

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

July 13, 2015

Ms. Jessica Rich
Director
Bureau of Consumer Protection
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dear Ms. Rich,

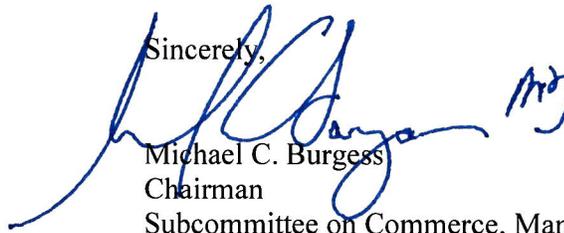
Thank you for appearing before the Subcommittee on Commerce, Manufacturing, and Trade on Wednesday, March 18, 2015, to testify at the hearing entitled "Discussion Draft of H.R. ____, Data Security and Breach Notification Act of 2015."

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

1. Under the FTC's current authority, the Commission must obtain a consent order before it can obtain civil penalties for unfair or deceptive data security practices. Do you believe that consent orders are a strong incentive for industry to implement data security verses civil penalties?
2. Does section 6(d) of H.R. 1770 preserve the FTC's Section 5 authority to bring unfair or deceptive acts or practices claims? Does the draft legislation preserve the FTC's Section 5 authority to bring claims for unfair or deceptive privacy practices?
3. What factors are statutorily required for the FTC to consider when determining a penalty amount under its existing authority?