October 29, 2024

The Honorable Mike Johnson   The Honorable Hakeem Jefferies
Speaker   Minority Leader
U.S. House of Representatives   U.S. House of Representatives
Washington, DC 20515   Washington, DC 20515

The Honorable Chuck Schumer   The Honorable Mitch McConnell
Majority Leader   Minority Leader
United States Senate   United States Senate
Washington, DC 20510   Washington, DC 20510

RE: Congressional AI Priorities in the 118th Congress

Dear Speaker Johnson, Majority Leader Schumer, Minority Leader Jefferies, and Minority Leader McConnell:

On behalf of the Software & Information Industry Association (SIIA), we are writing to express our views on AI-related legislation considered by Congress during this session and to encourage swift action to pass certain critical bills in the closing months of the 118th Session. As the principal trade association for the software and digital information industries, SIIA represents nearly 400 companies, including innovators, developers, and deployers of AI systems across a wide array of sectors.

We are particularly encouraged by the forward-thinking efforts made by the Senate Bipartisan AI Working Group and the House AI Task Force in providing bipartisan leadership on the direction of U.S. AI policy, and the Senate Commerce Committee and the House Science, Space, and Technology Committee in advancing key bipartisan AI legislation. Much of the legislation advanced by these committees will be vital to maintaining U.S. leadership in artificial intelligence, strengthening public trust in AI technologies, and ensuring that the United States remains at the forefront as a global leader in AI.

Congress has a unique opportunity in the next two months to take action that will have an enduring impact on U.S. economic interests and national security. In this letter, we begin by highlighting legislation we recommend Congress include in a year-end AI package. Many of these align with the recommendations SIIA made fifteen months ago in our *Blueprint for Government Oversight and Regulation of AI.* We then provide recommendations on legislation to avoid and the need for targeted appropriations to bolster U.S. leadership in AI.

1. **We recommend that Congress pass the following bills during the balance of the 118th Congress.**

   A. **Research, Innovation, and Infrastructure Legislation**

S. 4178, the Future of AI Innovation Act and H.R. 9497, the AI Advancement and Reliability Act. SIIA and industry have been robust advocates for authorizing a body in the federal government to lead a coordinated approach to AI safety and security issues with a focus on frontier models. This body would be charged, among other things, with serving as a primary liaison with the private sector developers of

frontier models and coordinating guidance from the national security community to address national security risks associated with these models. We recognize that concerns have been raised in Congress about authorizing an AI Safety Institute (as used in S. 4178) or Center for AI Reliability (as used in H.R. 9497). Notwithstanding these concerns, we believe authorizing this body is essential to avoid ceding global leadership to foreign jurisdictions, maintain strong relationships with U.S. firms, and preempt state legislation that, in the absence of federal action, may lead to onerous regulations and liability risk that will kneecap AI innovation. The extraordinary advances the United Kingdom has taken to establish, fund, and resource its own AISI, and the likelihood that California, and possibly other states, will enact legislation in the absence of congressional action underscores the urgency for Congress to take action. In addition, passing either of these bills will allow Congress to provide direction to the Executive Branch on the scope of responsibilities for this body and strengthen congressional oversight.

S. 2714/H.R. 5077, the CREATE AI Act. This bill authorizes the National Artificial Intelligence Research Resource (NAIRR) to enhance U.S. AI capabilities by providing essential data and compute resources for groundbreaking applications. The NAIRR will help democratize access to AI innovation and strengthen U.S. competition on the global stage.

S. 3162, the TEST AI Act. This bill will foster the development of testbeds to advance trustworthy AI through collaboration between the Department of Energy and NIST, ensuring a rigorous environment for AI testing and evaluation.

H.R. 9720, the AI Incident Reporting and Security Enhancement Act. This bill directs NIST to update the National Vulnerability Database to include AI system vulnerabilities. This step is crucial to building a national security infrastructure that ensures AI safety and accountability in the face of adversarial threats.

H.R. 8456, the Expanding AI Research Infrastructure Act. This bill would bolster U.S. research infrastructure, encouraging the development of advanced AI capabilities through investment in public-private partnerships and the expansion of compute resources. The expansion of national AI infrastructure will ensure continued U.S. leadership in global AI research.

H.R. 9671/S. 4664, the Department of Energy (DOE) AI Act of 2024. This bill will leverage DOE's National Laboratories to advance AI research and innovation, focusing on workforce development, infrastructure protection, and long-term AI strategy.

H.R. 9065, the AI for Energy Innovation Act. This legislation leverages AI to enhance energy efficiency and innovation in the energy sector. By incentivizing the use of AI technologies to solve energy challenges, this bill will foster sustainable AI development that also addresses key national priorities such as energy security and climate change mitigation.

B. Standards Legislation

S. 4769, the Validation and Evaluation for Trustworthy AI Act. This legislation supports the development of standards for responsible AI by authorizing NIST to create testbeds for AI systems, enhancing trust and safety in AI deployments.

S. 3849, the Promoting U.S. Leadership in Standards Act. Strengthening U.S. engagement in international technical standards for AI is critical to shaping global AI policies that reflect U.S. values and innovation.

H.R. 9466, the AI Development Practices Act. This bill will continue to expand NIST's crucial role in AI leadership through directives to catalog and evaluate emerging practices and norms for communicating certain characteristics of artificial intelligence systems, including relating to transparency, robustness, resilience, security, safety, and usability.

C. Literacy, Education, and Workforce Legislation

H.R. 9211, the LIFT AI Act. Digital literacy at the K-12 level is necessary for modernizing our classrooms and developing adaptable, informed, and ethical citizens. Increasing investment in AI literacy can 2 broaden and enhance the capabilities of student learners nationwide, while also preparing them for success in a changing workforce.

S. 4596, the AI Public Awareness and Education Campaign Act. By promoting public engagement and education on AI, this bill will help improve public trust and understanding of AI technologies and their benefits.

S. 4487 / H.R. 9197, the Small Business Artificial Intelligence Advancement Act. Small businesses play an important role in the AI ecosystem, which is why it is crucial to develop resources for small businesses in utilizing artificial intelligence, and for other purposes.

S. 4394/H.R. 9402, the National Science Foundation Artificial Intelligence Act. By incentivizing public-private partnerships, this bill will empower students with access to cutting-edge AI technologies, ensuring the next generation is well-prepared for the future workforce.

H.R. 9215, the Workforce for AI Trust Act. NIST and NSF are well-positioned to continue building on the National Artificial Intelligence Initiative Act of 2020 in order to facilitate a workforce of trained experts to build trustworthy AI systems.

H.R. 9403, the Expanding AI Voices Act. It is important that a diverse array of stakeholders are involved in AI research and development, and the technology sector has continued to embrace this. This bill will advance AI innovation by fostering partnerships and investing in higher education and other institutions to expand AI capacity in populations historically underrepresented in STEM.

D. Deepfakes Legislation

S. 3696/H.R. 7569, the DEFIANCE Act. SIIA supports this legislation that would address the concern of non-consensual intimate imagery by establishing liability for individuals who create or distribute AI generated intimate images and videos without the consent of the individual depicted, while adopting a balanced approach that takes into account intermediary liability and First amendment concerns.

S.3897, the Preparing Election Administrators for AI Act. This bill would require development of a public report with voluntary guidelines for election officials on the uses and risks of AI technologies in election administration.

S.3875, the AI Transparency in Elections Act. This bill would amend Section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120) to require disclaimers on advertisements containing content substantially generated by AI.

2. **We recommend that Congress avoid passing legislation to impose export controls on AI.**

Notwithstanding our broad support for AI legislation advanced at the committee level in the current session, we continue to have grave concerns about **H.R. 8315, the ENFORCE Act**. While we share the legislation's goals, SIIA has concerns about the approach outlined in H.R. 8315. Imposing an Export Administration Regulations (EAR) licensing regime on AI models could have unintended consequences, such as hindering U.S. innovation and giving foreign competitors an advantage. Instead, we recommend allowing time for the U.S. AI Safety Institute to develop a more nuanced approach to dual-use AI systems.

3. **We recommend that Congress appropriate funds to support continued U.S. leadership in AI.**

We believe it is critical for Congress to build on authorizing legislation and provide not only guidance to the Executive Branch but also sufficient appropriations to ensure that certain of the programs contemplated by the above legislation – especially the AISI/Center for AI Reliance, and the NAIRR – can undertake the work necessary to achieve congressional intent. With respect to the AISI/Center, for example, NIST is currently drawing from other resources and has nowhere near the level of funding that the UK AISI enjoys. As a result, the United States is limited in its ability to build or gain access to compute for testbeds and pilot projects, develop evaluative criteria and metrics for non-regulatory AI model testing, and develop collaborative partnerships with academia and industry. The effect of this is that unless the United States bolsters its own AISI/Center, the United States will increasingly rely on the UK AISI. Because many of the leading AI companies are based in the United States, we believe continued U.S. leadership requires investment in this space.

Conclusion

SIIA remains committed to working closely with Congress to advance AI legislation that supports innovation, strengthens national security, and builds public trust. We urge you to prioritize these critical bills in the lame-duck session and stand ready to support Congress in any way necessary. Please reach out to me or to Paul Lekas, our Senior Vice President for Global Public Policy & Government Affairs at plekas@siia.net if we may be of assistance.

We look forward to continuing our partnership and collaboration on AI legislation during the lame duck session and into next year's Congress.

Sincerely,

Chris Mohr
President
Software & Information Industry Association