

August 25, 2022

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-232, the Capitol
Washington, DC 20515

RE: Move H.R. 8152, the American Data Privacy and Protection Act

Dear Speaker Pelosi:

The undersigned 48 civil rights, privacy, and consumer organizations urge you to expeditiously move H.R. 8152, the American Data Privacy and Protection Act (ADPPA), to a vote by the full House of Representatives. ADPPA is comprehensive federal privacy and civil rights legislation that will, for the first time, create real and lasting protections for the personal data of hundreds of millions of consumers in America. It will also significantly expand equal opportunity online through strong anti-discrimination provisions, algorithmic bias assessments, and heightened protections for data that reveal sensitive information about a person. The bill, which was reported out of the Energy and Commerce Committee on a bipartisan 53-2 vote, is the product of input from a variety of stakeholders across the political spectrum.

The American Data Privacy and Protection Act strengthens civil rights and privacy protections nationwide. To accomplish these sweeping advancements and bring relief to millions today, we understand that some compromise is necessary. ADPPA has limited preemption of state privacy laws that cover the same issues as ADPPA. It does not preempt state civil rights laws, consumer protection laws of general applicability, or laws related to student or employee privacy, health privacy, financial privacy, social security numbers, facial recognition, electronic surveillance, encryption, or several other categories.

We commend California and other states for leading the way in establishing state-level privacy protections, such as the California Privacy Rights Act (CPRA). ADPPA builds on the success of CPRA, raising data protections for Californians and the rest of the country. For example, ADPPA includes civil rights protections, algorithmic bias testing, limits on targeted advertising to kids, and a private right of action — none of which are present in California or other state privacy laws. Everyone throughout the United States deserves to have their privacy and civil rights protected. State attorneys general and state privacy authorities, like the California Privacy Protection Agency, will be able to enforce ADPPA.

The American Data Privacy and Protection Act contains significant new protections for civil rights and data privacy, including:

- Strong civil rights protections that prohibit using personal data in a manner that discriminates in goods or services on the basis of protected characteristics;
- Data minimization provisions that limit data collection, use, and sharing, and that impose heightened restrictions on sensitive data such as browsing history, location data, health information, and biometric data;
- Requirements to test algorithms for bias and measure potential impacts on equal access to and eligibility for housing, employment, credit, education, insurance, health care, and public accommodations;

- Strong protections for kids’ and teens’ data, including a ban on targeted advertising to anyone under 17 years old and a new FTC office focused on youth marketing;
- Individual rights to access, correct, and delete one’s personal information;
- Data broker regulations and global opt-outs for consumers;
- Robust transparency and data security requirements;
- Reasonable enforcement provisions, including FTC enforcement authority, enforcement authority for state attorneys general and state privacy agencies, and private right of action; and
- Preservation of state civil rights laws and other types of state laws that are important for the protection of consumers and marginalized communities.

We will continue to work to improve the bill as it moves to the floor and concerns are considered, however we strongly believe that H.R. 8152 will provide long overdue and much needed protections for individuals and communities. The bill is a meaningful compromise that has bipartisan support. Congress has the opportunity to act now to protect people’s data — and thus their privacy and civil rights.

The time is now to pass a comprehensive federal privacy and civil rights law. We fear that a failure to move the bill in this Congress will forestall progress on this issue for years to come. We urge you to move the bill to a vote as soon as possible.

Sincerely,

Access Now
 ADL (Anti-Defamation League)
 Americans for Democratic Action (ADA)
 Asian Americans Advancing Justice - AAJC
 Autistic Self Advocacy Network
 Bend the Arc: Jewish Action
 Black Women's Roundtable
 Center for Democracy & Technology
 Center for Digital Democracy
 Clearinghouse on Women's Issues
 Common Cause
 Communications Workers of America
 Consumer Action
 Consumer Federation of America
 Electronic Privacy Information Center (EPIC)
 Fairplay
 Feminist Majority Foundation
 Fight for the Future
 Filipina Women's Network
 Free Press Action
 Global Project Against Hate and Extremism
 Hispanic Federation
 Impact Fund
 Japanese American Citizens League
 Lawyers’ Committee for Civil Rights Under Law

Main Street Alliance
Muslim Advocates
NAACP
National Action Network
National Center for Parent Leadership, Advocacy, and Community Empowerment
National Coalition on Black Civic Participation
National Consumers League
National Employment Law Project
National Fair Housing Alliance
National Hispanic Media Coalition
National Organization for Women
National Urban League
New America's Open Technology Institute
OCA – Asian Pacific American Advocates
Open MIC (Open Media and Information Companies Initiative)
Proton
Public Knowledge
Ranking Digital Rights
Robert F. Kennedy Human Rights
Sikh American Legal Defense and Education Fund
The Center for Asian Pacific American Women (CAPAW)
The Leadership Conference on Civil and Human Rights
UnidosUS