



March 1, 2022

The Honorable Janice D. Schakowsky  
Chair  
Consumer Protection  
& Commerce Subcommittee  
House of Representatives  
Washington, DC 20515

The Honorable Gus M. Bilirakis  
Ranking Member  
Consumer Protection  
& Commerce Subcommittee  
House of Representatives  
Washington, DC 20515

Dear Chair Schakowsky and Ranking Member Bilirakis:

The U.S. Chamber of Commerce is disappointed that today's hearing about consumer protections and technology fails to address national data privacy legislation and instead focusses on bills that have the potential to harm the nation's vibrant e-commerce systems, and stifle innovation and competition in crucial emerging technologies like artificial intelligence. We urge the Subcommittee and Congress to instead focus on protecting consumer privacy, which the vast majority of Americans agree is needed.

The Chamber opposes H.R. 6416, the so called "Banning Surveillance Advertising Act of 2022," which would harm the online advertising ecosystem that has contributed to a thriving internet-based economy. In particular, small businesses would be hard hit by this legislation. Efficient and cost-effective online advertising—across a range of websites, apps, and technologies—saves US small businesses an estimated \$163 billion annually.<sup>1</sup> Additionally, consumers preferred tailored and relevant advertising.<sup>2</sup> Small companies increasingly used digital tools as a lifeline to reach consumers during the pandemic.<sup>3</sup>

It is critically important Congress gets artificial intelligence policy right. AI is helping secure networks, develop vaccines, and expand financial inclusion. Before imposing new, burdensome regulation of AI, Congress should first focus on ensuring a flexible U.S. regulatory framework is developed. There is important work already underway to provide Congress with important insights, including multistakeholder approaches like the U.S. Chamber's AI Commission on Competitiveness, Inclusion, and Innovation<sup>4</sup> and NIST's Risk Management Framework<sup>5</sup> to run their course to inform the development of bipartisan solutions.

The Chamber opposes H.R. 6580, the "Algorithmic Accountability Act," which would frustrate the development and deployment of beneficial technologies with new layers of bureaucracy and approvals for an already heavily regulated industry by creating an ill-conceived new burdensome impact

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<sup>1</sup> <https://sbecouncil.org/2019/09/10/online-advertising-delivers-big-benefits-for-small-businesses/>

<sup>2</sup> <https://www.marketingdive.com/news/study-71-of-consumers-prefer-personalized-ads/418831/>

<sup>3</sup> <https://about.fb.com/wp-content/uploads/2020/10/Deloitte-Digital-Tools-in-Crisis-and-Recovery-SMB-Report-Oct-2020.pdf>

<sup>4</sup> <https://americaninnovators.com/aicommission/>

<sup>5</sup> <https://www.nist.gov/itl/ai-risk-management-framework>

assessment regime for all automated decision systems, rather than just high-risk applications. Under H.R. 6580, a large number of companies likely would be stuck waiting for Federal Trade Commission approval on unnecessary low-risk automated systems which companies are relying on to help grow, innovate and compete.

The Chamber also has significant concerns about H.R. 6796, the “Digital Services Oversight and Safety Act of 2022,” as significant unresolved questions remain over exactly how wide the scope of the bill is and what industries are actually affected.

We strongly believe the Subcommittee and Congress should prioritize protecting consumer’s privacy. There are many privacy proposals in Congress today that could provide durable, bipartisan solutions that give consumers meaningful data rights like Representative Suzan Delbene’s Information Transparency & Personal Data Control Act<sup>6</sup> and the recently announced privacy draft<sup>7</sup> released by Ranking Member Cathy McMorris Rodgers.

Sincerely,



Neil L. Bradley  
Executive Vice President, Chief Policy Officer, and Head  
of Strategic Advocacy  
U.S. Chamber of Commerce

cc: Members of the House Committee on Energy and Commerce’s Subcommittee on Consumer Protection and Commerce

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<sup>6</sup> <https://www.congress.gov/bill/117th-congress/house-bill/1816/text?q=%7B%22search%22:%5B%22hr+1816%22%5D%7D&r=1&s=10>

<sup>7</sup> <https://republicans-energycommerce.house.gov/wp-content/uploads/2021/11/2021.11.02-Republican-CODA-Draft-.pdf>