

Committee on Energy and Commerce
117th Congress

FULL COMMITTEE
HYBRID MARKUP

MONDAY, SEPTEMBER 13, 2021

The Committee on Energy and Commerce met, pursuant to notice, at 11:06 a.m., a quorum being present, for a hybrid markup in the John D. Dingell Room, 2123 of the Rayburn House Office Building, and remotely via the Committee's WebEx platform, Hon. Frank Pallone, Jr. (Chairman of the committee) presiding. The business before the Committee was to consider legislative recommendations to comply with the reconciliation directive included in section 2002 of the Concurrent Resolution on the Budget for Fiscal Year 2022, S. Con. Res. 14. The following actions were taken:

1. **Subtitle A**, "Budget Reconciliation Legislative Recommendations Relating to Air Pollution", was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 31-26 ([Roll call no. 53](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle A:

- **An Amendment in the nature of a substitute (AINS) #1** ([SUBTITLEA_01](#)), offered by Mr. Tonko, was agreed to by a voice vote.
- **Amendment #2** ([B1_13](#)), offered by Mrs. Rodgers (R-WA), was defeated by a roll call vote, 26-32 ([Roll call no. 44](#)).
- **Amendment #3** ([B1_05](#)), offered by Mr. Joyce (R-PA), was defeated by a roll call vote, 27-31 ([Roll call no. 45](#)).
- **Amendment #4** ([B1_06](#)), offered by Mr. Carter (R-GA), was defeated by a roll call vote, 26-32 ([Roll call no. 46](#)).
- **Amendment to the Tonko AINS #1a** ([Amdt NCB_1](#)), offered by Mr. Armstrong (R-ND), was defeated by a roll call vote, 26-32 ([Roll call no. 47](#)).
- **Amendment #5** ([Scalise_01](#)), offered by Mr. Scalise (R-LA), was defeated by a roll call vote, 26-32 ([Roll call no. 48](#)).
- **Amendment #6** ([GUTHRIE_01](#)), offered by Mr. Hudson (R-NC), was defeated by a roll call vote, 26-32 ([Roll call no. 49](#)).
- **Amendment #7** ([Burgess_03](#)), offered by Mr. Burgess (R-TX), was withdrawn.
- **Amendment #8** ([B1_08A](#)), offered by Mr. McKinley (R-WV), was defeated by a roll call vote, 26-32 ([Roll call no. 50](#)).
- **Amendment #9** ([CURTIS_01](#)), offered by Mr. Curtis (R-UT), was withdrawn.
- **Amendment #10** ([B1_11A](#)), offered by Ms. Lesko (R-AZ), was defeated by a roll call vote, 25-32 ([Roll call no. 51](#)).
- **Amendment #11** ([LATTA_02](#)), offered by Mr. Latta (R-OH), was withdrawn.

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- **Amendment #12** ([Inflation Amdt to Subtitle A2](#)), offered by Mrs. Rodgers (R-WA), was defeated by a roll call vote, 25-32 ([Roll call no. 52](#)).

The Committee recessed from 5:51 p.m. until 6:12 p.m.

2. **Subtitle B**, “Budget Reconciliation Legislative Recommendations Relating to Hazardous Materials”, was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 31-25 ([Roll call no. 55](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle B:

- **An Amendment in the nature of a substitute (AINS) #1** ([SUBTITLEB_01](#)), offered by Mr. Tonko, was agreed to by a voice vote.
- **Amendment #2** ([B3_17](#)), offered by Mr. Carter, was defeated by a roll call vote, 24-32 ([Roll call no. 54](#)).

3. **Subtitle K**, “Budget Reconciliation Legislative Recommendations Relating to Next Generation 9-1-1”, was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 31-25 ([Roll call no. 58](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle K:

- **An Amendment in the nature of a substitute (AINS) #1** ([SUB_K_ANS_01](#)), offered by Ms. Eshoo, was agreed to by a voice vote.
- **Amendment #2** ([CT_13](#)), offered by Mr. Johnson (R-OH), was defeated by a roll call vote, 25-32 ([Roll call no. 56](#)).
- **Amendment #3** ([CT_12](#)), offered by Mr. Griffith (R-VA), was defeated by a roll call vote, 25-31 ([Roll call no. 57](#)).

4. **Subtitle L**, “Budget Reconciliation Legislative Recommendations Relating to Wireless Connectivity”, was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 31-26 ([Roll call no. 59](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle L:

- **An Amendment in the nature of a substitute (AINS) #1** ([SUB_L_ANS_01](#)), offered by Mr. Doyle, was agreed to by a voice vote.

5. **Subtitle M**, “Budget Reconciliation Legislative Recommendations Relating to Distance Learning”, was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 31-26 ([Roll call no. 63](#)) (**Final Passage**).

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The following amendments were offered during consideration of Subtitle M:

- **An Amendment in the nature of a substitute (AINS) #1** ([SUB_M_ANS_01](#)), offered by Mr. Welch, was agreed to by a voice vote.
 - **Amendment #2** ([CT_19](#)), offered by Mr. Carter, was defeated by a roll call vote, 23-32 ([Roll call no. 60](#)).
 - **Amendment #3** ([CT_21](#)), offered by Mr. Walberg (R-MI), was defeated by a roll call vote, 25-32 ([Roll call no. 61](#)).
 - **Amendment #4** ([CT_25](#)), offered by Mr. Latta, was defeated by a roll call vote, 25-32 ([Roll call no. 62](#)).
6. **Subtitle C**, “Budget Reconciliation Legislative Recommendations Relating to Drinking Water”, was ordered transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 31-25 ([Roll call no. 65](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle C:

- **An Amendment in the nature of a substitute (AINS) #1** ([SUBTITLEC_01](#)), offered by Mr. Tonko, was agreed to by a voice vote.
 - **Amendment #2** ([B3_05](#)), offered by Mr. Curtis, was defeated by a roll call vote, 24-31 ([Roll call no. 64](#)).
7. **Subtitle D**, “Budget Reconciliation Legislative Recommendations Relating to Energy”, was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 30-27 ([Roll call no. 79](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle D:

- **An Amendment in the nature of a substitute (AINS) #1** ([SUBTITLED_01](#)), offered by Mr. Rush, was agreed to by a voice vote.
- **Amendment to Subtitle D #2** ([SCHRAD_039](#)), offered by Mr. Schrader, was withdrawn.
- **Amendment to Subtitle D #3** ([OHALLE_186](#)), offered by Mr. O’Halloran, was withdrawn.
- **Amendment to Subtitle D #4** ([B2_13](#)), offered by Mr. Burgess, was defeated by a roll call vote, 25-30 ([Roll call no. 66](#)).
- **Amendment to Subtitle D #5** ([B1_17](#)), offered by Mr. Johnson, was defeated by a roll call vote, 22-32 ([Roll call no. 67](#)).

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- **Amendment to Subtitle D #6** ([B3 26](#)), offered by Mr. Bucshon, was defeated by a roll call vote, 23-31 ([Roll call no. 68](#)).

Chairman Pallone then announced that the Committee would recess until Tuesday, September 14, 2021, to reconvene at 10 a.m. in the John D. Dingell Room, 2123 of the Rayburn House Office Building, and remotely via the Committee's WebEx platform.

Whereupon, at 2:37 a.m. on Tuesday, September 14, 2021, the Committee stood in recess.

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TUESDAY, SEPTEMBER 14, 2021

The Committee on Energy and Commerce reconvened on Tuesday, September 14, 2021, at 10:07 a.m., Hon. Frank Pallone, Jr. (Chairman of the committee) presiding, to continue a second day of a hybrid markup in the John D. Dingell Room, 2123 of the Rayburn House Office Building, and remotely via the Committee's WebEx platform. The business before the Committee was to consider legislative recommendations to comply with the reconciliation directive included in section 2002 of the Concurrent Resolution on the Budget for Fiscal Year 2022, S. Con. Res. 14. The following actions were taken:

- **Amendment to Subtitle D #7** ([MCKINL 100](#)), offered by Mr. McKinley, was defeated by a roll call vote, 27-31 ([Roll call no. 69](#)).
 - **Amendment to Subtitle D #8** ([B1 16D](#)), offered by Mr. Walberg, was defeated by a roll call vote, 26-32 ([Roll call no. 70](#)).
 - **Amendment to Subtitle D #9** ([MCKINL 103](#)), offered by Mr. McKinley, was defeated by a roll call vote, 26-32 ([Roll call no. 71](#)).
 - **Amendment to Subtitle D #10** ([B1 15](#)), offered by Mr. Latta, was defeated by a roll call vote, 26-31 ([Roll call no. 72](#)).
 - **Amendment to Subtitle D #11** ([B1 23](#)), offered by Mr. Pence, was defeated by a roll call vote, 26-32 ([Roll call no. 73](#)).
 - **Amendment to Subtitle D #12** ([B1 21](#)), offered by Mr. Palmer, was defeated by a roll call vote, 25-32 ([Roll call no. 74](#)).
 - **Amendment to Subtitle D #13** ([B1 22](#)), offered by Ms. Lesko, was defeated by a roll call vote, 26-30 ([Roll call no. 75](#)).
 - **Amendment to Subtitle D #14** ([B2 08](#)), offered by Mr. Pence, was defeated by a roll call vote, 26-31 ([Roll call no. 76](#)).
 - **Amendment to Subtitle D #15** ([B2 10](#)), offered by Mr. Palmer, was defeated by a roll call vote, 26-31 ([Roll call no. 77](#)).
 - **Amendment to Subtitle D #16** ([LESKO 060](#)), offered by Ms. Lesko, was defeated by a roll call vote, 26-31 ([Roll call no. 78](#)).
8. **Subtitle N**, “Budget Reconciliation Legislative Recommendations Relating to Manufacturing Supply Chain”, was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 31-26 ([Roll call no. 82](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle N:

- **An Amendment in the nature of a substitute (AINS) #1** ([SLW 0144](#)), offered by Mrs. Dingell (D-MI), was agreed to by a voice vote.

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- **Amendment to Subtitle N #2** ([SLW 165 05](#)), offered by Mr. Burgess, was defeated by a roll call vote, 26-32 ([Roll call no. 80](#)).
- **Amendment to Subtitle N #3** ([SLW 165 03](#)), offered by Mr. Bucshon, was defeated by a roll call vote, 26-32 ([Roll call no. 81](#)).
- **Amendment to the Dingell AINS #1a** ([KINZIN 031](#)), offered by Mr. Kinzinger, was withdrawn.

9. **Subtitle O**, “Budget Reconciliation Legislative Recommendations Relating to FTC Privacy Enforcement”, was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 31-27 ([Roll call no. 89](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle O:

- **An Amendment in the nature of a substitute (AINS) #1** ([SUB O ANS 01](#)), offered by Ms. Schakowsky, was agreed to by a voice vote.
- **Amendment to Subtitle O #2** ([SLW 0132](#)), offered by Mrs. Rodgers, was defeated by a roll call vote, 26-31 ([Roll call no. 83](#)).
- **Amendment to Subtitle O #3** ([R AMDT 01](#)), offered by Mr. Bilirakis, was defeated by a roll call vote, 26-32 ([Roll call no. 84](#)).
- **Amendment to Subtitle O #4** ([SLW 0143](#)), offered by Mr. Bilirakis, was defeated by a roll call vote, 26-32 ([Roll call no. 85](#)).
- **Amendment to Subtitle O #5** ([ARMSND 021](#)), offered by Mr. Armstrong, was defeated by a roll call vote, 26-32 ([Roll call no. 86](#)).
- **Amendment to Subtitle O #6** ([SLW 0154](#)), offered by Ms. Lesko, was defeated by a roll call vote, 26-32 ([Roll call no. 87](#)).
- **Amendment to Subtitle O #7** ([SLW 0162](#)), offered by Mr. Walberg, was defeated by a roll call vote, 26-32 ([Roll call no. 88](#)).

10. **Subtitle P**, “Budget Reconciliation Legislative Recommendations Relating to Department of Commerce Inspector General”, was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 31-26 ([Roll call no. 91](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle P:

- **An Amendment in the nature of a substitute (AINS) #1** ([SLW 0145](#)), offered by Ms. Blunt Rochester, was agreed to by a voice vote.
- **Amendment to Subtitle P #2** ([SLW 0158](#)), offered by Mr. Joyce, was defeated by a roll call vote, 25-32 ([Roll call no. 90](#)).

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11. **Subtitle F**, “Budget Reconciliation Legislative Recommendations Relating to the Affordable Care Act”, was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 31-27 ([Roll call no. 100](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle F:

- **An Amendment in the nature of a substitute (AINS) #1** ([QHP-AINS 01](#)), offered by Ms. Craig, was agreed to by a voice vote.
- **Amendment to the Craig AINS #1a** ([SUB-F-AMD-07 01](#)), offered by Mr. Walberg, was defeated by a roll call vote, 25-32 ([Roll call no. 92](#)).
- **Amendment to the Craig AINS #1b** ([SUB-F-AMD-01 01](#)), offered by Mrs. Rodgers, was defeated by a roll call vote, 25-32 ([Roll call no. 93](#)).

The Committee recessed from 8:18 p.m. until 8:34 p.m.

- **Amendment to the Craig AINS #1c** ([SUB-F-AMD-05 01](#)), offered by Mr. Walberg, was defeated by a roll call vote, 26-32 ([Roll call no. 94](#)).
- **Amendment to the Craig AINS #1d** ([SUB-F-AMD-09 01](#)), offered by Mr. Carter, was defeated by a roll call vote, 26-32 ([Roll call no. 95](#)).
- **Amendment to the Craig AINS #1e** ([SUB-F-AMD-08 01](#)), offered by Mr. Carter, was defeated by a roll call vote, 26-32 ([Roll call no. 96](#)).
- **Amendment to the Craig AINS #1f** ([SUB-F-AMD-16 01](#)), offered by Mr. Bucshon, was defeated by a roll call vote, 26-32 ([Roll call no. 97](#)).
- **Amendment to the Craig AINS #1g** ([SUB-F-AMD-13 01](#)), offered by Mr. Guthrie, was defeated by a roll call vote, 26-32 ([Roll call no. 98](#)).
- **Amendment to the Craig AINS #1h** ([SUB-F-AMD-10 01](#)), offered by Mr. Burgess, was defeated by a roll call vote, 26-32 ([Roll call no. 99](#)).

12. **Subtitle G**, “Budget Reconciliation Legislative Recommendations Relating to Medicaid”, was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 30-27 ([Roll call no. 107](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle G:

- **An Amendment in the nature of a substitute (AINS) #1** ([MEDCD-CPT-ANS 01](#)), offered by Ms. Castor (D-FL), was agreed to by a voice vote.
- **Amendment to the Castor AINS #1a** ([SUB-G-AMD-01 01](#)), offered by Mr. Carter, was defeated by a roll call vote, 25-31 ([Roll call no. 101](#)).
- **Amendment to the Castor AINS #1b** ([SUB-G-AMD-02 01](#)), offered by Mr. Guthrie, was defeated by a voice vote.

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- **Amendment to the Castor AINS #1c** ([SUB-G-AMD-04_01](#)), offered by Mr. Griffith, was defeated by a roll call vote, 26-32 ([Roll call no. 102](#)).
- **Amendment to the Castor AINS #1d** ([SUB-G-AMD-07_01](#)), offered by Ms. Lesko, was defeated by a roll call vote, 26-31 ([Roll call no. 103](#)).
- **Amendment to the Castor AINS #1e** ([SUB-G-AMD-09_01](#)), offered by Mrs. Rodgers, was defeated by a roll call vote, 26-31 ([Roll call no. 104](#)).
- **Amendment to the Castor AINS #1f** ([SUB-G-AMD-11_01](#)), offered by Mr. Burgess, was defeated by a roll call vote, 26-30 ([Roll call no. 105](#)).
- **Amendment to the Castor AINS #1g** ([SUB-G-AMD-20_01](#)), offered by Mr. Burgess, was defeated by a roll call vote, 26-30 ([Roll call no. 106](#)).
- **Amendment to the Castor AINS #1h** ([VBA.GUTHRI_011](#)), offered by Mr. Guthrie, was withdrawn.

13. **Subtitle H**, “Budget Reconciliation Legislative Recommendations Relating to CHIP”, was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 30-27 ([Roll call no. 108](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle H:

- **An Amendment in the nature of a substitute (AINS) #1** ([CHIP-CPT-ANS_01](#)), offered by Ms. Kelly (D-IL), was agreed to by a voice vote.

Chairman Pallone then announced that the Committee would recess until Wednesday, September 15, 2021, to reconvene at 9:30 a.m. in the John D. Dingell Room, 2123 of the Rayburn House Office Building, and remotely via the Committee’s WebEx platform.

Whereupon, at 1:40 a.m., on Wednesday, September 15, 2021, the Committee stood in recess.

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WEDNESDAY, SEPTEMBER 15, 2021

The Committee on Energy and Commerce reconvened on Wednesday, September 15, 2021, at 9:38 a.m., Hon. Frank Pallone, Jr. (Chairman of the committee) presiding, to continue a third day of a hybrid markup in the John D. Dingell Room, 2123 of the Rayburn House Office Building, and remotely via the Committee's WebEx platform. The business before the Committee was to consider legislative recommendations to comply with the reconciliation directive included in section 2002 of the Concurrent Resolution on the Budget for Fiscal Year 2022, S. Con. Res. 14. The following actions were taken:

14. **Subtitle J**, "Budget Reconciliation Legislative Recommendations Relating to Public Health", was transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 31-27 ([Roll call no. 112](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle J:

- **An Amendment in the nature of a substitute (AINS) #1** ([AINS-FCDCD_01](#)), offered by Ms. Eshoo, was agreed to by a voice vote.
- **Amendment to the Eshoo AINS #1a** ([AMD-FCR_34](#)), offered by Mr. Palmer, was defeated by a roll call vote, 25-32 ([Roll call no. 109](#)).
- **Amendment to the Eshoo AINS #1b** ([AMD-FCR_21](#)), offered by Mr. Carter, was defeated by a roll call vote, 26-32 ([Roll call no. 110](#)).
- **Amendment to the Eshoo AINS #1c** ([AMD-FCR_38](#)), offered by Ms. Lesko, was defeated by a roll call vote, 26-32 ([Roll call no. 111](#)).

15. **Subtitle E**, "Budget Reconciliation Legislative Recommendations Relating to Drug Pricing", was transmitted unfavorably to the Committee on Budget, as amended, by a roll call vote, 29-29 ([Roll call no. 117](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle E:

- **An Amendment in the nature of a substitute (AINS) #1** ([DRUGPRICE-CPT-ANS_01](#)), offered by Mr. Welch, was agreed to by a voice vote.
- **Amendment to the Welch AINS #1a** ([SUB-E-AMD-30_01](#)), offered by Mrs. Rodgers, was defeated by a roll call vote, 26-30 ([Roll call no. 113](#)).
- **Amendment to the Welch AINS #1b** ([SUB-E-AMD-28_01](#)), offered by Mr. Guthrie, was defeated by a roll call vote, 26-32 ([Roll call no. 114](#)).
- **Amendment to the Welch AINS #1c** ([PETECA_036](#)), offered by Mr. Peters, was offered and withdrawn.

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- **Amendment to the Welch AINS #1d** ([SUB-E-AMD-02_01](#)), offered by Mr. Guthrie, was defeated by a roll call vote, 25-32 ([Roll call no. 115](#)).
- **Amendment to the Welch AINS #1e** ([SUB-E-AMD-20_01](#)), offered by Mr. Hudson, was defeated by a roll call vote, 26-32 ([Roll call no. 116](#)).

16. **Subtitle I**, “Budget Reconciliation Legislative Recommendations Relating to Medicare”, was ordered transmitted favorably to the Committee on Budget, **amended**, by a roll call vote, 30-27 ([Roll call no. 118](#)) (**Final Passage**).

The following amendments were offered during consideration of Subtitle I:

- **An Amendment in the nature of a substitute (AINS) #1** ([MEDCR-DVH-AINS_01](#)), offered by Ms. Kelly, was agreed to by a voice vote.
- **Amendment to the Kelly AINS #1a** ([SUB-I-AMD-14_01](#)), offered by Mr. Guthrie, was ruled not germane.
- **Amendment to the Kelly AINS #1b** ([SUB-I-AMD-05_01](#)), offered by Mr. Bucshon, was defeated by a voice vote.
- **Amendment to the Kelly AINS #1c** ([SUB-I-AMD-19_01](#)), offered by Mr. Latta, was defeated by a voice vote.

Whereupon, there being no further business, the Committee adjourned at 3:46 p.m., subject to the call of the Chairman.