

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
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September 15, 2011

The Honorable Patrick J. Leahy
Chairman
Committee on Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Committee on Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Leahy and Ranking Member Grassley:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly supports state attorney general-related amendments that may be offered by Sens. Cornyn or Grassley to S. 1151, the "Personal Data Privacy and Security Act of 2011" and S. 1408, "the Data Breach Notification Act of 2011," during markup of this legislation.

These common-sense amendments would require the disclosure of the terms of outside counsels' agreements with state attorneys general, the mechanism used to select counsel, and the party liable for awarded fees and costs. These requirements would ensure sole-source contingency fee contracts awarded to enforce federal law are being used in a manner consistent with Congressional intent and allow Congress to provide oversight of states' exercise of such enforcement authority.

An open hiring process would also help address concerns that are too often raised by outside contingency fee counsel selection. There have been multiple examples of questionable dealings between some law firms and those with the authority to hire them to represent states. Requiring up-front disclosure of agreements between state attorneys general and outside counsel to enforce federal law would help increase the public's confidence in these arrangements. Furthermore, such disclosures would help ensure that citizens, not a few outside law firms, are the primary beneficiaries of state-based actions to enforce federal law.

The Chamber strongly supports these common-sense amendments that would help ensure full transparency in the enforcement of S. 1151 or S. 1408 by state attorneys general.

Sincerely,



R. Bruce Josten

cc: Members of the Senate Committee on the Judiciary