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6 MARKUP OF

7 H.R. _____, AMERICAN PRIVACY RIGHTS ACT DISCUSSION DRAFT;

8 H.R. 7891, KIDS ONLINE SAFETY ACT; AND

9 H.R. 8449, AM RADIO FOR EVERY VEHICLE ACT

10 THURSDAY, MAY 23, 2024

11 House of Representatives,

12 Subcommittee on Innovation, Data, and Commerce,

13 Committee on Energy and Commerce,

14 Washington, D.C.

15

16 The subcommittee met, pursuant to call, at 10:09 a.m. in

17 2123 of the Rayburn House Office Building, Hon. Gus

18 Bilirakis, [chairman of the subcommittee] presiding.

19 Present: Representatives Bilirakis, Bucshon, Walberg,

20 Duncan, Dunn, Lesko, Fulcher, Harshbarger, Cammack,

21 Obernolte, James, Rodgers (ex officio); Schakowsky, Castor,

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22 Dingell, Kelly, Blunt Rochester, Soto, Trahan, Clarke, and
23 Pallone (ex officio).

24

25

26 Staff Present: Sarah Burke, Deputy Staff Director;
27 Michael Cameron, Professional Staff Member; Nick Crocker,
28 Senior Advisor and Director of Coalitions; Sydney Greene,
29 Director of Operations; Rebecca Hagigh, Executive Assistant;
30 Jessica Herron, Clerk; Nate Hodson, Staff Director; Tara
31 Hupman, Chief Counsel; Noah Jackson, Clerk; Patrick Kelly,
32 Staff Assistant; Sean Kelly, Press Secretary; Lauren Kennedy,
33 Clerk; Alex Khlopin, Staff Assistant; Peter Kielty, General
34 Counsel; Emily King, Member Services Director; Tim Kurth,
35 Chief Counsel; Carla Rafael, Senior Staff Assistant; Brannon
36 Rains, Professional Staff Member; Kate Roberts, Digital
37 Director; Emma Schultheis, Clerk; Teddy Tanzer, Senior
38 Counsel; Hannah Anton, Minority Policy Analyst; Keegan
39 Cardman, Minority Staff Assistant; Waverly Gordon, Minority
40 Deputy Staff Director and General Counsel; Daniel Greene,
41 Minority Professional Staff Member; Tiffany Guarascio,
42 Minority Staff Director; Perry Hamilton, Minority Member

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43 Services and Outreach Manager; Lisa Hone, Minority Chief
44 Counsel, Innovation, Data, and Commerce; Joe Orlando,
45 Minority Junior Professional Staff Member; Emma Roehrig,
46 Minority Staff Assistant; Phoebe Rouge, Minority FTC
47 Detailee; Andrew Souvall, Minority Director of
48 Communications, Outreach and Member Services; and C.J. Young,
49 Minority Deputy Communications Director.

50

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51 *Mr. Bilirakis. Welcome to today's subcommittee and
52 markup, where we will consider three significant subcommittee
53 priority pieces of legislation to protect Americans' data
54 privacy rights, protect kids online, and preserve access to
55 AM radio.

56 I want to thank all the subcommittee members for their
57 input and feedback on these topics, and I am looking forward
58 to continuing productive conversations in a bipartisan manner
59 to refine these bills as we move through the legislative
60 process.

61 We have a historic opportunity to advance legislation
62 that will end the patchwork and finally provide a Federal
63 standard to govern how Americans' personal information is
64 collected, stored, retained, and transferred.

65 The American Privacy Act, which is sponsored by our
66 chair, Cathy McMorris Rodgers, is the strongest consumer data
67 privacy and security framework to date. It provides
68 businesses with certainty through a national preemptive
69 standard, secures individual liberties throughout strong data
70 minimization provisions, and cements America's global
71 leadership through data security provisions that warn

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72 consumers when their information is being collected and
73 shared with our foreign adversaries like China and Russia.

74 For years, Congress has long tried to thread the needle
75 when it comes to getting a national data privacy bill enacted
76 into law, given the many differences in approach from both
77 sides of the political spectrum, I want to applaud Chair
78 Rodgers, of course, and again, Chair Cantwell in the Senate
79 for their tireless efforts to move forward with a framework
80 that strikes this critical balance, as well as all the
81 members on both sides of the aisle that have provisions
82 included in the draft today.

83 I understand many stakeholders have continued to engage
84 with every office on these requests, their requests, and I
85 look forward to hearing from my colleagues about how we can
86 continue to incorporate that feedback. I am thankful for all
87 the constructive comments we received up to this point.

88 This is certainly not the last opportunity to deliberate
89 and refine this draft further, but time is of the essence. I
90 want to repeat that, it is worth repeating: Time is of the
91 essence. So let's continue to move this process forward to
92 protect Americans' privacy rights, promote individual

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93 freedoms and civil liberties, and secure data from abuse by
94 bad actors.

95 In addition to APRA, I am proud that we are also
96 considering my bill, the H.R. 7891, the Kids Online Safety
97 Act. I am thankful to Representative Castor for her
98 partnership on this particular bill, as well as the many
99 colleagues on this subcommittee who have cosponsored our
100 legislation.

101 Sadly, in the face of an unprecedented youth mental
102 health crisis in this nation, Big Tech has continued to turn
103 a blind eye, in my opinion, to harms perpetuated on their
104 online platforms. Congress has been forced to step in to
105 ensure children and parents have the safeguards, tools and
106 transparency measures they need to stay, to have our kids
107 stay safe. They need to stay safe, folks. KOSA requires the
108 prevention and mitigation of harms to minors such as
109 promotion of suicide, depression, substance abuse, sexual
110 exploitation, and illegal drug sales such as fentanyl. Too
111 often we have seen the design features of social media fuel
112 these problems, rather than prevent them. We have had
113 hearings on this.

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114 This legislation is not perfect. I understand that, and
115 I am hopeful conversations today can illuminate how we can
116 better establish needed protections for children.

117 Lastly, the subcommittee will be taking up a bipartisan
118 bill on leading with Representative -- the ranking member of
119 the full committee, Representative Pallone, the AM Radio for
120 Every Vehicle Act. At our legislative hearing we heard from
121 our witnesses about the importance of having a robust
122 emergency alert and public safety communications
123 infrastructure. Further, rural and underserved Americans
124 still enjoy listening to AM radio broadcasts for their
125 diverse viewpoints. I know my constituents do.

126 Given AM radio's significant reach as a medium, much of
127 it taking place in vehicles, we must ensure it remains a
128 readily available option for all Americans, particularly as
129 we approach hurricane season. I am proud to partner with the
130 ranking member on this initiative, and I look forward to
131 advancing it through subcommittee today.

132 In closing, I look forward to working with all my
133 colleagues on both sides of the aisle today to get this --
134 these critical bills across the finish line.

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135 And I yield back the balance of my time, and now I
136 recognize the ranking member of the subcommittee, Ms.
137 Schakowsky, my good friend, for five minutes for her opening
138 statement.

139 *Ms. Schakowsky. Thank you. Thank you very much, Mr.
140 Chairman. Much of what you have said is what I would just
141 echo.

142 I am very glad to see that we are moving forward, we are
143 continuing to make sure that consumers who have been so
144 frustrated for too long, being so uncertain about their
145 privacy online, and I see progress made in the draft. Let me
146 just highlight a couple of things that I think are so, so
147 important.

148 In this new bill that we are going to be considering
149 today, the -- will be a one click to make sure that data
150 brokers can be taken away from the consumers who don't want
151 their information shared. This is very, very important, and
152 I think it is a big step, step forward.

153 Secondly, in this -- what we are discussing today, that
154 we are going to ban targeting of children and teens in a much
155 more aggressive way.

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156 So these are certainly important things that we are
157 doing. You know, Big Tech has already, on the Senate side,
158 apologized for what it has done to children. Apologies are
159 just not enough, so we have to take action and we will.

160 But I do want to say that I am also disappointed that
161 there is not the consideration of making sure that we are
162 protecting consumers from their -- for their biometric data.
163 By that I mean fingerprints and facial recognition. And we
164 know that, once that information -- for example, about facial
165 recognition, it can be used to go after people because you
166 can't change that information. That is forever.

167 And it also ends up with discrimination that we have
168 seen that people, particularly people of color, sometimes get
169 accused of things that they are not. So we need to control
170 this biometric data.

171 And I also, you know, want to make sure that we are
172 doing, again, everything that we can to protect our children.

173 So finally, let me just say that I would agree on the
174 issue of AM radio.

175 Oh, before I do that let me let me ask Chair Castor.
176 Excuse me, I am sorry, I am sorry. Kathy, I got the Kathy in

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177 my mind. If I could ask Chair Rodgers if we could consider
178 discussion about this issue of the biometric data, I would
179 really appreciate it. And if you could tell me that we could
180 work together in order to do that, Chairman, could we agree
181 on that?

182 *Mr. Bilirakis. The chair is recognized.

183 *The Chair. Yes, yes. To the ranking member of the
184 subcommittee, I am committed to working together on
185 addressing the concerns around the collection of biometric
186 data, as well as the continuing efforts to make this bill as
187 strong as possible, and welcome input from everyone, and
188 would like to work with you specifically on that issue.

189 *Ms. Schakowsky. Thank you so much, and we have. That
190 is the one good thing -- one wonderful thing about this
191 committee. We have been working together.

192 But I just did want to end with the issue of AM radio.
193 We heard a wonderful hearing on AM radio here in this
194 committee. And one of the things that was so startling to me
195 was the degree, the number of people who do rely on AM radio,
196 not just for the information that they need to protect
197 themselves from danger, but we know from AARP there are a lot

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198 of seniors who use AM radio, but we also heard from Native
199 Americans that almost exclusively -- AM radio in cars has
200 been their lifeblood. And so we want to make sure that we
201 protect AM radio. It seemed pretty unanimous in the
202 committee, and I am hoping that we can move forward on that.

203 And with that I will yield back.

204 *Mr. Bilirakis. Thank you very much.

205 I thank the ranking member. She yields back. I now
206 recognize the chair of the full committee, Mrs. Rodgers, for
207 her five minutes for an opening statement.

208 *The Chair. Thank you, Mr. Chairman. Good morning,
209 everyone.

210 Our personal identity is at the very core of what makes
211 us human. It drives us to achieve the impossible and
212 inspires us to pursue our goals and dreams. The ability to
213 express our individual identity helps define who we are, and
214 it deepens our ties to our families and our communities.
215 Encouraging individualism and identity is something that is
216 uniquely American, something the founders envisioned and
217 fought for, a society that is fiercely individual, where
218 people are free to think, speak, and live their lives the way

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219 they want.

220 Many believe that the Internet could empower the
221 individual even more by creating new ways for people and
222 businesses to connect, innovate, and share information.
223 Unfortunately, trust has been broken. Instead, over time our
224 identity has been slowly eroded, freedom to think for
225 ourselves manipulated, and Big Tech is capturing more and
226 more data to surveil and control our lives.

227 Americans should be in control of how information is
228 disclosed, and it should be voluntary, not coerced. If the
229 founders were here today they would know, as we know, that
230 this digital tyranny is not the American dream.

231 The American Data Privacy Right is an opportunity for a
232 reset, one that can help return us to the American dream our
233 founders envisioned. It gives people the right to control
234 their personal information online, something that the
235 American people overwhelmingly want. They are tired of
236 having their personal information abused for profit. And
237 right now a person's location, for instance, can be shared
238 without their knowledge or permission by apps on their phone.
239 This bill stops those apps from sharing or selling this data

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240 without permission.

241 If a person searches the Internet about something
242 personal, something they want kept private, that information
243 could be tracked with hidden pixels and shared without them
244 knowing about it. This bill keeps people's search history
245 private.

246 If someone buys a pair of shoes online, they almost
247 instantly are bombarded with ads across the platforms they
248 use. The American Privacy Rights Act gives the power back to
249 the people by equipping them with the knowledge of how their
250 data is being used to monetize, manipulate, and exploit them.

251 This legislation is -- it is so important, and it is
252 especially foundational and important for protecting our kids
253 online. The average American teenager spends 4.8 hours a day
254 scrolling social media platforms. I am a mom. I have three
255 young kids. I have said it before and I will say it again.
256 It is my biggest fear, what is going to happen online with my
257 kids, because I don't trust what is happening at all. Our
258 kids scroll, companies collect nearly every data point
259 imaginable to build profiles on them and keep them addicted.
260 They intentionally target children with dangerous and life-

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261 threatening content.

262 At our hearing last month we heard from a young woman --
263 her name was Ava -- who shared how Big Tech weaponized her
264 data, collecting this arsenal of data, and exploited her
265 vulnerabilities. Ava's story is just one of countless we
266 have heard from kids, young adults, and families across the
267 country. This legislation gets to the root cause of these
268 problems by minimizing the collection and exploitation of our
269 data. It serves as a strong foundation from which to layer
270 on other important policies to protect kids online like the
271 Kids Online Safety Act, which I am excited that we are
272 considering today.

273 This draft includes key provisions from the Children's
274 Online Privacy Protection Act, and I want to thank
275 Representatives Walberg and Castor and Senators Markey and
276 Cassidy for working with us.

277 We can achieve stronger protections for people while
278 continuing to encourage innovation and entrepreneurship.
279 Eighteen states now have comprehensive data privacy laws,
280 which means eighteen different sets of rules that a growing
281 small business or startup is forced to navigate, ensuring

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282 compliance is costly. Just last week I met with a company
283 who told me that they are going to be forced to pull out of
284 certain states -- it is one that you would all recognize --
285 because they simply cannot comply with the conflicting
286 standards. Our bill would end this patchwork.

287 Today we will also be marking up H.R. 8449, the AM Radio
288 for Every Vehicle Act, led by Representatives Bilirakis and
289 Pallone. Millions across the country rely on AM radio for
290 critical information, especially during public emergencies,
291 and it is vital we preserve this resource for Americans.

292 In the nearly 230-year history of this committee, we
293 have established a rich tradition of taking on hard problems
294 and delivering solutions for the people. And I believe we
295 have a moment here to change the status quo and reset what
296 the online ecosystem looks like. The American Privacy Rights
297 Act is a common-sense, bipartisan, bicameral proposal. And I
298 am grateful for Senator Cantwell for working with me on this
299 landmark legislation, as well as Ranking Member Pallone, who
300 has been a trusted partner over the years as we have worked
301 together on privacy and worked to improve this current draft.

302 You know, as John Dingell has been known to say, there

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303 hasn't been a perfect law since Moses came down from the
304 mountain.

305 [Laughter.]

306 *The Chair. I urge my colleagues to advance this
307 legislation today. I look forward to continuing to work with
308 all the members, all the stakeholders to further perfect this
309 bill before it comes for a full committee markup.

310 I yield back.

311 *Mr. Bilirakis. I thank the chair. Now I will
312 recognize the gentleman from New Jersey, the ranking member
313 of the full committee, Mr. Pallone, for five minutes for an
314 opening statement.

315 *Mr. Pallone. Thank you, Chairman Bilirakis.

316 Today the subcommittee is considering three bills: an
317 updated draft of the American Privacy Rights Act discussion
318 draft; the Kids Online Safety Act; and the AM Radio for Every
319 Vehicle Act, which I introduced with Chairman Bilirakis
320 earlier this week.

321 Our bipartisan legislation on AM radios will ensure that
322 all new vehicles come equipped with AM radios. We know
323 firsthand that AM radios can be lifesavers in emergency

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324 situations when other means of communication, such as cell
325 phone towers, may be down. AM radio waves are uniquely
326 resilient and can travel long distances, making them a
327 valuable communications tool in emergencies, including when
328 we used AM radio to help coordinate relief efforts in my
329 district when hurricane Sandy ravaged our communities. So I
330 want to thank Chairman Bilirakis and Chairwoman Rodgers for
331 working with me on this important bill, and I look forward to
332 advancing it today.

333 I also appreciate the hard work that went into preparing
334 the updated draft of the American Privacy Rights Act that we
335 will consider today. We are long overdue for a comprehensive
336 national privacy law that puts people back in control of
337 their personal data. And today we are taking another
338 significant step toward that goal.

339 I will discuss the bill, the privacy bill, further when
340 it is brought up, but I do want to commend Chair Rodgers for
341 inserting language that seeks to address several of my and
342 Democrats' highest priorities. But there is still more work
343 to do, and I know we can continue to work to further
344 strengthen the bill as we advance to a full committee markup.

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345 It is absolutely critical that we get this done for the
346 American people.

347 And I will also discuss KOSA when it is called up by the
348 chairman.

349 So in closing, I am grateful to members on both sides of
350 the aisle for their hard work that helped get us here today.

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

352 *Mr. Bilirakis. Thanks so much. I appreciate that, and
353 let's get started.

354 The chair calls up the American Privacy Act discussion
355 draft, and asks the clerk to report.

356 *The Clerk. Discussion draft, American Privacy Rights
357 Act of 2024. Be it enacted by the Senate and the House of
358 Representatives of the United States of America in Congress
359 assembled. Section --

360 *Mr. Bilirakis. Without objection, the first reading of
361 the bill is dispensed with, and the bill will be open for
362 amendment at any point.

363 So ordered.

364 [The bill follows:]

365

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366 *****COMMITTEE INSERT*****

367

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368 *Mr. Bilirakis. Does anyone seek recognition to speak
369 on the underlying bill?

370 Chair Rodgers, you are recognized for five minutes.

371 *The Chair. Thank you, Mr. Chairman. I am encouraged
372 that we continue to move closer to putting people back in
373 control of their data by advancing this latest draft of the
374 American Privacy Rights Act.

375 I would like to again thank Ranking Member Pallone,
376 Subcommittee Chair Bilirakis, Subcommittee Ranking Member Jan
377 Schakowsky for their leadership, their hard work, their
378 partnership in this effort.

379 Over the past several congresses I have been working
380 diligently to develop comprehensive data privacy legislation
381 to protect all Americans, no matter their age or where they
382 live. A comprehensive data privacy law is foundational to
383 protecting our kids. We know that if we stop their personal
384 information from being fed to Big Tech, we can cut off the
385 harms at the root. And when complemented with other critical
386 kids' safety legislation, we can fundamentally change the
387 online ecosystem in a way that ensures our kids are safe and
388 are having a well-being.

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389 The draft bill before us today represents input from
390 members of this subcommittee, hundreds of constructive
391 stakeholders, and countless hours of good-faith discussions,
392 revisions, and exchanges. Today is not the end of the road,
393 but it certainly is another milestone in giving Americans the
394 privacy rights they want and deserve.

395 My sincere thank-you goes out to all the members,
396 companies, associations, advocacy organizations that were
397 thoughtful and constructive these past few weeks as we have
398 worked to refine and perfect this important bill.

399 We have intentionally kept this latest version of the
400 legislation a discussion draft, and we remain committed to
401 continuing to work to get this right between now and the full
402 committee. Sadly, there are still many who will do
403 everything they can to slow down or kill this legislation in
404 order to maintain the status quo. They hide behind advocacy
405 groups and associations, engage in scare tactics, and refuse
406 to negotiate in good faith. And we have come to expect this
407 from the likes of Big Tech, and data brokers, and hundreds of
408 advocacy groups they bankroll to do their bidding. This bill
409 was carefully crafted to go after bad actors and the business

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410 of Big Data, not Main Street businesses or innovators. To
411 say otherwise is an effort to fundamentally misunderstand the
412 legislation, or is disingenuous in the desire to achieve a
413 solution.

414 For decades, we have repeatedly heard calls from
415 American business to have a national data privacy standard.
416 Now we have a patchwork of state laws that is unsustainable,
417 and it is going to crush small businesses and medium-sized
418 businesses, and it is going to harm American competitiveness.
419 This bill achieves all of that while also giving our kids
420 long-overdue protections online. My appeal to those who have
421 been sounding the alarm that Congress must act is to join us,
422 join us in getting this signed into law, or start being
423 honest that they really don't want a viable bipartisan
424 solution.

425 Or perhaps what they really don't want to admit is that
426 they don't want to see this bill succeed, because it would
427 limit what information they can collect on people, how they
428 can use it, how they can monetize it. For those I have a
429 clear message: It is time you stop. It is time you stop
430 exploiting Americans' privacy to line your own pockets. It

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431 is time to stop harvesting our sensitive information and
432 profiling us. And it is time to stop exploiting our
433 children.

434 We are committed. I am committed to plowing the hard
435 ground necessary to legislate and continue working on behalf
436 of the American people who are urging Congress to act. So
437 let's move this legislation forward, and let's continue
438 working together in good faith to get this bill on to the
439 President's desk.

440 I yield back.

441 *Mr. Bilirakis. The chair yields back, and now we will
442 recognize the ranking member for his five minutes to speak on
443 the underlying bill.

444 You are recognized, ranking -- the full -- the ranking
445 member of the full committee.

446 *Mr. Pallone. Thank you, Mr. Chairman.

447 For decades we have sought to safeguard Americans'
448 fundamental right to privacy with a series of fragmented,
449 sector-by-sector laws, and anyone with a smartphone, laptop,
450 or tablet can tell you that we are not getting the job done.
451 Data is a valuable commodity. Big Tech and shadowy data

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452 brokers generate billions of dollars of revenue by
453 collecting, using, and selling Americans' personal
454 information, often times without them even knowing the data
455 is being collected and monetized. And without a
456 comprehensive national privacy framework in place, the
457 American people are powerless to stop this invasion of their
458 privacy.

459 As the privacy abuses mount, the American people are
460 calling on Congress to act. Seventy-three percent of adults
461 believe that they have little or no control over their data.
462 Nearly 90 percent of Americans are concerned about the social
463 media platforms processing personal information about kids.
464 For several years this subcommittee has been tackling this
465 challenge, and I believe we all want to put the American
466 people back in control of their personal data. And I am
467 committed to continuing to work to finally enshrine robust
468 privacy protections in law.

469 This current draft of the American Privacy Rights Act,
470 or APRA, was only released 36 hours ago. It is important
471 that we give legislation of this significance and complexity
472 time for review and feedback. At last month's legislative

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473 hearing, I advocated for crucial modifications to strengthen
474 APRA. I called for specific protections for children and
475 teens, including explicitly prohibiting targeted advertising
476 to kids who often cannot distinguish between advertising and
477 non-advertising content. I encouraged the chair to add a
478 provision requiring companies to identify, assess, and
479 mitigate privacy risks with respect to kids.

480 I also advocated for cracking down on the shadowy world
481 of data brokers by establishing a universal deletion
482 mechanism, empowering consumers to direct all data brokers to
483 delete their information in one fell swoop.

484 I called for the discussion draft to ensure that
485 artificial intelligence and personal data cannot be
486 weaponized to deprive people of the equal opportunity to find
487 housing, look for a job, or receive information about goods
488 and services.

489 And as I explained, the bill should reflect what we have
490 learned about AI, particularly generative AI, since ADPPA
491 moved through this committee two years ago.

492 Now, data minimization must be the foundation of any
493 privacy bill, as it limits the amount of personal information

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494 entities collect, possess, retain, or transfer to only what
495 is necessary to provide the products and services requested
496 by the consumer. So I am pleased that strong data
497 minimization requirements were in the initial APRA discussion
498 draft, and I encourage the chair to clarify that
499 advertisements are not exempt from the data minimization
500 requirement, and that research that benefits the public is
501 permitted.

502 So I want to commend Chair Rodgers for adding language
503 that seeks to address several of these highest priorities. I
504 am actively reviewing the modified language to determine if
505 my overarching policy goals have been met.

506 But there is still more work to be done. We must ensure
507 that APRA acknowledges that kids are uniquely susceptible to
508 privacy harms and deserve tailored privacy protections. We
509 need to work with stakeholders to make sure the definitions
510 of targeted advertising and other types of advertising are
511 right, and we are preventing abusive use and sharing of
512 consumers' data for advertising purposes.

513 It should also not remove the FCC's authority to
514 preserve the reliability of our communications networks,

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515 promote competition, and protect consumers from illegal
516 robocalls and other abuses.

517 So great progress has been made at this point, but we
518 are not there yet. I have no doubt that we can get this
519 done. Together, Chair Rodgers and Chair Schakowsky and
520 Bilirakis and everyone on this committee have a strong track
521 record of producing results for the American people. Nobody
522 has a better record of reining in Big Tech. In the past
523 month alone we have had two bills signed into law, a bill
524 requiring TikTok to divest from the Chinese Communist Party,
525 and my legislation with Chair Rodgers restricting the sale of
526 Americans' data to foreign adversaries.

527 So I look forward to hearing from my colleagues and
528 stakeholders so we can make the changes necessary to get this
529 discussion draft over the finish line because it is long past
530 time we give the American people back control of their
531 personal data.

532 And I yield back, Mr. Chairman.

533 *Mr. Bilirakis. Thank you. Thank you, I appreciate it.
534 And I want to thank the gentleman for, last term, getting a
535 similar bill out of the full committee. So we are going to

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536 move forward and get this across the finish line with the
537 leadership of our great Chair Rodgers.

538 I now recognize myself for five minutes to speak on the
539 bill.

540 As was mentioned previously, we have an opportunity to
541 fundamentally change the way we conduct business and activity
542 on the Internet ecosystem, and can reclaim the rights of
543 Americans who have too long been taken advantage of by Big
544 Tech companies who use and sell their information without
545 their consent.

546 The American Privacy Rights Act will ensure that, no
547 matter what state you live in, you have a guaranteed right to
548 online data privacy and security.

549 I want to thank again Chair Rodgers and her team -- we
550 got a tremendous staff here on E&C -- for their work and her
551 work, of course, on this legislative draft, and I hope we can
552 continue to move this bill along through the process.

553 I am asking each one of my subcommittee colleagues to
554 support this particular effort, and hope that we can continue
555 to engage in a productive manner to improve the bill further.

556 The American people overwhelmingly agree we must enact a

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557 national privacy law and end the practice of data brokers and
558 online platforms manipulating, selling, and abusing our
559 information without our consent. This bill ends the
560 patchwork of state data privacy laws through a Federal
561 standard, and requires significant transparency and
562 accountability for covered entities regarding the right to
563 collect, use, store, and transfer individuals' data.

564 The bill gives individuals the freedom and control for
565 how they like their data to be accessed, giving consumers
566 true choice about how they prefer to see advertisements,
567 engage with others on social networks, and conduct e-
568 commerce.

569 Further, APRA would stop discriminatory measures against
570 individuals using their personal information, and requires
571 impact assessments about algorithms and their use, preventing
572 manipulation of Americans by Big Tech or, worse, by our
573 foreign adversaries.

574 It provides significant data security standards to
575 protect against data breaches and cyber threats such as
576 hacking, requiring businesses to maintain responsibility for
577 their practices and their actions.

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578 We have made significant improvements in this version of
579 the draft, including refinements about data collected through
580 the clinical trial process; clarified language on customer
581 loyalty programs, ensuring Main Street retains that valuable
582 option; and a full prohibition on targeted advertising to
583 minors under the age of 17.

584 I also want to give special recognition to my good
585 friend and vice chairman of the subcommittee, this particular
586 one, Tim Walberg from the great state of Michigan, for his
587 steadfast leadership and tireless efforts that have spanned
588 years with regards to reforming children's online privacy.

589 In this updated version of the comprehensive privacy
590 bill we included as a new title 2 on -- reflecting Mr.
591 Walberg's priority -- to advance an update for the Children's
592 Online Privacy Protection Act, and we are improving upon
593 that, as well. We remain committed to continuing to work
594 with him and Representative Castor and others on this
595 language in a bipartisan manner.

596 So we have made a lot of progress, and we have got to
597 continue. And I am an SEC guy, but let's move those chains.
598 I know that is a Big Ten phrase, but that is the truth.

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599 So I thank the full chair, committee Chair Rodgers, for
600 her historic work on this and, again, I yield back, and we
601 are going to hear from the Michigan guy pretty soon.

602 But I yield back, and I will recognize Representative
603 Soto for his five minutes.

604 *Mr. Soto. Thank you, Mr. Chair.

605 Here we go again, a major comprehensive privacy bill
606 before us, and Americans are counting us [sic]. They are
607 counting on us to protect their data online. I fear many
608 have even given up, feeling like Congress just can't get the
609 job done. And this is exactly why we are here today, to make
610 sure we are protecting our families and our data.

611 When you look at the provisions in there, data
612 minimization is key. People have a reasonable expectation
613 that the data collected is going to be related and within the
614 scope of the services that they are asking for online.

615 It defines authorized uses of data, as well, so that
616 businesses know what they are safe to be able to use.

617 Protection of personal data. When you think of
618 everything from our biometrics to our -- literally, our
619 location that our cell phones define, our calendars, health

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620 care data, so many different things, right now there is no
621 rules of the road on them. We appreciate the opt-out
622 provisions and the denial of service bans.

623 We also have work to do to continue on the civil rights
624 protections in algorithms. We have seen for years Internet
625 companies, whether directly or through algorithms, perpetrate
626 some of redlining and other discriminatory practices.

627 And then enforcement. The FTC will do a great job. So
628 will state AGs. And we need to look at whether we are -- we
629 have the right of action at the level it needs to make sure
630 individuals can help.

631 And of course, preemption, as well. Florida just passed
632 some privacy legislation. It is not quite up to where it
633 needs to be, and so we are thrilled about the work being done
634 here.

635 Lastly, I filed an amendment today which is more for
636 discussion purposes. I had a local constituent, Alex Bugay,
637 a University of Central Florida student, whose identity was
638 totally stolen. And then social media was put up to
639 criticize and make racist comments against a Georgia state
640 legislator. This theft of his identity destroyed his life.

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641 He lost his job, he almost got kicked out of school. And it
642 has become a huge news story in central Florida, which is why
643 I filed the SHIELD Act, which I hope to get as part of the
644 amendments in the next round as we go to the full markup,
645 which is to help protect folks against their identities being
646 stolen for libel or slanderous or other criminal action, and
647 that they will either have the ability to put up a community
648 note or at the -- ideally, that they have the ability to take
649 down this information.

650 So I look forward to working with colleagues on both
651 sides of the aisle on this really important measure to
652 protect families across the nation and our data online, and I
653 yield back.

654 *Mr. Bilirakis. Thank you. I appreciate it. The
655 gentleman yields back now. Now I will recognize Dr. Bucshon
656 from the great State of Indiana. I guess he is a Big Ten
657 guy, too.

658 *Mr. Bucshon. I am. Thank you, Mr. Chairman. I move
659 to strike the last word on the underlying bill.

660 Today states across the United States and nations across
661 the globe have recognized the importance of establishing

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662 rules of the road for how the data of their constituents is
663 used and regulated. I am glad that Indiana is one of those
664 states. Now it is time for Congress to act at a national
665 level.

666 I want to thank Chair McMorris Rodgers for working to
667 get a much-needed Federal framework for data protection in
668 place, and I am pleased with many of the changes that
669 occurred from the initial discussion draft to what we are
670 considering today. I have the following thoughts.

671 On clinical health trial and medical research data,
672 research doesn't begin and end in the clinic. Data obtained
673 from patients post-FDA approval and post-administration are
674 important to feedback into the R&D process. Provisions
675 related to the use of this data derived outside of the
676 clinical trial setting to derive R&D insights and provisions
677 related to the collection and use of this data to comply with
678 FDA-mandated reporting requirements should be considered as
679 part of this text.

680 Additionally, the draft legislation limits the general
681 scientific research exemption to efforts that are public and
682 peer-reviewed, which, in my view, is somewhat restrictive and

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683 doesn't account for much of the research that industry does
684 to develop lifesaving drugs and treatment. And I think we
685 can work with that to get that improved.

686 I am also concerned a little bit about the way the
687 legislation defines data brokers, which includes the
688 processing of covered data as a trigger to be classified as a
689 data broker. None of the individual state laws that have
690 been enacted to date deem an entity that processes data as a
691 data broker if they do not go on to transfer or sell that
692 data. Overscoping this definition could have negative
693 consequences for many who simply provide their own users an
694 intended service.

695 Another issue I think that still needs addressed
696 pertains to the definition of on-device data. This
697 legislation should exempt data that remains on technological
698 devices such as automobiles that is not accessed by their
699 manufacturer or transferred to other entities. Using
700 vehicles as an example, many onboard computer systems and
701 sensors control the basic operations and safety function of
702 vehicles. So long as this technical data is not sold or
703 transferred outside the vehicle, it should be exempt.

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704 Again, I think we have made a lot of progress, and I am
705 committed to a national data privacy law, and I am very
706 pleased with the progress we have made in the American
707 Privacy Rights Act discussion draft we are considering today.
708 I look forward to continue working to enact a national data
709 privacy framework that establishes clear protections for how
710 Hoosiers' data can be used, gives citizens of Indiana control
711 over their own data, and promotes innovation throughout our
712 country.

713 Thank you, and I yield back.

714 *Mr. Bilirakis. The gentleman yields back. Now I will
715 recognize the ranking member of the subcommittee, Ms.
716 Schakowsky, for her five minutes, and she is going to speak
717 on the bill.

718 *Ms. Schakowsky. Thank you, Mr. Chairman. I want to go
719 back to this issue of biometric data.

720 We are talking here about information that is unique to
721 each individual. And so when we don't do anything to
722 disallow the gathering of information like fingerprints or
723 DNA, then all people are vulnerable. They can't do anything
724 to change the basic data that could be collected. And I am

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725 so happy that Chairman Rodgers said that she would agree to
726 work with us on dealing with this.

727 Let me just give you -- one example is profiling that
728 can occur at a grocery store, where, for example, where
729 pictures are taken of someone, and this kind of activity has
730 actually ended up where people are wrongfully even arrested
731 for shoplifting or for something, and that it is most likely
732 to happen and has happened to people of color.

733 So it seems to me very important that we consider this
734 vulnerability and include it in the legislation, and I look
735 forward for that to happen.

736 And with that I yield back.

737 *The Chair. Would the gentlelady yield, please?

738 *Ms. Schakowsky. Yes.

739 *The Chair. Yes.

740 *Mr. Bilirakis. You are recognized.

741 *The Chair. Thank you, and I share the concern around
742 the collection of biometric and genetic information.

743 I do want to point everyone to the legislation. We do
744 have provisions that are, I believe, strong, perhaps even
745 stronger than what was in the bill that passed out of this

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746 committee last year. But I am committed to continuing to
747 work to make sure that the provisions around protecting
748 biometric and genetic information are as, you know, as strong
749 as they need to be.

750 And so I will yield back.

751 *Mr. Bilirakis. Does the gentlelady yield back?

752 *Ms. Schakowsky. Yes.

753 *Mr. Bilirakis. Okay, she yields back. Now I will
754 recognize Mr. Walberg from the great state of Michigan for
755 his five minutes. He is going to speak on the bill, as well.

756 *Mr. Walberg. Thank you, Mr. Chairman. I want to
757 sincerely thank Chair Rodgers and the committee for their
758 ongoing work to establish a comprehensive privacy law. This
759 is no easy task, as we all know. Unfortunately, I do have
760 some concerns about the legislation as it currently is
761 drafted.

762 Protecting children and teens online is one of the top
763 priorities for parents across the country. We are facing a
764 youth mental health crisis and a suicide crisis because
765 social media companies are not looking out for the well-being
766 of our kids. Instead, more data equals more targeted ads,

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767 which equals more revenue, no matter the cost or the harm to
768 young people.

769 It is crucial that we cut these practices off at the
770 root and in a way that is straightforward, functional, and
771 strong. This is why I and Representative Castor introduced
772 the Children and Teens Online Privacy Protection Act, or
773 COPPA 2.0. The legislation is a robust update to the only
774 Federal children's privacy framework on the books. It is a
775 long-negotiated, bipartisan, bicameral bill with nearly 100
776 organizations supporting it. They include advocates on all
777 sides of the political spectrum, as well as groups that
778 represent our constituents, our teachers, our parents, our
779 doctors, and so many others.

780 COPPA 2.0, which is led in the Senate by Senators
781 Markey, Cassidy, Cruz, and Cantwell -- a distinguished group
782 there -- is the update we need, along with KOSA, led by my
783 friend, Chairman Bilirakis. I believe COPPA 2.0 has a clear
784 path forward in the Senate, due to its significant bipartisan
785 and stakeholder support. The legislation would raise the age
786 to 16, ban any targeted advertising to minors, update the
787 outdated knowledge standard, establish strong data

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788 minimization requirements, and create an eraser button for
789 parents and teens to have true control.

790 Unfortunately, at this point this is not COPPA 2.0 in
791 the discussion draft. It has the skin, but not the meat and
792 the bones. While I appreciate that APRA incorporated some
793 updates to COPPA, more of COPPA 2.0 needs to be included or
794 advanced separately to better increase privacy protections
795 for young people.

796 First, the APRA draft legislation eliminates provisions
797 of COPPA 2.0 that would have raised the age of protection to
798 16. We have all heard testimony and countless heartbreaking
799 personal stories of why teenagers are the most vulnerable
800 group when it comes to the harmful and manipulative data
801 practices by Big Tech. I understand that APRA includes
802 teenagers in the definition of a covered minor for title 1,
803 but raising the age of protection specifically for COPPA is a
804 necessary update that allows greater clarity and targeting
805 for the unique protections and options that should be granted
806 to minors and their parents.

807 Additionally, APRA needs to update the actual knowledge
808 standards so we can move past a standard that has been in

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809 place since the late 1990s. I know the committee is aware
810 and understands this need, as it has been previously
811 discussed in KOSA -- never could say -- and COPPA 2.0.

812 Lastly, I am also concerned that, with the definition of
813 targeted advertising as it stands, there are loopholes that
814 platforms and websites could exploit to continue pushing
815 targeted ads to minors. Keeping the prohibition on targeting
816 -- or targeted advertising within the update of COPPA allows
817 more flexibility to be specific to minors, and close those
818 loopholes without threatening the ability of businesses to
819 provide targeted ads to adults.

820 Again, I sincerely support the chair's efforts to
821 establish a much-needed comprehensive privacy law. This is a
822 massive undertaking that she has been working on since she
823 stepped into her role on Energy and Commerce. For her, this
824 issue is personal, and I so appreciate the work that she and
825 staff have done to better protect all Americans online. We
826 have already seen some promising updates made since the
827 legislative hearing, and are encouraged by its progress, but
828 we need to be vigilant in making sure that we are not
829 unintentionally moving away from stronger privacy protections

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830 for children and teenagers in our effort to increase online
831 privacy.

832 I think all members of the committee agree minors should
833 be treated differently, and have a privacy framework that
834 accounts for their unique harms and developmental needs. I
835 still believe the best and most straightforward way of
836 accomplishing this is COPPA 2.0. I hope I can continue
837 working with the committee on a path forward to see my
838 legislation addressed more adequately so we can work toward a
839 goal we all share: protecting young people online.

840 Thank you, I yield back.

841 *Mr. Bilirakis. The gentleman yields back. Now I will
842 recognize Ms. Kelly for your five minutes with regard --
843 speaking on the bill, the underlying bill. You are
844 recognized.

845 *Ms. Kelly. Mr. Chair, I move to strike the last word.

846 *Mr. Bilirakis. You are recognized.

847 *Ms. Kelly. For starters, I want to thank my colleagues
848 and all the staff for the hard work that has been done to
849 craft a Federal privacy bill that establishes national data
850 privacy rights for Americans. The American Privacy Rights

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851 Act makes important gains as it relates to protecting
852 Americans' data privacy acts [sic].

853 Importantly, APRA has critical data minimization
854 provisions that limit the type of data that companies can
855 collect, keep, and use to what companies need to provide for
856 products and services. APRA also gives Americans greater
857 control over their data by requiring companies to let people
858 access, correct, delete, and export their data.

859 Additionally, I appreciate APRA's inclusion of language
860 to provide stronger protections to address the youth mental
861 health crisis by prohibiting certain data practices that
862 exacerbate harmful algorithms targeting America's children
863 and teenagers.

864 I also applaud APRA's inclusion of civil rights
865 protections that prohibit companies from using Americans'
866 personal information to discriminate against them. This is
867 especially important to me because, as I said during the
868 April 17 IDC Subcommittee hearing, privacy rights are civil
869 rights because, in the era of big data, personal information
870 can be weaponized for digital redlining. Studies have found
871 that mortgage algorithms were 80 percent more likely to

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872 reject Black applicants than White applicants with similar
873 characteristics. Auto insurance algorithms increasingly
874 assess applicants based on socioeconomic factors and less on
875 their driving behavior. And retailers use facial recognition
876 technology that erroneously accused customers of shoplifting
877 and falsely flagged women and people of color at higher rates
878 than other shoppers.

879 However, I do have concerns with APRA, and I think
880 further changes should be considered. That said, it has been
881 difficult for me and my staff to review a 174-page bill in a
882 little over 24 hours. So like many others, we are still
883 trying to understand everything that is in this bill.

884 For starters, it is my understanding that APRA, unlike
885 ADPPA from the 117th congress, does not afford consumers the
886 right to seek relief in the courts for companies collecting,
887 processing, retaining, and storing sensitive data not
888 necessary to provide a product or service. That may be data
889 about one's race, religion, sex, health, or geolocation.

890 Further, I join some of my colleagues in the concerns
891 raised by 15 state attorney generals in a May 8 letter also
892 signed by Illinois Attorney General Kwame Raoul around APRA's

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893 intended or unintended impact on states attorneys general
894 enforcement capabilities. Specifically, it appears that APRA
895 could impede or prohibit a state attorney general's ability
896 to use civil investigative demands under their consumer
897 protection authority to demand documents or information when
898 there could have been a violation of the law.

899 This concern stems from section 120, subdivision C,
900 which provides that a violation of this act or a regulation
901 promulgated under this act may not be pleaded as an element
902 of any violation of any state common law or any state
903 statutory law. I believe this could be a shift in the status
904 quo, and that, as pointed out by the May 8 letter, ordinarily
905 a violation of a Federal law or standard could also be a
906 violation of state consumer protection law. Consequently, my
907 concern is that this language could limit states' attorney
908 generals' investigatory powers when there are violations of
909 such laws.

910 Lastly, I would also like to voice my continued
911 disappointment in the lack of inclusion of privacy icons next
912 to short-form notices, something I advocated for with the
913 ADPPA. I believe more can be done to ensure consumers

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914 understand what they are agreeing to with these privacy
915 policies, which is why I have supported adding privacy icons
916 to privacy policies so consumers can be aided by a visual
917 representation of how their data is treated.

918 In closing, it is my view that explainable privacy icons
919 are key to data transparency and ensuring consumers
920 understand their options when agreeing to company privacy
921 policies. For these reasons, while I am encouraged by the
922 work that has been done, I urge my colleagues to agree to
923 continue to work on this bill before it heads to a full
924 committee markup. Lacking the necessary changes raised by me
925 and others, I am not yet sure that I can support this privacy
926 legislation, should it be considered at a full committee
927 markup.

928 Thank you, and I yield back.

929 *Mr. Bilirakis. The gentlelady yields back. Now, does
930 anybody on the Republican side wish to speak on the bill?

931 Okay, I will recognize Representative Castor for her
932 five minutes, and she is going to speak on the bill.

933 I appreciate it very much. You are recognized.

934 *Ms. Castor. Thank you, Mr. Chairman.

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935 It is urgent that we adopt a modern data privacy law to
936 protect the personal information of all Americans, and I
937 truly appreciate the work of Chair Rodgers and Ranking Member
938 Pallone and my good friend, Chair Bilirakis, and Ranking
939 Member Schakowsky.

940 And it has been music to my ears that you are saying
941 this morning that this discussion draft will be strengthened
942 from this point forward, because Big Tech platforms track
943 everything we do, everywhere we go, everything we buy online.
944 They use that information to manipulate us, to exploit us.
945 And this manipulation is particularly harmful to children and
946 adolescents.

947 The American Academy of Pediatrics says on -- data
948 collection from children and teens on a vast scale allows
949 companies to monitor, track, and target young people with
950 advertisements and content that exploit their developmental
951 vulnerabilities for commercial gain. Research indicates that
952 the use of data to target children and adolescents with
953 highly personalized behavioral advertising and user
954 experiences is not developmentally appropriate because they
955 have not yet developed mature critical thinking skills or

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956 impulse inhibition.

957 Kids are very lucrative to these Big Tech platforms.
958 They are ripe targets for a wide range of online actors, from
959 child sexual abuse, cyber bullies, drug dealers, and scam
960 artists. And parents and kids need help. They need this
961 Congress to finally pass a modern privacy law and to update
962 the Children's Online Privacy Protection Act, which hasn't
963 been changed for 25 years. Big Tech platforms use every
964 method possible to keep our kids online and addicted so that
965 they can pocket huge profits.

966 And the mental health repercussions for our kids are
967 staggering. The mental health -- the American Psychological
968 Association has issued a mental health advisory, similar to
969 what the U.S. surgeon general has done. Almost half of the
970 teens in the U.S. have experienced bullying or harassment
971 online. Between 2010 and 2019 teen depression rates doubled,
972 with teenage girls seeing the sharpest increase. In 2021
973 almost a third of girls said that they are seriously
974 considering attempting suicide.

975 And this committee has heard directly from
976 whistleblowers, including the Facebook whistleblower Frances

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977 Haugen and others, that the platforms know this. They know
978 that their platforms are causing harm, but the kids are just
979 too lucrative for them to change how they do business. So it
980 is long past time for Congress to step in.

981 I know many of you have probably tuned in to Jonathan
982 Haidt and his new book, "The Anxious Generation: How the
983 Great Rewiring of Childhood Is Causing an Epidemic of Mental
984 Illness.'" I think one of the reasons what he is saying is
985 so resonant with parents like me and many across the country
986 -- and I hear it in Chair Rodgers, what she says -- because
987 we have watched this, we have watched the changes over time.
988 We saw the rise of social media and these platforms, and how
989 they skirt the law.

990 That is why I am so very disappointed, very disappointed
991 with how ineffective and weak the APRA discussion draft is
992 when it comes to kids. I echo the concerns of my good
993 friend, Mr. Walberg, who has worked for many years on this.
994 For many years we have had the -- I have introduced the Kids
995 Privacy Act. We have a bipartisan bill, COPPA 2.0, that has
996 stakeholders, parents, advocates' endorsement across the
997 spectrum.

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998 One of the pathways forward is to bring up COPPA 2.0 and
999 pass it. The other way forward is to incorporate it into
1000 APRA. The discussion draft completely fails to include
1001 important protections. It removes the -- COPPA 2.0's
1002 knowledge standard entirely, and it would now only apply to
1003 websites and apps that are directed to children, excluding
1004 those platforms that -- where -- platforms that know a user
1005 is a minor. APRA includes a weak definition of targeted
1006 advertising that would allow many websites and apps to
1007 continue serving targeted ads to children and teens. These
1008 issues are critical to modernizing current law to reflect the
1009 tech-driven world that we live in.

1010 So Chair Rodgers, I hear your offer and, Mr. Bilirakis,
1011 I hear your offer to continue to work on this. I trust you.
1012 We are going to move forward. But as this bill stands now,
1013 it really fails kids and teens and families, and we have our
1014 work cut out for us.

1015 I yield back.

1016 *Mr. Bilirakis. The gentlelady yields back. So who
1017 seeks recognition on the bill, the underlying bill? Anyone
1018 on the Republican side?

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1019 All right, I will go with the Democrat side. And
1020 Representative Dingell, you are recognized for five minutes
1021 to speak on the bill.

1022 *Mrs. Dingell. Thank you, Mr. Chairman. I move to
1023 strike the last word.

1024 Privacy --

1025 *Mr. Bilirakis. You are recognized.

1026 *Mrs. Dingell. Thank you. Privacy is a fundamental
1027 right, and I am encouraged by the desire of my colleagues to
1028 make real, bipartisan progress on comprehensive privacy
1029 legislation.

1030 Any comprehensive privacy bill that comes out of this
1031 committee has to do the following things: keep kids safe
1032 online, as so eloquently expressed by my colleague; empower
1033 individuals to be the ultimate arbiter of their data and how
1034 it is used; protect sensitive and personal information from
1035 being misused; clarify the role and the expectations in the
1036 collection, processing, and transfer of data; and provide
1037 accountability measures for lapses in offering these
1038 protections, which have become all too commonplace. No
1039 consequences.

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1040 Consumers care about how their data is used, and I am
1041 supportive of this ongoing process and the tangible progress
1042 we have made in the American Privacy Rights Act. I thank my
1043 colleagues for the commitment to strengthening these
1044 protections.

1045 But there is still work to be done. We have made
1046 significant bipartisan progress on both sides of the aisle to
1047 find solutions for sensitive data categories and data
1048 minimization. These efforts are needed to protect consumer
1049 privacy. We must continue to focus on ensuring that the data
1050 minimization provisions in this bill allow only the
1051 collection, use, retention, and transfer of necessary data,
1052 reducing misuse risks, and enhancing consumer trust.

1053 Protections for sensitive data such as health and
1054 financial information are particularly important, and we need
1055 to make sure consumers understand when they are looking at
1056 what could be released. I think it became real to too many
1057 consumers who just get gobbledygooked when they read in The
1058 New York Times that General Motors was selling their
1059 information to an insurance company, and their insurance
1060 rates were going up. That is not right.

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1061 We must ensure that the permissible purposes for using
1062 consumers' data are consistent with people's expectations and
1063 benefit, rather than harm consumers. For example, covered
1064 entities such as automakers need some data to continue to
1065 keep people safe. Automakers need to use and retain some
1066 data that is linked to car owners, such as VIN numbers, to
1067 push the quality improvements to the correct vehicles and to
1068 perform quality research and improve vehicle quality, but not
1069 sell data or give data to people they don't know what it is
1070 going to.

1071 Additionally, we must ensure fairness and audit and
1072 review requirements for data holders while also addressing
1073 the threat of foreign adversaries accessing our consumer
1074 data. Building on bipartisan efforts like Protecting
1075 America's Data from Foreign Adversaries Act, which we passed
1076 out of this committee and President Biden signed into law, we
1077 must enforce strict protections against transferring
1078 sensitive data to foreign adversaries.

1079 I have filed an amendment that further limits foreign
1080 adversaries' access to Americans' sensitive information. I
1081 won't be offering it or seeking a vote on the amendment

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1082 today. I look forward to working with members on both sides
1083 of the aisle to ensure this important priority is addressed
1084 prior to full committee markup.

1085 And I also continue to be concerned about how we use
1086 data that could contribute to domestic violence.

1087 As I said at the outset, all of us can agree we need
1088 comprehensive privacy reform. The American Privacy Rights
1089 Act is a major step in the right direction, and will protect
1090 consumers across the country. I want to thank my colleagues
1091 on both sides of the aisle for their collaboration on this
1092 legislation, and I will work with everyone to help get it
1093 across the finish line.

1094 Thank you, Mr. Chairman, and I yield back.

1095 *Mr. Bilirakis. The gentlelady yields back. I
1096 appreciate that. And does anyone seek recognition on the
1097 Republican side --

1098 *Mrs. Harshbarger. Mr. Chairman?

1099 *Mr. Bilirakis. -- to speak on the bill?

1100 Yes, you are recognized.

1101 *Mrs. Harshbarger. Thank you, Mr. Chairman. I move to
1102 strike the last word.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1103 *Mr. Bilirakis. You are recognized.

1104 *Mrs. Harshbarger. You know, I am happy to see that we
1105 are making progress with this legislation, and I am proud of
1106 the work this committee and our chairwoman has done in
1107 negotiating the bipartisan draft. I know it is not perfect,
1108 as nothing ever is, but I know there needs to be bipartisan
1109 compromise to get this across the finish line.

1110 But this is not a finished product yet, and we are going
1111 to keep working. And because this legislation is too
1112 important not to get right, with that, Mr. Chairman, I
1113 encourage my colleagues to advance this important bill to the
1114 full committee. And with that, sir, I yield back.

1115 *Mr. Bilirakis. I appreciate that. Thank you.

1116 The gentlelady yields back. Does anybody seek
1117 recognition on the Democrat side?

1118 All right, Mrs. Trahan, you are recognized for five
1119 minutes to speak on the bill.

1120 *Mrs. Trahan. Well, thank you, Chair Bilirakis, and I
1121 sincerely appreciate the hard work that you, Chair Rodgers,
1122 Ranking Member Schakowsky, and Ranking Member Pallone have
1123 put in to bring this legislation forward.

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1124 This legislation is already stronger than it was at
1125 introduction, and I am glad to see the changes I suggested
1126 have been included in the latest draft to ensure that
1127 consumers can delete their data held by data brokers, and
1128 that public interest in peer-reviewed research is restored as
1129 a permitted purpose under the privacy law.

1130 I would like to submit for the record this letter from
1131 the Center for American Progress and numerous researchers
1132 pushing for the restoration of that important permitted
1133 purpose.

1134 And while a lot of progress has been made, I filed --

1135 *Mr. Bilirakis. Without objection --

1136 *Mrs. Trahan. Thank you.

1137 *Mr. Bilirakis. -- so ordered.

1138 [The information follows:]

1139

1140 *****COMMITTEE INSERT*****

1141

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1142 *Mrs. Trahan. I filed a few amendments highlighting
1143 some particular areas where the bill still has room to
1144 improve, and I hope that we can work to address these issues
1145 at full committee markup.

1146 I join Representative Kelly in her concern about the
1147 bill's potential impact to state attorney general
1148 investigative authority. We have to ensure that our state
1149 AGs can investigate potential APRA violations through civil
1150 investigative demands before bringing a suit. I filed an
1151 amendment to clarify that the preservation of state AG
1152 investigatory authority in section 118 of APRA applies to the
1153 entire privacy law, ensuring that no other provision of the
1154 title can be construed to limit that authority.

1155 I have also filed an amendment to clarify that data
1156 brokers do not get a free pass to sell our personal
1157 information and ignore the privacy law just because they are
1158 in part consumer reporting agencies. When a consumer
1159 reporting agency starts brokering our personal data for
1160 targeted advertising, they should be considered a data broker
1161 under the law. My amendment makes that crystal clear.

1162 Finally, I have also filed an amendment to further

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1163 support the efforts of public interest researchers who,
1164 despite numerous structural barriers, work hard every day to
1165 bring transparency and accountability to online platforms.

1166 I would like to submit for the record another letter
1167 from numerous public interest researchers and organizations
1168 urging the committee to take stronger action to bring
1169 transparency to Big Tech.

1170 *Mr. Bilirakis. Without objection, so ordered.

1171 [The information follows:]

1172

1173 *****COMMITTEE INSERT*****

1174

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1175 *Mrs. Trahan. Thank you.

1176 And my final amendment, which establishes a safe harbor
1177 for public interest privacy protective platform research,
1178 allows researchers to collect publicly available data from
1179 online platforms without fear of violating the platform's
1180 terms of service.

1181 Time and time again, social media platforms use their
1182 terms of service to threaten, intimidate, and harass
1183 independent researchers to stifle them from sharing honest
1184 truths about their platforms' impacts on youth mental health,
1185 online safety, and harassment. This amendment would put a
1186 stop to it, and I hope we can include it in the bill going
1187 forward.

1188 And last, but not by any means least, I am glad that the
1189 committee is including COPPA 2.0 in APRA, and seeking to
1190 improve protections for children's privacy, as well. But it
1191 is important that key provisions of COPPA 2.0 are not lost in
1192 the transition to the comprehensive privacy law. I am a mom,
1193 too. One of COPPA 2.0's most impactful changes is the
1194 expansion of its privacy protections to teenagers, as well as
1195 children, and the bill also has a stronger definition of

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1196 targeted advertising that better protects minors' privacy.

1197 There is a lot of work to be done to fully realize the
1198 benefits of COPPA 2.0 and properly integrate it into APRA,
1199 and I hope the chair will commit to working with
1200 Congresswoman Castor and me and so many others on this
1201 important effort.

1202 Thank you, I yield back.

1203 *The Chair. Would the gentlelady yield?

1204 *Mrs. Trahan. Yes, yes.

1205 *The Chair. Thank you, thank you. I am -- I just want
1206 everyone to know I am fully committed to working with you,
1207 with Representative Castor, with Ranking Member Pallone, with
1208 Representative Walberg on strengthening the provisions around
1209 COPPA 2.0. I think there is -- it is very important that we
1210 get COPPA, as much as we can, get it incorporated and get it
1211 to work well with the underlying American Privacy Rights Act.

1212 So I am committed, and I hope everyone else is
1213 committed, too. Let's get it done.

1214 I yield back.

1215 *Mr. Bilirakis. The gentlelady yields back. Now does
1216 anybody on the Republican side seek recognition to speak on

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1217 the bill?

1218 Seeing none, I understand we have -- yes, Representative
1219 Clarke, you are recognized to speak on the bill.

1220 *Ms. Clarke. Thank you, Mr. Chairman. I thank the
1221 chairwoman of the committee, as well as Ranking Member
1222 Schakowsky and Ranking Member Pallone.

1223 And while I am relieved that we are finally moving
1224 forward with comprehensive data privacy legislation in this
1225 Congress, I would remind my colleagues that process really
1226 matters. The work we are doing is too important, way too
1227 important, and we must move forward in an open, bipartisan
1228 manner that gives members on both sides of the aisle
1229 sufficient time to review changes to major legislation and
1230 offer thoughtful feedback and amendments.

1231 That being said, I was pleased to see that important
1232 provisions on civil rights and algorithms were included.

1233 However, just as I voiced at the legislative hearing on
1234 the previous discussion draft, there are issues with the
1235 definition of key terminology in this bill. The current
1236 definition used for targeted advertising, in particular,
1237 really needs to be tightened up. And further, I would -- I

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1238 appreciate the addition of consequential decision, but I
1239 worry that term, as currently defined in the bill, may not be
1240 sufficient. To that end, I am working on legislative
1241 language to improve and strengthen the bill, and once again
1242 urge my colleagues to move forward with as much transparency
1243 as possible as this bill works its way through the committee.

1244 I want to also add my voice to that of Congresswoman
1245 Kathy Castor and, of course, Lori Trahan, and many others who
1246 have voiced their concern about putting as strong a backing
1247 behind the COPPA legislation as we can to the benefit of our
1248 children. The monetization of their lives starts, you know,
1249 pretty early on. And we can only imagine, as they proceed in
1250 life, what the consequences of that level of engagement and
1251 intrusion into their lives will mean for them as adults. And
1252 we know that vulnerable communities are counting on us to get
1253 this right.

1254 So I stand at the ready to work with my colleagues on
1255 both sides of the aisle and make sure we are putting forth a
1256 Federal data privacy standard worthy of the American people.

1257 With that, Mr. Chairman, I yield back.

1258 *Mr. Bilirakis. The gentlelady yields back. Are there

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1259 any further comments? Does anyone wish to speak on the bill?

1260 All right, let's get started. Let's get into the
1261 amendatory process. Does anyone seek to offer an amendment?

1262 Yes, Representative Obernolte, you are recognized to
1263 offer an amendment.

1264 *Mr. Obernolte. Mr. Chairman, I have an amendment at
1265 the desk designated Obernolte_64.

1266 *Mr. Bilirakis. The clerk will report the amendment.

1267 *The Clerk. Amendment to discussion draft offered by
1268 Mr. Obernolte of California. Page 35, strike line 12 and all
1269 that follows through line --

1270 *Mr. Bilirakis. Without objection, the reading of the
1271 amendment is dispensed with.

1272

1273

1274

1275 [The amendment of Mr. Obernolte follows:]

1276

1277 *****COMMITTEE INSERT*****

1278

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1279 *Mr. Bilirakis. And Representative -- you are
1280 recognized to -- for five minutes in support of your
1281 amendment.

1282 *Mr. Obernolte. Well, thank you, Mr. Chairman, and I
1283 would like to thank you and our full committee chairwoman for
1284 the open and inclusive process that you have used in
1285 developing this bill. This is a topic that is very important
1286 to me and that I have had a lot of engagement in. When we
1287 drafted the California Consumer Privacy Act in California
1288 several years ago, I was one of the leads involved with that.
1289 And I want to make sure that we get this process right, that
1290 we incorporate the lessons that we learned in California when
1291 approaching this topic, and that we also avoid some of the
1292 mistakes that were made there. And that is why I am so
1293 appreciative of the fact that you have been so open and
1294 inclusive in this process.

1295 One of the things that I think is critically important
1296 when we approach this issue is that we distinguish between
1297 small businesses and larger businesses. It is very clear. --
1298 I mean, this bill is already 174 pages, likely to get even
1299 longer. That is a lot of regulatory complexity for two

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1300 people in a garage to deal with who are trying to start the
1301 next Google. So it is critical that we differentiate what
1302 our requirements are, based on the size of the company. And
1303 that is why I think it is very important that we get the
1304 definition of small business right.

1305 So this amendment makes an important change to that.
1306 First, it inflation indexes the gross receipts. That is one
1307 of the tests for the small business under this bill. We are
1308 trying to craft something that is durable here that Americans
1309 can rely on to protect their privacy for generations to come.
1310 I think that that definition, because of inflation, has got
1311 to be inflation-indexed. And so it makes that change.

1312 Another change that I think is very important is in the
1313 following section, when it -- as regards the number of
1314 individuals' covered data that an entity can store before no
1315 longer being considered a small business. Right now that
1316 level is set at 200,000. Let me tell you why that might be a
1317 problem.

1318 *Mr. Bilirakis. Yes.

1319 *Mr. Obernolte. It has taken -- from my own experience
1320 in a career in video game development, there are lots of

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1321 small video game developers that are just a couple of people
1322 working out of their homes that might create a very simple
1323 mobile game that you can play on your phone, and they might
1324 charge \$0.99 for it. If 200,000 people bought that game at
1325 \$0.99, that is only an annual revenue of \$200,000, not even
1326 close to \$40 million. And yet this game might include a
1327 leader board that displays a user's score next to their name.
1328 And under this bill that is arguably covered data.

1329 So those two people would no longer meet the definition
1330 of small business, and I don't think that that was the intent
1331 of this committee. So I would suggest that that test, that
1332 two-pronged test, be "or" instead of "and." In other words,
1333 you have to -- either you have to both have a gross revenue
1334 over 40 million and store more than 200,000 people's covered
1335 data.

1336 So that is the substance of the amendment. I think it
1337 is worthy of consideration. I understand that the intention
1338 here is not to have votes as we move towards a full committee
1339 markup. And in the spirit of that, and a desire to see us
1340 continue having this discussion, I will withdraw that for
1341 today.

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1342 I yield back, Mr. Chairman.

1343 *Mr. Bilirakis. The gentleman wishes to withdraw his
1344 amendment?

1345 *Mr. Obernolte. Yes, sir.

1346 *Mr. Bilirakis. All right. Are there further
1347 amendments?

1348 You are recognized.

1349 *Mr. Obernolte. I have an amendment at the desk
1350 designated Obernolte_59.

1351 *Mr. Bilirakis. The clerk will report.

1352 *The Clerk. Amendment to discussion draft offered by
1353 Mr. Obernolte of California. Page 35, line 22 --

1354 *Mr. Bilirakis. Without objection, the reading of the
1355 amendment is dispensed with.

1356 [The amendment of Mr. Obernolte follows:]

1357

1358 *****COMMITTEE INSERT*****

1359

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1360 *Mr. Bilirakis. And Representative Obernolte is
1361 recognized for five minutes in support of his amendment.

1362 *Mr. Obernolte. Thank you very much, Mr. Chairman.
1363 This is another amendment to -- in the definition of small
1364 business that was suggested by the committee staff as a way
1365 of perhaps solving the problem that we just talked about,
1366 where we are dealing with a business that is storing
1367 information that is not necessarily sensitive information,
1368 and that would include things like someone's score in a video
1369 game.

1370 This would add the word "sensitive'" to that definition
1371 to make it clear that what we really care about is the
1372 storage of sensitive information. And if you are storing
1373 information that is not sensitive, that a little bit more
1374 leeway can be exercised in defining you a small business. So
1375 I think this is a very worthwhile amendment to consider, and
1376 I hope that it will be incorporated in the draft moving
1377 forward.

1378 But for today I will withdraw it, and let me just say I
1379 had a number of other amendments here that I think are
1380 important, but in the spirit of expediency and working

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1381 towards getting a full committee markup that is the last
1382 amendment I will be offering today.

1383 I yield back.

1384 *Mr. Bilirakis. I appreciate that very much. The
1385 gentleman withdraws the amendment. Are there any further
1386 amendments to the bill?

1387 Then let's proceed on final passage. Is there any
1388 further discussion on the particular bill?

1389 If there are no further discussion on either side, the
1390 vote occurs on forwarding the discussion draft to the full
1391 committee.

1392 All those in favor shall signify by saying aye.

1393 All those opposed?

1394 The ayes have it, and the discussion draft is agreed to.

1395 The chair calls up H.R. 7891, and asks the clerk to
1396 report.

1397 *The Clerk. H.R. 7891, a bill to protect the safety of
1398 children on the Internet.

1399 *Mr. Bilirakis. Without objection, the first reading of
1400 the bill is dispensed with, and the bill will be open for
1401 amendment at any point.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1402 So ordered.

1403 [The bill follows:]

1404

1405 *****COMMITTEE INSERT*****

1406

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1407 *Mr. Bilirakis. Does anyone seek recognition to speak
1408 on the bill at this particular time?

1409 I am going to recognize myself for five minutes to speak
1410 on the bill.

1411 Okay, so I urge my colleagues to support Kids Online
1412 Safety Act, legislation that will shift the paradigm of
1413 responsibility when it comes to online safety from families
1414 to Big Tech companies who have repeatedly failed to
1415 adequately protect kids who use their platforms.

1416 Unfortunately, we have seen a disturbing spike in rates
1417 of depression, self harm, and suicide attempts and death
1418 among teens, with teen depression in particular rising by
1419 more than 60 percent since 2011, according to the CDC. This
1420 coincides with the same period that social media and
1421 smartphones use -- the use has exploded, folks, it is
1422 unacceptable -- and these trends are cause for alarm and
1423 action. KOSA provides significant reforms to the way these
1424 online products are offered to children by requiring them to
1425 ensure their design features mitigate against these harms we
1426 have seen among youth.

1427 At our legislative hearing we heard testimony from Ava

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1428 Smithing -- and the chair actually brought this up -- and she
1429 was representing the Young People's Alliance, and she shared
1430 her story about her battle with eating disorders that were
1431 perpetuated by Instagram's algorithms, filter bubbles, and
1432 use of her data to serve ads that made the problem even
1433 worse. I know many of us have also met with survivor
1434 families who have tragically had children succumb to worse
1435 fates.

1436 I have heard stories from Jennifer Mitchell in my
1437 district in Pasco County, Florida, whose son, Ian, died after
1438 attempting a dangerous online challenge on Snapchat, and
1439 Cheryl McCormick Brown in my home county of Pinellas, whose
1440 daughter, McKenna, died by suicide after being cyber-bullied
1441 and harassed on social media. And the Nasca family from Long
1442 Island who lost their son, Chase, because of TikTok's
1443 algorithms pushing him to suicide. I commend these moms for
1444 being willing to turn their sorrow into action to improve
1445 online safety.

1446 And we have heard you, and we are responding to this.

1447 Sadly, these stories are too common, ladies and
1448 gentlemen, and we must do more to stop addiction, depression,

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1449 and wrongful deaths. The Kids Online Act is a significant
1450 step forward in holding these online platforms accountable.
1451 Our legislation would provide kids and teens the opportunity
1452 to turn off data-driven recommendation systems, provide
1453 parents with tools to manage a minor's use of a platform,
1454 including options to control safety settings by default,
1455 track their time, limit purchases, and address harmful usage.

1456 Most consumers, especially children, are unaware that
1457 much of the content they see on platforms is determined by
1458 sophisticated algorithms that draw on data about each
1459 consumer's online activity. Title 2 of the bill, which
1460 incorporates Senator Thune's filter bubble bill, requires
1461 platforms to notify users when a secret algorithm is used to
1462 determine how it serves content to users. This provision
1463 will make it easier for children and parents to understand
1464 how they are manipulated by these recommendation systems used
1465 by Internet platforms like TikTok, Facebook, or Google, among
1466 others.

1467 We have taken a significant amount of feedback on this
1468 particular piece of legislation, and I know advocates,
1469 stakeholders, and others, including my colleagues here on the

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1470 dais, have expressed ideas about how to improve this
1471 particular bill. So I plan to work on those suggestions, and
1472 I look forward to continuing to collaborate and negotiate
1473 with my colleague, Kathy Castor from the State of Florida,
1474 and thank her for her leadership on this particular bill. I
1475 know we are both committed to getting this legislation across
1476 the finish line.

1477 I also thank my colleagues, Representatives Bucshon,
1478 Schrier, and Houchin, for their input, and I appreciate them
1479 co-leading this effort with us.

1480 So let's do the right thing, ladies and gentleman.
1481 Let's move forward with H.R. 7891 in a bipartisan fashion,
1482 the Kids Online Safety Act. We must protect our children
1483 online -- that is the bottom line -- and hold Big Tech
1484 accountable.

1485 So I will yield back the balance of my time, and I will
1486 recognize a person on the Democrat side, and it is my friend,
1487 the lady from -- the gentlelady from Florida, Ms. Castor, for
1488 her five minutes to speak on the bill.

1489 *Ms. Castor. Well, thank you, Chairman Bilirakis. The
1490 Kids Online Safety Act is going to make the Internet safer

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1491 for kids and teens and, Representative Bilirakis, I want to
1492 thank you for your leadership and your partnership on this
1493 endeavor.

1494 And I also want to recognize Senator Blumenthal, Senator
1495 Blackburn, all the professional staff, but mainly the parents
1496 and advocates who have gotten us to this point today.

1497 And Representative Bilirakis, you are right. Many of
1498 them have lost children or are grappling with the fallout
1499 right now. And we are going to act, we are going to try to
1500 prevent these online harms to other kids in the future
1501 because we know what is going on.

1502 The Big Tech platforms, they design their products so
1503 that they can addict kids, steal their time and attention,
1504 keep them online as long as possible, and often times funnel
1505 them towards harmful and exploitative content. And the Big
1506 Tech platforms have known this, but they have failed to
1507 mitigate the dangers and harms being perpetrated online. And
1508 as is apparent today, that -- it has led to a mental health
1509 crisis among kids and teens, stolen attention and time away
1510 from what they -- what childhood should mean, being able to
1511 get outside, be healthy and well.

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1512 So the Kids Online Safety Act kind of now will institute
1513 some guardrails, kind of rebalance the scales for parents and
1514 kids, and promote transparency. So here is a few of the
1515 things that it does.

1516 The bill outlines a set of harms to minors under the age
1517 of 17, and requires the tech platforms to take reasonable
1518 measures to prevent and mitigate online harms including
1519 suicide, depression, eating disorders, substance abuse,
1520 sexual exploitation, and certain unlawful products for minors
1521 like drugs and tobacco products, and gambling and alcohol.

1522 It empowers parents and informs policy-makers about
1523 individual social media platforms' efforts to reduce risks to
1524 kids by requiring independent audits and supporting access to
1525 important data for experts and academic researchers,
1526 something that I really appreciate Representative Trahan's
1527 leadership on, as well. We can do more here.

1528 It directs the covered platforms to implement controls
1529 to protect against stalking and exploitation of children. It
1530 provides kids and teens the ability to turn off data-driven
1531 recommendation algorithms.

1532 It requires the platforms to provide parents with the

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1533 tools to help manage a minor's use of a platform, including
1534 options to control safety settings, track their time, limit
1535 purchases, and address harmful usage, and it makes this the
1536 default mode.

1537 It implements a reporting mechanism by directing covered
1538 platforms to establish a dedicated reporting channel to alert
1539 the channel to -- of harms to minors, and requires them to
1540 substantively respond in a timely manner.

1541 It ensures that the covered platforms offer an easy-to-
1542 use control, and prohibits the use of dark patterns that
1543 mislead or confuse consumers.

1544 It is not perfect, and Representative -- Chair
1545 Bilirakis, I appreciate your ongoing outreach on how we can
1546 strengthen this.

1547 Chair Rodgers, I hear you and thank you, as well, for
1548 bringing this bill today and your commitment to working to
1549 strengthen this and the COPPA provisions. I am grateful to
1550 both of you and the entire committee.

1551 I think all of the committee members here have a greater
1552 understanding of what has been happening. We have come a
1553 long way from a few years ago, when it was really over in the

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1554 Senate that they didn't have -- they didn't quite understand
1555 what was happening with these Big Tech platforms and what
1556 they were doing to addict kids. But everyone is wide awake
1557 now to the harms and the necessity for making the Internet a
1558 safer place for our kids.

1559 So thank you again for bringing the bill today. We
1560 should all vote for it enthusiastically, and then work in the
1561 coming days to make it even stronger.

1562 Thank you, and I yield back my time.

1563 *Mr. Bilirakis. Thank you. The gentlelady yields back.

1564 I look forward to working with you, continue to work
1565 with you. As a matter of fact, I spoke to one of the Senate
1566 sponsors last night. We have got to get this across the
1567 finish line. We will find consensus, so we appreciate it
1568 very much.

1569 And now I will recognize the chair of the full
1570 committee, Mrs. Rodgers, for her five minutes to speak on the
1571 bill.

1572 *The Chair. Thank you, Mr. Chairman. I would like to
1573 take a moment to recognize several folks who are in the
1574 audience today: Sam Chapman, Deb Schmill, and Todd and Mia

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1575 Minor.

1576 Do you want to wave? Thank you.

1577 [Applause.]

1578 *The Chair. All whom have experienced firsthand the
1579 damaging impact Big Tech is having on our children.

1580 And the experiences that you have been forced to go
1581 through are every parent's greatest fear. I have mentioned
1582 before I am a mom of three young kids, and my biggest fear is
1583 what is happening to our kids online. I don't trust what is
1584 happening at all, and I want to thank you for being here. I
1585 want to thank you for your advocacy for many, many years.
1586 And I am confident that this subcommittee is going to take
1587 important action today, and we are going to continue to work
1588 to strengthen protections for all of our children online and
1589 all Americans online. This is our moment.

1590 I yield back.

1591 *Mr. Bilirakis. I thank the gentlelady. The gentlelady
1592 yields back. Now I will recognize Ms. Blunt Rochester for
1593 her five minutes to speak on the bill.

1594 *Ms. Blunt Rochester. Thank you, Mr. Chairman. I move
1595 to strike the last word.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1596 *Mr. Bilirakis. You are recognized.

1597 *Ms. Blunt Rochester. Today, as we consider legislation
1598 to respond to the clear need for Federal standards for data
1599 privacy and for the protection of kids online, I am focused
1600 on, as our chairwoman said, I am a mom. I also have a mother
1601 who is a senior who, I am concerned, can fall prey to some of
1602 the things that are happening on these Big Tech platforms.

1603 And so for us to be able to make sure that we, in a
1604 bipartisan way, focus on this is important as we protect our
1605 health and the mental health of our young people, as we seek
1606 to keep us all safe and also protect our personal data.

1607 In this world today we know we work, we learn, we do
1608 business, we connect with others online. So we must ensure
1609 that Americans are protected from harmful and exploitative
1610 practices. And that is why last Congress I introduced a
1611 bipartisan bill called the DETOUR Act. This bill would
1612 prohibit online platforms from using dark patterns, which are
1613 design features that could deceive Americans into handing
1614 over their data or giving their consent. And I am going to
1615 just give a couple of examples, because this is a term that
1616 many people never even heard before.

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1617 A dark pattern is when you sign up for a trial period of
1618 something, maybe a credit card, and then after that you are
1619 automatically charged, and then you can't figure out how to
1620 get out of it. You can't figure out how to cancel it.

1621 A dark pattern is when you are on a page and there is a
1622 teeny tiny X, but it is so tiny that you can't even X out of
1623 it or even find it.

1624 A dark pattern is a bait and switch.

1625 The DETOUR Act would also forbid platforms from using
1626 people, especially children, as test subjects in behavioral
1627 or psychological research without their express consent.

1628 And finally, it would specifically protect kids by
1629 prohibiting interfaces designed to encourage compulsive usage
1630 of these online platforms.

1631 I am encouraged that the heart of these provisions from
1632 my DETOUR Act are included in the Kids Online Safety Act and
1633 the American Privacy Rights Act which we are considering
1634 today.

1635 We must work together to put in place some basic
1636 protections for our kids and for all Americans. I think we
1637 would be hard pressed to find a member in this room or even

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1638 in the legislative body who would object to the premise that
1639 online platforms and services cannot be allowed to trick and
1640 manipulate people into making choices that serve the bottom
1641 line and expense of those companies, but at the expense of
1642 our constituents. And it is clear that we still have some
1643 work to do, but I am encouraged by the work of all of us
1644 coming together, and I am encouraged by my colleagues who
1645 have been working tirelessly on this.

1646 Ultimately, the DETOUR Act should be a part of both of
1647 these bills, and I am glad that they are, and I am looking
1648 forward to working in partnership to strengthen these bills
1649 because it is truly about safety and security of all
1650 Americans.

1651 Thank you, Mr. Chairman, and I yield back.

1652 *Mr. Bilirakis. Thank you, the gentlelady yields back.
1653 I now recognize Dr. Bucshon to speak on the bill.

1654 *Mr. Bucshon. Thank you, Mr. Chairman. Thanks for the
1655 recognition.

1656 I am a proud cosponsor of the Kids Online Safety Act and
1657 COPPA 2.0, and I am glad that this committee is moving
1658 forward with these bills to protect young Americans from the

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1659 harms they face online.

1660 Today our children are served content online that is
1661 wildly inappropriate, ranging from promoting suicide and
1662 eating disorders to alcohol and tobacco. Many parents
1663 struggle to monitor their children's activities, even if they
1664 are trying. This is due in part to the fact that many
1665 platforms' algorithms that direct content and try to keep
1666 users' attention online are not available to the public. We
1667 need transparency.

1668 As a father of four whose now-adult children grew up in
1669 the midst of social media, I am blessed that my family
1670 avoided the harms that have hurt and actually taken the lives
1671 of too many young Americans online. I am grateful to the
1672 many parents who had the courage to tell the stories of how
1673 their families were not as lucky as mine, and to learn about
1674 what Congress can do to prevent these tragedies that began
1675 online from occurring again.

1676 We can act, and we must. So I am proud to support the
1677 Kids Online Safety Act today, and I encourage my colleagues
1678 to do so as well.

1679 Thank you, and I yield back the balance of my time.

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1680 *Mr. Bilirakis. The gentleman yields back. Does
1681 anybody on the Democrat side wish to speak on the bill?

1682 Yes, Mrs. Trahan, you are recognized for five minutes to
1683 speak on the bill.

1684 *Mrs. Trahan. Thank you, thank you, Chair Bilirakis. I
1685 am glad that the committee is finally considering the Kids
1686 Online Safety Act, and I appreciate your and Representative
1687 Castor's continued leadership on the issue.

1688 As this bill has progressed in the Senate, it has
1689 undergone countless revisions to refine and tailor many of
1690 the bill's key provisions, especially the duty of care, to
1691 minimize potential abuses and focus the bill on its
1692 critically important goal of protecting children online.

1693 Irresponsible tech platforms have ignored, discounted,
1694 or outright harmed the health of our children across the
1695 country by prioritizing screen time and ad revenue over our
1696 children's health and well-being, and they have fought
1697 relentlessly to avoid any accountability or transparency into
1698 their business practices. It is why, as policymakers, we
1699 have had to rely on whistleblowers like Frances Haugen and
1700 independent researchers who have to fight against the

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1701 platform tooth and nail to collect the data they need to do
1702 their job investigating these problems.

1703 I was extremely disappointed to see that the Senate
1704 struck and replaced KOSA's original section on independent
1705 research facilitation with a limited series of studies that
1706 hardly provide a shred of accountability and insight the
1707 sponsors initially intended with this bill. The original
1708 section would have allowed qualified, independent researchers
1709 to demand data from online platforms to study how their
1710 recommendation algorithms, their daily login rewards, and
1711 other design features are affecting our children, and it
1712 would have done so while respecting the privacy standards we
1713 are also advocating for, and protecting intellectual
1714 property.

1715 I agree with the Ranking Member Pallone and so many
1716 others that we should improve this section on independent
1717 research, and I think the best place to start is with the
1718 original bipartisan provision that actually enabled
1719 independent accountability into these platforms. I hope to
1720 work with the bill's sponsors and the committee on this in
1721 advance of the full committee markup.

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1722 And I yield back.

1723 *Mr. Bilirakis. The gentlelady yields back, and now I
1724 recognize the gentleman from California, Mr. Obernolte, for
1725 his five minutes. Again, he will speak on the underlying
1726 bill.

1727 *Mr. Obernolte. Thank you very much, Mr. Chairman. I
1728 am a strong supporter of what this bill is trying to do.
1729 However, I would like to raise a serious concern that I have.

1730 Section 102 of the bill establishes a duty of care and
1731 says that online companies shall exercise reasonable care and
1732 take steps to mitigate a list of harms to children. And I
1733 very much agree with the harms that we are trying to
1734 mitigate. The problem is we don't define in the bill what we
1735 mean when we say "reasonable," and we don't define what the
1736 steps that should be taken are. And I think that that is
1737 lazy legislating.

1738 I think that we are abdicating our responsibility as
1739 legislators if we fail to define those terms because we are
1740 just punting to the courts, and people are going to wind up
1741 in court for years and years arguing about what our intent
1742 was, and what we meant by "reasonable," and whether or not a

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1743 step that is taken is reasonable, even if it didn't -- if it
1744 failed to completely mitigate the harm in the list.

1745 So I really hope that we can define what we mean there,
1746 and tighten up that language as this bill moves forward.

1747 I yield back, Mr. Chairman.

1748 *Mr. Bilirakis. The gentleman yields back. Your point
1749 is well taken.

1750 So is there anyone else on the Democrat side?

1751 No. Anyone on the Republican side wish to speak?

1752 All right, well, let's move into the amendatory process.
1753 Does anyone wish to offer an amendment?

1754 For what purpose does the gentleman from New Jersey seek
1755 recognition?

1756 *Mr. Pallone. Mr. Speaker, I have an amendment at the
1757 desk labeled Pallone_026.

1758 *Mr. Bilirakis. The clerk will report the amendment.

1759 *The Clerk. Amendment to H.R. 7891, offered by Mr.
1760 Pallone of New Jersey. Strike section 106 --

1761 *Mr. Bilirakis. Without objection, the reading of the
1762 amendment is dispensed with.

1763 [The amendment of Mr. Pallone follows:]

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1764

1765 *****COMMITTEE INSERT*****

1766

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1767 *Mr. Bilirakis. And Representative Pallone is
1768 recognized for five minutes in support of his amendment.

1769 *Mr. Pallone. Thank you, Mr. Chairman, and I do intend
1770 to withdraw the amendment, but I would like to talk about it
1771 before we move to full committee.

1772 This amendment would strike the requirement that the
1773 Federal Trade Commission pay the National Academy of Sciences
1774 to perform five studies. The FTC has a large mission but a
1775 limited budget. Today we are discussing bills that would add
1776 to that mission, but not to the FTC's funding, and my
1777 amendment will prevent the situation from getting even worse.

1778 Earlier this year the National Academy of Sciences
1779 issued a report entitled, "Social Media and Adolescent
1780 Health," which was funded by several private foundations,
1781 including the Democracy Fund and the Ford Foundation. The
1782 report studied the same issues required by the provision in
1783 this bill. According to staff at the National Academy, no
1784 new research has been published in the interim that would
1785 change the result of that study, and therefore there is no
1786 need, in my opinion, for a new National Academy of Sciences
1787 report at this time.

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1788 Furthermore, in addition to there being no new research
1789 since the last report, paying for those studies would likely
1790 force the FTC to cut important consumer protection work and
1791 leave the agency with less funding to implement new
1792 requirements, including those contained in the bills before
1793 the committee today. It is not only redundant, it is
1794 harmful.

1795 I would also like to say that I hope private foundations
1796 continue to support important research efforts for future
1797 studies as the evidence evolves.

1798 Now, let me also say that I strongly agree that social
1799 media companies should be held accountable for harming our
1800 nation's youth, but I have concerns about the ability to
1801 achieve that goal through the duty of care requirement
1802 established in KOSA.

1803 As this committee is aware, we place a legal duty of
1804 care on medical professionals. When we see care from a
1805 doctor or other medical provider, we justifiably expect the
1806 provider to identify our needs as individuals and act in our
1807 best interests. Expecting health care professionals to care
1808 for their patients and to provide a level of care that a

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1809 reasonable health care provider would have exercised under
1810 the same circumstances is appropriate. However, when we
1811 apply this concept to social media companies, serious
1812 questions arise.

1813 First, no one thinks that social media companies are
1814 acting in the best interest of their users, and we should not
1815 trust them to do so in the future. I believe that companies
1816 operating these platforms know that the use of their
1817 platforms is causing harm, particularly to many of our
1818 nation's young people, and yet they continually make business
1819 decisions putting profits over people.

1820 So I am concerned that adopting a duty of care standard
1821 for Big Tech runs the risk of creating additional harm.
1822 Adopting the duty of care could cause social media companies
1823 to over-filter content out of an abundance of caution about
1824 legal risk. And as a result, some young people could lose
1825 access to helpful and even lifesaving content.

1826 Now, I do not believe holding social media companies to
1827 the duty of care included in this bill is the right solution
1828 to preventing harm to young people who use social media.
1829 Instead, I believe this issue can only be solved through

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1830 reforming section 230, which through the courts has become an
1831 absolute shield for Big Tech against any transparency or
1832 accountability.

1833 And finally, I have serious concerns about the ability
1834 of social media companies to prevent and mitigate mental
1835 health disorders. Our scientific understanding of mental
1836 health disorders continues to evolve, including why certain
1837 people develop mental health disorders while others exposed
1838 to the same environment do not. Therefore, it is unclear
1839 that evidence exists for social media companies implementing
1840 such requirements.

1841 But in any case, despite these concerns, I am not going
1842 to stand in the way of advancing this bill out of
1843 subcommittee today. We will, you know, take up some of these
1844 things when we get to full committee. And obviously, I would
1845 like ultimately to have this amendment passed, but we are not
1846 going to do that today, and I will just withdraw it at this
1847 time.

1848 *The Chair. Would the gentleman yield?

1849 *Mr. Pallone. Oh, sure.

1850 *The Chair. I thank the ranking member for yielding. I

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1851 hear his point on resource allocation at the FTC, and I have
1852 long advocated that we keep the FTC focused on their consumer
1853 protection mission. We need the Commission focused on
1854 implementing provisions outlined in a data privacy law, and
1855 it is time for us to focus them on the mission we are
1856 directing them today.

1857 I yield back.

1858 *Mr. Pallone. And I thank the ranking -- I mean I thank
1859 the chairwoman.

1860 With that, Mr. Chairman, I yield back.

1861 *Mr. Bilirakis. Thank you very much. The gentleman
1862 wishes to withdraw his amendment. Consider it withdrawn.

1863 I don't believe there are any further amendments, so the
1864 question now occurs on forwarding H.R. 7891 to the full
1865 committee.

1866 All those in favor, say aye.

1867 All those opposed?

1868 The ayes have it, and the bill is agreed to.

1869 Moving along, the chair calls up H.R. 8449, and asks the
1870 clerk to report.

1871 *The Clerk. A bill to require the Secretary of

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1872 Transportation to issue a rule requiring access to AM radio
1873 broadcast stations in motor vehicles, and for other purposes.

1874 *Mr. Bilirakis. Without objection, the first reading of
1875 the bill is dispensed with, and the bill will be open for
1876 amendment at any point.

1877 [The bill follows:]

1878

1879 *****COMMITTEE INSERT*****

1880

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1881 *Mr. Bilirakis. Does anyone seek recognition on the
1882 particular bill?

1883 I do. I now recognize myself for five minutes to speak
1884 in support of the underlying bill, the AM Radio for Every
1885 Vehicle Act, which I am proud to lead alongside Ranking
1886 Member Pallone.

1887 In times of emergency, folks, we must have every
1888 available avenue to receive public safety alerts as quickly
1889 as possible with as far a reach as possible. Our
1890 constituents should have quick access to critical information
1891 so they make timely and potential lifesaving decisions to
1892 evacuate, stay in place, seek shelter, or contact first
1893 responders.

1894 The Emergency Alert System plays a crucial role in this
1895 infrastructure, as it can be used across our nation to
1896 disseminate this important emergency information, and AM
1897 radio continues to be a medium in which Americans can receive
1898 this information, particularly in rural communities.

1899 I represent rural communities, as well as many people on
1900 the dais, on both sides.

1901 The Integrated Public Alert and Warning System, IPAWS,

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1902 further allows broadcasters to disseminate critical alert
1903 information to communities across the nation. Recently,
1904 Houston, Texas was hit with significant severe weather, and
1905 hundreds of thousands of Americans have remained without
1906 power. Sadly, eight individuals have passed because of these
1907 storms. Before the event, in the moment, that moment and the
1908 aftermath, radio broadcasts can become a lifeline, as you
1909 know. And without power, many turn to their vehicles for
1910 updates.

1911 Further, at our legislative hearing we heard testimony
1912 from Melody Spann-Cooper, who told us about the role that AM
1913 radio plays in her community both growing up and in the
1914 current age through Chicago neighborhoods as part of the
1915 Midway Broadcasting Corporation.

1916 Many of my colleagues enjoy listening to -- myself
1917 included -- enjoy listening to AM radio for its diverse views
1918 and Christian conservative viewpoints. I might add ball
1919 games, as well. Yet the high-tech auto industry has
1920 attempted to turn off these AM radio options for consumers in
1921 gas and electric-fueled vehicles, citing its difficulty to
1922 implement, particularly in electric vehicles. Our side of

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1923 the aisle is particularly concerned that the Biden
1924 Administration's EV mandates have exacerbated this problem
1925 further.

1926 Congress has made it clear there is bipartisan agreement
1927 that taking away AM radio options for Americans is
1928 inappropriate and premature, which is why we have come
1929 together to move AM Radio for Every Vehicle Act of 2024. We
1930 are moving it forward. Our bill with Representative Pallone
1931 will direct the Department of Transportation, in consultation
1932 with FEMA and the FCC, to issue a rule that requires
1933 automakers to maintain AM broadcast radio devices as standard
1934 equipment in their vehicles in a way that is easily
1935 accessible for consumers, and without a separate or
1936 additional payment or surcharge fee.

1937 It would also require clear disclosure for those
1938 vehicles that don't currently have AM as an option in their
1939 cars.

1940 And lastly, it would require GAO to study -- a study to
1941 examine the importance of AM radio as a communications
1942 technology and any improvements we can make to the IPAWS and
1943 emergency alert systems we have in place.

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1944 I am proud to be a partner with Representative Pallone,
1945 our ranking member of the full committee, on this, and I
1946 appreciate his steadfast support for this broadcast media. I
1947 know we make -- we will make and look to make additional
1948 technical corrections and tweaks as we look forward and look
1949 ahead to the full committee markup. But I ask my colleagues
1950 to join me in supporting and forwarding this bill. So we
1951 appreciate it very much. Let's pass H.R. 8449 for our
1952 constituents to have access to AM. It is not much to ask
1953 for.

1954 So thank you very much, and I yield back. I recognize
1955 the ranking member, the ranking member of the full committee,
1956 Mr. Pallone, for his five minutes.

1957 Okay, so I will recognize the ranking member of the
1958 subcommittee, Ms. Schakowsky, if she would like to make any
1959 comments.

1960 She is okay? All right, very good. Now I will
1961 recognize -- yes?

1962 Oh, Mrs. Dingell. Mrs. Dingell, I will recognize you
1963 for your five minutes to make any remarks regarding the bill.

1964 *Mrs. Dingell. Thank you, Mr. Chair. I move to strike

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1965 the last word.

1966 *Mr. Bilirakis. Yes, I recognize you.

1967 *Mrs. Dingell. Thank you. I want to start off by
1968 saying that I agree with what we have heard from numerous
1969 stakeholders and constituents: AM radio is an important tool
1970 and resource for communities all across the country.
1971 Ensuring that all Americans can readily access lifesaving
1972 information during emergencies is vital. All consumers must
1973 have access to these alerts, and that is why I don't think
1974 access to these services should be limited to only light duty
1975 vehicles.

1976 But before I even go there, I want to point out to the
1977 committee -- I mean, we have got to have some discussions,
1978 but when we were in committee talking about this -- it seems
1979 like a year ago, it may only have been months ago -- I
1980 immediately went out and talked to the CEOs of the domestic
1981 -- most of the domestic -- the GMs, the Fords, the
1982 Stellantis, and they voluntarily said then that they would
1983 continue to offer it on their vehicles.

1984 But I also -- so I want to point that out, and they want
1985 to work with us, and that they have been really trying to

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1986 understand all these issues. But I also think AM radio
1987 should be in all vehicles, like the title suggests, in cars
1988 as well as trucks, boats, agriculture, and recreational
1989 vehicles. I think we need to study those issues. I think
1990 they are complicated, and I would like to ask that, between
1991 subcommittee and committee, we can look at some of these.

1992 For instance, think about the critical role that
1993 commercial vehicles, trucks, and maritime vehicles play in
1994 emergency situations. Emergency vehicles must remain
1995 constantly updated with alerts, while truck drivers
1996 frequently traveling long distances require time. And that
1997 is not in our committee, but we need to look at that
1998 different vehicles require timely information.

1999 Moreover, AM radio stations provide indispensable
2000 services, as you said, to agricultural communities, offering
2001 specialized programming in rural areas. Travelers in remote
2002 areas also benefit from AM radio services, receiving
2003 essential updates on travel emergencies, local news, and
2004 weather forecasts.

2005 So I would like to offer an amendment between
2006 subcommittee and full committee that would look at that. We

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2007 need to be looking at those issues.

2008 But we should also be critically examining the future of
2009 our emergency communications infrastructure to ensure it
2010 offers broad coverage, comprehensive information, and
2011 reliability during times of crisis, which I know you are
2012 trying to do, Mr. Chair.

2013 This isn't a debate about getting rid of AM radio. And
2014 considering that 99 percent of the 286 million vehicles on
2015 the road today have AM radio, 90 percent of new vehicles have
2016 AM radio, and the average age of vehicles on the road today
2017 is more than 12.5 years old, the vast majority of vehicles
2018 will have AM radio for years and decades to come.

2019 But I am raising this because I think we probably need
2020 to look at the studies more in detail. We need to -- I am
2021 concerned about the need to protect consumers' pocketbooks,
2022 and ensure we have the necessary data to inform the policy,
2023 and to look at what that might be because, while I know -- I
2024 am not going to get in trouble naming any companies today,
2025 but some are offering, some aren't, and we want to make sure
2026 that -- I am trying to behave -- that all of a sudden we are
2027 not going to see consumer prices go up, and consumers are

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2028 going to start yelling at us. And as technology changes down
2029 the road as we mandate this, how do we make sure we have got
2030 studies that are looking at is this still current?

2031 So I think maybe it would be helpful to have the
2032 Secretary of Transportation adjust any AM radio requirements
2033 based on objective analysis and research down the road, and
2034 it could be also helpful to obtain feedback from various
2035 cabinet officials on the potential ramifications of such a
2036 Federal requirement.

2037 So my goal will always be to put the consumer in the
2038 driver's seat, and that they are the drivers. So I totally
2039 believe everybody here knows I went to the companies very
2040 strongly and told them about the vital role of AM radio. But
2041 I think in our enthusiasm of doing something that is right,
2042 let's make sure we are doing it right. And so if we could
2043 work together on some of those issues between subcommittees
2044 -- and let me be clear, I support AM radio.

2045 Thank you, and I yield back with that.

2046 *Mr. Bilirakis. I think you have been pretty clear
2047 about that.

2048 All right, the gentlelady yields back. Now I will

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2049 recognize Dr. Bucshon for five minutes in support of the
2050 bill.

2051 *Mr. Bucshon. Thank you, Mr. Chairman, and the
2052 recognition to speak in favor of the bill.

2053 Over the last couple of years there has been a trend in
2054 the auto industry among electric vehicle producers to remove
2055 AM radios from new vehicles. While I am glad that a select
2056 few have reversed course to ensure that the platform stays
2057 available to Hoosiers as standard in vehicles, the fact
2058 remains that this critical broadcasting platform has been
2059 standard in vehicles for decades, and is now being removed by
2060 some.

2061 In fact, back in the day, when you got a new car it just
2062 had an AM radio, and if you wanted more than that you
2063 actually had to get an upgrade.

2064 While the power may go out or other methods of
2065 communication may be disrupted by extreme weather events, the
2066 emergency broadcasts over AM radio are specifically
2067 engineered to be more resilient. This is why seven -- I
2068 repeat, seven -- former FEMA administrators sent a letter
2069 supporting this bill, and stressing AM radio's role in

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2070 promoting public safety.

2071 On top of the safety concerns, AM radio plays a key role
2072 for Hoosiers in rural areas and underserved communities. In
2073 my district, for example, minority-owned AM broadcasters like
2074 WEOA AM out of Evansville, Indiana, are staples in their
2075 community. They broadcast local high school football games,
2076 local news and events, faith-based content, and more,
2077 including all the safety stuff. This is why I am a proud
2078 cosponsor of the AM Radio for Every Vehicle Act.

2079 I urge my colleagues to support this legislation, and I
2080 yield back the balance of my time.

2081 The gentleman -- I will yield to Mr. Duncan.

2082 *Mr. Duncan. I thank the gentleman. And as chair of
2083 the Broadcasters Caucus, I support AM radio. I support the
2084 efforts of this subcommittee and the full committee and the
2085 sponsors of this bill to address this issue.

2086 I was an auctioneer before I came to Congress. I drove
2087 65,000 miles a year. I was in the truck a lot. AM radio was
2088 always available to me, especially late at night when you
2089 wanted something just to stimulate you as you were driving,
2090 just to listen to. AM radio provided a lot of content that

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2091 just wasn't, you know, music in the background.

2092 But I will say this. Driving those 65,000 miles a year,
2093 and even driving recently, I noticed the DoT signs on the
2094 highway that said for traffic and weather alerts turn to AM
2095 550, or whatever the number was. And consumers do that, and
2096 they need that ability to find out what might be ahead, or if
2097 they anticipate inclement weather that may affect their
2098 travels to and fro.

2099 So I appreciate the work on this. I hope all my
2100 colleagues will support it. And let's get this done to
2101 ensure Americans have access to AM radio, especially in their
2102 vehicles.

2103 I yield back.

2104 *Mr. Bucshon. And I yield back the balance of my time.

2105 *Mr. Bilirakis. Thank you.

2106 The gentleman yields back, and we appreciate that very
2107 much. Now I am going to yield to -- excuse me, recognize
2108 Representative Castor for five minutes in support of this
2109 particular bill.

2110 *Ms. Castor. Well, thank you, Mr. Chairman. I move to
2111 strike the last word.

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2112 *Mr. Bilirakis. You are recognized.

2113 *Ms. Castor. Thank you. I am very pleased that the
2114 committee is working in a bipartisan fashion in advancing the
2115 AM Radio for All Act. It is a bipartisan bill. It is widely
2116 supported. And I think you have heard from my colleagues
2117 many reasons why it is vital to our neighbors back home.

2118 Mr. Duncan, I think you are absolutely right. It
2119 provides essential weather alerts, news, community updates.
2120 It is truly a community lifeline.

2121 And in fact, a recent Nielsen report confirmed that
2122 radio continues to reach more American consumers than any
2123 other platform, linear or digital. A strong community
2124 resource like AM radio really should be protected. That is
2125 why I am proud to lead the Separate Local Radio Freedom Act.
2126 That is a resolution that reaffirms Congress's support for
2127 local radio stations and opposes any new fees or taxes on
2128 local, free, broadcast radio.

2129 I think, Mr. Chairman, you also understand how important
2130 radio is to our neighbors back home, especially at times of
2131 emergency. And I agree with you, the testimony of Ms. Spann-
2132 Cooper from Illinois was particularly impactful during our

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2133 last hearing about how broadcasters provide updates about
2134 food and shelter and evacuation routes not just during the
2135 time of crisis, but in the aftermath.

2136 At that hearing, as Dr. Bucshon mentioned was also very
2137 impactful, was the letter from seven former Federal Emergency
2138 Management Agency directors who explained that the taxpayers
2139 have invested millions of dollars in creating and bolstering
2140 the National Public Warning System to communicate with the
2141 time with the public at times of crisis, largely through AM
2142 radio because it is the only communication system with the
2143 reach and the resiliency to ensure that elected leaders and
2144 public safety officials can communicate with the public at
2145 times of crisis.

2146 So for all of these reasons, I support the bill and urge
2147 the committee to move it forward.

2148 *Mr. Pallone. Would the gentlewoman yield?

2149 *Ms. Castor. I am happy to yield to the ranking member.

2150 *Mr. Pallone. Well, thank you, and I do want to add
2151 something.

2152 You know, most of the time myself and Chairman Bilirakis
2153 and others have talked about the importance of this in times

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2154 of emergency, weather emergencies, other emergencies. Ms.
2155 Castor mentioned the National Emergency Warning System, which
2156 operates largely through AM radio. And I don't want to take
2157 away from that, because I experienced firsthand during
2158 Superstorm Sandy, when our local AM radio stations responded
2159 to that crisis by providing a lot of information to people
2160 during and after the storm because cell towers and other
2161 sources of information were out.

2162 But I did also want to mention that many constituents
2163 have contacted me over this bill also because of diversity
2164 reasons. In other words, what we find is that many times AM
2165 radio stations, maybe in part because they are not expensive
2166 to buy, are purchased by minorities, by people who speak
2167 foreign languages that maybe are not as common. One of the
2168 examples at the hearing last month, we heard from an Illinois
2169 radio broadcaster and a representative of the Navajo Nation
2170 about the vitally important role that AM radio stations in
2171 cars provides to the Navajo Nation.

2172 I also have heard from universities and colleges,
2173 student radio stations, which usually are AM stations, as
2174 well.

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2175 So as much as we have been emphasizing the importance of
2176 this in emergency or national disasters -- and I don't want
2177 to take from that, that is the primary reason why I think
2178 this bill is important -- it does -- AM radio also provides
2179 an important platform for diverse and under-represented
2180 voices to be heard, and it keeps rural communities connected,
2181 too.

2182 So this is all -- these are all added reasons, if you
2183 will, why this bill should be passed.

2184 And I must say, as Chairman Bilirakis noticed, from the
2185 very beginning this has been totally bipartisan on the
2186 committee. I, you know, have heard from almost every member
2187 of the committee about why they want to do this bill.

2188 So with that, Mr. Chairman, I yield back my time. I
2189 mean I will yield back to Ms. Castor.

2190 *Ms. Castor. I yield back.

2191 *Mr. Bilirakis. Thank you, the gentlelady yields back.
2192 I appreciate it very much.

2193 I understand no amendments are being offered. Is that
2194 correct?

2195 All right, then, let's -- the question now occurs on

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2196 forwarding H.R. 8449 to the full committee.

2197 All those in favor, say aye.

2198 Those opposed?

2199 The ayes have it, and the bill is agreed to, so we
2200 appreciate all your cooperation today.

2201 I want to take a moment of -- to recognize one of our
2202 policy staffers, Michael Cameron, whose last day is tomorrow,
2203 unfortunately. Michael has been a key member of our team,
2204 advising members and their staff on critical policies moving
2205 through the subcommittee over the last several years. We are
2206 going to miss him. So we wish him well. I know he is going
2207 to do great at his next endeavor, and I look forward to
2208 seeing him, and continue to advise us unofficially. He does
2209 an outstanding job.

2210 I will recognize -- does the ranking member have
2211 anything else to say?

2212 All right. So, without objection, staff is authorized
2213 to make technical and conforming changes to the legislation
2214 approved by the subcommittee today.

2215 So ordered.

2216 Without objection, the subcommittee stands adjourned.

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2217 [Whereupon, at 12:13 p.m., the subcommittee was
2218 adjourned.]