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MARKUP OF:

H.R. 8152, THE AMERICAN DATA PRIVACY AND PROTECTION ACT;
H.R. 3355, THE SAFE ACT;
H.R. 3962, THE SECURING AND ENABLING COMMERCE USING REMOTE
AND ELECTRONIC NOTARIZATION ACT OF 2021;
H.R. 4081, THE INFORMING CONSUMERS ABOUT SMART DEVICES ACT;
H.R. 4551, THE RANSOMWARE ACT;
H.R. 5313, REESE'S LAW;
H.R. 5441, THE PAST ACT OF 2021; AND
H.R. 6290, THE MANUFACTURING.GOV ACT

THURSDAY, JUNE 23, 2022
House of Representatives,
Subcommittee on Consumer Protection and Commerce,
Committee on Energy and Commerce,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:39 a.m.,
in the John D. Dingell Room, 2123 Rayburn House Office
Building, Hon. Jan Schakowsky, [chairwoman of the
subcommittee] presiding.
Present: Representatives Schakowsky, Rush, Castor, Trahan, McNerney, Clarke, Cardenas, Dingell, Kelly, Soto, Rice, Craig, Fletcher, Pallone (ex officio); Bilirakis, Upton, Latta, Guthrie, Bucshon, Dunn, Lesko, Armstrong, and Rodgers (ex officio).
Staff Present: Hannah Anlon, Staff Assistant; Dante Dalgin, Intern; Katherine Durkin, Policy Coordinator; Waverly Gordon, Deputy Staff Director and General Counsel; Jessica Grandberry, Staff Assistant; Daniel Greene, Professional Staff Member; Tiffany Guarascio, Staff Director; Perry Hamilton, Clerk; Ed Kaczmarski, Policy Analyst; Zach Kahan, Deputy Director Outreach and Member Service; Mackenzie Kuhl, Digital Assistant; Jerry Leverich, Chief Counsel, Communications and Technology; David Miller, Counsel; Kaitlyn Peel, Digital Director; Caroline Rinker, Press Assistant; Chloe Rodriguez, Clerk; Aryaman Sharma, Intern; Andrew Souvall, Director of Communications, Outreach, and Member Services; Michele Viterise, Counsel; Caroline Wood, Research Assistant; C.J. Young, Deputy Communications Director; Kate Arey, Minority Content Manager and Digital Assistant; Sarah Burke, Minority Deputy Staff Director; Nate Hodson, Minority Staff Director; Sean Kelly, Minority Press Secretary; Peter Kielty, Minority General Counsel; Emily King, Minority Member Services Director; Bijan Koohmaraie, Minority Chief Counsel, O&I Chief Counsel; Tim Kurth, Minority Chief Counsel, CPC; Clare Paoletta, Minority Policy Analyst, Health; Brannon Rains, Minority Professional Staff Member, CPC; Olivia Shields, Minority Communications Director; and Michael Taggart, Minority Policy Director.
*Ms. Schakowsky. The Subcommittee on Consumer Protection and Commerce will come to order.

We are meeting today to consider eight bills.

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

[Laughter.]

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

In response to the clerk, we are asking that, instead of just saying aye or no, that you respond with something like -- although not exactly -- something like Jan Schakowsky from Illinois votes aye. This will provide additional time for
the voting member to be identified and made visible on the platform.

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

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

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

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

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

Following last week's dynamic hearing, we will today mark up the American Data Privacy and Protection Act. This
markup will add to the growing momentum toward delivering for
the American people in Federal law the fundamental digital
protection rights. I have been very proud to work with my
ranking member, Mr. Bilirakis, Chairman Pallone, Ranking
Member Rodgers, as we -- as well as many other members of
this subcommittee in bringing us to this moment.

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

cetera.

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

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

The PAST Act ends the cruel practice of horse soring.

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

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

The Ransom Act [sic], introduced by Ranking Member
Bilirakis, which -- it requires the FTC to report to -- FTC
reporting of both ransomware attacks and what the FTC does to
respond to those attacks.
And the Manufacturing.gov Act, introduced by Representatives Tonko and Upton, which create a center -- a centralized website to serve as the primary source of information related to Federal manufacturing programs.

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

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

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

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

*Mr. Bilirakis. Thank you, Madam Chair. Good morning. Good morning, everyone. And thank you, Madam Chair, for holding this markup. I am looking forward to a productive conversation for how we can work in a bipartisan manner to continue to refine these bills and move them forward.
This is a great subcommittee -- I think most everybody knows that -- one with the important role of protecting consumers. That is why I was proud to cosponsor H.R. 5313, Reese's Law, led by Representative Kelly, which will require CPSC to develop product safety standards with respect to batteries that pose an ingestion hazard. I want to thank Representative Kelly and Trista Hamsmith, who I worked with, for their tireless advocacy to continue fighting for this effort.

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

I am also eager to advance my bill, H.R. 4551, the Reporting Attacks from Nations Selected for Oversight and
Monitoring Web Attacks and Ransomware from Enemies Attack

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

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

So certainly not to our surprise, this is not the only avenue the CCP travels to get their hands on Americans' information. Last week we learned TikTok has been lying to
Congress over the information they share with the Chinese Communist Party, specifically the data belonging to Americans. This is completely unacceptable. TikTok's blatant lies are even more proof for why the American people and businesses deserve clear privacy and data security rules. We need to give consistent rules of the road that give the American people more control over their own data, and provide businesses with clear obligations that don't change based on location of their store.

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

And I want to be clear: this is certainly not the last opportunity to work with us and continue to deliberate on tweaking this bill. We will -- and again, please don't hesitate to contact my office, as well. There is still more work to be done, folks, but we must take this important step forward. And I look forward to working with my colleagues on
both sides of the aisle, and with our friends in the Senate to get this done. This is the best shot we have had in years to give the American people and businesses something they desperately need.

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

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

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

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

But as was discussed at the legislative hearing on a discussion draft of the bill earlier this month, this bill is the first serious, comprehensive national privacy legislation with bipartisan, bicameral support from the leaders of the House and the Senate committees of jurisdiction. And today's
markup is another milestone towards our ultimate goal of enacting meaningful national privacy legislation. Every American knows that it is long past time for Congress to protect their data, privacy, and security. The modern world demands it. This legislation meets the moment with essential compromises that protect consumers, while ensuring American businesses remain innovative and globally competitive. There is nothing abstract about the right to privacy and data security. This bill would protect our children and teens more than ever before.

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

The American Data Privacy and Protection Act would also help protect vulnerable women in abusive relationships by giving them control over their personal information, limiting the data available for their aggressors to exploit, and
regulating shady data brokers that too often provide the means to abuse the most vulnerable. And the bill would ensure that people of color are not discriminated against in trying to find housing, apply for a loan, look for a job, or being offered any goods and services.

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

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

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

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

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

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

I do want to say that, you know, not only Ms. Schakowsky, but Mrs. Rodgers and also the ranking member, Mr. Bilirakis, have really worked hard in the last two years on a number of consumer bills. And the fact that we can do these
bipartisan consumer bills is very significant. I always worry -- I remember the days when consumerism on this committee was like golden, and everybody wanted to have a consumer bill. But it seemed like that kind of died out over the last 10, 20 years. And I really think we have kind of revived it. So I do want to thank the leadership on the committee for paying a lot of attention to consumerism in a way that maybe hasn't necessarily been the case in the last two decades. I hate to say it, but I think that this is a -- you know, it is back on the front line again.

Thank you, I yield back.

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

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

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

I want to thank Chairman Pallone, Subcommittee Chairwoman Schakowsky, Republican Subcommittee Leader Gus Bilirakis, and all that have been involved in getting us to this point. I would also like to thank our Senate colleague,
There is no better time than now to enact comprehensive privacy and data security protections. According to a recent Morning Consult political survey -- yes, survey -- more than 80 percent of Americans support the key pillars of our legislation. Their support for a national framework enacted by Congress is overwhelming and bipartisan. Now it is time for us to do our job.

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

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

First and foremost, Americans need one national standard, not a patchwork of state laws. This bill protects
all Americans, regardless of zip code, and provides certainty for businesses, so that they clearly understand their obligations.

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

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

And while the bill places strict requirements on Big
Tech companies, which can afford high compliance costs, it ensures small businesses and startups remain competitive by equipping them with the resources to comply with their obligations, and providing relief from burdensome compliance mechanisms. This allows them to unleash their full potential to better power America's economy.

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

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

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

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

The RANSOMWARE Act from Mr. Bilirakis will promote our economic and online data security by requiring the FTC to report on ransomware attacks from Russia, China, North Korea, and Iran.
And additionally, Mr. Tonko has a bill, the Manufacturing.gov Act, with Representatives Upton and Axne, to help streamline access to information about Federal manufacturing programs, as I know there is more on this committee that we can do to encourage investment in American companies.

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

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

Oh, Ms. Castor, you are acknowledged.

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

And I am especially glad to see the protections for children in this bill, including important provisions for my bills, the Kids Privacy Act and the KIDS Act, because we are at a watershed moment when it comes to protecting children's online privacy, safety, and health.
As evidence on the ways in which children and teens are being harmed from online interactions is increasingly evident, including a great deal of testimony that we received here in the committee, enormous amounts of research that have -- that has evolved over the past couple of years, and a lot of newspaper and media exposes. For example, 25 percent of 9 to 17-year-olds report having had an online sexually explicit interaction with someone they believed to be an adult. A research paper in the Journal of Public Health Policy found that youth exposure to alcohol marketing has been linked to increased alcohol consumption and problems. An abundance of research has found correlations between social media use by youth and depressive symptoms, decreased self esteem, general and physical appearance anxiety, and body dissatisfaction.

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

I continue to hear from parents, students themselves, advocates that we need to take aggressive action to protect kids online. And towards this end, I believe it is important that we ensure that companies are doing everything they can
to mitigate risks that young users may face.

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

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

Thank you, and I yield back.

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

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

Ms. Clarke, you are recognized.

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

It is more important than ever that we get comprehensive data privacy legislation right. And as such, I am pleased to
see the scope of algorithmic impact assessments in the amendment in the nature of a substitute includes more provisions from my Algorithmic Accountability Act of 2022 that provide concrete guidance on what information covered entities need to provide in Congress with respect to their impact assessments.

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

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

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

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

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

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

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

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

When you look at the sensitive covered data, it reads like a bill of rights itself, making sure to keep private people Social Security numbers, passport numbers, driver's license information, physical and mental health, financial account information, biometric information, genetic information, precise geolocation information: where we
literally are, our private communications like voicemails and emails, account logins, your sexual orientation, calendar information, address books, phones, text logs, private photos, information about video content from your service provider for cable and broadcast. All these things, people would be outraged if they were freely sent across the internet without a right for people to be able to protect them.

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

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

*Ms. Schakowsky. Without objection --

*M. Soto. Thank you --

*Ms. Schakowsky. -- so ordered.
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586       **********COMMITTEE INSERT**********
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Mr. Soto. And I yield back.

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

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

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

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

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

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

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

And without objection, the bill is considered as read and open for amendments at any point.
[The bill follows:]

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

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

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

We will create protection for children, as we heard from Congresswoman Castor, under 17 years old, raising that age from 13. They cannot target children with personalized ads. Many -- they may not be forced into arbitration when it comes to children, cannot share the data with third parties without prior consent, can sue companies for violating their rights.
I also wanted to call attention to the process that we had, which I think has really contributed to our being here today. And I want to thank the staff who worked so hard on bringing all the stakeholders together. We had six privacy roundtables, bringing together these stakeholders and small groups so that they could look at each other face to face across the table from different sectors to anticipate and then work out some of the problems that might have happened.

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

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

It is time. Consumers are asking for this, and it is
absolutely time to fill that obligation to help consumers and deliver on this legislation.

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

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

Mr. Bilirakis.

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

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

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

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

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

*Ms. Schakowsky. Not yet.

*Mr. Bilirakis. Okay.

*Ms. Schakowsky. After your --
*Mr. Bilirakis. Okay, all right.

*Ms. Schakowsky. Okay.

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

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

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

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

I am also glad to see that the AINS provides -- and we will introduce that -- provides additional protections for company loyalty programs. I know these are important for
both consumers and companies. After all, who doesn't love a free coffee, cup of coffee, on their birthday?

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

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

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

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

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

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

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

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

Thank you, and I yield back, Madam Chair.

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

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

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

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

Strike all after the enacting clause, and insert the
following. Section 1, short title table of contents. Short

title --

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

[The amendment of The Chairman follows:]

**********COMMITTEE INSERT**********
*Ms. Schakowsky. So proceed, Mr. Pallone.*

*The Chairman. Thank you, Madam Chair.*

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

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

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

So I am trying to make a distinction here. The sections 403 and 404 of the AINS are identical to the June 3rd discussion draft, with the exception of one provision that
clarifies that certain parts of the Communications Act of
1934 do not apply to covered entities under the bill.

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

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

And with that, I yield back, Madam Chair.

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

I now recognize Congresswoman Rodgers.

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

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

We all know there is more work to be done on this bill
that was introduced. But the process we are in the middle of
to continually improve this bill shows the great power of
this committee to deliberate and reach consensus.

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

Thank you, and I yield back.

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

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

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

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

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

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

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

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

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

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

Many on this committee have applauded Frances Haugen's bravery and courage. Let's take the next step, and implement some of the solutions that she called for, starting with enabling independent research of social media platforms, which is critical for responsible policymaking and understanding how to protect people online.
We have a tremendous opportunity before us with this bipartisan, bicameral agreement, and it is one that people across the United States can't afford for us to miss. As consumers' physical lives continue to blur more and more with their digital lives, it is imperative that we get this right. I look forward to voting yes today, and continuing to work with you, Madam Chair, Ranking Member Bilirakis, and my colleagues on the Committee to make sure the end product is something that we are all proud of.

Thank you. I yield back.

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

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

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

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

I would hope that all of us, after all this time, can work together to get the issues right. I have got a number
of issues that I would like to see addressed before we get to full committee.

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

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

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

Section 302, services provider and third-party obligations. I also want to work with the chair and my
ranking member, my leader, to strengthen section 302 of the
bill outlining service provider and third-party obligations
so that no consumers are left unprotected when their personal
data is handled by any business, regardless of where they
live.

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

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

And with that, I yield back. Thank you.

*Ms. Schakowsky. The gentleman yields back.

Ms. Castor, you are recognized.

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

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

So we, as legislators, need to honestly reckon with the
harms to children and teens that are arising as a result, and
give parents a greater ability to protect their kids online.
The examples, unfortunately, abound, from 19-year-old Alexis
Spence, who was able to create her first Instagram account at
the age of 11, without her parents' knowledge, and in
violation of the platform's minimum age requirement of 13.
We know Instagram, Facebook foster addictive usage. Alexis
said that has led to an eating disorder, self-harm, thoughts
of suicide. And thanks to Frances Haugen, we know that
Instagram is well aware of -- that its platform is linked to
worsening body image and mental health issues among teen
girls, in particular -- to Julia Anderson, who at age 16
posted sexualized videos on TikTok because she learned that, if you post stuff showing your body, people will start liking it. And Joshua Haileyesus, a 12-year-old from Colorado who passed away after attempting the blackout challenge on TikTok, which encourages young people to hold their breath until they pass out.

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

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

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

Look to the UK design code. We have got to -- I think it would be helpful to give the FTC greater direction on the design. This means regulating -- addressing autoplay that is built into -- that leads to prolonged, unhealthy viewing, maybe push alerts that encourage kids and young teens to pull
out their devices when maybe they are trying to study or do something else, addressing websites and algorithms and apps that amplify violent and inappropriate, dangerous content to kids.

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

And I yield back.

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

Mr. Bucshon, you are recognized.

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

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

For example, the increased thresholds for who will be classified as small business under the bill will help ensure that they are protected and provided with the flexibilities they need. I am confident that this same level of
consideration and thoughtfulness will remain as we move forward.

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

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

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

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

I yield back the balance of my time.

*Ms. Schakowsky. The gentleman yields back. Having not heard of anyone on the Democratic side who seeks recognition, now let me recognize Mr. Dunn.
Mr. Dunn. Thank you, Madam Chair. I move to strike the last word.

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

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

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

And also I would like to associate myself with the remarks of Dr. Bucshon and several of my colleagues regarding the health care industry. While this legislation includes sector protections for health laws, I urge all members of the
committee to carefully analyze the bill's language to make sure it is clear in its intent. Private-sector-driven R&D relies heavily on research data that is already subject to existing standards that do a good job of protecting Americans. Let's make sure that the U.S. remains an attractive place for the health care industry.

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

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

*Mrs. Lesko. Yes, Madam Chair.

*Ms. Schakowsky. Where?


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

*Mrs. Lesko. I do.

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

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

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

Page 67, line 19, insert "political viewpoint" after "religion" --
*Ms. Schakowsky. Without objection, the reading of the amendment will be dispensed with.

[The amendment of Mrs. Lesko follows:]

**********COMMITTEE INSERT**********
Ms. Schakowsky. And now the Chair recognizes Mrs. Lesko for her amendment.

*Mrs. Lesko. Thank you, Madam Chair. Big Tech discriminating against political viewpoints is something many of my constituents bring up to me quite often. That is why I am offering an amendment related to algorithmic assessments. I believe political bias does exist. I will read you some examples. Earlier this year, researchers from North Carolina State University found that nearly 70 percent of emails from Republican candidates were sent to spam email boxes by Google, compared to less than 1 in 10 from Democrat candidates from 2019 to 2020. And the opposite was true with Outlook and Yahoo!: more of the Democratic candidates were sent to spam than Republican candidates. And the study was quite thorough, to make sure that it was based on political viewpoints instead of other factors.

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

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

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

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

*Mrs. Lesko. Thank you, Madam Chair.

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

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

You are recognized, Mr. Guthrie.

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

It has been brought to my attention there are some potential issues with biomedical research. I know that innovation in the United States -- I know that we don't want this bill to do that. And what has been brought to my attention, as currently written, this legislation would apply
the same requirements to biomedical research data as it would all other forms of personal data.

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

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

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

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

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

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

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

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

[The amendment of Mr. Armstrong follows:]

**********COMMITTEE INSERT**********
*Ms. Schakowsky.  And Mr. Armstrong, you are recognized for five minutes.

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

*Ms. Schakowsky. Is that not right?

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

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

Since 1947 the Supreme Court has held that preemption of state law will not be recognized unless it is a clear and manifest purpose of Congress to preempt state laws in a Federal act. When a Federal statute contains an express preemption provision, like the one contained in my amendment, the courts will simply look to plain meaning of the text to discern Congress's intended scope of preemption.
However, when Congress's intended scope is not clear, courts will conduct a conflict analysis to determine if a state law actually conflicts with the Federal act. And that is what I fear we have with H.R. 8152: a complex set of exemptions of both specific and general state laws that fails the Supreme Court's test of a clear and manifest purpose of Congress to preempt.

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

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

Second, the result is that courts have consistently used the presence of state law carve-outs to justify the use of an implied preemption analysis in these cases. That type of analysis permits the courts to preserve any state laws with a purpose that is consistent with the Federal act's purpose, so
long as there is no actual conflict, meaning that if a covered entity could comply with both the state law and the Federal act, it will be required to do both.

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

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

And I know that preemption is going to continue to be a part of negotiation throughout this process. And regardless of where we end up on that negotiation, I think it is really
important that the law does what we actually intend it to do. And so I am going to withdraw the amendment, because I think we need this to go forward, but we do -- we need to -- I mean, we have a framework, but without proper and narrow enforcement, we are going to continue to move forward. So I thought it was important to raise.

And with that, I yield back.

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

Mrs. Rodgers.

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

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

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

From the very beginning of this debate, creating a strong, preemptive national standard has been one of my top priorities. And that hasn't changed. There is tough trade-
offs to build consensus and bipartisan legislation like the one that is before us. Those negotiations don't stop today, as this is not a finished product. I want to continue to focus on what Representative Armstrong has raised in between subcommittee and full committee consideration, along with other issues raised by our members that will make this a stronger bill.

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

Thank you, I yield back.

*Ms. Schakowsky. The gentlewoman yields back.

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

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

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

*Mr. Armstrong. No. 32.

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

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

Page 108 after line 21, insert the following and re-designate the succeeding paragraphs accordingly.
*Ms. Schakowsky. Without objection, the reading of the amendment will be dispensed with.

[The amendment of Mr. Armstrong follows:]

**********COMMITTEE INSERT**********
*Ms. Schakowsky. Mr. Armstrong, you are recognized for five minutes.

*Mr. Armstrong. Thank you, Madam Chair.

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

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

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

So the bill is creating the possibility where a covered
entity could be subject to an FTC or state civil action in addition to a private civil action, all covering the same allegation. Simply put, the bill allows for concurrent litigation on enforcement actions. That results in a potential for conflicting outcomes on the same conduct.

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

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

Unfortunately, the introduced version of the bill significantly limits FTC enforcement primacy. The new section 402© allows for state authorities to intervene in a civil action according to the rules of Federal rules of civil
procedure. So we have the possibility for the same conduct
to be subject to an enforcement action by the FTC, state
authorities, and private litigants all at the same time. I
have to believe that Republicans will have significant
concerns with such over-enforcement of a bill's provision.

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

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

And again, I am going to withdraw the amendment. I just
think it is easier to offer these, because narrowly tailoring
how we do the important enforcement provisions is easier than
me going on a rant, which I am -- anybody who knows me knows I am willing to do so. So with that, I will withdraw the amendment and yield back.

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

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

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

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

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

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

[The amendment of Mr. Armstrong follows:]

**********COMMITTEE INSERT**********
Mr. Armstrong. Thank you, Madam Chair.

Ms. Schakowsky. You are recognized for five minutes.

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

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

We should not be incentivizing activist litigation under the guise of achieving efficient compliance. Rather, we should build in incentives to support businesses that seek to correct honest instances of non-compliance, and leave all parties in a better position to remain within the confines of
Whether a claim is brought by the FTC, relevant state authorities, or private litigants, businesses deserve the opportunity to resolve legitimate concerns before heading to the courtroom for monetary remedy or injunctive relief.

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

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

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

Again, our efforts to promote compliance with this law
should be -- not be limited to certain claims or certain covered entities.

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

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

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

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

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

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

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

All those opposing will say nay.

In the opinion of the chair, the ayes have it. The amendment in the nature of a substitute to H.R. 8152 is agreed to.
Okay, the question now occurs on favorably forwarding H.R. 8152, as amended, to the full committee.

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

Those opposed by saying no.

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

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

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

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

*Ms. Schakowsky. Without objections, the first reading of the bill will be dispensed with. The bill is now considered as the -- the bill is now considered as read. Without objection, the bill is considered as read, and open to amendment at any time.
[The bill follows:]

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

Is there someone?

*Mr. Armstrong. Madam Chair?

*Voice. Mr. Armstrong wants to speak.

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

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

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

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

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

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

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

[The amendment of Ms. Schakowsky follows:]

**********COMMITTEE INSERT**********
*Ms. Schakowsky. And now I recognize myself to strike
the last word.

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

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

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

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

And it is also true that horses -- that horse meat can
be toxic to human beings. Because horses are not raised for
food -- this is not an animal that is bred to be slaughtered
for food -- they are routinely given literally hundreds of
drugs over their lives that are prohibited by the Food and
Drug Administration by -- being used in animals that are used
for food. This could be very dangerous. Those drugs are
unsafe for human beings.

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

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

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

*Mr. Armstrong. Madam Chair?

*Ms. Schakowsky. If not -- yes.

*Mr. Armstrong. I have an --

*Ms. Schakowsky. If --

*Mr. Armstrong. I have an amendment at the desk.
*Ms. Schakowsky. I am sorry. If not, I will recognize for amendment Mr. Armstrong.

*Mr. Armstrong. Thank you, Madam Chair.

*Ms. Schakowsky. I am sorry?

*Mr. Armstrong. H.R.--

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

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

Page 3, line 21, strike "has reason to believe,"

insert --

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

[The amendment of Mr. Armstrong follows:]

**********COMMITTEE INSERT**********
Ms. Schakowsky. Mr. Armstrong, you are recognized, five minutes.

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

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

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

The adoption of the knowledge mental state would clearly distinguish between -- distinguish the conduct that Congress seeks to address. It would ensure that these prohibitions cover individuals who are willfully engaged in or
specifically intend to commit the prohibited conduct. These individuals have an awareness or conscious purpose to engage in the identified conduct.

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

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

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

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

And with that, I yield back.

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

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

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

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

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

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

*Mr. Bilirakis. Madam Chair?

*Ms. Schakowsky. Yes?
Mr. Bilirakis. Yes, I would like to speak on -- strike the last word.

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

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

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

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

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

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

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

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

With that, I support the AINS, and I support the underlying bill, and I encourage my colleagues to vote the
Thank you, and I yield back, Madam Chair.

*Ms. Schakowsky. The gentleman yields back.

I just wanted to make a brief announcement. I am very happy to offer a pizza lunch on the Republican and the Democratic side, just to know. I believe it has arrived. But we have important work to do. So if there is no further discussion or amendments, then we will proceed to a --

*Mr. Bilirakis. Madam Chair?

*Ms. Schakowsky. Yes?

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

[Laughter.]

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

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

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

All those opposed will say no.

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

*Mr. Rush. Mr. Chairman?
*Ms. Schakowsky. -- agreed to.

*Mr. Rush. Madam Chairman? Madam Chairman?

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

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

How am I recorded?

*Ms. Schakowsky. This is a voice vote. So do I hear your aye?

*Mr. Rush. No, Madam Chair --

*Ms. Schakowsky. Okay, good.

*Mr. Rush. [Inaudible.]

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

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

*Ms. Schakowsky. So the amendment now --

*Mr. Rush. A no vote.

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

The question now occurred -- now occurs on favorably forwarding H.R. 3355, as amended, to the full committee.

I am sorry?

*Voice. You all want recorded?

*Mr. Bilirakis. No recorded.

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

So then all those in favor of forwarding H.R. 3355, as amended, to the full committee will signify by saying aye.
All those opposed by saying no.

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

[Pause.]


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

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

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

[The bill follows:]

**********COMMITTEE INSERT**********
*Ms. Schakowsky. Are there any members who seek recognition to offer any amendment?  
Is there anyone who wants to speak to this legislation?  
*Ms. Schakowsky. I think also -- okay, Mr. Armstrong was first?  
Okay, Go ahead. Mr. Armstrong, you are recognized.  
*Mr. Armstrong. Madam Chair, I move to strike the last word.  

As discussed in our legislative markup last month, we have the capability and technology to accomplish meetings, events, and social outings remotely. Even conduct -- even Congress conducts business remotely -- for example, today's hearing is a markup hybrid, with members able to participate from in the committee room or anywhere else, for that matter.  
H.R. 3962, the SECURE Act, is legislation to permit the nationwide use of remote online notarizations, which is simply an electronic notarization where the party and notary are in different locations. This bipartisan bill would provide business and consumers with the ability to execute documents using two-way audiovisual communication, while protecting consumers with multi-factor authentication of the signer and use of tamper-evident technology.  
Requirements for a signer to be physically in the presence of a notary are often impractical, and sometimes
impossible, such as with military deployments or travel restrictions. Remote online notarization increases the use of notarization, and allows individuals to conduct crucial business if they are unable to be physically in front of a notary.

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

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

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

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

*Ms. Schakowsky. The gentleman yields back. If there are no further speakers on this bill, then the question now occurs on favorably forwarding H.R. 3962 to the full
Mr. Bilirakis. We want a recorded vote.

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

Those in favor of forwarding -- is that where we are at?

Okay.

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

The Clerk. Mr. Rush?

[No response.]

The Clerk. Ms. Castor?

Ms. Castor. Aye.

The Clerk. Ms. Castor votes aye.

Mrs. Trahan?

Mrs. Trahan. Aye.

The Clerk. Mrs. Trahan votes aye.

Mr. McNerney?

Mr. McNerney. Aye.

The Clerk. Mr. McNerney votes aye.

Ms. Clarke?

Ms. Clarke. Aye.

The Clerk. Ms. Clarke votes aye.

Mr. Cardenas?
*Mr. Cardenas. Cardenas, aye.

*The Clerk. Mr. Cardenas votes aye.

Mrs. Dingell?

*Mrs. Dingell. Dingell votes aye.

*The Clerk. Mrs. Dingell votes aye.

Ms. Kelly?

[No response.]

*The Clerk. Ms. Kelly, you are on mute.

*Ms. Kelly. I am a yes.


Mr. Soto?

*Mr. Soto. [Inaudible.]

*The Clerk. Mr. Soto votes aye.

Miss Rice?

*Miss Rice. Rice votes aye.

*The Clerk. Miss Rice votes aye.

Ms. Craig?

[No response.]

*The Clerk. Mrs. Fletcher?

*Mrs. Fletcher. Fletcher votes aye.

*The Clerk. Mrs. Fletcher votes aye.

Mr. Pallone?

*The Chairman. [Inaudible.]

*The Clerk. Mr. Pallone votes aye.

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. Schakowsky from Illinois votes aye?
1939  Mr. Upton votes aye.
1940  *The Clerk. Mr. Upton votes aye.
1941  Mr. Latta?
1942  *Mr. Latta. Aye.
1943  *The Clerk. Mr. Latta votes aye.
1944  Mr. Guthrie?
1945  *Mr. Guthrie. Aye.
1946  *The Clerk. Mr. Guthrie votes aye.
1947  Mr. Bucshon?
1948  *Mr. Bucshon. Aye.
1949  *The Clerk. Mr. Bucshon votes aye.
1950  Mr. Dunn?
1951  *Mr. Dunn. Aye.
1952  *The Clerk. Mr. Dunn votes aye.
1953  Mrs. Lesko?
1956  Mr. Pence?
1957  [No response.]
1958  *The Clerk. Mr. Armstrong?
*Mr. Armstrong.  [Inaudible.]

*The Clerk.  Mr. Armstrong votes aye.

Mrs. Rodgers?

*Mrs. Rodgers.  Aye.

*The Clerk.  Mrs. Rodgers votes aye.

Chairwoman Schakowsky?

*Ms. Schakowsky.  Votes aye.

*The Clerk.  Chairwoman Schakowsky votes aye.

*Mr. Rush.  Madam Chair?

*Ms. Schakowsky.  Oh, Mr. Rush?

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

*The Clerk.  Mr. Rush is not recorded.

*Mr. Rush.  Rush votes aye.

*The Clerk.  Mr. Rush votes aye.

*Ms. Schakowsky.  Is there anyone else who is not recorded who wishes to be recorded?

Does any member wish to change his or her vote?

If not, the clerk will report the tally.

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

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

The vote is 22 to 0, and H.R. 3962 is now forwarded to the full committee.

So now the chair calls up H.R. 4081, the Informing Consumers about Small Devices Act. The clerk will report the
bill.

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

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

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

[The bill follows:]

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

Mr. Bilirakis, you are recognized.

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

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

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

We live in an increasingly connected world with additional features and innovation like we have never seen before. Yet not every device is known or expected by consumers to have microphones or cameras in them. So this is a common-sense consumer transparency bill that will ensure Americans know what devices have the capability of listening to or recording them.
As you know, Madam Chair, holding Big Tech accountable, as -- you have said this many times -- has been a priority, of course, for Republicans as well, and for Leader Rodgers throughout this Congress. And I believe this legislation will help us move towards accomplishing that particular goal, especially in light of the privacy discussions we have been having over the past few months.

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

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

Thank you, Madam Chair. I yield back.

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

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

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

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

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

We had -- I just want to share with you in our house we have security cameras outside and inside, but they call back to China, we have discovered. And so my husband had to do
something so that it wasn't calling back to China. But also we discovered at least one of them, which we replaced, had a microphone in it. And so it was not only doing camera, but microphone when the camera was not on. This is very concerning, and especially if it is calling back to China. I really don't want China monitoring me and listening into me. So I will probably do legislation, and hopefully we can get bipartisan support. Thank you.

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

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

I am sorry?

*Mr. Bilirakis. We want a recorded vote.

*Ms. Schakowsky. A recorded vote has been requested. First, I ask -- all those in favor of forwarding H.R. 4081 to the full committee will first signify by saying aye. And the -- aye. And the -- all those opposed, no. And now we will have a recorded vote, and the clerk shall call the roll.

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

[Pause.]

*The Clerk. Mr. Rush?
[No response.]

*The Clerk. Ms. Castor?

Mrs. Trahan?
*Mrs. Trahan. Aye.
*The Clerk. Mrs. Trahan votes aye.

Mr. McNerney?
*Mr. McNerney. Aye.
*The Clerk. Mr. McNerney votes aye.

Ms. Clarke?
*Ms. Clarke. [Inaudible.]

Mr. Cardenas?
*Mr. Cardenas. Cardenas from California votes aye.
*The Clerk. Mr. Cardenas votes aye.

Mrs. Dingell?
*Mrs. Dingell. Dingell votes aye.
*The Clerk. Mrs. Dingell votes aye.

Ms. Kelly?

Mr. Soto?
*Mr. Soto. [Inaudible.]
*The Clerk. Mr. Soto votes aye.
Miss Rice?

*Miss Rice. Rice votes aye.

*The Clerk. Miss Rice votes aye.

Ms. Craig?

[No response.]

*The Clerk. Mrs. Fletcher?

*Mrs. Fletcher. Fletcher votes aye.

*The Clerk. Mrs. Fletcher votes aye.

Mr. Pallone?

[No response.]

*The Clerk. Mr. Bilirakis?

*Mr. Bilirakis. [Inaudible.]

*The Clerk. Mr. Bilirakis votes aye.

Mr. Upton?

*Mr. Upton. Upton votes aye.

*The Clerk. Mr. Upton votes aye.

Mr. Latta?

*Mr. Latta. Aye.

*The Clerk. Mr. Latta votes aye.

Mr. Guthrie?

*Mr. Guthrie. Aye.

*The Clerk. Mr. Guthrie votes aye.

Mr. Bucshon?

*Mr. Bucshon. Aye.

*The Clerk. Mr. Bucshon votes aye.
Mr. Dunn?

*Mr. Dunn. Aye.

*The Clerk. Mr. Dunn votes aye.

Mrs. Lesko?

*Mrs. Lesko. Aye.

*The Clerk. Mrs. Lesko votes aye.

Mr. Pence?

[No response.]

*The Clerk. Mr. Armstrong?

*Mr. Armstrong. Yes.

*The Clerk. Mr. Armstrong votes aye.

Mrs. Rodgers?

*Mrs. Rodgers. Aye.

*The Clerk. Mrs. Rodgers votes aye.

Chairwoman Schakowsky?

*Ms. Schakowsky. Votes aye.

*The Clerk. Chairwoman Schakowsky votes aye.

*Ms. Schakowsky. Does any member wish to change his or her vote?

*Mr. Rush. Madam Chair?

*Ms. Schakowsky. Yes.

*Mr. Rush. Madam Chair?

*Ms. Schakowsky. Mr. Rush.

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

*The Clerk. Mr. Rush is not recorded.
*Mr. Rush. Rush votes aye.

*The Clerk. Mr. Rush votes aye.

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

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

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

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

*Voice. That looks like monitoring.

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

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

What is that?


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

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

*Ms. Schakowsky. How about the RANSOMWARE Act?
The clerk will report the bill.

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

*Ms. Schakowsky. Without objection, the first reading of the bill will be dispensed with. The bill is now open for consideration -- is now considered as read. Without objection, the bill is considered as read, and open for amendment at any time.*

[The bill follows:]

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

*Mr. Bilirakis. Madam Chair?

*Ms. Schakowsky. Mr. Bilirakis.

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

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

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

The FTC should continue to collaborate with law enforcement partners overseas to strengthen its important consumer protection work for us here, in the United States. And yet the dangers of cybersecurity threats continue on a
daily basis, unfortunately, particularly when it comes to ransom attacks.

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

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

I urge my colleagues again to support this bill and move
it forward.

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

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

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

Those in favor of H.R. 4551 --

*Mr. Rush. Vote yes, right?

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

*The Clerk. Mr. Rush?

*Mr. Rush. Rush votes aye.

*The Clerk. Mr. Rush votes aye.

Ms. Castor?


Mrs. Trahan?

[No response.]

*The Clerk. Mr. McNerney?

*Mr. McNerney. Aye.

*The Clerk. Mr. McNerney votes aye.
Ms. Clarke?

*Ms. Clarke.  [Inaudible.]


Mr. Cardenas?

*Mr. Cardenas.  Cardenas from California votes aye.

*The Clerk.  Mr. Cardenas votes aye.

Mrs. Dingell?

*Mrs. Dingell.  Dingell votes aye.

*The Clerk.  Mrs. Dingell votes aye.

Ms. Kelly?


Mr. Soto?

*Mr. Soto.  Soto votes aye.

*The Clerk.  Mr. Soto votes aye.

Miss Rice?

*Miss Rice.  Rice votes aye.

*The Clerk.  Miss Rice votes aye.

Ms. Craig?

*Ms. Craig.  Ms. Craig votes aye.

*The Clerk.  Ms. Craig votes aye.

Mrs. Fletcher?

*Mrs. Fletcher.  Fletcher votes aye.

*The Clerk.  Mrs. Fletcher votes aye.

Mr. Pallone?
*The Chairman. Pallone votes aye.

*The Clerk. Mr. Pallone votes aye.

Mr. Bilirakis?

*Mr. Bilirakis. Aye.

*The Clerk. Mr. Bilirakis votes aye.

Mr. Upton?

*Mr. Upton. Upton votes aye.

*The Clerk. Mr. Upton votes aye.

Mr. Latta?

*Voice. Hey there, how are you?

*Mr. Latta. [Inaudible.]

*The Clerk. Mr. Latta votes aye.

*Voice. Fine, thanks.

*The Clerk. Mr. Guthrie?

*Mr. Guthrie. [Inaudible.]

*The Clerk. Mr. Guthrie votes aye.

Mr. Bucshon?

*Mr. Bucshon. Aye.

*The Clerk. Mr. Bucshon votes aye.

Mr. Dunn?

*Mr. Dunn. Aye.

*The Clerk. Mr. Dunn votes aye.

Mrs. Lesko?

*Mrs. Lesko. Aye.

*The Clerk. Mrs. Lesko votes aye.
Mr. Pence?

[No response.]

*The Clerk.  Mr. Armstrong?

*Mr. Armstrong.  Yes.

*The Clerk.  Mr. Armstrong votes aye.

Mrs. Rodgers?

*Mrs. Rodgers.  Aye.

*The Clerk.  Mrs. Rodgers votes aye.

Chairwoman Schakowsky?

*Ms. Schakowsky.  Votes aye.

*The Clerk.  Chairwoman Schakowsky votes aye.

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

If not, the clerk will report the tally.

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

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

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

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

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

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

[The bill follows:]

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

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

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

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

Ms. Kelly. Sorry.

Ms. Schakowsky. -- will report the amendment.

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

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

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

[The amendment of Ms. Kelly follows:]

**********COMMITTEE INSERT**********
*Ms. Schakowsky. And Ms. Kelly is now recognized for five minutes.

*Ms. Kelly. Thank you, Madam Chair.

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

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

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

For all of these reasons, this is an important amendment
and a worthwhile bill. I urge my colleagues to support it.

With that, I yield back.

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

Mr. Bilirakis.

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

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

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

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

With jurisdiction over the CPCSC [sic], our subcommittee
must take our consumer protection role seriously, and we have. And I believe this bill and the AINS will do just that by better protecting people against risks of injury or death associated with consumer products.

Without, of course, burdening our innovators and our businesses, we can still go after potential harms and ensure our constituents, particularly our children, are kept safe. And with that I will yield back, Madam Chair, thank you.

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

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

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

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

And I certainly want to encourage everyone to join in in endorsing this. And let's try and address this problem as soon as possible.
You know, this is happening. It is not -- this was not a one-off. And, you know, there are children that have continued to be harmed by those tiny batteries. And so we have an opportunity today to act.

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

*Mr. Bilirakis. Lesko.

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

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

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

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

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

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

*Ms. Schakowsky. Are there any other members who would like to speak to this legislation?
No? Okay.

*Mr. Bilirakis. We are good.

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

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

All those opposed will say nay.

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

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

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

A recorded --
*Voice. I was saying --

*Ms. Schakowsky. I am sorry?

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

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

[Laughter.]

*Ms. Schakowsky. Someone is not on mute.

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

*Voice. [Inaudible] is at the airport.

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

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

[Pause.]

*The Clerk. Mr. Rush?

*Mr. Rush. Rush votes aye.

*The Clerk. Mr. Rush votes aye.

Ms. Castor?


Mrs. Trahan?

*Mrs. Trahan. Aye.

*The Clerk. Mrs. Trahan votes aye.
Mr. McNerney?

*Mr. McNerney. Aye.

Ms. Clarke?


Mr. Cardenas?

*Mr. Cardenas. Cardenas from California votes aye.

Thank you so much, Robin Kelly.

Mrs. Dingell?

*Mrs. Dingell. Dingell votes aye.

Ms. Kelly?


Mr. Soto?

*Mr. Soto. Soto votes aye.

Miss Rice?

*Miss Rice. Rice votes aye.

Ms. Craig?

[No response.]

*The Clerk. Mrs. Fletcher?
[No response.]

*The Clerk. Mr. Pallone?

*The Chairman. [Inaudible.]

*The Clerk. Mr. Pallone votes aye.

Mr. Bilirakis?

*Mr. Bilirakis. Aye.

*The Clerk. Mr. Bilirakis votes aye.

Mr. Upton?

*Mr. Upton. Upton votes aye.

*The Clerk. Mr. Upton votes aye.

Mr. Latta?

*Mr. Latta. Aye.

*The Clerk. Mr. Latta votes aye.

Mr. Guthrie?

*Mr. Guthrie. Aye.

*The Clerk. Mr. Guthrie votes aye.

Mr. Bucshon?

*Mr. Bucshon. Aye.

*The Clerk. Mr. Bucshon votes aye.

Mr. Dunn?

*Mr. Dunn. Aye.

*The Clerk. Mr. Dunn votes aye.

Mrs. Lesko?

*Mrs. Lesko. Aye.

*The Clerk. Mrs. Lesko votes aye.
Mr. Pence?

[No response.]

*The Clerk. Mr. Armstrong?

*Mr. Armstrong. Yes.

*The Clerk. Mr. Armstrong votes aye.

Mrs. Rodgers?

*Mrs. Rodgers. [Inaudible.]

*The Clerk. Mrs. Rodgers votes aye.

Chairwoman Schakowsky?

*Ms. Schakowsky. Votes aye.

*The Clerk. Chairwoman Schakowsky votes aye.

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

*The Clerk. On that vote, Madam Chairwoman, the yea

were 21 and the nays were 0.

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

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

The clerk will report the title of the bill.

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

*Ms. Schakowsky. Without objection, the first reading of the bill will be dispensed with, and the bill is now open for discussion -- for consideration.
[The bill follows:]

**********COMMITTEE INSERT**********
*Ms. Schakowsky. Is there anyone who wishes to speak on the bill?

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

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

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

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

[The amendment of Ms. Schakowsky follows:]

**********COMMITTEE INSERT**********
*Ms. Schakowsky. I recognize myself to speak on the amendment.

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

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

There has been video that has been revealed that this has actually happened. We know that it exists, and it is time to get rid of it, and this legislation would prohibit the soring of horses. And those of us -- and I think that is most of us -- who care about the well-being and the safety and the respect of these beautiful creatures, these animals, will say that it is time to say no to that kind of treatment.
So I urge all of my colleagues to join in ending horse
soring, and supporting this legislation.

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

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

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

All those opposed will say nay.

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

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

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

*The Clerk. Mr. Rush?

*Mr. Rush. Rush votes aye.

*The Clerk. Mr. Rush votes aye.

Ms. Castor?


Mrs. Trahan?

*Mrs. Trahan. Aye.

*The Clerk. Mrs. Trahan votes aye.
Mr. McNerney?

*Mr. McNerney.  [Inaudible.]

*The Clerk.  Mr. McNerney votes aye.

Ms. Clarke?


Mr. Cardenas?

*Mr. Cardenas.  Cardenas from California votes aye.

*The Clerk.  Mr. Cardenas votes aye.

Mrs. Dingell?

*Mrs. Dingell.  Dingell votes aye.

*The Clerk.  Mrs. Dingell votes aye.

Ms. Kelly?


Mr. Soto?

*Mr. Soto.  Soto votes aye.

*The Clerk.  Mr. Soto votes aye.

Miss Rice?

*Miss Rice.  Rice votes aye.

*The Clerk.  Miss Rice votes aye.

Ms. Craig?

*Ms. Craig.  Ms. Craig votes aye.

*The Clerk.  Ms. Craig votes aye.

Mrs. Fletcher?
[No response.]

*The Clerk. Mr. Pallone?

*The Chairman. Pallone votes aye.

*The Clerk. Mr. Pallone votes aye.

Mr. Bilirakis?

*Mr. Bilirakis. Aye.

*The Clerk. Mr. Bilirakis votes aye.

Mr. Upton?

*Mr. Upton. Upton votes aye.

*The Clerk. Mr. Upton votes aye.

Mr. Latta?

*Mr. Latta. Aye.

*The Clerk. Mr. Latta votes aye.

Mr. Guthrie?

*Mr. Guthrie. Aye.

*The Clerk. Mr. Guthrie votes aye.

Mr. Bucshon?

*Mr. Bucshon. Aye.

*The Clerk. Mr. Bucshon votes aye.

Mr. Dunn?

*Mr. Dunn. Aye.

*The Clerk. Mr. Dunn votes aye.

Mrs. Lesko?

*Mrs. Lesko. Aye.

*The Clerk. Mrs. Lesko votes aye.
Mr. Pence?

[No response.]

*The Clerk. Mr. Armstrong?

*Mr. Armstrong. [Inaudible.]

*The Clerk. Mr. Armstrong votes aye.

Mrs. Rodgers?

*Mrs. Rodgers. Aye.

*The Clerk. Mrs. Rodgers votes aye.

Chairwoman Schakowsky?

*Ms. Schakowsky. Votes aye.

*The Clerk. Chairwoman Schakowsky votes aye.

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

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

*Ms. Schakowsky. The vote is 22 aye and 0 nay, and H.R. 5441, as amended, is forwarded to the full committee.

This is the last one. I think there is probably some pizza awaiting. So --

*Mr. Bilirakis. Cold pizza.

*Ms. Schakowsky. Cold? Well --

*Mr. Bilirakis. We will eat it.

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

Okay.

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

The clerk will report the bill.
*The Clerk. H.R. 6290, a bill to provide for the establishment of a section of the website --

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

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

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

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

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

This is one of the several bills that this subcommittee has worked on to assist investment in businesses that, in fact, benefit entire communities. But I am concerned that one particular bipartisan bill has been left behind this year that moved through on a supply chain-related legislative hearing. But it has not moved through the House like other bills on that same hearing. That is H.R. 2907, the Global Investment in American Jobs Act of 2021 that is led by colleagues Pence and Bobby Rush, and joined by myself, Eshoo, Long, Tonko, and Butterfield. And I am just curious to know
if the chair has any particular concerns with the bill that we might address, so that we can move this bill, as well.

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

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

[Pause.]

*Ms. Schakowsky. Thank you for raising that -- the issue, and I am more than happy to work with you on it. And I appreciate your raising the question on its presence not being here. But we can go forward --

*Mr. Upton. Great.

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

*Mr. Upton. We have got some good players on both sides of the aisle, so that we are interested in seeing this done. And with that I yield back, and --

*Ms. Schakowsky. Okay.

*Mr. Upton. -- urge of all my colleagues to vote on this --
*Ms. Schakowsky. Thank you.

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

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

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

Mrs. Rodgers, did you?

*Mrs. Rodgers. Thank you, Madam Chair.

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

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

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

[Applause.]

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

But just thank you, BJ, for all your hard work. I have -- you know, you all know he is pretty smart, pretty
creative, and strategic when it comes to getting things done, and I have just appreciated your leadership and your friendship, and I wish you all the best.

Thank you, everyone. I yield back.

[Applause.]

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

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

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

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

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

*The Clerk. Mr. Rush?

*Mr. Rush. Rush votes aye.

*The Clerk. Mr. Rush votes aye.

Ms. Castor?


Mrs. Trahan?

*Mrs. Trahan. Aye.
*The Clerk.  Mrs. Trahan votes aye.

Mr. McNerney?

*Mr. McNerney.  [Inaudible.]

*The Clerk.  Mr. McNerney votes aye.

Ms. Clarke?


Mr. Cardenas?

*Mr. Cardenas.  Cardenas from California votes aye.

*The Clerk.  Mr. Cardenas votes aye.

Mrs. Dingell?

*Mrs. Dingell.  Dingell votes aye.

*The Clerk.  Mrs. Dingell votes aye.

Ms. Kelly?


Mr. Soto?

*Mr. Soto.  Soto votes aye.

*The Clerk.  Mr. Soto votes aye.

Miss Rice?

*Miss Rice.  Rice votes aye.

*The Clerk.  Miss Rice votes aye.

Ms. Craig?

*Ms. Craig.  Craig votes aye.

*The Clerk.  Ms. Craig votes aye.
Mrs. Fletcher?

[No response.]

*The Clerk. Mr. Pallone?

*The Chairman. [Inaudible.]

*The Clerk. Mr. Pallone votes aye.

Mr. Bilirakis?

*Mr. Bilirakis. Bilirakis votes aye.

*The Clerk. Mr. Bilirakis votes aye.

Mr. Upton?

*Mr. Upton. Aye.

*The Clerk. Mr. Upton votes aye.

Mr. Latta?

*Mr. Latta. Aye.

*The Clerk. Mr. Latta votes aye.

Mr. Guthrie?

*Mr. Guthrie. Aye.

*The Clerk. Mr. Guthrie votes aye.

Mr. Bucshon?

*Mr. Bucshon. Aye.

*The Clerk. Mr. Bucshon votes aye.

Mr. Dunn?

*Mr. Dunn. Aye.

*The Clerk. Mr. Dunn votes aye.

Mrs. Lesko?

*Mrs. Lesko. Aye.
*The Clerk. Mrs. Lesko votes aye.

Mr. Pence?

[No response.]

*The Clerk. Mr. Armstrong?

*Mr. Armstrong. [Inaudible.]

*The Clerk. Mr. Armstrong votes aye.

Mrs. Rodgers?

*Mrs. Rodgers. [Inaudible.]

*The Clerk. Mrs. Rodgers votes aye.

Chairwoman Schakowsky?

*Ms. Schakowsky. Votes aye.

*The Clerk. Chairwoman Schakowsky votes aye.

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

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

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

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

Hearing no objection, so ordered.

[The information follows:]

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

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

I wondered if my ranking member had any final words.

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

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

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

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