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6 MARKUP OF

7 H.R. 3962 (DEAN), THE SECURING AND ENABLING COMMERCE USING  
8 REMOTE AND ELECTRONIC NOTARIZATION ACT OF 2021;

9 H.R. 4081 (CURTIS), THE INFORMING CONSUMERS ABOUT SMART  
10 DEVICES ACT;

11 H.R. 4551 (BILIRAKIS), THE RANSOMWARE ACT;

12 H.R. 5313 (KELLY), REESE'S LAW;

13 H.R. 6290 (TONKO), THE MANUFACTURING.GOV ACT; AND

14 H.R. 8152 (PALLONE), THE AMERICAN DATA PRIVACY AND PROTECTION  
15 ACT

16 WEDNESDAY, JULY 20, 2022

17 House of Representatives,

18 Committee on Energy and Commerce,

19 Washington, D.C.

20

21 The committee met, pursuant to call, at 9:56 a.m. in the  
22 John D. Dingell Room, Room 2123, Rayburn House Office  
23 Building, Hon. Frank Pallone [chairman of the committee]  
24 presiding.

25

26 Present: Representatives Pallone, Rush, Eshoo, DeGette,  
27 Doyle, Schakowsky, Butterfield, Matsui, Castor, Sarbanes,

28 McNerney, Welch, Tonko, Clarke, Schrader, Cardenas, Ruiz,  
29 Peters, Dingell, Veasey, Kuster, Kelly, Barragan, McEachin,  
30 Blunt Rochester, Soto, O'Halleran, Rice, Craig, Schrier,  
31 Trahan, Fletcher; Rodgers, Upton, Burgess, Latta, Guthrie,  
32 McKinley, Griffith, Bilirakis, Johnson, Long, Bucshon,  
33 Mullin, Hudson, Walberg, Carter, Duncan, Palmer, Dunn,  
34 Curtis, Lesko, Pence, Crenshaw, Joyce, and Armstrong.  
35

36           Staff Present: Hannah Anton, Staff Assistant; Dante  
37 Dalgin, Intern; Katherine Durkin, Policy Coordinator; Waverly  
38 Gordon, Deputy Staff Director and General Counsel; Jessica  
39 Grandberry, Staff Assistant; Daniel Greene, Professional  
40 Staff Member; Tiffany Guarascio, Staff Director; Perry  
41 Hamilton, Clerk; Ed Kacsmarski, Policy Analyst; Zach Kahan,  
42 Deputy Director Outreach and Member Service; Olivia Kim,  
43 Intern; Mackenzie Kuhl, Press Assistant; Jerry Leverich,  
44 Chief Counsel, Communications and Technology; David Miller,  
45 Counsel; Caroline Rinker, Press Assistant; Chloe Rodriguez,  
46 Clerk; Aryaman Sharma, Intern; Andrew Souvall, Director of  
47 Communications, Outreach, and Member Services; Michele  
48 Viterise, Counsel; C.J. Young, Deputy Communications  
49 Director; Sarah Burke, Minority Deputy Staff Director;  
50 Michael Cameron, Minority Policy Analyst, CPC, Energy,  
51 Environment; Nate Hodson, Minority Staff Director; Peter  
52 Kielty, Minority General Counsel; Emily King, Minority Member  
53 Services Director; Tim Kurth, Minority Chief Counsel, CPC;  
54 Clare Paoletta, Minority Policy Analyst, Health; Brannon  
55 Rains, Minority Professional Staff Member, CPC; Olivia  
56 Shields, Minority Communications Director; and Michael  
57 Taggart, Minority Policy Director.

58

59           \*The Chairman. The Committee will come to order. We  
60 are meeting today to consider six bills.

61           Due to the COVID-19 public health emergency, members can  
62 participate in today's markup either in person or remotely,  
63 via online video conferencing.

64           For members participating remotely, your microphones  
65 will be set on mute for the purpose of eliminating  
66 inadvertent background noise. Members participating remotely  
67 will need to unmute your microphone each time you wish to  
68 speak. Please note that, once you unmute your microphone,  
69 anything that is said in Webex will be heard over the  
70 loudspeakers, in the committee room, and subject to be heard  
71 by the livestream and C-SPAN.

72           Additionally, I ask that members participating remotely  
73 use the raise hand feature of the software platform when you  
74 wish to be recognized.

75           During recorded votes you will need to unmute yourself  
76 to respond to the clerk once your name is called. In  
77 responding to the clerk, I ask that, instead of saying aye or  
78 nay, that you respond with a phrase like, "Frank Pallone from  
79 New Jersey votes aye." This will provide additional time  
80 for the voting member to be identified and make -- and made  
81 visible on the platform.

82           Now, since members are participating from different  
83 locations at today's markup, all recognition of members will

84 be in the order of full committee seniority.

85         During this markup amendments will be sent to members  
86 electronically. Members participating in person should not  
87 bring paper copies of their amendments to the clerk's desk.  
88 If a member participating in person would like a paper copy  
89 of an amendment or bill, please alert staff during the  
90 consideration of the amendment or bill.

91         Amendments and motions should be sent to Chloe Rodriguez  
92 and Perry Hamilton, and documents for the record to Ed  
93 Kacsmarski at the email addresses we provided to staff.

94         I now recognize myself for three minutes for an opening  
95 statement.

96         The committee will consider six bipartisan bills today  
97 that will protect consumers and help strengthen the economy.  
98 Notably, we will consider the American Data Privacy and  
99 Protection Act, the first comprehensive national privacy  
100 legislation with bipartisan, bicameral support. Today's  
101 markup is another milestone towards our ultimate goal of  
102 enacting meaningful national privacy legislation.

103         Before moving to privacy, we will consider several other  
104 consumer protection bills on issues ranging from consumer  
105 product safety to bolstering American manufacturing. I am  
106 going to go through some of them.

107         The Securing and Enabling Commerce Using Remote and  
108 Electronic Notarization Act standardizes remote online

109 notarization, which has become particularly important during  
110 the COVID-19 pandemic.

111         Then we have the Informing Consumers About Smart Devices  
112 Act that will ensure that internet-connected devices tell  
113 people before they record them.

114         And then we have the RANSOMWARE ACT that requires the  
115 Federal Trade Commission to report on cross-border ransomware  
116 and other cyber-related attacks.

117         We will also consider Reese's Law to protect children  
118 from ingesting button cell and coin batteries. The  
119 legislation is named after Reese Hamsmith, an 18-month-old  
120 child, who tragically died after ingesting a button cell  
121 battery.

122         Next is the Manufacturing.gov Act, which establishes a  
123 primary online location for information on Federal  
124 manufacturing programs.

125         And then, finally, we will conclude with the American  
126 Data Privacy and Protection Act -- that is the data privacy  
127 legislation that I already mentioned -- and that protects  
128 Americans from data practices that undermine their privacy  
129 and security online.

130         This bill is needed to limit the excesses of Big Tech,  
131 and ensure all Americans can safely navigate the digital  
132 world. It includes a strong national standard using a data  
133 minimization framework to help ensure companies are limited

134 in what they collect, process, and transfer in the first  
135 place.

136 This bill protects children by prohibiting companies,  
137 including social media platforms, from targeting kids with  
138 harmful advertising. A new youth privacy and marketing  
139 division at the FTC will have the sole mission of protecting  
140 young people, and will be staffed with experts in youth  
141 development.

142 The privacy data -- the data privacy legislation will  
143 also help protect women in abusive relationships by giving  
144 them control over their personal information, limiting the  
145 data available for their aggressors to exploit, and  
146 regulating shady data brokers that too often provide the  
147 means to carry out this type of abuse.

148 The bill also ensures that protected classes, including  
149 people of color, are not discriminated against in trying to  
150 find housing, applying for a loan, looking for a job, or  
151 being offered any goods and services. And the bill is our  
152 best hope, in my opinion, at protecting Americans' privacy  
153 and data security, while also providing certainty to American  
154 businesses.

155 And I just want to thank -- I can't thank enough our  
156 ranking member, Cathy Rodgers; Consumer Protection and  
157 Commerce Subcommittee Chair Jan Schakowsky, who has been  
158 working on this for years; and Subcommittee Ranking Member

159 Bilirakis, as well, for their -- all three of their  
160 unwavering commitment to getting us to this markup today.

161 And I also commend each of our members for their  
162 contributions and their feedback, which -- I think almost  
163 every member has had some as we worked through the committee  
164 process.

165 And a special thanks to the staff: Jerry, David,  
166 Michele, Tim, and Brannon, who have worked non-stop over the  
167 past couple of months on this bill.

168 So I look forward to advancing all six of these bills  
169 today. The likelihood is, because of votes, that we will do  
170 the consumer bills before the votes and then do the data  
171 privacy bill after the votes. But we will see. But that is  
172 the likely strategy.

173 And now I want to recognize Mrs. Rodgers, the ranking  
174 member, for her opening statement.

175 \*Mrs. Rodgers. Thank you, Mr. Chairman. Good morning.  
176 This markup has been a long time coming. We are one step  
177 closer this -- than Congress has ever come to establish a  
178 national privacy and data security protections [sic].

179 People need more control over their information online.  
180 They are looking to us, their elected representatives, to  
181 act. The American Data Privacy and Protection Act includes  
182 the most robust privacy protections to date in the United  
183 States. It prohibits Big Tech from tracking, predicting, and



184 manipulating people's behaviors for a profit without their  
185 consent.

186         For example, it stops Big Tech from reading a person's  
187 email data to see what they click on, so that they can sell  
188 that information to companies running junk mail marketing  
189 schemes.

190         It prohibits smartphones from accessing personal photos,  
191 tracking and sharing information about location, and  
192 monitoring the apps people use.

193         It requires companies to give people the choice to turn  
194 off targeted advertising, which will rein in Big Tech from  
195 tracking every aspect of our lives, like location data,  
196 clicks, and internet search history.

197         We also stop Big Tech from sharing people's sensitive  
198 information with countries like China and Russia by requiring  
199 affirmative, express consent to transfer sensitive data to  
200 those countries.

201         Several recent surveys show more than 80 percent of  
202 Americans support priorities in the American Data Privacy and  
203 Protection Act.

204         Further, a majority of parents say, if they could choose  
205 one priority for Congress, it would be to increase privacy  
206 protections.

207         Our bill designates all data related to children under  
208 17 as sensitive. This means Big Tech will face real

209 consequences if they track this data, create dangerous  
210 algorithms, and use it to tailor news feeds to profit off our  
211 children. That means a teenage girl cannot be targeted by  
212 Big Tech for -- with ads for diets or dietary supplements,  
213 which can lead to dangerous and harmful behaviors like eating  
214 disorders.

215 As I said before, this is the best change we have ever  
216 had to achieve a strong, national standard that protects  
217 Americans, no matter where they are, or if they travel across  
218 state lines.

219 Today we will also be marking up several important  
220 bills, including Reese's Law, led by Ms. Kelly, to protect  
221 children; the Securing and Enabling Commerce Using Remote and  
222 Electronic Notarization Act of 2021 that is introduced by Mr.  
223 Armstrong, with Ms. Dean; the Informing Consumers about Smart  
224 Devices Act, led by Mr. Curtis and Mr. Moulton; the  
225 RANSOMWARE Act from Mr. Bilirakis; and Mr. Tonko's  
226 Manufacturing.gov Act with Representatives Upton and Axne.

227 I look forward to discussing these bills today. Thanks  
228 for all the hard work.

229 I yield back.

230 \*The Chairman. I thank the ranking member. Now we are  
231 going to go to Ms. Schakowsky, the chair of the Subcommittee  
232 on Consumer Protection and Commerce, from which these bills  
233 originate.

234           \*Ms. Schakowsky. Thank you.

235           \*The Chairman. You are recognized.

236           \*Ms. Schakowsky. So today we continue this committee's  
237 strong bipartisan tradition by considering bills that will  
238 support these -- have the support from both sides of the  
239 aisle. These include the ground-breaking Federal privacy  
240 law, the American Privacy and Protection Act.

241           This legislation will, for the first time in our  
242 history, create fundamental digital privacy rights for all  
243 Americans. Eight-six percent of Americans are concerned  
244 about data privacy. Americans are tired of waiting. After  
245 years of work in this committee and across the Congress, this  
246 bill represents a landmark compromise.

247           This is not the bill that I personally would have  
248 written in my perfect world, but we have a mandate, really,  
249 to move forward. In particular, I believe that we must do  
250 more with respect to arbitration.

251           This bipartisan privacy bill will provide relief to  
252 consumers who feel helpless online, protect children, and end  
253 discrimination. I have been so happy and so grateful to be  
254 able to work with the ranking member of the subcommittee, Mr.  
255 Bilirakis, with Chairman Pallone, Ranking Member Rodgers, as  
256 well as many other stakeholders from the -- every corner of  
257 government, civil society, and industry to bring us to this  
258 moment. Let's make today the first time ever a bipartisan

259 data privacy bill is voted out of committee.

260 But beyond that, the privacy legislation, other  
261 legislation that we are considering today will protect  
262 children by reducing the risk of ingestion harm -- harmful --  
263 the -- what they call the button cell, these tiny batteries  
264 that kill children if they are ingested. Reese's Law is  
265 named for Reese Hamilton -- no, is that right? No. Anyway,  
266 it -- for a child who tragically lost her life by ingesting  
267 such a battery.

268 The Informed [sic] Consumer About Small Devices Act will  
269 provide transparency when it comes to hidden cameras and  
270 microphones.

271 The Secure Notarization Act will actually do what it  
272 says, to provide secure, electronic notarization.

273 And the Manufacturing.gov Act will strengthen domestic  
274 manufacturing.

275 And the RANSOMWARE Act is very important.

276 I look forward to passing all of these things, and  
277 really am grateful to the bipartisan support of this  
278 committee.

279 And I yield back.

280 \*The Chairman. I thank the chairwoman. And now we are  
281 going to recognize Mr. Bilirakis, the ranking member of the  
282 Subcommittee on Consumer Protection and Commerce.

283 \*Mr. Bilirakis. Good morning, everyone, thank you.

284           Again, thank you, Mr. Chairman. I want to thank the  
285 ranking member and Madam Chair Schakowsky. It has been great  
286 working with all of you on this particular bill.

287           As you know, this is what this committee does best, it  
288 legislates. And I am proud to serve on this committee. We  
289 have six consumer protection and commerce bills through  
290 Energy and Commerce today. This is a historic moment,  
291 considering this is the first that Congress has come in  
292 enacting a national -- so we are pretty close -- enacting a  
293 national privacy and data security law, with consideration of  
294 our bipartisan bill, H.R. 8152 -- I know we still have more  
295 work to do -- the American Data Privacy and Protection Act.

296           I am proud of the bipartisan efforts that we undertook  
297 in our subcommittee to this point, to put this -- up to this  
298 point to protect the -- put the comprehensive package  
299 together. And I want to recognize the tireless work put --  
300 to refine and make improvements to the bill since our draft  
301 was first released. I want to thank the staff on both sides,  
302 as well.

303           I know our work is still not done, and I am glad that  
304 every member on this committee will be able to consider this  
305 legislation and weigh in as we continue to tweak this product  
306 further. I look forward to working with my colleagues on  
307 both sides of the aisle and with our friends in the Senate to  
308 get this done. This is the best opportunity we have had in

309 years to give the American people and businesses something  
310 that has long been needed.

311 In addition to our privacy and data security bill, we  
312 are -- also have five other bipartisan bills that came out of  
313 our recent subcommittee markup last month. That included my  
314 bill, H.R. 4551, the RANSOMWARE Act, which will provide more  
315 clarity on how to combat ransomware and other cyber attacks.

316 It also -- this committee also will hear and will vote  
317 on H.R. 5313, Reese's Law, which will address consumer  
318 product safety standards for button cell batteries that pose  
319 as an ingestion hazard for children. And I really appreciate  
320 you putting this on, Mr. Chairman. We have heard a lot about  
321 this.

322 I want to highlight the work my colleague, John Curtis,  
323 is doing with his bill, H.R. 4081, the Informing Consumer  
324 about Smart Devices Act, which will provide consumers with  
325 transparency for home devices that have hidden microphones  
326 and cameras.

327 Lastly, I want to thank my friend, Kelly Armstrong, for  
328 his bipartisan efforts towards modernizing our notarization  
329 processes, and Representative Tonko and Upton for providing  
330 clarity and ease of access at the Department of Commerce for  
331 our country's manufacturers.

332 I am hopeful my colleagues will help move all of these  
333 important bills forward through the House floor -- to the

334 House floor. But again, we are still going to continue to  
335 work on this before it gets on the floor.

336 Again, thank you, Mr. Chairman, and I yield back the  
337 balance of my time.

338 \*The Chairman. I thank the ranking member. So now we  
339 go to other members who would like to make an opening  
340 statement.

341 Ms. Castor, the gentlewoman from Florida, is recognized.

342 \*Ms. Castor. Thank you, Mr. Chairman, and good morning.

343 The passage of the American Data Privacy and Protection  
344 Act will be a very important step to protect the online  
345 privacy of Americans, especially our kids. And I want to  
346 thank Chairman Pallone and Ranking Member Rodgers, Chair  
347 Schakowsky, Ranking Member Bilirakis for incorporating a  
348 large portion of my Kids PRIVCY Act and KIDS Act into the  
349 bill, and thank the other members who have supported it along  
350 the way, Representatives Clarke and Trahan, Rice and Soto,  
351 Tonko, Cardenas, DeGette, and Schrier. They -- and a special  
352 thanks to Ranking Member McMorris Rodgers. I know this was a  
353 special area of emphasis and concern for you.

354 But I also want to thank the parents and advocates who  
355 have been advocating for better protections for children  
356 online for many years.

357 I think we all can agree that children shouldn't be  
358 tracked and targeted online, and exposed to mental and

359 physical harm. So this bill will take a significant step in  
360 the right direction.

361 I look forward to getting to the debate and amendments  
362 today, and yield back my time.

363 \*The Chairman. I thank the gentlewoman. Anyone on the  
364 Republican side?

365 The gentleman is recognized.

366 \*Mr. Joyce. Thank you, Chairman Pallone and Ranking  
367 Member McMorris Rodgers, for hosting today's markup.

368 America's privacy is not something that can be taken  
369 lightly. And this committee has stepped up to that  
370 challenge. As technology continues to advance, there needs  
371 to be additional safeguards in place to ensure that  
372 information doesn't fall into the wrong hands.

373 I applaud this committee's work on coming to bipartisan  
374 agreement to provide the needed framework to protect our  
375 nation's children and our nation's citizens from nefarious  
376 actors, and to the ultimate benefit of securing privacy and  
377 data.

378 I look forward to this upcoming markup, and I look  
379 forward to the bipartisan discussions that will continue.  
380 Thank you, and I yield.

381 \*The Chairman. I thank the gentleman. Mr. Tonko is  
382 recognized.

383 \*Mr. Tonko. Thank you, Chairman Pallone and Ranking



384 Member McMorris Rodgers.

385           The Manufacturing.gov Act is a vital piece of  
386 legislation that supports our American manufacturers,  
387 boosting our economy, job growth, and certainly, our job  
388 competitiveness globally.

389           The COVID crisis has strained our supply chains and  
390 limited factory production abilities, overwhelmingly hurting  
391 the middle-class workers who drive our nation's industry.

392           Congress does have a duty to support manufacturers and  
393 their workers in every way possible, and that includes making  
394 it easier to navigate what Federal resource are available to  
395 them. The Manufacturing.gov Act offers a simple and  
396 bipartisan solution to do just that. This legislation  
397 establishes a one-stop hub to centralize the 58 different  
398 Federal manufacturing programs that span some 11 Federal  
399 agencies. It also encourages public feedback by offering an  
400 online avenue for people to submit comments and concerns  
401 regarding the programs.

402           Now is the time to secure our supply chain, and give  
403 local manufacturers in my home state of New York and across  
404 our country the tools they need to identify the Federal  
405 support that would, indeed, help them flourish.

406           I do thank Representative Axne and Upton for being great  
407 collaborators on this bill, and I urge my colleagues to come  
408 together to bolster our United States manufacturing core.

409           With that, Mr. Chair, I yield back the remainder of my  
410 time.

411           \*The Chairman. Thank you. We will go to the Republican  
412 side. Anyone want to make an opening statement?

413           All right, we will go back over here. Ms. Blunt  
414 Rochester, the gentlewoman from Delaware, is recognized.

415           \*Ms. Blunt Rochester. Thank you, Chairman Pallone and  
416 Ranking Member McMorris Rodgers.

417           This markup represents another important chapter in our  
418 work to enhance U.S. competitiveness and innovation. For  
419 years, we have all heard how the lack of national data  
420 privacy law has both hindered U.S. competition and left  
421 Americans, especially children and seniors, vulnerable to bad  
422 actors.

423           We all agree we must act; through this bipartisan  
424 American Data Privacy and Protection Act, we will.

425           Today's internet, reliant on the current model of notice  
426 and consent, puts the onus on consumers to protect their  
427 privacy and secure their data, rather than Big Tech. As the  
428 House lead of the DETOUR Act, I am proud to say that the  
429 amendment in the nature of a substitute to the American Data  
430 Privacy and Protection Act rightly re-balances responsibility  
431 between business and consumers.

432           Crucially, the act incorporates elements of my bill,  
433 including a ban on user interfaces that undermine choice and

434 autonomy. Ensuring Americans aren't routinely manipulated by  
435 Big Tech is necessary to safeguard the ideal of a free and  
436 open internet.

437 Our country needs this legislation, and I urge my  
438 colleagues to pass this bill and swiftly bring it to the  
439 floor.

440 Thank you, and I yield back.

441 \*The Chairman. I thank the gentlewoman. Does anyone  
442 else want to make an opening statement, anyone in the virtual  
443 sphere?

444 No? All right, then we will proceed to -- well, let me  
445 say that, pursuant to committee rules, members' written  
446 opening statements shall be made part of the record. So if  
447 you want to do a written opening statement, send it  
448 electronically to the email address that we have provided.

449 And now we will move to the first of the bills, and we  
450 will begin consideration -- the chair calls up H.R. 4081, the  
451 Informing Consumers About Smart Devices Act, and the clerk  
452 will report that bill.

453 \*The Clerk. H.R. 4081, a bill to require disclosure of  
454 a camera recording --

455 \*The Chairman. Madam Clerk, without objection, the  
456 first reading of the bill will be dispensed with. The bill  
457 is now considered as read.

458 And without objection, the bill is considered as read

459 and open for amendment.

460 [The bill follows:]

461

462 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

463

464           \*The Chairman. But I don't think we have any  
465 amendments, correct?

466           Are there any members seeking recognition to speak on  
467 this bill?

468           \*Mr. Curtis. Yes, Mr. Chairman, I move to strike the  
469 last word.

470           \*The Chairman. I didn't --

471           \*Voice. Mr. Curtis.

472           \*The Chairman. Oh, Mr. Curtis is recognized.

473           \*Mr. Curtis. Thank you, Mr. Chairman, and thank you,  
474 Ranking Member, for holding this important markup on these  
475 bipartisan bills to protect consumers. I would like to speak  
476 directly today to my bill, the Informing Consumers About  
477 Smart Devices Act.

478           This common-sense and bipartisan bill would require the  
479 creation of reasonable disclosure, guidelines for products  
480 that have audio or visual recording components that are not  
481 clearly obvious to a reasonable person, such as a household  
482 appliance.

483           We are all excited for this emerging technology that has  
484 untold benefits coming for us, as consumers in this modern  
485 life. But along with this new technology, we need to update  
486 transparency for consumers. My bill balances protecting  
487 American consumers with continuing to foster innovation. By  
488 working with a broad range of stakeholders, my legislation

489 will ensure consumers are aware of the capabilities of items  
490 they are putting in their homes, without hamstringing the  
491 technology pioneers who are developing this technology.

492 I urge my colleagues to vote on this bill, and reserve  
493 the balance of my time.

494 \*The Chairman. I thank the gentleman. And anyone on  
495 the Democratic side?

496 Anyone else that wants to speak on this?

497 Mrs. Lesko?

498 [No response.]

499 \*The Chairman. Mrs. Lesko, take your time. We have --  
500 we are fine.

501 [Laughter.]

502 \*The Chairman. The gentlewoman from Arizona is  
503 recognized.

504 \*Mrs. Lesko. Thank you, Mr. Chair. I move to strike  
505 the last word.

506 \*The Chairman. The gentleman is recognized --  
507 gentlewoman is recognized for five minutes.

508 \*Mrs. Lesko. I just -- I will be brief. I support this  
509 legislation, and I think it is very important.

510 It is very important for consumers to know if there is a  
511 camera or microphone in the devices that they use in their  
512 everyday lives, especially since so many of these appliances,  
513 devices are manufactured in China.

514           And as I said before in the subcommittee, my husband  
515 works in cybersecurity, and we discovered that many of the  
516 security cameras that are used in everyone's home are made in  
517 China, and they actually call back to China. And this is  
518 very concerning to me, and I don't want my refrigerator or my  
519 microwave, or whatever to be feeding to someone somewhere in  
520 the world what I am doing every single minute of my day, and  
521 I want the right to know if those microphones and cameras are  
522 in the devices.

523           I support the bill, and I yield back.

524           \*The Chairman. I thank the gentlewoman. Does anyone  
525 else want to speak on this bill, because we have no  
526 amendments?

527           So we will go to a voice vote. You want a recorded  
528 vote?

529           \*Mrs. Rodgers. [Inaudible.]

530           \*The Chairman. A recorded vote? Okay, we will go to a  
531 recorded vote, which is ordered.

532           Those in favor of reporting H.R. 4081, as amended -- or  
533 it has not been amended?

534           Okay, those in favor of reporting H.R. 4081 to the House  
535 will say aye; those opposed will say no; the clerk shall call  
536 the roll, recorded vote.

537           \*The Clerk. Mr. Rush?

538           \*Mr. Rush. Rush votes aye.

539 \*The Clerk. Mr. Rush votes aye.  
540 Ms. Eshoo?  
541 \*Ms. Eshoo. Eshoo votes aye.  
542 \*The Clerk. Ms. Eshoo votes aye.  
543 Ms. DeGette?  
544 \*Ms. DeGette. DeGette votes aye.  
545 \*The Clerk. Ms. DeGette votes aye.  
546 Mr. Doyle?  
547 \*Mr. Doyle. [Inaudible.]  
548 \*The Clerk. Mr. Doyle votes aye.  
549 Ms. Schakowsky?  
550 \*Ms. Schakowsky. Aye.  
551 \*The Clerk. Ms. Schakowsky votes aye.  
552 Mr. Butterfield?  
553 \*Mr. Butterfield. Butterfield of North Carolina votes  
554 aye.  
555 \*The Clerk. Mr. Butterfield votes aye.  
556 Ms. Matsui?  
557 \*Ms. Matsui. Matsui votes aye.  
558 \*The Clerk. Ms. Matsui votes aye.  
559 Ms. Castor?  
560 \*Ms. Castor. Aye.  
561 \*The Clerk. Ms. Castor votes aye.  
562 Mr. Sarbanes?  
563 [No response.]



564 \*The Clerk. Mr. McNerney?  
565 \*Mr. McNerney. McNerney of California votes aye.  
566 \*The Clerk. Mr. McNerney votes aye.  
567 Mr. Welch?  
568 [No response.]  
569 \*The Clerk. Mr. Tonko?  
570 \*Voice. [Inaudible.]  
571 \*Mr. Tonko. Is that somebody there?  
572 Tonko from New York votes aye.  
573 \*The Clerk. Mr. Tonko votes aye.  
574 Ms. Clarke?  
575 \*Ms. Clarke. Clarke of New York votes aye.  
576 \*The Clerk. Ms. Clarke votes aye.  
577 Mr. Schrader?  
578 \*Mr. Schrader. Schrader votes aye.  
579 \*The Clerk. Mr. Schrader votes aye.  
580 Mr. Cardenas?  
581 \*Mr. Cardenas. [Inaudible.]  
582 \*The Clerk. Mr. Cardenas votes aye.  
583 Mr. Ruiz?  
584 [No response.]  
585 \*The Clerk. Mr. Ruiz?  
586 \*Mr. Ruiz. Aye.  
587 \*The Clerk. Mr. Ruiz votes aye.  
588 Mr. Peters?

589 \*Mr. Peters. Peters votes aye.  
590 \*The Clerk. Mr. Peters votes aye.  
591 Mrs. Dingell?  
592 \*Mrs. Dingell. [Inaudible.]  
593 \*The Clerk. Mrs. Dingell votes aye.  
594 Mr. Veasey?  
595 [No response.]  
596 \*The Clerk. Ms. Kuster?  
597 \*Ms. Kuster. Kuster votes aye.  
598 \*The Clerk. Ms. Kuster votes aye.  
599 Ms. Kelly?  
600 [No response.]  
601 \*The Clerk. Ms. Barragan?  
602 \*Ms. Barragan. Barragan votes aye.  
603 \*The Clerk. Ms. Barragan votes aye.  
604 Mr. McEachin?  
605 \*Mr. McEachin. McEachin votes aye.  
606 \*The Clerk. Mr. McEachin votes aye.  
607 Ms. Blunt Rochester?  
608 \*Ms. Blunt Rochester. Blunt Rochester votes aye.  
609 \*The Clerk. Ms. Blunt Rochester votes aye.  
610 Mr. Soto?  
611 [No response.]  
612 \*The Clerk. Mr. O'Halleran?  
613 \*Mr. O'Halleran. O'Halleran votes aye.

614 \*The Clerk. Mr. O'Halleran votes aye.  
615 Miss Rice?  
616 \*Miss Rice. Rice of New York votes aye.  
617 \*The Clerk. Miss Rice votes aye.  
618 Ms. Craig?  
619 \*Ms. Craig. Ms. Craig of Minnesota votes aye.  
620 \*The Clerk. Ms. Craig votes aye.  
621 Ms. Schrier?  
622 \*Ms. Schrier. Schrier votes aye.  
623 \*The Clerk. Ms. Schrier votes aye.  
624 Mrs. Trahan?  
625 \*Mrs. Trahan. Trahan votes aye.  
626 \*The Clerk. Mrs. Trahan votes aye.  
627 Mrs. Fletcher?  
628 \*Mrs. Fletcher. Fletcher votes aye.  
629 \*The Clerk. Mrs. Fletcher votes aye.  
630 Mrs. Rodgers?  
631 \*Mrs. Rodgers. [Inaudible.]  
632 \*The Clerk. Mrs. Rodgers votes aye.  
633 Mr. Upton?  
634 \*Mr. Upton. Upton votes aye.  
635 \*The Clerk. Mr. Upton votes aye.  
636 Mr. Burgess?  
637 \*Mr. Burgess. Votes aye.  
638 [Pause.]

639           \*Mr. Burgess. Votes aye.

640           \*The Clerk. Mr. Burgess, can you repeat your vote,  
641 please? I can't see you on camera.

642           \*Voice. Hi, how are you?

643           \*Mr. Burgess. Votes aye.

644           \*The Clerk. Mr. Burgess votes aye.  
645 Mr. Scalise?

646           [No response.]

647           \*The Clerk. Mr. Latta?

648           \*Mr. Latta. [Inaudible.]

649           \*The Clerk. Mr. Latta votes aye.  
650 Mr. Guthrie?

651           \*Mr. Guthrie. Aye.

652           \*The Clerk. Mr. Guthrie votes aye.  
653 Mr. McKinley?

654           [No response.]

655           \*The Clerk. Mr. Kinzinger?

656           [No response.]

657           \*The Clerk. Mr. Griffith?

658           [No response.]

659           \*The Clerk. Mr. Bilirakis?

660           \*Mr. Bilirakis. Bilirakis votes aye.

661           \*The Clerk. Mr. Bilirakis votes aye.  
662 Mr. Johnson?

663           \*Mr. Johnson. Aye.

664 \*The Clerk. Mr. Johnson votes aye.  
665 Mr. Long?  
666 \*Mr. Long. Aye.  
667 \*The Clerk. Mr. Long votes aye.  
668 Mr. Bucshon?  
669 [No response.]  
670 \*The Clerk. Mr. Mullin?  
671 [No response.]  
672 \*The Clerk. Mr. Hudson?  
673 \*Mr. Hudson. Hudson votes aye.  
674 \*The Clerk. Mr. Hudson votes aye.  
675 Mr. Walberg?  
676 \*Mr. Walberg. Aye.  
677 \*The Clerk. Mr. Walberg votes aye.  
678 Mr. Carter?  
679 \*Mr. Carter. Carter from Georgia votes aye.  
680 \*The Clerk. Mr. Carter votes aye.  
681 Mr. Duncan?  
682 \*Mr. Duncan. Aye.  
683 \*The Clerk. Mr. Duncan votes aye.  
684 Mr. Palmer?  
685 \*Mr. Palmer. Aye.  
686 \*The Clerk. Mr. Palmer votes aye.  
687 Mr. Dunn?  
688 \*Mr. Dunn. Dunn votes aye.

689 \*The Clerk. Mr. Dunn votes aye.  
690 Mr. Curtis?  
691 \*Mr. Curtis. Curtis votes aye.  
692 \*The Clerk. Mr. Curtis votes aye.  
693 Mrs. Lesko?  
694 \*Mrs. Lesko. Aye.  
695 \*The Clerk. Mrs. Lesko votes aye.  
696 Mr. Pence?  
697 \*Mr. Pence. Aye.  
698 \*The Clerk. Mr. Pence votes aye.  
699 Mr. Crenshaw?  
700 \*Mr. Crenshaw. Aye.  
701 \*The Clerk. Mr. Crenshaw votes aye.  
702 Mr. Joyce?  
703 [No response.]  
704 \*The Clerk. Mr. Armstrong?  
705 \*Mr. Armstrong. [Inaudible.]  
706 \*The Clerk. Mr. Armstrong votes aye.  
707 Chairman Pallone?  
708 \*The Chairman. [Inaudible.]  
709 \*The Clerk. Chairman Pallone votes aye.  
710 \*Mr. Sarbanes. How is Sarbanes recorded?  
711 \*The Clerk. Mr. Sarbanes is not recorded.  
712 \*Mr. Sarbanes. Sarbanes votes aye.  
713 \*Mr. Welch. And Mr. Welch?

714 \*The Clerk. Mr. Sarbanes votes aye.

715 \*The Chairman. Mr. Welch?

716 \*The Clerk. Mr. Welch --

717 \*Mr. Welch. Votes aye.

718 \*The Clerk. Mr. Welch votes aye.

719 \*The Chairman. Ms. Kelly?

720 \*Ms. Kelly. Kelly votes aye.

721 \*The Clerk. Ms. Kelly votes aye.

722 \*The Chairman. Anyone else who is not recorded and  
723 wants to be?

724 \*Mrs. Rodgers. Mr. Chairman, could I request the  
725 members, the names of the members, who have not been  
726 recorded?

727 \*The Chairman. Yes, could you give us the names who are  
728 not recorded?

729 \*The Clerk. Mr. Veasey, Mr. Soto, Mr. Scalise, Mr.  
730 McKinley, Mr. Kinzinger, Mr. Griffith, Mr. Bucshon, Mr.  
731 Mullin, and Mr. Joyce.

732 \*The Chairman. Mr. Joyce is here.

733 \*Mr. Joyce. How am I recorded?

734 \*The Clerk. Mr. Joyce, you are not recorded.

735 \*Mr. Joyce. [Inaudible.]

736 \*The Clerk. Mr. Joyce votes aye.

737 \*The Chairman. Mr. Long, did you vote?

738 \*Mr. Long. How is Long recorded?

739 \*The Clerk. Mr. Long is recorded as aye.

740 \*The Chairman. Anyone else who we might think is on  
741 their way?

742 Bucshon is --

743 \*Mr. Bilirakis. How is Bilirakis recorded?

744 \*The Chairman. How is Mr. Bilirakis recorded, Madam  
745 Clerk?

746 \*The Clerk. Mr. Bilirakis is recorded as aye.

747 \*Mrs. Rodgers. Mr. Chairman, how am I recorded?

748 \*The Chairman. How is the ranking member recorded?

749 \*The Clerk. Mrs. Rodgers is recorded as aye.

750 \*Mrs. Rodgers. Thank you.

751 \*The Chairman. I mean, we could wait, if you --

752 \*Mr. Mullin. How am I recorded? This is Markwayne.  
753 How am I recorded, Chairman?

754 \*The Chairman. Who is that?

755 \*Mr. Mullin. Mr. Mullin.

756 \*The Chairman. Mr. Mullin. Madam Clerk, Mr. Mullin.

757 \*The Clerk. Mr. Mullin is not recorded.

758 \*Mr. Mullin. I vote yes, aye.

759 \*The Clerk. Mr. Mullin votes aye.

760 \*Mr. Duncan. Mr. Chairman, how am I recorded?

761 \*The Chairman. Mr. --

762 \*The Clerk. Mr. Duncan? Mr. Duncan, you are recorded  
763 as aye.



764 \*Mr. Bucshon. This is Mr. Bucshon. How am I recorded?

765 \*The Chairman. Mr. Bucshon, we found him.

766 \*The Clerk. Mr. Bucshon is not recorded.

767 \*Mr. Bucshon. Mr. Bucshon --

768 \*The Chairman. How do you want to vote?

769 \*Mr. Bucshon. Mr. Bucshon votes aye.

770 \*The Clerk. Mr. Bucshon votes aye.

771 \*Ms. Blunt Rochester. Mr. Chairman, how am I recorded?

772 [Laughter.]

773 \*The Chairman. Who is that?

774 \*Ms. Blunt Rochester. Blunt Rochester.

775 \*The Chairman. Oh, Ms. Blunt Rochester.

776 \*The Clerk. Ms. Blunt Rochester, you are recorded as  
777 aye.

778 \*The Chairman. All right. Anyone else? Otherwise, we  
779 are going to close this down.

780 All right, I -- we are not going to wait any longer.

781 The clerk will report the tally.

782 \*Ms. Clarke. Mr. Chairman?

783 \*The Chairman. Who is here?

784 Mr. Soto, is that you?

785 \*Mr. Soto. Yes, Mr. Chairman. Soto votes aye.

786 \*The Chairman. Mr. Soto, how do you wish to vote?

787 \*Mr. Soto. Soto votes aye.

788 \*The Chairman. Mr. Soto votes aye.

789 \*The Clerk. Mr. Soto votes aye.

790 \*The Chairman. Anyone --

791 \*Voice. Mr. Chairman?

792 \*The Chairman. Mr. --

793 \*Mr. Cardenas. This is Cardenas at the end, over here.

794 Can you see me?

795 I just would like to know -- this is Cardenas. How am I  
796 recorded?

797 \*The Clerk. Mr. Cardenas, you are recorded as aye.

798 \*Mr. Cardenas. Thank you.

799 \*The Chairman. All right. Anyone else before Mr. Doyle  
800 tells us that we are all aging, or whatever?

801 [Laughter.]

802 \*The Chairman. All right. All right, that is it. The  
803 clerk will report the tally.

804 [Pause.]

805 \*The Clerk. On that vote, Mr. Chairman, the yeas were  
806 53 and the nays were 0.

807 \*The Chairman. All right, thank you, Madam Clerk. The  
808 vote is 53 ayes to 0 noes; H.R. 4081 is reported to the full  
809 House.

810 We will now go to the next bill, which is H.R. 4551.  
811 The chair calls up H.R. 4551, the Reporting Attacks from  
812 Nations Selected for Oversight and Monitoring Web Attacks and  
813 Ransomware from Enemies Act, better known as the RANSOMWARE

814 Act, and the clerk will report the bill.

815 \*The Clerk. H.R. 4551, to amend the U.S. Safe Web Act  
816 of --

817 \*The Chairman. And without objection, the first reading  
818 of the bill would be dispensed with. The bill is now  
819 considered as read.

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

822 [The bill follows:]

823

824 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

825

826           \*The Chairman. I don't believe we have any amendments.  
827           Are there any members who are seeking recognition to  
828 speak on the bill?

829           Yes, Mr. Bilirakis.

830           \*Mr. Bilirakis. Thank you, Mr. Chairman. I want to  
831 thank you again for including my bill, H.R. 4551, and I also  
832 want to thank the ranking member.

833           The bill is the RANSOMWARE Act, a very important bill in  
834 today's markup. This legislation means the U.S. Safe Web  
835 Act, a tool the FTC uses to protect consumers with an  
836 international dimension, including by increasing cooperation  
837 with foreign law enforcement, and will require the FTC to  
838 report on cross-border complaints they receive involving  
839 ransomware or other cybersecurity-related incidents committed  
840 by our foreign adversaries: China, Russia, North Korea, and  
841 Iran.

842           This legislation is very timely, as just a few weeks ago  
843 the U.S. learned that Chinese Government hackers had breached  
844 major telecommunications companies and network service  
845 providers to steal credentials and harvest data.

846           Furthermore, just last week, in my home state of  
847 Florida, the Tampa Bay Times reported a Canadian man who was  
848 a member of a Russian cyber crime group pleaded guilty to  
849 user ransom to attack -- ransomware to attack companies,  
850 hospital systems, law enforcement entities, and universities

851 in 2020. This criminal hacked into a local company's  
852 network, costing them over \$1 million to respond to and  
853 address.

854 My bill will help Congress, the FTC, and other law  
855 enforcement entities better understand these attacks and  
856 learn how to better combat them.

857 I want to thank our subcommittee chair, Jan Schakowsky,  
858 for recently cosponsoring my legislation and helping me move  
859 it forward on a bipartisan basis. I really appreciate that.

860 It is a so very important bill, Mr. Chairman, and I urge  
861 my colleagues to support the legislation.

862 I yield back the balance of my time.

863 \*The Chairman. All right, and I thank the sponsor.

864 Does anyone else want to speak on this bill?

865 Ms. Schakowsky is recognized.

866 \*Ms. Schakowsky. Let me just say it has been a pleasure  
867 to support Mr. Bilirakis's bill, and I look forward to all of  
868 us voting for it.

869 I yield back.

870 \*The Chairman. I thank the gentlewoman. Anyone else?

871 We have no amendments. A recorded vote?

872 \*Mrs. Rodgers. Yes, please.

873 \*The Chairman. We will move to a recorded vote. The  
874 question now occurs -- I am sorry -- a recorded vote is  
875 ordered.

876           Those in favor of reporting H.R. 4551 to the House will  
877 say aye; those opposed will say no; and the clerk shall call  
878 the roll.

879           \*The Clerk. Mr. Rush?

880           [No response.]

881           \*The Clerk. Ms. Eshoo?

882           \*Ms. Eshoo. Eshoo votes aye.

883           \*The Clerk. Ms. Eshoo votes aye.

884           Ms. DeGette?

885           \*Ms. DeGette. DeGette votes aye.

886           \*The Clerk. Ms. DeGette votes aye.

887           Mr. Doyle?

888           \*Mr. Doyle. [Inaudible.]

889           \*The Clerk. Mr. Doyle votes aye.

890           Ms. Schakowsky?

891           \*Ms. Schakowsky. Votes aye.

892           \*The Clerk. Ms. Schakowsky votes aye.

893           Mr. Butterfield?

894           \*Mr. Butterfield. Butterfield votes aye.

895           \*The Clerk. Mr. Butterfield votes aye.

896           Ms. Matsui?

897           \*Ms. Matsui. Matsui votes aye.

898           \*The Clerk. Ms. Matsui votes aye.

899           Ms. Castor?

900           \*Ms. Castor. Aye.

901 \*The Clerk. Ms. Castor votes aye.  
902 Mr. Sarbanes?  
903 [No response.]  
904 \*The Clerk. Mr. McNerney?  
905 \*Mr. McNerney. [Inaudible.]  
906 \*The Clerk. Mr. McNerney votes aye.  
907 Mr. Welch?  
908 [No response.]  
909 \*The Clerk. Mr. Tonko?  
910 \*Mr. Tonko. Tonko of New York votes aye.  
911 \*The Clerk. Mr. Tonko votes aye.  
912 Ms. Clarke?  
913 [No response.]  
914 \*The Clerk. Mr. Schrader?  
915 \*Mr. Schrader. Schrader votes aye.  
916 \*The Clerk. Mr. Schrader votes aye.  
917 Mr. Cardenas?  
918 \*Mr. Cardenas. Cardenas votes aye.  
919 \*The Clerk. Mr. Cardenas votes aye.  
920 Mr. Ruiz?  
921 [No response.]  
922 \*The Clerk. Mr. Ruiz?  
923 \*Mr. Ruiz. Aye.  
924 [Pause.]  
925 \*Mr. Ruiz. Aye.

926 \*The Clerk. Mr. Ruiz votes aye.  
927 Mr. Peters?  
928 \*Mr. Peters. Peters votes aye.  
929 \*The Clerk. Mr. Peters votes aye.  
930 Mrs. Dingell?  
931 \*Mrs. Dingell. [Inaudible.]  
932 \*The Clerk. Mrs. Dingell votes aye.  
933 Mr. Veasey?  
934 [No response.]  
935 \*The Clerk. Ms. Kuster?  
936 \*Ms. Kuster. Kuster votes aye.  
937 \*The Clerk. Ms. Kuster votes aye.  
938 Ms. Kelly?  
939 \*Ms. Kelly. Kelly votes aye.  
940 \*The Clerk. Ms. Kelly votes aye.  
941 Ms. Barragan?  
942 \*Ms. Barragan. Barragan votes aye.  
943 \*The Clerk. Ms. Barragan votes aye.  
944 Mr. McEachin?  
945 \*Mr. McEachin. McEachin votes aye.  
946 \*The Clerk. Mr. McEachin votes aye.  
947 Ms. Blunt Rochester?  
948 \*Ms. Blunt Rochester. Blunt Rochester votes aye.  
949 \*The Clerk. Ms. Blunt Rochester votes aye.  
950 Mr. Soto?



951 \*Mr. Soto. Soto votes aye.  
952 \*The Clerk. Mr. Soto votes aye.  
953 Mr. O'Halleran?  
954 \*Mr. O'Halleran. O'Halleran votes aye.  
955 \*The Clerk. Mr. O'Halleran votes aye.  
956 Miss Rice?  
957 \*Miss Rice. Rice of New York votes aye.  
958 \*The Clerk. Miss Rice votes aye.  
959 Ms. Craig?  
960 \*Ms. Craig. Ms. Craig votes aye.  
961 \*The Clerk. Ms. Craig votes aye.  
962 Ms. Schrier?  
963 \*Ms. Schrier. Schrier votes aye.  
964 \*The Clerk. Ms. Schrier votes aye.  
965 Mrs. Trahan?  
966 \*Mrs. Trahan. Trahan votes aye.  
967 \*The Clerk. Mrs. Trahan votes aye.  
968 Mrs. Fletcher?  
969 \*Mrs. Fletcher. Fletcher votes aye.  
970 \*The Clerk. Mrs. Fletcher votes aye.  
971 Mrs. Rodgers?  
972 \*Mrs. Rodgers. Mrs. Rodgers votes aye.  
973 \*The Clerk. Mrs. Rodgers votes aye.  
974 Mr. Upton?  
975 \*Mr. Upton. Upton votes aye.

976 \*The Clerk. Mr. Upton votes aye.  
977 Mr. Burgess?  
978 \*Mr. Burgess. Burgess votes aye.  
979 \*The Clerk. Mr. Burgess votes aye.  
980 Mr. Scalise?  
981 [No response.]  
982 \*The Clerk. Mr. Latta?  
983 \*Mr. Latta. Aye.  
984 \*The Clerk. Mr. Latta votes aye.  
985 Mr. Guthrie?  
986 \*Mr. Guthrie. Aye.  
987 \*The Clerk. Mr. Guthrie votes aye.  
988 Mr. McKinley?  
989 [No response.]  
990 \*The Clerk. Mr. Kinzinger?  
991 [No response.]  
992 \*The Clerk. Mr. Griffith?  
993 [No response.]  
994 \*The Clerk. Mr. Bilirakis?  
995 \*Mr. Bilirakis. Bilirakis votes aye.  
996 \*The Clerk. Mr. Bilirakis votes aye.  
997 Mr. Johnson?  
998 \*Mr. Johnson. Aye.  
999 \*The Clerk. Mr. Johnson votes aye.  
1000 Mr. Long?

1001 \*Mr. Long. Aye.

1002 \*The Clerk. Mr. Long votes aye.

1003 Mr. Bucshon?

1004 [No response.]

1005 \*The Clerk. Mr. Mullin?

1006 \*Mr. Mullin. Aye.

1007 \*The Clerk. Mr. Mullin votes aye.

1008 Mr. Hudson?

1009 \*Mr. Hudson. Aye.

1010 \*The Clerk. Mr. Hudson votes aye.

1011 Mr. Walberg?

1012 \*Mr. Walberg. Aye.

1013 \*The Clerk. Mr. Walberg votes aye.

1014 Mr. Carter?

1015 \*Mr. Carter. Carter from Georgia votes aye.

1016 \*The Clerk. Mr. Carter votes aye.

1017 Mr. Duncan?

1018 [No response.]

1019 \*The Clerk. Mr. Palmer?

1020 \*Mr. Palmer. [Inaudible.]

1021 \*The Clerk. Mr. Palmer votes aye.

1022 Mr. Dunn?

1023 \*Mr. Dunn. Dunn votes aye.

1024 \*The Clerk. Mr. Dunn votes aye.

1025 Mr. Curtis?

1026 \*Mr. Curtis. [Inaudible.]

1027 \*The Clerk. Mr. Curtis votes aye.

1028 Mrs. Lesko?

1029 \*Mrs. Lesko. Aye.

1030 \*The Clerk. Mrs. Lesko votes aye.

1031 Mr. Pence?

1032 \*Mr. Pence. Aye.

1033 \*The Clerk. Mr. Pence votes aye.

1034 Mr. Crenshaw?

1035 [No response.]

1036 \*The Clerk. Mr. Joyce?

1037 \*Mr. Joyce. Aye.

1038 \*The Clerk. Mr. Joyce votes aye.

1039 Mr. Armstrong?

1040 \*Mr. Armstrong. Yes.

1041 \*The Clerk. Mr. Armstrong votes aye.

1042 Chairman Pallone?

1043 \*The Chairman. Pallone of New Jersey votes aye.

1044 \*The Clerk. Mr. Pallone votes aye.

1045 \*The Chairman. And other members that have come in --

1046 Mr. Veasey?

1047 \*Mr. Veasey. How am I recorded?

1048 \*The Clerk. Mr. Veasey is not recorded.

1049 \*Mr. Veasey. Aye.

1050 \*The Clerk. Mr. Veasey votes aye.

1051 \*Mr. Welch. Mr. Welch?

1052 \*The Clerk. Mr. Welch --

1053 \*Mr. Welch. Votes aye.

1054 \*The Clerk. Mr. Welch votes aye.

1055 \*Mr. Rush. Mr. Chairman, how am I --

1056 \*The Chairman. Mr. Crenshaw.

1057 \*The Clerk. Mr. Crenshaw votes aye.

1058 \*Mr. Rush. Mr. Chairman, how am I recorded?

1059 \*The Chairman. Oh, Mr. Rush.

1060 \*The Clerk. Mr. Rush is not recorded.

1061 \*Mr. Rush. Rush votes aye.

1062 \*The Clerk. Mr. Rush --

1063 \*Mr. Sarbanes. Sarbanes recorded?

1064 \*The Clerk. -- votes aye.

1065 \*Mr. Sarbanes. Sarbanes.

1066 \*The Clerk. Mr. Sarbanes is not recorded.

1067 \*Mr. Sarbanes. Sarbanes votes aye.

1068 \*The Clerk. Mr. Sarbanes votes aye.

1069 \*The Chairman. Anyone else who is not --

1070 \*Mr. Peters. Is Peters recorded?

1071 \*The Chairman. Who is that?

1072 \*Mr. Peters. Peters.

1073 \*The Chairman. Mr. Peters?

1074 \*The Clerk. Mr. Peters voted aye.

1075 \*Mr. Peters. Thank you.

1076 \*The Chairman. Mr. Bucshon?

1077 \*The Clerk. Mr. Bucshon is not recorded.

1078 \*The Chairman. Mr. Duncan?

1079 \*The Clerk. Mr. Duncan is not recorded.

1080 \*Mr. Duncan. Aye.

1081 \*The Clerk. Mr. Duncan votes aye.

1082 \*The Chairman. Anyone else?

1083 [Pause.]

1084 \*The Chairman. All right, now --

1085 \*Ms. Clarke. Mr. Chairman?

1086 \*The Chairman. Yes, Ms. Clarke?

1087 \*Ms. Clarke. How am I recorded?

1088 \*The Clerk. Ms. Clarke is not recorded.

1089 \*Ms. Clarke. Mr. Chairman, Ms. Clarke of New York votes

1090 aye.

1091 \*The Chairman. Thank you.

1092 \*The Clerk. Ms. Clarke votes aye.

1093 \*The Chairman. Anyone else that is on their way, to our

1094 knowledge? If not, we are going to close it.

1095 All right, the clerk will report the tally.

1096 \*The Clerk. On that vote the yeas were 53 and the nays

1097 were 0.

1098 \*The Chairman. Okay, the vote is 53 ayes to 0 noes,

1099 and, therefore, H.R. 4551 is reported to the full House.

1100 We will now go to H.R. 5313. The chair calls up H.R.

1101 5313, the Reese's Law, as forwarded by the Subcommittee on  
1102 Consumer Protection and Commerce, and the clerk will report  
1103 the bill.

1104 \*The Clerk. Committee print to H.R. 5313, a Bill to  
1105 protect children and other --

1106 \*The Chairman. And Madam Clerk, without objection, the  
1107 first reading of the bill will be dispensed with. The bill  
1108 is now considered as read.

1109 Without objection, the bill is considered as read and  
1110 open for amendment.

1111 [The bill follows:]

1112

1113 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1114

1115           \*The Chairman. But I don't believe we have any. Are  
1116 there any members seeking recognition to speak on the bill?

1117           Ms. Schakowsky is recognized.

1118           \*Ms. Schakowsky. Yes, I move to strike the last word.

1119           \*The Chairman. The gentlewoman is recognized for five  
1120 minutes.

1121           \*Ms. Schakowsky. So I just want to thank Trista  
1122 Hamsmith, the mom of -- Trista, who had the courage to come  
1123 here and tell this tragic story about her daughter losing her  
1124 life. I mean, it is just really incredible, the courage that  
1125 we have seen, especially in the Consumer Protection  
1126 Subcommittee, of parents who come to Congress and tell these  
1127 stories about their children, their loved ones losing their  
1128 lives so that they can prevent others.

1129           You know, these tiny batteries that the children ingest  
1130 are so incredibly dangerous. And the more that we are able  
1131 to not only know about this, but to be able to create the  
1132 warnings, high-profile situations that families can learn  
1133 from -- but I think so many of the bills that we have passed,  
1134 again, particularly in the Consumer Protection and Commerce  
1135 Subcommittee, are to the credit of the people who have  
1136 suffered the most and who turn their suffering into advocacy  
1137 and come here.

1138           And so, you know, I think we are just very fortunate in  
1139 being able to vote on this legislation today, and hopefully



1140 to save other lives. So I really look forward to doing that  
1141 in a unanimous way today.

1142 It has been too long that Reese has been gone. The bill  
1143 is named after her. And let's get to it.

1144 I yield back.

1145 \*The Chairman. I thank the gentlewoman. Anyone else?

1146 \*Ms. Kelly. Mr. Chairman?

1147 \*The Chairman. Oh, Mrs. Lesko. Mrs. Lesko is  
1148 recognized for five minutes.

1149 \*Mrs. Lesko. Thank you, Mr. Chair. I move to strike  
1150 the last word.

1151 \*The Chairman. The gentlewoman is recognized.

1152 \*Mrs. Lesko. Thank you, Mr. Chair.

1153 Often in Congress it is frustrating, because we feel  
1154 like we can't get things accomplished. This bill is an  
1155 exception. I am very thankful we have this bill. I do think  
1156 it will help save lives.

1157 And as I said in the subcommittee when this bill passed  
1158 out of subcommittee, we have instances in Arizona where very  
1159 young toddlers were severely injured. And, of course, we  
1160 heard about deaths from the swallowing of these button  
1161 batteries.

1162 And so, with that, I support the legislation, and I  
1163 yield back.

1164 \*The Chairman. I thank the gentlewoman.

1165 Ms. Kelly is recognized for five minutes.

1166 \*Ms. Kelly. I move to strike the last word.

1167 More than 3,000 children ingest button batteries every  
1168 year. The health impacts of swallowing these batteries can  
1169 be severe and, in many cases, result in death. And that, as  
1170 you know, was the outcome for Reese Hamsmith, who the bill is  
1171 named after. I believe this law will save countless  
1172 children's lives.

1173 This bill requires the Consumer Product Safety  
1174 Commission to create standards for button cell and coin  
1175 batteries often found in remote controls and other products  
1176 just lying around the house. It will prevent accidental  
1177 ingestions by requiring manufacturers to make compartments  
1178 containing button batteries inaccessible by children six  
1179 years of age and younger, and include warning labels on the  
1180 packaging of button cell batteries and the consumer products  
1181 that contain them.

1182 For these reasons I urge my colleagues on this committee  
1183 to support Reese's Law.

1184 With that, I yield back. Thank you.

1185 \*The Chairman. Thank you.

1186 Does anyone else want to speak on the bill?

1187 All right. We have no amendments, so we will go to a  
1188 recorded vote. All right. So a recorded vote is ordered.

1189 Those in favor of reporting H.R. 5313, as amended, to

1190 the House will say aye; those opposed will say no; and the  
1191 clerk shall call the roll.

1192 \*The Clerk. Mr. Rush?

1193 \*Mr. Rush. Rush votes aye.

1194 \*The Clerk. Mr. Rush votes aye.

1195 Ms. Eshoo?

1196 \*Ms. Eshoo. Eshoo votes aye.

1197 \*The Clerk. Ms. Eshoo votes aye.

1198 Ms. DeGette?

1199 \*Ms. DeGette. DeGette votes aye.

1200 \*The Clerk. Ms. DeGette votes aye.

1201 Mr. Doyle?

1202 \*Mr. Doyle. Yes.

1203 \*The Clerk. Mr. Doyle votes aye.

1204 Ms. Schakowsky?

1205 \*Ms. Schakowsky. Aye.

1206 \*The Clerk. Ms. Schakowsky votes aye.

1207 Mr. Butterfield?

1208 \*Mr. Butterfield. Butterfield votes aye.

1209 \*The Clerk. Mr. Butterfield votes aye.

1210 Ms. Matsui?

1211 \*Ms. Matsui. Matsui votes aye.

1212 \*The Clerk. Ms. Matsui votes aye.

1213 Ms. Castor?

1214 \*Ms. Castor. Aye.

1215 \*The Clerk. Ms. Castor votes aye.  
1216 Mr. Sarbanes?  
1217 \*Mr. Sarbanes. Sarbanes votes aye.  
1218 \*The Clerk. Mr. Sarbanes votes aye.  
1219 Mr. McNerney?  
1220 \*Mr. McNerney. Votes aye.  
1221 \*The Clerk. Mr. McNerney votes aye.  
1222 Mr. Welch?  
1223 \*Mr. Welch. Aye.  
1224 \*The Clerk. Mr. Welch votes aye.  
1225 Mr. Tonko?  
1226 \*Mr. Tonko. Tonko of New York votes aye.  
1227 \*The Clerk. Mr. Tonko votes aye.  
1228 Ms. Clarke?  
1229 \*Ms. Clarke. Clarke of New York votes aye.  
1230 \*The Clerk. Ms. Clarke votes aye.  
1231 Mr. Schrader?  
1232 \*Mr. Schrader. Schrader votes aye.  
1233 \*The Clerk. Mr. Schrader votes aye.  
1234 Mr. Cardenas?  
1235 \*Mr. Cardenas. Cardenas, I vote aye.  
1236 \*The Clerk. Mr. Cardenas votes aye.  
1237 Mr. Ruiz?  
1238 [No response.]  
1239 \*The Clerk. Mr. Peters?

1240 \*Mr. Peters. Peters votes aye.

1241 \*The Clerk. Mr. Peters votes aye.

1242 Mrs. Dingell?

1243 \*Mrs. Dingell. [Inaudible.]

1244 \*The Clerk. Mrs. Dingell votes aye.

1245 Mr. Veasey?

1246 \*Mr. Veasey. Veasey votes aye.

1247 \*The Clerk. Mr. Veasey votes aye.

1248 Ms. Kuster?

1249 \*Ms. Kuster. Kuster votes aye.

1250 \*The Clerk. Ms. Kuster votes aye.

1251 Ms. Kelly?

1252 \*Ms. Kelly. Kelly votes aye.

1253 \*The Clerk. Ms. Kelly votes aye.

1254 Ms. Barragan?

1255 \*Ms. Barragan. Barragan votes aye.

1256 \*The Clerk. Ms. Barragan votes aye.

1257 Mr. McEachin?

1258 \*Mr. McEachin. McEachin votes aye.

1259 \*The Clerk. Mr. McEachin votes aye.

1260 Ms. Blunt Rochester?

1261 \*Ms. Blunt Rochester. Blunt Rochester votes aye.

1262 \*The Clerk. Ms. Blunt Rochester votes aye.

1263 Mr. Soto?

1264 [No response.]

1265 \*The Clerk. Mr. O'Halleran?  
1266 \*Mr. O'Halleran. O'Halleran votes aye.  
1267 \*The Clerk. Mr. O'Halleran votes aye.  
1268 Miss Rice?  
1269 \*Miss Rice. Rice of New York votes aye.  
1270 \*The Clerk. Miss Rice votes aye.  
1271 Ms. Craig?  
1272 \*Ms. Craig. Ms. Craig votes aye.  
1273 \*The Clerk. Ms. Craig votes aye.  
1274 Ms. Schrier?  
1275 \*Ms. Schrier. Schrier votes aye.  
1276 \*The Clerk. Ms. Schrier votes aye.  
1277 Mrs. Trahan?  
1278 \*Mrs. Trahan. Trahan votes aye.  
1279 \*The Clerk. Mrs. Trahan votes aye.  
1280 Mrs. Fletcher?  
1281 \*Mrs. Fletcher. Fletcher votes aye.  
1282 \*The Clerk. Mrs. Fletcher votes aye.  
1283 Mrs. Rodgers?  
1284 \*Mrs. Rodgers. Mrs. Rodgers votes aye.  
1285 \*The Clerk. Mrs. Rodgers votes aye.  
1286 Mr. Upton?  
1287 \*Mr. Upton. Upton votes aye.  
1288 \*The Clerk. Mr. Upton votes aye.  
1289 Mr. Burgess?

1290 \*Mr. Burgess. Burgess votes aye.  
1291 \*The Clerk. Mr. Burgess votes aye.  
1292 Mr. Scalise?  
1293 [No response.]  
1294 \*The Clerk. Mr. Latta?  
1295 \*Mr. Latta. Aye.  
1296 \*The Clerk. Mr. Latta votes aye.  
1297 Mr. Guthrie?  
1298 \*Mr. Guthrie. Aye.  
1299 \*The Clerk. Mr. Guthrie votes aye.  
1300 Mr. McKinley?  
1301 [No response.]  
1302 \*The Clerk. Mr. Kinzinger?  
1303 [No response.]  
1304 \*The Clerk. Mr. Griffith?  
1305 [No response.]  
1306 \*The Clerk. Mr. Bilirakis?  
1307 \*Mr. Bilirakis. Bilirakis votes aye.  
1308 \*The Clerk. Mr. Bilirakis votes aye.  
1309 Mr. Johnson?  
1310 \*Mr. Johnson. Aye.  
1311 \*The Clerk. Mr. Johnson votes aye.  
1312 Mr. Long?  
1313 \*Mr. Long. Aye.  
1314 \*The Clerk. Mr. Long votes aye.

1315 Mr. Bucshon?  
1316 \*Mr. Bucshon. Aye.  
1317 \*The Clerk. Mr. Bucshon votes aye.  
1318 Mr. Mullin?  
1319 \*Mr. Mullin. Aye.  
1320 \*The Clerk. Mr. Mullin votes aye.  
1321 Mr. Hudson?  
1322 \*Mr. Hudson. Aye.  
1323 \*The Clerk. Mr. Hudson votes aye.  
1324 Mr. Walberg?  
1325 \*Mr. Walberg. Aye.  
1326 \*The Clerk. Mr. Walberg votes aye.  
1327 Mr. Carter?  
1328 \*Mr. Carter. Carter from Georgia votes aye.  
1329 \*The Clerk. Mr. Carter votes aye.  
1330 Mr. Duncan?  
1331 \*Mr. Duncan. Aye.  
1332 \*The Clerk. Mr. Duncan votes aye.  
1333 Mr. Palmer?  
1334 \*Mr. Palmer. Aye.  
1335 \*The Clerk. Mr. Palmer votes aye.  
1336 Mr. Dunn?  
1337 \*Mr. Dunn. Dunn votes aye.  
1338 \*The Clerk. Mr. Dunn votes aye.  
1339 Mr. Curtis?



1340 \*Mr. Curtis. [Inaudible.]

1341 \*The Clerk. Mr. Curtis votes aye.

1342 Mrs. Lesko?

1343 \*Mrs. Lesko. Aye.

1344 \*The Clerk. Mrs. Lesko votes aye.

1345 Mr. Pence?

1346 \*Mr. Pence. Aye.

1347 \*The Clerk. Mr. Pence votes aye.

1348 Mr. Crenshaw?

1349 [No response.]

1350 \*The Clerk. Mr. Joyce?

1351 \*Mr. Joyce. Aye.

1352 \*The Clerk. Mr. Joyce votes aye.

1353 Mr. Armstrong?

1354 \*Mr. Armstrong. Yes.

1355 \*The Clerk. Mr. Armstrong votes aye.

1356 Chairman Pallone?

1357 \*The Chairman. Pallone of New Jersey votes aye.

1358 \*The Clerk. Chairman Pallone votes aye.

1359 \*The Chairman. Mr. Crenshaw, I see, is here.

1360 \*Mr. Crenshaw. Crenshaw votes aye.

1361 \*The Clerk. Mr. Crenshaw votes aye.

1362 \*Mr. Ruiz. Mr. Chairman, how is Ruiz recorded?

1363 \*The Chairman. Mr. Ruiz?

1364 \*The Clerk. Mr. Ruiz is not recorded.

1365 \*Mr. Ruiz. Aye.

1366 \*The Clerk. Mr. Ruiz votes aye.

1367 \*Mr. Soto. Mr. Chairman --

1368 \*The Chairman. Mr. Soto --

1369 \*Mr. Soto. -- how is Mr. Soto recorded?

1370 \*The Chairman. Mr. Soto?

1371 \*The Clerk. Mr. Soto is not recorded.

1372 \*Mr. Soto. Soto votes aye.

1373 \*The Clerk. Mr. Soto votes aye.

1374 \*The Chairman. Anyone else who is not recorded and  
1375 wants to be?

1376 I don't think so. All right, the clerk will report the  
1377 tally.

1378 \*The Clerk. On that vote, Mr. Chairman, the yeas were  
1379 54 and the nays were 0.

1380 \*The Chairman. Okay, Madam Clerk, the vote is 54 ayes  
1381 to 0 noes and, therefore, H.R. 5313, as amended, is reported  
1382 to the full House.

1383 We will now go to H.R. 6290. The chair calls up H.R.  
1384 6290, the Manufacturing.gov Act, and the clerk will report  
1385 that bill.

1386 \*The Clerk. H.R. 6290, to provide for the establishment  
1387 of a section --

1388 \*The Chairman. Madam Clerk, without objection, the  
1389 first reading of the bill will be dispensed with. The bill

1390 is now considered as read.

1391 Without objection, the bill is considered as read and  
1392 open for amendment.

1393 [The bill follows:]

1394

1395 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1396

1397           \*The Chairman. I don't believe we have any amendments.

1398   No?

1399           Are there any members seeking recognition?

1400           Mr. Tonko is recognized for five minutes.

1401           \*Mr. Tonko. Mr. Chair, I move to strike the last word.

1402           \*The Chairman. The gentleman is recognized.

1403           \*Mr. Tonko. Thank you. As I indicated in my opening  
1404 statement, the Manufacturing.gov Act is a vital piece of  
1405 legislation that supports American manufacturers.

1406           By establishing this one-stop hub to centralize 58  
1407 different Federal manufacturing programs spanning some 11  
1408 Federal agencies, our local manufacturers will indeed have  
1409 the tools to easily identify Federal programs that will help  
1410 them grow and succeed. So I urge my colleagues to support  
1411 this simple but necessary bipartisan solution.

1412           And with that, I yield back, Mr. Chair, the balance of  
1413 my time.

1414           \*The Chairman. I thank the gentleman. Anyone on the  
1415 Republican side?

1416           If not, we will go to -- Mrs. Dingell is recognized for  
1417 five minutes.

1418           \*Mrs. Dingell. Thank you, Mr. Chairman. I move to  
1419 strike the last word.

1420           \*The Chairman. The gentlewoman is recognized.

1421           \*Mrs. Dingell. I have long fought for policies to

1422 support domestic manufacturing capacity, strengthening supply  
1423 chains, growing American jobs, and improving America's  
1424 competitiveness. The impact of COVID-19 underscored  
1425 vulnerabilities in our manufacturing base, and we must be  
1426 proactive in taking steps to promote further workforce  
1427 training, research and development, and supply chain  
1428 resilience in critical industries.

1429         The Manufacturing.gov Act will provide local  
1430 manufacturers and businesses with additional tools to fully  
1431 utilize critical Federal programs and -- these priorities.  
1432 This bipartisan legislation will provide a central location  
1433 connecting manufacturers to available Federal programs across  
1434 numerous agencies, allowing local manufacturers to leverage  
1435 these resources to unleash innovation and manufacturing  
1436 capacity.

1437         This hub will assist small businesses in identifying new  
1438 opportunities that will create jobs, strengthen our supply  
1439 chain, and grow our economy. This legislation has already  
1440 passed the Senate, and I applaud this opportunity to take  
1441 another step towards getting it signed into law.

1442         I would like to thank my colleagues on this committee  
1443 for their work on this legislation, and I urge all of my  
1444 colleagues to support the underlying bill.

1445         Thank you, and I yield back, Mr. Chairman.

1446         \*The Chairman. I thank the gentlewoman from Michigan.

1447 Does anyone else want to speak on this bill?

1448 Hearing none, we will have a --

1449 \*Mrs. Rodgers. Recorded vote, yes.

1450 \*The Chairman. -- recorded vote, okay. A recorded vote  
1451 is ordered.

1452 Those in favor of reporting H.R. 6290 to the House will  
1453 say aye; those opposed will say no; and the clerk shall call  
1454 the roll.

1455 \*The Clerk. Mr. Rush?

1456 [No response.]

1457 \*The Clerk. Ms. Eshoo?

1458 \*Ms. Eshoo. Eshoo votes aye.

1459 \*The Clerk. Ms. Eshoo votes aye.

1460 Ms. DeGette?

1461 \*Ms. DeGette. DeGette votes aye.

1462 \*The Clerk. Ms. DeGette votes aye.

1463 Mr. Doyle?

1464 \*Mr. Doyle. Yes.

1465 \*The Clerk. Mr. Doyle votes aye.

1466 Ms. Schakowsky?

1467 \*Ms. Schakowsky. Aye.

1468 \*The Clerk. Ms. Schakowsky votes aye.

1469 Mr. Butterfield?

1470 \*Mr. Butterfield. Butterfield votes aye.

1471 \*The Clerk. Mr. Butterfield votes aye.

1472 Ms. Matsui?  
1473 \*Ms. Matsui. Matsui votes aye.  
1474 \*The Clerk. Ms. Matsui votes aye.  
1475 Ms. Castor?  
1476 \*Ms. Castor. Aye.  
1477 \*The Clerk. Ms. Castor votes aye.  
1478 Mr. Sarbanes?  
1479 \*Mr. Sarbanes. Sarbanes votes aye.  
1480 \*The Clerk. Mr. Sarbanes votes aye.  
1481 Mr. McNerney?  
1482 \*Mr. McNerney. [Inaudible.]  
1483 \*The Clerk. Mr. McNerney votes aye.  
1484 Mr. Welch?  
1485 \*Mr. Welch. Aye.  
1486 \*The Clerk. Mr. Welch votes aye.  
1487 Mr. Tonko?  
1488 \*Mr. Tonko. Tonko of New York votes aye.  
1489 \*The Clerk. Mr. Tonko votes aye.  
1490 Ms. Clarke?  
1491 [No response.]  
1492 \*The Clerk. Mr. Schrader?  
1493 \*Mr. Schrader. Schrader votes aye.  
1494 \*The Clerk. Mr. Schrader votes aye.  
1495 Mr. Cardenas?  
1496 \*Mr. Cardenas. Cardenas is an aye.

1497 \*The Clerk. Mr. Cardenas votes aye.  
1498 Mr. Ruiz?  
1499 \*Mr. Ruiz. Aye. Ruiz votes aye.  
1500 \*The Clerk. Mr. Ruiz votes aye.  
1501 Mr. Peters?  
1502 \*Mr. Peters. Peters votes aye.  
1503 \*The Clerk. Mr. Peters votes aye.  
1504 Mrs. Dingell?  
1505 \*Mrs. Dingell. Aye.  
1506 \*The Clerk. Mrs. Dingell votes aye.  
1507 Mr. Veasey?  
1508 \*Mr. Veasey. Veasey votes aye.  
1509 \*The Clerk. Mr. Veasey votes aye.  
1510 Ms. Kuster?  
1511 \*Ms. Kuster. Kuster votes aye.  
1512 \*The Clerk. Ms. Kuster votes aye.  
1513 Ms. Kelly?  
1514 \*Ms. Kelly. Kelly votes aye.  
1515 \*The Clerk. Ms. Kelly votes aye.  
1516 Ms. Barragan?  
1517 \*Ms. Barragan. Barragan votes aye.  
1518 \*The Clerk. I am sorry, Ms. Barragan, could you repeat  
1519 your vote?  
1520 \*Ms. Barragan. Barragan [inaudible].  
1521 \*The Clerk. I am sorry, one more time.



1522 \*Ms. Barragan. Aye.  
1523 \*The Clerk. Ms. Barragan votes aye.  
1524 Mr. McEachin?  
1525 \*Mr. McEachin. McEachin votes aye.  
1526 \*The Clerk. Mr. McEachin votes aye.  
1527 Ms. Blunt Rochester?  
1528 \*Ms. Blunt Rochester. Blunt Rochester votes aye.  
1529 \*The Clerk. Ms. Blunt Rochester votes aye.  
1530 Mr. Soto?  
1531 \*Mr. Soto. Soto votes aye.  
1532 \*The Clerk. Mr. Soto votes aye.  
1533 Mr. O'Halleran?  
1534 \*Mr. O'Halleran. O'Halleran votes aye.  
1535 \*The Clerk. Mr. O'Halleran votes aye.  
1536 Miss Rice?  
1537 \*Miss Rice. Rice of New York votes aye.  
1538 \*The Clerk. Miss Rice votes aye.  
1539 Ms. Craig?  
1540 \*Ms. Craig. Craig votes aye.  
1541 \*The Clerk. Ms. Craig votes aye.  
1542 Ms. Schrier?  
1543 \*Ms. Schrier. Schrier votes aye.  
1544 \*The Clerk. Ms. Schrier votes aye.  
1545 Mrs. Trahan?  
1546 \*Mrs. Trahan. Trahan votes aye.

1547 \*The Clerk. Mrs. Trahan votes aye.  
1548 Mrs. Fletcher?  
1549 \*Mrs. Fletcher. Fletcher votes aye.  
1550 \*The Clerk. Mrs. Fletcher votes aye.  
1551 Mrs. Rodgers?  
1552 \*Mrs. Rodgers. [Inaudible.]  
1553 \*The Clerk. Mrs. Rodgers votes aye.  
1554 Mr. Upton?  
1555 \*Mr. Upton. Upton votes aye.  
1556 \*The Clerk. Mr. Upton votes aye.  
1557 Mr. Burgess?  
1558 \*Mr. Burgess. Burgess votes aye.  
1559 \*The Clerk. Mr. Burgess votes aye.  
1560 Mr. Scalise?  
1561 [No response.]  
1562 \*The Clerk. Mr. Latta?  
1563 \*Mr. Latta. [Inaudible.]  
1564 \*The Clerk. Mr. Latta votes aye.  
1565 Mr. Guthrie?  
1566 \*Mr. Guthrie. Aye.  
1567 \*The Clerk. Mr. Guthrie votes aye.  
1568 Mr. McKinley?  
1569 [No response.]  
1570 \*The Clerk. Mr. Kinzinger?  
1571 [No response.]

1572 \*The Clerk. Mr. Griffith?  
1573 [No response.]  
1574 \*The Clerk. Mr. Bilirakis?  
1575 \*Mr. Bilirakis. Bilirakis votes aye.  
1576 \*The Clerk. Mr. Bilirakis votes aye.  
1577 Mr. Johnson?  
1578 \*Mr. Johnson. Aye.  
1579 \*The Clerk. Mr. Johnson votes aye.  
1580 Mr. Long?  
1581 \*Mr. Long. Aye.  
1582 \*The Clerk. Mr. Long votes aye.  
1583 Mr. Bucshon?  
1584 \*Mr. Bucshon. Aye.  
1585 \*The Clerk. Mr. Bucshon votes aye.  
1586 Mr. Mullin?  
1587 [No response.]  
1588 \*The Clerk. Mr. Hudson?  
1589 \*Mr. Hudson. Aye.  
1590 \*The Clerk. Mr. Hudson votes aye.  
1591 Mr. Walberg?  
1592 \*Mr. Walberg. Aye.  
1593 \*The Clerk. Mr. Walberg votes aye.  
1594 Mr. Carter?  
1595 \*Mr. Carter. Carter from Georgia votes aye.  
1596 \*The Clerk. Mr. Carter votes aye.

1597 Mr. Duncan?

1598 \*Mr. Duncan. Aye.

1599 \*The Clerk. Mr. Duncan votes aye.

1600 Mr. Palmer?

1601 [No response.]

1602 \*The Clerk. Mr. Dunn?

1603 \*Mr. Dunn. Dunn votes aye.

1604 \*The Clerk. Mr. Dunn votes aye.

1605 Mr. Curtis?

1606 \*Mr. Curtis. [Inaudible.]

1607 \*The Clerk. Mr. Curtis votes aye.

1608 Mrs. Lesko?

1609 \*Mrs. Lesko. Aye.

1610 \*The Clerk. Mrs. Lesko votes aye.

1611 Mr. Pence?

1612 \*Mr. Pence. Aye.

1613 \*The Clerk. Mr. Pence votes aye.

1614 Mr. Crenshaw?

1615 [No response.]

1616 \*The Clerk. Mr. Joyce?

1617 \*Mr. Joyce. Aye.

1618 \*The Clerk. Mr. Joyce votes aye.

1619 Mr. Armstrong?

1620 \*Mr. Armstrong. Yes.

1621 \*The Clerk. Mr. Armstrong votes aye.

1622 Chairman Pallone?

1623 \*The Chairman. Pallone of New Jersey votes aye.

1624 \*The Clerk. Mr. Pallone votes aye.

1625 \*The Chairman. Anyone --

1626 \*Ms. Clarke. Mr. Chairman --

1627 \*The Chairman. Yes, Ms. Clarke?

1628 \*Mr. Mullin. Mr. Chairman?

1629 \*Ms. Clarke. How am I recorded?

1630 \*The Clerk. Ms. Clarke is not recorded.

1631 \*Ms. Clarke. Mr. Chairman, Clarke from New York votes

1632 aye.

1633 \*Mr. Mullin. Mr. Chairman --

1634 \*The Clerk. Ms. Clarke votes aye.

1635 \*Mr. Mullin. -- how am I recorded?

1636 \*The Chairman. Mr. --

1637 \*Mr. Mullin. Mullin.

1638 \*The Chairman. Mr. Mullin?

1639 \*The Clerk. Mr. Mullin is not recorded.

1640 \*Mr. Mullin. I vote aye.

1641 \*The Clerk. Mr. Mullin votes aye.

1642 \*Mr. Rush. Mr. Rush --

1643 \*The Chairman. Mr. Palmer?

1644 \*Mr. Rush. Chairman?

1645 \*The Clerk. Mr. Palmer is not recorded.

1646 \*Mr. Palmer. Aye.

1647 \*The Clerk. Mr. Palmer votes aye.

1648 \*The Chairman. Mr. Rush?

1649 \*Mr. Rush. How am I recorded?

1650 \*The Clerk. Mr. Rush is not recorded.

1651 \*Mr. Rush. Rush votes aye.

1652 \*The Clerk. Mr. Rush votes aye.

1653 \*The Chairman. Mr. Crenshaw, have you been recorded?

1654 \*The Clerk. Mr. Crenshaw votes aye.

1655 \*The Chairman. Anyone else who is not recorded and  
1656 wants to be? I don't think so.

1657 The clerk will report the tally.

1658 \*The Clerk. On that vote the yeas were 54 and the nays  
1659 were 0.

1660 \*The Chairman. So the vote, Madam Clerk, is 54 ayes to  
1661 0 noes and, therefore, H.R. 6290 is reported to the House.

1662 All right, next we are going to go -- there aren't going  
1663 to be any votes, apparently, until at least another hour. So  
1664 we are going to go to the data privacy bill.

1665 The chair calls up H.R. 8152, the American Data Privacy  
1666 and Protection Act, as forwarded by the Subcommittee on  
1667 Consumer Protection and Commerce, and the clerk will report  
1668 the title of the bill.

1669 \*The Clerk. Committee print to H.R. 8152, a bill to  
1670 provide consumers with foundational --

1671 \*The Chairman. And Madam Clerk, without objection, the

1672 first reading of the bill would be dispensed with. The bill  
1673 is now considered as read.

1674 Without objection, the bill is considered as read and  
1675 open for amendment at any point.

1676 [The bill follows:]

1677

1678 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

1679

1680           \*The Chairman. And we do have amendments, including an  
1681 AINS. I guess we will start if any member wants to speak on  
1682 the underlying bill before we go to the AINS. Does anyone  
1683 want to speak on the underlying bill?

1684           Ms. Schakowsky -- we will go by seniority -- Ms.  
1685 Schakowsky?

1686           \*Ms. Schakowsky. Thank you. Just briefly, I had an  
1687 opening statement, and I think perhaps the most important  
1688 thing that I said is that, after years of work in this  
1689 committee and across the Congress, and with all the  
1690 stakeholders, we have finally come up with a landmark  
1691 compromise -- the word being compromise.

1692           This has been a lot of work, bringing all these  
1693 stakeholders together. And I know that probably almost  
1694 everyone could find something that they wish were different  
1695 in the bill. On the other hand, I do think that we do have a  
1696 mandate from the American people, who are just fed up now  
1697 with the lack of privacy online, are welcoming that we are  
1698 going to be protecting children in a way that we haven't had  
1699 before, that we are going to be ending discrimination online,  
1700 which has been a problem, and that there will be confidence  
1701 now for the American people.

1702           And so, you know, I am happy to hear what the amendments  
1703 are, but I hope at the end of the day we are going to be able  
1704 to put out a bill that is going to be welcomed by the vast



1705 majority of Americans.

1706 And with that, I yield back.

1707 \*The Chairman. I thank the gentlewoman, and for all her  
1708 hard work, as well.

1709 Ranking Member Mrs. Rodgers is recognized for five  
1710 minutes.

1711 \*Mrs. Rodgers. Thank you, Mr. Chairman. I appreciated  
1712 the comments of the subcommittee chair, as well as full  
1713 committee chair. Mr. Pallone, I appreciate your partnership  
1714 in bringing this legislation forward today. I join in  
1715 believing that this is very important for the American  
1716 people. There has been a lot of work done to get to this  
1717 place.

1718 A big thank you to my colleagues on both sides of the  
1719 aisle. I mentioned Chair Schakowsky. I also want to give  
1720 recognition to the ranking Republican, Gus Bilirakis, for his  
1721 commitment, his leadership on doing the hard work necessary.

1722 I often talk about plowing the hard ground necessary to  
1723 legislate. And we are all proud of the tradition of this  
1724 committee. And it is very important, on behalf of the  
1725 American people, that we do this work.

1726 I want to express appreciation to all the committee  
1727 members, all the stakeholders -- there has been a lot of  
1728 feedback, constructive feedback necessary to move a bill like  
1729 this through committee. A big thank you to the staff and,

1730 especially, on our side, Tim Kurth and Brannon Rains, for  
1731 their commitment to go title by title, section by section,  
1732 all the details necessary.

1733 But I believe that this is a bill that we can support,  
1734 bipartisan, a bill that is going to be an important signal to  
1735 the country that we are moving historic national privacy data  
1736 security framework to the floor.

1737 I support the AINS, as it reflects the bipartisan  
1738 agreement to continue to improve this solution as it goes  
1739 through the legislative process. This committee has worked  
1740 for years to achieve a bipartisan Federal privacy and data  
1741 security standard, and the American Data Privacy and  
1742 Protection Act is a result of these negotiations.

1743 It will prohibit Big Tech from tracking, predicting, and  
1744 manipulating people's behaviors for profit without their  
1745 consent.

1746 It gives people the choice to turn off targeted  
1747 advertising, requires Big Tech to be transparent with the  
1748 American people if their personal information is stored or  
1749 accessed in countries like China.

1750 It provides stronger protections for kids, and more  
1751 tools for parents than any state law provides. This is a top  
1752 concern of parents in my district and across the country.  
1753 Companies will face real consequences if they track their  
1754 kids' data, create dangerous algorithms, or use that

1755 information to tailor their news feeds and exploit our  
1756 children for profit.

1757 Our bill also gives Americans control over their  
1758 information online, while protecting small businesses and  
1759 innovators. It gives people control to access, correct,  
1760 delete, and move their data to another platform.

1761 On the -- under the American Data Privacy and Protection  
1762 Act, Americans will have stronger privacy and data security  
1763 protections, and puts them in control of their data. And all  
1764 of these protections will not change if they cross state  
1765 lines. That means people's sensitive information like  
1766 location data, search history, health information, credit  
1767 card purchases, information on their smartphone, and data on  
1768 their children will be kept private. Innovators and small  
1769 businesses will have clear rules to navigate and succeed.  
1770 Big Tech companies will not be able to exploit a patchwork to  
1771 become bigger and more powerful.

1772 This is the closest that we have ever come to  
1773 establishing a strong national standard, a standard that the  
1774 American people have said for a long time is urgently needed.

1775 Once again, just a big thank you to everyone who has  
1776 been involved in getting us to this point. A big thank you  
1777 to the chairman of the committee for his commitment, his  
1778 leadership in bringing us all together and guiding us to this  
1779 place.

1780 I urge support, look forward to working through all of  
1781 the amendments, and I yield back.

1782 \*The Chairman. Let me thank the ranking member. I  
1783 certainly couldn't have said any better than what you said,  
1784 why this is a good bill. So thank you again.

1785 Is there anyone on the Democratic side?

1786 Mr. McNerney is recognized for five minutes.

1787 \*Mr. McNerney. Well, I thank the chairman and I want to  
1788 thank the ranking members and leaders, chairs of the  
1789 subcommittees, the full committees for this, and the staff.  
1790 I know this staff has been working very hard on this.

1791 This is a bill, a law that is long overdue. It is badly  
1792 needed. I have spoken to stakeholders and industry on  
1793 privacy concerns here and overseas, and they all are strongly  
1794 urging leadership from this committee. So I appreciate that.

1795 I have been involved in artificial intelligence. I have  
1796 been developing an expertise in that. And I can tell you we  
1797 need privacy to begin to get our hands around artificial  
1798 intelligence, and to make that a positive, beneficial  
1799 technology. So I really applaud the committee again for  
1800 doing that.

1801 And with that -- I don't think -- if we don't pass it  
1802 now, I don't think we are going to have a chance to pass this  
1803 for a good long time again. So I urge the committee to  
1804 support this.

1805 I yield back.

1806 \*The Chairman. I thank the gentleman. Mr. Upton is  
1807 recognized for five minutes.

1808 \*Mr. Upton. Well, thank you, Mr. Chairman. This issue  
1809 has been around for a long time, even before I was chair, so  
1810 I congratulate you on trying to get a bill that is  
1811 bipartisan, and I really want to thank the -- clearly, the  
1812 staff, but specifically you and our leader, CMR, for making  
1813 some positive changes, particularly since we had the markup  
1814 in subcommittee just a couple of weeks ago.

1815 I referenced then the section 104 on loyalty programs  
1816 and 302 third-party service providers, important changes, and  
1817 they got fixed. So thank you.

1818 But I am going to vote yes to move this process forward,  
1819 but I still have a number of concerns. Remember, we only saw  
1820 the lengthy AINS just in the last 24 to 36 hours ago.

1821 As folks in this committee know -- and around the  
1822 country, frankly -- biomedical research and innovation is  
1823 clearly a -- very important to all of us. And I am concerned  
1824 that the AINS, as written, is going to actually -- could harm  
1825 the research by restricting the use of health data in  
1826 clinical trials. So I am pleased to see that there is an  
1827 amendment that is being offered that is going to address some  
1828 of those concerns, but -- it is a positive step, however the  
1829 language does fall short, and many of the current clinical

1830 trials and studies would not be considered permissible  
1831 purposes, even though they are conducted in accordance with  
1832 longstanding Federal standards, and subject to the review and  
1833 oversight of an independent ethics board.

1834         So I would like to think that we can refine -- further  
1835 refine that language to include broad, specific exemptions  
1836 tied to these existing standards so that companies can  
1837 continue groundbreaking medical research in the U.S. to find  
1838 cures for these diseases.

1839         Everybody knows that I am from Michigan, the auto state.  
1840 I am concerned -- and again, this is all news that came about  
1841 just in the last couple of days, but I am concerned that the  
1842 bill could have an impact on how the bill interacts with the  
1843 Driver's Privacy Protection Act, the DPPA, an important  
1844 privacy law for drivers currently on the books. I am worried  
1845 that the bill does not make an exemption for DPPA, which  
1846 already outlaws the use of personal driver information for  
1847 marketing purposes, but does allow data to be used for things  
1848 like motor vehicle recall research, outreach, emissions  
1849 compliance, and auto dealer planning efforts.

1850         So I would like to think that we could find some changes  
1851 to take DPPA into account, and remember well -- one of my  
1852 first legislative issues was the TREAD Act, successful TREAD  
1853 Act, as it related to the issue between Firestone and Ford  
1854 taking more than 100 deaths back in the nineties.

1855           Finally, I will just stake out that I am concerned about  
1856 how the bill is going to potentially interact with states  
1857 like California. I know there was pressure to exempt  
1858 California from the bill. I am pleased with the committee's  
1859 efforts to include strong Federal preemption, but I am  
1860 concerned that it allows California's state privacy  
1861 regulation body to enforce Federal law. I want to say that  
1862 any opportunity -- any successful attempt by the leadership  
1863 or others to exempt -- further exempt California from the  
1864 bill prior to floor action is going to impact my decision on  
1865 whether or not I can vote for the bill on the floor. But I  
1866 am going to vote yes today.

1867           Again, I want to applaud all of the efforts to get this  
1868 process moving. I am glad that our committee is taking this  
1869 by the horns, and moving forward.

1870           And with that, I yield back.

1871           \*The Chairman. Thank you.

1872           A Democrat?

1873           Ms. Clarke, virtually.

1874           \*Ms. Clarke. Thank you very much, Mr. Chairman, and let  
1875 me just congratulate colleagues [inaudible] you, Mr.  
1876 Chairman, the ranking member, our subcommittee chair and  
1877 ranking member for advancing what we know will be  
1878 groundbreaking legislation in the United States, long  
1879 overdue.

1880           Our citizenry have been subjected to very unsavory  
1881 practices with respect to their privacy online. I would like  
1882 to acknowledge the work that I have done in the algorithmic  
1883 accountability space that looks at discrimination and bias,  
1884 and thank the committee for including portions of my  
1885 Algorithmic Accountability Act in this legislation.

1886           Again, it is groundbreaking. Again, you know, it is a  
1887 start. We are dealing with technology that is constantly  
1888 evolving, and we know that there are going to be actors out  
1889 there that are going to look to outsmart, outmaneuver,  
1890 outpace us in our desire to protect the American people.

1891           So I am proud to cast my vote in favor of this  
1892 legislation today.

1893           And, Mr. Chairman, I just ask if we -- if I can have a  
1894 letter from the Color of Change organization inserted into  
1895 the record. This letter speaks to a risk management  
1896 framework.

1897           And I yield back, Mr. Chairman.

1898           \*The Chairman. Thank you. We are going to wait until  
1899 the end to enter these various documents in the record,  
1900 because I don't have them all.

1901           \*Ms. Clarke. Very well.

1902           \*The Chairman. At the end we will do it.

1903           Now, I am going to go to -- Mr. Bilirakis is recognized  
1904 for five minutes.



1905           \*Mr. Bilirakis. Thank you, Mr. Chairman. I move to  
1906 strike the last word.

1907           \*The Chairman. The gentleman --

1908           \*Mr. Bilirakis. As I mentioned in my --

1909           \*The Chairman. -- is recognized.

1910           \*Mr. Bilirakis. -- opening statement, we have reached a  
1911 historic moment with a consideration of H.R. 8152, the  
1912 American Data Privacy and Protection Act. And I want to  
1913 thank you for your leadership, Mr. Chairman. I want to thank  
1914 -- and I really mean it -- I want to thank Cathy McMorris  
1915 Rodgers, a great friend, and -- just for her leadership, as  
1916 well, because it really has taken great leadership, and  
1917 giving us the opportunity.

1918           I know I am an original cosponsor on the bill, but all  
1919 the members have had an opportunity to give their input, and  
1920 they have made the bill better. They really have. So I am  
1921 very proud to be part of this legislative process. I really  
1922 am.

1923           This comprehensive privacy proposal establishes a strong  
1924 national framework to protect consumer privacy and data  
1925 security; give Americans more control and choice about how  
1926 their personal data is collected, used, and transferred; and  
1927 provide businesses with operational and regulatory certainty,  
1928 no matter where they are located in our country.

1929           I am proud we have been able to negotiate this bill in a

1930 bipartisan fashion and in good faith, and we have made great  
1931 strides to address the concerns that we have heard from  
1932 stakeholders.

1933           The product before us is a balanced and -- compromise  
1934 from both sides of the aisle. We will continue our work  
1935 today to address outstanding issues to ensure we don't  
1936 suffocate small businesses or stifle innovation for medical  
1937 research. But solving difficult policies is what our  
1938 committee has been known for, and what we do on a regular  
1939 basis, and I know we can do it again.

1940           This amendment, the AINS, continues to refine -- and we  
1941 haven't actually gone to the AINS yet, but I won't speak on  
1942 the AINS -- it continues to refine important provisions of  
1943 our agreement, providing more clarity and technical changes  
1944 to ensure that we are striking the right balance.

1945           In particular, I am glad to see businesses, particularly  
1946 our smaller businesses and local mom-and-pop stores that are  
1947 trying to do the right thing and make a living in our  
1948 communities, receive the additional protections and  
1949 safeguards, and I thought that was very necessary. Many  
1950 small businesses don't have the capability to constantly  
1951 watch their backs for lawsuits for alleged privacy  
1952 violations, and this amendment clarifies that those smaller  
1953 businesses will be excluded from civil actions from  
1954 individuals or groups of individuals, and allows them to

1955 continue to innovate and contribute to our economy.

1956           Through the preemption in our bill, we are also ensuring  
1957 that these entities don't have to abide by multiple standards  
1958 based on where they are, or where they live, or where their  
1959 customers live. Just like Americans' privacy and data  
1960 security protections should [sic] change based on their zip  
1961 code, then neither should businesses' obligations change.  
1962 That is why it is essential that our bill sets a preemptive  
1963 standard that ensures businesses won't have to worry about  
1964 complying with 50 state laws. It makes sense.

1965           I am also glad to see the amendment provides additional  
1966 clarification regarding retailer and restaurant discount and  
1967 loyalty programs, which are beneficial for both consumers and  
1968 companies who want to compete for their businesses. And I  
1969 know that Representative Upton, former chairman, really was -  
1970 - made a great addition to the bill.

1971           Additionally, I know we have made significant progress  
1972 to ensure we are retaining independent measurement of content  
1973 online, and am hopeful we can clarify this -- and this  
1974 includes TV and cable video content -- as this bill moves  
1975 forward.

1976           Lastly, I want to focus on -- let's see how much time --  
1977 I still have time -- lastly, I want to focus on the work we  
1978 have done to protect kids, which is an issue we all care  
1979 about on both sides of the aisle. This amendment represents

1980 a critical balance to prohibiting high-impact social media  
1981 companies from tracking children and targeting them with  
1982 advertisements, but also ensuring that smaller businesses are  
1983 guarded against the floodgates of frivolous lawsuits.

1984 Big Tech companies like TikTok, who have abused the  
1985 privacy rights of children for far too long, must now abide  
1986 by a new, tough legal standard that helps prevent abuse for  
1987 the sake of their profits -- or worse, for the sake of  
1988 foreign interests such as China.

1989 We are also further clarifying the role of law  
1990 enforcement, retaining the ability for Good Samaritan  
1991 cooperation to covered entities to share data with law  
1992 enforcement for certain purposes, but also protecting against  
1993 entities selling swaths of American data without cause.

1994 In closing, we have come a long way in enhancing this  
1995 bill. I want to thank Chairman Schakowsky, as well, for  
1996 working with me on this.

1997 I urge my colleagues to support the AINS and the final  
1998 underlying bill, and I yield back the balance of my time.  
1999 Thank you, Mr. Chairman.

2000 \*The Chairman. I thank the gentleman. Next we go to --  
2001 we have the chairwoman of the Health Subcommittee. Ms. Eshoo  
2002 is next, recognized for five minutes.

2003 \*Ms. Eshoo. Thank you, Mr. Chairman. I move to strike  
2004 the last word to speak on the AINS.

2005 California has the best privacy protections in the  
2006 country. Californians have certain inalienable rights to  
2007 access their personal information, delete that information,  
2008 and stop the sale of that information. They can opt out of  
2009 automated decision-making, and have the ability to limit the  
2010 use of sensitive information. California has an expert  
2011 agency dedicated to protecting the privacy and the data of  
2012 its people.

2013 I am concerned that the bill before us would threaten  
2014 California's privacy rights and protections. If the  
2015 objective of the Federal bill is to protect the privacy of  
2016 all Americans, I think it must first address three major  
2017 shortcomings.

2018 First, it should preserve the protections already  
2019 enshrined in state law, including California's. While I am  
2020 sensitive to industry concerns that we don't create a  
2021 patchwork system of regulations, Congress has historically  
2022 addressed this by allowing states to enact stronger  
2023 protections when practicable and compatible.

2024 Law after revered law has wrestled with the issue of  
2025 state versus Federal protections, and found a way to protect  
2026 state progress. For example, in the area of data protection,  
2027 HIPAA does not override state laws that provide individuals  
2028 with greater rights to their health information. In the area  
2029 of civil rights, the Civil Rights Act does not operate to the

2030 exclusion of state laws on the same subject matter. Even in  
2031 recent history of our committee, we wrestled with  
2032 preservation of state regulatory authority, including under  
2033 the Toxic Substances Control Act, TSCA.

2034         Preservation of state-level protections and authority  
2035 are neither a new issue or one that can't be solved. The  
2036 legislation should take head-on the new world women are  
2037 living in since June 24th, the date of the Dobbs decision,  
2038 which stripped the rights of women in our nation, and  
2039 potentially criminalized routine health care. The bill  
2040 before us has a major loophole that could allow law  
2041 enforcement to access private data to go after women. For  
2042 example, under this bill a sinister prosecutor in a state  
2043 that criminalizes abortion could use against women their  
2044 intimate data from search histories or from reproductive  
2045 health apps. That loophole, in my view, must be addressed.

2046         Thirdly, the Federal bill should build upon, rather than  
2047 diminish state-level enforcement activities. The rights that  
2048 Americans enjoy are absolutely empty without proper  
2049 enforcement of the rights. California has an expert agency  
2050 whose sole purpose is to ensure California consumers are  
2051 protected from the exploitation and misuse of their personal  
2052 information. It has the authority to issue rules, audit  
2053 businesses, and levy fines. This Federal bill, in my view,  
2054 and the view of others, would compromise California's state

2055 agencies' ability to enforce the law by creating ambiguity  
2056 over the state's agencies' authority to defend California's  
2057 constitutional right to privacy. It would also place major  
2058 enforcement responsibilities on the historically  
2059 under-resourced FTC.

2060 Others who have concerns are California's governor, the  
2061 California attorney general, and the California Privacy  
2062 Protection Agency. On the enforcement -- on the issue  
2063 enforcement, nine other attorneys general agree with what I  
2064 am sharing with you, including those from Illinois, the State  
2065 of Washington, New Jersey, Connecticut, Maine, Massachusetts,  
2066 Nevada, New Mexico, and New York.

2067 I ask unanimous consent, Mr. Chairman, to enter into the  
2068 record the letters from the governor of California, the state  
2069 attorneys general, and the California Privacy Agency.

2070 I recognize that this law would be an improvement for  
2071 much of the country, but I can't say the same for my  
2072 constituents and all Californians.

2073 So I thank you, Mr. Chairman, and I yield back.

2074 \*The Chairman. We are going to wait with the letters  
2075 into the record because I don't have some of them. So we  
2076 will wait until the end, and then we will do those.

2077 Anyone on the --

2078 \*Mr. Latta. Mr. Chairman?

2079 \*The Chairman. -- Republican side?

2080 Mr. Latta is recognized.

2081 \*Mr. Latta. Well, thank you, Mr. Chairman. I extend my  
2082 thanks to you, Ranking Member Rodgers, and our respective  
2083 staffs for the tireless work they have undertaken over the  
2084 last several weeks and months to incorporate feedback from a  
2085 wide variety of stakeholders, and efforts to strengthen the  
2086 legislation for us today.

2087 Since we last met during the subcommittee markup, this  
2088 legislation has been enhanced to ensure we will have a  
2089 workable national privacy standard. Notably, the definition  
2090 of sensitive covered data has been clarified to take on a  
2091 targeted approach which will ensure that information that  
2092 does not present a heightened risk to consumers, such as  
2093 video data, is not roped in to enhance restrictions.

2094 This AINS also ensures that data uses such as popular  
2095 customer loyalty programs are protected. It is vitally  
2096 important that we balance the protection of consumer data  
2097 with the utmost enjoyable parts of the online experience.

2098 I finally want to emphasize the importance of the work  
2099 we are doing to protect children from malicious practices  
2100 online. The safety of our children and the maintenance of  
2101 their privacy online has been one of the longest-standing  
2102 priorities that we have had.

2103 I look forward to supporting this AINS, and I yield back  
2104 the balance of my time. Thank you.



2105           \*The Chairman. I thank the gentleman from Ohio. Anyone  
2106 on the Democratic side?

2107           Ms. Matsui is recognized for five minutes.

2108           \*Ms. Matsui. Thank you very much, Mr. Chairman. I move  
2109 to strike the last word.

2110           \*The Chairman. The gentlewoman is recognized.

2111           \*Ms. Matsui. Thank you. Since the start of these  
2112 discussions, one thing has been clear: the California  
2113 delegation is committed to protecting our state's progress  
2114 and its ability to lead.

2115           From technology to climate change and beyond, our state  
2116 has secured gains that have benefited the rest of the  
2117 country. California's pioneer work to rein in dirty vehicle  
2118 emissions have benefits that extend far beyond our borders.  
2119 We have used our market share, expertise, and, most  
2120 importantly, a Clean Air Act waiver to pursue policies that  
2121 benefit all Americans and strengthen our fight against the  
2122 climate crisis.

2123           The regulatory framework has allowed California to move  
2124 our country forward and serve as a backstop when the  
2125 administration couldn't or wouldn't act. I believe this  
2126 ability to continue to raise the bar on privacy is vital for  
2127 California and the nation. Unfortunately, as drafted, this  
2128 bill does not preserve that ability. By foreclosing  
2129 California's ability to act, I believe we are doing my state

2130 and the country a profound disservice.

2131           Thanks to California voters and many of my constituents,  
2132 California is home to the first data protection agency in the  
2133 United States, and our voters and legislature have shown a  
2134 willingness to act. I don't believe they should be  
2135 hamstrung. As technology progresses, courts change  
2136 interpretation of settled law, or administrations come and  
2137 go, California must remain a voice for consumers everywhere.

2138           Governor Newsom, Speaker Rendon, and our state's privacy  
2139 authority all have severe concerns about this bill and its  
2140 effect on California, concerns that I share. Quite simply,  
2141 without additional changes, it does not have my support on  
2142 the floor.

2143           Having said that, from the subcommittee markup today I  
2144 believe meaningful progress was made, and I believe that  
2145 trajectory holds. Chairman Pallone has shown a genuine  
2146 interest and commitment in meeting the needs of the  
2147 California delegation, and I want to continue that  
2148 discussion. So that is what I will be voting for today:  
2149 more discussion. Because we are not there yet.

2150           This process has shown that compromise can be achieved,  
2151 and I hope it will be moving forward because we do have a  
2152 unique opportunity before us, a chance to enact powerful  
2153 consumer protections for all Americans, a goal I think we  
2154 should all share. So while I am voting yes, more work is

2155 needed. Because as it stands, I can't support this bill on  
2156 the floor.

2157 I am committed to working with all of my colleagues to  
2158 ensure that this bill protects not only my state of  
2159 California, but all Americans online.

2160 With that, Mr. Chairman, I yield the remainder of my  
2161 time.

2162 \*The Chairman. I thank the gentlewoman. On the  
2163 Republican side do we have any -- just -- we are still  
2164 talking about the underlying bill. Then we will move to the  
2165 AINS.

2166 Mrs. Lesko is recognized for five minutes.

2167 \*Mrs. Lesko. Thank you, Mr. Chair. I move to strike  
2168 the last word.

2169 \*The Chairman. The gentlewoman is recognized for five  
2170 minutes.

2171 \*Mrs. Lesko. It is time for individuals to have more  
2172 control over their private and personal information and data.

2173 I looked it up on Google, and it says on their page what  
2174 data Google may collect if a consumer downloads the Gmail  
2175 app: its purchases, location, contact information, contacts,  
2176 user content, search history, identifiers, usage data,  
2177 diagnostics, other data. Under the app functionality tab  
2178 Gmail links the following data to a consumer: purchases,  
2179 location, contact info, emails or text messages, photos or

2180 videos, audio data, search history, user ID, device ID,  
2181 product interaction, other data types -- which is not  
2182 explained, so we really have no idea what else is being  
2183 collected.

2184 I think a vast number of my constituents would agree  
2185 that they want more control over their own private and  
2186 personal information and data. They don't realize how it is  
2187 being shared and being sold.

2188 I also want to highlight an article that was written on  
2189 May 4th of 2022. It is entitled, "CDC Bought Cell Phone Data  
2190 to Track Vaccination Lockdown Compliance.'" It says "the  
2191 Centers for Disease Control and Prevention used location data  
2192 from tens of millions of Americans' phones to track  
2193 compliance with lockdown orders and vaccination efforts. The  
2194 CDC specifically monitored Americans' visits to churches and  
2195 schools, as well as detailed accounts of visits to  
2196 participating pharmacies for vaccine monitoring'", internal  
2197 documents from the Federal agency reveal.

2198 It goes on to say CDC wants to use the data for more  
2199 than monitoring coronavirus efforts. The CDC wrote that one  
2200 potential use of cell phone data would be research points of  
2201 interest for physical activity and chronic disease  
2202 prevention, such as visits to parks, gyms, or weight  
2203 management businesses. It also goes on to say in the article  
2204 pro-choice activists have also raised concerns that cell

2205 phone data from firms like Safe Graph can be used to track  
2206 women who visit abortion clinics.

2207 I think it is -- time has come to put in the hands of  
2208 individuals what they choose of their personal and private  
2209 information to share with others, and I support the  
2210 legislation.

2211 And I yield back.

2212 \*The Chairman. I thank the gentlewoman. Oh, Mrs.  
2213 Dingell is next, recognized for five minutes, the gentlewoman  
2214 from Michigan.

2215 \*Mrs. Dingell. Thank you, Mr. Chairman. I move to  
2216 strike the last word.

2217 \*The Chairman. The gentlewoman is recognized.

2218 \*Mrs. Dingell. Thank you, Mr. Chairman.

2219 Stakeholders across the spectrum from industry, consumer  
2220 protection groups, civil rights groups, and others have all  
2221 called for a strong, comprehensive data privacy law.  
2222 Consumers care about how their data is used, and I am  
2223 encouraged by this opportunity to make real, tangible,  
2224 bipartisan progress through the American Data Privacy and  
2225 Protection Act.

2226 Privacy is a fundamental right, and any comprehensive  
2227 privacy bill that comes out of this committee has to do the  
2228 following things: empower individuals to be the ultimate  
2229 arbiter of their data and how it is used; protect sensitive

2230 and personal information from being misused, including  
2231 medical information; keep kids safe online; prevent  
2232 discrimination against consumers and protected classes;  
2233 clarify the role and expectations of all stakeholders  
2234 involved in the collection, processing, and transfer of this  
2235 data; and provide accountability measures for lapses in  
2236 offering these protections which, as this committee has  
2237 examined, have become all too commonplace.

2238 I do believe this bill does all of these things. And I  
2239 want to thank all of my colleagues for working to get many of  
2240 these priorities addressed. Firstly -- and to work with me  
2241 on some real issues I was concerned about.

2242 Firstly, these data protections need to work for the  
2243 consumer. Individuals' data controls have to be accessible,  
2244 usable, easily utilized, and understood so that these tools  
2245 are not cumbersome for the consumer and simply unable to be  
2246 understood. We cannot allow overly burdensome or deceptive  
2247 design practices to diminish a consumer's ownership or  
2248 control of their data and obfuscate how platforms intend to  
2249 use their data.

2250 The American Data Privacy and Protection Act takes  
2251 significant steps in this regard to ensure that requests are  
2252 handled in a manner reasonably anticipated by the user,  
2253 requires platforms to mitigate privacy risk by design, as  
2254 well as outlines additional protections for potentially

2255 sensitive data.

2256           Included in the sensitive data categories are  
2257 protections for intimate images, particularly those known to  
2258 be non-consensual, and geolocation data, both of which are  
2259 crucial for ensuring the safety and security of survivors of  
2260 domestic violence and abuse, something I care deeply about.

2261           One additional issue we can all fundamentally agree on  
2262 when considering comprehensive privacy reform is that  
2263 protecting children and their data on these platforms must  
2264 remain a top priority. This legislation marks a first in  
2265 extending these protections to children, and significantly  
2266 teenagers. This committee has frequently highlighted the  
2267 ramifications of social media and data used on minors on  
2268 their physical and mental health. This legislation makes  
2269 welcome changes to ensure that these populations receive  
2270 additional protections, and that the unique risk posed by  
2271 children are aligned -- are integrated into entities'  
2272 privacy, practices, and design.

2273           I am proud that the most recent updates to this  
2274 legislation ensure that the biggest platforms are not  
2275 insulated from their responsibilities under the Act, should  
2276 they already reasonably know that a user is a minor. We know  
2277 from our work on this committee that some of the biggest  
2278 companies are aware that their platform or algorithms are  
2279 harmful to kids, and have shielded themselves from making

2280 meaningful changes by remaining willfully ignorant when they  
2281 should otherwise have known a user was a child.

2282         The most recent version of this legislation also makes  
2283 crucial clarifications to ensure that consent requirements  
2284 for data acquisition and use in non-traditional devices, such  
2285 as motor vehicles, are obtained in a practical manner that  
2286 consumers can expect.

2287         Furthermore, it ensures that any rulemaking or new  
2288 mechanisms established consider the capabilities of non-  
2289 traditional devices, which will protect important safety  
2290 features and innovative technologies in cars.

2291         As I said at the outset, all of us can agree we need a  
2292 comprehensive privacy bill. Bipartisanship is hard. I wish  
2293 it wasn't. But the absence of action is not an option. We  
2294 will not let the perfect get in the way of the good. The  
2295 American Data Privacy and Protection Act makes much-needed  
2296 changes that will protect consumers across this country. I  
2297 thank all of my colleagues on both sides of this committee  
2298 for their leadership and collaboration on this legislation.

2299         Thank you, Mr. Chairman, and I yield back.

2300         \*The Chairman. I thank the gentlewoman. Does a  
2301 Republican want to speak? We are still on the underlying  
2302 bill, and then we will go to the AINS.

2303         Mrs. Fletcher is -- of Texas is recognized for five  
2304 minutes.



2305            \*Mrs. Fletcher. Thank you, Chairman Pallone. Thanks to  
2306 you and Ranking Member McMorris Rodgers for convening this  
2307 markup on these important consumer protection bills.

2308            As a member of the Consumer Protection and Commerce  
2309 Subcommittee, I am really glad to see these bills before the  
2310 full committee today. And I thank Chairwoman Schakowsky and  
2311 Ranking Member Bilirakis and committee staff for their  
2312 leadership and work to draft the comprehensive data privacy  
2313 bill that is before us today.

2314            This legislation, as we have heard from other  
2315 colleagues, is truly a bipartisan achievement, and represents  
2316 a huge step forward for the rights of consumers. This bill  
2317 is about consumer control, giving Americans the knowledge and  
2318 power to choose what data is being collected, determine how  
2319 that data can be used, and seek recourse when it is used  
2320 improperly.

2321            We have all read the headlines about data breaches, big  
2322 and small, that put individuals at risk through no fault of  
2323 their own. And I know we have also seen the headlines that  
2324 others have referred to about the sale of data by data  
2325 brokers that consumers and all of us really didn't know was  
2326 for sale. This bill gives the power back to consumers, so  
2327 that they can determine how much of their data is available  
2328 and how it can be used.

2329            With this legislation, each American can decide if

2330 companies can collect their sensitive data, including  
2331 information about health care conditions, debit or credit  
2332 card numbers, Social Security numbers, all kinds of things.  
2333 Each American can decide if companies can keep any data that  
2334 they have already collected, and each American can decide if  
2335 their data can be transferred or sold to other companies.  
2336 And if a company illegally handles their data, Americans have  
2337 a right to sue for damages that that causes.

2338         This is a meaningful and important achievement, and I  
2339 thank my colleagues for all the effort and work on this bill  
2340 that we are considering today.

2341         At this moment we are seeing challenges to the right to  
2342 privacy that Americans have come to know and expect in so  
2343 many areas of our lives, especially in our most personal,  
2344 private, most important decisions. Today's bill represents  
2345 important work to protect our data privacy, but we still have  
2346 work to do to prevent -- to protect the fundamental privacy  
2347 rights of all Americans in this and other aspects of our  
2348 lives. And I look forward to working with my colleagues on  
2349 this committee to do so.

2350         Thank you, and I yield back.

2351         \*The Chairman. We are going to now move to -- thank  
2352 you, Mrs. Fletcher.

2353         Dr. Joyce wants to be recognized for five minutes on the  
2354 underlying bill. The gentleman is recognized.

2355           \*Mr. Joyce. Mr. Chairman, I move to strike the last  
2356 word.

2357           \*The Chairman. The gentleman is recognized for five  
2358 minutes.

2359           \*Mr. Joyce. Thank you, Mr. Chair. I am willing to  
2360 offer my support for H.R. 8152, the American Data and Privacy  
2361 Protection Act.

2362           Now more than ever, we need to prevent Big Tech from  
2363 listening in on our conversations and collecting Americans'  
2364 data without their permission. This bill prevents personal  
2365 information from being accessed by harmful actors, including  
2366 the Chinese Communist Party. As we have seen over the last  
2367 month, this is occurring regularly, and needs to be stopped  
2368 immediately.

2369           I would urge all of my colleagues to support this, and I  
2370 look forward to working together.

2371           Thank you, and I yield back.

2372           \*The Chairman. Mr. Peters seeks recognition for five  
2373 minutes.

2374           \*Mr. Peters. Mr. Chairman, I move to strike the last  
2375 word.

2376           \*The Chairman. The gentleman is recognized.

2377           \*Mr. Peters. Mr. Chairman, I want to applaud you and  
2378 Ranking Member Rodgers, Ms. Schakowsky, Mr. Bilirakis for  
2379 putting together a comprehensive, bipartisan privacy bill,

2380 the American Data Privacy Protection Act.

2381       Securing a national privacy standard is paramount -- of  
2382 paramount importance for the 21st century. At no point in  
2383 history has so much information about ourselves been made  
2384 publicly available whether we consent to that or not.

2385       My home state of California has led the charge to secure  
2386 rights to privacy, and has served as inspiration for this  
2387 legislation and other state laws. And many of us in our  
2388 delegation have expressed concerns that this bill does not  
2389 adopt more of the California privacy law. I do appreciate  
2390 the chairman and his staff doing a lot to accommodate these  
2391 concerns in the AINS, and ideally we would take more of  
2392 California's law. It is really good, and does a lot to  
2393 protect my constituents, and I know that Ms. Eshoo will be  
2394 offering an amendment along those lines. But I would say  
2395 that this legislation today would not be possible without  
2396 California's pioneering work.

2397       However, I also recognize that a national standard means  
2398 we should have one standard, and it is -- it needs to be easy  
2399 for consumers and businesses to know what their rights and  
2400 responsibilities are. That means that the Federal standard  
2401 will necessarily require Federal preemption of the various  
2402 state standards. If we fail to enact a Federal standard, we  
2403 could have 50 different privacy laws, which would be a  
2404 disaster. One privacy -- one standard provides certainty and

2405 security for businesses and consumers. And we also know  
2406 without -- that, without these provisions, this would not be  
2407 a bipartisan bill.

2408 I note that there are three aspects of this bill that  
2409 give at least as much protection to California as current  
2410 law.

2411 First, the ADPPA builds on California's limitations on  
2412 how personal information can be used. It has landmark data  
2413 minimization protections which get beyond failed notice and  
2414 choice regimes, and meaningfully protect consumer privacy by  
2415 stopping the unnecessary collection of data in the first  
2416 place.

2417 Second, the bill includes robust anti-discrimination  
2418 protections, and requires big firms to test algorithms for  
2419 biases that affect access to and eligibility for a wide range  
2420 of essential needs including housing, employment, credit,  
2421 health care, education, and public accommodations.

2422 And third, California led on protecting kids online, and  
2423 the ADPPA expands these protections. All those under 15 must  
2424 opt in or have their parents opt in to have their data sold  
2425 in California. This legislation flatly prohibits targeted  
2426 advertising to anyone under 17, and creates an entire youth  
2427 and marketing division at the FTC. There is no state law in  
2428 California or elsewhere that protects kids online as much as  
2429 this bill.

2430           Finally, I generally don't like the idea of carve-outs  
2431 for various state laws, but the ones here are mostly focused  
2432 on giving maximum flexibility to states to enforce the same  
2433 Federal standard without creating inconsistencies in the  
2434 standard itself. Flexibility and enforcement makes sense to  
2435 me, and this bill specifically authorized the California  
2436 Privacy Protection Agency to be able to enforce this  
2437 legislation in the same way it otherwise enforces  
2438 California's law.

2439           We all live in the digital age. It is time we update  
2440 our laws to reflect that and provide protections for all  
2441 Americans. I look forward to the work that will go on  
2442 between now and when it is finally on the floor. I hope we  
2443 can get closer to the California standards that lead the  
2444 country, but I also hope we don't miss this opportunity.

2445           And Mr. Chairman, I thank you and I yield back.

2446           \*The Chairman. I thank the gentleman. Is there anyone  
2447 else on either side that wants to speak on the underlying  
2448 bill? Otherwise, we are going to go to the AINS.

2449           \*Ms. Schrier. Mr. Chairman?

2450           \*The Chairman. Yes.

2451           \*Ms. Schrier. I would like to speak --

2452           \*The Chairman. Ms. Schrier? Yes.

2453           \*Ms. Schrier. [Inaudible] I would like to speak --

2454           \*The Chairman. The gentlewoman from Washington State is

2455 recognized for five minutes.

2456           \*Ms. Schrier. Thank you, Mr. Chairman. I would like to  
2457 speak in support of this bipartisan legislation to shore up  
2458 online privacy.

2459           As a mom and a pediatrician, I am really concerned about  
2460 the impact of the internet and social media on our kids, and  
2461 also what that means for their privacy and protections long-  
2462 term. You know, from the moment our three-year-old picks up  
2463 our phone to do a little puzzle, that alters our digital  
2464 footprint. From the moment we share their birth announcement  
2465 or photos online, they are developing their own digital  
2466 footprint. So that means that, by the time they are 18, the  
2467 amount of data that companies have gathered might mean the  
2468 companies know just as much or more about our kids than we  
2469 do, as parents.

2470           And this bipartisan bill on privacy takes solid,  
2471 tangible steps to protect our kids online. A big one of  
2472 these is that companies must factor in the risks to  
2473 individuals under 17 in their privacy policies, practices,  
2474 procedures, and algorithmic design of large data holders.  
2475 This legislation finally makes kids a priority.

2476           I am glad to see specifically that part of this  
2477 legislation targets how algorithms affect our kids. These  
2478 algorithms determine what our children will see next when  
2479 they are online, and can have a dramatic, sometimes dangerous

2480 impact on children's mental health and resilience.

2481           We all have the right to strong privacy protections. We  
2482 have the right to know who is using our data, and what data  
2483 they are collecting, and what they are doing with it.

2484           Personally, I don't use social media, but I do use apps  
2485 on my phone for continuous blood glucose monitoring,  
2486 analyzing patterns, time and range, and for controlling my  
2487 insulin pump. They help me manage my diabetes well, and I am  
2488 so grateful that this technology exists to help me stay  
2489 healthy. Using technology to collect data is extremely  
2490 useful in so many ways, but that biometric information is my  
2491 personal information, and I should be the one to decide who  
2492 and in what way -- gets to see that.

2493           For example, it could be used for advertising purposes,  
2494 sending ads for blood glucose monitors or insulin discounts  
2495 to me. But could it also be used to affect health insurance  
2496 rates or car insurance rates? And that is why it is so  
2497 important that this bill protects us from the collection of  
2498 sensitive data. Our health, financial, and personal  
2499 information should be protected.

2500           And this bill also protects data around other parts of  
2501 our identities, like race, ethnicity, genetic information,  
2502 and location. You know, this right to data privacy puts us  
2503 back in the driver's seat. It will protect our children as  
2504 they navigate the Web, and it will allow us to control who



2505 gets access to our private information.

2506 Thank you, and I yield back.

2507 \*The Chairman. I thank the gentlewoman. I think we are  
2508 going to move to the AINS. So I now --

2509 \*Mr. Ruiz. Mr. Chair?

2510 \*The Chairman. Mr. Cardenas?

2511 \*Mr. Ruiz. No, Ruiz.

2512 \*The Chairman. Mr. Ruiz is --

2513 \*Mr. Ruiz. Yes, sir.

2514 \*The Chairman. Do you want to speak on the underlying  
2515 bill?

2516 \*Mr. Ruiz. Yes.

2517 \*The Chairman. You are recognized --

2518 \*Mr. Ruiz. Yes --

2519 \*The Chairman. -- recognized for five minutes.

2520 \*Mr. Ruiz. Thank you. I want to start by thanking this  
2521 committee for all of the hard work that you have done on this  
2522 critical issue.

2523 This bill represents a tremendous step forward in  
2524 developing a national standard for data privacy to protect  
2525 consumers, and it contains a number of smart provisions, like  
2526 prohibiting companies from collecting data that is completely  
2527 unrelated from what the company needs to provide the service.  
2528 That should be the standard --

2529 [Pause.]

2530           \*The Chairman. Is there anything we can do to get him  
2531 back?

2532           [Pause.]

2533           \*Mr. Doyle. I thought he made his point well.

2534           \*The Chairman. Is there --

2535           \*Mr. Ruiz. -- that they deserve, and everyone in our  
2536 country should have similar protections.

2537           Did you guys miss me, or --

2538           \*The Chairman. We missed a little bit. You can repeat  
2539 or just move on, whatever you want to do.

2540           \*Mr. Ruiz. Yes, okay. I will just start at this part:  
2541 And it contains a number of smart provisions, like  
2542 prohibiting companies from collecting data that is completely  
2543 unrelated from what the company needs to provide the service.  
2544 That can be the standard for the country.

2545           And as a member from California, I especially am aware  
2546 of how important data privacy is. Our legislature and our  
2547 citizens have been leading the country on this topic, first  
2548 with the passage of the California Consumer Privacy Act; and  
2549 then later with the California privacy rights. These two  
2550 bills gave Californians the rights over their data that they  
2551 deserve. And everyone in our country should have similar  
2552 protections from Big Tech collecting data they don't need and  
2553 selling it without permissions.

2554           I do believe that we should work with California to

2555 ensure the highest levels of protection in this legislation,  
2556 particularly since California helped lead the way to  
2557 establish these rights. I know that this committee has been  
2558 taking these concerns into account, and trying to make as  
2559 many changes as possible to address them. This latest  
2560 substitute amendment makes a number of important changes that  
2561 gets us closer to where we need to be. However, I am very  
2562 hopeful that this committee will continue to work with  
2563 California and the California Privacy Protection Agency to  
2564 address their concerns.

2565 I know that this process has been a collaborative  
2566 effort, and one that has brought together a number of  
2567 stakeholders who don't always agree. I believe that this  
2568 committee will continue that approach to address California's  
2569 concerns, and make this a bill as strong as it possibly can  
2570 be as it moves forward through the legislative process.

2571 I will support this bill today because I believe it is  
2572 an important step forward in ensuring that consumers across  
2573 the country are protected, and their data secure. And I will  
2574 support efforts to ensure that Californians have the  
2575 protections they voted for.

2576 With that, I yield the balance -- I yield back the  
2577 balance of my time.

2578 \*The Chairman. Thank you, Dr. Ruiz. Mr. Hudson is  
2579 recognized.

2580           \*Mr. Hudson. Mr. Chairman, I move to strike the last  
2581 word.

2582           \*The Chairman. The gentleman is recognized for five  
2583 minutes.

2584           \*Mr. Hudson. Thank you, Mr. Chairman, and thank you for  
2585 your leadership on this, and for Ranking Member Rodgers, and  
2586 the staff of the committee for how much work has been put  
2587 into this legislation. It is not perfect, but I think we  
2588 have got a good product, and it keeps getting better.

2589           Advertising is the lifeblood of American small business.  
2590 What began is taking out an ad in a local paper has become a  
2591 global connection between consumer and product. Modern-day  
2592 advertising has grown businesses across the nation, and made  
2593 places like Carthage, Sanford, and Barbecue, North Carolina  
2594 the epicenter of global commerce. It is truly incredible  
2595 that a barbecue rub and sauce business in North Carolina can  
2596 reach and attract customers in Spokane, Washington and New  
2597 Brunswick, New Jersey.

2598           While the internet has made us more connected than ever,  
2599 and allows businesses to flourish, Big Tech has taken  
2600 advantage of the lack of a national privacy standard and  
2601 exploited customer data. I am encouraged with many aspects  
2602 of this bill and how it will put consumers in the driver's  
2603 seat when it comes to their data, not Silicon Valley.

2604           However, I have concerns that some language in this bill

2605 could create an unintended Big Tech consolidation of  
2606 advertising power, and negatively impact small businesses'  
2607 ability to grow their footprint through targeted advertising.

2608 I ask, Mr. Chairman, that we consider conducting an  
2609 economic impact analysis so we can better understand the  
2610 implications these provisions will have, particularly on our  
2611 small businesses. And with that, Mr. Chairman, I yield back.

2612 \*The Chairman. I thank the gentleman. All right, can  
2613 we move on to the AINS?

2614 I think so. All right. I am going to recognize myself  
2615 to call up the AINS, amendment in the nature of a substitute,  
2616 and the clerk will report the amendment.

2617 \*The Clerk. Amendment in the nature of a substitute to  
2618 H.R. 8152, offered by Mr. Pallone of New Jersey.

2619 Strike all --

2620 \*The Chairman. Madam Clerk, without objection, the  
2621 reading of the AINS will be dispensed with.

2622 [The amendment of The Chairman follows:]

2623

2624 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

2625

2626           \*The Chairman. And I recognize myself for five minutes  
2627 in support of the AINS.

2628           As I mentioned in my opening, enacting bipartisan  
2629 national privacy legislation has evaded Congress because it  
2630 is difficult. We have gotten this far through a deliberative  
2631 process that has benefited from regular order, and it is the  
2632 only way we are ultimately going to get this bill signed into  
2633 law. This AINS marks another major step forward in this  
2634 process.

2635           Our children deserve to live in a world where their  
2636 leaders work together to enact strong and meaningful  
2637 safeguards to protect them online. I believe that, if we do  
2638 nothing, what we will say the next time a privacy scandal  
2639 breaks and we again learn of tech conglomerates harming our  
2640 children, our family, or our neighbors, we will say we regret  
2641 that we didn't do this.

2642           We took the feedback we received and included things  
2643 like even stronger protections for kids, expanded the  
2644 categories of sensitive data, and ensured that businesses can  
2645 comply with the oversight requirements in this bill. So the  
2646 new knowledge standard in the AINS requires those companies  
2647 with the greatest reach and resources to better understand  
2648 how their platforms are targeting kids, and to protect kids  
2649 who use their platforms.

2650           In the AINS we have expanded the categories of sensitive

2651 covered data to include race, color, ethnicity, religion,  
2652 union membership, and internet browsing history over time and  
2653 across third-party websites or online services. The  
2654 algorithmic impact assessments and evaluations are also more  
2655 tailored to ensure evaluations are completed on those  
2656 algorithms that pose consequential risks to individuals.

2657         As you all know, the private right of action and  
2658 preemption provisions have been the most difficult points of  
2659 negotiation on the data privacy legislation for the last  
2660 decade. In this case, I believe we have made substantial  
2661 progress again. The private right of action provision has  
2662 been updated, so that enforcement begins two years after the  
2663 effective date of the bill. And the bill prohibits pre-  
2664 dispute arbitration agreements to include any dispute  
2665 involving claims related to gender or partner-based violence,  
2666 or physical harm.

2667         We also strike the right balance in the preemption  
2668 section by ensuring that states are empowered to pursue  
2669 enforcement under the bill and legislate on matters that  
2670 touch on privacy.

2671         So there is a lot in this AINS. I know a number of  
2672 members in their statements in support of the bill have  
2673 talked about how myself and Mrs. Rodgers and others, on a  
2674 bipartisan basis, have continued to make changes to the bill  
2675 to accommodate their concerns. And so we have done that, and

2676 that is why I urge my colleagues to support the AINS.

2677 And with that I yield back the balance of my time.

2678 Do other members seek -- I know a lot of people already  
2679 talked about the AINS, but not everybody did.

2680 Yes, Dr. Bucshon is recognized for five minutes.

2681 \*Mr. Bucshon. Thank you, Mr. Chairman. I move to  
2682 strike the last word.

2683 \*The Chairman. The gentleman is recognized for five  
2684 minutes.

2685 \*Mr. Bucshon. I think all of us are becoming  
2686 increasingly aware of the extent to which our data and our  
2687 constituents' data is gathered, aggregated, and sold  
2688 concerning nearly every aspect of our lives. Much of our  
2689 economy and modern society are built upon such practices, and  
2690 the use of data can bring many benefits to consumers,  
2691 educators, businesses, and patients.

2692 But there is also a clear need to ensure the American  
2693 people can know how their data is being used and by whom, and  
2694 they need to establish what is acceptable, and how that can  
2695 be accomplished in a way that protects individuals' privacy.  
2696 I believe today's AINS on the American Data Privacy  
2697 Protection Act does include common-sense data and privacy  
2698 measures, such as specific protections for kids under the age  
2699 of 17, privacy by design principles, and an overarching  
2700 Federal standard governing these issues. It also protects



2701 small businesses from frivolous lawsuits handed out by trial  
2702 lawyers, and provides other entities an opportunity to  
2703 rectify any violations through a right to cure.

2704 I applaud Chairman Pallone and Ranking Member Rodgers  
2705 and their teams for including these, and for the extensive  
2706 work it has taken on this bill to get us to this point.

2707 Not every part of this legislation is written exactly as  
2708 I would prefer. For instance, the clinical research and  
2709 HIPAA-related provisions are not as strong or as clear as  
2710 they should be, in my view. HIPAA has provided the gold  
2711 standard of data protection, and I believe there is  
2712 bipartisan agreement that this legislation should provide  
2713 clear guardrails on HHS's authority to regulate in the space.  
2714 However, I am willing to bet that my colleagues on the other  
2715 side of the aisle also have changes they would have made --  
2716 would make if they were drafting their ideal bill. Instead,  
2717 they worked with our side on a compromise solution, and that  
2718 is the way Congress should work.

2719 It is important because Europe, China, and individual  
2720 states already recognize the need to enact privacy laws to  
2721 avoid the multitude of dangers to American citizens and  
2722 businesses if we continue to sit idle and allow others to  
2723 lead the way.

2724 The American Data Privacy Protection Act is a huge step  
2725 forward in ensuring Hoosiers and Americans across the country

2726 know how their data is being used and how their data is  
2727 protected by those they interact with.

2728 I look forward to continuing to work with the committee  
2729 staff and my colleagues on this effort, and I will be  
2730 supportive of this legislation today in this committee  
2731 hearing.

2732 I yield back.

2733 \*The Chairman. I thank the gentleman. Ms. Castor is  
2734 recognized for five minutes.

2735 \*Ms. Castor. Thank you, Mr. Chairman. Let's dive into  
2736 why we think it is so important to adopt a national privacy  
2737 law, particularly that addresses children online.

2738 Online and digital technology tracking and data  
2739 gathering have outpaced current privacy protections in the  
2740 law. Many companies have been violating the minimal privacy  
2741 protections that are in the law today as devices and  
2742 applications have become more sophisticated, and the United  
2743 States has fallen behind other countries when it comes to  
2744 online privacy protections.

2745 So let's examine some of the evidence relating to kids  
2746 relating to social media and online technology. It has  
2747 changed children's behavior, increased anxiety, depression,  
2748 and self harm. Many of the tech companies keep kids addicted  
2749 to their platforms to boost their bottom line. Some have  
2750 violated the Children's Online Privacy Protection Act and

2751 paid fines just as the cost of doing business.

2752 [Chart]

2753 \*Ms. Castor. So here is some of the research. Here is  
2754 a -- the U.S. National Survey on Drug Use and Health, the  
2755 percentage of teens who had major depression in the last  
2756 year. You can see the trend line since social media and  
2757 online interactions with kids have become more common.

2758 [Chart]

2759 \*Ms. Castor. The next one is also very disturbing. The  
2760 next is from CDC. Emergency room visits for self-harm have  
2761 increased very rapidly among teen girls, beginning in 2010.  
2762 This was corroborated by another study on hospital admissions  
2763 for non-fatal health -- self-harm for girls, all very  
2764 disturbing.

2765 And this committee heard direct testimony from Frances  
2766 Haugen, the Facebook whistleblower, on how Facebook and  
2767 Instagram were aware of these trends, according to their own  
2768 research, that social media can damage the mental health of  
2769 children, especially teenage girls. But they proceeded to  
2770 target kids and keep them addicted.

2771 And the ranking member will remember this very well,  
2772 because she asked -- Representative McMorris Rodgers asked  
2773 Mark Zuckerberg in March of 2021 about their research, did  
2774 they have it, and their impact, and the impact on kids. He  
2775 dissembled. He said, "Overall, the research we have seen is

2776 that social media apps are helpful. They connect, help  
2777 connect kids. They can have positive mental health benefits  
2778 by helping them feel more connected and less lonely.'` He  
2779 knew better. He knew he was misguiding this committee.

2780 So what are we going to do? We are going to take action  
2781 today. We are going to ban targeted advertising to kids. We  
2782 are going to rope off kids' private personal data. We are  
2783 going to require companies to get affirmative consent before  
2784 transferring kids' data. We are going to create a new focus  
2785 on youth privacy and marketing at the FTC. And together, we  
2786 have strengthened the knowledge provisions to ensure that we  
2787 are protecting our kids' personal data.

2788 Children and teens under this bill will receive strong  
2789 safeguards to protect their privacy online. These are young  
2790 people who are now subjected to relentless surveillance from  
2791 marketers who employ stealthy big data tactics to track and  
2792 target our kids and adolescents when they use mobile phones,  
2793 gaming platforms, and social media. We are going to aim to  
2794 keep young people safe, and prevent them from being targeted  
2795 with discriminatory and manipulative tactics, and ensure they  
2796 are treated fairly in the digital marketplace.

2797 With this bill, companies like TikTok, YouTube,  
2798 Instagram, and Facebook won't be able to say that they don't  
2799 have any knowledge that children are using their products.  
2800 They won't be able to put their heads in the sand and say

2801 they didn't know children are on their platforms.

2802 We are going to have to keep working, though. It is not  
2803 perfect. We are going to have to keep working to ensure that  
2804 companies are designing and developing products, and they put  
2805 the best interests of kids first.

2806 So I want to thank everyone for moving this legislation  
2807 forward today, and I urge that we do so expeditiously.

2808 I yield back.

2809 \*The Chairman. I thank the gentlewoman. Anyone on the  
2810 -- Mr. Dunn is recognized for five minutes.

2811 \*Mr. Dunn. Thank you, Mr. Chairman. I move to strike  
2812 the last word.

2813 \*The Chairman. The gentleman is recognized.

2814 \*Mr. Dunn. Thank you, Mr. Chairman. I fought for  
2815 transparency regarding whether companies that are operating  
2816 in the United States are sharing personal and sensitive data  
2817 with our adversaries, such as China, Russia, Iran, and North  
2818 Korea. Because of this committee's work, for the first time  
2819 we have an opportunity to actually accomplish this goal.

2820 Big Tech and private companies must stop sharing  
2821 Americans' private, sensitive information. This practice  
2822 undermines our national security and our personal security,  
2823 and putting an end to it is long overdue.

2824 Additionally, it has been proven that a patchwork of  
2825 state privacy laws would lead to excessive compliance costs,

2826 ultimately hurting small businesses and consumers' wallets.  
2827 A preemptive Federal data privacy and security law gives  
2828 businesses, both large and small, the certainty they need to  
2829 continue innovating. And it will also improve the  
2830 competition in the technology industry that will balance Big  
2831 Tech.

2832         However, it is critically important that we get this  
2833 language right so that no industry is unintentionally harmed.  
2834 For example, the health care industry in which patient data  
2835 is already protected by HIPAA and other currently enacted  
2836 laws. And on that note I would like to associate myself with  
2837 the comments made by my colleague, Dr. Bucshon, especially  
2838 regarding clinical research data.

2839         So I look forward to working with my colleagues today on  
2840 this important legislation, and I will be voting yes on it.

2841         Thank you, Mr. Chairman. I yield back.

2842         \*The Chairman. I thank the gentleman. Mr. McNerney is  
2843 next, recognized for five minutes.

2844         \*Mr. McNerney. I thank the chair. You know, I want to  
2845 commend the committee staff for their frantic work on  
2846 preparing the AINS.

2847         The initial draft of the ADPPA was good. It had real  
2848 strengths, such as data minimization. But there were  
2849 weaknesses in comparison with the California Consumer Privacy  
2850 Act. Consequently, significant input was given to the

2851 committee staff on strengthening the ADPPA, and most of it  
2852 was incorporated. The result, in my opinion, is that the  
2853 AINS is stronger than either the initial draft or the CPPA,  
2854 but more can still be done.

2855 I deeply appreciate the remarks of my California  
2856 colleague, Ms. Matsui, that she will vote for the AINS so  
2857 that we can continue to improve the ADPPA product.

2858 And I yield back.

2859 \*The Chairman. I thank the gentleman. Anyone on the  
2860 Republican side?

2861 Mr. Cardenas is next.

2862 \*Mr. Cardenas. Thank you, Mr. Chairman --

2863 \*The Chairman. For five minutes.

2864 \*Mr. Cardenas. Thank you. It is not required that we  
2865 use our whole five minutes, right, Mr. Chairman?

2866 \*The Chairman. Certainly not.

2867 \*Mr. Cardenas. Okay, I just -- I appreciate my  
2868 colleagues. I will try to be as disciplined as you all is,  
2869 not using the whole five minutes.

2870 But again, I echo all of the words and sentiments and  
2871 the heartfelt appreciation of all the work that the chairman  
2872 and the ranking member have done on this very, very critical,  
2873 important issue, and all the staff, from the committee staff  
2874 all the way to our individual staff. So thank you all very,  
2875 very much for all the wonderful work that we are doing to get

2876 this pretty darn good bill where it is at today.

2877           And we still have other hurdles, such as the United  
2878 States Senate. So, so far, so good, though. I feel good  
2879 about the outcome of this AINS, this bill today.

2880           I also would like to thank my colleagues, such as my  
2881 California colleague, Scott Peters, who very eloquently  
2882 reminded us how we can make sure that we make this bill as  
2883 good as possible in this committee throughout the process, by  
2884 the time we get to the floor, and hopefully we can get good  
2885 negotiations with the Senate, as well.

2886           And I also want to thank my colleague, Ms. Castor, for  
2887 always working on issues when it comes to protecting our  
2888 children.

2889           I am so proud of the many of us on both sides of the  
2890 aisle who drilled down and drilled deep on making sure that  
2891 we worked on issues to protect the American people in so many  
2892 different ways.

2893           But with that, I would like to start off with some  
2894 questions for counsel.

2895           My first question is that, as I read this AINS, this  
2896 version of the bill that we are going to vote on in just a  
2897 few minutes, it was written to give the organizations like  
2898 the CPPA the authority to enforce the American Data Privacy  
2899 and Protection Act in the same manner as it would otherwise  
2900 enforce the current California Consumer Privacy Act. Am I



2901 correct in that reading of the bill?

2902 \*The Chairman. Counsel will respond to the gentleman.

2903 \*Mr. Miller. Thank you for the question. That is my  
2904 understanding, as well.

2905 \*Mr. Cardenas. Okay. And, Mr. Chairman, as the author  
2906 of the bill, is that an accurate interpretation so far?

2907 \*The Chairman. Yes.

2908 \*Mr. Cardenas. Okay. Thank you so much.

2909 My next point of clarification is state enforcement  
2910 agencies, including the CPPA in California, are also intended  
2911 to have the authority to bring regulatory or administrative  
2912 enforcement actions for violations of the American Data  
2913 Privacy Act and Protection Act to enforce the Federal law.  
2914 Is that an accurate reading of the way the bill is written at  
2915 this time, this AINS?

2916 \*The Chairman. We will ask the counsel again.

2917 \*Mr. Cardenas. Yes, counsel.

2918 \*Mr. Miller. The question is whether it is state  
2919 enforcement -- state --

2920 \*The Chairman. The counsel maybe should bring that mike  
2921 closer, because I couldn't really hear.

2922 \*Mr. Miller. All right. State enforcement agencies may  
2923 also enforce the act, is that the question?

2924 \*Mr. Cardenas. Correct.

2925 \*Mr. Miller. Yes, that is my understanding, as well.

2926           \*Mr. Cardenas. Okay. And that is the chairman's  
2927 interpretation at this time, as well?

2928           \*The Chairman. I am going to agree with everything that  
2929 counsel says.

2930           [Laughter.]

2931           \*Mr. Cardenas. All right. I am trying to keep it  
2932 simple.

2933           Okay, this -- my next question is this bill is intended  
2934 to allow state attorneys generals and privacy authorities to  
2935 bring cases for violations of this bill in Federal court for  
2936 injunctive relief to obtain damages, penalties, restitution,  
2937 or other compensation. Is that correct, the way the bill is  
2938 written at this time?

2939           \*Mr. Miller. That is my understanding, as well.

2940           \*Mr. Cardenas. Okay. So therefore, would California be  
2941 able to recover the monetary penalties -- potentially be able  
2942 to recover the monetary penalties associated with enforcement  
2943 as it currently can under California state privacy law?

2944           \*Mr. Miller. Yes, that is my understanding, as well.

2945           \*Mr. Cardenas. Okay. Thank you.

2946           Yours as well, Mr. Chairman?

2947           \*The Chairman. Yes.

2948           \*Mr. Cardenas. Okay. Okay. Thank you.

2949           Again, I really am enjoying the work that has been going  
2950 on to bring this bill to where it is at today.

2951           There is no such thing as a perfect legislation. Why?  
2952   In my opinion, it is because human beings are creating it.  
2953   And that is not casting any aspersions on the Members of  
2954   Congress. We are just human beings and a subset of the  
2955   bigger picture, and we are trying our best, and we are doing  
2956   our best.

2957           And I just wanted to give a shout out once again to all  
2958   the staff for the thousands of hours of work that they have  
2959   done, going back and forth, and the incredible patience that  
2960   everybody has shown with each other and with these very  
2961   contentious back-and-forth night-and-day efforts. I don't  
2962   have any reports on -- from my understanding, and my staff's  
2963   understanding that anybody got out of hand or what have you.  
2964   And that is a testament to the professionalism of the people  
2965   that we have working for us.

2966           So with that, with the last 10 seconds, I yield back.

2967           \*The Chairman. All right. I thank the gentleman.  
2968   Anyone else?

2969           Oh, I know we have Mrs. Trahan. Anybody on the  
2970   Republican side? If not, we will go to the gentlewoman from  
2971   Massachusetts, who has been waiting for a long time to speak.

2972           The gentlewoman --

2973           \*Mrs. Trahan. Thank you, Mr. Chairman.

2974           \*The Chairman. -- is recognized.

2975           \*Mrs. Trahan. I move to strike the last word.

2976           \*The Chairman. The gentlewoman is recognized for five  
2977 minutes.

2978           \*Mrs. Trahan. Thank you, Mr. Chairman.

2979           The legislation before us today impacts nearly every  
2980 entity that collects and processes data pertaining to  
2981 consumers. That means that the leaders on this committee and  
2982 their staff have had to listen to and balance the input of  
2983 nearly every industry, and they have had to do so while  
2984 navigating the concerns of various state governments.

2985           That is all to say that this has been an enormous lift,  
2986 and the sponsors of this legislation have done an incredible  
2987 amount of work requiring balanced and nuanced thinking. We  
2988 owe each of them a tremendous debt of gratitude.

2989           Of course, a bill of this magnitude and importance will  
2990 always have room for improvement. But I am so heartened by  
2991 the continued improvement and clarifications that have been  
2992 made since our subcommittee markup. That is especially true  
2993 of the protections for children that Congresswoman Castor so  
2994 eloquently articulated. Not only will companies no longer be  
2995 permitted to use child data to target ads, but covered high-  
2996 impact social media companies will have to meet a  
2997 constructive knowledge standard.

2998           And this one is important to me and so many other moms  
2999 out there: Software used in schools will also be covered by  
3000 the provisions in this bill, finally moving us one step

3001 closer to a world where parents can send their kids to school  
3002 in person or online, and trust that the data being collected  
3003 is in service of their child's education, not advertisers'  
3004 bottom line.

3005         This bill addresses so many of the challenges that have  
3006 been discussed in this committee for a long time. And with  
3007 its passage today, we will show the hardworking families that  
3008 we represent that Congress can do more than just talk.

3009         Thank you, I yield back.

3010         \*The Chairman. All right. Did I miss the gentleman  
3011 from Vermont.

3012         Is there anybody on the Republican side?

3013         If not, we will go to our friend from Vermont.

3014         \*Mr. Welch. Well, two things. Number one, it is so  
3015 heartening to see the good work of our chairman and our  
3016 ranking member to bring to the floor -- or pardon me, bring  
3017 to the committee -- a bill on privacy that is so profoundly  
3018 important. And I thank you, Mr. Pallone, I thank Mrs.  
3019 McMorris Rodgers for that.

3020         I do want to say something about forced arbitration. We  
3021 have made progress in here, but, you know, forced arbitration  
3022 is really inhibiting people who have been injured from having  
3023 their rights asserted.

3024         One of the things we have to have, whether it is with  
3025 Big Tech or anyone else who has significant power, is

3026 accountability. Accountability is extremely important. And  
3027 what we have seen is that forced arbitration has been imposed  
3028 on folks who have a legitimate claim, and it is very clear  
3029 that it works very much to the benefit of the person or the  
3030 entity that is trying to avoid accountability.

3031 We have made a little progress here, but I just want to  
3032 express my concern that, as we proceed, I want to see if we  
3033 can strengthen the protection that people have to the  
3034 judicial system to protect their rights. And we passed a  
3035 bill on a big, bipartisan basis that provided sexual assault  
3036 victims to be able to not be subject to forced arbitration,  
3037 and that basic principle, that you have a right to go to  
3038 court in order to assert your rights, is very important, and  
3039 I would like to see that improved.

3040 Thank you very much. I yield back.

3041 \*The Chairman. I thank the gentleman. Unless there are  
3042 others who want to speak, we are going to go to bipartisan  
3043 amendments.

3044 Are there others?

3045 \*Mr. McEachin. Mr. Chairman?

3046 \*The Chairman. Oh, the gentlewoman from Delaware is --

3047 \*Ms. Blunt Rochester. Mr. Chairman, I --

3048 \*The Chairman. Oh, was there a Republican --

3049 \*Mr. McEachin. [Inaudible.]

3050 \*The Chairman. Who is -- oh, it is Mr. McEachin. We

3051 will go to Ms. Blunt Rochester first. The gentlewoman is  
3052 recognized.

3053 \*Ms. Blunt Rochester. Mr. Chairman, I move to strike  
3054 the last word, and I yield to my colleague, Ms. Castor from  
3055 Florida.

3056 \*Ms. Castor. I thank my colleague for yielding. I just  
3057 wanted to make sure that we have a couple of things on the  
3058 record when it comes to preemption, because I want to -- in  
3059 this bill we use covering preemption, so when state laws  
3060 aren't substantially subsumed by Federal law they won't be  
3061 preempted.

3062 When it comes to the children's piece -- and for our  
3063 colleague, Ms. Eshoo, and others who are worried about this  
3064 -- there -- what will be submitted into the record is a  
3065 statement from Common Sense Media, the -- a statement on the  
3066 latest version, the AINS, where they say that the AINS  
3067 protects significantly more kids than California or current  
3068 Federal law.

3069 Also, in -- I want to make sure it is clear on the  
3070 record that, in practice, what we are doing here in American  
3071 Data Privacy and Protection Act before us will preempt only  
3072 some of the provisions within design code bills. Some are  
3073 moving through states right now. Those preempted provisions  
3074 would be the ones covered by this bill dealing with  
3075 advertising and privacy. Other provisions in design code

3076 bills like requirements that say tech companies must act in  
3077 the best interest of the child, which we don't touch or cover  
3078 in this bill, will go forward. I think that is the right  
3079 policy choice, and I urge members to support it.

3080         Also, just so everyone knows that in the UC at the end  
3081 what will go into the record includes this very detailed U.S.  
3082 Surgeon General's advisory on protecting youth mental health,  
3083 where they lay out a lot of the recommendations that we have  
3084 now adopted in the bill we are going to move today, along  
3085 with Facebook files, a Wall Street Journal article, other  
3086 comments from Common Sense Media, the testimony of Frances  
3087 Haugen, and others.

3088         With that, I yield back. Thank you.

3089         \*The Chairman. And the gentlewoman from Delaware?

3090         \*Ms. Blunt Rochester. Mr. Chairman, I yield back.

3091         \*The Chairman. Thank you. And I think we heard Mr.  
3092 McEachin wanted to speak. Does the gentleman --

3093         \*Mr. McEachin. [Inaudible.]

3094         \*The Chairman. -- seek recognition?

3095         \*Mr. McEachin. Yes --

3096         \*The Chairman. The gentleman from Virginia is  
3097 recognized for five minutes.

3098         \*Mr. McEachin. Thank you, Mr. Chairman. I move to  
3099 strike the last word and speak to the AINS.

3100         Mr. Chairman, let me start off by saying that I



3101 appreciate the hard work that you have done and the rest of  
3102 the committee leadership has done on both sides of the aisle  
3103 to get us to this point. However, I associate myself with  
3104 the comments of those who have said I am voting yes to  
3105 encourage more conversation, because at this point this bill  
3106 does not enjoy my support on the floor.

3107 I want to raise a critical issue that I hope will help  
3108 us sort of focus on some things here. You know, we want to  
3109 hold Big Tech accountable, yet we have gone forward and  
3110 allowed arbitration, forced arbitration to exist. Now you  
3111 say, well, look, we have exempted actions involving children.  
3112 Well, you haven't given us anything in that regard, Mr.  
3113 Chairman, because children can't contract in the first  
3114 instance, so they can't agree to forced arbitration.

3115 And in carving these -- or creating these carve-outs  
3116 that we have created, we are basically saying that there is  
3117 something imperfect about forced arbitration. Well, if it is  
3118 imperfect in some areas, it ought to be imperfect across the  
3119 board, Mr. Chairman. We shouldn't be forcing folks into  
3120 arbitration.

3121 And after all, Mr. Chairman, if we open up our Federal  
3122 Constitution as well as our state constitutions, in many  
3123 cases at least, we will see that we are guaranteed --  
3124 guaranteed -- a right to a jury trial. Jury trials are  
3125 sacred in this country.

3126 I sort of have to chuckle when I hear my colleagues talk  
3127 about frivolous lawsuits. That is often times because they  
3128 don't like the results of that lawsuit, the results that  
3129 their constituents came up with because their constituents  
3130 are the jurors. Their constituents were wise enough to elect  
3131 us to Congress, have come up with an answer that we don't  
3132 necessarily like. And so, all of a sudden, it becomes a  
3133 frivolous lawsuit.

3134 Mr. Chairman, we cannot continue in this vein of  
3135 assuming that we are going to hold Big Tech accountable and  
3136 have that compatible with forced arbitration.

3137 And Mr. Chairman, I have to say that this -- the prior  
3138 bill before the AINS was better in the notion of allowing  
3139 class action lawsuits. No one person can take on Big Tech by  
3140 themselves. They have got too much money, they have got too  
3141 many lawyers. Regular people have to come together in a  
3142 collective action -- often times we call that class action,  
3143 sometimes we call it mass torts -- to be able to bring their  
3144 action and to be able to afford the costs of bringing their  
3145 action against Big Tech. To the extent that we have  
3146 disallowed class actions in this law -- in this legislation,  
3147 we have done a disservice to every single American, and we  
3148 have given Big Tech more leverage than they ought to have  
3149 over the American public.

3150 Mr. Chairman, these are just some of the issues that I

3151 have with this bill. I would point out -- and I say with a  
3152 certain degree of pride, but also with a certain degree of  
3153 humility, because I was blessed to have these opportunities -  
3154 - that those who negotiated this so-called compromise and  
3155 this AINS rarely, if ever, walked inside of a courtroom;  
3156 rarely, if ever, had to look at a jury in their eyes; rarely,  
3157 if ever, had to represent somebody who had been injured by a  
3158 big corporation, whether it was Big Tech or someone else. I  
3159 have had the pleasure and the opportunity to do that, and I  
3160 am telling this committee and I am telling the American  
3161 public that this dog won't hunt. Ultimately, we will have to  
3162 come back and do wholesale changes if we really intend to  
3163 hold Big Tech accountable.

3164 Mr. Chairman, again, I thank you for your time. I thank  
3165 you for your patience with me. And I yield back the balance  
3166 of my time.

3167 \*The Chairman. I thank the gentleman. Is there anyone  
3168 else on the AINS?

3169 Otherwise, we are going to move to the bipartisan  
3170 amendments. So the first of those is the gentlewoman from  
3171 Arizona, I believe, Mrs. Lesko.

3172 Do you seek recognition to offer an amendment to the --

3173 \*Mrs. Lesko. Yes. Thank you, Mr. Chair. I have an  
3174 amendment at the desk.

3175 \*The Chairman. And your amendment is labeled what?

3176           \*Mrs. Lesko. Amendment No. 1.

3177           \*The Chairman. The clerk will report the Lesko  
3178 amendment.

3179           \*The Clerk. Amendment to the amendment in the nature of  
3180 a substitute to H.R. 8152, offered by Mrs. Lesko of Arizona.

3181           \*The Chairman. And Madam Clerk, without objection, the  
3182 reading of the amendment will be dispensed with.

3183           [The amendment of Mrs. Lesko follows:]

3184

3185           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3186

3187           \*The Chairman. And the gentlewoman from Arizona is  
3188 recognized for five minutes.

3189           \*Mrs. Lesko. Thank you, Mr. Chair.

3190           Thanks to the new digital landscape, our kids face  
3191 constantly evolving threats. We must work hard every day to  
3192 identify those threats and figure out how to better protect  
3193 our children. Our commitment to our children must never  
3194 falter.

3195           The National Center for Missing and Exploited Children  
3196 leads the fight against abduction, abuse, and exploitation  
3197 because every child deserves a safe childhood. That is why  
3198 Representative Kuster and I are offering an amendment to  
3199 exclude the National Center for Missing and Exploited  
3200 Children from the definition of covered entity to ensure they  
3201 can collect, process, and transfer data to prevent and assist  
3202 in any child abduction, trafficking, abuse, and exploitation.

3203           In my home state of Arizona, there is a total of 138  
3204 missing and unidentified children in the National Center for  
3205 Missing and Exploited Children's database. It is my hope  
3206 that the amendment I have introduced will help bring these  
3207 children home.

3208           And with that, I yield back.

3209           \*The Chairman. Does anyone -- the gentlewoman from New  
3210 Hampshire, Ms. Kuster, is recognized.

3211           \*Ms. Kuster. Thank you, Mr. Chairman. I would like to

3212 strike the last word.

3213 \*The Chairman. The gentlewoman is recognized for five  
3214 minutes.

3215 \*Ms. Kuster. Thank you, Chairman Pallone. And thank  
3216 you to my Republican colleague, Congresswoman Lesko, for  
3217 joining me on this amendment.

3218 I am pleased to see this committee take meaningful  
3219 action to advance comprehensive privacy legislation with the  
3220 American Data Privacy and Protections Act, creating historic  
3221 protections and data security for Granite Staters and  
3222 Americans all across this country.

3223 While modern technology has come incredibly far, and has  
3224 become a staple of our everyday lives, we must ensure that  
3225 our right to privacy and data security evolves with our  
3226 innovation. In New Hampshire, my constituents are  
3227 increasingly concerned with how their private data is being  
3228 shared, and I am proud to see that the bill we are  
3229 considering today strengthens and affirms Americans' right to  
3230 online privacy.

3231 While it is critical to have strong guardrails so that  
3232 our data, especially for children, is protected, we must  
3233 ensure that organizations such as the National Center for  
3234 Missing and Exploited Children can access lifesaving  
3235 information to find missing children and prevent the spread  
3236 of child sexual abuse materials.

3237           The presence of online predators should alarm all of us.  
3238   In 2021 the National Center received about 30 million reports  
3239   of over 85 million child exploitation files. My fear is  
3240   these reported cases only skim the surface, which is why I  
3241   have introduced the End Child Exploitation Act earlier in  
3242   this Congress to safeguard children from online exploitation.

3243           We know that access to online evidence is key to  
3244   locating missing children and preventing further child  
3245   exploitation. My amendment today would ensure the National  
3246   Center can continue to serve as the congressionally  
3247   designated resource on missing and exploited children issues.  
3248   The National Center's access to processing and transferring  
3249   of data related to suspected abductors, traffickers, and  
3250   sexual offenders is essential to helping law enforcement  
3251   rescue these children from harm, and ensuring that the  
3252   perpetrators will be brought to justice.

3253           As we work to protect the personal privacy of all  
3254   Americans and create safeguards to ensure that our children  
3255   are not taken advantage of online, we must also prioritize  
3256   supporting law enforcement as they work to protect our  
3257   children.

3258           Thank you. I urge all of my colleagues to support our  
3259   bipartisan amendment, and I yield back the balance of my  
3260   time.

3261           \*The Chairman. Is there anyone on the Republican side?

3262 Mr. Bilirakis is recognized for five minutes.

3263 \*Mr. Bilirakis. Thank you, Mr. Chairman. I appreciate  
3264 it. I move to strike the last word.

3265 I fully --

3266 \*The Chairman. The gentleman is recognized.

3267 \*Mr. Bilirakis. -- this amendment, and I want to thank  
3268 Representative Lesko and Representative Kuster, two very  
3269 productive members of this committee, for sponsoring this  
3270 amendment.

3271 This amendment fully exempts the National Center for  
3272 Missing and Exploited Children from the definition of covered  
3273 entities in section 2 of this particular bill.

3274 As a Republican leader on the Consumer Protection and  
3275 Commerce Subcommittee, one of my top priorities has been to  
3276 ensure we are protecting our children online. It is one of  
3277 the reasons why I believe we need to continue to work on our  
3278 Big Tech accountability platform with regards to children in  
3279 the coming months.

3280 One stakeholder that I work with closely is NCMEC, who  
3281 serves as a private, non-profit organization, and a  
3282 congressionally-designated clearinghouse on missing and  
3283 exploited children issues. NCMEC has a unique role in  
3284 collecting and processing sensitive data from members of the  
3285 public through their call centers and from private  
3286 organizations, all for the purpose of finding missing



3287 children, combating child exploitation, and deterring child  
3288 victimization. For example, NCMEC needs access to location  
3289 data to locate these children, obviously, and it must  
3290 continue to transfer data about suspected abusers to law  
3291 enforcement.

3292 In closing, I am grateful that this bill offers  
3293 significant safeguards to prevent companies from exploiting  
3294 children's data. This amendment is one additional safeguard  
3295 to help confirm that NCMEC can keep their core mission to  
3296 protect against child sexual abuse material online, and work  
3297 to help victims of child trafficking and exploitation. We  
3298 must allow that -- this to continue. They do great work.

3299 So I urge passage of this particular amendment, and I  
3300 yield back. Thank you, Mr. Chairman.

3301 \*The Chairman. I thank the gentleman.

3302 Let me just mention to everybody we are ordering lunch.  
3303 We are not going to take a recess. We are going to get you  
3304 lunch. But it may be another hour by the time it gets here.  
3305 But I just want everybody to know.

3306 \*Voice. What is on the menu?

3307 \*The Chairman. I am not providing the menu. It is  
3308 mostly chicken, chicken for the most part, some kind of  
3309 chicken.

3310 All right. Anyone else on the Lesko amendment on either  
3311 side?

3312 No? All right. Do we -- do you want a recorded?

3313 No? Okay, we will move to a voice vote if there is no  
3314 further debate. We will proceed to a vote on the amendment.

3315 All those in favor of the Lesko amendment will signify  
3316 by saying aye.

3317 All those opposed will say no.

3318 In the opinion of the chair, the ayes have it and the  
3319 amendment from the gentlewoman from Arizona is agreed to.

3320 Are there further amendments? I think we have others'  
3321 bipartisan amendments in the -- to the AINS.

3322 \*Mrs. Trahan. I have an amendment.

3323 \*The Chairman. The gentlewoman from Massachusetts.  
3324 What is yours?

3325 \*Mrs. Trahan. It is labeled HA152\_FC\_ANDT\_2.

3326 \*The Chairman. You have that, Madam Clerk?

3327 [Laughter.]

3328 \*The Chairman. Does the clerk have the Trahan  
3329 amendment?

3330 \*The Clerk. Yes, sir.

3331 \*The Chairman. The clerk will report the amendment.

3332 \*The Clerk. Amendment to the amendment in the nature of  
3333 a substitute to H.R. 8152, authored by Mrs. Trahan of  
3334 Massachusetts.

3335 Page 36 --

3336 \*The Chairman. Without objection, Madam Clerk, the

3337 reading of the Trahan amendment will be dispensed with.

3338 [The amendment of Mrs. Trahan follows:]

3339

3340 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3341

3342           \*The Chairman. And the gentlewoman from Massachusetts  
3343 is recognized for five minutes.

3344           \*Mrs. Trahan. Thank you, Mr. Chairman. This  
3345 legislation protects data in so many fantastic ways, and my  
3346 amendment, co-led with Mr. Bucshon, supports something that I  
3347 believe all of us care about: covered entities contributing  
3348 to independent, thoughtful, and rigorous research that  
3349 supports innovation and evidence-based policy, all while  
3350 protecting users' data rights.

3351           The text of the amendment simply clarifies that a  
3352 covered entity can share data with researchers following both  
3353 existing processes used by university institutional review  
3354 boards and, when that is not applicable, clear guidance  
3355 provided by the FTC. This clarification will ensure that  
3356 covered entities can still share data with researchers to  
3357 explore questions that don't fit neatly under "human  
3358 subjects.'`

3359           For example, how does Tiktok's algorithm predict when to  
3360 display self-harm content to a team? Or how can connected  
3361 car technology keep drivers and passengers safe? Ensuring  
3362 that researchers can still access this kind of data is  
3363 critically important.

3364           Lastly, I know the committee has been monitoring  
3365 Europe's tech policy advancements, understanding that the  
3366 internet spans borders and fundamentally impacts trade. Just

3367 last month, the European Digital Media Observatory issued  
3368 similar guidance for researchers under article 40 of the EU's  
3369 General Data Protection Regulation. It is critical that  
3370 researchers operating in the United States also have a clear  
3371 understanding of how they can work with covered entities  
3372 while protecting data covered under this legislation.

3373 Mr. Chairman, I would like to request unanimous consent  
3374 to enter into the record the report published by the European  
3375 Digital Media Observatory's Working Group on platform to  
3376 researcher data access.

3377 \*The Chairman. And we are going to, again, wait until  
3378 the end to introduce all these, all the reports. But so far  
3379 they all seem fine.

3380 \*Mrs. Trahan. Thank you.

3381 \*The Chairman. But we will wait until the end.

3382 \*Mrs. Trahan. Well, thank you, Mr. Chairman.

3383 I urge my colleagues to support this bipartisan  
3384 amendment, and I yield back the balance of my time.

3385 \*The Chairman. I thank the gentlewoman.

3386 Dr. Bucshon?

3387 \*Mr. Bucshon. Thank you, Mr. Chairman, and thank you to  
3388 Congresswoman Trahan for leading this amendment.

3389 As a physician myself, I know how important a role that  
3390 clinical health trials play in developing new, lifesaving  
3391 drugs and treatments. The American Data Privacy Protection

3392 Act includes some requirements for data minimization,  
3393 limiting the collection, processing, or transfer of covered  
3394 data. This, obviously, should include personal health  
3395 information.

3396 I am proud to support this amendment that would  
3397 specifically amend the permissible purposes under which an  
3398 entity may use someone's data to include clinical health  
3399 trials data by stating that such research adheres to relevant  
3400 laws and regulations for the protection of human subjects.

3401 I will note that the phrase "laws and regulations" `  
3402 doesn't capture all research standards, effectively limiting  
3403 the application of this amendment to public or peer-reviewed  
3404 research that is in the public interest. As we move forward,  
3405 I would like to see additional language clarifying this  
3406 approach would also apply to research done by the private  
3407 sector. We must ensure that all medical researchers  
3408 developing the cures of tomorrow are allowed to gather and  
3409 handle the data they require to do this important work.

3410 Again, I would like to thank Congresswoman Trahan for  
3411 addressing this issue, and support this amendment.

3412 Thank you, Mr. Chairman. I yield back the balance of my  
3413 time.

3414 \*The Chairman. I thank the gentleman. Is there anyone  
3415 else on the Trahan?

3416 Mr. Bilirakis is recognized for five minutes.

3417           \*Mr. Bilirakis. Thank you, Mr. Chairman. I move to  
3418 strike the last word. I support this amendment and urge  
3419 unanimous passage.

3420           I want to thank my friend and subcommittee member, Dr.  
3421 Bucshon, and Dr. Dunn, in particular, and, of course, the  
3422 leader of this particular amendment, Mrs. Trahan.

3423           This amendment will preserve the critical work being  
3424 done by private sector with regard to medical research and  
3425 clinical trials.

3426           One of the permissible purposes in the language of the  
3427 bill regarding data minimization ensures that entities can  
3428 conduct public or peer-reviewed scientific, historical, and  
3429 statistical research projects that are in the public  
3430 interest, and are governed by other laws and regulations  
3431 about how to conduct that particular research. The amendment  
3432 offered here will clarify that this includes human clinical  
3433 trial data regulations, as governed by institutional review  
3434 boards.

3435           These institutional review boards are specifically  
3436 designated to review and monitor biomedical research ethics  
3437 and trial designs, and can improve [sic] or disapprove  
3438 research. These boards ensure that companies use informed  
3439 consent documents and promote the welfare of humans who have  
3440 decided to enter into a clinical trial.

3441           It is paramount that we ensure that we are allowing

3442 biomedical research to continue uninterrupted without the  
3443 threat of a new regulatory regime, so that the work they are  
3444 doing to innovate and advance treatments and cures for  
3445 patients across the country is maintained, this all while  
3446 ensuring that companies that do not fall under HIPAA and have  
3447 access to sensitive health information, such as Apple and  
3448 Google, remain under the strict requirements of this  
3449 particular bill.

3450           This is so very important, and I appreciate the doctors  
3451 on my side of the aisle and Mrs. Trahan bringing this  
3452 amendment forward. Thank you, and I urge passage of the  
3453 amendment.

3454           I yield back the balance.

3455           \*The Chairman. Thank you.

3456           We are on the Trahan amendment. Anybody else?

3457           Yes, Dr. -- I mean Mr. Dunn.

3458           \*Mr. Dunn. Thank you, Mr. Chair. I move to strike the  
3459 last word.

3460           \*The Chairman. The gentleman is recognized for five  
3461 minutes.

3462           \*Mr. Dunn. Thank you, Mr. Chairman. I wish to  
3463 associate myself with the remarks of Dr. Bucshon regarding  
3464 this matter.

3465           This committee has responsibility to ensure that  
3466 American medical researchers can continue to lead the way in



3467 important basic and clinical research, which relies on  
3468 accessing health care data.

3469         When I was first practicing, we handwrote patient  
3470 information on paper and stored it in filing cabinets. Times  
3471 have changed. In today's world, patient information is  
3472 digitized in the data systems that can be analyzed rapidly by  
3473 many technologies, both remotely and locally. Our  
3474 researchers need certainty that this important lifesaving  
3475 research is not unintentionally obstructed.

3476         This amendment is an important first step to clarify  
3477 that data and medical research is already protected by  
3478 current health care laws, and I urge all of my colleagues to  
3479 support this amendment.

3480         I would like to note my appreciation for the bipartisan  
3481 effort on this, and I thank Dr. Bucshon, and Mrs. Trahan, and  
3482 all of my colleagues for this clarification.

3483         With that I yield back.

3484         \*The Chairman. Thank you. Is there anyone else on the  
3485 -- yes, Mr. Joyce.

3486         \*Mr. Joyce. Mr. Chair, I move to strike the last word.

3487         \*The Chairman. The gentleman is recognized for five  
3488 minutes.

3489         \*Mr. Joyce. Thank you, Mr. Chair, for yielding. I do  
3490 support this overall package, and I would like to  
3491 additionally offer my support for this amendment.

3492           While we acknowledge in the base bill that covered  
3493 entities may use data for research, many clinical trials that  
3494 are underway right now would not be considered permissible,  
3495 as they may not be public or peer-reviewed, even though this  
3496 would be necessary to comply with longstanding Federal  
3497 standards, and ensure that studies are subjected to thorough  
3498 review and oversight of independent ethics boards. Without  
3499 an explicit exemption tied to these existing standards, I  
3500 worry about unintended consequences in the field of cutting-  
3501 edge biomedical research.

3502           I urge my colleagues to fully address this issue, and I  
3503 yield the balance of my time.

3504           \*The Chairman. Thank you. Is there anyone else on the  
3505 Trahan amendment?

3506           If not, a voice vote?

3507           Okay. We will proceed to a vote on the amendment.

3508           All those in favor of the amendment will signify by  
3509 saying aye.

3510           All those opposed will say no.

3511           Okay. In the opinion of the chair the ayes have it.  
3512 The amendment is agreed to.

3513           And we will now move to any further bipartisan  
3514 amendments to the AINS.

3515           Ms. Castor, the gentlewoman from Florida, is your  
3516 amendment --

3517           \*Ms. Castor. I have an amendment at the desk. It is  
3518 labeled H.R. 8152 amendment 4.

3519           \*The Chairman. The clerk has the amendment?

3520           \*The Clerk. Yes, sir.

3521           \*The Chairman. The clerk will report the Castor  
3522 amendment.

3523           \*The Clerk. Amendment to the amendment in the nature of  
3524 a substitute to H.R. 8152, offered by Ms. Castor of Florida.

3525           Page 43 --

3526           \*The Chairman. Without objection, Madam Clerk, the  
3527 reading of the Castor amendment will be dispensed with.

3528           [The amendment of Ms. Castor follows:]

3529

3530           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3531

3532           \*The Chairman. And the gentlewoman from Florida is  
3533 recognized for five minutes.

3534           \*Ms. Castor. Thank you, Mr. Chairman. And I want to  
3535 thank my colleague, Mr. Walberg, for joining with me in this  
3536 amendment, and for his efforts to improve children's online  
3537 privacy.

3538           This is an amendment relating to privacy by design,  
3539 because we are at a watershed moment when it comes to  
3540 protecting children's online privacy and safety and health,  
3541 as evidence on the ways in which children and teens are being  
3542 harmed online are increasingly apparent.

3543           The last decade has seen a revolution in the amount of  
3544 time that kids spend online. Research from 2019 found that  
3545 preschool children were averaging 2.5 hours of screen time  
3546 per day, while pre-teens averaged almost 5 hours per day, and  
3547 teens almost 7.5 hours per day. And then the pandemic  
3548 supercharged all of these trends. Screen time for children  
3549 is estimated to have increased by 50 percent during the  
3550 pandemic, and 35 percent of parents report that their  
3551 children began using social media during the pandemic at a  
3552 younger age than their parents originally planned.

3553           We, as legislators, and many of us as parents, need to  
3554 honestly reckon with the harms to children and teens that are  
3555 arising as a result.

3556           The examples, unfortunately, abound, from 19 year old

3557 Alexis Spence, who was able to create her first Instagram  
3558 account at the age of 11 without her parents' knowledge, and  
3559 in violation of the platform's minimum age requirement of 13.  
3560 Alexis is now suing Instagram for fostering addictive usage,  
3561 which she alleges has resulted in an eating disorder,  
3562 self-harm, and thoughts of suicide.

3563         Thanks to Frances Haugen, we know that Instagram is well  
3564 aware that its platform is linked to worsening body image and  
3565 mental health issues among teen girls in particular.

3566         To Julia Anderson, who at age 16 posted sexualized  
3567 videos on TikTok because she learned that if you post stuff  
3568 showing your body, people will start liking it, and Joshua, a  
3569 12-year-old from Colorado who passed away after attempting  
3570 the blackout challenge on TikTok, which encourages young  
3571 people to hold their breath until they pass out, these are  
3572 unacceptable tragedies that are motivating legislators and  
3573 regulators around the world to require companies to be more  
3574 proactive when building safeguards for children into their  
3575 products, and then penalizing them if they fail to do so.

3576         These harms are arising in part due to inadequate data  
3577 privacy and security safeguards. And to help combat this, we  
3578 need strong privacy by design standards that advocates --  
3579 excuse me -- for mitigation of risk to children in an age-  
3580 appropriate way. Platforms often are designed with  
3581 engagement, profit, and bottom lines in mind, more so than

3582 the well-being and health of kids.

3583           So my -- our amendment will help push companies to  
3584 continually assess the data they are collecting from kids of  
3585 different ages, think about what risk it poses to them, and  
3586 identify what can be done to mitigate it. It should make  
3587 sense to everyone here today. What might be okay for an  
3588 adult is different than what is okay for a teenager and  
3589 child.

3590           And my amendment will also help reduce the burden on  
3591 parents, who would otherwise have to try to make sense of  
3592 long, convoluted privacy policies. It will make companies  
3593 think at the outset about how they are collecting,  
3594 processing, and transferring data, and how to mitigate the  
3595 subsequent harm of those actions.

3596           Design plays a huge role in the online experience for  
3597 kids, and the safeguards in my amendment will improve the  
3598 well-being of children.

3599           Thank you. I urge adoption of the amendment and yield  
3600 back my time.

3601           \*The Chairman. I thank the gentlewoman. Does Mr.  
3602 Walberg seek to be recognized?

3603           \*Mr. Walberg. Mr. Chairman, I would like to strike the  
3604 last word.

3605           \*The Chairman. The gentleman is recognized for five  
3606 minutes.

3607           \*Mr. Walberg. Thank you, Mr. Chairman. Protecting our  
3608 kids' privacy online has been a long priority of mine.  
3609 Though this is not a perfect bill, I am encouraged by the  
3610 significant changes that have been made to the children's  
3611 privacy section and others, and I appreciate it greatly.

3612           Not all online platforms and businesses are created  
3613 equal or have equal insight into their users. That is why  
3614 the tiered knowledge standard in the updated legislation is  
3615 so essential. Small and medium-sized businesses should not  
3616 be burdened with the same stringent regulations as the  
3617 biggest of Big Tech. We want to protect our children online,  
3618 but a local retailer with an online store shouldn't fall  
3619 under the same knowledge standards as TikTok.

3620           The amendment I am offering today with Representative  
3621 Castor strikes the same balance. It ensures that covered  
3622 entities identify, assess, and mitigate privacy risk to our  
3623 children. In some cases, it also asks companies to consider  
3624 the developmental differences and needs of different age  
3625 groups because, as we all know, the online behavior of a 16-  
3626 year-old is very different than someone who is 13.

3627           But the key section of this amendment is its carve-out  
3628 for small businesses. I will talk about the need to protect  
3629 our small businesses more later. But this amendment gets to  
3630 the heart of the issue. It ensures Big Tech identifies and  
3631 mitigates the privacy risks that children face when their

3632 data is used to design addictive algorithms.

3633 I appreciate the opportunity to work with Representative  
3634 Castor on this amendment. It strengthens the bill's  
3635 protection for children without burdening our small  
3636 businesses. So I urge its adoption and I yield back.

3637 \*The Chairman. I thank the gentleman. Does anyone else  
3638 want to speak on the Castor amendment?

3639 All right. Hearing none, we will go to a voice vote.  
3640 We will proceed to a voice vote on the Castor amendment.

3641 All those in favor of the amendment will signify by  
3642 saying aye.

3643 All those opposed will say no.

3644 In the opinion of the chair, the ayes have it, and the  
3645 amendment from the gentlewoman from Florida is agreed to.

3646 Are there further bipartisan amendments to the AINS?

3647 Mr. McNerney, is your amendment labeled?

3648 \*Mr. McNerney. Yes, Mr. Chairman, I have an amendment  
3649 at the desk that is labeled H8152\_FC\_ANDT\_03.

3650 \*The Chairman. All right. Does the clerk have that  
3651 amendment?

3652 \*The Clerk. Yes, sir.

3653 \*The Chairman. The clerk will report the McNerney  
3654 amendment.

3655 \*The Clerk. Amendment to the amendment in the nature of  
3656 a substitute to H.R. 8152, offered by Mr. McNerney of



3657 California.

3658           \*The Chairman. And Madam Clerk, without objection, the  
3659 reading of the amendment will be dispensed with.

3660           [The amendment of Mr. McNerney follows:]

3661

3662           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3663

3664           \*The Chairman. And the gentleman from California is  
3665 recognized for five minutes.

3666           \*Mr. McNerney. Well, I thank the Chairman.

3667           The provisions outlined in this bill provide extensive  
3668 protections to personal data, giving consumers control of  
3669 their data from targeted advertising, require algorithmic  
3670 assessments to mitigate bias, and stop data brokers from  
3671 reaping profits unknowingly to the customer. Together, these  
3672 would be the strongest consumer data rights enacted in the  
3673 United States.

3674           To fully protect these rights, we must make certain the  
3675 appropriate technical measures and processing personal data  
3676 are established, and that covered entities maintain strong  
3677 preventative data security practices. But protecting data is  
3678 complex. Implementing a security architecture, assessing  
3679 vulnerabilities, responding to threats, and creating specific  
3680 requirements for data disposal requires vigorous expertise.

3681           This amendment, offered by my colleague, Mr. Curtis, and  
3682 I, would authorize the Federal Trade Commission to issue  
3683 regulations on such requirements, and require the Commission  
3684 to consult with the National Institute of Standards, the  
3685 NIST, in the process.

3686           As the lead national laboratory assisting the private  
3687 sector on technology, NIST employs thousands of scientists,  
3688 engineers, and technicians, and has the encryption expertise

3689 to advise with technology-neutral data security guidance.  
3690 NIST is well equipped to help the FTC promulgate regulations,  
3691 and will be a critical component to ensure consumer data  
3692 remains confident and protected.

3693 I urge support for this amendment, and I yield back.

3694 \*The Chairman. I thank the gentleman. Is there anyone  
3695 on the Republican side that wants to speak on this amendment?

3696 No? Anybody else? Otherwise, we will move to a vote.

3697 Mr. Carter? Oh, you have the next one, not this one?

3698 \*Mr. Carter. Yes.

3699 \*The Chairman. Okay. Well, if there is no further  
3700 debate, we will proceed to a vote on the McNerney amendment.

3701 All those in favor of the amendment will signify by  
3702 saying aye.

3703 All those opposed will say no.

3704 In the opinion of the chair, the ayes have it, and the  
3705 amendment from the gentleman from California is agreed to.

3706 We have Mr. Carter next. Mr. Carter, you have a  
3707 bipartisan amendment?

3708 \*Mr. Carter. I do.

3709 \*The Chairman. Is it labeled?

3710 \*Mr. Carter. Yes, sir. Amendment SLW0192 at the desk.

3711 \*The Chairman. The clerk has it?

3712 \*The Clerk. Yes, sir.

3713 \*The Chairman. Okay, the clerk will report the Carter

3714 amendment.

3715           \*The Clerk. Amendment to the amendment in the nature of  
3716 a substitute to H.R. 8152, offered by Mr. Carter of Georgia.

3717           Page --

3718           \*The Chairman. And without objection, Madam Clerk, the  
3719 reading of the amendment will be dispensed with.

3720           [The amendment of Mr. Carter follows:]

3721

3722           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3723

3724           \*The Chairman. And the gentleman from Georgia is  
3725 recognized for five minutes.

3726           \*Mr. Carter. Thank you, Mr. Chairman. Mr. Chairman,  
3727 this amendment would change section 301 to exempt small  
3728 businesses with less than 15 employees from the requirement  
3729 to have a dedicated privacy officer.

3730           Small businesses cannot afford high compliance costs  
3731 associated with a designated privacy officer. This amendment  
3732 will help ensure that our nation's smallest businesses aren't  
3733 required to be spending thousands of dollars to comply with  
3734 laws that often don't implicate their core business. No  
3735 family-owned corner drugstore or grocery store should be  
3736 required to have a privacy officer.

3737           I urge my colleagues to support this amendment, and I  
3738 yield back.

3739           \*The Chairman. Does anyone else want to speak on the  
3740 Carter amendment?

3741           Mr. Bilirakis is recognized for five minutes.

3742           \*Mr. Bilirakis. Thank you. Thank you, Mr. Chairman. I  
3743 appreciate it. I move to strike the last word.

3744           \*The Chairman. The gentleman --

3745           \*Mr. Bilirakis. Thank you. I want to thank the  
3746 sponsors of this particular amendment. It really is a very  
3747 important amendment. I really want to -- I am grateful to  
3748 Representatives Carter and Craig for offering this particular

3749 amendment.

3750 As I said earlier, our bipartisan bill goes a long way  
3751 in ensuring we are protecting our small businesses from  
3752 overly burdensome regulations and enforcement regimes. This  
3753 amendment will continue that progress by exempting the  
3754 smallest of businesses, companies with under 15 employees,  
3755 from the requirement on companies to maintain a dedicated  
3756 privacy officer.

3757 For many of the smallest mom-and-pop shops that Mr.  
3758 Carter described, they do not have the significant online  
3759 presence, nor have the time, resource, or capability of  
3760 implementing a complex privacy and data security policy at  
3761 their company. They are often just trying to make ends meet,  
3762 particularly during these tough economic times.

3763 So I am glad to see we are recognizing that it is -- in  
3764 this bill, and with this amendment. And I really urge  
3765 passage, unanimous passage of this particular amendment.

3766 Thank you, and I yield back, Mr. Chairman.

3767 \*The Chairman. Thank you.

3768 Does anyone else want to speak on the Carter amendment?

3769 All right. Hearing none -- yes?

3770 Mr. Duncan is recognized for five minutes.

3771 \*Mr. Duncan. Thank you, Mr. Chairman. I move to strike  
3772 the last word.

3773 \*The Chairman. The gentleman is recognized.

3774           \*Mr. Duncan. I would like to yield the time to Mr.  
3775 Carter from Georgia.

3776           \*Mr. Carter. I thank the gentleman for yielding.

3777           You know, Mr. Chairman, I want to reiterate just how  
3778 important this amendment is. When we talk about small  
3779 businesses -- and having owned a small business for over 32  
3780 years -- I can attest to the fact that, especially during  
3781 these times, when inflation is what it is, and supply chain  
3782 issues -- it is tough on small businesses. I mean, I get it.  
3783 It has been tough on everyone, yes, but particularly on small  
3784 businesses.

3785           Now, not only did I own my own business, a small  
3786 business -- I had, I think, 19 employees -- but -- you know,  
3787 and it was important to us, and big to us, but nevertheless  
3788 it was tough. I mean, when you are competing in pharmacy, or  
3789 in groceries, I mean, the margin is just slim, and it is just  
3790 -- everything, you are looking to be as competitive as you  
3791 can, and to be as tight as you can. That is why this would  
3792 be an unnecessary burden on small businesses, and that is why  
3793 it is so important.

3794           Not only that, but I also served on a number of bank  
3795 boards during the during the time when community banks were  
3796 really struggling, and small community banks -- again, an  
3797 example, we were just inundated with rules. The only hires  
3798 that we made for many years were compliance, you know, and

3799 not able to grow our business.

3800 So again, I just want to reiterate how important this is  
3801 for small businesses. As we all know, small businesses are  
3802 the backbone of our economy. Ninety percent of all people  
3803 work -- working work for small businesses. Granted, large  
3804 businesses are important, too, but small businesses are the  
3805 backbone of our economy. And we need to make sure that we  
3806 are doing everything we can to assist them, and making sure  
3807 that they have the ability to be profitable, the ability to  
3808 succeed. We need these mom-and-pop businesses. It is  
3809 extremely important. And this amendment, I think, will help  
3810 tremendously toward not putting the burden on them that would  
3811 be there if they were forced to have a compliance officer.

3812 So I thank the gentleman for yielding, and I will yield  
3813 back.

3814 \*Mr. Duncan. Mr. Chairman, I yield back.

3815 \*The Chairman. All right. Mr. Doyle says we have to  
3816 vote now. Actually, the bells did ring, but we are going to  
3817 try to do one more amendment, even though the bells rang.

3818 So if there is -- oh, Dr. Dunn, you want to speak on the  
3819 Carter amendment? Go ahead.

3820 \*Mr. Dunn. Yes, sir, Mr. --

3821 \*The Chairman. You are recognized for five minutes.

3822 \*Mr. Dunn. I move to strike the last word.

3823 \*The Chairman. The gentleman is recognized.



3824 \*Mr. Dunn. I yield my time to Mr. Curtis of Utah.

3825 \*Mr. Curtis. Thank you. I would actually, Mr.

3826 Chairman, with your indulgence, like to go to the previous

3827 amendment, and speak in favor of the McNerney amendment.

3828 It is a bipartisan amendment. It simply ensures that

3829 the best practices are followed in consultation with NIST, in

3830 regulations to protect consumer data from breaches.

3831 I thank Mr. McNerney for his work on this amendment, and

3832 I urge my colleagues to vote for it.

3833 Thank you, Mr. Dunn. I yield back.

3834 \*Mr. Dunn. I yield back the remainder of our time.

3835 \*The Chairman. All right, thanks. So now we are going

3836 to have a vote on the Carter amendment. A voice vote?

3837 Okay. We will proceed to a vote on the Carter

3838 amendment.

3839 All those in favor of the amendment will signify by

3840 saying aye.

3841 All those opposed will say no.

3842 In the opinion of the chair, the ayes have it, and the  
3843 amendment is -- this is the Carter amendment -- is agreed to.

3844 I think we have one more bipartisan amendment from Mr.

3845 Hudson.

3846 He is not here?

3847 \*Voice. Okay, let's break.

3848 \*The Chairman. Yes. I mean, we only have 12 minutes

3849 left on the vote, so I think this is a good time to break.

3850 All right?

3851 The committee will -- come right back, and we are -- the  
3852 lunch hasn't arrived yet, but it is coming, just so you know.

3853 So the committee stands in recess.

3854 [Recess.]

3855 \*The Chairman. The clerk will report the Hudson  
3856 amendment.

3857 \*The Clerk. Amendment to the amendment in the nature of  
3858 a substitute to H.R. 8152, offered by Mr. Hudson of North  
3859 Carolina.

3860 Page 98 --

3861 \*The Chairman. Madam Clerk, without objection, the  
3862 reading of the Hudson amendment will be dispensed with.

3863 [The amendment of Mr. Hudson follows:]

3864

3865 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3866

3867           \*The Chairman. And the gentleman from North Carolina is  
3868 recognized for five minutes.

3869           \*Mr. Hudson. Thank you, Mr. Chairman. My bipartisan  
3870 amendment will ensure a fair and balanced regime for  
3871 consumer-facing entities that collect our data and the  
3872 entities that provide service on behalf of those entities.  
3873 This is how Main Street connects to the world.

3874           We have received a lot of feedback from industry on this  
3875 section, and I want to make sure we get it right. The online  
3876 economy relies on business partnerships. For example, a  
3877 small convenience store in North Carolina relies on a service  
3878 provider or a cloud computing resource in order to  
3879 effectively provide Americans with everyday goods and  
3880 services.

3881           My amendment represents the thoughtful compromise that  
3882 protects consumer-facing businesses from the potential  
3883 shortcomings of service providers who might not meet the  
3884 obligations outlined in this bill. This includes assisting  
3885 businesses in the ability to exercise a verified right from  
3886 an individual to access, correct, delete, or report their  
3887 data. And while our amendment requires service providers to  
3888 fulfill their responsibilities to covered entities, it does  
3889 not ask them to do the impossible. If a service provider is  
3890 unable to fulfill their responsibilities to a covered entity,  
3891 they must provide written verification to the covered entity

3892 for a permitted reason.

3893 We also solidify the requirements for contractual  
3894 agreements that covered entities and service providers must  
3895 follow to ensure that one party is not able to escape  
3896 responsibility for failure to meet their obligations.

3897 And finally, our amendment requires the Federal Trade  
3898 Commission to issue guidance for how covered entities and  
3899 service providers comply with the requirements set forth by  
3900 our amendment, and also takes into consideration the burdens  
3901 on the different sizes of business, especially those small  
3902 businesses.

3903 We need to get this right, and ensure that any covered  
3904 entity or service provider fully understands their  
3905 obligations set forth in this legislation.

3906 With that, I urge my colleagues to support our  
3907 bipartisan amendment.

3908 And Mr. Chairman, I yield back.

3909 \*The Chairman. I thank the gentleman. Mr. O'Halleran  
3910 is recognized for five minutes.

3911 \*Mr. O'Halleran. Thank you, Mr. Chairman. I move to  
3912 strike the last word.

3913 \*The Chairman. The gentleman is recognized.

3914 \*Mr. O'Halleran. Thank you, Mr. Chairman. Our  
3915 amendment is bipartisan, offered with my colleague, Mr.  
3916 Hudson, who has done a wonderful job on this process, and

3917 seeks to make some clarifications regarding what covered  
3918 entities and service providers are liable for under the Act.  
3919 This amendment ensures service providers are also responsible  
3920 for protecting consumers' data privacy rights.

3921 I also -- it also closes the privacy hole, which would  
3922 have left consumers' privacy unprotected in previous drafts  
3923 of the bill.

3924 Under this amendment, small businesses would be  
3925 protected from one-sided contracts that larger corporations  
3926 force upon them. Instead, this amendment protects against  
3927 big companies shifting the responsibility for protecting  
3928 consumer privacy to small businesses. This bipartisan  
3929 agreement represents an enormous effort and amount of time on  
3930 -- by the committee, and I want to thank them, as well as  
3931 Congressman Hudson, for working with me on this amendment  
3932 that he has worked so hard about.

3933 This amendment carefully balances ensuring the  
3934 protection of consumer privacy rights at all levels, limiting  
3935 the burdens on small businesses, and recognizing what is  
3936 practical for businesses.

3937 I also want to commend the important work of our  
3938 committee on the underlying bill. This legislation is an  
3939 important step to ensure every American has their data  
3940 protected, and American businesses can sensibly and  
3941 seamlessly conduct commerce throughout our country.

3942 Right now, most Americans, including Arizonans, have no  
3943 comprehension data privacy protections and comprehensive  
3944 privacy protections. Most Americans don't know who is  
3945 collecting their data, where it is going, or how it is being  
3946 used. This bill would be a tremendous step forward for  
3947 Americans everywhere.

3948 For all those reasons, I urge my colleagues to support  
3949 this amendment, as well as the underlying bill, and I yield.

3950 \*The Chairman. I thank the gentleman. Does anyone else  
3951 want to speak on this amendment?

3952 Hearing none, we will proceed to a vote on the amendment  
3953 by voice.

3954 All those in favor of the Hudson amendment will signify  
3955 by saying aye.

3956 All those opposed will say no.

3957 In the opinion of the chair, the ayes have it, and the  
3958 amendment by the gentleman from North Carolina is agreed to.

3959 Now, we don't have any more bipartisan amendments, so we  
3960 will now move to partisan amendments. And the first one you  
3961 have is Ms. Eshoo?

3962 Ms. Eshoo?

3963 \*Ms. Eshoo. Yes.

3964 \*The Chairman. What is your amendment labeled?

3965 \*Ms. Eshoo. Sure. My amendment is labeled Eshoo-104.

3966 \*The Chairman. Does the clerk have the Eshoo amendment?

3967           \*The Clerk.  Yes, sir.

3968           \*The Chairman.  The clerk will report the amendment.

3969           \*The Clerk.  Amendment to the amendment in the nature of  
3970 a substitute to H.R. 8152, offered by Ms. Eshoo of  
3971 California.

3972           \*The Chairman.  Without objection, the reading of the  
3973 amendment will be dispensed with.

3974           [The amendment of Ms. Eshoo follows:]

3975

3976           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

3977

3978           \*The Chairman. And the gentlewoman from California is  
3979 recognized for five minutes.

3980           [Pause.]

3981           \*Voice. She is on mute.

3982           \*The Chairman. Anna, I think you are muted. Muted.

3983           \*Ms. Eshoo. I am sorry. That was good for you, not for  
3984 me.

3985           [Laughter.]

3986           \*Ms. Eshoo. Thank you, Mr. Chairman. This amendment is  
3987 not a carve-out for California law. What it does is it  
3988 simply sets a Federal floor, and allows states, not just  
3989 California, but all states, to provide additional rights in  
3990 addition to those established by Federal law.

3991           The ADPPA contains strong privacy protections,  
3992 particularly with regard to civil rights and child safety,  
3993 especially after our friend Representative Castor's amendment  
3994 was adopted. This amendment would not affect those rights  
3995 and protections. It would simply let states strengthen them,  
3996 including California, Washington, Illinois, and New Jersey.

3997           States need the flexibility to respond to changes in  
3998 technology, and expand rights where necessary. Just in the  
3999 past few years we have seen the rise of TikTok, the expansion  
4000 of machine learning and artificial intelligence, and the  
4001 continued use of facial recognition.

4002           \*Voice. [Inaudible.]



4003           \*Ms. Eshoo. Congress has not demonstrated its ability  
4004 to respond to changes in technology quickly.

4005           There is noise --

4006           \*Voice. [Inaudible.]

4007           \*Ms. Eshoo. -- talking in the background, Mr. Chairman.

4008           \*Voice. For everyone.

4009           \*Voice. Yes, it is. States can do whatever --

4010           \*The Chairman. I am sorry.

4011           [Pause.]

4012           \*Ms. Eshoo. Where do you want me to pick up, Mr.  
4013 Chairman?

4014           \*The Chairman. You could proceed.

4015           \*Ms. Eshoo. There were people talking in the  
4016 background. I couldn't even hear myself think.

4017           \*The Chairman. I mean --

4018           \*Voice. I think she had her mike -- I think she  
4019 accidentally put her --

4020           \*The Chairman. I mean, nobody is speaking now, Anna. I  
4021 think you can proceed.

4022           \*Ms. Eshoo. Okay. I just don't know where I left off,  
4023 where members really could hear. Let me get back in the loop  
4024 with this.

4025           Just in the last few years, we have all seen the rise of  
4026 TikTok, the expansion of machine learning and artificial  
4027 intelligence, and the continued use of facial recognition.

4028 Congress has not shown an ability to respond to these changes  
4029 in technology quickly, but states have, and California is  
4030 especially one of them.

4031 But this isn't just about California. My amendment  
4032 ensures that every state can continue to legislate in the  
4033 best interests of their residents, your constituents as well  
4034 as mine, as technology evolves and privacy needs change. So  
4035 that is why I am offering the amendment, Mr. Chairman.

4036 And I have heard members over the years, over and over  
4037 and over again, talking about the laboratories of  
4038 experimentation, the states, the states, the states. This in  
4039 no way impairs the Federal legislation that is being taken  
4040 up. What it does recognize is that states are far more  
4041 limber, and what they have in place -- yes, the Federal law,  
4042 but they should be able to add to that.

4043 I think this fencing off idea is not a good one. And  
4044 so, with that, I yield back the balance of my time, and I  
4045 thank the chairman for recognizing me.

4046 \*Mr. McEachin. Mr. Chairman?

4047 \*The Chairman. I thank the -- yes? I was going to  
4048 speak initially in opposition. Who --

4049 \*Mr. McEachin. I just had -- I just wanted to engage in  
4050 the colloquy, but I will wait, Mr. Chairman.

4051 \*The Chairman. Yes, but we have to go to the  
4052 Republicans first. So is there any Republican member that

4053 wants to speak?

4054 Yes, Mr. Long.

4055 \*Mr. Long. Yes, I move to strike the last word on Ms.  
4056 Eshoo's amendment to H.R. 8152.

4057 Mr. Chairman, I recognize my colleague, the California  
4058 delegation, and California State officials have been pushing  
4059 hard for a carve-out, which is what it is, from the  
4060 preemption section of the California Consumer Protection Act.

4061 I rise in opposition to Ms. Eshoo's amendment. Why are  
4062 we even here? Why are we doing this, if we are going to  
4063 reserve California? As far as I know, California is still  
4064 part of the United States. A lot of people are moving away  
4065 from there, but they are still part of the United States.  
4066 And what other states are going to want the same treatment  
4067 that we give California?

4068 Again, why are we here, if we are going to carve out  
4069 California? One out of every nine Americans lives there --  
4070 or, excuse me, one out of every eight or nine Americans --  
4071 and the national standard needs to be a single standard.

4072 I yield back.

4073 \*The Chairman. Thank you. I want to recognize myself  
4074 for five minutes to speak in opposition to the Eshoo  
4075 amendment.

4076 And I guess I will start, Mr. Long, by saying people are  
4077 still moving to California, but -- so I am not going to argue

4078 over the value of California. It is a wonderful state.

4079 But the problem that I see is this. Ms. Eshoo said that  
4080 this does not impair the legislation. But in fact, it does.  
4081 We worked very hard to come up with a compromise between the  
4082 Democrats and the Republicans in order to accomplish this  
4083 bill. I mean, you know, people like Jan Schakowsky and  
4084 others have been working on this for years.

4085 And we are very fortunate, in my opinion, that we were  
4086 able to come to an agreement with the Republicans, not only  
4087 here in the House, but, you know, the Republicans in the  
4088 Senate, and most of the Democrats in the Senate, as well.

4089 So I want everyone to understand that, if we do  
4090 undermine this bill today, which I believe this amendment  
4091 will do, it really makes it much more difficult for us to  
4092 move this bill and ultimately get it signed into law in this  
4093 session of Congress, which may be the last opportunity we  
4094 have for a while.

4095 Now, it is no secret that preemption of state laws has  
4096 long been a key sticking point when you are trying to deal  
4097 with compromise. And we have worked long and hard on trying  
4098 to deal with preemption and trying to deal with the laws that  
4099 exist in some of the states. And there are areas where --  
4100 not too many, in my opinion, but there are areas where the  
4101 California law is a -- is stronger, and we have made an  
4102 exception.

4103           But basically, what this amendment would do, it would  
4104 reject all of the efforts to come to a compromise by  
4105 replacing carefully crafted preemption provisions, mindful of  
4106 some of the states, with the provision that would not set a  
4107 true Federal standard. Because what Ms. Eshoo is proposing  
4108 is that states could basically go beyond with their own laws.

4109           Now, let me say one thing. No state, in my opinion, has  
4110 a law that is as strong as this Federal bill, not even  
4111 California. And the efforts by other states and the  
4112 legislatures to actually enact strong data privacy laws have  
4113 all failed. Even in California, this wasn't done by the  
4114 legislature, this was done by initiative and referendum,  
4115 which doesn't exist in most states, or at least in a lot of  
4116 the states.

4117           And so, as much as I appreciate the fact that some  
4118 states and some attorney generals may feel, oh, you know, we  
4119 are going to do better, the reality is that is probably not  
4120 going to happen, because it hasn't happened. It just hasn't  
4121 happened at all, for all practical purposes.

4122           And the other problem, too, is that if states decide  
4123 that they are going to enact stronger laws and somehow get  
4124 around to it, which I don't think they will, who is going to  
4125 determine whether it is stronger? Every state is going to  
4126 say it is stronger, and then we are going to end up in courts  
4127 and litigation forever.

4128           So I am not saying that what Ms. Eshoo wants to do is  
4129 not inherently -- is not a good idea, but it is going to  
4130 definitely kill this bill. And I also think it is not very  
4131 practical, in terms of what actually happens.

4132           We want to establish a strong national standard. That  
4133 is what this bill does. And that is why so many of the  
4134 consumer groups -- I mean, it is no secret that there is  
4135 robust protection for, you know, anti-discrimination  
4136 protection, bans on targeted for kids, global opt-outs for  
4137 sensitive data, targeted -- data broken -- I mean, there is  
4138 so many things here that are really comprehensive consumer  
4139 data privacy legislation, and that is a deal that benefits  
4140 all Americans.

4141           So, you know, it has the support of the civil rights  
4142 community, the privacy advocates, consumer groups, and, of  
4143 course, bipartisan lawmakers. And this amendment is not part  
4144 of that deal. And it is basically going to undermine our  
4145 ability to move what is really important legislation.

4146           So I urge my colleagues to -- let's continue the hard  
4147 work on passing this historic legislation, and I would ask  
4148 you to reject this amendment for all the reasons that I  
4149 stated. And I yield back.

4150           Are other members -- we will go to the Republican side.

4151           Anyone on the Democratic side?

4152           Ms. Schakowsky is recognized for five minutes.

4153           \*Ms. Schakowsky. Thank you.

4154           I just want to say to my friend and colleague,  
4155 Congresswoman Eshoo, I know that you have been involved for a  
4156 long time also, and concerned about the issues of a -- you  
4157 know, having a privacy bill. You and I have worked together  
4158 on the issue of some of the surveillance, we have had  
4159 legislation, and I want to echo a lot of what Frank has said.

4160           You know, we have worked for a long time to get the most  
4161 powerful bill that we can to protect consumers, to protect  
4162 children, to protect human rights, civil rights, and anti-  
4163 discrimination. And we have gone through so many of these  
4164 for a long time.

4165           Many of us understand fully that it would be great, you  
4166 know, for some anyway, to have states do what they want.  
4167 But, as the chairman said, there is no other state -- well,  
4168 let's talk about California for a minute, and not everybody  
4169 likes this. But in fact, by and large, our legislation has  
4170 been deemed stronger, except that we have made, where the  
4171 California law is stronger, we let California right now,  
4172 having been, really, the first for a comprehensive piece of  
4173 legislation, to go ahead.

4174           But it doesn't make sense, and it certainly hasn't to  
4175 all of the stakeholders that are involved, to say that every  
4176 single state can do exactly what it wants when it comes to  
4177 data privacy, to have a floor, tut then you could have all

4178 these different regulations that could happen in the 50  
4179 states.

4180         So we want to get a bill passed, because the American  
4181 people are begging for it. They are starving for it. They  
4182 are angry about not having control over their data, not  
4183 having some -- and so, you know, I am looking at this list of  
4184 organizations that, at this moment, are, you know, trying to  
4185 say, "Do not pass this legislation": The Center for  
4186 Democracy and Technology, Future of Privacy, the Electronic  
4187 Privacy Information Center, the Public Citizen's Leadership  
4188 Conference on Civil Rights, Free Press, Common Cause.

4189         And in terms of the Lawyers Committee on Civil Rights,  
4190 what they have sent out as this hearing has been going on is  
4191 that this amendment is a poison pill, that the only way a  
4192 bill will get passed is if there is a compromise on the issue  
4193 of preemption. And David Brody, who is the head of this  
4194 organization, the chief lawyer on there on the Lawyers for --  
4195 the Lawyers Committee on Civil Rights, has said that, "I  
4196 don't like preemption, but we can't make the perfect the  
4197 enemy of the good. All Americans need privacy and online  
4198 civil protection."

4199         So, you know, these are people who, by and large, agree  
4200 with much of what you are saying, but know that we are not  
4201 going to get anywhere unless we do something. And so I  
4202 just --



4203           \*Ms. Eshoo. Would the gentlewoman yield?

4204           \*Ms. Schakowsky. Yes, of course. I will yield to you,  
4205 Anna.

4206           \*Ms. Eshoo. Thank you, I appreciate it. I just want to  
4207 say that it is a mischaracterization of my amendment to say  
4208 that any state can do anything. That is not what -- how my  
4209 amendment reads.

4210           States would be able to add something that is stronger  
4211 than the Federal law, but not be --

4212           \*Ms. Schakowsky. No, I understand.

4213           \*Ms. Eshoo. -- able to add anything willy nilly. So I  
4214 just wanted to make that correction.

4215           \*Ms. Schakowsky. No. Okay, thank you. Thank you for  
4216 that, and I should have been clearer about that, yes, that if  
4217 they want to go beyond the legislation.

4218           But still, you could see then, in many states, even most  
4219 states that do have different requirements -- so we are  
4220 trying to get a very strong bill passed, a bill that even  
4221 maybe some of the most critical of the advocates -- and  
4222 certainly, we want to be able to have the bipartisan support,  
4223 we have brought together industry and, you know, and -- to  
4224 make this possible.

4225           So I am out of time. I will yield back, but I think  
4226 that we have a product that we can really be proud of, and I  
4227 am hoping we will pass it. Thank you.

4228           \*The Chairman. I thank the gentlewoman. Does anyone on  
4229 the Republican side want to add anything?

4230           \*Mr. McEachin. Oh, I am sorry. Mr. McEachin of  
4231 Virginia is recognized for five minutes.

4232           \*Mr. McEachin. Thank you, Mr. Chairman. Mr. Chairman,  
4233 I will start off -- I am trying to figure out whether I need  
4234 to ask counsel or Ms. Eshoo, but I will start off by advising  
4235 the committee that in the special session of 2021, Virginia  
4236 adopted its own Privacy Act.

4237           The challenge, from my vantage point, my pejorative  
4238 vantage point, is that the only person who can enforce it is  
4239 the attorney general, and it is a very interesting bill. I  
4240 have had a chance to read it while we were listening to the  
4241 conversation between the various members.

4242           So I guess I will start off with Ms. Eshoo. I will  
4243 yield to you in just a moment, ma'am, but I am focused on  
4244 lines -- page 1, lines 10 through 12, and then page 2, lines  
4245 1 through 2. And I am finding myself trying to figure out at  
4246 what point is -- what does that mean? It says, "For purposes  
4247 of this paragraph, a law of a state or political subdivision  
4248 of a state is not inconsistent with this act if the  
4249 protection of such law affords any consumer is greater --  
4250 afforded any consumer is greater than the protection provided  
4251 by this act.'`

4252           So the attorney general is the only one in my state that

4253 can bring the act, as the -- is my law inconsistent with  
4254 this? What -- help me understand how the -- interplay  
4255 between my state's law and your amendment.

4256 \*The Chairman. Is the gentleman asking Ms. Eshoo to  
4257 respond to her amendment?

4258 \*Mr. McEachin. Yes --

4259 \*Ms. Eshoo. -- respond quickly --

4260 \*Mr. McEachin. -- Chairman, I am.

4261 \*Ms. Eshoo. -- Mr. Chairman.

4262 \*The Chairman. All right, then you would have to yield  
4263 to Ms. Eshoo.

4264 \*Mr. McEachin. And I so do, Mr. Chairman. Thank you,  
4265 sir.

4266 \*Ms. Eshoo. I thank the gentleman --

4267 \*The Chairman. Ms. Eshoo?

4268 \*Ms. Eshoo. Thank you, Mr. Chairman. Yes, I would be  
4269 glad to.

4270 This is legalese that actually says that, if a state  
4271 adds something that is stronger than the Federal law, it  
4272 would be accepted. If it is not, that it won't. And it is  
4273 exactly the point that I just made to Ms. Schakowsky to clear  
4274 up the description.

4275 So this essentially allows states to offer, as they do,  
4276 as I said this morning, in countless Federal laws, from HIPAA  
4277 to TSCA --

4278           \*Mr. McEachin. Well, I need to reclaim my time, and  
4279 maybe clarify my --

4280           \*Ms. Eshoo. -- that they can add something stronger,  
4281 without --

4282           \*Mr. McEachin. Mr. Chairman, I need to reclaim my time,  
4283 because it is running out.

4284           \*Ms. Eshoo. -- messing with the Federal law.

4285           \*The Chairman. The gentleman has reclaimed his time.  
4286 The gentleman from Virginia has the time.

4287           \*Mr. McEachin. And I appreciate the gentlewoman's  
4288 answer to the extent that she shared her thoughts with us.  
4289 But in my state, right now, the attorney general can enforce  
4290 essentially the same act as this Federal act -- let's assume  
4291 I am right for that purpose -- except that no individual has  
4292 a private right of action in Virginia. It has to be brought  
4293 by the attorney general.

4294           I am trying to figure out is that inconsistent within  
4295 the four corners of Ms. Eshoo's amendment. So, trying to  
4296 phrase the question that way, I will yield to her to see what  
4297 her response might be.

4298           \*The Chairman. Ms. Eshoo, he has --

4299           \*Ms. Eshoo. My response --

4300           \*The Chairman. -- yielded to you again.

4301           \*Ms. Eshoo. -- is no. My response is no.

4302           \*The Chairman. Does the gentleman reclaim his time?

4303           \*Mr. McEachin. Thank you, Mr. Chairman. I appreciate  
4304 you allowing me to explore that a little bit.

4305           In an abundance of caution, sadly, I am voting against  
4306 her amendment, because I want to make sure that my  
4307 individuals in Virginia have their private causes of action  
4308 to the extent that this bill creates one.

4309           And again, I am not necessarily very satisfied with this  
4310 bill, but to the extent that there is a private cause of  
4311 action created, I would like it to be able to be exercised by  
4312 folks beyond just my attorney general.

4313           I thank the chair, and I yield back.

4314           \*The Chairman. I thank the gentleman. Does anyone on  
4315 the -- well, anyone at all, want to comment further on the  
4316 Eshoo amendment on either side of the aisle?

4317           All right. Then we will go to a vote.

4318           Do you want a recorded vote?

4319           All right. We will have a voice vote, unless someone  
4320 objects to that.

4321           \*Ms. Eshoo. I object. I want a voice -- a roll call  
4322 vote, Mr. Chairman.

4323           \*The Chairman. You want a roll call vote --

4324           \*Ms. Eshoo. I do.

4325           \*The Chairman. -- Anna?

4326           \*Ms. Eshoo. I do.

4327           \*The Chairman. Okay. A recorded vote is ordered.

4328 Those in favor -- who is that? Is someone -- no? Okay.

4329 A recorded vote is ordered on the Eshoo amendment.

4330 Those in favor of the amendment will say aye; those opposed  
4331 to the amendment will say no; and the clerk shall call the  
4332 roll on the Eshoo amendment.

4333 \*The Clerk. Mr. Rush?

4334 [No response.]

4335 \*The Clerk. Ms. Eshoo?

4336 \*Ms. Eshoo. Aye.

4337 \*The Clerk. Ms. Eshoo votes aye.

4338 Ms. DeGette?

4339 \*Ms. DeGette. No.

4340 \*The Clerk. Ms. DeGette votes no.

4341 Mr. Doyle?

4342 \*Mr. Doyle. No.

4343 \*The Clerk. Mr. Doyle votes no.

4344 Ms. Schakowsky?

4345 \*Ms. Schakowsky. No.

4346 \*The Clerk. Ms. Schakowsky votes no.

4347 Mr. Butterfield?

4348 \*Mr. Butterfield. Butterfield votes no.

4349 \*The Clerk. Mr. Butterfield votes no.

4350 Ms. Matsui?

4351 \*Ms. Matsui. Matsui votes aye.

4352 \*The Clerk. Ms. Matsui votes aye.

4353 Ms. Castor?

4354 \*Ms. Castor. [Inaudible.]

4355 \*The Clerk. Ms. Castor votes no.

4356 Mr. Sarbanes?

4357 [No response.]

4358 \*The Clerk. Mr. McNerney?

4359 \*Mr. McNerney. [Inaudible.]

4360 \*The Clerk. Mr. McNerney votes aye.

4361 Mr. Welch?

4362 \*Mr. Welch. Aye.

4363 \*The Clerk. Mr. Welch votes aye.

4364 Mr. Tonko?

4365 [No response.]

4366 \*The Clerk. Ms. Clarke?

4367 \*Ms. Clarke. Ms. Clarke of New York votes no.

4368 \*The Clerk. Ms. Clarke votes no.

4369 Mr. Schrader?

4370 \*Mr. Schrader. [Inaudible.]

4371 \*The Clerk. Mr. Schrader votes no.

4372 Mr. Cardenas?

4373 \*Mr. Cardenas. Cardenas, representing California, votes

4374 aye.

4375 \*The Clerk. Mr. Cardenas votes aye.

4376 Mr. Ruiz?

4377 [No response.]

4378 \*The Clerk. Mr. Peters?  
4379 [No response.]  
4380 \*The Clerk. Mrs. Dingell?  
4381 \*Mrs. Dingell. [Inaudible.]  
4382 \*The Clerk. Mrs. Dingell votes no.  
4383 Mr. Veasey?  
4384 [No response.]  
4385 \*The Clerk. Ms. Kuster?  
4386 \*Ms. Kuster. Kuster votes no.  
4387 \*The Clerk. Ms. Kuster votes no.  
4388 Ms. Kelly?  
4389 \*Ms. Kelly. Kelly votes no.  
4390 \*The Clerk. Ms. Kelly votes no.  
4391 Ms. Barragan?  
4392 \*Ms. Barragan. Barragan votes aye.  
4393 \*The Clerk. Ms. Barragan votes aye.  
4394 Mr. McEachin?  
4395 \*Mr. McEachin. McEachin votes no.  
4396 \*The Clerk. Mr. McEachin votes no.  
4397 Ms. Blunt Rochester?  
4398 \*Ms. Blunt Rochester. Blunt Rochester votes no.  
4399 \*The Clerk. Ms. Blunt Rochester votes no.  
4400 Mr. Soto?  
4401 \*Mr. Soto. Soto votes no.  
4402 \*The Clerk. Mr. Soto votes no.



4403 Mr. O'Halleran?

4404 [No response.]

4405 \*The Clerk. Miss Rice?

4406 \*Miss Rice. Rice of New York votes no.

4407 \*The Clerk. Miss Rice votes no.

4408 Ms. Craig?

4409 [No response.]

4410 \*The Clerk. Ms. Schrier?

4411 [No response.]

4412 \*The Clerk. Mrs. Trahan?

4413 \*Mrs. Trahan. [Inaudible.]

4414 \*The Clerk. Mrs. Trahan votes no.

4415 Mrs. Fletcher?

4416 [No response.]

4417 \*The Clerk. Mrs. Rodgers?

4418 \*Mrs. Rodgers. [Inaudible.]

4419 \*The Clerk. Mrs. Rodgers votes no.

4420 Mr. Upton?

4421 \*Mr. Upton. [Inaudible.]

4422 \*The Clerk. Mr. Upton votes no.

4423 Mr. Burgess?

4424 \*Mr. Burgess. Burgess votes no.

4425 \*The Clerk. Mr. Burgess votes no.

4426 Mr. Scalise?

4427 [No response.]

4428 \*The Clerk. Mr. Latta?  
4429 \*Mr. Latta. [Inaudible.]  
4430 \*The Clerk. Mr. Latta votes no.  
4431 Mr. Guthrie?  
4432 [No response.]  
4433 \*The Clerk. Mr. McKinley?  
4434 \*Mr. McKinley. McKinley votes no.  
4435 \*The Clerk. Mr. McKinley votes no.  
4436 Mr. Kinzinger?  
4437 [No response.]  
4438 \*The Clerk. Mr. Griffith?  
4439 \*Mr. Griffith. [Inaudible.]  
4440 \*The Clerk. Mr. Griffith votes on.  
4441 Mr. Bilirakis?  
4442 \*Mr. Bilirakis. [Inaudible.]  
4443 \*The Clerk. Mr. Bilirakis votes no.  
4444 Mr. Johnson?  
4445 \*Mr. Johnson. No.  
4446 \*The Clerk. Mr. Johnson votes no.  
4447 Mr. Long?  
4448 \*Mr. Long. [Inaudible.]  
4449 \*The Clerk. Mr. Long votes no.  
4450 Mr. Bucshon?  
4451 \*Mr. Bucshon. No.  
4452 \*The Clerk. Mr. Bucshon votes no.

4453 Mr. Mullin?  
4454 \*Mr. Mullin. No.  
4455 \*The Clerk. Mr. Mullin votes no.  
4456 Mr. Hudson?  
4457 \*Mr. Hudson. No.  
4458 \*The Clerk. Mr. Hudson votes no.  
4459 Mr. Walberg?  
4460 \*Mr. Walberg. [Inaudible.]  
4461 \*The Clerk. Mr. Walberg votes no.  
4462 Mr. Carter?  
4463 \*Mr. Carter. [Inaudible.]  
4464 \*The Clerk. Mr. Carter votes no.  
4465 Mr. Duncan?  
4466 \*Mr. Duncan. No.  
4467 \*The Clerk. Mr. Duncan votes no.  
4468 Mr. Palmer?  
4469 \*Mr. Palmer. [Inaudible.]  
4470 \*The Clerk. Mr. Palmer votes no.  
4471 Mr. Dunn?  
4472 \*Mr. Dunn. [Inaudible.]  
4473 \*The Clerk. Mr. Dunn votes no.  
4474 Mr. Curtis?  
4475 \*Mr. Curtis. [Inaudible.]  
4476 \*The Clerk. Mr. Curtis votes no.  
4477 Mrs. Lesko?

4478 \*Mrs. Lesko. [Inaudible.]  
4479 \*The Clerk. Mrs. Lesko votes no.  
4480 Mr. Pence?  
4481 \*Mr. Pence. [Inaudible.]  
4482 \*The Clerk. Mr. Pence votes no.  
4483 Mr. Crenshaw?  
4484 \*Mr. Crenshaw. [Inaudible.]  
4485 \*The Clerk. Mr. Crenshaw votes no.  
4486 Mr. Joyce?  
4487 \*Mr. Joyce. [Inaudible.]  
4488 \*The Clerk. Mr. Joyce votes no.  
4489 Mr. Armstrong?  
4490 \*Mr. Armstrong. [Inaudible.]  
4491 \*The Clerk. Mr. Armstrong votes no.  
4492 Chairman Pallone?  
4493 \*The Chairman. Pallone of New Jersey votes no.  
4494 \*The Clerk. Chairman Pallone votes no.  
4495 \*Mr. Sarbanes. How is Sarbanes --  
4496 \*Mr. Peters. How is --  
4497 \*Mr. Sarbanes. -- recorded?  
4498 \*Mr. Peters. -- Peters recorded?  
4499 \*The Chairman. Who is that?  
4500 \*Mr. Sarbanes. Sarbanes.  
4501 \*The Chairman. Mr. Sarbanes? Or Mr. Peters?  
4502 \*Mr. Sarbanes. Sarbanes.

4503 \*The Clerk. Mr. --

4504 \*The Chairman. Mr. Sarbanes

4505 \*The Clerk. Mr. Sarbanes is not recorded.

4506 \*Mr. Sarbanes. Sarbanes votes no.

4507 \*The Clerk. Mr. Sarbanes --

4508 \*Mr. Rush. Mr. Chairman?

4509 \*The Clerk. -- votes no.

4510 \*Mr. Rush. Mr. Chairman?

4511 \*The Chairman. Mr. Rush?

4512 \*Mr. Rush. Mr. Chairman, how am I recorded?

4513 \*The Clerk. Mr. Rush is not recorded.

4514 \*Mr. Rush. Rush votes no.

4515 \*The Clerk. Mr. Rush votes no.

4516 \*Ms. Schrier. Mr. Chairman?

4517 \*The Chairman. Anyone else who is not --

4518 \*Mr. Peters. Is Peters recorded, please?

4519 \*The Clerk. Mr. Peters --

4520 \*The Chairman. Mr. Peters?

4521 \*The Clerk. -- is not recorded.

4522 \*Mr. O'Halleran. O'Halleran would like to know how --

4523 \*Mr. Peters. Peters votes yes.

4524 \*The Clerk. Mr. Peters votes aye.

4525 \*The Chairman. Mr. --

4526 \*Ms. Schrier. How is Schrier recorded?

4527 \*The Chairman. Ms. --

4528            \*Mrs. Fletcher. Mr. Chairman? This is Mrs. Fletcher.  
4529    How am I recorded?  
4530            \*The Chairman. Mrs. Fletcher?  
4531            \*The Clerk. Mrs. Fletcher is not recorded.  
4532            \*Mrs. Fletcher. Fletcher votes no.  
4533            \*The Clerk. Mrs. Fletcher --  
4534            \*Mr. O'Halleran. O'Halleran --  
4535            \*The Clerk. -- votes on.  
4536            \*Mr. O'Halleran. -- how am I recorded?  
4537            \*The Chairman. Mr. O'Halleran?  
4538            \*The Clerk. Mr. O'Halleran is not recorded.  
4539            \*Mr. O'Halleran. O'Halleran votes no.  
4540            \*The Clerk. Mr. O'Halleran votes no.  
4541            \*The Chairman. Ms. Schrier?  
4542            \*Ms. Schrier. Ms. Schrier.  
4543            \*The Clerk. Ms. Schrier is not recorded.  
4544            \*Ms. Schrier. Schrier votes no.  
4545            \*The Clerk. Ms. Schrier votes no.  
4546            \*The Chairman. Mr. Veasey, do -- were you recorded?  
4547            \*The Clerk. Mr. Veasey is not recorded.  
4548            \*Mr. Veasey. And I vote no.  
4549            \*The Clerk. Mr. Veasey votes no.  
4550            \*Ms. Craig. This is Ms. Craig. How am I recorded?  
4551            \*The Clerk. Ms. Craig is not recorded.  
4552            \*Ms. Craig. Ms. Craig votes no.

4553           \*The Clerk. Ms. Craig votes no.

4554           \*The Chairman. Mr. Guthrie?

4555           \*Mr. Guthrie. Guthrie votes no.

4556           \*The Clerk. Mr. Guthrie votes no.

4557           \*The Chairman. Mr. Tonko?

4558           \*Mr. Tonko. [Inaudible.]

4559           \*The Clerk. Mr. Tonko votes no.

4560           \*The Chairman. Is anyone else not recorded who wants to

4561 be recorded?

4562           \*The Clerk. Mr. Ruiz is not recorded.

4563           \*Mr. Ruiz. Aye.

4564           \*The Clerk. Mr. Ruiz votes aye.

4565           \*The Chairman. Dr. Burgess, are you recorded?

4566           \*Mr. Burgess. I am a big no.

4567           \*The Chairman. Okay, Dr. Burgess.

4568           All right, is that it? Anyone else?

4569           I think that is everybody. Okay, the clerk will report

4570 the tally.

4571           \*The Clerk. On that vote, Mr. Chairman, the ayes were 8

4572 and the nays were 48.

4573           \*The Chairman. Okay. So, Madam Clerk, the vote is 8

4574 ayes to 48 noes, and the amendment is not agreed to.

4575           We have some further amendments that are partisan. Mr.

4576 Walberg is recognized.

4577           What is -- how is your amendment labeled?

4578           The gentleman from Michigan, do you have an amendment?

4579           \*Mr. Walberg. I do have an amendment. I hope the name  
4580 Walberg is on it.

4581           \*The Chairman. Does the clerk have that one?

4582           \*The Clerk. Yes, sir.

4583           \*The Chairman. The clerk will report the Walberg  
4584 amendment.

4585           \*The Clerk. Amendment to the amendment in the nature of  
4586 a substitute to H.R. 8152, offered by Mr. Walberg of  
4587 Michigan.

4588           Page 90 --

4589           \*The Chairman. Without objection, the reading of the  
4590 amendment will be dispensed with.

4591           [The amendment of Mr. Walberg follows:]

4592

4593           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

4594



4595           \*The Chairman. And the gentleman from Michigan is  
4596 recognized for five minutes.

4597           \*Mr. Walberg. Thank you, Mr. Chairman. My amendment to  
4598 the AINS would increase the number of exemptions for truly  
4599 small businesses.

4600           Let's be clear: the majority of small businesses are  
4601 not the target of this legislation. One can understand why a  
4602 small business of only a few employees may find it difficult  
4603 when they get a notice in the mail telling them that they  
4604 have to come up with new data policy plans and protocols, and  
4605 post these policies for the public to see. A motorcycle  
4606 repair shop with six employees in Monroe County, Michigan  
4607 doesn't have the resources to meet these requirements.

4608           When it comes to data privacy, most small businesses  
4609 will have no problem complying with the regulations in this  
4610 bill. They don't sell data to third parties, they don't  
4611 track minors online, or engage in targeted advertising.  
4612 However, requiring them to proactively come up with data  
4613 security plans and make those plans public is an unfunded  
4614 mandate that will cost these businesses time and money.

4615           Let's remember that many of these businesses have never  
4616 engaged in privacy. They have no idea what the CPPA is. And  
4617 this new regulatory regime will be their introduction to this  
4618 issue. Their notice from the FTC about a new regulatory  
4619 requirement will be the first time they have ever heard of

4620 this issue. They are not going to love the idea of having to  
4621 comply with a regulation that they think should be targeted  
4622 at businesses much larger than them, who actually make money  
4623 off this data.

4624 To be clear, this amendment would not exempt small  
4625 businesses from the whole bill. It would simply exempt them  
4626 from a few sections of the bill that will add yet another  
4627 layer of paperwork and burden to already over-burdened small  
4628 business owners, with no real impact for the good.

4629 I know the committee is still discussing these issues,  
4630 so I will respectfully withdraw my amendment. But I hope we  
4631 can come to an agreement in the future. Our truly small  
4632 businesses are the lifeblood of Main Streets all across this  
4633 country. With inflation, workforce shortages, and supply  
4634 chain issues, we don't need to give them even more problems  
4635 or mandates to deal with.

4636 And Mr. Chairman, I yield back.

4637 \*The Chairman. I thank the gentleman. We have another  
4638 amendment, partisan?

4639 Mr. Long, the gentleman from Missouri, is your amendment  
4640 labeled?

4641 Oh, it is Mr. Hudson? Okay, Mr. Hudson?

4642 \*Mr. Hudson. Mr. Chairman, my amendment is Hudson FCC  
4643 preemption amendment.

4644 \*The Chairman. Does the clerk have that?

4645           \*The Clerk.  Yes, sir.

4646           \*The Chairman.  All right, the clerk will report the  
4647 Hudson amendment.

4648           \*The Clerk.  Amendment to the amendment in the nature of  
4649 a substitute to H.R. 8152, offered by Mr. Hudson of North  
4650 Carolina.

4651           Page --

4652           \*The Chairman.  And, Madam Clerk, without objection, the  
4653 reading of the Hudson amendment will be dispensed with.

4654           [The amendment of Mr. Hudson follows:]

4655

4656           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

4657

4658           \*The Chairman. And the gentleman from North Carolina is  
4659 recognized for five minutes.

4660           \*Mr. Hudson. Thank you, Mr. Chairman.

4661           The bill before us today recognizes the Federal Trade  
4662 Commission should be the agency with the sole Federal  
4663 authority over privacy. We are seeing states weighing into  
4664 this privacy debate, passing their own laws, which creates  
4665 confusion for consumers, which is why it is so important, for  
4666 the sake of consumers and businesses, having a national  
4667 standard and one primary enforcement agency. It provides  
4668 every citizen with a consistent set of rules, regardless of  
4669 where you live or work.

4670           My amendment today would strengthen the shared  
4671 bipartisan goal of having the FTC be that one Federal privacy  
4672 agency. I am concerned the bill may create a situation where  
4673 the FTC and the FCC could have dual regulation over some  
4674 entities. This seems fundamentally counter to the goals of  
4675 this comprehensive Federal privacy bill.

4676           While I will offer and withdraw this amendment, I ask  
4677 the chair and the ranking member to continue to work with me  
4678 to resolve these concerns as we move this legislation to the  
4679 floor to ensure this bill ultimately lives up to the promise  
4680 of creating a single Federal regulator for privacy.

4681           And at this point, Mr. Chairman, I would like to yield  
4682 to my colleague, Billy Long.

4683           \*The Chairman. The gentleman from Missouri is  
4684 recognized.

4685           \*Mr. Long. Thank you for yielding, and I would like to  
4686 echo my colleague Mr. Hudson's concerns.

4687           Without complete Federal communication, FCC preemption,  
4688 we are setting up a framework that will treat similar  
4689 services differently, depending on what company is offering  
4690 them.

4691           The Federal Trade Commission, the FTC, has more than 100  
4692 years' experience protecting consumers privacy. No other  
4693 Federal agency has spent as much time and developed as much  
4694 privacy expertise as the FTC. The FCC has legacy privacy  
4695 requirements that are -- were incorporated decades ago into  
4696 the Communications Act. But the FCC's experience in  
4697 enforcing these requirements is very limited, and only  
4698 certain companies, based upon the regulatory history, are  
4699 subject to such requirements.

4700           I yield back.

4701           \*Mr. Hudson. I yield back, Mr. --

4702           \*Mr. Curtis. Would the gentleman yield?

4703           \*Mr. Hudson. I would be happy to yield, Mr. Chairman,  
4704 to Mr. Curtis.

4705           \*Mr. Curtis. Thank you. I also wish to speak in favor  
4706 of the amendment offered by Mr. Hudson.

4707           The Hudson amendment would fully place privacy

4708 regulations under the FTC, ensuring that some companies are  
4709 not subject to regulations by both the FCC and the FTC, while  
4710 others are regulated only by the FTC. This would create an  
4711 unequal government-imposed standard.

4712 No other Federal agency has spent as much time and  
4713 developed as much privacy expertise as the FTC. It makes  
4714 sense to place privacy regulations solely under the FTC to  
4715 create a level playing field across industries.

4716 I yield back.

4717 \*Mr. Hudson. And unless anyone else would like some  
4718 time, Mr. Chairman, I yield back.

4719 \*The Chairman. Is -- does the gentleman want to proceed  
4720 with the amendment?

4721 \*Mr. Hudson. No, I would like to withdraw the  
4722 amendment.

4723 \*The Chairman. All right. Thank you so much. We  
4724 appreciate it.

4725 Is there a Curtis amendment? Does the gentleman have a  
4726 label for it?

4727 \*Mr. Curtis. Does the clerk have that at the desk?

4728 \*The Clerk. Yes, sir.

4729 \*The Chairman. The clerk will report the amendment.

4730 \*The Clerk. Amendment to the amendment in the nature of  
4731 a substitute to H.R. 8152, offered by Mr. Curtis of Utah.

4732 Page --

4733           \*The Chairman. Without objection, the reading of the  
4734 amendment will be dispensed with.

4735           [The amendment of Mr. Curtis follows:]

4736

4737           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

4738

4739           \*The Chairman. And the gentleman is recognized for five  
4740 minutes.

4741           \*Mr. Curtis. Thank you, Mr. Chairman and Ranking Member  
4742 Rodgers. I would like to add my voice to the many voices  
4743 today of appreciation to the chair and the ranking member,  
4744 and many people that have worked so hard on this bill.

4745           That said, I am concerned about second-order effects and  
4746 unintended consequences of parts of this bill. And while I  
4747 understand the concerns of gathering first-party data, I am  
4748 also concerned about the unintended impact of these  
4749 restrictions that could impose on social media companies  
4750 partnering with small businesses, many of which advertise  
4751 primarily online and on social media.

4752           I appreciate that there is a small business exemption on  
4753 how businesses can use certain data, but as currently  
4754 written, small businesses could be prohibited from using  
4755 relatively obvious information, such as a person's interest  
4756 in hobbies, as expressed through engagement on social media  
4757 and advertising to them based on those interests on the same  
4758 platform.

4759           I am offering and withdrawing this amendment in order to  
4760 ask that the chairman and ranking member consider minor  
4761 changes to the provisions raised to ensure that small  
4762 businesses that rely on such advertising as a primary source  
4763 of reaching customers are not impacted in a way that



4764 companies do their business models. Hopefully, we will be  
4765 able to have that discussion as this bill moves forward.

4766 And with that, Mr. Chairman, I withdraw my amendment.

4767 \*The Chairman. Well, I thank the gentleman.

4768 Mr. Long, you have your own amendment?

4769 \*Mr. Long. Yes. Mr. Chairman, I have an amendment to  
4770 the AINS.

4771 \*The Chairman. Do you have that one, Madam Clerk?

4772 \*The Clerk. Yes, sir.

4773 \*The Chairman. Would you report the Long amendment?

4774 \*The Clerk. Amendment to the amendment in the nature of  
4775 a substitute to H.R. 8152, offered by Mr. Long of Missouri.

4776 \*The Chairman. Madam Clerk, without objection, the  
4777 reading of the amendment will be dispensed with.

4778 [The amendment of Mr. Long follows:]

4779

4780 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

4781

4782           \*The Chairman. And the gentleman from Missouri is  
4783 recognized for five minutes.

4784           \*Mr. Long. Thank you, Mr. Chairman. And I would like  
4785 to start off by reading the language my amendment would  
4786 strike. "CPPA enforcement, notwithstanding any other  
4787 provisions of law, the California Privacy Protection Agency,  
4788 established under 1798.199.10a of the California Privacy  
4789 Rights Act may enforce this act in the same manner it would  
4790 otherwise enforce the California Consumer Privacy Act section  
4791 1798.1050.'`

4792           And it is kind of a word salad. It sounds to me like  
4793 there is a lot of words in there, and we don't want to give  
4794 the California Privacy Protection Agency, the CPPA,  
4795 unprecedented, unparalleled authority to enforce the new  
4796 Federal privacy law. This bill should not single out one  
4797 state and one regulatory agency to hold sweeping authority to  
4798 interpret new national law, authority that could become even  
4799 broader if California provides the CPPA with even more  
4800 authority. Yet the bill also provides that the CPPA, and  
4801 only the CPPA, may enforce this act in the same manner it  
4802 would otherwise enforce the California Consumer Privacy Act.

4803           We all want to make sure this makes sense. Language  
4804 seems a bit confusing, but I will withdraw my amendment, but  
4805 ask that the chair works with me to clarify the language post  
4806 markup.

4807 \*The Chairman. Will the gentleman yield to me?

4808 \*Mr. Long. I yield back.

4809 \*The Chairman. Well, I thought you wanted a response.

4810 No?

4811 \*Voice. He wants you to yield to him.

4812 \*The Chairman. If you don't --

4813 \*Mr. Long. Oh, okay. I yield to you. Okay, I am  
4814 sorry. I yield to the chairman.

4815 \*The Chairman. Oh, okay. I just wanted to respond to  
4816 you, that is all.

4817 So this provision just allows the California agency to  
4818 enforce the Federal law in the same way it can enforce the  
4819 state law today. It doesn't allow them to issue rules about  
4820 the Federal law.

4821 But that said, I just -- I think the -- you know, you  
4822 have some -- you are asking us to look at it, the California  
4823 agency maybe would like us to look at it. So we -- you know,  
4824 we will work with both you and California to try to clarify  
4825 this, because I don't -- I certainly don't want any  
4826 unintended consequences. And as I have said, this is a  
4827 carefully negotiated bill.

4828 But I appreciate you withdrawing the amendment, and I  
4829 certainly yield back to the gentleman.

4830 \*Mr. Long. And I yield back.

4831 \*The Chairman. Thank you. All right, I don't think we

4832 have any other amendments, correct?

4833 And so, without further ado, we would go to the AINS,  
4834 correct?

4835 Okay. Do you want to -- yes, go ahead, Mr. --

4836 \*Mr. Griffith. Speaking to the AINS, as amended.

4837 \*The Chairman. You want to speak on it now?

4838 \*Mr. Griffith. If that is permissible, sir.

4839 \*The Chairman. Yes, sure, go ahead.

4840 \*Mr. Griffith. I have heard a lot of good amendments  
4841 today, things that we have passed, things that we have talked  
4842 about and withdrawn. I think the subcommittee and the  
4843 committee have done good work. This is what legislation is  
4844 about. I am going to vote to move this forward, but I am  
4845 still looking at all the moving pieces and trying to figure  
4846 out exactly what we are doing.

4847 So I am going to move it forward today, and look forward  
4848 to the final product as we get to the floor. And I yield  
4849 back.

4850 \*The Chairman. All right, thank you. All right, so if  
4851 there is no further discussion, we will proceed to a vote on  
4852 the amendment in the nature of a substitute.

4853 Do you want a recorded vote, or we can do this by voice?

4854 \*Mr. Bilirakis. Oh, on the AINS? We can do a voice.

4855 \*The Chairman. AINS by voice? Okay. All right.

4856 All those in favor of the amendment in the nature of a

4857 substitute to H.R. 8152, as amended, will signify by saying  
4858 aye.

4859 All those opposed will say no.

4860 Okay. In the opinion of the chair, the ayes have it,  
4861 and the amendment in the nature of a substitute is, as  
4862 amended, is adopted.

4863 Let's see. Now we are going to go to final passage.

4864 You want this recorded, I assume. Okay.

4865 A recorded vote is ordered on final passage of H.R.  
4866 8152. Those in favor of reporting H.R. 8152, as amended, to  
4867 the full House will say aye; those opposed will say no; and  
4868 the clerk shall call the roll.

4869 \*The Clerk. Mr. Rush?

4870 [No response.]

4871 \*The Clerk. Ms. Eshoo?

4872 \*The Chairman. Did you hear what Mr. Rush said?

4873 \*Ms. Eshoo. Eshoo votes no.

4874 \*The Clerk. Ms. Eshoo votes no.

4875 Ms. DeGette?

4876 \*Ms. DeGette. Aye.

4877 \*The Clerk. Ms. DeGette votes aye.

4878 Mr. Doyle?

4879 [No response.]

4880 \*The Clerk. Ms. Schakowsky?

4881 \*Ms. Schakowsky. Aye.

4882 \*The Clerk. Ms. Schakowsky votes aye.  
4883 Mr. Butterfield?  
4884 \*Mr. Butterfield. Votes aye.  
4885 \*The Clerk. Mr. Butterfield votes aye.  
4886 Ms. Matsui?  
4887 \*Ms. Matsui. Votes aye.  
4888 \*The Clerk. Ms. Matsui votes aye.  
4889 Ms. Castor?  
4890 \*Ms. Castor. Aye.  
4891 \*The Clerk. Ms. Castor votes aye.  
4892 Mr. Sarbanes?  
4893 \*Mr. Sarbanes. Sarbanes votes aye.  
4894 \*The Clerk. Mr. Sarbanes votes aye.  
4895 Mr. McNerney?  
4896 \*Mr. McNerney. McNerney votes aye.  
4897 \*The Clerk. Mr. McNerney votes aye.  
4898 Mr. Welch?  
4899 [No response.]  
4900 \*The Clerk. Mr. Tonko?  
4901 \*Mr. Tonko. Tonko of New York votes aye.  
4902 \*The Clerk. Mr. Tonko votes aye.  
4903 Ms. Clarke?  
4904 \*Ms. Clarke. Clarke of New York votes aye.  
4905 \*The Clerk. Ms. Clarke votes aye.  
4906 Mr. Schrader?

4907 \*Mr. Schrader. Schrader votes aye.  
4908 \*The Clerk. Mr. Schrader votes aye.  
4909 Mr. Cardenas?  
4910 \*Mr. Cardenas. Cardenas from California votes aye.  
4911 \*The Clerk. Mr. Cardenas votes aye.  
4912 Mr. Ruiz?  
4913 \*Mr. Ruiz. Ruiz votes aye.  
4914 \*The Clerk. Mr. Ruiz votes aye.  
4915 Mr. Peters?  
4916 \*Mr. Peters. Peters votes aye.  
4917 \*The Clerk. Mr. Peters votes aye.  
4918 Mrs. Dingell?  
4919 \*Mrs. Dingell. [Inaudible.]  
4920 \*The Clerk. Mrs. Dingell votes aye.  
4921 Mr. Veasey?  
4922 \*Mr. Veasey. Veasey votes aye.  
4923 \*The Clerk. Mr. Veasey votes aye.  
4924 Ms. Kuster?  
4925 \*Ms. Kuster. Kuster votes aye.  
4926 \*The Clerk. Ms. Kuster votes aye.  
4927 Ms. Kelly?  
4928 \*Ms. Kelly. Kelly votes aye.  
4929 \*The Clerk. Ms. Kelly votes aye.  
4930 Ms. Barragan?  
4931 \*Ms. Barragan. Barragan votes no.

4932 \*The Clerk. Ms. Barragan votes no.  
4933 Mr. McEachin?  
4934 \*Mr. McEachin. McEachin votes aye.  
4935 \*The Clerk. Mr. McEachin votes aye.  
4936 Ms. Blunt Rochester?  
4937 \*Ms. Blunt Rochester. Blunt Rochester votes aye.  
4938 \*The Clerk. Ms. Blunt Rochester votes aye.  
4939 Mr. Soto?  
4940 \*Mr. Soto. Soto votes aye.  
4941 \*The Clerk. Mr. Soto votes aye.  
4942 Mr. O'Halleran?  
4943 \*Mr. O'Halleran. O'Halleran votes aye.  
4944 \*The Clerk. Mr. O'Halleran votes aye.  
4945 Miss Rice?  
4946 \*Miss Rice. Rice of New York votes aye.  
4947 \*The Clerk. Miss Rice votes aye.  
4948 Ms. Craig?  
4949 [No response.]  
4950 \*The Clerk. Ms. Schrier?  
4951 \*Ms. Schrier. Schrier votes aye.  
4952 \*The Clerk. Ms. Schrier votes aye.  
4953 Mrs. Trahan?  
4954 \*Mrs. Trahan. [Inaudible.]  
4955 \*The Clerk. Mrs. Trahan votes aye.  
4956 Mrs. Fletcher?



4957 \*Mrs. Fletcher. Fletcher votes aye.  
4958 \*The Clerk. Mrs. Fletcher votes aye.  
4959 Mrs. Rodgers?  
4960 \*Mrs. Rodgers. Rodgers votes aye.  
4961 \*The Clerk. Mrs. Rodgers votes aye.  
4962 Mr. Upton?  
4963 \*Mr. Upton. Upton votes aye.  
4964 \*The Clerk. Mr. Upton votes aye.  
4965 Mr. Burgess?  
4966 \*Mr. Burgess. [Inaudible.]  
4967 \*The Clerk. Mr. Burgess votes aye.  
4968 Mr. Scalise?  
4969 [No response.]  
4970 \*The Clerk. Mr. Latta?  
4971 \*Mr. Latta. Aye.  
4972 \*The Clerk. Mr. Latta votes aye.  
4973 Mr. Guthrie?  
4974 \*Mr. Guthrie. Aye.  
4975 \*The Clerk. Mr. Guthrie votes aye.  
4976 Mr. McKinley?  
4977 \*Mr. McKinley. McKinley votes aye.  
4978 \*The Clerk. Mr. McKinley votes aye.  
4979 Mr. Kinzinger?  
4980 [No response.]  
4981 \*The Clerk. Mr. Griffith?

4982 \*Mr. Griffith. Aye.  
4983 \*The Clerk. Mr. Griffith votes aye.  
4984 Mr. Bilirakis?  
4985 \*Mr. Bilirakis. Bilirakis votes aye.  
4986 \*The Clerk. Mr. Bilirakis votes aye.  
4987 Mr. Johnson?  
4988 \*Mr. Johnson. Aye.  
4989 \*The Clerk. Mr. Johnson votes aye.  
4990 Mr. Long?  
4991 \*Mr. Long. Aye.  
4992 \*The Clerk. Mr. Long votes aye.  
4993 Mr. Bucshon?  
4994 \*Mr. Bucshon. Aye.  
4995 \*The Clerk. Mr. Bucshon votes aye.  
4996 Mr. Mullin?  
4997 \*Mr. Mullin. Aye.  
4998 \*The Clerk. Mr. Mullin votes aye.  
4999 Mr. Hudson?  
5000 \*Mr. Hudson. Aye.  
5001 \*The Clerk. Mr. Hudson votes aye.  
5002 Mr. Walberg?  
5003 \*Mr. Walberg. Aye.  
5004 \*The Clerk. Mr. Walberg votes aye.  
5005 Mr. Carter?  
5006 \*Mr. Carter. Carter from Georgia votes aye.

5007 \*The Clerk. Mr. Carter votes aye.  
5008 Mr. Duncan?  
5009 \*Mr. Duncan. Aye.  
5010 \*The Clerk. Mr. Duncan votes aye.  
5011 Mr. Palmer?  
5012 \*Mr. Palmer. [Inaudible.]  
5013 \*The Clerk. Mr. Palmer votes aye.  
5014 Mr. Dunn?  
5015 \*Mr. Dunn. Dunn votes aye.  
5016 \*The Clerk. Mr. Dunn votes aye.  
5017 Mr. Curtis?  
5018 \*Mr. Curtis. [Inaudible.]  
5019 \*The Clerk. Mr. Curtis votes aye.  
5020 Mrs. Lesko?  
5021 \*Mrs. Lesko. Aye.  
5022 \*The Clerk. Mrs. Lesko votes aye.  
5023 Mr. Pence?  
5024 \*Mr. Pence. Aye.  
5025 \*The Clerk. Mr. Pence votes aye.  
5026 Mr. Crenshaw?  
5027 [No response.]  
5028 \*The Clerk. Mr. Joyce?  
5029 \*Mr. Joyce. Aye.  
5030 \*The Clerk. Mr. Joyce votes aye.  
5031 Mr. Armstrong?

5032 \*Mr. Armstrong. Yes.

5033 \*The Clerk. Mr. Armstrong votes aye.

5034 Chairman Pallone?

5035 \*The Chairman. Pallone of New Jersey votes aye.

5036 \*The Clerk. Chairman Pallone votes aye.

5037 \*Mr. Welch. Mr. Welch, how am I recorded?

5038 \*The Chairman. Mr. Welch?

5039 \*The Clerk. Mr. Welch is not recorded.

5040 \*Mr. Welch. Votes aye.

5041 \*The Clerk. Mr. Welch votes aye.

5042 \*Mr. Doyle. How is Mr. Doyle recorded?

5043 \*Mr. Rush. Mr. Chairman?

5044 \*The Chairman. Mr. Rush?

5045 \*The Clerk. Mr. Rush --

5046 \*Mr. Rush. How am I --

5047 \*The Clerk. -- is not recorded.

5048 \*Mr. Rush. -- recorded?

5049 \*The Chairman. You are not.

5050 \*Mr. Rush. Rush votes aye.

5051 \*The Clerk. Mr. Rush votes aye.

5052 \*Mr. Doyle. How is Mr. Doyle recorded?

5053 \*The Clerk. Mr. Crenshaw is not recorded.

5054 \*Mr. Crenshaw. [Inaudible.]

5055 \*The Clerk. Mr. Crenshaw votes aye.

5056 \*The Chairman. Mr. Doyle?

5057 \*The Clerk. Mr. Doyle is not recorded.

5058 \*Mr. Doyle. Doyle votes yes.

5059 \*The Clerk. Mr. Doyle votes aye.

5060 \*The Chairman. Is there anyone else who is not recorded  
5061 that wants to be?

5062 I am hearing not the -- I guess everyone is recorded  
5063 that cares to be. Okay. The clerk will report the tally.

5064 \*The Clerk. On that vote, Mr. Chairman, the yeas were  
5065 53 and the nays were 2.

5066 \*The Chairman. The vote is 53 ayes to 2 noes, and H.R.  
5067 8152, as amended, is reported to the full House.

5068 We still have another bill, though. You can applaud,  
5069 but we still have another bill.

5070 [Applause.]

5071 \*The Chairman. So I guess this other bill becomes, like  
5072 -- what is --

5073 \*Mrs. Rodgers. Mr. Chairman, if I -- just a point of  
5074 personal privilege, if I may.

5075 \*The Chairman. Yes, please.

5076 \*Mrs. Rodgers. I -- just before we move on, I would  
5077 just like to take a moment to again thank everyone. I  
5078 believe it was very important, and we can be proud of the  
5079 work that has been done by this committee.

5080 I especially want to thank the staff on both sides of  
5081 the aisle -- on our side, Tim Kurth and Brannon Rains -- for

5082 the work that they have done -- many, many hours. We have  
5083 been working on this for years, but especially the last few  
5084 months, lots of extra time on weekends and over the nights.

5085 I want to express appreciation to Chairman Pallone, as  
5086 well as your team: Gary, David, Michele, Senator Wicker's  
5087 staff, who have all been involved over the last couple of  
5088 months in particular, including extra time.

5089 Just -- I want to acknowledge this has been an effort to  
5090 seek excellence and work hard to ensure that the American  
5091 people take back control of their data from Big Tech, and  
5092 America's leadership and technological innovation is  
5093 preserved. And I know that the work is not done, but I hope  
5094 that they can get some rest before we take this to the floor,  
5095 and ultimately to the President's desk. Thank you, Mr. --

5096 \*The Chairman. And let me ask you to yield, if you  
5097 would, to me.

5098 \*Mrs. Rodgers. Yes, yes.

5099 \*The Chairman. I want to just say that I don't think  
5100 there is any bill that this committee has worked on, at least  
5101 since I have been around, that was, on the one hand, so  
5102 difficult, but on the other hand that there was a  
5103 determination on the part of not only myself and Cathy  
5104 Rodgers, but the subcommittee chairs and ranker, but  
5105 everyone, to really make sure that this gets done.

5106 And I don't think we stressed enough that we worked with

5107 the Senate, which, as you know, is not always an easy thing,  
5108 and still isn't. But, you know, a lot of times, not on just  
5109 -- not just on this bill, but on a lot of the bills that we  
5110 have been marking up the last few weeks that are bipartisan -  
5111 - or, I should say, the whole two years that are bipartisan -  
5112 - we move them only when we think we have significant support  
5113 in the Senate on both sides of the aisle, as well. And that  
5114 is true for this one, as well.

5115 So, you know, everyone should understand that, even  
5116 though our work is not done, even though there is only, you  
5117 know, I don't know, a few months left in this session, that  
5118 Mrs. Rodgers and I are very determined, with Ms. Schakowsky  
5119 and also Mr. Bilirakis and all of you, to get this thing  
5120 done, past the House, past the Senate, on the President's  
5121 desk. And we are optimistic that that can happen with all of  
5122 your support.

5123 So I already thanked the staff, but I will thank them  
5124 again, and thank you all for this major achievement.

5125 But we still have one more bill. So I guess it is a  
5126 little anti-climactic at this point. But let's go to it.

5127 Which --

5128 \*The Chairman. All right, so the chair calls up H.R.  
5129 3962, the Securing and Enabling Commerce Using Remote and  
5130 Electronic Notarization Act of 2021, and the clerk will  
5131 report the title of the bill.

5132           \*The Clerk. H.R. 3962, to authorize notaries public to  
5133 perform --

5134           \*The Chairman. And Madam Clerk, without objection, the  
5135 first reading of the bill will be dispensed with, and the  
5136 bill is now considered as read.

5137           And without objection, the bill is considered as read  
5138 and open for amendment.

5139           [The bill follows:]

5140

5141           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

5142



5143           \*The Chairman. I don't think we have an AINS. Oh, we  
5144 do have an AINS? Okay, all right.

5145           So would anyone like to speak on the underlying bill  
5146 before we get to the AINS?

5147           All right. Hearing none, who is -- Mr. Armstrong is  
5148 offering the amendment in the nature of a substitute. The  
5149 clerk will report the AINS.

5150           \*The Clerk. Amendment in the nature of a substitute to  
5151 H.R. 3962, offered by Mr. Armstrong of North Dakota.

5152           \*The Chairman. And Madam Clerk, without objection, the  
5153 reading of the AINS will be dispensed with.

5154           [The amendment of Mr. Armstrong follows:]

5155

5156           \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

5157

5158           \*The Chairman. And Mr. Armstrong is recognized for five  
5159 minutes.

5160           \*Mr. Armstrong. Thank you, Mr. Chairman. I have an  
5161 amendment at the desk in the nature of a substitute. It is  
5162 labeled H.R. 3962AINS1, and the amendment in the nature of a  
5163 substitute makes technical and clarifying changes to H.R.  
5164 3962, the Secure Notarization Act.

5165           This bipartisan bill would authorize the nationwide use  
5166 of remote online notarizations, which is simply an electronic  
5167 notarization where the party and notary are in different  
5168 locations.

5169           As we are all aware, society has widely adopted remote  
5170 meetings, events, and even social activities. Requirements  
5171 for a signer to be physically present before a notary are  
5172 often impractical, and sometimes impossible, such as with  
5173 military deployments and travel restrictions. Online  
5174 notarization increases the use of notarization, and allows  
5175 individuals to conduct crucial business, particularly if both  
5176 parties are unable to be physically present with a notary.

5177           This bill would provide businesses and consumers with  
5178 the ability to execute documents using two-way audiovisual  
5179 communication, while protecting consumers with multi-factor  
5180 authentication and the use of tamper evident technology.

5181           The bill will not preempt or replace the state laws  
5182 governing the authorization and regulations of notaries

5183 public. It will simply provide for recognition of remote  
5184 notarization in interstate commerce, and ensure the law  
5185 recognition of notarizations performed under another state's  
5186 law.

5187 This is similar to the full faith and credit clause and  
5188 implementing statutes that ensure the recognition of official  
5189 activities or judicial proceedings conducted in another  
5190 state.

5191 This bill has over 120 cosponsors. It has proceeded  
5192 through regular order, and received a 22-0 vote in the  
5193 subcommittee last month.

5194 It also has the support of 20 organizations, like the  
5195 American Land Title Association, which utilizes notary public  
5196 on a daily basis.

5197 I urge my colleagues to support this legislation. Thank  
5198 you, Mr. Chairman, and I yield back.

5199 \*The Chairman. I thank the gentleman. Does anyone else  
5200 want to speak on this amendment in the nature of a  
5201 substitute, or on the underlying bill?

5202 If not, then we will -- we can voice vote the -- you  
5203 want the AINS --

5204 \*Mrs. Rodgers. Well, no, no, no.

5205 \*The Chairman. Okay. So if there is no further  
5206 discussion, we will proceed to a voice vote on the amendment  
5207 in the nature of a substitute.

5208 All those in favor of the AINS to H.R. 3962 will signify  
5209 by saying aye.

5210 And all those opposed will say no.

5211 In the opinion of the chair, the ayes have it, and the  
5212 amendment in the nature of a substitute is adopted.

5213 And now we will go to final passage on the bill, and  
5214 that will have a recorded vote, right?

5215 Okay, a recorded vote is ordered. Those in favor of  
5216 reporting H.R. 3962, as amended, to the full House will say  
5217 aye; those opposed, no; and the clerk shall call the roll.

5218 \*The Clerk. Mr. Rush?

5219 \*Mr. Rush. Rush votes aye.

5220 \*The Clerk. Mr. Rush votes aye.

5221 Ms. Eshoo?

5222 \*Ms. Eshoo. Eshoo votes aye.

5223 \*The Clerk. Ms. Eshoo votes aye.

5224 Ms. DeGette?

5225 [No response.]

5226 \*The Clerk. Mr. Doyle?

5227 \*Mr. Doyle. Doyle votes yes.

5228 \*The Clerk. Mr. Doyle votes aye.

5229 \*Mr. Cardenas. Yes.

5230 \*The Clerk. Ms. Schakowsky?

5231 \*Ms. Schakowsky. Aye.

5232 \*The Clerk. Ms. Schakowsky votes aye.

5233 Mr. Butterfield?

5234 \*Mr. Butterfield. Butterfield votes aye.

5235 \*The Clerk. Mr. Butterfield votes aye.

5236 Ms. Matsui?

5237 \*Ms. Matsui. Matsui votes aye.

5238 \*The Clerk. Ms. Matsui votes aye.

5239 Ms. Castor?

5240 \*Ms. Castor. Aye.

5241 \*The Clerk. Ms. Castor votes aye.

5242 Mr. Sarbanes?

5243 \*Mr. Sarbanes. Sarbanes votes aye.

5244 \*The Clerk. Mr. Sarbanes votes aye.

5245 Mr. McNerney?

5246 \*Mr. McNerney. McNerney votes aye.

5247 \*The Clerk. Mr. McNerney votes aye.

5248 Mr. Welch?

5249 [No response.]

5250 \*The Clerk. Mr. Welch?

5251 \*Mr. Welch. Yes.

5252 \*The Clerk. Mr. Welch votes --

5253 \*Mr. Welch. Mr. Welch --

5254 \*The Clerk. Mr. Welch votes aye.

5255 Mr. Tonko?

5256 \*Mr. Tonko. Tonko of New York votes aye.

5257 \*The Clerk. Mr. Tonko votes aye.

5258 Ms. Clarke?

5259 \*Ms. Clarke. Clarke of New York votes aye.

5260 \*The Clerk. Ms. Clarke votes aye.

5261 Mr. Schrader?

5262 [No response.]

5263 \*The Clerk. Mr. Cardenas?

5264 \*Mr. Cardenas. Cardenas from California votes aye.

5265 \*The Clerk. Mr. Cardenas votes aye.

5266 Mr. Ruiz?

5267 \*Mr. Ruiz. Ruiz votes aye.

5268 \*The Clerk. Mr. Ruiz votes aye.

5269 Mr. Peters?

5270 \*Mr. Peters. Peters votes aye.

5271 \*The Clerk. Mr. Peters votes aye.

5272 Mrs. Dingell?

5273 \*Mrs. Dingell. [Inaudible.]

5274 \*The Clerk. Mrs. Dingell votes aye.

5275 Mr. Veasey?

5276 \*Mr. Veasey. Veasey votes aye.

5277 \*The Clerk. Mr. Veasey votes aye.

5278 Ms. Kuster?

5279 \*Ms. Kuster. Kuster votes aye.

5280 \*The Clerk. Ms. Kuster votes aye.

5281 Ms. Kelly?

5282 \*Ms. Kelly. Kelly votes aye.

5283 \*The Clerk. Ms. Kelly votes aye.  
5284 Ms. Barragan?  
5285 \*Ms. Barragan. Barragan votes aye.  
5286 \*The Clerk. Ms. Barragan votes aye.  
5287 Mr. McEachin?  
5288 \*Mr. McEachin. McEachin votes aye.  
5289 \*The Clerk. Mr. McEachin votes aye.  
5290 Ms. Blunt Rochester?  
5291 \*Ms. Blunt Rochester. Blunt Rochester votes aye.  
5292 \*The Clerk. Ms. Blunt Rochester votes aye.  
5293 Mr. Soto?  
5294 [No response.]  
5295 \*The Clerk. Mr. O'Halleran?  
5296 \*Mr. O'Halleran. O'Halleran votes aye.  
5297 \*The Clerk. Mr. O'Halleran votes aye.  
5298 Miss Rice?  
5299 \*Miss Rice. Rice of New York votes aye.  
5300 \*The Clerk. Miss Rice votes aye.  
5301 Ms. Craig?  
5302 [No response.]  
5303 \*The Clerk. Ms. Schrier?  
5304 \*Ms. Schrier. Schrier votes aye.  
5305 \*The Clerk. Ms. Schrier votes aye.  
5306 Mrs. Trahan?  
5307 \*Mrs. Trahan. Trahan votes aye.

5308 \*The Clerk. Mrs. Trahan votes aye.  
5309 Mrs. Fletcher?  
5310 \*Mrs. Fletcher. Fletcher votes aye.  
5311 \*The Clerk. Mrs. Fletcher votes aye.  
5312 Mrs. Rodgers?  
5313 \*Mrs. Rodgers. [Inaudible.]  
5314 \*The Clerk. Mrs. Rodgers votes aye.  
5315 Mr. Upton?  
5316 \*Mr. Upton. Upton votes aye.  
5317 \*The Clerk. Mr. Upton votes aye.  
5318 Mr. Burgess?  
5319 \*Mr. Burgess. [Inaudible.]  
5320 \*The Clerk. Mr. Burgess votes aye.  
5321 Mr. Scalise?  
5322 [No response.]  
5323 \*The Clerk. Mr. Latta?  
5324 \*Mr. Latta. Aye.  
5325 \*The Clerk. Mr. Latta votes aye.  
5326 Mr. Guthrie?  
5327 \*Mr. Guthrie. Aye.  
5328 \*The Clerk. Mr. Guthrie votes aye.  
5329 Mr. McKinley?  
5330 \*Mr. McKinley. From the house of COVID, McKinley votes  
5331 aye.  
5332 [Laughter.]



5333 \*The Clerk. Mr. McKinley votes aye.  
5334 Mr. Kinzinger?  
5335 [No response.]  
5336 \*The Clerk. Mr. Griffith?  
5337 \*Mr. Griffith. Aye.  
5338 \*The Clerk. Mr. Griffith votes aye.  
5339 Mr. Bilirakis?  
5340 \*Mr. Bilirakis. Aye.  
5341 \*The Clerk. Mr. Bilirakis votes aye.  
5342 Mr. Johnson?  
5343 \*Mr. Johnson. Aye.  
5344 \*The Clerk. Mr. Johnson votes aye.  
5345 Mr. Long?  
5346 \*Mr. Long. Aye.  
5347 \*The Clerk. Mr. Long votes aye.  
5348 Mr. Bucshon?  
5349 \*Mr. Bucshon. Aye.  
5350 \*The Clerk. Mr. Bucshon votes aye.  
5351 Mr. Mullin?  
5352 \*Mr. Mullin. Aye.  
5353 \*The Clerk. Mr. Mullin votes aye.  
5354 Mr. Hudson?  
5355 \*Mr. Hudson. Aye.  
5356 \*The Clerk. Mr. Hudson votes aye.  
5357 Mr. Walberg?

5358 \*Mr. Walberg. Aye.

5359 \*The Clerk. Mr. Walberg votes aye.

5360 Mr. Carter?

5361 \*Mr. Carter. Carter from Georgia votes aye.

5362 \*The Clerk. Mr. Carter votes aye.

5363 Mr. Duncan?

5364 \*Mr. Duncan. Duncan from South Carolina, the Palmetto

5365 State, votes aye.

5366 \*The Clerk. Mr. Duncan votes aye.

5367 Mr. Palmer?

5368 \*Mr. Palmer. Aye.

5369 \*The Clerk. Mr. Palmer votes aye.

5370 Mr. Dunn?

5371 \*Mr. Dunn. Dunn votes aye.

5372 \*The Clerk. Mr. Dunn votes aye.

5373 Mr. Curtis?

5374 \*Mr. Curtis. Curtis votes aye.

5375 \*The Clerk. Mr. Curtis votes aye.

5376 Mrs. Lesko?

5377 \*Mrs. Lesko. Aye.

5378 \*The Clerk. Mrs. Lesko votes aye.

5379 Mr. Pence?

5380 \*Mr. Pence. Aye.

5381 \*The Clerk. Mr. Pence votes aye.

5382 Mr. Crenshaw?

5383 \*Mr. Crenshaw. Aye.

5384 \*The Clerk. Mr. Crenshaw votes aye.

5385 Mr. Joyce?

5386 \*Mr. Joyce. Aye.

5387 \*The Clerk. Mr. Joyce votes aye.

5388 Mr. Armstrong?

5389 \*Mr. Armstrong. Yes.

5390 \*The Clerk. Mr. Armstrong votes aye.

5391 Chairman Pallone?

5392 \*The Chairman. Pallone votes aye.

5393 \*Ms. DeGette. Chairman?

5394 \*The Clerk. Chairman Pallone votes aye.

5395 \*Ms. DeGette. Mr. Chairman?

5396 \*The Chairman. Ms. DeGette?

5397 \*Ms. DeGette. DeGette votes aye.

5398 \*The Clerk. Ms. DeGette votes aye.

5399 \*Ms. Craig. Mr. Chairman?

5400 \*The Chairman. Mr. Schrader?

5401 \*Mr. Schrader. Schrader votes aye.

5402 \*The Clerk. Mr. Schrader votes aye.

5403 \*The Chairman. Ms. Craig?

5404 \*Ms. Craig. Ms. Craig votes aye.

5405 \*The Clerk. Ms. Craig votes aye.

5406 \*The Chairman. Mr. Soto?

5407 \*Mr. Soto. Mr. Chairman? This is Mr. Soto. How am I

5408 recorded?

5409 \*The Clerk. Mr. Soto is not recorded.

5410 \*Mr. Soto. Soto votes aye.

5411 \*The Clerk. Mr. Soto votes aye.

5412 \*The Chairman. Anyone else who is not recorded, but  
5413 wants to be?

5414 It doesn't appear -- okay. If not, the clerk will  
5415 report the tally.

5416 \*The Clerk. On that vote the yeas were 56 and the nays  
5417 were 0.

5418 \*The Chairman. I am sorry, 46?

5419 \*The Clerk. Fifty-six.

5420 \*The Chairman. Fifty-six, okay. So the vote is 56 ayes  
5421 to 0 noes and, as a result, H.R. 3962, as amended, is  
5422 reported to the full House.

5423 Now, we had a number of -- before we adjourn, we had a  
5424 number of documents which we didn't enter into the record.  
5425 So let me read those, and I will ask unanimous consent: a  
5426 letter from Color of Change regarding H.R. -- okay, I can --  
5427 I don't have to read them all.

5428 So I will just ask unanimous consent to enter these 32  
5429 documents, which have been given to the clerk or given to us.

5430 And without objection, so ordered.

5431

5432

5433 [The information follows:]

5434

5435 \*\*\*\*\*COMMITTEE INSERT\*\*\*\*\*

5436

5437           \*The Chairman. All right. Without objection, the staff  
5438 is authorized to make technical and conforming changes to the  
5439 committee prints, consistent with the actions taken by the  
5440 committee today.

5441           Let me again thank the ranking member and everyone for  
5442 accomplishing this major goal today. Thank you again.

5443           And with that, the Energy and Commerce Committee stands  
5444 adjourned.

5445           [Whereupon, at 3:41 p.m., the subcommittee was  
5446 adjourned.]