

**Congress of the United States**  
**Washington, DC 20515**

October 9, 2015

The Honorable Penny Pritzker  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Washington, DC 20230

The Honorable Edith Ramirez  
Chairwoman  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

Secretary Pritzker and Chairwoman Ramirez:

The globally-connected Internet is an important driver of economic development and a key underpinning of the trade relationship between the United States and European Union (EU). Cross-border data flows between the U.S. and EU are the highest in the world, some fifty percent higher than data flows between the U.S. and Asia, and nearly double the data flows between the U.S. and Latin America. Disruption of this free flow of information would have unfortunate effects on students, consumers, and businesses, as well as speech and innovation more generally.

Since 2000, the U.S.-EU Safe Harbor Agreement has ensured consumers on both sides of the Atlantic benefit from a free and open Internet. More than four thousand companies are certified under the Safe Harbor, most of which are small and medium enterprises. These companies, and the thousands more that partner with them, rely upon the Safe Harbor to operate their businesses efficiently, effectively, and in a manner respecting the rights of individuals.

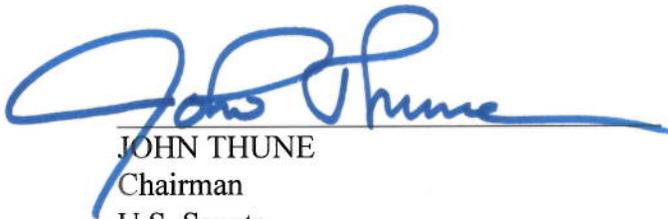
Trans-Atlantic digital trade is of critical importance to both the U.S. economy and the economy of the EU. The recent decision of the European Court of Justice (ECJ) to invalidate the Safe Harbor Agreement unfortunately creates significant uncertainty for the customers and partners of businesses that send data between Europe and the United States.

After two years of negotiations, we understand significant progress has been made on a new agreement with the EU that would guarantee continued trans-Atlantic data flows and adequately protect consumer data. The ECJ decision makes urgent the need to redouble your efforts and

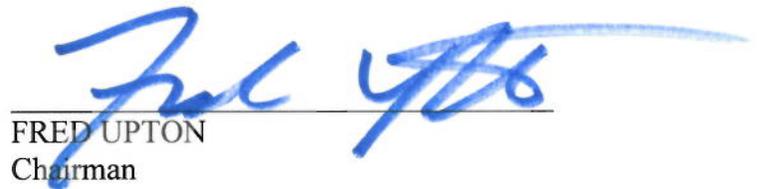
conclude a successor to the now-invalidated Safe Harbor Agreement. The announcement of a revised framework will represent an important step in clarifying misinformation and providing marketplace stability. Finally, we encourage you to work closely with your European counterparts to issue interim guidance for businesses that have relied upon the Safe Harbor. It is imperative these businesses are able to continue operating in the absence of the Safe Harbor.

Thank you for your continued leadership on this important issue to the global economy.

Sincerely,



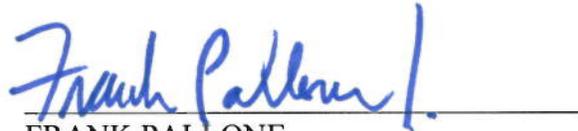
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