



September 19, 2024

Federal Communications Commission
45 L St NE
Washington, DC 20554

Re: MB Docket No. 24-211, Request for Information on the Disclosure and Transparency of Artificial Intelligence-Generated Content in Political Advertisements.

On behalf of Chamber of Progress—a tech industry association supporting public policies to build a more inclusive country in which all people benefit from technological advances—we appreciate the opportunity to submit this reply comment in response to the comment filed by Priorities USA regarding the Federal Communications Commission (“FCC”) Notice of Proposed Rulemaking (“NPRM”) on the *Disclosure and Transparency of Artificial Intelligence-Generated Content in Political Advertisements*.

Elections are the cornerstone of democracy, allowing citizens to voice their opinions and influence the governance of their society. In this digital age, integrating artificial intelligence (“AI”) into political advertising can enhance democratic engagement by enabling candidates to tailor their messages to specific audiences, thereby fostering a more informed electorate. However, AI may raise concerns about disseminating misleading or deceptive information, which can undermine public trust and distort the electoral process. As such, it is crucial to strike a balance that harnesses the benefits of AI while ensuring transparency and accountability by the appropriate actors, thereby safeguarding the integrity of elections.

While the intentions behind this proposal are commendable, we would like to present two key arguments against extending these requirements to online platforms.

The FCC has authority to direct broadcasters, not online platforms, to disclose AI-generated content in political ads

The FCC has the authority to direct broadcasters, cable operators, Direct Broadcast Satellite (DBS) providers, and Satellite Digital Audio Radio Service (SDARS) licensees to disclose AI-generated content in political ads.¹ This jurisdiction is well-established and rooted in the Communications Act of 1934, which recognizes political programming as an essential element of a broadcaster’s obligation to serve the public interest. The FCC can require these entities to inquire whether political ads contain AI-generated content and

¹ The FCC has broad authority to regulate broadcasters, cable operators, DBS providers, and SDARS under the Communications Act of 1934, as amended, including specific powers granted under 47 U.S.C. §§ 151, 303, and 335.

provide on-air disclosures, as well as include such notices in their online political files under Section 315(e)(2) and 315(e)(3) of the Act.²

In contrast, the Communications Act does not grant the FCC authority over the broader Internet ecosystem. It is crucial that the FCC avoids overstepping its regulatory boundaries by imposing disclosure requirements for AI-generated content on online platforms. The assertion made by Priorities that “the First Amendment does not require a more stringent test for online political advertising that contains AI” overlooks the fundamental differences between traditional media and online platforms, where the FCC’s jurisdiction is not established.³

Proposals that would require online platforms to disclose AI-generated content harm innovation and competition

Requiring online platforms to disclose AI-generated content can stifle innovation by imposing additional costs that divert resources away from research and development. Startups and smaller companies working on AI-driven content creation tools may scale back their projects due to the financial burden of compliance with disclosure requirements, ultimately slowing the pace of technological advancements. Additionally, such mandates could disproportionately affect smaller companies with limited resources, pushing them out of the market and leading to less diversity and fewer consumer choices.

While transparency in political advertising is essential, the proposed rule should focus on traditional broadcasters and not extend to online platforms. The FCC should respect the boundaries of its regulatory authority and consider the potential negative impacts on innovation and competition in the digital landscape.

We appreciate the FCC’s commitment to keeping the proposed rule within its regulatory authority and focusing on broadcasters rather than extending it to online platforms.

Sincerely,



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² FCC NPRM p.5, *Disclosure and Transparency of Artificial Intelligence-Generated Content in Political Advertisements*, Federal Communications Commission (2024). <https://docs.fcc.gov/public/attachments/FCC-24-74A1.pdf>; See also, 47 U.S.C. § 315(e)(2); 47 CFR § 73.1943(b); 47 U.S.C. § 315(e)(3); 47 CFR § 73.1943(d).

³ Priorities USA, Comment filed, p.3, FCC re: political ads (Sept. 5. 2024). <https://www.fcc.gov/ecfs/search/search-filings/filing/1090417952683>