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March 3, 2020

The Honorable Joe Simons
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Chairman Simons:

As the Republican Leader on the Consumer Protection and Commerce Subcommittee of the House Energy and Commerce Committee, I am fully committed to unleashing American innovation and winning the future on emerging technologies. Our global race to develop and deploy artificial intelligence (AI) applications based on American values is central to our overall success. That is why I fully support the Trump Administration's leadership with the recent budget proposal to double funding in AI related federal spending. However, any gains in U.S. competitiveness from an increase in R&D will be set back by any unnecessary and burdensome regulations. This regulatory approach has failed Europe time and time again and resulted in their lack of industry leaders in cutting edge technologies. Following the over-regulatory mistakes by Europe will cede our global leadership to adversaries like China, who have demonstrated their willingness and ability to dominate this space. Thankfully, the Trump Administrations' recent actions have set us on the right regulatory path.

Executive Order 13859, "Maintaining American Leadership in Artificial Intelligence", which was issued on February 11, 2019, established a national strategy on AI to promote and protect innovation directing a "whole-of-government strategy in collaboration and engagement with the private sector, academia, the public, and like-minded international partners."¹ Executive Order 13859 directs the Federal government to pursue the following to advance AI:

- Promote sustained investment in AI research and development to generate technological breakthroughs in AI and related technologies;
- Enhance access to high-quality and fully traceable Federal data, models, and computing resources to increase the value of such resources for AI research and development;
- Reduce barriers to the use of AI technologies to promote their innovative application while protecting American technology, economic and national security, civil liberties, privacy, and values;

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- Ensure technical standards minimize vulnerability to attacks from malicious actors and reflect Federal priorities for innovation, public trust, and public confidence;
- Train the next generation of American AI researchers and users through apprenticeships, skills programs, and education in science, technology, engineering, and mathematics (STEM); and
- Develop and implement an action plan to protect the advantage of the U.S. in AI and technology critical to U.S. economic and national security interests against strategic competitors and foreign adversaries.²

Earlier this year, Acting Director of the Office of Management and Budget (OMB) Russell T. Vought issued a draft memorandum for the heads of executive departments and agencies to provide guidance for the regulation of AI. The memorandum set out policy considerations “that should guide, to the extent permitted by law, regulatory and non-regulatory oversight of AI applications developed and deployed outside of the Federal government.”³

Additionally, the memorandum laid out the following principles for the stewardship of AI applications: (1) public trust; (2) public participation; (3) scientific integrity and information quality; (4) risk assessment and mitigation; (5) benefits and costs; (6) flexibility; (7) fairness and non-discrimination; (8) disclosure and transparency; (9) safety and security; and (10) interagency coordination.⁴

As an independent agency, the Federal Trade Commission (FTC) is not generally bound by this OMB guidance. However, I write to urge you to follow this thoughtful approach in any action taken by the FTC. I also write to urge you to submit an agency plan that explains how the FTC will achieve consistency with the OMB guidance.

Thank you for your attention to this matter.

Sincerely,



Cathy McMorris Rodgers
Republican Leader,
Consumer Protection and Commerce Subcommittee

¹ <https://www.whitehouse.gov/ai/executive-order-ai/>

² <https://www.federalregister.gov/documents/2019/02/14/2019-02544/maintaining-american-leadership-in-artificial-intelligence>

³ <https://www.whitehouse.gov/wp-content/uploads/2020/01/Draft-OMB-Memo-on-Regulation-of-AI-1-7-19.pdf>

⁴ *Id.* at 3-6.