

**Opening Statement of the Honorable Michael C. Burgess, M.D.
Subcommittee on Commerce, Manufacturing, and Trade
Markup of “Discussion Draft of
H.R. ____, Data Security and Breach Notification Act of 2015”
March 24, 2015**

(As Prepared for Delivery)

In January, we heard testimony about the key elements of sound data security and breach notification legislation. Last week, we heard from a wide variety of stakeholders about this discussion draft. Now we move further into the legislative process with today’s Subcommittee markup.

I am very pleased with the bipartisan progress shown by my colleagues, Vice Chairman of the full Committee Congressman Blackburn and Congressman Welch announcing this draft legislation. I would also like to recognize Congressman Loeb sack for joining in this effort. This Subcommittee has a history of bipartisan cooperation demonstrated by the work Congressman Barton and Congressman Rush have also put into this issue over the years.

Finding a workable bipartisan compromise that can become law has been elusive. But I believe that by focusing on how the criminals make their money we can work together and achieve a workable solution for the millions of Americans impacted by identity theft and financial fraud.

Perfect cannot be the enemy of the good. And we must ensure that there are meaningful consumer protections in this draft. Among them, we must protect consumers from the annul \$100 billion bill they pay each year in higher fees and prices. And cybercrime is estimated to cost Americans 508,000 jobs annually. Oh to have a bill with so many jobs to show our constituents.

Some folks will complain about what is not in the bill. But we choose to learn from Congress’ failures of the last ten years. If we want to actually pass legislation we cannot future proof this bill. We cannot shade into areas such as privacy. This Administration and our minority colleagues have had six years and they still can’t agree on how to address privacy.

On the topic of privacy – let me reiterate – while we don’t tackle privacy we don’t preempt privacy either. This bill is focused on unauthorized access that leads to identity theft and financial fraud. It has nothing to do with permitted access, or when that permission can be given, or what data can be collected.

I look forward to continuing the bipartisan and good faith negotiations with all interested stakeholders. Our doors remain open. We will have a full-committee mark-up and I hope that some Members will hold their issues until then so that we can work to address as many concerns as possible and achieve as broad a compromise as possible.

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