



September 24, 2025

Chairman Roger Williams
Committee on Small Business
2361 Rayburn House Office Building
Washington, DC 20515

Ranking Member Nydia M. Velázquez
Committee on Small Business
2069 Rayburn House Office Building
Washington, DC 20515

Dear Members of the House Committee on Small Business,

Engine is a non-profit technology policy, research, and advocacy organization that bridges the gap between policymakers and startups. Engine works with government and a community of thousands of high-technology, growth-oriented startups across the nation to support the development of technology entrepreneurship through economic research, policy analysis, and advocacy on local and national issues. In 2021, Engine launched the Digital Entrepreneur Project to examine and help explain the relationship between Internet policy and the people across the country who have built the 21st-century version of a small business, creating content, selling products and services, and growing global communities.¹ The Internet has democratized opportunity, removing the gatekeepers of traditional media and allowing anyone to publish and find their audience. We appreciate the Committee's attention to these issues and work to facilitate this conversation at the September 17 hearing titled "Streaming Success: Small Businesses in the Age of Digital Influence."

One consistent theme of the hearing was the need for resources and education for creators attempting to navigate legal and regulatory systems, including income taxes, interstate sales tax, contract negotiation, and business registration. This echoes concerns the startups and creators in Engine's network have voiced, and we encourage the Committee and the Small Business Administration to address these needs by streamlining requirements where possible and providing guidance where appropriate. Critically, creators can only benefit from resources that they know about, and that requires finding creators where they are. As the creator economy continues to grow and evolve, policymakers will have to find novel and creative ways to communicate with these entrepreneurs to ensure government resources and tools are reaching the intended audiences.

The hearing also made it clear that creators are profoundly impacted by Internet policy and should be considered a major stakeholder group as policymakers think about changing the rules governing the Internet. Multiple witnesses discussed the uncertainty creators faced after the passage and enactment of the law to effectively ban TikTok in the U.S., the enforcement of which has been

¹ Kate Tummarello, *Are you a Digital Entrepreneur? Don't Let Your Voice Get Drowned Out in D.C.*, Medium (Dec. 6 2021), <https://medium.com/@engineadvocacyfoundation/are-you-a-digital-entrepreneur-dont-let-your-voice-get-drowned-out-in-d-c-42bc64ca6c80>



repeatedly delayed every few months since January. The creators talked about the risk of losing access to hundreds of thousands of followers—including paying customers—and spending time and energy on promotional content, not knowing if it would all be wasted effort were the app to suddenly become inaccessible for U.S. users. These are the kinds of perspectives that policymakers should actively seek out as they consider changes to legal and regulatory frameworks if they want to find an appropriate balance that supports innovation, creativity, and expression online.

That balance will be necessary as Congress considers crafting new rules around artificial intelligence and intellectual property. The hearing repeatedly touched on the issues creators face navigating a state patchwork of rights of publicity, especially given the rise of artificial intelligence, which can be used to realistically recreate an individual's name, image, and likeness (NIL) without permission. While several witnesses spoke to the ways AI can benefit those creating content—and the need for additional resources so creators better understand the ways they can use existing federal intellectual property protections to combat unauthorized use of their work—the hearing highlighted the fractured approach governing NIL across state lines.

If Congress wants to legislate to make NIL protections more consistent, lawmakers must carefully balance the privacy and right of publicity for individuals with protections for free expression as well as the technological and legal realities of the Internet platforms hosting user content. An imbalanced legal framework for NIL could easily erode existing intermediary liability frameworks, making it more difficult for platforms to host content and for creators to reach their audiences. As one witness pointed out, existing requirements under the Digital Millennium Copyright Act (DMCA) can be easily weaponized against small creators.² Policymakers should approach any legal framework with the necessary safeguards to ensure Internet intermediaries aren't pushed to over-remove user content out of a fear of ruinous legal liability.

It's especially concerning that the hearing included a conversation about repealing Section 230 of the Communications Decency Act, a foundational Internet law. The reason the Internet has democratized the world of content creation and sharing is because platforms of all sizes and catering to all types of user content and communities of users are able to host and spread user content at scale; that is only possible because of Section 230. As Engine has explained, absent Section 230, an Internet platform would have to fear ruinous liability over its choices to host any content that could

² *Streaming Success: Small Businesses in the Age of Digital Influence: Hearing before the H. Committee on Small Business*, 119th Cong. (2025) (statement Kayla Moran, attorney and CEO of Kayla Moran Law). “[There is a] growing practice of bigger companies using the DMCA takedowns tools built into platforms to restrict and cut down their competition.” See related, Daphne Keller, *Empirical Evidence of Over-Removal by Internet Companies Under Intermediary Liability Laws: An Updated List*, Stanford Law School Center for Internet and Society (Feb. 8, 2021), <https://cyberlaw.stanford.edu/blog/2021/02/empirical-evidence-over-removal-internet-companies-under-intermediary-liability-laws/> (Documenting the instances of over removal due to DMCA's incentive structure).



give rise to a lawsuit (and each lawsuit could cost the platform hundreds of thousands of dollars in legal fees).³ Without Section 230, platforms looking to avoid those costs will be incentivized to either over-remove or under-moderate user content, leaving users—including creators—with the uncertainty that their content could be unfairly removed or the unpleasant experience of an unmoderated online space where spam, harassment, and more can run rampant.

Creators themselves have weighed in on the importance of Section 230 to their ability to find and grow an audience online. In an amicus brief to the Supreme Court, creators told the court how a variety of Internet platforms' ability to host, recommend, and moderate user content—as enabled by Section 230—allowed them to grow their Internet-based businesses.⁴ “For many creators, building a successful small business online is the modern American dream: an opportunity to financially support themselves through their self-expression while also having a broader impact on society as a whole,” the brief—signed by doctors, educators, artists, entertainers, and more—said.

The hearing is a promising step in Congress seeking out and considering the perspectives of the lawyers, athletes, merchants, and many more that make up the creator economy. We appreciate the Committee's ongoing work to support small businesses and its attention to the creator economy. Engine is eager to serve as a resource for the Committee as you continue this important work.

Sincerely,
Engine
700 Pennsylvania Ave SE
Washington, D.C., 20003

³ *Legislative Proposal to Sunset Section 230 of the Communications Decency Act: Hearing before the Subcomm. on Communications and Technology of the H. Comm. on Energy and Commerce*. 118th Cong. (2024) (Kate Tummarello, executive director of Engine), available at: https://democrats-energycommerce.house.gov/sites/evo-subsites/democrats-energycommerce.house.gov/files/evo-media-document/05.22.24_Testimony_Tummarello.pdf.

⁴ Brief for Authors Alliance, et al. as Amici Curiae Supporting Respondent, *Gonzalez v. Google*, 598 U.S. 617 (2023) (No. 21-1333), available at: https://www.supremecourt.gov/DocketPDF/21/21-1333/252706/20230119155511738_21-1333_Amicus%20Brief.pdf.