is what I am assuming. So I am going to yield --

3918 *Mr. Bilirakis. I am not going to be opposed to my
3919 amendment.

3920 [Laughter.]

3921 *The Chairman. Oh, all right. Well, before we go to
3922 your amendment, I would like to hear from members who want to
3923 speak on the underlying bill. And I am going to start with
3924 myself, and yield myself five minutes, and then we will go to
3925 the others, and then we will go to the amendments. So I
3926 yield myself five minutes to strike the last word.

3927 This is about the FTC and its enforcement powers.
3928 Section 13(b) under the FTC procedure was the single most
3929 important and most effective tool the FTC had to return money
3930 to consumers victimized by fraud and scams. It allowed the
3931 FTC to return \$11.2 billion to Americans in the last 5 years
3932 alone. But as of April, this ability to help the American

3933 people no longer exists. There is no substitute provision in
3934 the law, and this crisis requires Congress to enact a
3935 legislative solution.

3936 Americans are harmed more and more every day that we
3937 delay. Right now the FTC has 24 outstanding 13(b) cases,
3938 with over 2 billion of potential relief at stake. Without
3939 the ability to file court cases for monetary relief, crooks
3940 basically are incentivized to break the law.

3941 So initial violations of the FTC Act can be profitable.
3942 In most cases, the FTC cannot fine those who committed
3943 unlawful acts. And without the ability to get back the
3944 unlawful profits back for consumers, bad actors can prey on
3945 consumers with virtual immunity. With those unlawful
3946 profits, the wrongdoers can close up shop and restart as a
3947 new entity, hurting even more people. Consumers lose, and
3948 only the bad guys win.

3949 So some have said that 13(b) should only be addressed as
3950 part of a broader FTC reform. And I agree that other FTC
3951 reforms are important and worth of consideration, so I hope
3952 to work with my colleagues on both sides of the aisle on
3953 these issues, as well, at a future hearing. But restoring
3954 monetary relief under 13(b) is absolutely necessary under any
3955 FTC enforcement scheme that puts consumers first.

3956 We all know this is because of the Supreme Court action,
3957 which essentially interpreted the statute to say the FCC --

3958 FTC doesn't have this power, and the court said it would be
3959 up to Congress to remedy it. So let's remember that the FTC
3960 had these authorities for over 40 years, until the Supreme
3961 Court acted, and that other consumer protection agencies like
3962 the SEC and the CFBP have these authorities, despite
3963 regulating a much smaller portion of the economy than the
3964 FTC.

3965 So I think it is essential that the FTC be able to
3966 deprive wrongdoers of profits from this conduct, and
3967 compensate victims. That is why the FTC itself was
3968 bipartisan -- has unanimously and repeatedly pleaded with us
3969 to reaffirm the 13(b) authorities it desperately needs. And
3970 that is what Congressman Cardenas's bill does.

3971 So, again, we -- I think there is a sense of urgency
3972 here because of the Supreme Court action, essentially,
3973 interpreting this law to say that the FTC doesn't have this
3974 authority unless Congress acts. And I understand that you
3975 might want to do other things, but in the meantime these
3976 crooks and fraudsters are operating without any impunity.
3977 And I just don't think it is a good thing, from a consumer
3978 point of view.

3979 So I urge all of my colleagues to focus on this issue in
3980 front of us today, and support this bill to protect all
3981 Americans. And I yield back.

3982 Now, Mr. Bilirakis, you wanted to strike the last word.

3983 You are --

3984 *Mr. Bilirakis. Thank you. Before I -- yes. Mr.
3985 Chairman, I want to ask a question, if I may, of counsel.

3986 *The Chairman. Yes.

3987 *Mr. Bilirakis. Okay, please. As you know, we don't
3988 have a three-year statute of limitations included in this
3989 amendment that I am going to file, even though that would
3990 mirror what, in Section 19 -- Section 19 of the FTC Act. I
3991 have a five-year statute of limitations, Mr. Chairman. I
3992 also included an equitable tolling concept to provide an
3993 additional avenue of protection.

3994 So the question of counsel is, with regard to the
3995 equitable tolling concept, can you confirm that this concept
3996 has not been included in the bill we are considering today?
3997 That is the question of counsel.

3998 *The Chairman. Counsel, is that a question that you can
3999 answer that is appropriate for the counsel?

4000 *Mr. Miller. Yes, I can confirm that the bill currently
4001 does not have an equitable tolling provision written into it.

4002 *Mr. Bilirakis. Thank you very much.

4003 Mr. Chairman, I would like to proceed. I have an
4004 amendment at the desk.

4005 *The Chairman. Well, I was going to ask if we could do
4006 the underlying -- those who want to talk about the bill, and
4007 then we will go to the amendments, if that is --

4008 *Mr. Bilirakis. Very good, thank you. Thank you.

4009 *The Chairman. Mr. Cardenas is the sponsor, if -- would
4010 you like to go next, Mr. Cardenas? I see your hand is up,
4011 too, or --

4012 *Mr. Cardenas. Yes, thank you, Mr. Chairman. I would
4013 like to be recognized. Thank you.

4014 And also, I just want to know -- my next action would be
4015 to offer an ANS to my bill. And I am not sure, Mr. Chairman,
4016 if this is the appropriate time.

4017 *The Chairman. Well, I just told Mr. Bilirakis that we
4018 weren't going to do amendments until we hear people speak
4019 about the bill. So --

4020 *Mr. Cardenas. Okay, then I will do it at the
4021 appropriate time. Thank you.

4022 *The Chairman. All right. Are there any other members
4023 that want to speak on the underlying bill?

4024 I see Ms. -- is there a Republican?

4025 Okay, then we will go to Ms. Schakowsky, who is the
4026 ranking -- I mean the chair of the subcommittee.

4027 *Ms. Schakowsky. Thank you so much, Mr. Chairman. Yes,
4028 you know, we have always been a committee that is devoted to
4029 regular order, and we really have been doing that with the
4030 Consumer Protection and Recovery Act, Mr. Cardenas's bill
4031 that we are considering right now.

4032 In February we held a hearing on COVID scams, and at

4033 that time we discussed the need for action on section 13(b)
4034 of the Federal Trade Commission Act. And in April we held a
4035 legislative hearing, and in May we held a subcommittee markup
4036 which approved reporting the bill to the full committee at
4037 the end of the day. And we have always had -- I say we, I
4038 say the subcommittee, and -- you know, and I appreciate so
4039 much working with Mr. Bilirakis. We have had an open door
4040 policy for working with our colleagues on both sides of the
4041 aisle.

4042 And I want everyone to remember that this issue has been
4043 around since at least May of 2019, more than 2 years ago,
4044 when all 5 FTC commissioners, Republicans and Democrats,
4045 actually came before our subcommittee to warn us about the
4046 devastating consequences of our -- of letting the Supreme
4047 Court deal with the issue of 13(b). And then it happened.

4048 And Representative Cardenas made it known then -- I am
4049 talking about a couple of years ago -- that he would work on
4050 this legislation. But unfortunately, after the Supreme Court
4051 decision, it is more important -- urgent, really -- than ever
4052 that we work on this.

4053 And again, I want to remind our colleagues what this is
4054 about. Yes, it is about one thing. It is about 39(b) (sic),
4055 restoring that single-most important tool of the Federal
4056 Trade Commission to make sure that consumers in every one of
4057 our states will be made whole from what the scammers have

4058 done with them, what the illegal activity has done to them.
4059 They will not be the ones that have to pay the price.

4060 And so this is really a question right now of whether or
4061 not you are going to help the scammers, the cheaters, or you
4062 are going to help consumers that have benefitted to over a
4063 billion dollars nationwide in just a couple of years in every
4064 single state.

4065 So I want to work with all of you. And the only way
4066 that we could get our Republican colleagues to seriously
4067 engage was to hold that markup. Even then, many -- there
4068 were many amendments that were filed that really had nothing
4069 to do with it, didn't focus on fixing 13(b). But
4070 nevertheless, we are committed to working with my colleagues
4071 on this.

4072 You need to know that, despite things that I know that
4073 you objected to, I want you to know that, even if we don't
4074 come to an agreement with my colleagues today, that we do
4075 want to work with them and our -- we are planning another FTC
4076 legislative hearing for the last week of June. That is a
4077 commitment.

4078 And so I know many of you have other issues that you
4079 want to talk about. And we were told -- and we have made
4080 offers. We actually proffered some ideas, but we were told
4081 that they were not acceptable. Mainly, they didn't deal --
4082 their suggestions did not deal with the basic bill. So we

4083 are going to move forward. We are going to work with you.
4084 We want to work with you on other FTC issues.

4085 You know, and I know, Mr. Bilirakis, that you are
4086 sincere about that opportunity, as well. And I just want to
4087 promise you right now we are going to do one thing today that
4088 we want everyone to vote on, Mr. Cardenas's bill, in support
4089 of that, and we will move on to all of the issues that you
4090 have raised.

4091 And I yield back.

4092 *The Chairman. I thank the chairman.

4093 I have only Democrats, so next would be Bobby Rush, if
4094 his hand is up on this one.

4095 Mr. Rush, you wish to speak on this --

4096 *Mr. Rush. Mr. Chairman, my hand is up from the last
4097 time.

4098 *The Chairman. Okay. All right, anybody whose hand was
4099 up previously, please lower it so I don't get confused.

4100 Next I see --

4101 *Mr. Cardenas. Mrs. Dingell wanted to be recognized.

4102 *The Chairman. All right. Are you sure?

4103 Mrs. Dingell?

4104 *Mrs. Dingell. I put my hand down because the
4105 subcommittee chair was so eloquent.

4106 *The Chairman. Oh, you want to speak or not?

4107 *Mrs. Dingell. No, I will pass.

4108 *The Chairman. You will pass? All right.

4109 So I still have Anna Eshoo. The gentlewoman is
4110 recognized.

4111 *Ms. Eshoo. Thank you, Mr. Chairman. I move to strike
4112 the last word.

4113 I can't help but observe the following, and that is we
4114 just had good discussions, not really debate, but we --
4115 because there wasn't one -- on the previous bills relative to
4116 ransomware, the damage that non-state and perhaps state
4117 actors, the trouble that they cause, not only domestically,
4118 but also in terms of the damage of dollars that are secured
4119 when companies are held ransom.

4120 And so, in the previous two bills, the language -- and I
4121 did ask what the difference was between the two bills. We
4122 voted them out. They are going to the full House. And now
4123 we come to this, where average Americans are, essentially,
4124 held hostage.

4125 So, you know, if there is Republican -- Republicans
4126 can't support the same principle when it comes to the average
4127 Joe or the average Mary in the country that are ripped off, I
4128 don't know, it kind of seems like political cross-dressing to
4129 me.

4130 We are going to help companies secure themselves. Why
4131 wouldn't we repair the language that the Supreme Court found
4132 to be -- well, they didn't think, they said Congress needs to

4133 clarify. That is what we are doing. But you can't lose
4134 sight of the principle that the average American has been
4135 able to have their losses restored by the FTC. So it is --
4136 this is -- I just can't help but say this isn't lost on me,
4137 and why you wouldn't stand next to your constituents that --
4138 who have been helped by the FTC, and because of this very
4139 specific section, 13(b). If you are going to apply it in one
4140 place, and help companies, which passed unanimously by our
4141 committee, and now get to this and say, "Well, we are not so
4142 sure we want to help the average person.'"

4143 So, Mr. Chairman, I wanted to make that observation, and
4144 I yield back.

4145 *The Chairman. I thank the gentlewoman. I still have
4146 maybe Yvette Clarke and Darren Soto.

4147 Yvette, did you want to speak on this, Ms. Clarke?

4148 Maybe her hand was just up from before. Mr. Soto, did
4149 you want to speak --

4150 *Ms. Clarke. Mr. Chairman? Mr. Chairman?

4151 *The Chairman. Yes.

4152 *Ms. Clarke. This is Yvette Clarke speaking. I move to
4153 strike the last word.

4154 *The Chairman. The gentlewoman is recognized for five
4155 minutes.

4156 *Ms. Clarke. I thank you, Mr. Chairman, and I really
4157 want to thank and commend my colleague from California,

4158 Congressman Cardenas, for introducing this critical piece of
4159 consumer protection legislation.

4160 Every year, every week, every day, nefarious actors prey
4161 on the most vulnerable in our society in order to scam and
4162 defraud individuals out of their hard-earned money,
4163 particularly older adults, members of immigrant communities,
4164 as well as communities of color. As a result of the COVID-19
4165 pandemic, these acts have only increased in frequency,
4166 causing those who were already suffering from the hardship of
4167 the pandemic to suffer even more.

4168 According to the Federal Trade Commission, fraud
4169 directly linked to COVID, such as scams related to stimulus
4170 checks and unemployment benefits, have cost Americans \$282
4171 million, impacting seniors worst of all. Now, more than
4172 ever, it is critical that we protect our vulnerable
4173 communities, and provide the FTC with the power to bring
4174 monetary relief to those who have been defrauded or fallen
4175 victim to a scam.

4176 And I would like to associate myself with the comments
4177 of Congresswoman Eshoo. She is absolutely correct. How
4178 hypocritical of it -- is for us to protect companies, but our
4179 constituents, regardless of party affiliation, are truly
4180 suffering.

4181 So today we are one step closer to reequipping the FTC
4182 with this essential tool. So let me once again just thank

4183 Mr. Cardenas for his leadership on this important bill, as
4184 well as our subcommittee chairwoman, Congresswoman
4185 Schakowsky.

4186 And with that, Mr. Chairman, I yield back the balance of
4187 my time.

4188 *The Chairman. I thank the gentlewoman and now
4189 recognize Mr. Soto for five minutes.

4190 *Mr. Soto. Thank you, Mr. Chairman. I move to strike
4191 the last word.

4192 *The Chairman. The gentleman is recognized --

4193 *Mr. Soto. The Consumer Protection and Recovery Act is
4194 a very simple bill. It allows the FTC to help fraud victims
4195 get their money back. It allows the FTC to also take ill-
4196 gotten gains away from the con artists, the criminals.

4197 A recent Supreme Court ruling took that away. This bill
4198 restores it. And the COVID-19 pandemic reminds us of how
4199 important that is, as we see an increase in scams against
4200 consumers, scams regarding stimulus checks, regarding
4201 paycheck protection, regarding vaccines, even fake cures for
4202 COVID, like the Miracle Mineral Solution scam to sell
4203 solution primarily made up of bleach as a COVID remedy in our
4204 own home state of -- in Miami, Florida. They sold tens of
4205 thousands of bottles, and made over a million dollars. These
4206 are the types of scams that we are fighting to restore the
4207 ability to take back those ill-gotten gains for our

4208 constituents.

4209 And there is an important note to be made, that there is
4210 a 10-year statute of limitations under this bill. I know
4211 that is a big debate point that a lot of folks have been
4212 looking at, a 10-year statute of limitations. In a recent --
4213 in recent major FTC cases against Volkswagen and DeVry
4214 University, a five-year statute of limitation would have
4215 blocked victims from receiving restitution in those cases.
4216 So we need to make sure there is a sufficient statute of
4217 limitations, while still having closure, eventually, for
4218 companies, as we have to move on and make sure we can conduct
4219 business.

4220 I think this strikes the last -- the right balance. And
4221 I urge you all to vote for the bill, and I yield back.

4222 *The Chairman. Thank you. And I think you are the last
4223 one that wanted to speak on the underlying bill.

4224 Now let me just ask Mr. Bilirakis -- I think what we
4225 should do is proceed to the ANS, which I think is largely
4226 technical, and then your amendments is to that.

4227 *Mr. Bilirakis. Yes, that is fine, Mr. Chairman.

4228 *The Chairman. Okay --

4229 *Mr. Bilirakis. I think that is the proper way to do
4230 it.

4231 *The Chairman. All right. So then, Mr. Cardenas is
4232 recognized to offer an amendment in the nature of a

4233 substitute.

4234 *Mr. Cardenas. Thank you very much, Mr. Chairman. I
4235 offer an amendment in the nature of a substitute.

4236 I really appreciate this opportunity, and am looking
4237 forward to discussing the amendments that apparently will be
4238 coming before us, as this is a full committee in front of the
4239 public, and this is the way we should be handling our
4240 legislative duties. So I look forward to these discussions.

4241 I appreciate you, Mr. Chairman, prioritizing this
4242 critical issue for consumers and honest businesses within the
4243 markup today.

4244 I would like to offer an amendment in the nature of a
4245 substitute to this bill because this amendment makes an
4246 important technical conforming amendment to Consumer
4247 Protection and Recovery Act directly related to the matter at
4248 hand. Restoring the FTC's authority --

4249 *The Chairman. I am sorry, I have got to have -- to
4250 report the amendment before you can speak.

4251 *Mr. Cardenas. Oh, that is right. I am sorry.

4252 *The Chairman. All right. So the clerk will report the
4253 amendment.

4254 *The Clerk. Amendment in the nature of a substitute to
4255 H.R. 2668, offered by Mr. Cardenas of California. Strike all
4256 after --

4257 *The Chairman. Without objection, Madam Clerk, without

4258 objection, the reading of the amendment in the nature of a
4259 substitute will be dispensed with.

4260 [The amendment of Mr. Cardenas follows:]

4261

4262 *****COMMITTEE INSERT*****

4263

4264 *The Chairman. And Mr. Cardenas is recognized for five
4265 minutes at this time. Thank you.

4266 *Mr. Cardenas. Thank you, Mr. Chairman. I will cut to
4267 the chase. I would like to offer an amendment in the nature
4268 of a substitute to this bill.

4269 This amendment makes an important technical conforming
4270 amendment to the Consumer Protection and Recovery Act
4271 directly related to the matter at hand: restoring the FTC's
4272 authority under Section 13(b) of the Federal Trade Commission
4273 Act to obtain equitable monetary relief for victimized
4274 customers.

4275 It is vitally important that this committee pass this
4276 legislation quickly, so that the FTC can once again fight for
4277 consumers and prevent wrongdoers as it should.

4278 Again, as I mentioned in the subcommittee hearing, far
4279 too many Americans can't afford a lawyer. Far too many
4280 people across America are being aggrieved every single day.
4281 And today, in this modern world, that those happen more often
4282 and more frequent, and are attacking more of our vulnerable
4283 Americans, such as seniors, more than ever before.

4284 So with that, I appreciate the opportunity to have this
4285 urgency, Mr. Chairman.

4286 And I also thank the chairwoman of the subcommittee for
4287 having the hearing, as well, in good stead, and I am glad we
4288 are here today, and I hope that we have success. And with

4289 that, I yield back.

4290 *The Chairman. Thank you.

4291 Now, unless someone else wants to speak on the ANS, I am
4292 going to move to Mr. Bilirakis's amendment to the ANS. Does
4293 anyone else want to speak on the ANS? I know we all spoke on
4294 the -- do you want to speak on the ANS?

4295 Yes, the gentlewoman from Florida is recognized, Ms.
4296 Castor.

4297 *Ms. Castor. Great. Thank you, Mr. Chairman.

4298 Colleagues, I am going to side with consumers on this,
4299 and not with the crooks and scam artists, and I encourage you
4300 to do the same.

4301 I encourage you to -- and I -- first, I want to thank my
4302 good friend, Representative Cardenas, and Chair Schakowsky,
4303 as well, for moving this quickly following the Supreme Court
4304 decision.

4305 The Federal Trade Commission needs the full range of
4306 equitable authorities to protect consumers. That includes
4307 injunctions to prevent the scam artists from doing certain
4308 things. It includes getting money back to consumers. That
4309 is only fair. And it includes all of the equitable remedies
4310 necessary.

4311 Here are some Florida statistics, overall, just since
4312 July of 2018 that I know Mr. Bilirakis, Mr. Soto, Mr. Dunn
4313 will be interested in. Just in that short time, over 545,000

4314 Florida residents have received over \$81 million back into
4315 their pockets.

4316 And when we are talking about 13(b) solely, here are a
4317 few examples. There was an office supply store and a tech
4318 company that scammed consumers out of money. They said, "Oh,
4319 there is malware on your software. So buy our tech services,
4320 and you will be made whole.'" They were scammers. They --
4321 and thankfully, under 13(b), FTC got \$4 million back to over
4322 63,000 folks.

4323 We all know that the private, for-profit, online
4324 colleges often had very misleading and unfair practices.
4325 They would often promise prospective students that, if they
4326 attended their college, spent the Pell Grants and the other
4327 tuition, that they would get -- be guaranteed a job with a
4328 certain high income. That was a bunch of malarkey. And
4329 fortunately, about 3 million Floridians received about -- or,
4330 excuse me, about 9,000 Floridians received about \$3 million
4331 back.

4332 These scam artists do not deserve a get-out-of-jail-free
4333 card.

4334 Seniors and military families often are targeted, and it
4335 is so wrong. You all know there was another scam where they
4336 -- people would cold call and say, "Oh, you have bad credit.
4337 Here, take this credit card. It has a lower interest rate.'"
4338 But what they didn't tell them is they would be charged

4339 thousands of dollars up front for doing it. And thankfully,
4340 they caught those folks, and got the money -- their money
4341 back.

4342 And Congressman Soto is right. All of these fake cures,
4343 like for -- they say will cure your type 2 diabetes, will
4344 cure your chronic pain, look, we have got to make sure that
4345 FTC has every arrow in the quiver to go after these crooks.
4346 They have got to be able to recover the ill-gotten gains. We
4347 can't let them get away with it.

4348 So I really encourage you all to pass Representative
4349 Cardenas's bill, the Consumer Protection and Recovery Act,
4350 and do it quickly.

4351 Thanks so much, I yield back.

4352 *The Chairman. Thank you, Ms. Castor.

4353 Does anyone else wish to speak on the Cardenas amendment
4354 in the nature of a substitute?

4355 *Mr. Griffith. Hello, Mr. Chairman, this is Morgan.

4356 *The Chairman. Yes, Mr. Griffith is recognized for five
4357 minutes.

4358 *Mr. Griffith. Thank you very much, Mr. Chairman. I,
4359 like everybody else, want to try to figure out what we can do
4360 to stop the scammers. But I read through the bill some time
4361 late yesterday. This has been short notice, and I am not on
4362 the subcommittee of jurisdiction, so I apologize if you all
4363 have had discussions about some of this.

4364 But I am wondering if anybody can tell me what
4365 percentage, generally and historically, has gone, actually,
4366 back to consumers, and what percentage is eaten up by the
4367 state and Federal Governments in their processes, or just
4368 goes back to be distributed as the state sees fit? How does
4369 that work?

4370 I also am curious, and would just say that, if we were
4371 all here together, I hear that there is a fight between 5 and
4372 10 years on the statute of limitations. I agree with my
4373 friends on the Republican side that 10 years is probably too
4374 long. I know we are going to have an amendment for five. It
4375 seems to me we ought to be able to split the baby. I have
4376 always kind of liked seven myself, but we can't do that
4377 because we are so far apart from one another, we can't do
4378 what legislators do, and that is go off in the side room and
4379 sort this thing out. And I am frustrated by that.

4380 Does this -- because I didn't get the impression it does
4381 -- does this give the judge the power to be creative?

4382 I remember -- and I may have the facts slightly wrong.
4383 Again, because of the short notice, I wasn't able to do the
4384 research I might have done, otherwise. But I remember when I
4385 was a kid, one of the big oil companies, and I don't remember
4386 whether it was Shell or Gulf, started adding a penny to
4387 everybody's credit card bill. And the judge who heard that
4388 case determined that what they had to do was they had to give

4389 discounted gas to everybody for a period of two or three days
4390 to make up for the money they had gotten.

4391 That got it right back to the consumers, instead of
4392 sending it in to be litigated over, or marshaled and
4393 litigated over by whoever might have been harmed. And of
4394 course, you are not going to send \$.25 back -- well, you
4395 might, but it made a whole lot more sense to give people a
4396 gas discount at the pump than it would be to send a \$25 check
4397 -- or a \$.25 check, excuse me -- to most of the people who
4398 had those credit cards that were getting improperly charged.
4399 And I am just wondering, does this bill give the judge the
4400 flexibility on this?

4401 And I apologize that I can't go over and just ask
4402 somebody that question, because that is the kind of thing I
4403 would normally go and ask somebody in the committee room. I
4404 am in the committee room, but there is nobody here to answer
4405 that question. And there is nobody on the other side of the
4406 aisle that I have the ability to ask those questions of.

4407 So, Mr. Chairman, I don't know if somebody can answer
4408 those questions, whether that is something properly put to
4409 counsel. And I can restate them if counsel thinks they can
4410 answer them. But I am just curious, because I am trying to
4411 decide what to do on this bill, and I do have some questions
4412 because I am not so sure we aren't actually hurting consumers
4413 by accident. But I could be wrong. But that is what happens

4414 when you try to legislate across the entire United States,
4415 with all of us trying to do it, and -- I think Fred Upton
4416 said earlier -- in a tic-tac-toe or, you know, Brady Bunch-
4417 type setting, where we have screens.

4418 And I respect the opinions of a lot of people on the
4419 other side of the aisle, and recognize that we have a lot of
4420 intellectual power on this committee, and I am just trying to
4421 find the answers to the questions.

4422 *Mr. Cardenas. Mr. Chairman?

4423 *The Chairman. Let me just say this before you speak.
4424 You understand that we don't have hearings in full committee,
4425 so the hearings are in the --

4426 *Mr. Griffith. Oh, I understand.

4427 *The Chairman. All right. But if -- Mr. Cardenas, if
4428 you would like to respond --

4429 *Mr. Cardenas. Yes.

4430 *The Chairman. Some of the questions are factual, and
4431 not really of counsel. So if you would like to respond --

4432 *Mr. Cardenas. Yes, Mr. Bilirakis can confirm with you,
4433 Morgan, that we have been trying to negotiate various aspects
4434 of this bill, and we have been doing that in good faith, both
4435 as Republicans and Democrats, and a lot of work done, usually
4436 at the staff level, with trying to work out language, et
4437 cetera. So those kinds of negotiations have been going on,
4438 and they will continue to do so. Just like any bill, there

4439 is negotiations going on in the Senate, as well.

4440 And when it comes to judges having discretion, the way
4441 the process works is the FTC goes before a judge, and
4442 petitions through the courts the kinds of actions. So the
4443 judges are, in fact, involved. They do have discretion, as
4444 they normally do. And then sometimes it is a judgment, if it
4445 goes that far, and sometimes it is a negotiation of a
4446 settlement. And that would happen at the FTC level, reported
4447 to the actual court, the judge that is handling the case.

4448 *Mr. Griffith. So would the judge have the flexibility
4449 to say, okay, on this particular product -- and I am thinking
4450 more of a product situation -- for the next, you know, five
4451 days, the price is going -- for a certain set period, the
4452 price is going to be reduced because you gouged people?

4453 *Mr. Cardenas. I would imagine that, if the judge were
4454 to make that recommendation, it would be up to the FTC, and
4455 then the actual person that is -- taken action against, for
4456 them to decide that.

4457 I haven't been in one of the hearings myself, but just
4458 in general practice, before judges, they do tend to make
4459 recommendations and suggestions, and ask the parties to go
4460 back and try to work those things out. So I don't see any
4461 reason why that discretion is not afforded in this process.

4462 *The Chairman. All right, Mr. --

4463 *Mr. Griffith. I yield back.

4464 *Ms. Schakowsky. Frank, if I could just answer one
4465 other --

4466 *Mr. Cardenas. -- frozen, Morgan.

4467 *Ms. Schakowsky. -- question for Mr. Griffith?

4468 *The Chairman. The gentlewoman -- I don't think you --
4469 you didn't speak on this, so yes. You are recognized for
4470 five minutes.

4471 *Ms. Schakowsky. Okay, thank you. I just wanted to
4472 say, Mr. Griffin (sic), that Virginia, for example,
4473 \$16,775,885 went to 145,860 consumers.

4474 Now, I don't know if there were additional fees, you
4475 know, other fees -- not additional, other fees -- that went
4476 to the court. But the numbers that we have are the numbers
4477 -- the dollars and the number of consumers that received
4478 those dollars. And that is quite a bit of money. So this is
4479 not about skimming it off then, for the -- you know, to cover
4480 the cost of the government.

4481 *The Chairman. All right. Does anyone else want to
4482 speak on the ANS? That is where we are.

4483 If not, we are going to go to Mr. Bilirakis's amendment
4484 to the ANS.

4485 *Voice. Ms. Eshoo had her hand up, old-fashioned style.

4486 *The Chairman. Ms. Eshoo, you are recognized to speak
4487 on the ANS for five minutes.

4488 *Ms. Eshoo. Thank you, Mr. Chairman. I move to strike

4489 the last word. A couple of things.

4490 First of all, every member, I believe, received a letter
4491 in their office, as I did at mine this morning, a letter from
4492 the National Chamber of Commerce. They object to the
4493 underlying bill. And what they are for are exactly what is
4494 in Mr. Bilirakis's amendment to the bill, and that is his
4495 prerogative, the five years. I want to speak to the 10
4496 years, so that, hopefully, there will be a deeper
4497 appreciation of why 10 is in the bill, relative to amending
4498 Section 13(b).

4499 Some of these issues last for a long time. If anyone
4500 has tracked the pursuit of for-profit colleges and the
4501 dollars that have been ripped off in so many cases,
4502 overwhelmingly by our military, those that serve in the
4503 military, I mean, it is really sickening, what has happened
4504 to some people, and how highly injurious it is. So it takes
4505 time to develop some of these cases. So if you put a five-
4506 year limit on it, well, you know what? You are putting
4507 parentheses around it, and that means subtraction. Fewer
4508 people will be protected.

4509 So I reject the National Chamber of Commerce stance in
4510 this case. I don't think it is a plausible case, and I don't
4511 think that it helps consumers in this country.

4512 Why are we afraid to have a longer timeframe so that,
4513 if, in fact, people have been ripped off, and it takes -- and

4514 they are, we know that, the facts are all there -- that the
4515 FTC would have even a longer period of time to be able to
4516 resolve these and make people whole?

4517 So I wanted to maybe broaden out the discussion. Again,
4518 I don't know if you have all seen the letter that the
4519 National Chamber of Commerce sent. They sent it to all of
4520 our offices. We got it this morning. And it tracks
4521 absolutely perfectly with what Mr. Bilirakis is offering,
4522 except I think it is a flawed case. In fact, I think it is
4523 injurious to consumers.

4524 I yield back.

4525 *The Chairman. All right. Does anyone else want to
4526 speak on the ANS? Otherwise, we will move to Mr. Bilirakis's
4527 amendment. Since we are already discussing it, I guess we
4528 might as well move towards it.

4529 Mr. Bilirakis, you are recognized.

4530 *Mr. Bilirakis. Thank you, Mr. Chairman. I am going to
4531 stick to the amendment, even if I do want to make some
4532 comments. But let me stick to -- let me offer this
4533 amendment. So I do have an amendment at the desk.

4534 *The Chairman. Does the clerk have Mr. Bilirakis's
4535 amendment?

4536 *The Clerk. Yes, Mr. Chairman.

4537 *The Chairman. The clerk will report the amendment.

4538 *The Clerk. Amendment to the amendment in the nature of

4539 a substitute to H.R. 2668, offered by Mr. Bilirakis of
4540 Florida.

4541 *The Chairman. Without objection, without objection,
4542 Madam Clerk, the reading of the Bilirakis amendment will be
4543 dispensed with.

4544 [The amendment of Mr. Bilirakis follows:]

4545

4546 *****COMMITTEE INSERT*****

4547

4548 *The Chairman. And --

4549 *Ms. Kelly. Mr. Chair, I would like to reserve a point
4550 of order.

4551 *The Chairman. The vice chair, Ms. Kelly, reserves a
4552 point of order. She reserved a point of order.

4553 And the gentleman from Florida is recognized for five
4554 minutes to speak on his amendment.

4555 *Mr. Bilirakis. Thank you, Mr. Chairman. I appreciate
4556 it very much.

4557 As I have said before, I did not -- I do appreciate my
4558 colleague, Mr. Cardenas, my good friend. And we do want to
4559 work this out, folks. And I know there has been negotiations
4560 with -- on the committee level, the staff level, but I think
4561 we need to get together and sit around the table. And I know
4562 we can work this out with regard to the statute of
4563 limitations.

4564 And let me just say this. If it is initiated -- correct
4565 me if I am wrong, counsel, but if it is initiated within the
4566 five years, then it can go, obviously, longer.

4567 We are concerned, with the 10 years, you know, people --
4568 the trade, I don't know how many there are, but they are
4569 going to look at the backlog, just like with the VA, that --
4570 we have an appeals process, and the appeals process lasts
4571 five to seven years. Well, what about the people that filed
4572 the claim three months ago? They have to wait in line, and

4573 that is not fair.

4574 So, in any case -- but I do want -- you know, everybody
4575 wants to protect consumers on this committee. There is no
4576 question. But we must get it right. The legislation has to
4577 be responsible and practical. So I fully agree that we
4578 absolutely need to ensure that the FTC has adequate tools to
4579 fight against bad actors committing unfair or deceptive acts
4580 or practices against our constituents.

4581 That is why I am pleased to offer the Republican
4582 compromise that we believe strikes the right balance to
4583 provide the FTC with necessary tools to fight bad actors, but
4584 also places much-needed guardrails to keep the FTC from
4585 shortcutting due process, and exceed their authority, like
4586 they did in the 1970s.

4587 My amendment would clarify that the FTC can seek
4588 restitution and disgorgement in cases involving unfair or
4589 deceptive acts or practices, where a reasonable person would
4590 have known the potential violation under consideration was
4591 unfair or deceptive.

4592 It would also add economic guardrails to the Commission
4593 when seeking restitution or disgorgement, by ensuring the FTC
4594 has a sound basis for seeking such monetary relief.

4595 It also very clearly remains in the bounds of our
4596 jurisdiction, which is very important, which was an objection
4597 to language we offered at the subcommittee markup, since the

4598 FTC's 2003 disgorgement policy was specific to competition
4599 cases. This was in -- despite of Republican commissioners
4600 speaking in support of reinstating that policy during their
4601 opportunity to testify in front of the Senate Commerce
4602 Committee, but also were excluded. They were excluded in our
4603 legislative hearing in the House, during the subcommittee
4604 hearing.

4605 My amendment also seeks to address our concern with the
4606 statute of limitations by granting the FTC a five-year
4607 retroactivity. I understand there has been some discussion,
4608 even today, with regard to compromising on that.

4609 Let's get this right, folks, for the benefit of -- we
4610 don't want any unintended consequences, like Morgan said.

4611 So, again, my amendment also seeks to address our
4612 concerns with the statute of limitations, as I said.
4613 Currently, this legislation would allow the FTC to seek
4614 equitable remedies in violation, again, to -- that -- going
4615 back 10 years. That is what the bill says, the ANS bill.

4616 Shorter statutes protect against surprises through the
4617 assertion of claims long after the conduct, when evidence may
4618 be stale or no longer available. And it serves to encourage
4619 the timely filing claims by regulatory agencies. Let's look
4620 at precedent. Ten years is a long time.

4621 Equitable remedies also discourage bad actors from
4622 seeking to violate the law in the future. And I believe a

4623 shorter statute will further discourage bad behavior.

4624 Additionally, I know my colleagues were concerned that a
4625 five-year statute of limitations may preclude the FTC from
4626 seeking remedies from bad actors, like my good friend, Ms.
4627 Eshoo, said, especially in cases like the Volkswagen Group of
4628 America case. I believe that was brought up. That is why my
4629 amendment would grant a grace period to the FTC. If the
4630 Commission can prove beyond a reasonable doubt that an entity
4631 engaged in intentionally deceptive or fraudulent conduct
4632 which prevented the Commission from bringing a suit, the
4633 court may allow the Commission to seek equitable relief
4634 beyond the five-year statute.

4635 And I understand there are members -- and I am not going
4636 to name them -- on the other side of the aisle that aren't
4637 really pleased with the five-year statute. They think it
4638 should be higher.

4639 I truly believe this is a real and thoughtful compromise
4640 on the statute of limitations we can all support. It
4641 provides a reasonable timeframe for the FTC to retroactively
4642 seek equitable relief, while providing guardrails to exceed
4643 that under special circumstances, and there should be.

4644 My amendment fairly addresses our concerns, while
4645 allowing the FTC new authorities to seek equitable remedies.
4646 I hope my friends across the aisle will agree, and I
4647 encourage all my colleagues to vote yes on this amendment.

4648 And Mr. Chairman, I will ask for a recorded vote. Thank
4649 you very much.

4650 And I appreciate the chairperson of the subcommittee,
4651 Ms. Schakowsky, my good friend, offering that legislative
4652 hearing, or at least -- yes, the legislative hearing toward
4653 the end of the month on the other bills. But there are
4654 amendments today that are germane to the particular bill, and
4655 they were also offered -- a couple of them were withdrawn by
4656 myself -- in the last committee hearing, so -- in the
4657 legislative markup.

4658 So thank you very much, and I yield back.

4659 *Mr. Cardenas. I move to strike the last -- this is
4660 Cardenas.

4661 *The Chairman. I have, actually, six people, Tony, that
4662 want to speak. So I have to go in order of seniority.

4663 Ms. Eshoo is first, if she seeks to -- do you want to
4664 speak on the Cardenas amendment, or you already spoke?

4665 *Ms. Eshoo. Thank you, Mr. Chairman, I --

4666 *The Chairman. The Bilirakis --

4667 *Ms. Eshoo. Thank you, Mr. Chairman, and I do.

4668 I don't understand what the harm is -- I sincerely don't
4669 -- what the harm is with having an extended period of time.
4670 You are agreeing in your amendment that there should be an
4671 extended period of time, but you shorten it. It seems to me
4672 that those issues that can be resolved in the shortest period

4673 of time, that we all agree that they would be. Some take
4674 longer. Everything is not going to take 10 years. But if
4675 there is a large case, and it takes longer to move through
4676 it, you need that time.

4677 And we have already raised the issue of Volkswagen and
4678 other, longer-term issues. So I don't know -- you know, it
4679 seems to me that we are not allowing for some things that
4680 would take longer.

4681 And my question is why? Who does it harm? It doesn't
4682 harm anybody to have that in the language. It is there. It
4683 actually will protect if, in fact, a long period of time -- a
4684 longer period of time is needed.

4685 So I don't want to see anyone screwed and tattooed, in
4686 plain English. And so, if it takes 10 minutes, terrific. If
4687 it takes, you know, five months, okay. If it takes five
4688 years, and it gets done, then the individuals are made whole.
4689 But if they need more time, and we have that, I think that we
4690 are taking all of these cases into consideration.

4691 It is not 25 years, it is not a half-a-century, for
4692 heaven's sakes. But every member knows on both sides of the
4693 aisle that there are always complex cases that take time for
4694 agencies to pursue the individuals, to prove that there has
4695 been harm. I think that we are really much better off with
4696 what is in the underlying legislation.

4697 And, you know, and I think the world of Gus, he knows.

4698 I love his father. He has been a good friend, and a personal
4699 friend, besides a colleague. I think you are wrong on this,
4700 Gus, I really do. I don't think you have any horrible
4701 underlying intentions, but I don't think the National Chamber
4702 of Commerce is right on this one. I really don't. And we
4703 are talking about some really grievous things that take
4704 place.

4705 And all morning long we were debating about -- not
4706 debating, but being self-congratulatory, and I think
4707 admirably so, that we want to do everything we can to help
4708 companies so that ransomware, injury that is done to the
4709 public, we want the DoE, we want this, want that, when -- the
4710 agencies helping, and good legislation, and then we get to
4711 this, and we are doing -- taking a U-turn. It doesn't make
4712 sense to me.

4713 I really think -- I don't think that my Republican
4714 friends are going to be injured by having a longer period of
4715 time to make sure that the FTC can do everything possible to
4716 make people whole when they have been so damaged.

4717 And I yield back, thank you.

4718 *The Chairman. Thank you. We will go now to Morgan
4719 Griffith. The gentleman is recognized if he wants to be.

4720 *Mr. Griffith. Thank you, Mr. Chairman. Let me get my
4721 mask off. I appreciate it.

4722 I just want to make sure everybody is clear on the

4723 record that the statute of limitations is not how long it
4724 takes to litigate the case, but the statute of limitations is
4725 when you file the case so that, if some -- you know, so the 5
4726 or 10 years, whichever number you particularly like, that is
4727 the time in which the FTC would have to file a case.

4728 Once they file it, if it takes 20 years to resolve it
4729 because it is a complicated case, then it takes 20 years.
4730 That is just to say you have got to put the company on notice
4731 that there is a problem, and that you are looking into it,
4732 and you are coming after them because they somehow violated a
4733 law.

4734 And that is why, a lot of times, people don't like the
4735 longer statute of limitations, because the company needs to
4736 know how long they need to carry their errors and omissions
4737 insurance, or their -- if they have got money set aside for
4738 the liability, they need to know how long they need to keep
4739 it. If you tie up that for 10 years, then, obviously, it is
4740 double the amount of time over the five years that you have
4741 to have the money sitting there.

4742 And once the statute goes past, and you are out of the
4743 woods on something that, you know, may be an issue, then you
4744 no longer carry the insurance, or you no longer carry the --
4745 or no longer keep that money out from being able to be
4746 invested in other parts of your company.

4747 So I just want to clarify that point, and I yield back,

4748 Mr. Chair.

4749 *The Chairman. I thank the gentleman. So I have --
4750 next would be Ms. Schakowsky, the subcommittee chair,
4751 recognized for five minutes.

4752 *Ms. Schakowsky. So my understanding is that the
4753 amendment, from what I heard you say, Mr. Bilirakis, also
4754 imposes a requirement that the FTC prove a reasonable person
4755 would have known their conduct was dishonest or fraudulent.
4756 So some have referred to this as the reasonable person
4757 standard. But in reality, it is the dishonest or fraudulent
4758 standard, because that is what the FTC must prove in order to
4759 recover anything under it.

4760 And, you know, so the purpose of 13(b) is to get victims
4761 back the money that was taken away from them as a result of
4762 illegal activities. And having shown that the law was
4763 broken, and that a consumer lost funding as a result, it
4764 makes no sense to only return the money if the FTC can prove
4765 that the defendant knew that he was breaking the law.

4766 I mean, this is, as referred to earlier, is one of the
4767 aspects of a get-out-of-jail-free card. "Well, I didn't know
4768 that I was cheating. And therefore, I don't have to pay
4769 anybody anything.'" I think that is not the way we do it.
4770 If a law was broken, that is the responsibility of whoever is
4771 scamming somebody, to know that, and to say, you know, I
4772 really -- I didn't know.

4773 And so, "We are not going to be able to give back
4774 anything at all'' is not right. And so I think that is one
4775 of the faults that is in this legislation.

4776 And I yield back.

4777 *The Chairman. Thank you. I see Mr. Armstrong has his
4778 hand up. The gentleman is recognized for five minutes.

4779 *Mr. Armstrong. Thank you, Mr. Chairman. And I
4780 actually appreciate Mr. -- Congressman Bilirakis's amendment.

4781 Just for some clarification and some -- maybe context,
4782 the general theft Federal statute of limitations is five
4783 years. Criminal fraud statute of limitations is five years.
4784 And I just want to clarify the reasonable person standard
4785 doesn't actually apply to the person who you are
4786 investigating. It is, actually, a legal term of art that is
4787 used quite often, and it applies to how any other reasonable
4788 person would look at it, not the fraudster, not those types
4789 of people.

4790 So I think the amendment makes the bill better. I would
4791 support the amendment.

4792 I still have a real problem with not dealing with
4793 retroactivity. I think it is going to cause all kinds of
4794 problems. There are going to be conflicting viewpoints.
4795 There are going to be litigation. We have the opportunity to
4796 do this. But I think, if we are going to hold the -- I mean,
4797 if we are going to use the general statute of limitations for

4798 the criminal equivalencies of these violations, it makes a
4799 ton of sense to keep some code consistency and at least apply
4800 that in the civil round, as well.

4801 And with that, I yield back.

4802 *The Chairman. I thank the gentleman. Next we would
4803 have -- Mr. McNerney from California is recognized for five
4804 minutes.

4805 *Mr. McNerney. Well, I move to strike the last word,
4806 Mr. Chairman.

4807 *The Chairman. Yes, you are recognized.

4808 *Mr. McNerney. Well, thank you.

4809 First of all, I would like to say that I am just as
4810 anxious as anyone to get back to in-person committee
4811 hearings. But I agree with the chairman, that we should
4812 really err on the side of safety. You can still get infected
4813 and be a carrier, even if you have the vaccine, and pass that
4814 back on to loved ones, such as children that have been too
4815 young to get the vaccine. So let's be cautious here, and err
4816 on the side of safety.

4817 I also want to thank my friend and colleague, Mr.
4818 Cardenas, for bringing this quickly to the committee.

4819 I deeply appreciate the sincerity of my friend from
4820 Florida's amendment, but permit me to disagree here, Gus.
4821 The amendment shortens the statute of limitation to five
4822 years, while pretending to create a way for the FTC to reach

4823 back further.

4824 A five-year limitation period does nothing but let
4825 scammers and fraudsters get away with money they stole. And
4826 this isn't theoretical. There are many cases where the
4827 consumers would have lost out if five-year statutes of
4828 limitations were in place. For example, customers who bought
4829 Volkswagen cars based on fraudulent fuel efficiency claims
4830 more than five years before the FTC brought the suit would
4831 have lost out. Many students, including veterans, would have
4832 not gotten their money back from the DeVry University scam,
4833 depending on where they attended school.

4834 And the tolling provision that was added does not
4835 address the main problem with the short limitation period,
4836 the difficulty the FTC often has in finding and investigating
4837 wrongdoing in the first place. The FTC has told us
4838 repeatedly that it is not always possible to discover
4839 violations quickly enough to make those who are harmed be
4840 paid back. The tolling also helps only in rare instances
4841 that, after they already are trying to bring suit, the FTC
4842 can prove that the bad actor took some subsequent action that
4843 prevented the suit from being filed within five years.

4844 Lawbreakers should not -- law -- I should say
4845 lawbreakers should not be rewarded simply because they are
4846 good at hiding their crimes. A short statute of limitation
4847 provision is picking winners and losers among perpetrators

4848 and victims. It is basically saying that, if you are good
4849 enough at hiding your illegal activity, you can get the money
4850 you took through malfeasance, and you can keep it. And it is
4851 also telling the victims that you can forget about getting
4852 any of the money back that you were cheated out of.

4853 This amendment would incentivize crooks to better
4854 conceal their identities and whereabouts and activities to
4855 avoid detection.

4856 Mr. Chairman, I will yield back.

4857 *The Chairman. Thank you, Mr. McNerney.

4858 I don't see another Republican --

4859 *Mr. Bilirakis. Yes, right here.

4860 *The Chairman. Yes, but you already spoke.

4861 [Laughter.]

4862 *The Chairman. Somebody would have to -- does another
4863 Republican want to ask for time, and yield to Mr. Bilirakis?

4864 *Mr. Latta. Mr. Chairman, this is Bob Latta. I will
4865 yield to my friend from Florida.

4866 *The Chairman. Mr. Latta is recognized. You want to
4867 yield to Mr. Bilirakis?

4868 But now I lost Mr. Bilirakis.

4869 *Mr. Bilirakis. Okay, thank you. Thank you.

4870 Well, again, folks, let me -- first of all, the tolling
4871 language was put in by us, and it does do something. There
4872 is no question. It gives you an exception to the five years,

4873 if there is deception going on, and there clearly is, in a
4874 lot of cases. It would extend the statute of limitations.

4875 Secondly, I believe -- correct me if I am wrong, but the
4876 statute of limitations is -- particularly under section 19 of
4877 FTC, the Act, is three years. So we are not decreasing the
4878 statute of limitations. We are trying to make it practical.
4879 And we believe that this will benefit the consumers,
4880 obviously. Just like that example that I said with the VA, I
4881 mean, if there is a tremendous backlog out there, and people
4882 are working on old and stale cases, what happens to these
4883 folks?

4884 And again, Morgan is right. I mean, all we are doing is
4885 -- you have got to initiate the transaction. In other words,
4886 the claim prior to the five years, in my particular
4887 amendment.

4888 So, yes, listen, we are all on the same side, and we can
4889 talk touchy feely and everything else, and it is wonderful.
4890 We have got to go after these bad actors in a bad way, but it
4891 has got to work.

4892 As I said before, we have got to get it right, and this
4893 venue is really not the best place, because we can't talk to
4894 each other, we can't have a roundtable discussion in the way
4895 we would like to.

4896 And, you know, again, I am willing to compromise. I
4897 want to do the right thing. But just bringing these

4898 statistics out, yes, I agree with it, we have got to catch
4899 these bad people. I mean, no one cares about their seniors
4900 and veterans more than I do, okay, and my constituents. I
4901 have proven that over the years. But again, it has got to
4902 work. Haste makes waste.

4903 And I am willing to work with you all on this, but
4904 grandstanding, political grandstanding, and saying that we
4905 are for the crooks, which is not the case, is not going to
4906 help matters. It doesn't do anything for our constituents.
4907 Okay?

4908 Well, thank you very much for the time. I appreciate
4909 it.

4910 *The Chairman. Mr. Latta --

4911 *Mr. Latta. Thank you very much --

4912 *Voice. Good morning --

4913 *Mr. Latta. -- my time. If not, I will yield back, Mr.
4914 Chairman.

4915 *The Chairman. Thank you. Next I have Mr. Cardenas,
4916 who is recognized for five minutes.

4917 *Mr. Cardenas. Thank you very much, Mr. Chairman. And
4918 again, I really enjoy the opportunity to be a fellow
4919 legislator with all of us on this committee, and I do
4920 appreciate the sincerity and the effort that everybody is
4921 putting into this issue and many others. Yet at the same
4922 time, I am -- my bill is something that is going to protect

4923 the consumers.

4924 And then, on the broad sense, I don't want to accuse
4925 anybody on this committee of not wanting to protect our
4926 consumers across this country. And even though Mr. Bilirakis
4927 said that maybe there is nobody else out here who loves our
4928 veterans more than him or what have you, again, I think that
4929 we are all way up there when it comes to respect for our
4930 seniors, our veterans, et cetera. And --

4931 *Mr. Bilirakis. I agree. I agree. We all love our
4932 veterans and our seniors equally. No question.

4933 *Mr. Cardenas. Okay, all right. So with that, Mr.
4934 Bilirakis, I have enjoyed negotiating with you. And our
4935 staffs have gotten to know each other much, much better over
4936 the last few weeks. And we have been talking about reducing
4937 it from 10 years to 8 years, to possibly 7 years, et cetera.
4938 And there has been some really good recommendations about
4939 possibly seven years with additional opportunity for there to
4940 be equivalency and fairness for, in some cases, possibly
4941 going beyond seven years. And that I am very pleased to have
4942 seen and heard that in the discussions.

4943 But the -- Mr. Bilirakis's amendment would basically
4944 weaken the FTC's ability to do its job to the extent that it
4945 has been able to before the U.S. Supreme Court actually said,
4946 "Legislature, we do not interpret their authority the way
4947 they have been using it. And Congress, if you want them to

4948 restore -- have that authority restored, it is up to you to
4949 do so.''

4950 One of the things I would like to point out is that
4951 right now there are 24 pending cases that are worth \$2
4952 billion, with a B, \$2 billion of consumer harm. So that is
4953 nearly \$2 billion stolen from consumers that this amendment
4954 would possibly not allow them to actually restore those funds
4955 back to the American people.

4956 We also don't want the bill to be weakened in any way,
4957 where the FTC would have to depend on section 19. And the
4958 debate in the subcommittee actually exposed how section 19 in
4959 no way should be a substitute for 13(b). Section 19 has
4960 tremendous, tremendous weaknesses that are -- could and will
4961 constantly be exploited by bad actors out there.

4962 And like I mentioned earlier, everybody has known and
4963 witnessed what we just saw recently with our energy sector,
4964 and the kinds of activities that are going on today. In the
4965 old days, people would have to show up to the bank with a gun
4966 to actually take the money. These days, people are doing it
4967 from all over the world. They are doing it from all across
4968 the country. And it is -- it takes time and energy to find
4969 out who the heck did that, where are they coming from, et
4970 cetera.

4971 So this statute is something that I think is appropriate
4972 and modern when it comes to the difficulties for a, quite

4973 frankly, a small government entity like the FTC to actually
4974 do its job to protect over 328 million Americans. And with
4975 the nefarious actions that are going on more and more every
4976 single day, with the ability for bad actors to get into those
4977 games and actually to game our seniors and our veterans and
4978 everybody else, I think that this amendment would just weaken
4979 that.

4980 I think that there is opportunity for us to continue to
4981 negotiate on various aspects. Certainly, we have tossed back
4982 and forth less than 10 years, like I said, I will reiterate,
4983 7 years, 8 years, and with some really beautiful language
4984 that might allow it to go beyond that timeframe if, in fact,
4985 the particular situation warrants it, and it can be
4986 justified.

4987 So with that, I just want to --

4988 *Mr. Bilirakis. Would the gentleman yield? Will the
4989 gentleman yield, briefly?

4990 *Mr. Cardenas. Sure, Mr. Bilirakis.

4991 *Mr. Bilirakis. Yes. Well, listen, again, I look
4992 forward to working with you, one on one, and trying to iron
4993 this out before -- I know where this amendment is going, but
4994 before we get to the floor.

4995 I will tell you that the fact that we didn't have the
4996 commissioners -- Republican commissioners were not invited to
4997 testify before the subcommittee hearing, we didn't get an

4998 opportunity to hear from them.

4999 And I do -- I understand that we can't rely on section
5000 19. There is no question. So, again, we have got to do --
5001 the devil is in the details. We have to do it right. I
5002 don't want to have to come back next year. I know there is
5003 an urgency, but we have plenty of time. Let's do it right,
5004 so that we don't have to amend the bill in the future.

5005 And I really appreciate your comments and your
5006 willingness to work with me.

5007 *Mr. Cardenas. Again, I appreciate your sincerity,
5008 Congressman Bilirakis, and I look forward to continuing to
5009 negotiate with you as this process is ongoing.

5010 And I mentioned earlier the Senate is also involved, as
5011 well. So --

5012 *Mr. Bilirakis. Absolutely.

5013 *Mr. Cardenas. We have opportunities to come to a
5014 compromise that will be right-sized.

5015 And at this time, unfortunately, your amendment is far
5016 too aggressive than I would like to agree to. So I am
5017 encouraging my colleagues to vote no on the amendment. Thank
5018 you so much. I yield back.

5019 *The Chairman. Thank you.

5020 I don't see any Republicans, so I am going to go to --
5021 Kathleen Rice is recognized, the gentlewoman from New York,
5022 for five minutes.

5023 *Miss Rice. Thank you, Mr. Chairman. I move to strike
5024 the last word.

5025 *The Chairman. The gentlewoman is recognized.

5026 *Miss Rice. For the past 40 years the FTC has been able
5027 to seek 13(b) relief for any action brought under the dozens
5028 of statutes it enforces. Limiting 13(b) relief to unfair and
5029 deceptive practices, as this amendment does, eliminates the
5030 FTC's ability to continue to pursue its other cases. That
5031 includes seeking injunctive relief in anti-competition cases,
5032 like the FTC's current case against Facebook. And now, as we
5033 all know, Facebook, a company that we all agree needs greater
5034 oversight, is seeking to have its case dismissed in light of
5035 the Supreme Court's ruling.

5036 At this very moment, as Mr. Cardenas pointed out, we are
5037 jeopardizing the recovery of over \$2 billion in 24 pending
5038 cases the FTC is currently pursuing. If this amendment
5039 passes, the FTC would be unable to obtain critical relief for
5040 consumers when drug companies adopt anti-competitive actions
5041 to delay the introduction of generic drug alternatives, or
5042 when online marketplaces collude to maintain monopolies in e-
5043 prescribing, or when tech giants like Facebook leverage their
5044 enormous market share to squelch competition and harm smaller
5045 entrants.

5046 Instead, we should act now to pass H.R. 2668, because
5047 dismantling the FTC's authority to obtain monetary relief

5048 under 13(b) threatens competition and the strength of the
5049 economy itself.

5050 Thank you, Mr. Chairman, and I yield back the balance of
5051 my time.

5052 *The Chairman. Thank you.

5053 I see Mr. Schrader's hand went up. Mr. Schrader is
5054 recognized for five minutes.

5055 *Mr. Schrader. I move to strike the last word, Mr.
5056 Chairman.

5057 *The Chairman. The gentleman is recognized.

5058 *Mr. Schrader. Yes, I have been trying to listen very
5059 closely to the hearing. I am not a lawyer, so I am at an
5060 extreme disadvantage.

5061 I just wanted to say at the outset I am a strong
5062 supporter of Mr. Cardenas's bill. You know, we are,
5063 ostensibly, trying to restore the FTC's ability to, frankly,
5064 make sure that the scammers, these bad actors, don't get a
5065 free ride, and that there is some restitution to those people
5066 that are victimized. I am strongly in support of that.

5067 And you know, there has been a little hyperbole on the
5068 on the hearing, and I think most everyone, as I understand
5069 it, is in favor of making sure that these scammers are held
5070 accountable at the end of the day.

5071 And it gets down to some definitional issues. And I am
5072 a little unclear, to be honest, Mr. Chairman. As I

5073 understand it, injunctive relief was what the original
5074 statute said. It did not talk about remedies. And
5075 historically, the FTC has done remedies. And so we are
5076 trying to restore that ability of the FTC, despite the fact
5077 the original statute did not provide for that. And I think
5078 that is great. It doesn't sound like there is a lot of
5079 disagreement on that.

5080 So it gets -- to me, the statute of limitations I will
5081 leave to those that are perhaps more versed in that arena.
5082 But the -- what bothers me, as a businessperson, is the
5083 evidentiary standard. You know, my understanding is most of
5084 these are pretty egregious cases that -- you know, the
5085 Volkswagen stuff, the scholarship things, those are pretty,
5086 pretty egregious. And people are knowing when they are
5087 scamming people here.

5088 And I think that the standard that Mr. Bilirakis has
5089 talked about is probably going to be met. I worry about the
5090 business person that buys a product from another business
5091 person, who knows that their product is fraudulent, or that
5092 it doesn't work, but the guy who bought it to sell to the end
5093 consumer doesn't know that. And I worry they could get
5094 caught up in this, too, because, you know, did they know or
5095 not know -- it is not relevant to that. They just sold that
5096 bad product, ergo they are responsible, and face criminal
5097 prosecution or penalties.

5098 And so I am -- I actually am in favor of Mr. Bilirakis's
5099 amendment. I think it makes some sense, at least at this
5100 point in time.

5101 I would be interested to know -- my ultimate decision,
5102 before the bill comes to the floor, would be based on what
5103 evidentiary standard the FTC has been using to win its cases.
5104 That would tell me a lot. If they have been using the
5105 standard that Mr. Cardenas has in his bill, that would make a
5106 big difference to me. If they are using the one that Mr.
5107 Bilirakis has been talking about, that too would make a big
5108 difference.

5109 You know, we -- this is a short hearing. We only just
5110 got the notice of the hearing. We only got -- just got the
5111 amendment. There is -- we are having problems with running
5112 our railroad right now, Mr. Chairman, and it is causing some
5113 consternation on a committee that generally gets along
5114 really, really well.

5115 So I have concerns, and just wanted to make sure you and
5116 everyone else understood that, and I yield back, Mr.
5117 Chairman.

5118 *The Chairman. Okay, I don't see any other -- anyone
5119 else who wants to speak on the Bilirakis amendment. So with
5120 that, we are going to go to the Bilirakis amendment, and then
5121 we will go to the ANS, and then we will go to final.

5122 So we are now going to vote on the Bilirakis amendment

5123 to the ANS. Everyone is clear on that?

5124 All those in favor of the Bilirakis amendment will
5125 signify by saying aye.

5126 All those opposed will say no.

5127 In the opinion of the chair, the noes have it.

5128 *Mr. Bilirakis. Mr. Chair, I think I won.

5129 [Laughter.]

5130 *Ms. Kelly. A point of order.

5131 *Mr. Bilirakis. I would like a roll call, please.

5132 *The Chairman. A recorded vote is ordered.

5133 Those in favor --

5134 *Ms. Kelly. Mr. Chairman, do you hear me?

5135 *The Chairman. Yes.

5136 *Ms. Kelly. Okay.

5137 *The Chairman. I heard that he wants a roll call vote,
5138 right? That is what we are going to do.

5139 Okay, a recorded vote is ordered on the Bilirakis
5140 amendment. Those in favor of the amendment will vote aye;
5141 those opposed to the Bilirakis amendment will vote no.

5142 And the clerk shall call the roll.

5143 *The Clerk. Mr. Rush?

5144 *Mr. Rush. Rush of Illinois votes no.

5145 *The Clerk. Mr. Rush votes no.

5146 Ms. Eshoo?

5147 *Ms. Eshoo. Eshoo votes no.

5148 *The Clerk. Ms. Eshoo votes no.
5149 Ms. DeGette?
5150 *Ms. DeGette. No, DeGette votes no.
5151 *The Clerk. Ms. DeGette votes no.
5152 Mr. Doyle?
5153 *Mr. Doyle. Mr. Doyle votes no.
5154 *The Clerk. Mr. Doyle votes no.
5155 Ms. Schakowsky?
5156 *Ms. Schakowsky. Schakowsky votes no.
5157 *The Clerk. Ms. Schakowsky votes no.
5158 Mr. Butterfield?
5159 *Mr. Butterfield. Butterfield votes no.
5160 *The Clerk. Mr. Butterfield votes no.
5161 Ms. Matsui?
5162 [No response.]
5163 *The Clerk. Ms. Castor?
5164 *Ms. Castor. Ms. Castor votes no.
5165 *The Clerk. Ms. Castor votes no.
5166 Mr. Sarbanes?
5167 *Mr. Sarbanes. Sarbanes votes no.
5168 *The Clerk. Sarbanes votes no.
5169 Mr. McNerney?
5170 *Mr. McNerney. McNerney votes no.
5171 *The Clerk. Mr. McNerney votes no.
5172 Mr. Welch?

5173 *Mr. Welch. Votes no.

5174 *The Clerk. Mr. Welch votes no.

5175 Mr. Tonko?

5176 *Mr. Tonko. Paul Tonko from New York votes no.

5177 *The Clerk. Mr. Tonko votes no.

5178 Ms. Clarke?

5179 [No response.]

5180 *The Clerk. Mr. Schrader?

5181 *Mr. Schrader. Schrader from Oregon votes yes.

5182 *The Clerk. Mr. Schrader votes aye.

5183 Mr. Cardenas?

5184 *Mr. Cardenas. Cardenas from California votes no.

5185 *The Clerk. Mr. Cardenas votes no.

5186 Mr. Ruiz?

5187 *Mr. Ruiz. Ruiz from California votes no.

5188 *The Clerk. Mr. Ruiz votes no.

5189 Mr. Peters?

5190 [No response.]

5191 *The Clerk. Mrs. Dingell?

5192 *Mrs. Dingell. Dingell votes no.

5193 *The Clerk. Mrs. Dingell votes no.

5194 Mr. Veasey?

5195 *Mr. Veasey. Veasey votes no.

5196 *The Clerk. Mr. Veasey votes no.

5197 Ms. Kuster?

5198 *Ms. Kuster. Kuster votes no.
5199 *The Clerk. Ms. Kuster votes no.
5200 Ms. Kelly?
5201 *Ms. Kelly. Kelly votes no.
5202 *The Clerk. Ms. Kelly votes no.
5203 Ms. Barragan?
5204 *Ms. Barragan. Barragan votes no.
5205 *The Clerk. Ms. Barragan votes no.
5206 Mr. McEachin?
5207 [No response.]
5208 *The Clerk. Ms. Blunt Rochester?
5209 *Ms. Blunt Rochester. Blunt Rochester of Delaware votes
5210 no.
5211 *The Clerk. Ms. Blunt Rochester votes no.
5212 Mr. Soto?
5213 *Mr. Soto. Soto votes no.
5214 *The Clerk. Mr. Soto votes no.
5215 Mr. O'Halleran?
5216 *Mr. O'Halleran. O'Halleran votes no.
5217 *The Clerk. Mr. O'Halleran votes no.
5218 Miss Rice?
5219 *Miss Rice. Rice votes no.
5220 *The Clerk. Miss Rice votes no.
5221 Ms. Craig?
5222 *Ms. Craig. Craig votes no.

5223 *The Clerk. Ms. Craig votes no.
5224 Ms. Schrier?
5225 *Ms. Schrier. Schrier votes no.
5226 *The Clerk. Ms. Schrier votes no.
5227 Mrs. Trahan?
5228 *Mrs. Trahan. Trahan votes no.
5229 *The Clerk. Mrs. Trahan votes no.
5230 Mrs. Fletcher?
5231 *Mrs. Fletcher. Fletcher votes no.
5232 *The Clerk. Mrs. Fletcher votes no.
5233 Mrs. Rodgers?
5234 *Mrs. Rodgers. Mrs. Rodgers votes aye.
5235 *The Clerk. Mrs. Rodgers votes aye.
5236 Mr. Upton?
5237 *Mr. Upton. Upton votes aye.
5238 *The Clerk. Mr. Upton votes aye.
5239 Mr. Burgess?
5240 *Mr. Burgess. Votes aye.
5241 *The Clerk. Mr. Burgess votes aye.
5242 Mr. Scalise?
5243 *Mr. Scalise. Scalise votes aye.
5244 *The Clerk. Mr. Scalise votes aye.
5245 Mr. Latta?
5246 *Mr. Latta. Latta votes aye.
5247 *The Clerk. Mr. Latta votes aye.

5248 Mr. Guthrie?

5249 *Mr. Guthrie. Guthrie votes aye.

5250 *The Clerk. Mr. Guthrie votes aye.

5251 Mr. McKinley?

5252 [No response.]

5253 *The Clerk. Mr. Kinzinger?

5254 *Mr. Kinzinger. Kinzinger votes aye.

5255 *The Clerk. Mr. Kinzinger --

5256 *Voice. They will get to me in a minute.

5257 *The Clerk. -- votes aye.

5258 Mr. Griffith?

5259 *Mr. Griffith. Griffith votes aye.

5260 *The Clerk. Mr. Griffith votes aye.

5261 Mr. Bilirakis?

5262 *Mr. Bilirakis. Bilirakis votes aye.

5263 *The Clerk. Mr. Bilirakis votes aye.

5264 Mr. Johnson?

5265 *Mr. Johnson. Mr. Johnson votes aye.

5266 *The Clerk. Mr. Johnson votes aye.

5267 Mr. Long?

5268 [No response.]

5269 *Voice. I am coming up.

5270 *The Clerk. Mr. Bucshon?

5271 *Mr. Bucshon. Bucshon votes aye.

5272 *The Clerk. Mr. Bucshon votes aye.

5273 Mr. Mullin?
5274 *Mr. Mullin. Aye, Mr. Mullin votes aye.
5275 *The Clerk. Mr. Mullin votes aye.
5276 Mr. Hudson?
5277 *Mr. Hudson. Aye.
5278 *The Clerk. Mr. Hudson votes aye.
5279 Mr. Walberg?
5280 *Mr. Walberg. Mr. Walberg votes aye.
5281 *The Clerk. Mr. Walberg votes aye.
5282 Mr. Carter?
5283 *Mr. Carter. Carter votes aye.
5284 *The Clerk. Mr. Carter votes aye.
5285 Mr. Duncan?
5286 *Mr. Duncan. Mr. Duncan votes aye.
5287 *The Clerk. Mr. Duncan votes aye.
5288 Mr. Palmer?
5289 *Mr. Palmer. Mr. Palmer votes aye.
5290 *The Clerk. Mr. Palmer votes aye.
5291 Mr. Dunn?
5292 *Mr. Dunn. Mr. Dunn votes aye.
5293 *The Clerk. Mr. Dunn votes aye.
5294 Mr. Curtis?
5295 *Mr. Curtis. Curtis votes aye.
5296 *The Clerk. Mr. Curtis votes aye.
5297 Mrs. Lesko?

5298 *Mrs. Lesko. Lesko votes aye.
5299 *The Clerk. Mrs. Lesko votes aye.
5300 Mr. Pence?
5301 *Mr. Pence. Pence votes aye.
5302 *The Clerk. Mr. Pence votes aye.
5303 Mr. Crenshaw?
5304 *Mr. Crenshaw. Crenshaw votes aye.
5305 *The Clerk. Mr. Crenshaw votes aye.
5306 Mr. Joyce?
5307 *Mr. Joyce. Joyce votes aye.
5308 *The Clerk. Mr. Joyce votes aye.
5309 Mr. Armstrong?
5310 *Mr. Armstrong. Yes.
5311 *The Clerk. Mr. Armstrong votes aye.
5312 Chairman Pallone?
5313 *The Chairman. Pallone votes no.
5314 *The Clerk. Mr. Pallone votes no.
5315 *The Chairman. Does any member wish to -- well, does
5316 any member still need to be recorded?
5317 *Ms. Clarke. Mr. Chairman?
5318 *The Chairman. Yes, Ms. Clarke?
5319 *Ms. Clarke. Ms. Clarke of New York votes no.
5320 *The Clerk. Ms. Clarke votes no.
5321 *Mr. Welch. Mr. Chairman, how am I recorded? Peter
5322 Welch.

5323 *The Chairman. Mr. Welch, is he recorded?

5324 *The Clerk. Mr. Welch votes no.

5325 *Mr. Welch. Thank you.

5326 *The Chairman. Is there anyone else who is not
5327 recorded?

5328 Okay, the clerk will report the tally.

5329 *Mr. Griffith. Mr. Chairman, is Griffith recorded?

5330 *The Chairman. Is Mr. Griffith recorded, Madam Clerk?

5331 *The Clerk. Yes, Mr. Griffith votes aye.

5332 *Mr. Griffith. Thank you.

5333 *The Chairman. All right. Did I miss anyone else?

5334 All right, then the clerk will report the tally.

5335 *The Clerk. On that vote, Mr. Chairman, the yeas were
5336 25, and the nays were 27.

5337 *The Chairman. So the amendment -- I am sorry, let me
5338 repeat that. The vote is 25 ayes to 27 noes. So --

5339 *The Chairman. Excuse me, Mr. Chairman. I called the
5340 roll wrong, I am sorry.

5341 *The Chairman. Yes.

5342 *The Clerk. On that votes, Mr. Chairman, the yeas were
5343 25, and the nays were 28.

5344 *The Chairman. Twenty-eight, okay. So, on that vote,
5345 the vote is 25 to 28 nays, and the amendment is not agreed
5346 to.

5347 I don't believe there are any further amendments. Am I

5348 correct?

5349 Okay --

5350 *Mrs. Rodgers. Mr. Chairman, I have an amendment at the
5351 desk.

5352 *The Chairman. Oh, yes? Okay.

5353 *Mrs. Rodgers. Mrs. Rodgers.

5354 *The Chairman. Let me get -- see if the clerk has that
5355 one.

5356 *Mrs. Rodgers. It is labeled SLW0101.

5357 *The Chairman. Okay, the clerk has it?

5358 [No response.]

5359 *The Chairman. Madam Clerk, do you have the Rodgers
5360 amendment?

5361 *The Clerk. Yes, I do.

5362 *The Chairman. The clerk will report the amendment.

5363 *The Clerk. Amendment to the amendment in the nature of
5364 a substitute to H.R. 2668, offered by Mrs. Rodgers of
5365 Washington. Before section 1 of the bill, insert the
5366 following --

5367 *The Chairman. Without objection, the reading of the
5368 Rodgers amendment will be dispensed with.

5369 [The amendment of Mrs. Rodgers follows:]

5370

5371 *****COMMITTEE INSERT*****

5372

5373 *Ms. Kelly. And Mr. Chair, I would like to reserve a
5374 point of order.

5375 *The Chairman. The vice chair, Ms. Kelly, reserves a
5376 point of order.

5377 And the gentlewoman from -- the ranking member is
5378 recognized, Mrs. Rodgers, for five minutes in support of her
5379 amendment.

5380 *Mrs. Rodgers. Thank you, Mr. Chairman. I move to
5381 strike the last word.

5382 *The Chairman. The gentlewoman is recognizes.

5383 *Mrs. Rodgers. Thank you. I am calling up the Eshoo
5384 privacy proposal, and this is to call attention to the
5385 importance of passing a privacy law this Congress, enacting a
5386 national privacy standard.

5387 Last Congress Chair Schakowsky, as she knows, we worked
5388 very closely. We tasked our staffs to work in good faith to
5389 come up with a privacy bill, a proposal to enact a national
5390 privacy standard.

5391 It is very important. It has only been underscored
5392 since COVID, the importance of passing a national privacy
5393 law. It is important to consumers that are very confused
5394 right now, as well as businesses that need the certainty so
5395 that we don't continue to see this patchwork of laws being
5396 developed at the state level.

5397 Stakeholders on both sides of the debate took it

5398 seriously one year ago -- well, actually, when COVID hit, so
5399 it was right at the end of December of 2019, we had a staff
5400 draft, and then COVID hit. But the concerns that were raised
5401 then, and the importance of addressing privacy and enacting a
5402 privacy law, had only been heightened with COVID.

5403 This is -- this legislation to address the patchwork
5404 concerns establishes a short-term California-like law to
5405 provide us an option to put something in place, so that we
5406 could at least negotiate a Federal law.

5407 You know, we are now six months into this Congress, and
5408 the single-most important bill, I would submit, that the
5409 Consumer Protection and Commerce Subcommittee needs to be
5410 working on -- yes, even more important than autonomous
5411 vehicles -- is still on the back burner. There has been a
5412 call to action by a variety of trade groups and consumer
5413 groups that are calling upon Congress to pass a law. And the
5414 goal today is to get this committee to take it seriously.

5415 Now, it does sound like the Administration may agree. I
5416 was very pleased with an exchange I had with Secretary
5417 Raimondo on Tuesday, who concurred with the need for a
5418 national privacy standard. The chair, Jan Schakowsky, has
5419 offered to do bipartisan roundtables to discuss the topic.

5420 Our goal is to get a timeline, to get some hearings, and
5421 we need a markup. Part of the offer, our offer to the
5422 majority on the bill before us today, was -- and in the

5423 negotiations that were underway -- was some kind of a -- we
5424 were seeking some kind of a commitment to a hearing by
5425 August. And I am glad that the majority is considering that.

5426 However, Senator Wicker offered 13(b) and privacy as a
5427 package last Congress.

5428 Chair Eshoo takes privacy very seriously, and there is,
5429 frankly, a lot that I may not agree with in this legislation,
5430 but just like 13(b), there is going to be more steps along
5431 the way. The Senate Commerce Committee and our great
5432 committee is going to have to resolve the differences at some
5433 point. The same set of principles will be negotiating.

5434 So I say let's move forward, let's vote, let's get the
5435 ball rolling. We need it, the American people need it. That
5436 is the current process. But the current process is not
5437 getting us where we need to be.

5438 And with that, I would ask for support of this
5439 amendment, and yield back the balance of my time.

5440 *The Chairman. Thank you.

5441 Does anyone else want to speak on the Rodgers amendment?

5442 That is an amendment to the ANS. Anyone else want to --
5443 Ms. Eshoo's hand is up.

5444 The gentlewoman from California is recognized for five
5445 minutes.

5446 *Ms. Eshoo. Thank you, Mr. Chairman. I move to strike
5447 the last word.

5448 First, I feel, really, rather honored and flattered that
5449 the ranking member of the full committee has cast a spotlight
5450 on my legislation on privacy. It is a huge issue, and it is
5451 a complex one. And I would be really pleased to have you
5452 join me on it. But since it is being raised, I want to say a
5453 few words about it, because it is in this amendment.

5454 I think -- I couldn't agree more that the issue has to
5455 be addressed, and since my legislation is in the amendment,
5456 you should all know that Congresswoman Lofgren and myself --
5457 I don't think I have ever worked so long, and put in so many
5458 hours on a piece of legislation. We worked a full year with
5459 stakeholders, with academicians, with companies, with public
5460 interest organizations. You name it, we worked with them.
5461 We put the draft out to them. They came back during the
5462 summer of 2019 with their suggestions, with their
5463 compliments, with their hesitancies, and we worked again with
5464 them to refine the legislation.

5465 So this product has been called by academicians and
5466 others as singularly the most comprehensive privacy
5467 legislation in the Congress. That is Senate and House. So
5468 we are proud of that work product.

5469 So I agree fully that this issue needs to be addressed.
5470 It is complex, it is really complicated. So it will take
5471 time. It took time to draw it up. It is going to take time
5472 to work on it and move it. But we need to start. We need to

5473 do that.

5474 Now -- so my door is open to everyone, relative to the
5475 legislation. And while I strongly, obviously, urge the
5476 committee to advance privacy legislation, you know, the bill
5477 we are considering is about protecting victims of fraud and
5478 scams, and we have got to take care of that today.

5479 So I thank the gentlewoman from Washington, the ranking
5480 member of our full committee, for raising the issue of
5481 privacy.

5482 You know, on the FTC, I think at least some of you know
5483 that I haven't minced my words when it comes to the FTC over
5484 many years. I have been critical of the agency for not
5485 enforcing laws stringently enough, and for not taking full
5486 advantage of the authorities it has. So I have introduced
5487 legislation, obviously, which is now the amendment before us.

5488 My legislation, colleagues, creates a new agency to
5489 enforce privacy legislation, because I think the issue
5490 deserves a really focused agency. Every other industrialized
5491 nation in the world has an agency focused on privacy. We are
5492 nowhere in this country even close to that, and I don't think
5493 that the agency that has jurisdiction now is doing enough.
5494 But I also don't think that they have enough people to do
5495 what needs to be done.

5496 So, obviously, I think we should focus on and advance
5497 2668 on its own. Thank you again to Mrs. Rodgers for

5498 placing, I think, a well-deserved spotlight on my
5499 legislation. But, you know, forget the tongue in cheek. It
5500 is a serious issue. Energy and Commerce needs to start
5501 working overtime on it. And that I agree with, but let's get
5502 back to 2668, that is the issue at hand, and we should pass
5503 it.

5504 So I guess, if you want to put me in a position of
5505 voting against my own bill, I will, because I understand how
5506 it is being used. So half of it is -- it is half and half,
5507 positive and negative.

5508 And with that, colleagues, I will yield back. I just
5509 wanted to explain what it is, where it belongs. We should
5510 move, and -- but it doesn't fit today. And I think we all
5511 get that. Thank you, and I yield back.

5512 *The Chairman. I thank the gentlewoman. I have four
5513 people that want to speak, and then we would have to go to
5514 the point of order.

5515 So we have Ms. -- no, I am sorry. Next would be Morgan
5516 Griffith. He is recognized if he wants to be.

5517 Maybe he is left over from the past one.

5518 All right, how about Mr. -- Gus, are you left over,
5519 also, from the last --

5520 *Mr. Bilirakis. No, I am here.

5521 *The Chairman. All right, you want to speak? You are
5522 recognized.

5523 *Mr. Bilirakis. I am not left over.

5524 *The Chairman. I am sorry.

5525 [Laughter.]

5526 *Mr. Bilirakis. Mr. Chairman, I move to strike the last
5527 word.

5528 *The Chairman. The gentleman is recognized.

5529 *Mr. Bilirakis. I just want to say I fully support
5530 Leader Rodgers's privacy amendment.

5531 We have been pushing this issue for some time, as you
5532 know, and I -- many of my colleagues across the political
5533 spectrum are supportive of congressional action on a Federal
5534 privacy framework. Our current patchwork of state laws is
5535 inadequate, in my opinion. I strongly believe we must enact
5536 a Federal preemption and a national privacy standard that
5537 protects all Americans.

5538 We are missing an opportunity to do so this afternoon.
5539 I think it should be included in this bill, and I appreciate
5540 Leader Rodgers's willingness to push this forward. Again, we
5541 can't wait any longer.

5542 And then, Mr. Chairman, briefly, I -- just something to
5543 think about when we go to the floor of the House of
5544 Representatives, on that last amendment, I was doing some of
5545 my homework during the roll call. And, as far as the statute
5546 of limitations -- this is the Greek stubbornness in me -- as
5547 far as the statute of limitations for fraud: Illinois, three

5548 years; California, three years; Florida, four years;
5549 Connecticut, three years; Virginia, two years; Maryland,
5550 three years, just to name a few. So maybe we can think about
5551 that in our negotiations before it gets to the floor of the
5552 House of Representatives.

5553 With that, I yield back. Thank you.

5554 *Ms. Kelly. Mr. Chair, I am still insisting on my point
5555 of order.

5556 *The Chairman. Well, if the gentlewoman insists on her
5557 point of order, let me -- I am prepared to rule.

5558 The gentlewoman from Illinois has raised a point of
5559 order that the amendment is not germane, because it
5560 introduces a new subject to the text proposed to be amended.
5561 And the chair finds that the subject matter of the amendment
5562 is FTC equitable relief. The subject matter of the amendment
5563 is broader than FTC equitable relief. And, as such, the
5564 amendment is not germane. It is for that reason the point of
5565 order is sustained.

5566 So now we are going to go -- are there any other
5567 amendments to the ANS? If not, we will proceed to a vote on
5568 the ANS.

5569 *Mr. Burgess. Mr. Chairman?

5570 *The Chairman. Yes, who is that?

5571 *Mr. Burgess. Burgess here. I have an amendment at the
5572 desk.

5573 *The Chairman. Mr. Burgess has -- Dr. Burgess has an
5574 amendment.

5575 *Mr. Burgess. Yes.

5576 *The Chairman. Does the clerk have the amendment?

5577 *Mr. Burgess. SLW0102.

5578 *The Chairman. Madam Clerk, do you have the Burgess
5579 amendment?

5580 *The Clerk. Yes, Mr. Chairman, I have the amendment.

5581 *The Chairman. The clerk will report the amendment.

5582 *The Clerk. Amendment to the amendment in the nature of
5583 a substitute for H.R. 2668, offered by Mr. Burgess of Texas.
5584 Before section 1 of the bill, insert the following: Division
5585 A, Consumer Protection and Recovery --

5586 *The Chairman. Without objection, the reading --

5587 *The Clerk. Section 1 --

5588 *The Chairman. Madam Clerk, without objection, the
5589 reading of the Burgess amendment is dispensed with.

5590 [The amendment of Mr. Burgess follows:]

5591

5592 *****COMMITTEE INSERT*****

5593

5594 *The Chairman. And --

5595 *Ms. Kelly. Mr. Chair, I reserve a point of order.

5596 *The Chairman. The vice chair, Ms. Kelly, reserves a
5597 point of order, and the gentleman from Texas is recognized
5598 for five minutes.

5599 *Mr. Burgess. Well, thank you, Mr. Chairman, and I will
5600 just tell you the point of order is unnecessary, because this
5601 amendment is absolutely germane to the discussion we are
5602 having this afternoon.

5603 This amendment would make it unlawful for any person to
5604 engage in a pattern or practice of sending written
5605 communications that state or represent that the recipients
5606 may be infringing or have infringed on a patent regarding a
5607 COVID-19-related product, and if that is done in bad faith.
5608 These actions are better known as patent demand letters.
5609 Patent assertion entities was another term of art that was
5610 used a few years ago.

5611 The Consumer Protection Subcommittee, a couple -- two
5612 congresses ago we worked to combat abusive patent demand
5613 letters by introducing the Targeting Rogue and Opaque Letters
5614 Act. The bill has actually been introduced in this Congress.
5615 It is H.R. 192 in the 117th.

5616 Patent demand letters limit innovation. They stymie
5617 progress by threatening legal action, which is of little --
5618 which has no basis in fact.

5619 And we are finally starting to see some signs of
5620 recovery from the coronavirus pandemic, thanks in a large
5621 part to the success of Operation Warp Speed, and the
5622 incredible scientific and medical community that developed a
5623 vaccine in record time, and the actions of the previous
5624 Administration to secure vaccine doses prior to its actual
5625 approval by the FDA. All of that was phenomenal, and
5626 phenomenally important. It has allowed us a platform for
5627 recovery. But we also have to reflect on the fact that a
5628 worldwide pandemic is not the time for trial lawyers to
5629 flourish.

5630 During times of crisis, individuals, communities, and
5631 governments must place the well-being of the global community
5632 above their own selfish interests. Republicans have sought
5633 to reform the Federal Trade Commission, to make it work
5634 better for consumers for several congresses. This is a
5635 simple amendment, and it is a step in that direction.

5636 And I would encourage colleagues on both sides of the
5637 dais to support this amendment, and I yield back to the
5638 chair.

5639 *The Chairman. I thank the gentleman --

5640 *Ms. Kelly. Mr. Chair, I insist on a point of order.

5641 *The Chairman. And who is that person that rose their
5642 hand and that -- behind you that raised -- I can't even tell
5643 if it is a little girl or boy from here -- raised his hand,

5644 and he also insisted on the point of order. You didn't even
5645 notice. Who is that?

5646 *Ms. Kelly. It is my grandson.

5647 *The Chairman. Your grandson. So he is also insisting
5648 on the point of order.

5649 All right. Anyway, did you want to state your point of
5650 order, Madam Vice Chair?

5651 [Pause.]

5652 *The Chairman. I can't hear you, I think you are
5653 unmuted (sic).

5654 *Ms. Kelly. Sorry.

5655 *The Chairman. That is all right.

5656 *Ms. Kelly. The amendment violates the germaneness
5657 requirement of rule 16, clause 7. The amendment is not
5658 germane, because the amendment introduces a new subject to
5659 the text proposed to be amended. The subject of the
5660 introduced bill is FTC equitable relief. The subject to the
5661 amendment is -- extends beyond FTC equitable relief.

5662 Therefore, I urge the chair to sustain the point of
5663 order.

5664 *The Chairman. Thank you, and the chair is prepared --

5665 *Mr. Burgess. Mr. Chairman, Mr. Chairman, if I may, in
5666 your opening statement you talked about we want to keep the
5667 fraudsters and crooks out of people's hair during this
5668 pandemic. You don't want to give them a new lane in which to

5669 operate, which is what I am trying to --

5670 *The Chairman. The problem here, Mr. -- Dr. Burgess, is
5671 germaneness. I understand the substance of what you are
5672 saying, but the issue is germaneness.

5673 The gentleman from Texas has raised -- I mean, the
5674 gentlewoman from Illinois has raised a point of order, that
5675 the gentleman from Texas's amendment is not germane, because
5676 it introduces a new subject to the text proposed to be
5677 amended.

5678 And the chair finds that the subject matter of the
5679 amendment is FTC equitable relief. The subject matter of the
5680 amendment is broader than the FTC equitable relief. And as
5681 such, the amendment is not germane. And for that reason, the
5682 point of order is sustained.

5683 Are there any other amendments to the ANS?

5684 If not, we are going to go to the ANS. And we will
5685 proceed to a vote on the amendment in the nature of a
5686 substitute. This is the Cardenas amendment in the nature of
5687 a substitute to his original bill.

5688 All those in favor of the Cardenas amendment in the
5689 nature of a substitute to H.R. 2668, signify by saying aye.

5690 And all those opposed will say no.

5691 In the opinion of the chair, the ayes have it.

5692 Okay, so now the amendment in the nature of a substitute
5693 to H.R. 2668 is agreed to.

5694 So now we are going to go into the -- reporting the bill
5695 -- oh, was there a request for a roll call on the ANS? I
5696 didn't see it. No, okay.

5697 So now we are going to go to the bill itself, and
5698 reporting the bill favorably to the House. The question now
5699 occurs on favorably reporting H.R. 2668, as amended, to the
5700 House.

5701 All those in favor of reporting H.R. 2668, as amended,
5702 to the House will signify by saying aye.

5703 And all those opposed will signify by saying no.

5704 *Mrs. Rodgers. And I would request a recorded vote.

5705 *The Chairman. Who has requested the recorded vote? The
5706 ranking member, okay. So we will go to a recorded vote. A
5707 recorded vote is ordered.

5708 Those in favor of reporting H.R. 2668, as amended, to
5709 the House will say aye; and those opposed will say no. And
5710 the clerk shall call the --

5711 *The Clerk. Mr. Rush?

5712 *Mr. Rush. Rush of Illinois votes aye.

5713 *The Clerk. Mr. Rush votes aye.

5714 Ms. Eshoo?

5715 *Ms. Eshoo. Eshoo votes aye.

5716 *The Clerk. Ms. Eshoo votes aye.

5717 Ms. DeGette?

5718 *Ms. DeGette. DeGette votes aye.

5719 *The Clerk. Ms. DeGette votes aye.
5720 Mr. Doyle?
5721 *Mr. Doyle. Mr. Doyle votes aye.
5722 *The Clerk. Mr. Doyle votes aye.
5723 Ms. Schakowsky?
5724 *Ms. Schakowsky. Schakowsky votes aye.
5725 *The Clerk. Ms. Schakowsky votes aye.
5726 Mr. Butterfield?
5727 *Mr. Butterfield. Butterfield votes aye.
5728 *The Clerk. Mr. Butterfield votes aye.
5729 Ms. Matsui?
5730 [No response.]
5731 *The Clerk. Ms. Castor?
5732 *Ms. Castor. Ms. Castor votes aye.
5733 *The Clerk. Ms. Castor votes aye.
5734 Mr. Sarbanes?
5735 *Mr. Sarbanes. Sarbanes votes aye.
5736 *The Clerk. Mr. Sarbanes votes aye.
5737 Mr. McNerney?
5738 *Mr. McNerney. McNerney votes aye.
5739 *The Clerk. Mr. McNerney votes aye.
5740 Mr. Welch?
5741 *Mr. Welch. Mr. Welch votes aye.
5742 *The Clerk. Mr. Welch votes aye.
5743 Mr. Tonko?

5744 *Mr. Tonko. Tonko from New York votes aye.
5745 *The Clerk. Mr. Tonko votes aye.
5746 Ms. Clarke?
5747 *Ms. Clarke. Ms. Clarke from New York votes aye.
5748 *The Clerk. Ms. Clarke votes aye.
5749 Mr. Schrader?
5750 *Mr. Schrader. Schrader from Oregon votes aye.
5751 *The Clerk. Mr. Schrader votes aye.
5752 Mr. Cardenas?
5753 *Mr. Cardenas. Cardenas votes aye.
5754 *The Clerk. Mr. Cardenas votes aye.
5755 Mr. Ruiz?
5756 *Mr. Ruiz. Ruiz from California votes aye.
5757 *The Clerk. Mr. Ruiz votes aye.
5758 Mr. Peters?
5759 *Mr. Peters. Peters votes aye.
5760 *The Clerk. Mr. Peters votes aye.
5761 Mrs. Dingell?
5762 *Mrs. Dingell. Votes aye.
5763 *The Clerk. Mrs. Dingell votes aye.
5764 Mr. Veasey?
5765 *Mr. Veasey. Aye.
5766 *The Clerk. Mr. Veasey votes aye.
5767 Ms. Kuster?
5768 *Ms. Kuster. Kuster votes aye.

5769 *The Clerk. Ms. Kuster votes aye.
5770 Ms. Kelly?
5771 *Ms. Kelly. Kelly votes aye.
5772 *The Clerk. Ms. Kelly votes aye.
5773 Ms. Barragan?
5774 *Ms. Barragan. Barragan votes aye.
5775 *The Clerk. Ms. Barragan votes aye.
5776 Mr. McEachin?
5777 [No response.]
5778 *The Clerk. Ms. Blunt Rochester?
5779 *Ms. Blunt Rochester. Blunt Rochester from Delaware
5780 votes aye.
5781 *The Clerk. Ms. Blunt Rochester votes aye.
5782 Mr. Soto?
5783 *Mr. Soto. Soto votes aye.
5784 *The Clerk. Mr. Soto votes aye.
5785 Mr. O'Halleran?
5786 *Mr. O'Halleran. O'Halleran votes aye.
5787 *The Clerk. Mr. O'Halleran votes aye.
5788 Miss Rice?
5789 *Miss Rice. Rice votes aye.
5790 *The Clerk. Miss Rice votes aye.
5791 Ms. Craig?
5792 *Ms. Craig. Craig votes aye.
5793 *The Clerk. Ms. Craig votes aye.

5794 Ms. Schrier?
5795 *Ms. Schrier. Schrier votes aye.
5796 *The Clerk. Ms. Schrier votes aye.
5797 Mrs. Trahan?
5798 *Mrs. Trahan. Trahan votes aye.
5799 [Pause.]
5800 *The Clerk. Mrs. Trahan?
5801 *Mrs. Trahan. Trahan votes aye.
5802 *The Clerk. Mrs. Trahan votes aye.
5803 Mrs. Fletcher?
5804 *Mrs. Fletcher. Fletcher votes aye.
5805 *The Clerk. Mrs. Fletcher votes aye.
5806 Mrs. Rodgers?
5807 *Mrs. Rodgers. Mrs. Rodgers votes no.
5808 *The Clerk. Mrs. Rodgers votes no.
5809 Mr. Upton?
5810 *Mr. Upton. Mr. Upton votes no.
5811 *The Clerk. Mr. Upton votes no.
5812 Mr. Burgess?
5813 *Mr. Burgess. Votes no.
5814 *The Clerk. Mr. Burgess votes no.
5815 Mr. Scalise?
5816 *Mr. Scalise. Scalise votes no.
5817 *The Clerk. Mr. Scalise votes no.
5818 Mr. Latta?

5819 *Mr. Latta. Latta votes no.
5820 *The Clerk. Mr. Latta votes no.
5821 Mr. Guthrie?
5822 *Mr. Guthrie. Guthrie votes no.
5823 *The Clerk. Mr. Guthrie votes no.
5824 Mr. McKinley?
5825 [No response.]
5826 *The Clerk. Mr. Kinzinger?
5827 [No response.]
5828 *The Clerk. Mr. Griffith?
5829 *Mr. Griffith. Griffith votes no.
5830 *The Clerk. Mr. Griffith votes no.
5831 Mr. Bilirakis?
5832 *Mr. Bilirakis. Bilirakis votes no.
5833 *The Clerk. Mr. Bilirakis votes no.
5834 Mr. Johnson?
5835 *Mr. Johnson. Johnson votes no.
5836 *The Clerk. Mr. Johnson votes no.
5837 Mr. Long?
5838 [No response.]
5839 *The Clerk. Mr. Bucshon?
5840 *Mr. Bucshon. Mr. Bucshon votes no.
5841 *The Clerk. Mr. Bucshon votes no.
5842 Mr. Mullin?
5843 [No response.]

5844 *The Clerk. Mr. Hudson?
5845 *Mr. Mullin. Mullin votes no. Mullin votes no.
5846 *The Clerk. Mr. Mullin votes no.
5847 Mr. Hudson?
5848 *Mr. Hudson. No. Hudson votes no.
5849 *The Clerk. Mr. Hudson votes no.
5850 Mr. Walberg?
5851 *Mr. Walberg. Walberg votes no.
5852 *Voice. I am sorry?
5853 *The Clerk. Mr. Walberg votes no.
5854 Mr. Carter?
5855 *Mr. Carter. Carter votes no.
5856 *The Clerk. Mr. Carter votes no.
5857 Mr. Duncan?
5858 *Mr. Duncan. Mr. Duncan votes no.
5859 *The Clerk. Mr. Duncan votes no.
5860 Mr. Palmer?
5861 *Mr. Palmer. Mr. Palmer votes no.
5862 *The Clerk. Mr. Palmer votes no.
5863 Mr. Dunn?
5864 [No response.]
5865 *The Clerk. Mr. Curtis?
5866 *Mr. Curtis. Curtis votes no.
5867 *The Clerk. Mr. Curtis votes no.
5868 Mrs. Lesko?

5869 *Mrs. Lesko. Lesko votes no.
5870 *The Clerk. Mrs. Lesko votes no.
5871 Mr. Pence?
5872 *Mr. Pence. Pence votes no.
5873 *The Clerk. Mr. Pence votes no.
5874 Mr. Crenshaw?
5875 *Mr. Crenshaw. Crenshaw votes no.
5876 *The Clerk. Mr. Crenshaw votes no.
5877 Mr. Joyce?
5878 *Mr. Joyce. Joyce votes no.
5879 *The Clerk. Mr. Joyce votes no.
5880 Mr. Armstrong?
5881 *Mr. Armstrong. No.
5882 *The Clerk. Mr. Armstrong votes no.
5883 Chairman Pallone?
5884 *The Chairman. Pallone votes aye.
5885 *The Clerk. Mr. Pallone votes aye.
5886 *The Chairman. Does any member still need to record
5887 their vote? I think there were a few.
5888 Madam Clerk, you just want to go through who we missed
5889 again? I thought there were a few.
5890 *The Clerk. Yes, Mr. Chairman. Ms. Matsui is not
5891 recorded; Mr. McEachin is not recorded; Mr. McKinley is not
5892 recorded; Mr. Kinzinger is not recorded; Mr. Long is not
5893 recorded; and Mr. Dunn is not recorded.

5894 *The Chairman. Some of those were here before, but I
5895 guess they are not.

5896 If no one else seeks to be recorded, the clerk will
5897 report the tally.

5898 *The Clerk. On that vote, Mr. Chairman, the yeas were
5899 30, and the nays were 22.

5900 *The Chairman. Okay, so the vote is 30 ayes to 22 nays.
5901 H.R. 2668, as amended, is reported to the House.

5902 Before we --

5903 *Mrs. Rodgers. Mr. Chairman?

5904 *The Chairman. Did someone have a question?

5905 *Mrs. Rodgers. It is Mrs. Rodgers here.

5906 *The Chairman. Yes, go ahead if you want to --

5907 *Mrs. Rodgers. Mr. Chairman, I ask for two days to
5908 submit additional views on the legislation considered by the
5909 committee today.

5910 *The Chairman. Thank you. So ordered.

5911 *Mrs. Rodgers. Thank you.

5912 *The Chairman. And I just wanted to submit the -- some
5913 documents, ask unanimous consent to submit the following
5914 documents for the record: a letter from businesses
5915 supporting methane limits; a letter from Equinor; a letter
5916 from BP; a document outlining CDC guidelines; and a letter
5917 from Occidental.

5918 Without objection, so ordered.

5919 [The information follows:]

5920

5921 *****COMMITTEE INSERT*****

5922

5923 *The Chairman. And then, without objection, the staff
5924 is authorized to make technical and conforming changes to the
5925 bills consistent with the actions taken by the committee
5926 today.

5927 I just wanted to thank everyone. I mean, I know that
5928 this is --

5929 *Mr. Rush. Mr. Chairman?

5930 *The Chairman. Yes, Mr. Rush.

5931 *Mr. Rush. Mr. Chairman, I have a motion of personal
5932 privilege I want to just take a moment, if you don't mind.

5933 *The Chairman. Yes, what is your motion, again?

5934 *Mr. Rush. Personal privilege, Mr. Chairman.

5935 *The Chairman. Yes, what is it? Sure.

5936 *Mr. Rush. All right. Mr. Chairman, I don't know -- I
5937 just want to congratulate my friend from the great state of
5938 Michigan, and the ranking member of my -- of the Energy and
5939 Commerce Subcommittee, Mr. Upton.

5940 Mr. Chairman, I don't know if members of the committee
5941 are aware of this, but last year -- and there is a town in
5942 Mr. Upton's district that was voted the nicest small town in
5943 America by Reader's Digest. And I know about it, because I
5944 have a home in that town. And I was astounded to know -- to
5945 find out that it had been voted by Reader's Digest as the
5946 smallest -- as the nicest small town in America. So I just
5947 wanted to congratulate my friend, Fred Upton, for being a

5948 representative of Buchanan, Michigan, America's nicest small
5949 town.

5950 So congratulations, Fred.

5951 *The Chairman. All right, congratulations. Does that
5952 reflect Fred, that he is --

5953 *Mr. Rush. Well, he was elected from the constituents
5954 there, and so he must represent his district.

5955 *The Chairman. He must be representative, because he is
5956 nice, too.

5957 *Mr. Rush. Yes, yes.

5958 *The Chairman. All right. Well, let me thank everybody
5959 for participating today. I know that some of the bills were
5960 controversial, but I think we, you know, work together as
5961 best we can when we disagree.

5962 So with that, I want to thank the ranking member and
5963 also the subcommittee chairs, and ranking members, and all
5964 the members and staff for helping us with this markup today.

5965 And I do have a gavel, so, without further ado, this
5966 committee stands adjourned.

5967 [Whereupon, at 4:12 p.m., the subcommittee was
5968 adjourned.]