

June 10, 2022

Honorable Frank Pallone
Chair
House Energy & Commerce Committee

Honorable Cathy McMorris Rodgers
Ranking Member
House Energy & Commerce Committee

Honorable Jan Schakowsky
Chair
House Energy & Commerce Committee
Consumer Protection &
Commerce Subcommittee

Honorable Gus Bilirakis
Ranking Member
House Energy & Commerce Committee
Consumer Protection &
Commerce Subcommittee

Chairman Pallone and Ranking Member McMorris Rodgers:

On behalf of Illinois employer associations that represent millions of employees from various sectors across Illinois, thank you for the opportunity to comment on the American Data Privacy and Protection Act that was released last week. We appreciate your bipartisan efforts to create a national standard on how and when data may be collected from individuals and used. This would create one standard while eliminating a patchwork of regulations across the nation.

Unfortunately, we have issues with a number of provisions in the draft bill, but are writing today to register our strong concerns about one provision in particular that would grandfather an Illinois law. If this provision remains intact in the federal legislation, Illinois will continue to be an outlier as one of very few states in the nation that do not fall fully under this new federal legislation. As a result, Illinois employers will continue operating under a different set of rules than the overwhelming majority of employers in the United States. It would violate the spirit of the federal law to create one uniform standard.

The Illinois BIPA law has spawned more than 1,400 lawsuits in the past few years. Employers are unable, as a practical matter, to use technologically advanced equipment that utilizes biometric identifiers for security purposes and biometric time clocks for example. Hospitals and medical facilities have faced lawsuits for utilizing biometric information to control access to prescription pharmaceuticals. The Illinois law even allows lawsuits when there has been no data breach or any harm for an employee.

We strongly encourage you to revise the current legislation to create one uniform standard that applies evenly to all states rather than continuing the patchwork by exempting certain laws and regulations in a small handful of states.

Thank you for your consideration.



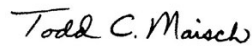
Donovan Griffith
Illinois Manufacturers' Association



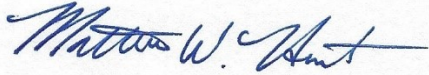
Rob Karr
Illinois Retail Merchants Association



Jack Lavin
Chicagoland Chamber of Commerce



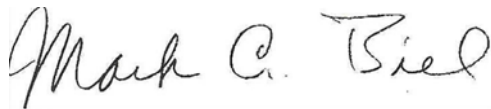
Todd Maisch
Illinois Chamber of Commerce




Matt Hart
Illinois Trucking Association



Michael Jacobson
Illinois Hotel & Lodging Association



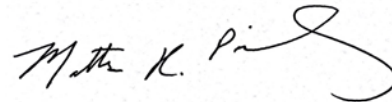
Mark Biel
Chemical Industry Council of Illinois



Jim Kaitschuk
Illinois Sheriffs' Association



Jim Watson
American Petroleum Institute



Matt Pickering
Health Care Council of Illinois



Don Erickson
Security Industry Association



Thomas A. Thanas
Illinois Casino Gaming Association



AJ Wilhelmi
Illinois Health and Hospital Association

cc: U.S. Senator Dick Durbin
U.S. Senator Tammy Duckworth
Illinois Congressional Delegation
House Energy & Commerce Committee