

**Opening Statement of
Energy and Commerce Committee Republican Leader Cathy McMorris
Rodgers
CPAC Subcommittee Markup on
“The Consumer Protection and Recovery Act”
May 27, 2021**

As prepared for delivery.

Thank you, Madam Chair. What speed the Majority can act with when it wants to. Our core concern about this legislation has always been about due process and proper analysis. Judging by the Majority’s process on this legislation those concerns are well founded.

It was just one month ago, you scheduled a “legislative” but remote hearing on this bill. That remote hearing excluded other FTC Commissioners that the Senate Commerce Committee had just the week before. Our Committee didn’t hear their valuable insights that could have made this legislation much better or built trust that we could come together on solutions crafted around sound legal arguments and proper analysis by all the proper experts.

This is a broken process--- made much worse by the fact that this Committee refuses to return to in-person work. Enough is enough. Again, the CDC guidance allows for it. I know I speak for all my colleagues when I say the screens keep us divided and lead to poor decisions.

This is no way to legislate. It’s no way to do the people’s work and plow the hard ground to deliver results. We just had a subcommittee hearing where the chair told us we would be back in person in three weeks time.

So I ask now, what is the plan? Is the plan to follow the science and reopen Energy and Commerce? Or is the plan to keep us muted and behind screens so the Majority can command and control the debate?

In the case of this remote markup, don’t try to tell us you were willing to negotiate this legislation by jamming in a virtual markup with no plan to bring us back together. It’s unacceptable.

I want to address a few items. We worked together last Congress on designing a national privacy standard, and made great strides. That objective is strongly linked to the matter before us. Senator Wicker also worked in good faith for a compromise on all of the important issues before the FTC.

The bill's sponsor Mr. Cardenas even acknowledged the Wicker effort at the COVID Scams hearing. If the Majority is suggesting today that the "Acting Chair" of the FTC is recommending this, that is wrong. President Biden has not even conferred her status as "the Chair," not to mention that if a current nominee is confirmed, there is another current commissioner leaving. Why are we rushing this markup through when we don't even know who is in charge?

Further, last week, Leader Bilirakis and I sent a letter to the DOJ asking for substantive answers from the Attorney General by June 1st. In a late Friday night dump the DOJ answered the inquiry with partial answers earlier than the deadline. Then, coincidentally our phones rang with news of a markup from the majority.

Not too far behind was the FTC—an "independent agency"-- answering our some of our questions from the last hearing. We did not get full answers we requested about email traffic between the DOJ and FTC. That's something we can certainly look to review.

Let me be very clear. Mr. Armstrong relayed this in the last hearing and it should be repeated: In all due respect to the acting FTC chair, it is neither her duty, nor our request, on what the right strategy and outcome is here.

This committee must sit down and move the legislation forward together—in-person. There is no lack of will to take on all fraudsters, scammers, and abusers of our personal information.

Energy and Commerce has a proud tradition... we must seize this opportunity to get real FTC efforts and a national privacy standard done. That is the priority here as we watch GDPR mark a third year anniversary. This committee has a responsibility to do our job on behalf of the American people so that 49 states aren't relying on California to set the rules of the road.

Enough is enough Madam Chair, it's time to open Energy and Commerce and do our jobs. With that I yield back, Thank you.