

Opening Statement

Ranking Member Roger Wicker

Committee on Commerce, Science, and Transportation: Executive Session #22

July 27, 2022

Remarks as delivered:

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Thank you to my friend, Senator Cantwell, for convening today's executive session.

Four years ago, a bipartisan group of members of this Committee formed a working group to discuss the continued need for a strong, uniform data privacy law in the United States to give Americans more control over their data and to protect their personal information from misuse and abuse. Since then I have introduced my own legislation, the Committee has held hearings on comprehensive data privacy as well as children's data privacy, and we have worked with our House colleagues to draft a bipartisan bill.

I regret this Committee's lack of progress on this very important issue. I am, however, pleased to see the House Energy and Commerce Committee continue to move forward on bipartisan privacy legislation that would enhance data protections for all Americans – children, teens, and adults. Just last week, the House Energy and Commerce Committee advanced the American Data Privacy Protection Act by a vote of 53-2. I urge this committee to take up that bipartisan legislation.

Included in the American Data Privacy Protection Act (ADPPA) are several provisions from the Children and Teens' Online Privacy Protection Act, a measure we will consider today.

While no legislation is perfect, the ADPPA represents a bipartisan, bicameral compromise that I believe has the best chance of reaching the President's desk before the end of the year.

I appreciate all of the work that has gone into the Children and Teens' Online Privacy Protection Act, but the need for a national law that provides data protections for everyone must be this committee's priority. For that reason, I cannot support this legislation today.

I applaud Senators Blumenthal and Blackburn for their bipartisan efforts on an important series of subcommittee hearings to address children's safety as well as the well-being on social media platforms. The Kids Online Safety Act is a product of their work and a foundation for protecting children, particularly as COVID took many everyday activities online.

That said, although I appreciate the sponsors incorporating elements of my amendments into this legislation, more work needs to be done to tighten the scope of the bill, define key terms, and

ensure that we avoid the creation of a patchwork of inconsistent or conflicting state laws governing the design and operation of covered platforms. I look forward to working with Senators Blackburn and Blumenthal to address these issues before advancing this legislation to the floor.

This morning, the committee will be voting on four important nominations: Admiral David Pecoske for a new term as Administrator of the Transportation Security Administration; Mr. Donald Cravins to be Under Secretary of Commerce for Minority Business Development; Ms. Susie Feliz to be Assistant Secretary of Commerce for Legislative and Intergovernmental Affairs.

I particularly look forward to working with Mr. Cravins, who will be the first person to fill the elevated role of Under Secretary – one of the key improvements that was included in legislation I sponsored last year to codify the Minority Business Development Agency.

Now there is another nomination that the Chair mentioned, that of Dr. Arati Prabhakar. With regard to that nomination, I had planned to, I think we had planned to vote on that today. She has high qualifications and experience, having previously served as the head of two science oriented agencies, DARPA and NIST.

At the request of the chair, we agreed to try and accommodate an exceptionally quick process to vote on her nomination. However, concerns arose late yesterday regarding Dr. Prabhakar's responses to questions for the record involving right to life issues, issues about which I am very much concerned. This is a helpful reminder for why the process of properly vetting nominees takes time and should not be rushed.

In my opinion the vote on Dr. Prabhakar should not be made today and we'll see where the votes are, but I would expect that the nomination would not move forward at this point.

Let me be clear, I am an ardent supporter of the right to life and right to life issues and I have always supported the Hyde Amendment. To the extent we can clear up these issues and make sure that longstanding provisions such as the Hyde Amendment remain steadfast, perhaps the nomination can go forward at a later time.

Thank you very much Madame Chairwoman.