

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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July 27, 2020

Mr. Thomas Quaadman
Executive Vice President
Center for Capital Markets Competitiveness
Chamber Technology Engagement Center
Global Innovation Policy Center
U.S. Chamber of Commerce
1615 H Street, NW.
Washington, DC 20062

Dear Mr. Quaadman:

Thank you for appearing before the Subcommittee on Consumer Protection and Commerce of the Committee on Energy and Commerce on Thursday, July 9, 2020, to testify at the hearing entitled, "Consumers Beware: Increased Risks During the COVID-19 Pandemic." We appreciate the time and effort you gave as a witness before the Committee on Energy and Commerce.

Pursuant to Rule 3 of the Committee on Energy and Commerce, members are permitted to submit additional questions to the witnesses for their responses, which will be included in the hearing record. Attached are questions directed to you from members of the Committee. In preparing your answers to these questions, please address your responses to the member who has submitted the questions using the Word document provided with this letter.

To facilitate the publication of the hearing record, please submit your responses to these questions by no later than the close of business on Monday, August 10, 2020. As previously noted, your responses to the questions in this letter, as well as the responses from the other witnesses appearing at the hearing, will all be included in the hearing record. Your written responses should be transmitted by email in the Word document provided to Chloe Rodriguez, Policy Analyst with the Committee, at chloe.rodriguez@mail.house.gov. You do not need to send a paper copy of your responses to the Committee. Using the Word document provided for submitting your responses will also help maintain the proper format for incorporating your answers into the hearing record.

Mr. Thomas Quaadman
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Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Ms. Rodriguez at (202) 225-2927.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive style.

Frank Pallone, Jr.
Chairman

Attachments

cc: The Honorable Greg Walden
Ranking Member
Committee on Energy and Commerce

The Honorable Jan Schakowsky
Chairwoman
Subcommittee on Consumer Protection and Commerce

The Honorable Cathy McMorris Rodgers
Ranking Member
Subcommittee on Consumer Protection and Commerce

Additional Questions for the Record

Subcommittee on Consumer Protection and Commerce
Hearing on
“Consumers Beware: Increased Risks During the COVID-19 Pandemic”
July 9, 2020

**Mr. Thomas Quaadman, Executive Vice President for the Center for Capital Markets
Competitiveness,
Chamber Technology Engagement Center, Global Innovation Policy Center,
U.S. Chamber of Commerce**

The Honorable Michael C. Burgess (R-TX)

1. Mr. Quaadman, your testimony also calls for one national privacy standard. This subcommittee has engaged in discussions to reach agreement on a privacy law. Since those discussions began, new areas of concern have emerged due to the Coronavirus. For example, how personal data for contact tracing is treated, how secure are online shopping transactions, how safe is student data and information required for online education, and how do we combat scams promoting cures or financial assistance.
 - a. Are there aspects of the changing patterns of consumer behavior due to Coronavirus that should be addressed in a privacy bill?

A national privacy law should protect all Americans equally and give both businesses and consumers certainty. The U.S. Chamber of Commerce released model privacy legislation in 2019 that would give consumers the right to know how personal information is used, collected, and shared as well as the right to delete and opt out of data sharing.¹ Since then, leaders of both the House and Senate commerce committees and others have introduced robust legislation on data privacy.²

COVID-19 is changing how Americans go the doctor, school, and work. Lockdowns and quarantines have required that many of these activities be done online as opposed to in person. Digital contact tracing and artificial intelligence are being used to mitigate and solve the crisis.

The Chamber’s and the other proposals introduced in Congress would address these issues.

¹ https://www.uschamber.com/sites/default/files/uscc_dataprivacymodellegislation.pdf.

² https://americaninnovators.com/wp-content/uploads/2020/01/CTEC_FedPrivacyProposals_v3.pdf

- b. Should Congress enact a Coronavirus-focused privacy bill separate from a national standard?

The Chamber asserts that general national privacy legislation should be enacted to protect all Americans equally. General privacy legislation that provides adequate privacy protections should be done in a way that sufficiently protects personal information in the context of the COVID-19 pandemic.

With regard to COVID-19, the Chamber supports legislation that would provide temporary, targeted, and timely liability protections for companies that are trying to reopen.³ Privacy legislation should not conflict with these liability protections. Companies, particularly small businesses, that responsibly process data to mitigate COVID-19 in the workplace should not be subject to frivolous lawsuits for privacy. California's Consumer Privacy Act recognizes the importance of allowing companies to retain data about employees and any national legislation should provide a workplace exception.

Additionally, privacy legislation should be national, and not on a state-to-state basis to provide certainty to consumer and business.

The Honorable Richard Hudson (R-NC)

1. Mr. Quaadman, in your testimony you mention how the private sector is making great strides and leading in the response to COVID-19. You also highlight how connectivity in both the business world and our personal lives has been so beneficial in these difficult times.
 - a. At the beginning of the pandemic, we saw a great shift in society as people went online for everything from work and school to family gatherings and doctor appointments. As our nation begins to recover and emerges from this pandemic, what are some lessons learned that we should take forward with us?

It should be noted that America's broadband and communications providers have gone above and beyond to keep Americans connected despite the ability of some to pay during the pandemic.⁴

According to US Telecom⁵, internet traffic jumped 27 percent at the height of the COVID-19 crisis—yet, download speeds in the U.S. stayed steady and even increased in some areas. American broadband providers are leading the world in maintaining network capacity. This is due in large part to the investments made by the nation's broadband providers encouraged by the current's Federal Communications Commission's ("FCC") regulatory approach to broadband.

³ <https://www.uschamber.com/report/why-temporary-coronavirus-liability-relief-needed-american-businesses>

⁴ <http://americaninnovators.com/coronavirus/>

⁵ <https://www.ustelecom.org/research/network-performance-data/>

Unfortunately, according to the FCC, at least 18 million people nationwide, particularly in rural areas, lack access to high-speed broadband. When government-issued lockdowns are requiring people to work from home and students to learn virtually, it is imperative that Congress foster equity by expanding access. The Chamber recently released principles regarding how to bridge the Digital Divide.⁶

To address the Homework Gap exacerbated by COVID-19, Congress should appropriate in a technologically neutral manner funding that is targeted, temporary, and timely for students to acquire the connectivity and equipment necessary to learn online.

In the long-term, Congress should fully fund the Broadband DATA Act mandate to the FCC to accurately assess which Americans lack access to broadband. Congress should use this information to appropriate funding to areas of the country that are unserved.

Congress can take revenue-neutral steps now that would accelerate broadband deployment by providing permit streamlining that would ensure that federal, state, and local governments give timely responses to siting applications. S. 1699, “The STREAMLINE Broadband Deployment Act” introduced by Senators Thune and Schatz would help the wireless industry deploy 5G. The Chamber has also recommended permit streamlining such as shot clocks and cable franchising reform for wireline broadband.⁷

- b. As more people rely on online services to meet their daily needs, this brings up the ever-present question of data privacy, something that we are very concerned with on this Committee. How has the COVID-19 pandemic exacerbated the need for Congress to act in this area?

Now more than ever, Americans are reliant on the digital economy, telehealth, and virtual learning as a result of COVID-19. C_TEC released a report before the pandemic, “Data for Good: Promoting, Safety, Health & Inclusion,”⁸ showing how data analysis is improving health outcomes, especially in at-risk communities.

As society relies more on data it is vital that Congress pass national privacy legislation that protects all Americans equally yet encourages beneficial uses of data to bolster public health. Individuals should feel confident they have control over personal information yet benefit from what data can offer to society.

⁶ <https://www.uschamber.com/series/above-the-fold/covid-19-illustrates-why-congress-must-act-now-broadband>

⁷ https://americaninnovators.com/wp-content/uploads/2020/06/CTEC_onepager_Cable_v3.pdf

⁸ https://americaninnovators.com/wp-content/uploads/2020/01/CTEC_DataForGood_v4-DIGITAL.pdf