

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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July 13, 2015

Ms. Sara Cable
Assistant Attorney General
Consumer Protection Division
Office of Attorney General Maura Healey
Commonwealth of Massachusetts
1 Ashburton Place
Boston, MA 02108

Dear Ms. Cable,

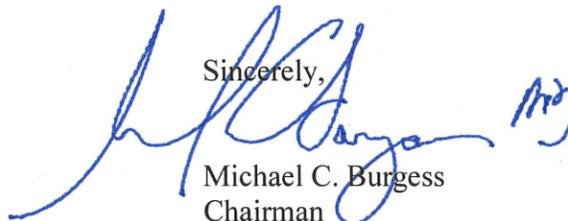
Thank you for appearing before the Subcommittee on Commerce, Manufacturing, and Trade on Wednesday, March 18, 2015, to testify at the hearing entitled "Discussion Draft of H.R. ____, Data Security and Breach Notification Act of 2015."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Monday, July 27, 2015. Your responses should be mailed to Kirby Howard, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515 and e-mailed in Word format to Kirby.Howard@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Michael C. Burgess
Chairman

Subcommittee on Commerce, Manufacturing, and Trade

cc: Jan Schakowsky, Ranking Member, Subcommittee on Commerce, Manufacturing, and Trade

Attachment

Additional Questions for the Record

The Honorable Michael C. Burgess

The Massachusetts Attorney General has been active in the data security space, and there is a recent case against the Women & Infants Hospital of Rhode Island that involved claims under Massachusetts state law and the HITECH Act. Has the Massachusetts Attorney General been successful enforcing federal law in cases included the one cited above?

The Honorable Jan Schakowsky

1. What are the potential implications of the preemption clause (section 6(a)) in the discussion draft with regard to the States' and, specifically, Massachusetts' ability to "maintain, enforce, or impose or continue in effect" laws, regulations, or standards relating to the security of data in electronic form and/or notification following a breach of security?
2. How is the breadth of the preemption language in Sections 6(a) and 6(b) of the discussion draft harmful to consumers?
3. How are the enforcement powers conferred to the State Attorneys General under section 4(b) of the discussion draft insufficient to maintain even current levels of state enforcement?