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# United States Senate

COMMITTEE ON COMMERCE, SCIENCE,  
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November 21, 2024

The Honorable Merrick Garland  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Mr. Attorney General:

For years, European governments have pursued heavy-handed regulation of U.S.-developed Internet technologies. Their targeting of one of America’s chief exports is no longer limited to European jurisdictions; they have now moved to regulate within the United States, too. A case in point is an upcoming artificial intelligence (AI) conference in San Francisco led by the United Kingdom’s (UK) AI regulator, the AI Safety Institute. The conference is “convening researchers and policy representatives” to discuss “the future of AI model safety evaluations” and “risk thresholds.”<sup>1</sup> As you are aware, foreign organizations may advocate for the U.S. government to adopt certain measures, such as these restrictive, anti-innovation AI policies. Pursuant to the Foreign Agents Registration Act (FARA), however, they must register as a foreign agent with the Department of Justice (DOJ) and disclose their relationship, activities, and related financial compensation. The conference’s co-host, the UK-based non-profit Centre for the Governance of Artificial Intelligence (Centre), has not done so despite engaging in political activities requiring registration, such as providing public comments on the administration’s requests for information regarding national AI policies, speaking before the U.S. Senate AI Insight Forum, and Centre staff having personally lobbied policymakers in Washington, D.C.<sup>2</sup>

AI has vast potential to improve human welfare and society. But some technocrats and academics believe AI poses severe “risks” to “safety,” which they define as “disinformation,” “bias and underrepresentation,” and “risks to the environment.”<sup>3</sup> Hence, they want governments

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<sup>1</sup> Press Release, UK AI Safety Institute, UK to Bring Global AI Developers Together Ahead of AI Action Summit (Sept. 19, 2024), <https://www.gov.uk/government/news/uk-to-bring-global-ai-developers-together-ahead-of-ai-action-summit>.

<sup>2</sup> CENTRE FOR THE GOVERNANCE OF AI, ANNUAL REPORT 2023 + Q1 2024, 24 (May 2024), [https://cdn.governance.ai/GovAI\\_Annual\\_Report\\_2023.pdf](https://cdn.governance.ai/GovAI_Annual_Report_2023.pdf).

<sup>3</sup> See, e.g., YOSHUA BENGIO, ET AL., INTERNATIONAL SCIENTIFIC REPORT ON THE SAFETY OF ADVANCE AI: INTERIM REPORT (2024), [https://assets.publishing.service.gov.uk/media/6716673b96def6d27a4c9b24/international\\_scientific\\_report\\_on\\_the\\_safety\\_of\\_advanced\\_ai\\_interim\\_report.pdf](https://assets.publishing.service.gov.uk/media/6716673b96def6d27a4c9b24/international_scientific_report_on_the_safety_of_advanced_ai_interim_report.pdf); *AI and The Spread of Fake News Sites: Experts Explain*

to globally adopt enforceable “standards” that would empower unelected bureaucrats to actively oversee AI developers and products, and censor disfavored code and AI-generated material. The author of the UK-backed international report on AI Safety, computer scientist Yoshua Bengio, has warned AI will lead to “epidemics of automated fake news.”<sup>4</sup> And European Union (EU) Commission Vice President Věra Jourová likened AI-enabled disinformation in elections to an “atomic bomb.”<sup>5</sup> People who peddle such hyperbole are doing so not just to gain control over AI’s development, but to also gain control over information flow and a citizen’s ability to communicate with others free from government intrusion.

The extreme approach European governments have taken to AI regulations illustrates this point. In May 2024, the EU Council adopted the Artificial Intelligence Act, which imposes onerous regulations on AI development based on the technology’s supposed “risks,” including “any actual or reasonably foreseeable negative effects on democratic processes, public and economic security; [and] the dissemination of illegal, false, or discriminatory content.”<sup>6</sup> In addition, the UK established the UK AI Safety Institute, a state-backed organization tasked with “developing the sociotechnical infrastructure needed to understand the risks of advanced AI and enable its governance.”<sup>7</sup>

The Biden-Harris administration is imposing similar censorship-enabling restrictions in the U.S. Last October, President Biden issued Executive Order 14110 on the “Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence” (AI Executive Order), which sets forth a plan for the government to manage AI development and determine what content Americans can see and share.<sup>8</sup> Since then, the administration has issued numerous AI-related policies, such as the National Institute of Standards and Technology (NIST) *AI Risk Management Framework Generative AI Profile*, which helps AI developers mitigate AI “risks,” such as the

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*How to Counteract Them*, VA TECH NEWS (Feb. 22, 2024), <https://news.vt.edu/articles/2024/02/AI-generated-fake-news-experts.html>; Darrell M. West, *Senate Hearing Highlights AI Harms and Need for Tougher Regulations*, BROOKINGS (May 17, 2023), <https://www.brookings.edu/articles/senate-hearing-highlights-ai-harms-and-need-for-tougher-regulation/>.

<sup>4</sup> Yoshua Bengio and Daniel Privitera, *How We Can Have AI Progress Without Sacrificing Safety or Democracy*, TIME MAGAZINE (Nov. 8, 2023), <https://time.com/collection/time100-voices/6325786/ai-progress-safety-democracy/>.

<sup>5</sup> Henry Foy, *Why Big Tech and Deepfakes Keep EU Election Guardians Up at Night*, FINANCIAL TIMES (Feb. 28, 2024), <https://www.ft.com/content/e9f4d2c0-5d33-409f-8e60-ed9eaac7febb>.

<sup>6</sup> Press Release, Council of the EU, Artificial Intelligence (AI) Act: Council Gives Final Green Light to the First Worldwide Rules on AI (May 21, 2024), <https://www.consilium.europa.eu/en/press/press-releases/2024/05/21/artificial-intelligence-ai-act-council-gives-final-green-light-to-the-first-worldwide-rules-on-ai/>; Commission Regulation 5662/24, 2024 O.R. 63 (EU), <https://data.consilium.europa.eu/doc/document/ST-5662-2024-INIT/en/pdf>.

<sup>7</sup> Dep’t for Sci., Innovation & Tech., Gov. of United Kingdom, *Policy Paper: Introducing the AI Safety Institute* (last updated Jan. 17, 2024), <https://www.gov.uk/government/publications/ai-safety-institute-overview/introducing-the-ai-safety-institute>.

<sup>8</sup> Exec. Order No. 14,110, 88 Fed. Reg. 75,191 (Nov. 1, 2023).

production of “mis- and disinformation or hate speech and other harmful content”<sup>9</sup>—the same concerns the Cybersecurity and Infrastructure Security Agency used to justify censoring Americans during the 2020 election and COVID-19 pandemic.<sup>10</sup> As we now know, “[w]hen a politician says they want to stop “misinformation” what they really mean is that they want to stop anyone from contradicting their lies.”<sup>11</sup>

Even more concerning, the administration is coordinating with the UK and EU on AI initiatives despite having been given no such explicit direction from Congress. In April, the U.S. signed a Memorandum of Understanding (MOU) with the UK to align their approaches to evaluating AI models, systems, and agents<sup>12</sup> and in September, the administration entered into the first global treaty on AI with the EU and ten other non-member states.<sup>13</sup> (Thus far, the administration has failed to provide the MOU to Congress or submit this treaty to the Senate for ratification.<sup>14</sup>) Moreover, Europeans are crossing the pond to “reach out to key public and private stakeholders” about their efforts to control AI development.<sup>15</sup> The EU has opened a digital technology field office in San Francisco to “further reinforce the EU’s work”<sup>16</sup> and the UK is opening a San Francisco office for its AI Safety Institute.<sup>17</sup>

Foreign organizations, like the Centre, are also influencing U.S. AI policy, but not complying with U.S. law. FARA requires that “persons who engage in specified activities within the United States on behalf of a foreign principal register with and disclose those activities to the Department of Justice.”<sup>18</sup> Pursuant to this requirement, organizations that “act[] as an agent . . . at the order, request, or under the direction or control, of a foreign principal” or “whose activities are directly or indirectly . . . directed, controlled, financed, or subsidized in whole or in major part by a foreign principal” and “engage[] within the United States in political activities for or in the interests of such foreign principal” must register as representatives of that foreign principal.<sup>19</sup>

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<sup>9</sup> Press Release, U.S. Dep’t of Commerce, Department of Commerce Announces New Guidance, Tools 270 Days Following President Biden’s Executive Order on AI (July 26, 2024), <https://www.nist.gov/news-events/news/2024/07/department-commerce-announces-new-guidance-tools-270-days-following>.

<sup>10</sup> See Kyle Morris, ‘Secret reports’ Reveal How Government Worked to ‘Censor Americans’ prior to 2020 Election, Kim Jordan Says, FOX NEWS (Nov. 6, 2023), <https://www.foxnews.com/politics/secret-reports-reveal-how-government-worked-censor-americans-prior-2020-election-jim-jordan-says>.

<sup>11</sup> Elon Musk (@elonmusk), X (Nov. 4, 2024, 9:01 AM), <https://x.com/elonmusk/status/1853437418092847306>.

<sup>12</sup> Press Release, U.S. Dep’t of Commerce, U.S. and UK Announce Partnership on Science of AI Safety (Apr. 1, 2024), <https://www.commerce.gov/news/press-releases/2024/04/us-and-uk-announce-partnership-science-ai-safety>.

<sup>13</sup> Newsroom, Council of Europe, Council of Europe Opens First Ever Global Treaty on AI for Signature (Sept. 5, 2024), <https://www.coe.int/en/web/portal/-/council-of-europe-opens-first-ever-global-treaty-on-ai-for-signature>.

<sup>14</sup> *Id.*

<sup>15</sup> Press Release, European Union, US/Digital: EU Opens New Office in San Francisco to Reinforce its Digital Diplomacy (Jan. 9, 2022), [https://www.eeas.europa.eu/eeas/usdigital-eu-opens-new-office-san-francisco-reinforce-its-digital-diplomacy\\_en](https://www.eeas.europa.eu/eeas/usdigital-eu-opens-new-office-san-francisco-reinforce-its-digital-diplomacy_en).

<sup>16</sup> *Id.*

<sup>17</sup> Press Release, Gov. of United Kingdom, Government’s Trailblazing Institute for AI Safety to Open Doors in San Francisco (May 20, 2024), <https://www.gov.uk/government/news/governments-trailblazing-institute-for-ai-safety-to-open-doors-in-san-francisco>.

<sup>18</sup> U.S. Dep’t of Justice, Foreign Agents Registration Act: Frequently Asked Questions, <https://www.justice.gov/nsd-fara/frequently-asked-questions> (last visited Oct. 10, 2024).

<sup>19</sup> 22 U.S.C. § 611.

“Political activities” include “any activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States.”<sup>20</sup>

The Centre qualifies as a “principal of a foreign agent” under FARA. The Centre purports to address risks from AI, but seemingly focuses on left-wing social policy. It claims AI “risks” include “unemployment” and “inequality” as a predicate to more government regulation.<sup>21</sup> The Centre also develops material to assist governments in how they can “use their regulatory toolboxes to ensure that AI developers and users behave responsibly” (ostensibly in a manner to ameliorate the “inequality” risk) and to further the role that “international coordination [can] play in reducing risks from AI.”<sup>22</sup> And it has “research collaborations” with the UK AI Safety Institute.<sup>23</sup> The Centre is organized and primarily located in the UK<sup>24</sup> and its U.S. branch is merely a shell subsidiary with a “virtual office.”<sup>25</sup> Most of its corporate officers and board of directors are foreign citizens.<sup>26</sup> Moreover, its leadership is based in the UK.<sup>27</sup> For example, Ben Garfinkel, the Centre’s director who “set[s] the direction of the organisation, mak[es] key decisions, and oversee[s] its research” is a UK resident.<sup>28</sup>

The Centre also engages in the types of “political activities” that FARA covers. As noted, this week the Centre is co-hosting an invitation-only conference on “frontier AI safety frameworks” with the UK AI Safety Institute in San Francisco; it is set to begin the same day the first meeting of the International Network of AI Safety Institutes—which include, U.S. government officials—concludes in the city.<sup>29</sup> The Centre’s event will convene representatives from foreign governments and AI companies to discuss the design and implementation of a new global

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<sup>20</sup> *Id.* § 611(o).

<sup>21</sup> *About*, Centre for the Governance of

AI, <https://www.governance.ai/about-us#:~:text=Our%20Focus,could%20pose%20in%20the%20future>.

<sup>22</sup> *Id.*

<sup>23</sup> Geoffrey Irving, *Safety Cases: Structured Arguments for Frontier AI Safety*, AISI.GOV.UK (Aug. 23, 2024), <https://www.aisi.gov.uk/work/safety-cases-at-aisi>.

<sup>24</sup> *See* Corr. Div., Sec’y of the Commw. of Mass., Business Entity Summary for Centre for the Governance of AI, Inc., [https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSummary.aspx?sysvalue=c3u\\_rqMMFxzj9EhPctjQ2roYqo4DMfsj5G9vcROkfvU-](https://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSummary.aspx?sysvalue=c3u_rqMMFxzj9EhPctjQ2roYqo4DMfsj5G9vcROkfvU-) (last visited Oct. 10, 2024); *Centre for the Governance of AI*, COMPANIES HOUSE, <https://find-and-update.company-information.service.gov.uk/company/15883729> (last visited Oct. 10, 2024).

<sup>25</sup> *Broadway Virtual Office Spaces in New York, NY*, ALL. VIRTUAL OFFICES,

<https://www.alliancevirtualoffices.com/virtual-office/us/ny/new-york/broadway-5531> (last visited Oct. 10, 2024).

<sup>26</sup> *Centre for the Governance of AI*, COMPANIES HOUSE,

<https://find-and-update.company-information.service.gov.uk/company/15883729> (last visited Oct. 10, 2024).

<sup>27</sup> *Centre for the Governance of AI*, COMPANIES HOUSE; *TEAM*, Centre for the Governance of AI, <https://www.governance.ai/people>.

<sup>28</sup> CENTRE FOR THE GOVERNANCE OF AI, *supra* note 2; *People*, Nuffield College,

<https://www.nuffield.ox.ac.uk/people/profiles/benjamin-garfinkel/>; *People*, Oxford Martin School,

<https://www.oxfordmartin.ox.ac.uk/people/ben-garfinkel/>; *Events*, Oxford Martin School,

<https://www.oxfordmartin.ox.ac.uk/events/technology-and-the-rise-of-great-powers>.

<sup>29</sup> *Conference on Frontier AI Safety Framework*, AI SAFETY INST. (Sept. 19, 2024),

<https://www.aisi.gov.uk/work/conference-on-frontier-ai-safety-frameworks>.

regulatory framework meant to “protect” the public from the “severe risks” posed by AI innovation.<sup>30</sup> In addition, the Centre has provided public comments on the administration’s requests for information regarding national AI policies and spoken before the U.S. Senate AI Insight Forum, and Centre staff have personally lobbied policymakers in Washington, D.C.<sup>31</sup> Moreover, the Centre seems to have helped shape the “NIST AI 800-1, Managing Misuse Risk for Dual-Use Frontier Models” document—which is expected to act as a regulatory framework for companies to follow when designing AI models and cites the Centre multiple times.<sup>32</sup> The Centre is also a member of the US AI Safety Institute’s “consortium dedicated to AI safety,” which is “developing guidelines” for AI “safety and security.”<sup>33</sup> The Centre therefore should register with DOJ under FARA.<sup>34</sup>

The Biden-Harris administration’s efforts to tie this country’s AI policies to foreign countries’ agendas will have real consequences. They will set the U.S. behind China in the race to lead AI innovation.<sup>35</sup> Rather than putting onerous, unnecessary regulations on AI development, China is constructing “Chinese-built AI ecosystems” that could pose risks to the United States.<sup>36</sup> We should be doing everything possible to unleash competition with China, not putting up artificial roadblocks. Moreover, imposition of these foreign AI policies on American firms will pave the path for government regulation of speech and information sharing. The EU has already used newly minted technology regulations to go after X and Elon Musk for not censoring alleged “misinformation.”<sup>37</sup> If the radical left succeeds in carrying over the EU’s AI policies, they will carry over its censorship capabilities as well—in direct violation of the First Amendment. While the Biden-Harris administration may not want to inform the American people of just how closely

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<sup>30</sup> Press Release, UK AI Safety Institute, *supra* note 1.

<sup>31</sup> CENTRE FOR THE GOVERNANCE OF AI, *supra* note 2.

<sup>32</sup> U.S. DEP’T OF COMMERCE, NIST AI 800-1 INITIAL PUBLIC DRAFT, MANAGING MISUSE RISK FOR DUAL-USE FOUNDATION MODELS (2024), <https://nvlpubs.nist.gov/nistpubs/ai/NIST.AI.800-1.ipd.pdf>; Exec. Order 14,110 §4.1(a)(ii), 88 Fed. Reg. 75,191 (2023).

<sup>33</sup> Press Release, U.S. Dep’t of Commerce, Biden-Harris Administration Announces First-Ever Consortium Dedicated to AI Safety (Feb. 8, 2024), <https://www.commerce.gov/news/press-releases/2024/02/biden-harris-administration-announces-first-ever-consortium-dedicated>.

<sup>34</sup> Nor do any exemptions to FARA apply. While FARA provides an exemption to registration for “scholastic, academic, or scientific pursuits,” this exemption only applies to agents *exclusively* engaged in such conduct—not organizations like the Centre that advocate for certain policies. 28 U.S.C. §613(e) (emphasis added). The Department of Justice (DOJ)’s National Security Division has recently advised that an agent undertaking any “political activities” would invalidate any otherwise applicable scholastic exemption. U.S. Dep’t of Just., Nat’l Sec. Div., Advisory Opinion Letter (June 12, 2023), <https://www.justice.gov/nsd-fara/media/1376971/dl?inline>.

<sup>35</sup> See Bill Drexel & Hannah Kelley, *Opinion: Behind China’s Plans to Build AI for the World*, POLITICO MAGAZINE (Nov. 30, 2023), <https://www.politico.com/news/magazine/2023/11/30/china-global-ai-plans-00129160>; Kelsey Koberg, *Regulation Could Allow China to Dominate in the Artificial Intelligence Race, Experts Warn: ‘We Will Lose,’* FOXNEWS (May 3, 2023), <https://www.foxnews.com/media/regulation-allow-china-dominate-artificial-intelligence-race-experts-warn-we-will-lose>.

<sup>36</sup> Bill Drexel and Hannah Kelley, *Opinion: Behind China’s Plans to Build AI for the World*, POLITICO MAGAZINE (Nov. 30, 2023), <https://www.politico.com/news/magazine/2023/11/30/china-global-ai-plans-00129160>.

<sup>37</sup> David Walsh, *Elon Musk Claims EU Offered an “Illegal Secret Deal” as X Charged with DSA Breaches*, EURO NEWS (July 12, 2024), <https://www.euronews.com/next/2024/07/12/elon-musk-claims-eu-offered-an-illegal-secret-deal-as-x-charged-with-dsa-breaches>.

they are collaborating with foreign governments, at the very least, the American people have a right to know what foreign actors are trying to impose these radical regulations on American companies.

To assist my investigation into whether foreign entities are directly or indirectly engaging in political activities in an attempt to influence U.S. AI policy, please provide the following documents and information, in accordance with attached instructions, no later than December 12, 2024:

1. Documents sufficient to show the original registration date of the Centre as an agent of a foreign principal pursuant to FARA;
2. All documents and communications between DOJ and the Centre referring or relating to FARA registration, since January 1, 2023;
3. All communications with the Centre or other “foreign counterparts” as part of the DOJ’s “Justice AI” initiative.<sup>38</sup>

Sincerely,



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Ted Cruz  
Ranking Member

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<sup>38</sup> See Press Release, U.S. Dep’t of Just., Off. of Pub. Affairs, Deputy Attorney General Lisa O. Monaco Delivers Remarks at the University of Oxford on the Promise and Peril of AI (Feb. 14, 2024), <https://www.justice.gov/opa/speech/deputy-attorney-general-lisa-o-monaco-delivers-remarks-university-oxford-promise-and>.