

Opening Statement of Chair Cathy McMorris Rodgers
As Prepared for Delivery
Committee on Energy and Commerce
Subcommittee on Innovation, Data, and Commerce
Hearing entitled “Addressing America’s Data Privacy Shortfalls: How a
National Standard Fills Gaps to Protect Americans’ Personal Information”
April 27, 2023

Good afternoon and welcome.

This is our sixth privacy and data security hearing this year.

It will give us another chance to discuss our efforts to enact a comprehensive national standard.

Currently, there are sector-specific federal statutes on the books to protect data..... ranging from health care, to financial, to youth-oriented laws.

While preserving those laws, the American Data and Privacy Protection Act passed out of Committee with a near unanimous 53-2 vote...

...and included many safeguards to ensure activities in these various sectors remained governed by the appropriate state and federal regulators.

Many of these laws were crafted in this very hearing room over the last 30 years.

The level of innovation and competition that resulted since then is amazing, and it represents some of the greatest accomplishments in American history.

That said, these technologies come with challenges that must be addressed.

These companies have developed tools that interact to track Americans both online and offline.

...and also they’re using our data to manipulate what we see and what we think.

This is especially true for our children.

I am very proud of our work last Congress to pass ADPPA out of Committee.

It included the strongest privacy protections for kids online — these protections have support from several stakeholders as being stronger than any proposals from any other Federal or State laws or proposals to date.

It would make it illegal to target advertising to children, and treats data about kids under 17 as “sensitive.”

This means establishing higher barriers for the transfer of personal information.

This provision, along with the overarching data minimization provisions and the ability to delete personal information...

... will make it tougher for kids’ personal identifiable information, like their physical location, to land in the hands of drug dealers, sex traffickers and other evil actors attempting to find and track them.

It would also require assessments for how their algorithms amplify harmful content.

This will keep them accountable for stories like one reported by Bloomberg last week about TikTok's algorithm continuing to push suicide content to vulnerable children. Child privacy protection advocates, including many parent groups, are already on record in support of a national data privacy standard.

It is just one piece of protecting children online.

This is difficult to get right, but it is imperative that we do.

Through many discussions with stakeholders, we determined that an underlying framework of protections must be strong and consistent no matter the user, young or old.

For this reason, any legislation to protect kids online must be rooted in a comprehensive national standard for data privacy and security to ensure there are broad protections.

As long as there are regulatory gaps, companies will exploit them in order to monetize the data captured...

...and refuse to do more to shield children from bad actors like cyberbullies, sexual predators, drug dealers, and others trying to do them harm.

This can't be allowed to continue.

I can't emphasize enough. We need legislation like ours that protects children from having their information harvested —like geolocation data...

...gives everyone the power to delete the information collected on them, and opt out of collection altogether...

...provides greater transparency over the algorithms these companies use to manipulate and amplify the information we see...

...and requires assessments for how algorithms harm children.

Last week we had a hearing with the Federal Trade Commission.

We raised concerns about the direction of the agency related to their unilateral rulemaking efforts.

I believe the FTC should be the preeminent data protection agency in the world.

But it needs to be at the direction of Congress.

I appreciate the work of the people in this room to ensure we get this legislation right.

Our efforts have shown us that the single best way we can protect Americans in today's digital ecosystem is with a national data privacy and security standard.

And the American people agree.

More than 80 percent of Americans say they are looking for Congress to act.

It is our responsibility to ensure their data privacy and security, to provide even higher levels of protections for their kids, and to rein in Big Tech.

I look forward to the testimony and I yield back.