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6 MARKUP OF:

7 H.R. 8152, THE AMERICAN DATA PRIVACY AND PROTECTION ACT;

8 H.R. 3355, THE SAFE ACT;

9 H.R. 3962, THE SECURING AND ENABLING COMMERCE USING REMOTE
10 AND ELECTRONIC NOTARIZATION ACT OF 2021;

11 H.R. 4081, THE INFORMING CONSUMERS ABOUT SMART DEVICES ACT;

12 H.R. 4551, THE RANSOMWARE ACT;

13 H.R. 5313, REESE'S LAW;

14 H.R. 5441, THE PAST ACT OF 2021; AND

15 H.R. 6290, THE MANUFACTURING.GOV ACT

16 THURSDAY, JUNE 23, 2022

17 House of Representatives,

18 Subcommittee on Consumer Protection and Commerce,

19 Committee on Energy and Commerce,

20 Washington, D.C.

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24 The subcommittee met, pursuant to call, at 10:39 a.m.,
25 in the John D. Dingell Room, 2123 Rayburn House Office
26 Building, Hon. Jan Schakowsky, [chairwoman of the
27 subcommittee] presiding.

28 Present: Representatives Schakowsky, Rush, Castor,
29 Trahan, McNerney, Clarke, Cardenas, Dingell, Kelly, Soto,
30 Rice, Craig, Fletcher, Pallone (ex officio); Bilirakis,
31 Upton, Latta, Guthrie, Bucshon, Dunn, Lesko, Armstrong, and
32 Rodgers (ex officio).

33

34 Staff Present: Hannah Anlon, Staff Assistant; Dante
35 Dalgin, Intern; Katherine Durkin, Policy Coordinator; Waverly
36 Gordon, Deputy Staff Director and General Counsel; Jessica
37 Grandberry, Staff Assistant; Daniel Greene, Professional
38 Staff Member; Tiffany Guarascio, Staff Director; Perry
39 Hamilton, Clerk; Ed Kaczmariski, Policy Analyst; Zach Kahan,
40 Deputy Director Outreach and Member Service; Mackenzie Kuhl,
41 Digital Assistant; Jerry Leverich, Chief Counsel,
42 Communications and Technology; David Miller, Counsel; Kaitlyn
43 Peel, Digital Director; Caroline Rinker, Press Assistant;
44 Chloe Rodriguez, Clerk; Aryaman Sharma, Intern; Andrew
45 Souvall, Director of Communications, Outreach, and Member
46 Services; Michele Viterise, Counsel; Caroline Wood, Research
47 Assistant; C.J. Young, Deputy Communications Director; Kate
48 Arey, Minority Content Manager and Digital Assistant; Sarah
49 Burke, Minority Deputy Staff Director; Nate Hodson, Minority
50 Staff Director; Sean Kelly, Minority Press Secretary; Peter
51 Kielty, Minority General Counsel; Emily King, Minority Member
52 Services Director; Bijan Koochmaraie, Minority Chief Counsel,
53 O&I Chief Counsel; 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 *Ms. Schakowsky. The Subcommittee on Consumer
60 Protection and Commerce will come to order.

61 We are meeting today to consider eight bills.

62 Due to the COVID public health emergency, members can
63 participate in today's hearing, either in person or remotely
64 via online video conference. For members who are
65 participating remotely, you -- your microphones will be set
66 on mute for the purpose of eliminating background noise.
67 Members participating remotely will need to unmute your
68 microphones each time that you wish to speak. Please note
69 that, once you are unmuted, your -- once you have unmuted
70 your microphone, you know that anything that you say in Webex
71 will be heard over the loudspeaker, in the committee room,
72 and subject to being heard by C-SPAN and live -- yes, we can
73 hear what you say.

74 [Laughter.]

75 *Ms. Schakowsky. During voice votes, members
76 participating remotely will need to unmute, so that we can
77 hear your response. During recorded votes, you will need to
78 unmute yourself after you -- your name is called, to respond
79 to the clerk.

80 In response to the clerk, we are asking that, instead of
81 just saying aye or no, that you respond with something like -
82 - although not exactly -- something like Jan Schakowsky from
83 Illinois votes aye. This will provide additional time for

84 the voting member to be identified and made visible on the
85 platform.

86 Since members are participating from different locations
87 at today's markup, all recognition of members will be in the
88 order of subcommittee seniority.

89 During this markup amendments will be sent to members
90 electronically. If members participating in person would
91 like a paper copy of an amendment or bill, please alert staff
92 during the consideration of the amendment or bill.
93 Otherwise, you can find it on your cell phone or laptop.

94 Amendments are -- amendments and motions should be sent
95 to Chloe Rodriguez and Perry Hamilton, and documents for the
96 record to Ed Kaczmarek at the email addresses that have been
97 provided to your staff. Documents for the record will be
98 entered into the record at the end of the markup.

99 And at this point we will begin with opening statements,
100 and I recognize myself to begin for five minutes of an
101 opening statement.

102 Let me say that this is a great day. And in the proud
103 tradition of the great Energy and Commerce Committee and the
104 Subcommittee on Consumer Protection and Commerce today we
105 will be considering bipartisan bills, eight of them, that
106 will protect consumers and strengthen the economy.

107 Following last week's dynamic hearing, we will today
108 mark up the American Data Privacy and Protection Act. This

109 markup will add to the growing momentum toward delivering for
110 the American people in Federal law the fundamental digital
111 protection rights. I have been very proud to work with my
112 ranking member, Mr. Bilirakis, Chairman Pallone, Ranking
113 Member Rodgers, as we -- as well as many other members of
114 this subcommittee in bringing us to this moment.

115 Other bills that we will be considering today cover a
116 range of topics to enhance consumer safety, inclusion, et
117 cetera.

118 The Secure Notarization Act will offer consumers a
119 convenient way to notarize their documents remotely.

120 The Reese Law [sic], introduced by Representative Kelly
121 on our subcommittee, will protect children from deadly button
122 cell batteries that can be easily ingested.

123 The PAST Act ends the cruel practice of horse soring.

124 The SAFE Act, introduced by Representative Bucshon and
125 myself, end the slaughter of horses for human consumption.

126 The informed -- Informing Consumers About Small Device -
127 - Devices Act, introduced by Representative Curtis, requires
128 that manufacturers disclose when a camera or recording device
129 is built into certain products.

130 The Ransom Act [sic], introduced by Ranking Member
131 Bilirakis, which -- it requires the FTC to report to -- FTC
132 reporting of both ransomware attacks and what the FTC does to
133 respond to those attacks.

134 And the Manufacturing.gov Act, introduced by
135 Representatives Tonko and Upton, which create a center -- a
136 centralized website to serve as the primary source of
137 information related to Federal manufacturing programs.

138 So today the bills will make Americans' daily lives
139 safer and better.

140 In particular, I am really looking forward to continuing
141 the substantive and bipartisan discussion of the American
142 Data Privacy and Protection Act as we refine -- I want to
143 stress that -- refine the robust foundation that we have
144 built together. So I hope that we will all agree that this
145 is -- that we can seize the moment to return control over
146 their data back to the American people.

147 I look forward to working with all of my colleagues, and
148 I know that there are some changes that have already been
149 made today in the hearing -- from the hearing that we had
150 last week. There may be more, but we have a very strong
151 framework from which to work, and I look forward to that.

152 So I want to thank everyone who made today's markup
153 possible, and I yield to our ranking member, Mr. Bilirakis.

154 *Mr. Bilirakis. Thank you, Madam Chair. Good morning.
155 Good morning, everyone. And thank you, Madam Chair, for
156 holding this markup. I am looking forward to a productive
157 conversation for how we can work in a bipartisan manner to
158 continue to refine these bills and move them forward.

159 This is a great subcommittee -- I think most everybody
160 knows that -- one with the important role of protecting
161 consumers. That is why I was proud to cosponsor H.R. 5313,
162 Reese's Law, led by Representative Kelly, which will require
163 CPSC to develop product safety standards with respect to
164 batteries that pose an ingestion hazard. I want to thank
165 Representative Kelly and Trista Hamsmith, who I worked with,
166 for their tireless advocacy to continue fighting for this
167 effort.

168 While we owe it to our communities, our constituents to
169 be examining whether there are dangerous products in the
170 marketplace, and doing so without unduly burdening legitimate
171 businesses that follow the law, we are also tasked with
172 ensuring Americans have more transparency over business
173 practices, especially when it comes to business practices
174 involving their data. That is why I am thankful for
175 Representative Curtis and Moulton spearheading the H.R. 4081,
176 the Informing Consumers about Smart Devices Act. This bill
177 will require companies that manufacture devices with cameras
178 and microphones not already prominently made aware to
179 consumers, they must disclose such features. The
180 manufacturers must disclose such features to consumers, and I
181 think that is so very important.

182 I am also eager to advance my bill, H.R. 4551, the
183 Reporting Attacks from Nations Selected for Oversight and

184 Monitoring Web Attacks and Ransomware from Enemies Attack
185 Act, otherwise known as -- it is called the RANSOMWARE Act.
186 That is what the bill is called. This legislation amends the
187 U.S. SAFE WEB Act, a tool the FTC uses to protect consumers
188 with international dimension, including by increasing
189 cooperation with foreign law enforcement, and will require
190 the FTC to report on cross-border complaints they receive
191 involving ransomware or other cybersecurity-related incidents
192 committed by our adversaries: China, Russia, North Korea,
193 and Iran, just to name a few.

194 This legislation is very timely. And in a few weeks,
195 just in a few weeks -- a few weeks ago you saw the U.S.
196 learned that the Chinese Government hackers had breached
197 major telecommunication companies and network service
198 providers to steal credentials and harvest data. What the
199 CCP will do with this information, no one really knows. But
200 if their intent is to ransom off the information, or use it
201 to extort Americans, this bill will help us better understand
202 these attacks, and learn how to better combat them. So I am
203 hopeful my colleagues will work with me to move this bill
204 across the finish line. It is so very important. We had an
205 attack in our district last year in one of my cities.

206 So certainly not to our surprise, this is not the only
207 avenue the CCP travels to get their hands on Americans'
208 information. Last week we learned TikTok has been lying to

209 Congress over the information they share with the Chinese
210 Communist Party, specifically the data belonging to
211 Americans. This is completely unacceptable. TikTok's
212 blatant lies are even more proof for why the American people
213 and businesses deserve clear privacy and data security rules.
214 We need to give consistent rules of the road that give the
215 American people more control over their own data, and provide
216 businesses with clear obligations that don't change based on
217 location of their store.

218 We must also be particularly clear when it comes to
219 protecting the data security and privacy of our children and
220 teens. That is why I am glad to see our bipartisan privacy
221 bill, the H.R. 8152, the American Data Privacy and Protection
222 Act, included on the docket today. We have taken in a lot of
223 -- we have gotten a lot of feedback from stakeholders, and
224 have made significant progress to better clarify and improve
225 the bill since our draft was initially released. I am very
226 thankful for all the constructive comments we received up to
227 this point.

228 And I want to be clear: this is certainly not the last
229 opportunity to work with us and continue to deliberate on
230 tweaking this bill. We will -- and again, please don't
231 hesitate to contact my office, as well. There is still more
232 work to be done, folks, but we must take this important step
233 forward. And I look forward to working with my colleagues on

234 both sides of the aisle, and with our friends in the Senate
235 to get this done. This is the best shot we have had in years
236 to give the American people and businesses something they
237 desperately need.

238 Again, thank you, Madam Chair, for your cooperation, and
239 I appreciate it and look forward to getting these bills out
240 of committee. Thank you.

241 *Ms. Schakowsky. Thank you, Mr. Bilirakis. And now I
242 recognize Mr. Pallone, chairman of the full committee, for
243 five minutes for an opening statement.

244 *The Chairman. Thank you, Chairwoman Schakowsky. We
245 are here today to consider vitally important consumer
246 protection legislation.

247 And I am proud that the first bill we will be marking up
248 is H.R. 8152, the American Data Privacy and Protection Act,
249 which I introduced with the Ranking Member Rodgers, and
250 Subcommittee Chair Schakowsky, and Subcommittee Ranking
251 Member Bilirakis. And this bill is the culmination of years
252 of hard work by many members on this committee, and I want to
253 thank them all for their roles in getting us here today.

254 But as was discussed at the legislative hearing on a
255 discussion draft of the bill earlier this month, this bill is
256 the first serious, comprehensive national privacy legislation
257 with bipartisan, bicameral support from the leaders of the
258 House and the Senate committees of jurisdiction. And today's

259 markup is another milestone towards our ultimate goal of
260 enacting meaningful national privacy legislation.

261 Every American knows that it is long past time for
262 Congress to protect their data, privacy, and security. The
263 modern world demands it. This legislation meets the moment
264 with essential compromises that protect consumers, while
265 ensuring American businesses remain innovative and globally
266 competitive. There is nothing abstract about the right to
267 privacy and data security. This bill would protect our
268 children and teens more than ever before.

269 Companies, including social media platforms, will be
270 flatly prohibited from targeting kids with harmful
271 advertising. This advertising has been shown to increase
272 rates of eating disorders, suicide, and other mental health
273 issues, particularly among young women and girls. Companies
274 will be required under the bill to get affirmative express
275 consent before transferring any data related to people under
276 the age of 17. And the new Youth Privacy and Marketing
277 Division at the Federal Trade Commission will have the sole
278 mission of protecting young people, and will be staffed with
279 experts in youth development.

280 The American Data Privacy and Protection Act would also
281 help protect vulnerable women in abusive relationships by
282 giving them control over their personal information, limiting
283 the data available for their aggressors to exploit, and

284 regulating shady data brokers that too often provide the
285 means to abuse the most vulnerable. And the bill would
286 ensure that people of color are not discriminated against in
287 trying to find housing, apply for a loan, look for a job, or
288 being offered any goods and services.

289 Privacy rights are civil rights. We must stop
290 discriminatory uses of data so that people are not unfairly
291 punished for who they are. And this bill helps prevent
292 algorithmic bias from infecting the digital world, and
293 extends civil rights protections to the online world.

294 Now, the version of the bill we consider today contains
295 numerous changes from the initial discussion draft. This
296 ongoing work demonstrates that we continue to fine-tune the
297 legislation and find solutions to problems that have troubled
298 many earlier privacy efforts. I look forward to continuing
299 to improve the bill as it moves through the legislative
300 process.

301 The two issues in particular have long posed
302 difficulties: first, the question of how national privacy
303 legislation relates to existing laws; and second, the rights
304 of individuals to access the courts. The bill today
305 generally takes the same approach as the discussion draft.
306 We are continuing to refine these provisions through
307 productive discussions, and have made tremendous progress,
308 and I believe we are close to carving out the necessary

309 solutions.

310 But there is no time to wait on protecting American
311 privacy and data security, and providing certainty to
312 American businesses. With this legislation, we are finally
313 close to turning longstanding promises into reality. The
314 status quo is untenable, and I am optimistic that we will
315 continue working together to get this done for the American
316 people.

317 Finally, I would be remiss if I did not discuss the
318 other important bipartisan bills before us today. We will be
319 marking up bills that protect horses from the terrible
320 practice of soring, and from being slaughtered for human
321 consumption. We will also mark up Reese's Law to protect
322 children from ingesting button cell and coin batteries. We
323 will also consider bills that would make sure internet-
324 connected devices tell people before they record them.
325 Standardized, remote, online notarization, and establish a
326 primary online location for information on Federal
327 manufacturing programs.

328 So I look forward to the discussion on all of these
329 important bills.

330 I do want to say that, you know, not only Ms.
331 Schakowsky, but Mrs. Rodgers and also the ranking member, Mr.
332 Bilirakis, have really worked hard in the last two years on a
333 number of consumer bills. And the fact that we can do these

334 bipartisan consumer bills is very significant. I always
335 worry -- I remember the days when consumerism on this
336 committee was like golden, and everybody wanted to have a
337 consumer bill. But it seemed like that kind of died out over
338 the last 10, 20 years. And I really think we have kind of
339 revived it. So I do want to thank the leadership on the
340 committee for paying a lot of attention to consumerism in a
341 way that maybe hasn't necessarily been the case in the last
342 two decades. I hate to say it, but I think that this is a --
343 you know, it is back on the front line again.

344 Thank you, I yield back.

345 *Ms. Schakowsky. Thank you, Chairman Pallone. And now
346 I recognize the ranking member of the full committee, Mrs.
347 Rodgers.

348 *Mrs. Rodgers. Thank you, Madam Chair. Good morning.

349 Last week we held our first legislative hearing on the
350 bipartisan, bicameral American Data Privacy and Protection
351 Act. I am pleased to say that we have officially introduced
352 this legislation as the next step in this process of plowing
353 the hard ground necessary to legislate for a national
354 standard.

355 I want to thank Chairman Pallone, Subcommittee
356 Chairwoman Schakowsky, Republican Subcommittee Leader Gus
357 Bilirakis, and all that have been involved in getting us to
358 this point. I would also like to thank our Senate colleague,

359 Senator Wicker, for his bicameral support.

360 There is no better time than now to enact comprehensive
361 privacy and data security protections. According to a recent
362 Morning Consult political survey -- yes, survey -- more than
363 80 percent of Americans support the key pillars of our
364 legislation. Their support for a national framework enacted
365 by Congress is overwhelming and bipartisan. Now it is time
366 for us to do our job.

367 Our framework is the best opportunity we have had in
368 decades for a national data privacy standard. It is a
369 culmination of years of effort with policies that have been
370 public, and received comment over that time, and it will put
371 people in charge of their own data. We have received
372 constructive feedback from stakeholders and colleagues.
373 Those that have participated have already improved the bill.
374 And as we move this bill through the process, we will
375 continue to welcome and encourage that input.

376 It is a key purpose of moving legislation through
377 regular order, leading to better outcomes and stronger
378 solutions. As we continue our process we must remain focused
379 on creating the best standard possible to protect people's
380 privacy, promote innovation and entrepreneurship, and ensure
381 American leadership.

382 First and foremost, Americans need one national
383 standard, not a patchwork of state laws. This bill protects

384 all Americans, regardless of zip code, and provides certainty
385 for businesses, so that they clearly understand their
386 obligations.

387 We also need to target malicious data practices from the
388 bad actors. Last week it was reported that TikTok knowingly
389 allowed the Chinese Communist Party to access American user
390 data collected by the app after telling Americans and
391 Congress on numerous occasions that they do not share user
392 data with the Chinese Government, CCP, or any Chinese-owned
393 -- state-owned entities. This is unacceptable, and a
394 complete betrayal of trust. People should know how their
395 data is collected and shared, which is why we require
396 companies to specify when they are transferring and storing
397 people's data in countries like China, Russia, and Iran.

398 Preventing real harms from bad actors is equally
399 important for protecting our children and minors, especially
400 from Big Tech, no matter where they live. Big Tech can't
401 target our kids. They can't exploit them. We have a privacy
402 law. Our bill would foster stronger data security practices
403 by requiring companies to only keep the information they
404 need, and encouraging them to take steps to better secure
405 data that is retained. It also requires Big Tech to examine
406 how their algorithms may harm individuals, including
407 children.

408 And while the bill places strict requirements on Big

409 Tech companies, which can afford high compliance costs, it
410 ensures small businesses and startups remain competitive by
411 equipping them with the resources to comply with their
412 obligations, and providing relief from burdensome compliance
413 mechanisms. This allows them to unleash their full potential
414 to better power America's economy.

415 A comprehensive, forward-thinking, national privacy
416 standard will secure American global economic leadership, and
417 ensure that we win the future.

418 We are also marking up several important bills like
419 Reese's Law, led by Ms. Kelly, to protect children. I want
420 to thank Trista Hamsmith for her courage and leadership,
421 making a difference for families across America.

422 We are also examining the Securing and Enabling Commerce
423 Using Remote and Electronic Notarization Act of 2021,
424 introduced by Mr. Armstrong, with Ms. Dean and several other
425 bipartisan cosponsors.

426 The Informing Consumers About Smart Devices Act, led by
427 Mr. Curtis and Mr. Moulton, requiring smart devices like TVs
428 disclose to consumers when devices include a microphone or
429 camera.

430 The RANSOMWARE Act from Mr. Bilirakis will promote our
431 economic and online data security by requiring the FTC to
432 report on ransomware attacks from Russia, China, North Korea,
433 and Iran.

434 And additionally, Mr. Tonko has a bill, the
435 Manufacturing.gov Act, with Representatives Upton and Axne,
436 to help streamline access to information about Federal
437 manufacturing programs, as I know there is more on this
438 committee that we can do to encourage investment in American
439 companies.

440 I look forward to discussing these bills today. I yield
441 back. Thank you.

442 *Ms. Schakowsky. Thank you so much to Mrs. Rodgers.
443 And I want to ask if any other members seek to -- seek right
444 now to make an opening statement.

445 Oh, Ms. Castor, you are acknowledged.

446 *Ms. Castor. Well, thank you, Madam Chair. You know,
447 every American should expect that their personal privacy is
448 being protected. So I am so pleased to see this subcommittee
449 mark up a bipartisan, bicameral, national, comprehensive
450 privacy and data security bill that will provide the American
451 people with strong protections across their digital devices
452 and services and products, and help hold those that act in
453 bad faith accountable.

454 And I am especially glad to see the protections for
455 children in this bill, including important provisions for my
456 bills, the Kids Privacy Act and the KIDS Act, because we are
457 at a watershed moment when it comes to protecting children's
458 online privacy, safety, and health.

459 As evidence on the ways in which children and teens are
460 being harmed from online interactions is increasingly
461 evident, including a great deal of testimony that we received
462 here in the committee, enormous amounts of research that have
463 -- that has evolved over the past couple of years, and a lot
464 of newspaper and media exposes. For example, 25 percent of 9
465 to 17-year-olds report having had an online sexually explicit
466 interaction with someone they believed to be an adult. A
467 research paper in the Journal of Public Health Policy found
468 that youth exposure to alcohol marketing has been linked to
469 increased alcohol consumption and problems. An abundance of
470 research has found correlations between social media use by
471 youth and depressive symptoms, decreased self esteem, general
472 and physical appearance anxiety, and body dissatisfaction.

473 Some of the Big Tech companies have gotten caught for
474 violating the Children's Online Privacy Protection Act, but
475 it is clear they will pay the fines and see it just as the
476 cost of doing business. So I appreciate the work that this
477 committee has undertaken with my team to incorporate even
478 stronger protections for children online, especially since
479 our legislative hearing last week.

480 I continue to hear from parents, students themselves,
481 advocates that we need to take aggressive action to protect
482 kids online. And towards this end, I believe it is important
483 that we ensure that companies are doing everything they can

484 to mitigate risks that young users may face.

485 I also believe it is important that we do everything we
486 can to ensure that, when companies are designing and
487 developing products, they put the best interests of children
488 first. So I look forward to working with the committee on
489 creating these robust protections in either this bill or in
490 the legislation to come.

491 And I want to truly thank Chairman Pallone and Ranking
492 Member McMorris Rodgers, Chairwoman Schakowsky, and Ranking
493 Member Bilirakis, and the professional staff for working to
494 improve the bill.

495 Thank you, and I yield back.

496 *Ms. Schakowsky. The gentlewoman yields back. I want
497 to thank her for her leadership on protecting children,
498 which, we saw at last week's hearing, is a priority for many
499 of us, probably all of us on this committee.

500 And let me ask now if there are other people who would
501 like to make an opening statement at this time.

502 Ms. Clarke, you are recognized.

503 *Ms. Clarke. I thank you, Chairwoman Schakowsky,
504 Ranking Member Bilirakis, Congressman Pallone, and Ranking
505 Member McMorris Rodgers for introducing these crucial pieces
506 of legislation.

507 It is more important than ever that we get comprehensive
508 data privacy legislation right. And as such, I am pleased to

509 see the scope of algorithmic impact assessments in the
510 amendment in the nature of a substitute includes more
511 provisions from my Algorithmic Accountability Act of 2022
512 that provide concrete guidance on what information covered
513 entities need to provide in Congress with respect to their
514 impact assessments.

515 As local, state, and Federal agencies are increasingly
516 turning to algorithmic systems to screen and determine
517 benefits eligibility, I urge my colleagues to keep in mind
518 the risk we run by excluding large data holders from the list
519 of covered entities who provide data services to government
520 agencies. Private companies providing data services and
521 platforms to government agencies may view this exemption as
522 adequate justification to obtain personal data to fuel
523 algorithmic decision-making that can have major impacts on
524 people's private lives. A loophole like this could lead to
525 increased surveillance of already vulnerable individuals.

526 Today I will vote yes, and I look forward to continued
527 discussions on this issue to make certain we provide data
528 privacy protections for the most vulnerable.

529 With that, Madam Chair, I yield back the balance of my
530 time.

531 *Ms. Schakowsky. Is there anyone else who would like to
532 make an opening statement at this time?

533 Okay, Mr. Soto, you are recognized.

534 *Mr. Soto. Thank you, Madam Chair. I am very excited
535 today to finally be putting together a internet privacy bill
536 of rights. It is something that in Florida, while we have a
537 right to privacy in the constitution, it is vague, and
538 doesn't actually provide a framework. So there is no actual
539 state internet privacy laws in Florida.

540 And I am very excited also that this is bipartisan, and
541 the bill contains some key issues that I am -- I know many
542 Floridians are going to be asking about, like a duty of
543 loyalty, making sure companies can only collect, process, and
544 transfer data that is reasonably necessary and proportionate
545 to the services provided. It has to be related to what
546 business you are conducting with that particular company.

547 It gives all Americans the right to their own data. How
548 often have we seen folks see their data flow throughout the
549 internet and they can't get access to it?

550 It gives all Americans the right to opt out of targeted
551 ads when they don't want them, and additional protections for
552 children under 17 years of age.

553 When you look at the sensitive covered data, it reads
554 like a bill of rights itself, making sure to keep private
555 people Social Security numbers, passport numbers, driver's
556 license information, physical and mental health, financial
557 account information, biometric information, genetic
558 information, precise geolocation information: where we

559 literally are, our private communications like voicemails and
560 emails, account logins, your sexual orientation, calendar
561 information, address books, phones, text logs, private
562 photos, information about video content from your service
563 provider for cable and broadcast. All these things, people
564 would be outraged if they were freely sent across the
565 internet without a right for people to be able to protect
566 them.

567 I am proud and excited to be able to vote for this bill
568 today. I know there will be some tightening we may have to
569 do on some of the first-party language with regard to ad
570 content to make sure folks who have existing relationships,
571 direct relationships with consumers, can continue to
572 advertise their information and, obviously, segmenting that
573 away from third-party.

574 I also, Madam Chair, have a letter from AAJ that I
575 wanted to introduce to the record at some point, whether now
576 or at a future time, to be able to discuss some future
577 concerns as we go forward.

578 *Ms. Schakowsky. Without objection --

579 *Mr. Soto. Thank you --

580 *Ms. Schakowsky. -- so ordered.

581

582

583

584 [The information follows:]

585

586 *****COMMITTEE INSERT*****

587

588 *Mr. Soto. And I yield back.

589 *Ms. Schakowsky. Is there anyone else who would like to
590 make an opening statement?

591 Then that concludes our opening statements. But
592 pursuant to committee rules, members will have the
593 opportunity to offer written opening statements, and they
594 shall be made part of the record. Please submit written
595 opening statements to the email address that we have
596 provided.

597 And at this point now we can begin, and the chair calls
598 up H.R. 8153, the American Data Privacy and Protection Act.
599 The clerk will report the title of the bill.

600 I am sorry. Did I say that? Number 8152, sorry. Yes.

601 *The Clerk. H.R. 8152, a bill to provide consumers with
602 foundational data privacy rights to create strong oversight
603 mechanisms, and establish meaningful enforcement.

604 Be it enacted by the Senate and the House of
605 Representatives of the United States of America and Congress
606 assembled --

607 *Ms. Schakowsky. Without objection, the first reading
608 of the bill will be dispensed with. The bill is now open for
609 consideration as read.

610 And without objection, the bill is considered as read
611 and open for amendments at any point.

612

613 [The bill follows:]

614

615 *****COMMITTEE INSERT*****

616

617 *Ms. Schakowsky. Now, are there members who are seeking
618 recognition to speak on H.R. 8152? And the chair would like
619 to recognize herself to strike the last word.

620 So this is a fantastic moment of opportunity. After
621 many years and much work from this subcommittee -- really,
622 years of work -- we are finally at the point that we are
623 going to be able to move forward. The bipartisan, bicameral
624 American Data Privacy and Protection Act will provide relief
625 to consumers who feel helpless online many times.

626 So I wanted to just reiterate some things that I
627 mentioned last time, which is the kinds of things that are --
628 that will happen on day one when this bill would become law:
629 companies will have a duty to only collect the minimum amount
630 of data that is necessary to operate; consumers will have the
631 right to access, correct, delete, and transfer their data;
632 consumers will be able to reject sharing their information
633 with third parties; consumers won't be forced to kind of take
634 it or leave it, or pay for privacy to get what they want and
635 what they need.

636 We will create protection for children, as we heard from
637 Congresswoman Castor, under 17 years old, raising that age
638 from 13. They cannot target children with personalized ads.
639 Many -- they may not be forced into arbitration when it comes
640 to children, cannot share the data with third parties without
641 prior consent, can sue companies for violating their rights.

642 I also wanted to call attention to the process that we
643 had, which I think has really contributed to our being here
644 today. And I want to thank the staff who worked so hard on
645 bringing all the stakeholders together. We had six privacy
646 roundtables, bringing together these stakeholders and small
647 groups so that they could look at each other face to face
648 across the table from different sectors to anticipate and
649 then work out some of the problems that might have happened.

650 I also just want to say, look, I don't want to take too
651 much time going over the legislation, but it really does have
652 very strong enforcement mechanisms, and holds companies
653 accountable. It is time to end the promises that Big Tech
654 has made to us, the excuses they have made to us. And now we
655 will be able to streamline rulemaking. We will have first
656 violation civil penalties. We will make consumers whole, and
657 jurisdiction -- and have jurisdiction over common carriers.

658 This bill is not perfect yet, though it is well on its
659 way. But I want to make sure that we have the philosophy
660 going forward that we are not going to let the perfect be the
661 enemy of the good, and we are going to work diligently over
662 the next short time, I hope, to make a bill that is going to
663 not only be passed by the House of Representatives, but also
664 by the Senate, and signed into law by the President of the
665 United States.

666 It is time. Consumers are asking for this, and it is

667 absolutely time to fill that obligation to help consumers and
668 deliver on this legislation.

669 So I want to thank you for the good start that we have
670 made.

671 I yield back, but are there others who seek recognition
672 at this time?

673 Mr. Bilirakis.

674 *Mr. Bilirakis. Thank you, Madam Chair. I appreciate
675 it. I move to strike the last word.

676 This marks a milestone day for our subcommittee, as we
677 are able to continue to move the process forward on
678 comprehensive privacy and data security legislation in a
679 bipartisan fashion with the advancement of the American Data
680 Privacy and Protection Act.

681 I want to thank the chair. And, of course, you know, I
682 want to thank the full members of the committee, but also the
683 chairman of the full committee, as well as the ranking
684 member.

685 And this amendment in the nature of a substitute
686 continues the negotiations we have agreed on thus far.

687 And I believe, Madam Chair -- are we on the amendment in
688 the nature of a substitute, the AINS?

689 *Ms. Schakowsky. Not yet.

690 *Mr. Bilirakis. Okay.

691 *Ms. Schakowsky. After your --

692 *Mr. Bilirakis. Okay, all right.

693 *Ms. Schakowsky. Okay.

694 *Mr. Bilirakis. So let me go ahead and give my spiel,
695 and I won't speak on the AINS.

696 I am pleased that, since our legislative hearing on our
697 discussion draft bill, we have been able to take that
698 feedback and make some significant improvements that move the
699 bill in the right direction. For example, I am glad to see
700 additional protections for small businesses in this bill.

701 As I noted in our legislative hearing, we know local
702 mom-and-pop stores and startups, they want to do the right
703 thing, don't always have the resources or the time to be able
704 to understand their obligations, which is why we provide
705 exemptions for certain requirements, as well as opportunity
706 to educate those entities on best practices to come into
707 compliance.

708 I know we must be sensitive to these small companies,
709 and ensure they not only remain innovators, but can continue
710 to do their business for consumers and the benefit of our
711 economy. So I am looking forward to continually, again,
712 working on this with them to make sure they will not be
713 unduly burdened.

714 I am also glad to see that the AINS provides -- and we
715 will introduce that -- provides additional protections for
716 company loyalty programs. I know these are important for

717 both consumers and companies. After all, who doesn't love a
718 free coffee, cup of coffee, on their birthday?

719 Further, I believe we have made good progress with
720 regard to independent measurements of content and
721 advertisements online, and clarity regarding the role of
722 service providers and their additional obligations to assist
723 and provide technical data security safeguards.

724 The AINS also makes clarifications to ensure we are
725 preempting FCC communications services to provide further
726 consistency across the spectrum.

727 Needless to say, we have come a long way in fine-tuning
728 the bill thus far, but we have a lot of work to do, too. So
729 while we have made great progress, as I said, I do not know
730 -- I do know that there are still some further tweaks that we
731 need to make to this bill, and I am optimistic that we will
732 get it right.

733 As I said before, we need to be constructive and
734 collaborative here. And I appreciate our members willing to
735 engage with thoughtful feedback to improve the bill further.

736 And for those in the industry who have sought to work
737 with us to get this legislation right, I know the job isn't
738 done yet. We have heard from industry, and I am certainly
739 sympathetic to concerns from them and from my colleagues
740 about providing too much leeway for frivolous lawsuits, or
741 not ensuring a national standard across preempting state

742 privacy and data security laws.

743 But also I want to reiterate the tireless negotiations
744 that have gone into these sections in particular to get it to
745 where we are today. We have made tremendous progress with
746 more to come, and I invite members and all -- everyone to
747 come to my office and give their input. I know it hasn't
748 been easy, and I know we will continue to try to do the right
749 thing by our constituents, of course.

750 To close, I urge support of this AINS when it will be
751 called up, and I hope we can continue to work towards getting
752 this right.

753 And I want to thank the staff for doing an outstanding
754 work on both sides of the aisle thus far.

755 Thank you, and I yield back, Madam Chair.

756 *Ms. Schakowsky. Thank you, Mr. Bilirakis. And at this
757 point I will now recognize Mr. Pallone to offer the AINS, the
758 amendment in the nature of a substitute.

759 *The Chairman. Thank you, Madam Chair. I have an
760 amendment in the nature of a substitute at the desk. Its
761 labeled "Privacy_AINS_01."` `

762 *Ms. Schakowsky. Well, let me ask -- the clerk will
763 report the amendment.

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

766 Strike all after the enacting clause, and insert the

767 following. Section 1, short title table of contents. Short
768 title --

769 *Ms. Schakowsky. Without objection, the reading of the
770 amendment will be dispensed with.

771 [The amendment of The Chairman follows:]

772

773 *****COMMITTEE INSERT*****

774

775 *Ms. Schakowsky. So proceed, Mr. Pallone.

776 *The Chairman. Thank you, Madam Chair.

777 Enacting bipartisan national privacy legislation has
778 evaded Congress because it is difficult. The deliberative
779 process is the only way we are ultimately going to get there.
780 And this AINS and the underlying bill marks a massive step
781 forward.

782 There are more automatic protections for consumers in
783 the AINS, there are clear processes for getting out of
784 targeted advertising online. There are strong protections
785 for kids, and the draft's overall structure was reformed to
786 make it easier to enforce the law. And I am talking now
787 about the underlying bill.

788 As you know, the private right of action and preemption
789 provisions have been the most difficult points of negotiation
790 on privacy legislation for the last decade. In this case,
791 the negotiators made substantial progress before the
792 subcommittee, but even still we needed more time to finalize
793 the language. So that is why we have not yet made changes to
794 sections 403 on enforcement by persons and 404 on preemption,
795 which is especially important for the states that already
796 have a strong privacy law.

797 So I am trying to make a distinction here. The sections
798 403 and 404 of the AINS are identical to the June 3rd
799 discussion draft, with the exception of one provision that

800 clarifies that certain parts of the Communications Act of
801 1934 do not apply to covered entities under the bill.

802 So we are going to continue to work on these sections,
803 and hope to reach a consensus on the language soon. And in
804 the meantime, I am proud of the changes that are contained in
805 the bill and the AINS, and I would encourage their passage.

806 I just want to stress to everyone we have a -- the
807 discussion draft was the subject of the hearing. You know,
808 it really was excellent. But we are going to continue to
809 make changes. And so this AINS reflects continued efforts to
810 make changes, always bipartisan, always with the idea of
811 consensus in mind.

812 And with that, I yield back, Madam Chair.

813 *Ms. Schakowsky. The gentleman yields back. Are there
814 other members seeking to be recognized to speak on the AINS,
815 the amendment?

816 I now recognize Congresswoman Rodgers.

817 *Mrs. Rodgers. Thank you, Madam Chair. I move to
818 strike the last word. Thank you.

819 I want to thank the chairman again, Chairman Frank
820 Pallone, for working together as a full partner on this,
821 along with Chair Schakowsky and Ranking Member Bilirakis. I
822 support the AINS, as it reflects the bipartisan agreement we
823 made for the bill introduction.

824 We all know there is more work to be done on this bill

825 that was introduced. But the process we are in the middle of
826 to continually improve this bill shows the great power of
827 this committee to deliberate and reach consensus.

828 I want to thank Senator Wicker, as well, for his
829 cooperation in moving this bill forward. I look forward to
830 continuing our efforts to get Republicans and Democrats in
831 the House and the Senate united in enacting this landmark
832 legislation.

833 Thank you, and I yield back.

834 *Ms. Schakowsky. Mrs. Trahan, you are recognized.

835 *Mrs. Trahan. Thank you, Madam Chairwoman. I move to
836 strike the last word.

837 The legislation before us today represents historic
838 protections for consumers, historic and necessary. And I am
839 grateful to you, Madam Chair, Chairman Pallone, Ranking
840 Member Bilirakis, Ranking Member McMorris Rodgers, and the
841 professional staff here on committee for your work on this
842 massive effort.

843 Today we can hardly do anything without having our
844 personal data shared, so corporations can target ads and
845 manipulate us into spending more time on a screen. Whether
846 it is a favorable -- favorite mobile game, tracking our heart
847 rate on a smartwatch, getting in a connected vehicle,
848 scrolling through social media to keep up with friends and
849 family, or just about anything else, every action we take is

850 being tracked, recorded, and shared.

851 The American Data Privacy and Protection Act introduces
852 many key proposals that finally begin to address these core
853 concerns. The transparency requirements in this bipartisan
854 bill mean users will finally stand a chance to understand
855 what sensitive data companies collect. The provisions
856 related to data brokers mean consumers will finally not have
857 to worry about the endless sale of their data. They will
858 finally have more options to unsubscribe. And I am
859 particularly pleased that large data holders will finally
860 have to complete algorithm impact assessments.

861 Like many on this committee, I have been advocating for
862 many of these priorities over the past year-and-a-half, and I
863 recognize many of my colleagues have spent several years
864 working toward this proposal. However, the stakes couldn't
865 be higher right now. We are seeing widespread abuses across
866 digital platforms that are taking place, largely because
867 Federal enforcers and Congress have been unable to keep up.

868 It is critical that we get this right. And while I plan
869 to vote yes for today on this bipartisan package, I ask that
870 we continue working together so that the final product is
871 something that will improve the lives of the hardworking
872 families we represent, while also promoting the innovation
873 that has become stifled by tech giants over the last decade.

874 Specifically, I would like to collaborate with you,

875 Madam Chair and Ranking Member Bilirakis, on better
876 protections for our children. I know my colleagues on both
877 sides of the aisle care deeply about this issue. We should
878 be covering ed-tech vendors that are currently free from
879 enforcement under FERPA, and we can make sure that students
880 at both public and private schools have similar data rights.

881 We should ensure that key protections in the age
882 appropriate design code, things like commitments to act in
883 the best interest of the child and the age appropriate
884 application of the Act's other provisions are clearly covered
885 by the youth division, or listed as an area where states can
886 act with their own proposals.

887 And we can make long-overdue bipartisan progress in
888 ensuring the best and brightest in our nation can continue to
889 do research in the public interest, whether that is R&D for
890 artificial intelligence, connected vehicles, safety, or the
891 issue many of you have heard me speak to in my advocacy for
892 the Social Media Data Act: ensuring that researchers can
893 study content moderation processes and recommender systems.

894 Many on this committee have applauded Frances Haugen's
895 bravery and courage. Let's take the next step, and implement
896 some of the solutions that she called for, starting with
897 enabling independent research of social media platforms,
898 which is critical for responsible policymaking and
899 understanding how to protect people online.

900 We have a tremendous opportunity before us with this
901 bipartisan, bicameral agreement, and it is one that people
902 across the United States can't afford for us to miss. As
903 consumers' physical lives continue to blur more and more with
904 their digital lives, it is imperative that we get this right.
905 I look forward to voting yes today, and continuing to work
906 with you, Madam Chair, Ranking Member Bilirakis, and my
907 colleagues on the Committee to make sure the end product is
908 something that we are all proud of.

909 Thank you. I yield back.

910 *Ms. Schakowsky. The gentlewoman yields back. And
911 where am I?

912 All right, so Mr. Upton, you are recognized.

913 *Mr. Upton. I would like to strike the last word. I
914 want to thank Chairman Pallone and my Leader Rodgers for
915 bringing a bipartisan bill to the subcommittee.

916 It seems like internet privacy and data security issues
917 have been around forever and a day. There are probably only
918 a couple of us on the committee who were here when it wasn't
919 an issue. The full House actually passed data security
920 legislation not once, but twice over a decade ago on a
921 bipartisan basis. And I had to grapple with the privacy and
922 security for my six years as full committee chair, also.

923 I would hope that all of us, after all this time, can
924 work together to get the issues right. I have got a number

925 of issues that I would like to see addressed before we get to
926 full committee.

927 Section 104, I hope to work with the chair and ranking
928 member to clarify section 104 to preserve customer loyalty
929 programs, which are a critical and ever-growing facet of the
930 restaurant business model. And we heard that in the
931 testimony last week, I guess it was. If section 104 isn't
932 changed, businesses are going to face the possibility of
933 having to eliminate their loyalty programs so the customers
934 can continue enjoying the discounts and other benefits that
935 already opt in to enjoy today.

936 Customers shouldn't be discriminated against for
937 choosing to exercise one of their privacy rights outlined
938 within the bill, but the legislation, as drafted, would
939 inhibit the ability of customers and businesses to
940 voluntarily establish mutually beneficial business-customer
941 relationships and set the terms of those relationships.

942 I believe that we ought to work together to align the
943 Data Protection Act loyalty program language with the state
944 data privacy laws enacted in Virginia, Colorado, Utah, and
945 Connecticut to provide more certainty for businesses and
946 customers alike, so that the loyalty programs will be
947 protected. Enough said.

948 Section 302, services provider and third-party
949 obligations. I also want to work with the chair and my

950 ranking member, my leader, to strengthen section 302 of the
951 bill outlining service provider and third-party obligations
952 so that no consumers are left unprotected when their personal
953 data is handled by any business, regardless of where they
954 live.

955 Mainstream businesses shouldn't be held liable for
956 potential privacy violations committed by their downstream
957 business partners acting as a service provider or third
958 party. While the legislation contains some of these
959 obligations, the bill, as drafted, currently would allow
960 contracts to dictate these terms, which would leave small
961 businesses, particularly, holding the bag, given the lack of
962 their market power.

963 I would believe that we should look to other data
964 privacy bills that have been introduced over the last couple
965 of years -- again, in Virginia, Colorado, Utah, and
966 Connecticut -- to ensure that all players with whom the
967 digital ecosystem have statutory requirements that best
968 protect consumers across the country.

969 And with that, I yield back. Thank you.

970 *Ms. Schakowsky. The gentleman yields back.

971 Ms. Castor, you are recognized.

972 *Ms. Castor. Well, thank you, Madam Chair. I move to
973 strike the last word.

974 Thank you for being open to improving the legislation as

975 we move forward today. The -- we all know that the last
976 decade has seen a revolution in the amount of time that
977 children spend online, with detrimental consequences for our
978 kids, their mental and physical health. Research from 2019
979 found that preschool children were averaging 2.5 hours of
980 screen time per day, while preteens averaged almost 5 hours
981 per day and teens almost 7.5 hours per day. And the pandemic
982 supercharged these trends. Screen time for children is
983 estimated to have increased by 50 percent during the
984 pandemic, and 35 percent of parents report that their
985 children began using social media during the pandemic at a
986 younger age than their parents had originally planned.

987 So we, as legislators, need to honestly reckon with the
988 harms to children and teens that are arising as a result, and
989 give parents a greater ability to protect their kids online.
990 The examples, unfortunately, abound, from 19-year-old Alexis
991 Spence, who was able to create her first Instagram account at
992 the age of 11, without her parents' knowledge, and in
993 violation of the platform's minimum age requirement of 13.
994 We know Instagram, Facebook foster addictive usage. Alexis
995 said that has led to an eating disorder, self-harm, thoughts
996 of suicide. And thanks to Frances Haugen, we know that
997 Instagram is well aware of -- that its platform is linked to
998 worsening body image and mental health issues among teen
999 girls, in particular -- to Julia Anderson, who at age 16

1000 posted sexualized videos on TikTok because she learned that,
1001 if you post stuff showing your body, people will start liking
1002 it. And Joshua Haileyesus, a 12-year-old from Colorado who
1003 passed away after attempting the blackout challenge on
1004 TikTok, which encourages young people to hold their breath
1005 until they pass out.

1006 These are unacceptable tragedies that are motivating
1007 legislators, regulators across the world to require these
1008 companies to be more proactive and build safeguards for
1009 children into their products, and then penalize them if they
1010 do not do so. These harms are rising because of inadequate
1011 data privacy and security safeguards.

1012 But I believe that our bill, including its data
1013 minimization regime and loyalty duties, will help limit the
1014 types of data on children and teens, and types of harms that
1015 result. But I think we can do better.

1016 I look to some of the legislation that is out there from
1017 a lot of our colleagues in my KIDS Act: Senator Markey's
1018 work, Senator Blackburn, two E&C members who went over to the
1019 Senate.

1020 Look to the UK design code. We have got to -- I think
1021 it would be helpful to give the FTC greater direction on the
1022 design. This means regulating -- addressing autoplay that is
1023 built into -- that leads to prolonged, unhealthy viewing,
1024 maybe push alerts that encourage kids and young teens to pull

1025 out their devices when maybe they are trying to study or do
1026 something else, addressing websites and algorithms and apps
1027 that amplify violent and inappropriate, dangerous content to
1028 kids.

1029 So I hope Chairwoman Schakowsky, and Ranking Member
1030 Bilirakis, and colleagues, we can all work together to
1031 continue to work to ensure that these -- we are -- in -- this
1032 is our opportunity, really, to ensure that online apps are
1033 truly appropriate for kids and teens. I trust that everyone
1034 wants to do the best for our kids.

1035 And I yield back.

1036 *Ms. Schakowsky. The gentleman -- gentlewoman, excuse
1037 me -- the gentlewoman yields back.

1038 Mr. Bucshon, you are recognized.

1039 *Mr. Bucshon. Thank you, Madam Chair. I move to strike
1040 the last word.

1041 I am glad that this subcommittee is continuing with an
1042 open and deliberative process in considering the American
1043 Data Privacy and Protection Act. Looking at the differences
1044 between the draft legislation discussed last week and the
1045 AINS before us today, I see some marked improvements.

1046 For example, the increased thresholds for who will be
1047 classified as small business under the bill will help ensure
1048 that they are protected and provided with the flexibilities
1049 they need. I am confident that this same level of

1050 consideration and thoughtfulness will remain as we move
1051 forward.

1052 There are certainly some things we should further
1053 examine -- whether we need to clarify language on customer
1054 loyalty programs, for example, which rely on third-party data
1055 to provide services to consumers. We also may need to take
1056 another look about how the legislation interacts with
1057 existing laws governing health and scientific data.

1058 The current bill draft provides an exemption for data
1059 covered under HIPAA, which I appreciate, but HIPAA itself is
1060 more limited than many people realize. I wonder whether
1061 there are additional exemptions we should consider to ensure
1062 this does not interfere with FDA and industry's ability to
1063 use personal scientific data in their research studies.

1064 Ultimately, I am supportive of giving consumers more
1065 power to control, keep private, and even delete their data.
1066 But we must carefully evaluate the language we use to avoid
1067 unintended consequences.

1068 Again, I appreciate everyone's dedication to moving this
1069 bill through regular order, and I encourage this committee to
1070 keep making progress on this critical piece of legislation.

1071 I yield back the balance of my time.

1072 *Ms. Schakowsky. The gentleman yields back. Having not
1073 heard of anyone on the Democratic side who seeks recognition,
1074 now let me recognize Mr. Dunn.

1075 *Mr. Dunn. Thank you, Madam Chair. I move to strike
1076 the last word.

1077 I appreciate the opportunity to continue this discussion
1078 about the importance of enacting a bipartisan Federal data
1079 privacy and security bill. But this is a complex project.
1080 Congress must remain committed to getting this right. That
1081 means we must continue to follow regular order, and include
1082 industry in the conversation. We want real privacy
1083 protections and consumer confidence.

1084 During last week's hearing, I spoke about the urgency of
1085 forcing Big Tech companies to be transparent with Americans
1086 about whether they are transferring, storing, or accessing
1087 their personal data in countries that we simply cannot trust,
1088 like China, Russia, Iran, North Korea. I am pleased that the
1089 bill before us today includes this language.

1090 The New York Times published an article this week which
1091 is highlighting China's goal to collect personal data to
1092 control and influence individual Americans. I look forward
1093 to making progress with my colleagues in the Committee to
1094 ensure American's sensitive data is not used to extend our
1095 adversaries' influence and make the world a less safe place.

1096 And also I would like to associate myself with the
1097 remarks of Dr. Bucshon and several of my colleagues regarding
1098 the health care industry. While this legislation includes
1099 sector protections for health laws, I urge all members of the

1100 committee to carefully analyze the bill's language to make
1101 sure it is clear in its intent. Private-sector-driven R&D
1102 relies heavily on research data that is already subject to
1103 existing standards that do a good job of protecting
1104 Americans. Let's make sure that the U.S. remains an
1105 attractive place for the health care industry.

1106 Thank you, Madam Chair, for having this hearing, and I
1107 yield back.

1108 *Ms. Schakowsky. Okay. Is there anyone seeking
1109 recognition on the AINS?

1110 *Mrs. Lesko. Yes, Madam Chair.

1111 *Ms. Schakowsky. Where?

1112 *Mrs. Lesko. Right here. Debbie Lesko.

1113 *Ms. Schakowsky. You have an amendment, right?

1114 *Mrs. Lesko. I do.

1115 *Ms. Schakowsky. Okay. So we are -- if there is no
1116 more comments now, or seeking recognition on the AINS, we
1117 will move to -- I will recognize those who want to offer an
1118 amendment to the -- in the nature of a substitute.

1119 And Mrs. Lesko, you are recognized. But first let me
1120 ask the clerk to report the amendment.

1121 *The Clerk. Amendment to the amendment in the nature of
1122 a substitute to H.R. 8152, offered by Mrs. Lesko of Arizona.

1123 Page 67, line 19, insert "political viewpoint" after
1124 "religion" --

1125 *Ms. Schakowsky. Without objection, the reading of the
1126 amendment will be dispensed with.

1127 [The amendment of Mrs. Lesko follows:]

1128

1129 *****COMMITTEE INSERT*****

1130

1131 *Ms. Schakowsky. And now the Chair recognizes Mrs.
1132 Lesko for her amendment.

1133 *Mrs. Lesko. Thank you, Madam Chair. Big Tech
1134 discriminating against political viewpoints is something many
1135 of my constituents bring up to me quite often. That is why I
1136 am offering an amendment related to algorithmic assessments.

1137 I believe political bias does exist. I will read you
1138 some examples. Earlier this year, researchers from North
1139 Carolina State University found that nearly 70 percent of
1140 emails from Republican candidates were sent to spam email
1141 boxes by Google, compared to less than 1 in 10 from Democrat
1142 candidates from 2019 to 2020. And the opposite was true with
1143 Outlook and Yahoo!: more of the Democratic candidates were
1144 sent to spam than Republican candidates. And the study was
1145 quite thorough, to make sure that it was based on political
1146 viewpoints instead of other factors.

1147 Also, there is a fairly famous example, a Google search
1148 result listed Nazism as an official ideology of the
1149 California GOP.

1150 And then on Friday, as you are aware, several Democratic
1151 Senators and Congress Members wrote to Google's parent
1152 company on this last Friday, June 17th, to pressure the
1153 search engine to suppress results that offer alternatives to
1154 abortion. And that is why I think this amendment is needed.
1155 And it is unfortunate that it is needed, but I believe that

1156 it is needed.

1157 But with that being said, if the chair would meet with
1158 me, or talk to me, or work with me between now and the full
1159 committee markup to talk about my concerns and address my
1160 concerns, I will withdraw the amendment and not ask for a
1161 vote today.

1162 *Ms. Schakowsky. Well, I am grateful for that offer,
1163 and happy to take you up on that to work with you. Thank you
1164 very much.

1165 *Mrs. Lesko. Thank you, Madam Chair.

1166 *Ms. Schakowsky. So the gentlelady withdraws her
1167 amendment.

1168 I don't see any offers for amendment on the Democratic
1169 side. I understand that Mr. Armstrong -- excuse me? Oh,
1170 okay. Mr. Guthrie arrived to strike the last word.

1171 You are recognized, Mr. Guthrie.

1172 *Mr. Guthrie. Thank you, Madam Chair, I appreciate that
1173 very much. And thanks for the comments earlier about how we
1174 know we have a lot of work to do in getting some of the
1175 definitions correct.

1176 It has been brought to my attention there are some
1177 potential issues with biomedical research. I know that
1178 innovation in the United States -- I know that we don't want
1179 this bill to do that. And what has been brought to my
1180 attention, as currently written, this legislation would apply

1181 the same requirements to biomedical research data as it would
1182 all other forms of personal data.

1183 In providing access to, requiring the deletion of, and
1184 control of personal data to each individual, we create an
1185 obligation on researchers that conflicts with existing legal
1186 and ethical obligations to maintain records, submit certain
1187 data to regulatory agencies, and ensure that certain trials
1188 are appropriately blinded to protect their scientific
1189 validity in the case of the FDA related -- regulated, double-
1190 blinded trials.

1191 Biomedical research, whether in a clinical or rural
1192 practice setting, is subject to ethical and scientific
1193 standards. That includes safeguards for individuals'
1194 decision-making process. And I know that we can work
1195 together to address these concerns to ensure biomedical
1196 research is not impacted in a negative way, and patients can
1197 continue to receive access to the lifesaving therapies.

1198 I thank you for the attitude for all of us to work
1199 together. I look forward to doing so, and I will yield back.

1200 *Ms. Schakowsky. The gentleman yields back. I know
1201 that Mr. Armstrong has an amendment, and the clerk can read
1202 the amendment.

1203 *The Clerk. Mr. Armstrong, what is the name of your
1204 amendment?

1205 *Mr. Armstrong. Zero -- Armstrong 31.

1206 *The Clerk. Amendment to the amendment in the nature of
1207 a substitute to H.R. 8152, offered by Mr. Armstrong of North
1208 Dakota.

1209 Page 115, strike line 18 and all that follows through
1210 page 119, line 9, and insert the following --

1211 *Ms. Schakowsky. Without objection, the first reading
1212 of the bill will be dispensed with. The bill will now be
1213 considered as read.

1214 [The amendment of Mr. Armstrong follows:]

1215

1216 *****COMMITTEE INSERT*****

1217

1218 *Ms. Schakowsky. And Mr. Armstrong, you are recognized
1219 for five minutes.

1220 *Mr. Armstrong. Thank you, Madam Chair. Express
1221 preemption of state laws has been a fundamental Republican
1222 negotiating point in our privacy discussions.

1223 *Ms. Schakowsky. Is that not right?

1224 *Mr. Armstrong. We are all familiar with the compliance
1225 challenges and extensive costs that was -- will result --
1226 would result in a patchwork of national and state privacy
1227 laws were in effect [sic].

1228 During the subcommittee's hearing last week I raised
1229 issues with the form of the preemption provision addressing
1230 preemption of state laws. I remain concerned that the bill's
1231 state preemption section is likely to withstand -- unlikely
1232 to withstand legal challenges to its intended preemptive
1233 effect. There is a real possibility that courts interpret
1234 the numerous exemptions of specific and general state laws to
1235 mean that there is, in fact, zero preemption of state law.

1236 Since 1947 the Supreme Court has held that preemption of
1237 state law will not be recognized unless it is a clear and
1238 manifest purpose of Congress to preempt state laws in a
1239 Federal act. When a Federal statute contains an express
1240 preemption provision, like the one contained in my amendment,
1241 the courts will simply look to plain meaning of the text to
1242 discern Congress's intended scope of preemption.

1243 However, when Congress's intended scope is not clear,
1244 courts will conduct a conflict analysis to determine if a
1245 state law actually conflicts with the Federal act. And that
1246 is what I fear we have with H.R. 8152: a complex set of
1247 exemptions of both specific and general state laws that fails
1248 the Supreme Court's test of a clear and manifest purpose of
1249 Congress to preempt.

1250 Under the implied preemption analysis, the court's
1251 mission is to preserve state laws, if possible. Because of
1252 its heavy use of carve-outs to express preemption clause, the
1253 bill's current preemption provision is highly unlikely to
1254 even preempt state privacy laws that the committee intends to
1255 preempt. When drafting these provisions, Congress must
1256 understand these important rules that the Supreme Court and
1257 Federal courts have laid out.

1258 First, Federal courts often view any included carve-out
1259 in a preemption clause as fatal to preemption language. This
1260 is because the mere existence of the carve-out calls into
1261 question the congressional intent behind the entire
1262 preemption clause.

1263 Second, the result is that courts have consistently used
1264 the presence of state law carve-outs to justify the use of an
1265 implied preemption analysis in these cases. That type of
1266 analysis permits the courts to preserve any state laws with a
1267 purpose that is consistent with the Federal act's purpose, so

1268 long as there is no actual conflict, meaning that if a
1269 covered entity could comply with both the state law and the
1270 Federal act, it will be required to do both.

1271 To be clear, the bill's preemption language, which
1272 contains an entire paragraph devoted to state law carve-outs,
1273 is highly unlikely to prevent any state laws, because Federal
1274 courts have interpreted carve-outs as the signal that courts
1275 should preserve all related state laws, and that
1276 interpretation may not just preserve those specific state
1277 laws that are listed in the Federal act, but all relevant
1278 state laws. The result would be exactly what Republicans
1279 have opposed: a national privacy framework on top of
1280 numerous state privacy frameworks.

1281 The compliance and implementation costs would be
1282 significant and harmful to the economy. That is why we need
1283 to get the preemption language correct. My amendment would
1284 provide a clear, express preemption of all state laws
1285 regarding data privacy and security standards. The amendment
1286 closely adheres to the Federal court precedent on preemption
1287 laws, and this specific language has been consistently upheld
1288 as the most reliable expression of congressional intent to
1289 expressly preempt state laws.

1290 And I know that preemption is going to continue to be a
1291 part of negotiation throughout this process. And regardless
1292 of where we end up on that negotiation, I think it is really

1293 important that the law does what we actually intend it to do.

1294 And so I am going to withdraw the amendment, because I
1295 think we need this to go forward, but we do -- we need to --
1296 I mean, we have a framework, but without proper and narrow
1297 enforcement, we are going to continue to move forward. So I
1298 thought it was important to raise.

1299 And with that, I yield back.

1300 *Ms. Schakowsky. The gentleman yields back, but are
1301 there other members seeking recognition to speak on the
1302 amendment?

1303 Mrs. Rodgers.

1304 *Mrs. Rodgers. Thank you, Madam Chair. I move to
1305 strike the last word.

1306 I want to thank my colleague, Representative Armstrong,
1307 for raising these important issues. I appreciate his
1308 expertise and his background on issues of enforcement and
1309 preemption. He has been a leader on this subcommittee on
1310 government overreach and frivolous litigation.

1311 And your voice and input are needed on these matters,
1312 which is why I am pleased that you have -- of your focus on
1313 these enforcement solutions in our Republican draft released
1314 last November.

1315 From the very beginning of this debate, creating a
1316 strong, preemptive national standard has been one of my top
1317 priorities. And that hasn't changed. There is tough trade-

1318 offs to build consensus and bipartisan legislation like the
1319 one that is before us. Those negotiations don't stop today,
1320 as this is not a finished product. I want to continue to
1321 focus on what Representative Armstrong has raised in between
1322 subcommittee and full committee consideration, along with
1323 other issues raised by our members that will make this a
1324 stronger bill.

1325 As I have said before, with continued member feedback
1326 and constructive input from the stakeholders, this product
1327 can grow into a landmark achievement.

1328 Thank you, I yield back.

1329 *Ms. Schakowsky. The gentlewoman yields back.

1330 I want to note that Mr. Armstrong has withdrawn his
1331 amendment, but I want to see -- are there any members who
1332 seek recognition to offer an amendment at this time?

1333 *Mr. Armstrong. Madam Chair, I have another amendment
1334 at the desk.

1335 *Ms. Schakowsky. Mr. Armstrong, you are recognized.

1336 *Mr. Armstrong. No. 32.

1337 *Ms. Schakowsky. The clerk will read the amendment.

1338 *The Clerk. Amendment to the amendment in the nature of
1339 a substitute to H.R. 8152, offered by Mr. Armstrong of North
1340 Dakota.

1341 Page 108 after line 21, insert the following and re-
1342 designate the succeeding paragraphs accordingly.

1343 *Ms. Schakowsky. Without objection, the reading of the
1344 amendment will be dispensed with.

1345 [The amendment of Mr. Armstrong follows:]

1346

1347 *****COMMITTEE INSERT*****

1348

1349 *Ms. Schakowsky. Mr. Armstrong, you are recognized for
1350 five minutes.

1351 *Mr. Armstrong. Thank you, Madam Chair.

1352 Section 403 of the bill provides for a private right of
1353 action. Among other provisions, a person or class of persons
1354 bringing a civil suit must notify the FTC and the attorney
1355 general of the applicable state prior to commencing a civil
1356 action. The FTC and the state attorney general then have 60
1357 days to determine if they will proceed with an enforcement
1358 action based on that claim.

1359 This section prohibits a private litigant from any
1360 written communication requesting monetary payments that is
1361 sent to a covered entity before the 60-day review period, or
1362 after the FTC or state attorney general decide to pursue
1363 civil actions against the entity.

1364 The language is very specific: "any written
1365 communication requesting monetary payment.'" While that
1366 language may encompass demand letters, it does not prohibit a
1367 private litigant from bringing a civil action if the FTC or
1368 the state attorney general also decides to pursue a civil
1369 action covering the same conduct. If that was the intent,
1370 the language will specifically prohibit the term "civil
1371 action,'" which is the specific term used in section 403 to
1372 empower private litigants.

1373 So the bill is creating the possibility where a covered

1374 entity could be subject to an FTC or state civil action in
1375 addition to a private civil action, all covering the same
1376 allegation. Simply put, the bill allows for concurrent
1377 litigation on enforcement actions. That results in a
1378 potential for conflicting outcomes on the same conduct.

1379 And to be clear, particularly with small business, the
1380 minute you end up in court and end up in litigation, you are
1381 already losing. The cost of compliance, the cost of hiring
1382 attorney, all of those different things exist. Our goal
1383 should be to maximize compliance with the law, while
1384 minimizing litigation.

1385 This provision maximizes litigation, particularly at the
1386 expense of judicial efficiency. It is notable that the draft
1387 text considered at last week's subcommittee hearing
1388 recognized this very issue to an extent. Section 402© of the
1389 draft bill specifically granted enforcement primacy to the
1390 FTC over state attorneys general. No state authority could
1391 institute a civil action against the defendant if the FTC
1392 decided to pursue that claim. This is a provision that is
1393 commonly found in Federal legislation that grants enforcement
1394 power to both the FTC and state authorities.

1395 Unfortunately, the introduced version of the bill
1396 significantly limits FTC enforcement primacy. The new
1397 section 402© allows for state authorities to intervene in a
1398 civil action according to the rules of Federal rules of civil

1399 procedure. So we have the possibility for the same conduct
1400 to be subject to an enforcement action by the FTC, state
1401 authorities, and private litigants all at the same time. I
1402 have to believe that Republicans will have significant
1403 concerns with such over-enforcement of a bill's provision.

1404 My amendment would simply establish an enforcement
1405 primacy hierarchy. Simply put, the FTC would have
1406 enforcement primacy over state authorities, which, in turn,
1407 would have enforcement privacy over private litigants. This
1408 would provide reason to the enforcement mechanisms.

1409 And I want to be clear. I don't -- I oppose the
1410 creation of a private right of action. However, I am
1411 offering the amendment as a good faith attempt to legislate
1412 within the framework of the bill drafted by both the chairman
1413 and the ranking member. This is a reasonable amendment to
1414 ensure that the enforcement of allegations of prohibited
1415 conduct are addressed in an efficient manner, whether it be
1416 by the FTC, state, or private litigants, but just simply not
1417 all three at once. It is unreasonable to threaten multiple
1418 government enforcement actions and private claims on the same
1419 prohibited conduct when one enforcement mechanism would
1420 suffice.

1421 And again, I am going to withdraw the amendment. I just
1422 think it is easier to offer these, because narrowly tailoring
1423 how we do the important enforcement provisions is easier than

1424 me going on a rant, which I am -- anybody who knows me knows
1425 I am willing to do so. So with that, I will withdraw the
1426 amendment and yield back.

1427 *Ms. Schakowsky. The gentleman withdraws his amendment.
1428 Are there any members who seek to be recognized to offer an
1429 amendment at this time?

1430 *Mr. Armstrong. I have one more, Madam Chair, No. 33.

1431 *Ms. Schakowsky. Mr. Armstrong is recognized, and the
1432 clerk will read the amendment.

1433 *The Clerk. Amendment to the amendment in the nature of
1434 a substitute to H.R. 8152, offered by Mr. Armstrong of North
1435 Dakota.

1436 Page 111, strike line 22 and all that follows through
1437 page 112 --

1438 *Ms. Schakowsky. Without objection, the reading of the
1439 amendment will be dispensed with at this time.

1440 [The amendment of Mr. Armstrong follows:]

1441

1442 *****COMMITTEE INSERT*****

1443

1444 *Mr. Armstrong. Thank you, Madam Chair.

1445 *Ms. Schakowsky. You are recognized for five minutes.

1446 *Mr. Armstrong. The bill's right to cure provision is
1447 extremely limited. First, it is only offered as a remedy to
1448 address civil actions pursued by private litigants under the
1449 private right of action. Second, it is only applicable to
1450 injunctive relief. Finally, it is only applicable to
1451 allegations of certain violations in the bill regarding small
1452 businesses.

1453 Our goal should be to maximize compliance with the law
1454 and minimize litigation. A comprehensive right to a cure
1455 accomplishes both those goals. Parties should have the
1456 opportunity to achieve compliance prior to facing litigation.
1457 We have seen time after time the role heavy-handed
1458 enforcement mechanisms play in implementing Federal policy.
1459 Instead of working with businesses to provide a time-limited
1460 opportunity to achieve adherence, Congress often shoehorns
1461 organizations into compliance by opening the floodgates to
1462 entirely new classes of legal action that result in endless
1463 litigation and predatory sue-and-settle tactics.

1464 We should not be incentivizing activist litigation under
1465 the guise of achieving efficient compliance. Rather, we
1466 should build in incentives to support businesses that seek to
1467 correct honest instances of non-compliance, and leave all
1468 parties in a better position to remain within the confines of

1469 the law.

1470 Whether a claim is brought by the FTC, relevant state
1471 authorities, or private litigants, businesses deserve the
1472 opportunity to resolve legitimate concerns before heading to
1473 the courtroom for monetary remedy or injunctive relief.

1474 And to be clear, the right to cure is not an end-all,
1475 be-all mechanism to achieve compliance. We know that there
1476 are entities that will require more substantial enforcement
1477 mechanisms. But these businesses represent a small minority
1478 of actors that would require intervention through the courts
1479 to enforce specific requirements of the law.

1480 The California Consumer Privacy Act provided a 30-day
1481 right to cure that was successfully used to promote
1482 compliance until it was eliminated in 2022. The California
1483 attorney general bragged that, in the first year, 75 percent
1484 of businesses notified of an allegation came to compliance
1485 within 30 days.

1486 Taking what we have learned about the benefits of right
1487 to cure over the last seven decades, and applying it in this
1488 instance will allow recognition of honest mistakes,
1489 incentivize compliance, and prevent activist litigation. My
1490 amendment would expand the bill's right to cure to cover all
1491 actions, whether it be by the FTC, state authorities, or
1492 private litigants.

1493 Again, our efforts to promote compliance with this law

1494 should be -- not be limited to certain claims or certain
1495 covered entities.

1496 The amendment would also retain the current 45-day
1497 timeline to implement the cure.

1498 It would retain the current standard that a court may
1499 reasonably dismiss an action if the cure was implemented.

1500 And finally, it would return the current provision that
1501 the right to cure should not be applied more than once to
1502 address the same alleged conduct by the same covered entity.

1503 And as we continue to move down this -- this bill is
1504 going to be litigated. It is just too big, too all-
1505 encompassing not to. Our goal should just simply be to get
1506 as much compliance as possible, and do it in a way that
1507 doesn't hamper particularly small businesses.

1508 So, again, I am going to withdraw the amendment. I
1509 appreciate your indulgence, Madam Chair, and I yield back.

1510 *Ms. Schakowsky. The gentleman yields back. If there
1511 is no further discussion or amendment, we will proceed to a
1512 vote on the amendment in the nature of a substitute.

1513 All those in favor of the amendment in the nature of a
1514 substitute to H.R. 8152, as -- will signify by saying aye.

1515 All those opposing will say nay.

1516 In the opinion of the chair, the ayes have it. The
1517 amendment in the nature of a substitute to H.R. 8152 is
1518 agreed to.

1519 Okay, the question now occurs on favorably forwarding
1520 H.R. 8152, as amended, to the full committee.

1521 All those in favor of forwarding H.R. 8152, as amended,
1522 to the full committee will signify by saying aye.

1523 Those opposed by saying no.

1524 In the opinion of the chair, the ayes have it. And H.R.
1525 8152, as amended, is forwarded to the full committee.

1526 Okay, moving on, the chair calls up H.R. 3355, the Save
1527 American -- what is it?

1528 Okay, the chair now calls up H.R. 3355, the Save
1529 American's [sic] Forgotten Equine Act of 2021, or otherwise
1530 known as the SAFE Act. The clerk will report the title of
1531 the bill.

1532 *The Clerk. H.R. 3355, a bill to amend the Horse
1533 Protection Act to prohibit the shipping, transporting,
1534 moving, delivering, receiving, possessing, purchasing,
1535 selling --

1536 *Ms. Schakowsky. Without objections, the first reading
1537 of the bill will be dispensed with. The bill is now
1538 considered as the -- the bill is now considered as read.

1539 Without objection, the bill is considered as read, and
1540 open to amendment at any time.

1541

1542

1543

1544 [The bill follows:]

1545

1546 *****COMMITTEE INSERT*****

1547

1548 *Ms. Schakowsky. Are there any members seeking
1549 recognition to speak on H.R. 3355?

1550 Is there someone?

1551 *Mr. Armstrong. Madam Chair?

1552 *Voice. Mr. Armstrong wants to speak.

1553 *Ms. Schakowsky. Mr. Armstrong, you are recognized.

1554 *Mr. Armstrong. I have an amendment at the desk.

1555 *Ms. Schakowsky. Oh, okay. No, we haven't gone to an
1556 AINS yet.

1557 I now recognize myself to offer an amendment in the
1558 nature of a substitute. The clerk will report the amendment.

1559 *The Clerk. Amendment in the nature of a substitute to
1560 H.R. 3355, offered by Ms. Schakowsky of Illinois.

1561 Strike all after the enacting clause, and insert the
1562 following: Section 1. Short title. This Act may be cited
1563 as the Save America's Forgotten Equines Act of 2022, or the
1564 SAFE Act of 2022. Section 2. Prohibition on shipping,
1565 transporting, moving, delivering, receiving, possessing,
1566 purchasing, selling --

1567 *Ms. Schakowsky. Without objection, the reading of the
1568 amendment will be dispensed with.

1569 [The amendment of Ms. Schakowsky follows:]

1570

1571 *****COMMITTEE INSERT*****

1572

1573 *Ms. Schakowsky. And now I recognize myself to strike
1574 the last word.

1575 As a former horse owner myself, I feel pretty passionate
1576 about this legislation. Last year, over 36,000 horses were
1577 transferred from the United States to bordering countries for
1578 one reason alone. It was for slaughter, and slaughter for
1579 the purpose of their finally ending up for human consumption,
1580 for eating horsemeat.

1581 We don't raise horses for food. They are our
1582 companions, our work partners. And they are amazing athletes
1583 that we love very much.

1584 Horse slaughter is -- it is basically just plain old
1585 cruel. The animals often suffer long journeys to the
1586 slaughter plants without adequate food or water or rest. By
1587 the time they get there, many have been brutalized and some
1588 are even dead at the time, because they are hurt on the
1589 journey.

1590 And we also know that horse slaughter harms horse
1591 owners, as well as horses. The horse slaughter industry
1592 incentivizes horse theft, and predatory behavior, and fraud.
1593 And we want to make sure that horse owners will not have to
1594 live in fear that their trusted equine partners are one just
1595 bad sale away from slaughter.

1596 And it is also true that horses -- that horse meat can
1597 be toxic to human beings. Because horses are not raised for

1598 food -- this is not an animal that is bred to be slaughtered
1599 for food -- they are routinely given literally hundreds of
1600 drugs over their lives that are prohibited by the Food and
1601 Drug Administration by -- being used in animals that are used
1602 for food. This could be very dangerous. Those drugs are
1603 unsafe for human beings.

1604 So for all of those reasons, and in respect for horses,
1605 who play a very uplifting and important role, I think, in
1606 U.S. culture, we want to make sure that they are not allowed
1607 to be transferred for slaughter.

1608 I know that, in Illinois, one of the very last slaughter
1609 plants, horse slaughter plants, finally closed some years
1610 ago. There was a concerted effort to make that happen. But
1611 now they are still, in the United States of America, being
1612 shipped out at numbers -- as I mentioned, 36,000 horses were
1613 trafficked last -- from the United States. And we want to
1614 stop that.

1615 And with that, I yield back and recognize -- see if
1616 there is anyone else who wants to speak on the bill at this
1617 point.

1618 *Mr. Armstrong. Madam Chair?

1619 *Ms. Schakowsky. If not -- yes.

1620 *Mr. Armstrong. I have an --

1621 *Ms. Schakowsky. If --

1622 *Mr. Armstrong. I have an amendment at the desk.

1623 *Ms. Schakowsky. I am sorry. If not, I will recognize
1624 for amendment Mr. Armstrong.

1625 *Mr. Armstrong. Thank you, Madam Chair.

1626 *Ms. Schakowsky. I am sorry?

1627 *Mr. Armstrong. H.R. --

1628 *Ms. Schakowsky. The clerk -- but first the clerk will
1629 report the amendment.

1630 *The Clerk. Amendment to the amendment in the nature of
1631 a substitute to H.R. 3355, offered by Mr. Armstrong of North
1632 Dakota.

1633 Page 3, line 21, strike "has reason to believe,"`
1634 insert --

1635 *Ms. Schakowsky. Without objection, the reading of the
1636 amendment will be dispensed with.

1637 [The amendment of Mr. Armstrong follows:]

1638

1639 *****COMMITTEE INSERT*****

1640

1641 *Ms. Schakowsky. Mr. Armstrong, you are recognized,
1642 five minutes.

1643 *Ms. Schakowsky. Thank you, Madam Chair. H.R. 3355
1644 generally prohibits the -- facilitating the transfer or
1645 receipt of a horse or other equine if the person has reason
1646 to believe that the animal will be slaughtered for human
1647 consumption.

1648 My amendment is a small change, but it is a significant
1649 change, and it would change the required mental state from
1650 "has reason to believe:'' to "knows''. The "reason to
1651 believe'' mental state is used sparingly in Federal criminal
1652 code, and for good reason. It is a confusing standard
1653 without clear definitions that imparts both subjective and
1654 objective elements.

1655 The courts have repeatedly struggled with this ill-
1656 defined standard, as it includes both objective reasonable
1657 person elements and actual knowledge elements. Some courts
1658 lean to the objective standard, others lean to the knowledge
1659 standard, and some courts have created a hybrid,
1660 subjective/objective standard. Regardless, the result is
1661 confusion and unequal application of Federal criminal law.

1662 The adoption of the knowledge mental state would clearly
1663 distinguish between -- distinguish the conduct that Congress
1664 seeks to address. It would ensure that these prohibitions
1665 cover individuals who are willfully engaged in or

1666 specifically intend to commit the prohibited conduct. These
1667 individuals have an awareness or conscious purpose to engage
1668 in the identified conduct.

1669 Further, courts have a clear understanding in the
1670 definition of a knowledge mental state requirement, which is
1671 commonly applied in criminal proceedings. This is why the
1672 related Senate bill requires knowledge and mental state. It
1673 is why the committee should adopt my amendment to H.R. 3355.

1674 There has been a lot of discussion about over-
1675 criminalization in recent years, particularly the expansion
1676 of the Federal Criminal Code. H.R. 3355, as introduced, is
1677 an example of that over-criminalization. If we are serious
1678 about criminal justice reform, we need to address problematic
1679 texts like this mental state. We can't rely on comprehensive
1680 criminal justice packages like the First Step Act that come
1681 around once in a generation.

1682 It doesn't matter that this isn't the Judiciary
1683 Committee. We all have a duty to ensure the Federal Criminal
1684 Code works in a clear and consistent manner. And there is a
1685 real risk that, as drafted, the reason to believe mens rea is
1686 unconstitutional. And you don't have to take my word for it.
1687 In *Rogers v Tennessee*, the Supreme Court of the United States
1688 held that core due process concepts require notice,
1689 foreseeability, and, in particular, the right to fair warning
1690 that the conducts bear on the constitutionality of attaching

1691 criminal penalties to what previously had been innocent
1692 conduct.

1693 We are certainly considerizing [sic] the criminalization
1694 of what was previously not a crime, and the court has also
1695 held that mens rea interpretation reflects the general
1696 principle that wrongdoing must be conscious to be criminal,
1697 and this amendment would do that.

1698 And with that, I yield back.

1699 *Ms. Schakowsky. What do I say about this now?

1700 Mr. Armstrong, I understand totally what you are saying.
1701 I would respectfully ask if you would consider withdrawing
1702 the amendment for this time with a firm commitment that we
1703 can work together and talk about this. I think we are
1704 essentially on the same page here when it comes to horse
1705 slaughter, and I would like the opportunity to work with you
1706 on the nature of your amendment.

1707 *Mr. Armstrong. Yes, ma'am. I will withdraw.

1708 *Ms. Schakowsky. I appreciate that. Thank you. The
1709 gentleman withdraws.

1710 Are there any other amendment -- members who seek
1711 recognition to offer an amendment to the amendment?

1712 So if there is no further discussion or amendments,
1713 that --

1714 *Mr. Bilirakis. Madam Chair?

1715 *Ms. Schakowsky. Yes?

1716 *Mr. Bilirakis. Yes, I would like to speak on -- strike
1717 the last word.

1718 *Ms. Schakowsky. The gentleman is -- Mr. Bilirakis is
1719 recognized to strike the last word.

1720 *Mr. Bilirakis. Thank you, Madam Chair. I appreciate
1721 it very much. I move to strike the last word.

1722 I want to thank you for offering up your bill, H.R.
1723 3355, the Save America's Forgotten Equines Act, or the SAFE
1724 Act, and the AINS, which I plan on supporting. And I
1725 appreciate your leadership, Madam Chair, on this particular
1726 issue.

1727 I know this is a bill that is very important to my
1728 constituents and myself in my district that are particularly
1729 passionate about horses. I believe that animals should be
1730 treated in a compassionate and humane manner, and have always
1731 been willing to support practical efforts to achieve that
1732 goal, including penalties for mistreatment or cruelty of
1733 animals. There is no excuse for allowing any animal to
1734 needlessly suffer in any inappropriate or inhumane way. And
1735 I have led caucuses for the humane bond in the past that seek
1736 to strengthen the bonds between people and animals in all
1737 types of settings.

1738 They truly are -- really, they are miracle workers,
1739 particularly for our veterans.

1740 The slaughter of horses for human consumption is

1741 currently illegal in the United States. The ban is temporary
1742 and subject to annual review, and no Federal law prohibits
1743 the transport of horses across our borders for this
1744 particular purpose. That is where the SAFE Act comes in,
1745 which will prohibit the interstate commerce and sale of
1746 horses if the person has reason to believe they will be
1747 slaughtered for human consumption.

1748 I think we all share the goals outlined in the bill to
1749 try to prevent unnecessary horse slaughter and humane
1750 consumption of horse meat. However, I do know -- and I want
1751 to be respectful of feedback with -- that we have received,
1752 including from tribal communities about wild grazing and
1753 vegetation on the public land and public tribal lands, as
1754 well -- we should be careful to avoid unintended
1755 consequences, especially with those in rural and Western
1756 communities.

1757 I am also aware, again, Representative Armstrong is
1758 presenting an amendment, as he did -- and thank you so very
1759 much, Madam Chair, for working with him on this particular
1760 issue. I am hopeful we can work out an agreement before full
1761 committee to keep the balance of raising and treating our
1762 horses humanely, and preventing horse slaughter as much as we
1763 possibly can.

1764 With that, I support the AINS, and I support the
1765 underlying bill, and I encourage my colleagues to vote the

1766 same.

1767 Thank you, and I yield back, Madam Chair.

1768 *Ms. Schakowsky. The gentleman yields back.

1769 I just wanted to make a brief announcement. I am very
1770 happy to offer a pizza lunch on the Republican and the
1771 Democratic side, just to know. I believe it has arrived.

1772 But we have important work to do. So if there is no
1773 further discussion or amendments, then we will proceed to
1774 a --

1775 *Mr. Bilirakis. Madam Chair?

1776 *Ms. Schakowsky. Yes?

1777 *Mr. Bilirakis. On behalf of my members, I thank you
1778 for the pizza lunch.

1779 [Laughter.]

1780 *Ms. Schakowsky. You are very, very welcome.

1781 Let me begin that again. If there is no further
1782 discussion or amendments, we will proceed to a vote on the
1783 amendment in the nature of a substitute.

1784 All those in favor of an amendment in the nature of a
1785 substitute to H.R. 3355 will signify by saying aye.

1786 All those opposed will say no.

1787 In the opinion of the chair, the ayes have it. The
1788 amendment in the nature of a substitute to H.R. 3355 is
1789 agreed --

1790 *Mr. Rush. Mr. Chairman?

1791 *Ms. Schakowsky. -- agreed to.

1792 *Mr. Rush. Madam Chairman? Madam Chairman?

1793 *Ms. Schakowsky. I hear you, Mr. Rush. Yes?

1794 *Mr. Rush. Madam Chairman, I was trying to unmute.

1795 How am I recorded?

1796 *Ms. Schakowsky. This is a voice vote. So do I hear

1797 your aye?

1798 *Mr. Rush. No, Madam Chair --

1799 *Ms. Schakowsky. Okay, good.

1800 *Mr. Rush. [Inaudible.]

1801 *Ms. Schakowsky. Thank you very much. Okay.

1802 *Mr. Rush. It is a no vote. No --

1803 *Ms. Schakowsky. So the amendment now --

1804 *Mr. Rush. A no vote.

1805 *Ms. Schakowsky. Yes, the amendment has now been agreed

1806 to.

1807 The question now occurred -- now occurs on favorably

1808 forwarding H.R. 3355, as amended, to the full committee.

1809 I am sorry?

1810 *Voice. You all want recorded?

1811 *Mr. Bilirakis. No recorded.

1812 *Ms. Schakowsky. Okay, so there is no request for a

1813 recorded vote.

1814 So then all those in favor of forwarding H.R. 3355, as

1815 amended, to the full committee will signify by saying aye.

1816 All those opposed by saying no.

1817 In the opinion of the chair, the ayes have it, and the -
1818 - and H.R. 3355, as amended, is now forwarded to the full
1819 committee.

1820 [Pause.]

1821 *Ms. Schakowsky. The chair now calls up H.R. 3962, the
1822 Securing and Enabling Commerce Using Remote and Electronic
1823 Notarization Act of 2021. The clerk will report the bill.

1824 *The Clerk. H.R. 3962, a bill to authorize notaries
1825 public to perform and to establish minimum standards for --

1826 *Ms. Schakowsky. Without objection, the first reading
1827 of the bill will be dispensed with, and the bill is now open
1828 for consideration as read.

1829 Without objection, the bill is considered as read, and
1830 open for amendment at any time, at any point.

1831 [The bill follows:]

1832

1833 *****COMMITTEE INSERT*****

1834

1835 *Ms. Schakowsky. Are there any members who seek
1836 recognition to offer any amendment?

1837 Is there anyone who wants to speak to this legislation?

1838 *Mr. Bilirakis. Armstrong. Armstrong. Armstrong.

1839 *Ms. Schakowsky. I think also -- okay, Mr. Armstrong
1840 was first?

1841 Okay, Go ahead. Mr. Armstrong, you are recognized.

1842 *Mr. Armstrong. Madam Chair, I move to strike the last
1843 word.

1844 As discussed in our legislative markup last month, we
1845 have the capability and technology to accomplish meetings,
1846 events, and social outings remotely. Even conduct -- even
1847 Congress conducts business remotely -- for example, today's
1848 hearing is a markup hybrid, with members able to participate
1849 from in the committee room or anywhere else, for that matter.

1850 H.R. 3962, the SECURE Act, is legislation to permit the
1851 nationwide use of remote online notarizations, which is
1852 simply an electronic notarization where the party and notary
1853 are in different locations. This bipartisan bill would
1854 provide business and consumers with the ability to execute
1855 documents using two-way audiovisual communication, while
1856 protecting consumers with multi-factor authentication of the
1857 signer and use of tamper-evident technology.

1858 Requirements for a signer to be physically in the
1859 presence of a notary are often impractical, and sometimes

1860 impossible, such as with military deployments or travel
1861 restrictions. Remote online notarization increases the use
1862 of notarization, and allows individuals to conduct crucial
1863 business if they are unable to be physically in front of a
1864 notary.

1865 More than 40 states have enacted laws or temporary
1866 waivers allowing the use of remote online notarization. This
1867 bill would not preempt or replace the state laws states have
1868 enacted, but instead would provide for the interstate
1869 recognition of notarizations performed under other states'
1870 laws. This is similar to the full faith and credit clause in
1871 implementing statutes that ensure the recognition of things
1872 like records and judicial proceedings produced in other
1873 states.

1874 I would like to close by noting that no objections to
1875 this bill were raised during the subcommittee's legislative
1876 hearing on May 26.

1877 Additionally, this bill was unanimously added to the
1878 House-passed National Defense Authorization Act for fiscal
1879 year 2022, although it was not enacted.

1880 I urge my colleagues to support this legislation, and
1881 with that I yield back.

1882 *Ms. Schakowsky. The gentleman yields back. If there
1883 are no further speakers on this bill, then the question now
1884 occurs on favorably forwarding H.R. 3962 to the full

1885 committee.

1886 *Mr. Bilirakis. We want a recorded vote.

1887 *Ms. Schakowsky. Well, we will do it -- a recorded vote
1888 has been asked for. The -- and so a recorded vote has been
1889 ordered.

1890 Those in favor of forwarding -- is that where we are at?
1891 Okay.

1892 Those in favor of forwarding H.R. 3962 to the full
1893 committee will say aye; those opposed will say no. And the
1894 clerk shall call the roll.

1895 *The Clerk. Mr. Rush?

1896 [No response.]

1897 *The Clerk. Ms. Castor?

1898 *Ms. Castor. Aye.

1899 *The Clerk. Ms. Castor votes aye.

1900 Mrs. Trahan?

1901 *Mrs. Trahan. Aye.

1902 *The Clerk. Mrs. Trahan votes aye.

1903 Mr. McNerney?

1904 *Mr. McNerney. Aye.

1905 *The Clerk. Mr. McNerney votes aye.

1906 Ms. Clarke?

1907 *Ms. Clarke. Aye.

1908 *The Clerk. Ms. Clarke votes aye.

1909 Mr. Cardenas?

1910 *Mr. Cardenas. Cardenas, aye.
1911 *The Clerk. Mr. Cardenas votes aye.
1912 Mrs. Dingell?
1913 *Mrs. Dingell. Dingell votes aye.
1914 *The Clerk. Mrs. Dingell votes aye.
1915 Ms. Kelly?
1916 [No response.]
1917 *The Clerk. Ms. Kelly, you are on mute.
1918 *Ms. Kelly. I am a yes.
1919 *The Clerk. Ms. Kelly votes aye.
1920 Mr. Soto?
1921 *Mr. Soto. [Inaudible.]
1922 *The Clerk. Mr. Soto votes aye.
1923 Miss Rice?
1924 *Miss Rice. Rice votes aye.
1925 *The Clerk. Miss Rice votes aye.
1926 Ms. Craig?
1927 [No response.]
1928 *The Clerk. Mrs. Fletcher?
1929 *Mrs. Fletcher. Fletcher votes aye.
1930 *The Clerk. Mrs. Fletcher votes aye.
1931 Mr. Pallone?
1932 *The Chairman. [Inaudible.]
1933 *The Clerk. Mr. Pallone votes aye.
1934 Mr. Bilirakis?

1935 *Mr. Bilirakis. Aye.

1936 *The Clerk. Mr. Bilirakis votes aye.

1937 Mr. Upton?

1938 *Mr. Upton. Is this where I am supposed to say Ms.

1939 Schakowsky from Illinois votes aye?

1940 Mr. Upton votes aye.

1941 *The Clerk. Mr. Upton votes aye.

1942 Mr. Latta?

1943 *Mr. Latta. Aye.

1944 *The Clerk. Mr. Latta votes aye.

1945 Mr. Guthrie?

1946 *Mr. Guthrie. Aye.

1947 *The Clerk. Mr. Guthrie votes aye.

1948 Mr. Bucshon?

1949 *Mr. Bucshon. Aye.

1950 *The Clerk. Mr. Bucshon votes aye.

1951 Mr. Dunn?

1952 *Mr. Dunn. Aye.

1953 *The Clerk. Mr. Dunn votes aye.

1954 Mrs. Lesko?

1955 *Mrs. Lesko. Aye.

1956 *The Clerk. Mrs. Lesko votes aye.

1957 Mr. Pence?

1958 [No response.]

1959 *The Clerk. Mr. Armstrong?

1960 *Mr. Armstrong. [Inaudible.]

1961 *The Clerk. Mr. Armstrong votes aye.

1962 Mrs. Rodgers?

1963 *Mrs. Rodgers. Aye.

1964 *The Clerk. Mrs. Rodgers votes aye.

1965 Chairwoman Schakowsky?

1966 *Ms. Schakowsky. Votes aye.

1967 *The Clerk. Chairwoman Schakowsky votes aye.

1968 *Mr. Rush. Madam Chair?

1969 *Ms. Schakowsky. Oh, Mr. Rush?

1970 *Mr. Rush. Madam Chair, how am I recorded?

1971 *The Clerk. Mr. Rush is not recorded.

1972 *Mr. Rush. Rush votes aye.

1973 *The Clerk. Mr. Rush votes aye.

1974 *Ms. Schakowsky. Is there anyone else who is not

1975 recorded who wishes to be recorded?

1976 Does any member wish to change his or her vote?

1977 If not, the clerk will report the tally.

1978 *The Clerk. On that vote, Madam Chairwoman, the yeas

1979 were 22 and the nays were 0.

1980 *Ms. Schakowsky. Then -- I am sorry, what?

1981 The vote is 22 to 0, and H.R. 3962 is now forwarded to

1982 the full committee.

1983 So now the chair calls up H.R. 4081, the Informing

1984 Consumers about Small Devices Act. The clerk will report the

1985 bill.

1986 *The Clerk. H.R. 4081, a bill to require the disclosure
1987 of a camera recording capability in certain internet-
1988 connected devices.

1989 *Ms. Schakowsky. Without objection, the first reading
1990 of the bill will be dispensed with. The bill is now
1991 considered as read.

1992 Without objection, the bill is now considered as read,
1993 and is open for amendment at any time, at any point.

1994 [The bill follows:]

1995

1996 *****COMMITTEE INSERT*****

1997

1998 *Ms. Schakowsky. Are there any members that are seeking
1999 recognition to speak on H.R. 4081?

2000 Mr. Bilirakis, you are recognized.

2001 *Mr. Bilirakis. Thank you, Madam Chair. I appreciate
2002 it very much. I move to strike the last word.

2003 I strongly support H.R. 4081, the Informing Consumers
2004 and [sic] Smart Devices Act, and I want to thank
2005 Representative Curtis, who is a member of the full committee,
2006 and Representative Moulton for their leadership in sponsoring
2007 this legislation. In fact, I was proud to be an original
2008 co-lead on this bill last Congress, before becoming the
2009 Republican leader of the subcommittee. So I am certainly
2010 familiar with the issue.

2011 This legislation will require manufacturers of internet-
2012 connected devices like smart TVs or other smart appliances
2013 like kitchenware and IoT devices, the Internet of Things --
2014 most everything -- to disclose to consumers that a camera or
2015 microphone is part of that device.

2016 We live in an increasingly connected world with
2017 additional features and innovation like we have never seen
2018 before. Yet not every device is known or expected by
2019 consumers to have microphones or cameras in them. So this is
2020 a common-sense consumer transparency bill that will ensure
2021 Americans know what devices have the capability of listening
2022 to or recording them.

2023 As you know, Madam Chair, holding Big Tech accountable,
2024 as -- you have said this many times -- has been a priority,
2025 of course, for Republicans as well, and for Leader Rodgers
2026 throughout this Congress. And I believe this legislation
2027 will help us move towards accomplishing that particular goal,
2028 especially in light of the privacy discussions we have been
2029 having over the past few months.

2030 So I urge my colleagues to vote for this particular
2031 bill. I support it very much.

2032 I strongly support -- I will request a recorded vote
2033 when that happens.

2034 Thank you, Madam Chair. I yield back.

2035 *Ms. Schakowsky. The gentleman yields back. Are there
2036 any other members seeking recognition?

2037 *Mrs. Lesko. Yes, Madam Chair. I move to strike --

2038 *Ms. Schakowsky. Representative Lesko, you are
2039 recognized.

2040 *Mrs. Lesko. Thank you. I move to strike the last
2041 word.

2042 I really support this legislation. I think it is very
2043 much needed, and I am probably going to introduce a related
2044 legislation.

2045 We had -- I just want to share with you in our house we
2046 have security cameras outside and inside, but they call back
2047 to China, we have discovered. And so my husband had to do

2048 something so that it wasn't calling back to China. But also
2049 we discovered at least one of them, which we replaced, had a
2050 microphone in it. And so it was not only doing camera, but
2051 microphone when the camera was not on. This is very
2052 concerning, and especially if it is calling back to China. I
2053 really don't want China monitoring me and listening into me.

2054 So I will probably do legislation, and hopefully we can
2055 get bipartisan support. Thank you.

2056 *Ms. Schakowsky. The gentlewoman yields back. Is there
2057 anyone else who would like to speak?

2058 No? Then the question now occurs on favorably reporting
2059 H.R. 4081 to the full committee.

2060 I am sorry?

2061 *Mr. Bilirakis. We want a recorded vote.

2062 *Ms. Schakowsky. A recorded vote has been requested.

2063 First, I ask -- all those in favor of forwarding H.R.
2064 4081 to the full committee will first signify by saying aye.
2065 And the -- aye. And the -- all those opposed, no. And now
2066 we will have a recorded vote, and the clerk shall call the
2067 roll.

2068 *The Clerk. All right, I got to do a recorded vote
2069 here, so hang on. I have got to move to a better location,
2070 where I can get a better reception.

2071 [Pause.]

2072 *The Clerk. Mr. Rush?

2073 [No response.]

2074 *The Clerk. Ms. Castor?

2075 *Ms. Castor. Aye.

2076 *The Clerk. Ms. Castor votes aye.

2077 Mrs. Trahan?

2078 *Mrs. Trahan. Aye.

2079 *The Clerk. Mrs. Trahan votes aye.

2080 Mr. McNerney?

2081 *Mr. McNerney. Aye.

2082 *The Clerk. Mr. McNerney votes aye.

2083 Ms. Clarke?

2084 *Ms. Clarke. [Inaudible.]

2085 *The Clerk. Ms. Clarke votes aye.

2086 Mr. Cardenas?

2087 *Mr. Cardenas. Cardenas from California votes aye.

2088 *The Clerk. Mr. Cardenas votes aye.

2089 Mrs. Dingell?

2090 *Mrs. Dingell. Dingell votes aye.

2091 *The Clerk. Mrs. Dingell votes aye.

2092 Ms. Kelly?

2093 *Ms. Kelly. Kelly votes aye.

2094 *The Clerk. Ms. Kelly votes aye.

2095 Mr. Soto?

2096 *Mr. Soto. [Inaudible.]

2097 *The Clerk. Mr. Soto votes aye.

2098 Miss Rice?

2099 *Miss Rice. Rice votes aye.

2100 *The Clerk. Miss Rice votes aye.

2101 Ms. Craig?

2102 [No response.]

2103 *The Clerk. Mrs. Fletcher?

2104 *Mrs. Fletcher. Fletcher votes aye.

2105 *The Clerk. Mrs. Fletcher votes aye.

2106 Mr. Pallone?

2107 [No response.]

2108 *The Clerk. Mr. Bilirakis?

2109 *Mr. Bilirakis. [Inaudible.]

2110 *The Clerk. Mr. Bilirakis votes aye.

2111 Mr. Upton?

2112 *Mr. Upton. Upton votes aye.

2113 *The Clerk. Mr. Upton votes aye.

2114 Mr. Latta?

2115 *Mr. Latta. Aye.

2116 *The Clerk. Mr. Latta votes aye.

2117 Mr. Guthrie?

2118 *Mr. Guthrie. Aye.

2119 *The Clerk. Mr. Guthrie votes aye.

2120 Mr. Bucshon?

2121 *Mr. Bucshon. Aye.

2122 *The Clerk. Mr. Bucshon votes aye.

2123 Mr. Dunn?

2124 *Mr. Dunn. Aye.

2125 *The Clerk. Mr. Dunn votes aye.

2126 Mrs. Lesko?

2127 *Mrs. Lesko. Aye.

2128 *The Clerk. Mrs. Lesko votes aye.

2129 Mr. Pence?

2130 [No response.]

2131 *The Clerk. Mr. Armstrong?

2132 *Mr. Armstrong. Yes.

2133 *The Clerk. Mr. Armstrong votes aye.

2134 Mrs. Rodgers?

2135 *Mrs. Rodgers. Aye.

2136 *The Clerk. Mrs. Rodgers votes aye.

2137 Chairwoman Schakowsky?

2138 *Ms. Schakowsky. Votes aye.

2139 *The Clerk. Chairwoman Schakowsky votes aye.

2140 *Ms. Schakowsky. Does any member wish to change his or

2141 her vote?

2142 *Mr. Rush. Madam Chair?

2143 *Ms. Schakowsky. Yes.

2144 *Mr. Rush. Madam Chair?

2145 *Ms. Schakowsky. Mr. Rush.

2146 *Mr. Rush. Madam Chair, how am I recorded?

2147 *The Clerk. Mr. Rush is not recorded.

2148 *Mr. Rush. Rush votes aye.

2149 *The Clerk. Mr. Rush votes aye.

2150 *Ms. Schakowsky. So the clerk will report the tally.

2151 *The Clerk. On that vote, Madam Chairwoman, the yeas
2152 were 21 and the nays were 0.

2153 *Ms. Schakowsky. On that vote the yeas are 21 and the
2154 nays are 0. The -- in the -- wait. Oh, on -- H.R. 4081 is
2155 now forwarded to the full committee.

2156 We are moving right along. The chair now calls up H.R.
2157 4551, the Reporting Attacks from National -- no -- from
2158 Nations Selected for Overseas [sic] and -- what is that,
2159 "Monitoring?"` `

2160 *Voice. That looks like monitoring.

2161 *Ms. Schakowsky. Oh, for oversight and monitoring. Let
2162 me say that again.

2163 The chair calls up H.R. 4551, the Reporting Attacks from
2164 Nations Selected by Overseas -- Oversight and Monitoring Web
2165 Attacks. Is that right now? And ransom, and ransomware.
2166 Sorry.

2167 What is that?

2168 *Voice. "Enemies Act."` `

2169 *Ms. Schakowsky. Okay, okay. "From Enemies Act."` ` I
2170 am going to do it one more time, because it is a long name.

2171 *Voice. You can just say this, the RANSOMWARE Act.

2172 *Ms. Schakowsky. How about the RANSOMWARE Act?

2173 The clerk will report the bill.

2174 *The Clerk. H.R. 4551, a bill to amend the Safe -- the
2175 U.S. States [sic] SAFE WEB Act of 2006 to provide for
2176 reporting --

2177 *Ms. Schakowsky. Without objection, the first reading
2178 of the bill will be dispensed with. The bill is now open for
2179 consideration -- is now considered as read.

2180 Without objection, the bill is considered as read, and
2181 open for amendment at any time.

2182 [The bill follows:]

2183

2184 *****COMMITTEE INSERT*****

2185

2186 *Ms. Schakowsky. Are there any members seeking
2187 recognition to speak on H.R. 4551?

2188 *Mr. Bilirakis. Madam Chair?

2189 *Ms. Schakowsky. Mr. Bilirakis.

2190 *Mr. Bilirakis. Thank you very much, Madam Chair. I
2191 move to strike the last word. I want to thank you for
2192 including my bill on the docket today, H.R. 4551, the
2193 RANSOMWARE Act.

2194 Our subcommittee has a long history of coming together
2195 in a bipartisan fashion to help keep Americans safe from
2196 cybersecurity attacks and other bad actors, which is why we
2197 created the U.S. SAFE WEB Act, a law that gives the FTC the
2198 tools and authority needed to work with foreign law
2199 enforcement agencies, and support investigations and
2200 enforcement actions to bad actors.

2201 We came together last Congress, through the leadership
2202 of the ranking member, Mrs. Rodgers, and Representative
2203 Kelly, as well as you, Madam Chair -- and I appreciate that
2204 so much -- to reauthorize the SAFE WEB program to allow FTC
2205 to continue to protect consumers from cross-border fraud and
2206 deception occurring online over the internet.

2207 The FTC should continue to collaborate with law
2208 enforcement partners overseas to strengthen its important
2209 consumer protection work for us here, in the United States.
2210 And yet the dangers of cybersecurity threats continue on a

2211 daily basis, unfortunately, particularly when it comes to
2212 ransom attacks.

2213 I mentioned in my opening statement the Chinese
2214 Government -- that the Chinese Government hacked into our
2215 telecommunications systems and other infrastructure, the
2216 example that Representative Lesko gave just now. It is
2217 really unacceptable. And last year we saw how critical this
2218 issue is with the forced shutdown of the Colonial Pipeline
2219 via ransomware when a foreign hacking group targeted
2220 hospitals and clinics with ransomware. One frightening
2221 incident we have seen overseas is in Costa Rica, which has
2222 been battered by cyber attacks from foreign hackers claiming
2223 they want to overthrow the government.

2224 Now is the time for us to continue our bipartisan spirit
2225 by moving forward with my ransomware bill, which will require
2226 the FTC to report on cross-border complaints involving
2227 ransomware and other cyber-related incidents, specifically
2228 from our adversaries like China, Russia, North Korea, Iran,
2229 and others. Russia, in particular, has been an incredibly
2230 bad actor in the cyberspace, and this bill will go a long way
2231 in learning how prevalent the problem is, and how we can
2232 begin to counteract these threats. This is very timely. We
2233 have got to get this across the finish line as soon as
2234 possible.

2235 I urge my colleagues again to support this bill and move

2236 it forward.

2237 And I will at the time request a recorded vote, Madam
2238 Chair. Thank you very much, and I yield back the balance of
2239 my time.

2240 *Ms. Schakowsky. The gentleman yields back. Are there
2241 are others who would like to speak on this bill?

2242 Okay, then the question now occurs on favorably
2243 forwarding H.R. 4551 to the full committee, and the request
2244 has been made for a recorded vote. A recorded vote is in
2245 order.

2246 Those in favor of H.R. 4551 --

2247 *Mr. Rush. Vote yes, right?

2248 *Ms. Schakowsky. -- to the full committee will say aye,
2249 and the clerk will call the roll.

2250 *The Clerk. Mr. Rush?

2251 *Mr. Rush. Rush votes aye.

2252 *The Clerk. Mr. Rush votes aye.

2253 Ms. Castor?

2254 *Ms. Castor. Aye.

2255 *The Clerk. Ms. Castor votes aye.

2256 Mrs. Trahan?

2257 [No response.]

2258 *The Clerk. Mr. McNerney?

2259 *Mr. McNerney. Aye.

2260 *The Clerk. Mr. McNerney votes aye.

2261 Ms. Clarke?

2262 *Ms. Clarke. [Inaudible.]

2263 *The Clerk. Ms. Clarke votes aye.

2264 Mr. Cardenas?

2265 *Mr. Cardenas. Cardenas from California votes aye.

2266 *The Clerk. Mr. Cardenas votes aye.

2267 Mrs. Dingell?

2268 *Mrs. Dingell. Dingell votes aye.

2269 *The Clerk. Mrs. Dingell votes aye.

2270 Ms. Kelly?

2271 *Ms. Kelly. Kelly votes aye.

2272 *The Clerk. Ms. Kelly votes aye.

2273 Mr. Soto?

2274 *Mr. Soto. Soto votes aye.

2275 *The Clerk. Mr. Soto votes aye.

2276 Miss Rice?

2277 *Miss Rice. Rice votes aye.

2278 *The Clerk. Miss Rice votes aye.

2279 Ms. Craig?

2280 *Ms. Craig. Ms. Craig votes aye.

2281 *The Clerk. Ms. Craig votes aye.

2282 Mrs. Fletcher?

2283 *Mrs. Fletcher. Fletcher votes aye.

2284 *The Clerk. Mrs. Fletcher votes aye.

2285 Mr. Pallone?

2286 *The Chairman. Pallone votes aye.
2287 *The Clerk. Mr. Pallone votes aye.
2288 Mr. Bilirakis?
2289 *Mr. Bilirakis. Aye.
2290 *The Clerk. Mr. Bilirakis votes aye.
2291 Mr. Upton?
2292 *Mr. Upton. Upton votes aye.
2293 *The Clerk. Mr. Upton votes aye.
2294 Mr. Latta?
2295 *Voice. Hey there, how are you?
2296 *Mr. Latta. [Inaudible.]
2297 *The Clerk. Mr. Latta votes aye.
2298 *Voice. Fine, thanks.
2299 *The Clerk. Mr. Guthrie?
2300 *Mr. Guthrie. [Inaudible.]
2301 *The Clerk. Mr. Guthrie votes aye.
2302 Mr. Bucshon?
2303 *Mr. Bucshon. Aye.
2304 *The Clerk. Mr. Bucshon votes aye.
2305 Mr. Dunn?
2306 *Mr. Dunn. Aye.
2307 *The Clerk. Mr. Dunn votes aye.
2308 Mrs. Lesko?
2309 *Mrs. Lesko. Aye.
2310 *The Clerk. Mrs. Lesko votes aye.

2311 Mr. Pence?

2312 [No response.]

2313 *The Clerk. Mr. Armstrong?

2314 *Mr. Armstrong. Yes.

2315 *The Clerk. Mr. Armstrong votes aye.

2316 Mrs. Rodgers?

2317 *Mrs. Rodgers. Aye.

2318 *The Clerk. Mrs. Rodgers votes aye.

2319 Chairwoman Schakowsky?

2320 *Ms. Schakowsky. Votes aye.

2321 *The Clerk. Chairwoman Schakowsky votes aye.

2322 *Ms. Schakowsky. The -- does anybody wish to change his
2323 or her vote?

2324 If not, the clerk will report the tally.

2325 *The Clerk. On that vote, Madam Chairwoman, the yeas
2326 were 22 and the nays were 0.

2327 *Ms. Schakowsky. The vote is 22 ayes and 0 nays. So
2328 H.R. 4551 is forwarded to the full committee.

2329 The chair now calls up H.R. 5313, Reese's Law. The
2330 clerk will report the title of the bill.

2331 *The Clerk. H.R. 5313, a bill to protect children and
2332 other consumers against hazards associated with the
2333 accidental --

2334 *Ms. Schakowsky. Without objection, the first reading
2335 of the bill will be dispensed with. The bill is now

2336 considered as read.

2337 Without objection, the bill is considered as read, and
2338 open to amendment at any time.

2339 [The bill follows:]

2340

2341 *****COMMITTEE INSERT*****

2342

2343 *Ms. Kelly. Madam Chair, I have an amendment in the
2344 nature of a substitute at the desk.

2345 *Ms. Schakowsky. I now recognize Ms. Kelly to offer an
2346 amendment in the nature of a substitute.

2347 *Ms. Kelly. Thank you, Madam Chair. My amendment in
2348 the nature of a substitute makes conforming edits --

2349 *Ms. Schakowsky. The clerk -- first, the clerk will --

2350 *Ms. Kelly. Sorry.

2351 *Ms. Schakowsky. -- will report the amendment.

2352 *The Clerk. Amendment in the nature of a substitute to
2353 H.R. 5313, offered by Ms. Kelly of Illinois.

2354 Strike all after the enacting clause, and insert the
2355 following --

2356 *Ms. Schakowsky. Without objection, the reading of the
2357 amendment will be dispensed with.

2358 [The amendment of Ms. Kelly follows:]

2359

2360 *****COMMITTEE INSERT*****

2361

2362 *Ms. Schakowsky. And Ms. Kelly is now recognized for
2363 five minutes.

2364 *Ms. Kelly. Thank you, Madam Chair.

2365 My amendment in the nature of a substitute makes
2366 conforming edits to H.R. 5313 so that it matches the text of
2367 the Senate companion Reese's Law, S. 3278, which passed
2368 favorably out of the Senate Commerce, Science, and
2369 Transportation Committee in May.

2370 This bipartisan bill will save countless lives. Today
2371 children can get to these small button batteries easily in
2372 toys and remotes, and many other everyday items, which is
2373 what happened with Reese Hamsmith, the namesake of this bill.
2374 More than 3,000 children ingest button batteries every year.
2375 The health impacts of swallowing can be severe and, in many
2376 cases, result in death. These instances are on the rise, and
2377 addressing this issue cannot wait any longer.

2378 This bill requires the Consumer Product Safety
2379 Commission to create standards for button cell and coin
2380 batteries to prevent accidental ingestion by children six
2381 years old and younger. Under the new standard, manufacturers
2382 will be required to make compartments containing button
2383 batteries more secure, and to include warning labels on the
2384 packaging of button cell batteries and the consumer products
2385 that contain them.

2386 For all of these reasons, this is an important amendment

2387 and a worthwhile bill. I urge my colleagues to support it.

2388 With that, I yield back.

2389 *Ms. Schakowsky. The gentlelady yields back. Are there
2390 other members who are seeking recognition to speak on the
2391 bill?

2392 Mr. Bilirakis.

2393 *Mr. Bilirakis. Thank you, Madam Chair. I move to
2394 strike the last word.

2395 I will be brief, but I just want to reiterate my support
2396 for this legislation, and thank the leadership -- again,
2397 Representatives Kelly and Arrington, but also Representative
2398 Rutherford from the great State of Florida worked very hard
2399 on this bill, as well.

2400 What happened to Reese was a tragedy, and I shared my
2401 condolences and know we can do better to help prevent these
2402 tragedies from happening again to other children in the
2403 future. I have been inspired by the work of Trista Hamsmith,
2404 who has been willing to share her daughter's tragic story and
2405 channel it into action.

2406 Reese's Law would require the Consumer Protection Safety
2407 Commission to establish safety standards to protect children
2408 from ingesting button cell batteries. It also includes an
2409 education component for consumers to ensure they are keeping
2410 new and used batteries out of the reach of children.

2411 With jurisdiction over the CPCSC [sic], our subcommittee

2412 must take our consumer protection role seriously, and we
2413 have. And I believe this bill and the AINS will do just that
2414 by better protecting people against risks of injury or death
2415 associated with consumer products.

2416 Without, of course, burdening our innovators and our
2417 businesses, we can still go after potential harms and ensure
2418 our constituents, particularly our children, are kept safe.

2419 And with that I will yield back, Madam Chair, thank you.

2420 *Ms. Schakowsky. The gentleman yields back. I
2421 recognize myself to strike the last word.

2422 I am -- I think about the testimony of Reese's mom,
2423 Trista, who came here and told about how, essentially, there
2424 was a hole in her daughter's body, and it didn't happen all
2425 at once. They tried and tried, and there was no way to save
2426 this baby.

2427 You know, I just also want to mention that so many of
2428 the things that we do in our Consumer Protection Subcommittee
2429 has relied on parents who are willing to come and, despite
2430 the tragedy, tell their stories. And as a consequence, then
2431 we are able to turn around and do something about it.

2432 And I want to thank Congresswoman Kelly and all those
2433 who have supported this legislation for moving ahead.

2434 And I certainly want to encourage everyone to join in in
2435 endorsing this. And let's try and address this problem as
2436 soon as possible.

2437 You know, this is happening. It is not -- this was not
2438 a one-off. And, you know, there are children that have
2439 continued to be harmed by those tiny batteries. And so we
2440 have an opportunity today to act.

2441 And with that, I yield back and ask if there are others
2442 who want to speak to --

2443 *Mr. Bilirakis. Lesko.

2444 *Mrs. Lesko. Madam Chair, I move to strike the last --

2445 *Ms. Schakowsky. Mrs. Lesko, you are recognized.

2446 *Mrs. Lesko. Thank you. Madam Chair, I share your
2447 concern and support of this bill. I have five grandkids.
2448 Three of them are young. And this is a problem. And so we
2449 need to fix it.

2450 I represent areas in the Phoenix metropolitan area in
2451 Congress, and one of those cities is Glendale, Arizona. And
2452 in Glendale, Arizona we had a one-year-old child named
2453 Alexander Ellis, who ended up in the hospital and suffered
2454 injuries after ingesting a button battery from the handle of
2455 a Halloween basket. The Glendale family rushed Alexander to
2456 Banner Thunderbird Medical Center, where it was confirmed the
2457 battery was in his stomach. His mom took him to Phoenix
2458 Children's Medical Center, where he was admitted. The
2459 battery was removed. He suffered oozing, bleeding, and burns
2460 in his stomach.

2461 Another Arizona family, Carl and Michael Rauch from

2462 Phoenix, organized the foundation Emmett's Fight to share
2463 their story, educate families, parents, caregivers, and
2464 grandparents about the dangers of button battery ingestion.
2465 Their son, Emmett, ingested a battery from a DVD player
2466 remote control. He suffered from two holes burned into his
2467 esophagus, and the battery was lodged one centimeter from his
2468 heart. He also endured many surgeries.

2469 I am glad the sponsor -- I say thank you to the sponsors
2470 of this bill, and I support it, and I yield back.

2471 *Ms. Schakowsky. Are there any other members who would
2472 like to speak to this legislation?

2473 No? Okay.

2474 *Mr. Bilirakis. We are good.

2475 *Ms. Schakowsky. Okay, if there is no further
2476 discussion or amendments -- no? Okay. Then we will proceed
2477 to vote on the amendment in the nature of a substitute.

2478 All those in favor of the amendment in the nature of a
2479 substitute to H.R. 5313 will signify by saying aye.

2480 All those opposed will say nay.

2481 In the opinion of the chair, the ayes have it.

2482 *Mr. Bilirakis. We would like a recorded vote.

2483 *Ms. Schakowsky. A recorded vote has been asked. Okay.
2484 The question now occurs on favorably reporting H.R. 5313, as
2485 amended, to the full committee.

2486 A recorded --

2487 *Voice. I was saying --

2488 *Ms. Schakowsky. I am sorry?

2489 A recorded vote is ordered. Those in favor of
2490 forwarding H.R. 5313, as amended, to the full committee will
2491 signify by saying by saying aye; those opposed, nay. And the
2492 clerk will call the roll.

2493 *Voice. Once again, ladies and gentleman, welcome to
2494 Flight 1591, with non-stop service to Denver, Colorado.

2495 [Laughter.]

2496 *Ms. Schakowsky. Someone is not on mute.

2497 *Voice. -- items in the overhead bins --

2498 *Voice. [Inaudible] is at the airport.

2499 *Voice. -- jackets, backpacks, and bags --

2500 *Ms. Schakowsky. Anyone who is not on mute needs to get
2501 on mute.

2502 [Pause.]

2503 *The Clerk. Mr. Rush?

2504 *Mr. Rush. Rush votes aye.

2505 *The Clerk. Mr. Rush votes aye.

2506 Ms. Castor?

2507 *Ms. Castor. Aye.

2508 *The Clerk. Ms. Castor votes aye.

2509 Mrs. Trahan?

2510 *Mrs. Trahan. Aye.

2511 *The Clerk. Mrs. Trahan votes aye.

2512 Mr. McNerney?

2513 *Mr. McNerney. Aye.

2514 *The Clerk. Mr. McNerney votes aye.

2515 Ms. Clarke?

2516 *Ms. Clarke. Aye.

2517 *The Clerk. Ms. Clarke votes aye.

2518 Mr. Cardenas?

2519 *Mr. Cardenas. Cardenas from California votes aye.

2520 Thank you so much, Robin Kelly.

2521 *The Clerk. Mr. Cardenas votes aye.

2522 Mrs. Dingell?

2523 *Mrs. Dingell. Dingell votes aye.

2524 *The Clerk. Mrs. Dingell votes aye.

2525 Ms. Kelly?

2526 *Ms. Kelly. Kelly votes aye.

2527 *The Clerk. Ms. Kelly votes aye.

2528 Mr. Soto?

2529 *Mr. Soto. Soto votes aye.

2530 *The Clerk. Mr. Soto votes aye.

2531 Miss Rice?

2532 *Miss Rice. Rice votes aye.

2533 *The Clerk. Miss Rice votes aye.

2534 Ms. Craig?

2535 [No response.]

2536 *The Clerk. Mrs. Fletcher?

2537 [No response.]

2538 *The Clerk. Mr. Pallone?

2539 *The Chairman. [Inaudible.]

2540 *The Clerk. Mr. Pallone votes aye.

2541 Mr. Bilirakis?

2542 *Mr. Bilirakis. Aye.

2543 *The Clerk. Mr. Bilirakis votes aye.

2544 Mr. Upton?

2545 *Mr. Upton. Upton votes aye.

2546 *The Clerk. Mr. Upton votes aye.

2547 Mr. Latta?

2548 *Mr. Latta. Aye.

2549 *The Clerk. Mr. Latta votes aye.

2550 Mr. Guthrie?

2551 *Mr. Guthrie. Aye.

2552 *The Clerk. Mr. Guthrie votes aye.

2553 Mr. Bucshon?

2554 *Mr. Bucshon. Aye.

2555 *The Clerk. Mr. Bucshon votes aye.

2556 Mr. Dunn?

2557 *Mr. Dunn. Aye.

2558 *The Clerk. Mr. Dunn votes aye.

2559 Mrs. Lesko?

2560 *Mrs. Lesko. Aye.

2561 *The Clerk. Mrs. Lesko votes aye.

2562 Mr. Pence?

2563 [No response.]

2564 *The Clerk. Mr. Armstrong?

2565 *Mr. Armstrong. Yes.

2566 *The Clerk. Mr. Armstrong votes aye.

2567 Mrs. Rodgers?

2568 *Mrs. Rodgers. [Inaudible.]

2569 *The Clerk. Mrs. Rodgers votes aye.

2570 Chairwoman Schakowsky?

2571 *Ms. Schakowsky. Votes aye.

2572 *The Clerk. Chairwoman Schakowsky votes aye.

2573 *Ms. Schakowsky. The clerk will report the vote.

2574 *The Clerk. On that vote, Madam Chairwoman, the yeas
2575 were 21 and the nays were 0.

2576 *Ms. Schakowsky. The vote is 21 ayes and 0 nays. H.R.
2577 5313, as amended, is forwarded to the full committee.

2578 This is the next to last, and the chair calls H.R. 5441,
2579 the Prevent All Soring Tactics Act of 2021, or the PAST Act.

2580 The clerk will report the title of the bill.

2581 *The Clerk. H.R. 5441, a bill to amend the Horse
2582 Protection Act to designate additional unlawful acts under
2583 the Act --

2584 *Ms. Schakowsky. Without objection, the first reading
2585 of the bill will be dispensed with, and the bill is now open
2586 for discussion -- for consideration.

2587 [The bill follows:]

2588

2589 *****COMMITTEE INSERT*****

2590

2591 *Ms. Schakowsky. Is there anyone who wishes to speak on
2592 the bill?

2593 I recognize myself to -- oh, I have an AINS. Okay. I
2594 now recognize myself to offer an amendment in the nature of a
2595 substitute. The clerk will report the amendment.

2596 *The Clerk. Amendment in the nature of a substitute to
2597 H.R. 5441, offered by Ms. Schakowsky of Illinois.

2598 Strike all after the enacting clause, and insert the
2599 following: Section 1. Short title. This Act may be cited
2600 as the Prevent All Soring Tactics Act of 2022, or the PAST
2601 Act of 2022. Section 2. Increased Enforcement under Horse
2602 Protection Act --

2603 *Ms. Schakowsky. Without objection, the reading of the
2604 amendment will be dispensed with.

2605 [The amendment of Ms. Schakowsky follows:]

2606

2607 *****COMMITTEE INSERT*****

2608

2609 *Ms. Schakowsky. I recognize myself to speak on the
2610 amendment.

2611 So horse soring is exactly what it sounds like. It is
2612 causing pain to horses deliberately, those horses who we see
2613 in shows, who are proud to -- no, who are seen to lift their
2614 feet -- Tennessee walking horses, primarily -- to look
2615 beautiful. The higher they raise, the more beautiful it is
2616 perceived often by the audiences that view them.

2617 But in many cases, in some cases for sure, the way that
2618 raised hoof, that raised leg is achieved is by putting
2619 caustic chemicals around the feet of those horses so that
2620 they will raise their feet in pain in order to reward those
2621 who are watching with what is considered a beautiful
2622 performance. This is really torture. And it is time for us
2623 -- you know, many of those horses, quite naturally, will
2624 raise their legs to some extent. That is the beauty of the
2625 of the walking horses. But the unusually high raising of the
2626 leg is often because of this kind of treatment of horses.

2627 There has been video that has been revealed that this
2628 has actually happened. We know that it exists, and it is
2629 time to get rid of it, and this legislation would prohibit
2630 the soring of horses. And those of us -- and I think that is
2631 most of us -- who care about the well-being and the safety
2632 and the respect of these beautiful creatures, these animals,
2633 will say that it is time to say no to that kind of treatment.

2634 So I urge all of my colleagues to join in ending horse
2635 soring, and supporting this legislation.

2636 And with that, I yield back. Is there anyone else who
2637 would like to speak to this legislation?

2638 If there is no further discussion or amendments, then we
2639 will proceed to a vote on the amendment in the nature of a
2640 substitute.

2641 All those who favor the amendment in the nature of a
2642 substitute to H.R. 5441 will signify by saying aye.

2643 All those opposed will say nay.

2644 In the opinion of the chair, the ayes have it.

2645 The question is now occurring in favor of forwarding
2646 H.R. 5441, as amended, to the full committee.

2647 All those in favor -- and I would actually like a roll
2648 call vote on this -- all in favor will respond by saying aye,
2649 and those opposed nay, and the clerk will call the roll.

2650 *The Clerk. Mr. Rush?

2651 *Mr. Rush. Rush votes aye.

2652 *The Clerk. Mr. Rush votes aye.

2653 Ms. Castor?

2654 *Ms. Castor. Aye.

2655 *The Clerk. Ms. Castor votes aye.

2656 Mrs. Trahan?

2657 *Mrs. Trahan. Aye.

2658 *The Clerk. Mrs. Trahan votes aye.

2659 Mr. McNerney?

2660 *Mr. McNerney. [Inaudible.]

2661 *The Clerk. Mr. McNerney votes aye.

2662 Ms. Clarke?

2663 *Ms. Clarke. Aye.

2664 *The Clerk. Ms. Clarke votes aye.

2665 Mr. Cardenas?

2666 *Mr. Cardenas. Cardenas from California votes aye.

2667 *The Clerk. Mr. Cardenas votes aye.

2668 Mrs. Dingell?

2669 *Mrs. Dingell. Dingell votes aye.

2670 *The Clerk. Mrs. Dingell votes aye.

2671 Ms. Kelly?

2672 *Ms. Kelly. Kelly votes aye.

2673 *The Clerk. Ms. Kelly votes aye.

2674 Mr. Soto?

2675 *Mr. Soto. Soto votes aye.

2676 *The Clerk. Mr. Soto votes aye.

2677 Miss Rice?

2678 *Miss Rice. Rice votes aye.

2679 *The Clerk. Miss Rice votes aye.

2680 Ms. Craig?

2681 *Ms. Craig. Ms. Craig votes aye.

2682 *The Clerk. Ms. Craig votes aye.

2683 Mrs. Fletcher?

2684 [No response.]

2685 *The Clerk. Mr. Pallone?

2686 *The Chairman. Pallone votes aye.

2687 *The Clerk. Mr. Pallone votes aye.

2688 Mr. Bilirakis?

2689 *Mr. Bilirakis. Aye.

2690 *The Clerk. Mr. Bilirakis votes aye.

2691 Mr. Upton?

2692 *Mr. Upton. Upton votes aye.

2693 *The Clerk. Mr. Upton votes aye.

2694 Mr. Latta?

2695 *Mr. Latta. Aye.

2696 *The Clerk. Mr. Latta votes aye.

2697 Mr. Guthrie?

2698 *Mr. Guthrie. Aye.

2699 *The Clerk. Mr. Guthrie votes aye.

2700 Mr. Bucshon?

2701 *Mr. Bucshon. Aye.

2702 *The Clerk. Mr. Bucshon votes aye.

2703 Mr. Dunn?

2704 *Mr. Dunn. Aye.

2705 *The Clerk. Mr. Dunn votes aye.

2706 Mrs. Lesko?

2707 *Mrs. Lesko. Aye.

2708 *The Clerk. Mrs. Lesko votes aye.

2709 Mr. Pence?

2710 [No response.]

2711 *The Clerk. Mr. Armstrong?

2712 *Mr. Armstrong. [Inaudible.]

2713 *The Clerk. Mr. Armstrong votes aye.

2714 Mrs. Rodgers?

2715 *Mrs. Rodgers. Aye.

2716 *The Clerk. Mrs. Rodgers votes aye.

2717 Chairwoman Schakowsky?

2718 *Ms. Schakowsky. Votes aye.

2719 *The Clerk. Chairwoman Schakowsky votes aye.

2720 *Ms. Schakowsky. The clerk will report the tally.

2721 *The Clerk. On that vote, Madam Chairwoman, the yeas

2722 were 22 and the nays were 0.

2723 *Ms. Schakowsky. The vote is 22 aye and 0 nay, and H.R.

2724 5441, as amended, is forwarded to the full committee.

2725 This is the last one. I think there is probably some

2726 pizza awaiting. So --

2727 *Mr. Bilirakis. Cold pizza.

2728 *Ms. Schakowsky. Cold? Well --

2729 *Mr. Bilirakis. We will eat it.

2730 *Ms. Schakowsky. I like it for breakfast, anyway.

2731 Okay.

2732 The chair calls up H.R. 6290, the Manufacturing.gov Act.

2733 The clerk will report the bill.

2734 *The Clerk. H.R. 6290, a bill to provide for the
2735 establishment of a section of the website --

2736 *Ms. Schakowsky. Without objection, the full reading of
2737 the bill will be dispensed with. The bill is now considered
2738 as read.

2739 Without objection, the bill is considered as read, and
2740 open for amendment at any point.

2741 *Mr. Upton. Madam Chair, could I strike the last word?

2742 *Ms. Schakowsky. The gentleman is recognized to strike
2743 the last word.

2744 *Mr. Upton. Well, thank you, Madam Chair. I appreciate
2745 the inclusion of Mr. Tonko's Manufacturing.gov Act, of which
2746 I am an original cosponsor. I want to thank him for his hard
2747 work and, of course, we will -- I think we will all be voting
2748 for it on a recorded vote in a few minutes.

2749 This is one of the several bills that this subcommittee
2750 has worked on to assist investment in businesses that, in
2751 fact, benefit entire communities. But I am concerned that
2752 one particular bipartisan bill has been left behind this year
2753 that moved through on a supply chain-related legislative
2754 hearing. But it has not moved through the House like other
2755 bills on that same hearing. That is H.R. 2907, the Global
2756 Investment in American Jobs Act of 2021 that is led by
2757 colleagues Pence and Bobby Rush, and joined by myself, Eshoo,
2758 Long, Tonko, and Butterfield. And I am just curious to know

2759 if the chair has any particular concerns with the bill that
2760 we might address, so that we can move this bill, as well.

2761 I would note that if your concern is on the investment
2762 from Chinese actors in American companies, I can assure you
2763 that, as the former chairman of this committee, and many on
2764 our side having worked on this legislation, that you will in
2765 fact have our full cooperation. I have every confidence of
2766 that with Mr. Pence, as well, who is not here today because
2767 of an illness.

2768 So I would hope that we could work together to address
2769 those concerns. I would be interested if you might have a
2770 comment before I yield back.

2771 [Pause.]

2772 *Ms. Schakowsky. Thank you for raising that -- the
2773 issue, and I am more than happy to work with you on it.

2774 And I appreciate your raising the question on its
2775 presence not being here. But we can go forward --

2776 *Mr. Upton. Great.

2777 *Ms. Schakowsky. -- try and move the legislation.

2778 *Mr. Upton. We have got some good players on both sides
2779 of the aisle, so that we are interested in seeing this done.

2780 And with that I yield back, and --

2781 *Ms. Schakowsky. Okay.

2782 *Mr. Upton. -- urge of all my colleagues to vote on
2783 this --

2784 *Ms. Schakowsky. Thank you.

2785 *Mr. Upton. -- yes on this bill before us. Thank you.

2786 *Ms. Schakowsky. Thank you. I appreciate that.

2787 Is there -- yes, is there anyone else who seeks
2788 recognition?

2789 Mrs. Rodgers, did you?

2790 *Mrs. Rodgers. Thank you, Madam Chair.

2791 Well, before we completely wrap up today's work, I
2792 wanted to recognize -- I wanted a moment of personal
2793 privilege, please. Did I ask for that? Okay, personal
2794 privilege --

2795 *Ms. Schakowsky. The gentlewoman has a moment of
2796 personal --

2797 *Mrs. Rodgers. Okay, personal privilege to recognize a
2798 very valued member of my team, as it is his last day with the
2799 Energy and Commerce Committee, Mr. BJ Koohmaraie -- you all
2800 know.

2801 [Applause.]

2802 *Mrs. Rodgers. So he has been leading on the Oversight
2803 Committee as chief counsel, and then he also has been heading
2804 up our Big Tech accountability platform. So I hate to see
2805 him go. However, he is not going that far. And as I always
2806 like to say, the best is yet to come for BJ and us.

2807 But just thank you, BJ, for all your hard work. I have
2808 -- you know, you all know he is pretty smart, pretty

2809 creative, and strategic when it comes to getting things done,
2810 and I have just appreciated your leadership and your
2811 friendship, and I wish you all the best.

2812 Thank you, everyone. I yield back.

2813 [Applause.]

2814 *Ms. Schakowsky. I think all of us are so blessed with
2815 some -- such fabulous staff, and the hard work, and I think
2816 today is a good example of that. We have accomplished a lot,
2817 even if not everything that we hope to do. But this has been
2818 a very great day.

2819 And the question now occurs on favorably reporting H.R.
2820 6290 to the full committee.

2821 All those in favor of forwarding H.R. 6290 -- did you
2822 say you wanted --

2823 *Mr. Bilirakis. Yes, we would like a recorded vote.

2824 *Ms. Schakowsky. -- will respond to a roll call vote,
2825 and the clerk will take the tally.

2826 *The Clerk. Mr. Rush?

2827 *Mr. Rush. Rush votes aye.

2828 *The Clerk. Mr. Rush votes aye.

2829 Ms. Castor?

2830 *Ms. Castor. Aye.

2831 *The Clerk. Ms. Castor votes aye.

2832 Mrs. Trahan?

2833 *Mrs. Trahan. Aye.

2834 *The Clerk. Mrs. Trahan votes aye.
2835 Mr. McNerney?
2836 *Mr. McNerney. [Inaudible.]
2837 *The Clerk. Mr. McNerney votes aye.
2838 Ms. Clarke?
2839 *Ms. Clarke. Aye.
2840 *The Clerk. Ms. Clarke votes aye.
2841 Mr. Cardenas?
2842 *Mr. Cardenas. Cardenas from California votes aye.
2843 *The Clerk. Mr. Cardenas votes aye.
2844 Mrs. Dingell?
2845 *Mrs. Dingell. Dingell votes aye.
2846 *The Clerk. Mrs. Dingell votes aye.
2847 Ms. Kelly?
2848 *Ms. Kelly. Kelly votes aye.
2849 *The Clerk. Ms. Kelly votes aye.
2850 Mr. Soto?
2851 *Mr. Soto. Soto votes aye.
2852 *The Clerk. Mr. Soto votes aye.
2853 Miss Rice?
2854 *Miss Rice. Rice votes aye.
2855 *The Clerk. Miss Rice votes aye.
2856 Ms. Craig?
2857 *Ms. Craig. Craig votes aye.
2858 *The Clerk. Ms. Craig votes aye.

2859 Mrs. Fletcher?
2860 [No response.]
2861 *The Clerk. Mr. Pallone?
2862 *The Chairman. [Inaudible.]
2863 *The Clerk. Mr. Pallone votes aye.
2864 Mr. Bilirakis?
2865 *Mr. Bilirakis. Bilirakis votes aye.
2866 *The Clerk. Mr. Bilirakis votes aye.
2867 Mr. Upton?
2868 *Mr. Upton. Aye.
2869 *The Clerk. Mr. Upton votes aye.
2870 Mr. Latta?
2871 *Mr. Latta. Aye.
2872 *The Clerk. Mr. Latta votes aye.
2873 Mr. Guthrie?
2874 *Mr. Guthrie. Aye.
2875 *The Clerk. Mr. Guthrie votes aye.
2876 Mr. Bucshon?
2877 *Mr. Bucshon. Aye.
2878 *The Clerk. Mr. Bucshon votes aye.
2879 Mr. Dunn?
2880 *Mr. Dunn. Aye.
2881 *The Clerk. Mr. Dunn votes aye.
2882 Mrs. Lesko?
2883 *Mrs. Lesko. Aye.

2884 *The Clerk. Mrs. Lesko votes aye.

2885 Mr. Pence?

2886 [No response.]

2887 *The Clerk. Mr. Armstrong?

2888 *Mr. Armstrong. [Inaudible.]

2889 *The Clerk. Mr. Armstrong votes aye.

2890 Mrs. Rodgers?

2891 *Mrs. Rodgers. [Inaudible.]

2892 *The Clerk. Mrs. Rodgers votes aye.

2893 Chairwoman Schakowsky?

2894 *Ms. Schakowsky. Votes aye.

2895 *The Clerk. Chairwoman Schakowsky votes aye.

2896 *Ms. Schakowsky. The clerk will report the tally.

2897 *The Clerk. On that vote, Madam Chairwoman, the yeas
2898 were 22 and the nays were 0.

2899 *Ms. Schakowsky. The vote is 22 to 0. The ayes have
2900 it, and the -- H.R. 6290 will be forwarded to the full
2901 committee. So that concludes all the bills that we have.

2902 I ask unanimous consent to enter 15 documents into the
2903 record.

2904 Hearing no objection, so ordered.

2905 [The information follows:]

2906

2907 *****COMMITTEE INSERT*****

2908

2909 *Ms. Schakowsky. The chair -- without objection, the
2910 staff is authorized to make technical conforming changes to
2911 the bills consistent with the actions taken by the
2912 subcommittee today.

2913 The -- and at this point I want to thank everyone for
2914 their participation.

2915 I wondered if my ranking member had any final words.

2916 *Mr. Bilirakis. Yes, I have a final word. And this is
2917 a football phrase, of course: Who dat say E&C don't jam?

2918 Thank you very much for the opportunity. I appreciate
2919 that.

2920 *Ms. Schakowsky. Thank you, everyone. And with that,
2921 the meeting of our subcommittee is adjourned.

2922 [Whereupon, at 1:18 p.m., the subcommittee was
2923 adjourned.]