

**Center for Digital Democracy \* Consumer Action  
Consumer Federation of America \* Electronic Frontier Foundation  
Privacy Activism \* Privacy Lives \* Privacy Rights Clearinghouse  
Privacy Times \* U.S. PIRG \* World Privacy Forum**

29 September 2009

**Strike Preemptive Language in HR 2221, Data Accountability and Trust Act**

Dear Energy and Commerce Committee Member,

We are writing on behalf of leading consumer groups regarding HR 2221, the data security bill introduced by Chairman Rush and others to be marked up September 30 in full committee.

We applaud the sponsors for including in the bill some of the strongest public policy provisions of any bill before the Congress to address the myriad data security and privacy problems that have been identified following years of well-publicized security breaches at some of the nation's largest firms. In addition, the bill imposes Fair Information Practice-based privacy duties on the class of virtually unregulated data brokers like Choicepoint.

However, the bill approved in subcommittee includes unacceptable preemptive language that restricts further state and individual consumer action, despite strong evidence that the states have led, and will continue to lead, if allowed, on identity theft and other privacy protection issues. We believe strongly that federal law should always serve as a floor, not a ceiling.

We are extremely troubled that on a wide range of issues from air pollution to predatory banking practices to chemical security to product safety to privacy, the Congress generally accepts industry demands to eliminate fifty laboratories of public policy as a condition of passing what often ends up to be a modest federal law.

We urge you to strike the preemptive language in HR 2221, the Data Accountability and Trust Act.

Sincerely,

Jeff Chester  
Center for Digital  
Democracy

Kevin Bankston  
Electronic Frontier  
Foundation

Beth Givens  
Privacy Rights  
Clearinghouse

Ruth Susswein  
Consumer Action

Linda Ackerman  
Privacy Activism

Evan Hendricks  
Privacy Times

Susan Grant  
Consumer Federation of  
America

Melissa Ngo  
Privacy Lives

Edmund Mierzwinski  
U.S. PIRG

Pam Dixon  
World Privacy Forum