November 4, 2015

The Honorable Jim Langevin (co-chair, House Cybersecurity Caucus)

U.S. House of Representatives

Washington, DC 20515

The Honorable Michael McCaul (co-chair, House Cybersecurity Caucus)

U.S. House of Representatives

Washington, DC 20215

Dear Representatives Langevin and McCaul:

As the co-chairmen of the Congressional Cybersecurity Caucus, you both understand that the threat of cyber attacks and identity theft is one of the most pressing problems facing America’s people, businesses and government. Cyber crimes in all forms are now a daily occurrence in the United States and are considered a top priority by federal law enforcement and consumer protection agencies.

In 2012, the federal Bureau of Justice Statistics estimated that roughly 16.6 million Americans were victims of identity theft, with an estimated financial loss of nearly $25 billion. During that same period, the loss from traditional crimes, including robbery, vandalism and arson, was about $14 billion.

Recent cyber attacks on federal agencies, including the Internal Revenue Service and the Office of Personnel Management, and on major corporations, including Target and Sony Pictures, have been stark reminders that even the most sophisticated organizations, with top-notch data security technology, are vulnerable.

Unfortunately, several members of the Congressional Cybersecurity Caucus are currently supporting legislation that would place tens of thousands of Americans at increased risk of identity theft, contrary to the mission of the Caucus.

Rep. Blake Farenthold (R-Texas) is the author of the so-called FACT Act (H.R. 526), which would require asbestos victims to disclose sensitive personal information on the Internet when they seek compensation through the asbestos trust system. Required disclosures would include their full names, birth years, work histories, medical conditions and a portion of their Social Security numbers.

H.R. 526 passed out of the House Judiciary Committee last May by a vote of 19-9. Among the 19 who voted for the measure were Reps. Steve Chabot (R-Ohio); Randy Forbes (R-Va); Trent Franks (R-Ariz.); Jim Jordan (R-Ohio); and John Ratcliffe (R-Texas). These members, along with Rep. Farenthold, are members of the Congressional Cybersecurity Caucus.

EWG Action Fund recently asked a top authority in the area of privacy law to review H.R. 526 for identity theft risks. Attorney Glen Kopp, a partner with the law firm Bracewell & Giuliani and a former federal prosecutor in the Southern District of New York, identified significant problems in the legislation that would leave sick and dying asbestos victims at risk of identity theft and other online and offline scams. We have attached a copy of Mr. Kopp’s analysis.

If the Congressional Cybersecurity Caucus is to maintain its credibility as a bipartisan group whose mission is to protect all Americans from the growing threats of identity theft and cyber attack, it must oppose any legislation that would put any American at increased risk.

We urge the Caucus to strongly oppose H.R. 526. Cyber security and identity theft prevention cannot be a privilege for some Americans over others.

Sincerely,

EWG Action Fund

Asbestos Disease Awareness Organization (ADAO)

Public Citizen

Center for Justice & Democracy

TURN - The Utility Reform Network

Essential Information