

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of
Full Committee Ranking Member Frank Pallone, Jr.**

Innovation, Data, and Commerce Markup of 16 Bills

November 2, 2023

This Subcommittee has no greater responsibility than to protect the American people from threats to consumers and commerce. We work to protect consumers from the threats of unsafe products that result in the loss of 50,000 lives and more than 12.5 million injuries every year. We work to prevent threats to our nation's industrial might and critical supply chains, threats that crippled our response to the COVID-19 public health crisis and harmed our ability to initially address its economic repercussions. And we work to prevent consumers from being taken advantage of and gouged by unscrupulous businesses.

Today, I'm pleased that we're considering several bills championed by Democratic members to help address these threats. I commend the bill sponsors for finding a bipartisan approach on these bills that will help save lives and empower consumers.

However, there are several bills that the Republican Majority has noticed that need more work. I would strongly urge my Republican colleagues to work with me before full committee markup to address my concerns, but I'd like to focus on two of the most concerning bills.

First, Representative Bucshon's supply chain discussion draft does not reflect lessons learned during the pandemic. One of our key lessons was the importance of ensuring that the federal government is equipped with the tools and authorities it needs to address supply chain vulnerabilities before they become full-blown crises. The discussion draft the Republicans are marking up today doesn't take this action but the Supply CHAINS Act does. Unfortunately, Committee Republicans have been unwilling to move that legislation. The Supply CHAINS bill – which is co-led by Representatives Blunt Rochester, Dingell, Kelly, and Wild – has been endorsed by over 160 stakeholders, including manufacturers, innovators, workers, consumer groups, and local governments.

I'm disappointed that despite the overwhelming support this legislation has received and several compromises Representative Blunt Rochester has offered many of the Supply CHAINS Act's vital provisions have not yet been incorporated into the Bucshon discussion draft. While we are not there yet, I remain optimistic that with Representative Blunt Rochester's leadership we can get to a good place before any full Committee markup.

Second, I want to focus on the REPAIR Act – it needs a lot more work. Quite frankly, I do not understand the decision to include the REPAIR Act on this markup without even any

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attempt by the Republican Majority to bring impacted parties together and address mounting concerns.

It is indisputable that cars and car repair have grown increasingly complicated. We should take great care to make sure that nefarious actors do not gain access to cars' operating systems and the consumer data those systems collect. At the same time, millions of Americans live far from auto dealerships or cannot afford to use their repair services and so we should make sure that consumers can choose the automobile repair services that best fit their needs. That's why I broadly support the goal of the REPAIR Act, which is to affirm a consumer's right to repair their vehicles. But this goal cannot be achieved with legislation that is nowhere near ready for markup consideration.

The Federal Trade Commission (FTC) and National Highway Traffic Safety Administration (NHTSA) are the federal agencies that would need to implement core portions of the REPAIR Act. They have provided extensive feedback and raised concerns about cybersecurity, vehicle safety, and administrative feasibility. None of this feedback has been addressed.

And in recent days, we've been inundated by opponents and supporters of the right to repair. Many believe, as I do, that the REPAIR Act is simply not ready for Committee consideration.

I stand ready to work to work with my Republican colleagues on refining and advancing work on the Right to Repair and the other legislation being consider today. But I first must hear from Republicans that they are prepared to join us and do the hard work to get to a good place on these bills before proceeding to a full Committee markup.

To date, the process for this markup has been flawed. Subcommittee Democrats were not notified of what bills would be considered today until two days ago. A flawed process will lead to flawed legislation and missed opportunities to find bipartisan consensus. After all, unless all of these bills receive strong bipartisan support here in the Committee, there is no chance that they will ever become law. And that ultimately hurts the American people. Let's not let that happen.

I yield back.