

## Examining Legislation to Establish a Federal Comprehensive Privacy and Data Security Law

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*Committee on Energy and Commerce Subcommittee on Commerce,*

*Manufacturing, and Trade*

*United States House of Representatives*

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Dear Chair Bilrakis, Ranking Member Schakowsky, and Members of the Subcommittee:

On behalf of the Consumer Choice Center, we write to thank you for holding this hearing today. Here at the Consumer Choice Center, we have argued on behalf of consumers around the country for a unified national data privacy framework in order to better protect consumers and position businesses to be successful. Any such framework should be crafted in a way that both empowers consumers and allows our country's world-leading dynamic digital economy to continue delivering value to consumers in the goods and services they use every day. We write to express our support for H.R. 8413, the *SECURE Data Act*, introduced by Representative Joyce. We believe this legislation strikes that balance.

Currently, American consumers and businesses alike are forced to navigate a fragmented patchwork of state-level data privacy laws that are confusing for both consumers and businesses and present various challenges. This balkanized approach imposes significant regulatory compliance burdens that disproportionately harm startups and small to medium-sized businesses. In establishing a clear federal threshold with robust preemption, H.R. 8413 makes compliance smoother for all parties and ensures that all Americans are protected by a singular, coherent set of data rights that is not dependent on the state in which a consumer resides.

HR 8413 correctly builds upon some practical components of existing privacy frameworks enacted in some states. In allowing consumers to access, correct, and delete their data, coupled with the ability to opt out of targeted advertising, the legislation puts consumers in the driver's seat. It is an

important step to see all this accomplished without an overly prescriptive mandate that runs the risk of significantly disrupting the digital ecosystem that consumers are interacting with daily, providing access to many low-cost goods and services.

Importantly, HR 8413 correctly avoids allowing for a private right of action. History has shown that private rights of action can lead to a predatory ecosystem fueled by lawyers looking to line their pockets. Any privacy framework legislation should avoid creating an ecosystem that encourages practices that encourage such behavior, as it only takes money away from creators making goods and services that Americans enjoy, all without providing any serious privacy enhancements or actual remedies for consumers.

It is for these reasons that we ask the Subcommittee to advance HR 8413, the SECURE Data Act. We stand ready to be a resource and work with the Subcommittee to ultimately pass a legislative solution so the country can finally have a uniform, pro-consumer privacy framework.

Sincerely,

James Czerniawski

Head of Emerging Technology Policy

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