



July 19, 2022

The Honorable Frank Pallone
Chairman
U.S. House Committee on Energy and
Commerce
Washington, DC 20515

The Honorable Cathy McMorris Rodgers
Ranking Member
U.S. House Committee on Energy and
Commerce
Washington, DC 20515

The Honorable Jan Schakowsky
Chair
U.S. House Subcommittee on Consumer
Protection & Commerce
Washington, DC 20515

The Honorable Gus Bilirakis
Ranking Member
U.S. House Subcommittee on Consumer
Protection & Commerce
Washington, DC 20515

RE: Markup of H.R. 8152, the “American Data Privacy and Protection Act”

Dear Representatives Pallone, Rodgers, Schakowsky and Bilirakis:

The Main Street Privacy Coalition (MSPC), a coalition of 19 national trade associations representing more than a million American businesses,¹ appreciates your efforts to develop federal data privacy legislation and offers this letter on the newly released, updated version of H.R. 8152, the “American Data Privacy and Protection Act” (ADPPA) being marked up by the U.S. House Committee on Energy and Commerce on July 20.

MSPC is comprised of a broad array of national trade associations representing businesses that line America’s Main Streets. From retailers to REALTORS®, hotels to home builders, grocery stores to restaurants, gas stations to travel plazas, self-storage to convenience stores, including franchise establishments, MSPC member companies interact with consumers day in and day out. Our members’ businesses can be found in every town, city and state, providing jobs, supporting our economy and serving Americans as a vital part of their communities.

Collectively, the industries that MSPC member associations represent directly employ approximately 34 million Americans and constitute over one-fifth of the U.S. economy by contributing \$4.5 trillion (or 21.8%) to the U.S. gross domestic product (GDP). Our success depends on maintaining trusted relationships with our customers and clients: trust that goods and services we provide are high quality and offered at competitive prices; and trust that information customers provide to us is kept secure and used responsibly. For these reasons, our associations are actively engaged in the discussions surrounding data privacy and continue to work together to support Congress’s enactment of a comprehensive and uniform federal data privacy law.

MSPC is dedicated to the enactment of a uniform, national federal data privacy law that

¹ The Main Street Privacy Coalition website and member list may be accessed at: <https://mainstreetprivacy.com>.

creates privacy obligations for all businesses handling consumers' personal information, and we appreciate the Committee's goal to embody those principles in the ADPPA.

We have provided Committee staff with specific comments and legislative language on issues with the bill that we believe must be addressed to improve the ADPPA before the bill is voted on by the full House of Representatives. These include but are not limited to issues relating to ensuring consistent rules across the nation, protecting good actors from lawsuits (and threats of lawsuits), ensuring that the service providers on which Main Street businesses rely also protect consumer data and honor consumer rights requests, and preserving businesses' customer loyalty programs for American consumers. We have also stressed the importance of having a plan to ensure that the financial services industry is appropriately covered by the ADPPA.

We appreciate the tireless work you and your staffs have engaged in to make progress on these issues. In particular, we thank you for the changes made in the newly released version of the bill to ensure that the customer loyalty programs so popular with American consumers are protected. We also appreciate your work on a bipartisan amendment to ensure service providers appropriately protect consumer privacy under the bill. Those two issues represent significant accomplishments. Other issues of concern for us, however, have not been addressed and the current ADPPA is not yet in a workable form for Main Street. We remain strongly committed to working constructively with you and your staffs on further edits to get to a federal privacy bill that can work for Main Street.

Main Street businesses – many of whom have struggled to remain open to serve consumers during the COVID-19 pandemic and are now facing historic pressures from the confluence of inflation, supply chain constraints, and labor shortages – will bear the full burden of complying with the regulatory obligations under the ADPPA that the Committee is considering and are not exempt from its provisions. We hope that you will continue work with us in the manner you have to date in order to make further changes to the bill before consideration on the floor of the House to meet our shared goals of effectively protecting privacy in a way that works for Main Street businesses.

Sincerely,

The Main Street Privacy Coalition

Members of the Main Street Privacy Coalition:

American Hotel & Lodging Association
American Beverage Licensees
American Pizza Community
Direct Selling Association
Energy Marketers of America
FMI – The Food Industry Association
International Franchise Association
National Association of Convenience Stores
National Association of Home Builders
National Association of Realtors

National Council of Chain Restaurants
National Grocers Association
National Restaurant Association
National Retail Federation
NATSO
Retail Industry Leaders Association
Self Storage Association
Small Business & Entrepreneurship Council
Society of Independent Gasoline Marketers of America

cc: Members of the Committee
on Energy and Commerce