

**Opening Statement of the Honorable Michael C. Burgess
Subcommittee on Commerce, Manufacturing, and Trade and
Communications and Technology
Hearing on “Examining the EU Safe Harbor Decision and
Impacts for Transatlantic Data Flows”
November 3, 2015**

(As Prepared for Delivery)

Over 4,400 businesses self-certified compliance with the Safe Harbor agreement through the Department of Commerce. An awful lot of jobs and an awful lot of industries are connected to those 4,400 businesses.

The Safe Harbor Agreement had provided a safe mechanism to carryout commerce with the European Union. There is no trade partnership more important than the trade partnership with the EU. The depth and breadth of the U.S. and EU relationship is not simply economic – this is a strategically important relationship of respect and cooperation. But in today’s world, as our members know, you can’t do business without digital data flows.

So today, our two subcommittees send an important message. There is no reason to delay. Both sides have all that is needed to put a sustainable Safe Harbor agreement in place. Our understanding is that there is an agreement in principle. And I applaud the important work the Department of Commerce has done to achieve a new agreement. They offered a bi-partisan briefing to our Members last week. Their message is the right one – we cannot let anything get in the way of moving as quickly as possible to secure the new Safe Harbor agreement. I also want to applaud the important enforcement work that the Federal Trade Commission has done enforcing the existing safe harbor framework. I know that they will do the same for the new safe harbor.

For the sake of the small and medium sized business relying on the Safe Harbor, and all of the jobs they support in both the U.S. and the EU, I encourage all parties to stay at the negotiating table to solidify a new data transfer agreement well in advance of the January 2016 deadline. There is no other path forward that I can support. And I can assure you that our Committee will continue to watch the negotiations closely.

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