

September 29, 2021

The Honorable Maria Cantwell  
Chair  
Committee on Commerce,  
Science, and Transportation  
United States Senate  
Washington, DC 20510

The Honorable Roger Wicker  
Ranking Member  
Committee on Commerce,  
Science, and Transportation  
United States Senate  
Washington, DC 20510

Dear Chair Cantwell and Ranking Member Wicker:

We, the undersigned associations, thank you for holding the upcoming hearing, “Protecting Consumer Privacy.” Data has helped keep the “digital lights” on for small business struggling during the COVID-19 pandemic, bolsters public health, and expands financial inclusion for underserved communities. With data playing such a critical role in our economy, consumers deserve robust privacy protections that are clear and understandable. We therefore believe that Congress must pass national privacy legislation that protects all Americans equally.

Over 120 countries have adopted comprehensive data protection laws, many very recently, with more countries considering legislation. Unfortunately, in the United States a growing patchwork of now three different state privacy laws makes it increasingly difficult for small businesses to compete due to increased compliance costs. This patchwork also fosters consumer confusion, as state residency is now the sole determinate of a U.S. consumer’s privacy rights. Recent calls for the Federal Trade Commission (“FTC”) rulemakings on privacy would exacerbate, rather than resolve, this patchwork. Additionally, the House Energy and Commerce Committee approved a \$1 billion privacy and security enforcement bureau at the Federal Trade Commission—without an existing national privacy law to be enforced.

The Federal Trade Commission has established itself over the last two decades as the expert federal privacy agency. We urge Congress to forge bipartisan consensus on privacy legislation that strengthens FTC’s role in the enforcement of a national privacy framework. We agree that the Federal Trade Commission should receive additional funding and staff to protect consumer privacy. However, this should come with appropriate safeguards to prevent the agency from making sweeping policy changes without meaningful public input as has recently happened. The creation of a new privacy bureau and rulemakings should be authorized only by comprehensive, bipartisan privacy legislation.

We ask you and your Committee to enact through the legislative process a clear set of rules that provide robust protections for consumers, predictability for businesses, and new resources for the FTC. Such measures must be part of bipartisan, comprehensive privacy legislation that provides clear direction to the FTC.

Sincerely,

American Escrow Association

American Financial Services Associations (AFSA)

American Land Title Association (ALTA)

American Petroleum Institute (API)

Association of Test Publishers

California Life Sciences Association

Computer & Communications Industry Association (CCIA)

Consumer Data Industry Association (CDIA)

Electronic Transactions Association

Illinois Chamber of Commerce

Information Technologies Industries Council (ITI)

Insights Association

National Association of REALTORS

National Business Coalition on E-Commerce & Privacy

New York State Land Title Association

NetChoice

Pennsylvania Chamber of Commerce and Industry

Professional Association for Customer Engagement (PACE)

Real Estate Services Providers Council (RESPRO)

Securities Industry and Financial Markets Association (SIFMA)

Software & Information Industry Association (SIIA)

U.S. Chamber of Commerce

cc: Members of the Senate Committee on Commerce, Science, and Transportation