AMERICANS FOR PROSPERITY®

February 26, 2019

Subcommittee Chairman Schakowsky and members of the Subcommittee on Consumer Protection and Commerce:

On behalf of more than 3.2 million Americans for Prosperity activists across all 50 states, I thank you for holding this important hearing today on consumer privacy. At AFP, we believe that Congress can protect consumer privacy without hampering the technological innovation that has enhanced our nation's economy and benefitted consumers over the past decades.

Congress has an opportunity to protect consumer privacy while ensuring Americans continue leading the way in developing cutting-edge technology. While the impact of new technologies has been overwhelmingly positive for the public, they also pose new challenges for policymakers to solve. However, heavy-handed regulatory measures are not an effective solution. Instead, they create new barriers to innovation while doing little to protect consumers. The net result of such innovation-blocking regulation is to leave consumers worse off in the long run.

We urge the subcommittee to adopt the following principles while crafting privacy legislation. First, that privacy legislation should focus on addressing practices that harm consumers. Second, that it maintains a clear distinction between privacy and data security. Third, that the legislation recognize the practical and legal complexities of using an ownership metaphor for all data. Finally, the committee should not grant the Federal Trade Commission broad rulemaking authority. Instead, it should clarify the FTC's existing authority to combat unfair and deceptive practices. We have enclosed two articles that further articulate our principles for the committee to review.

We stand ready to work with any and all lawmakers who will make this issue a priority. We look forward to working with this committee to implement solutions that will protect the privacy of consumers and maintain American innovation.

Sincerely,

Brent Gardner
Chief Government Affairs Officer
Americans for Prosperity