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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

LILA HARPER HELMS, MAJORITY STAFF DIRECTOR
BRAD GRANTZ, REPUBLICAN STAFF DIRECTOR

September 13, 2024

Jason Matheny
President and CEO
RAND Corporation
1776 Main Street
P.O. Box 2138
Santa Monica, CA 90407-2138

Dear Mr. Matheny:

It is no secret that under the guise of protecting the public from various, subjective, and amorphous harms, the Biden-Harris administration engaged in “a far-reaching and widespread censorship campaign” against Americans who engaged in so-called “misinformation” on social media platforms.¹ Of course, the administration could have more easily surveilled Americans had the government acted to regulate the social media industry in its infancy. Recognizing Artificial Intelligence (AI) regulation as a new opportunity to spy on Americans and restrict speech, last year the Biden-Harris administration launched a campaign to “protect” the public from undefined “harms” that AI could cause. As the first order of business, the White House announced Vice President Harris—who described AI as “kind of a fancy thing” that is “two letters”—would become the “AI Czar” responsible for leading this new regulatory initiative.² Then the administration issued Executive Order 14110 on the “Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence” (AI Executive Order), which sets forth an audacious plan for the government to control AI development and determine, at the technology’s outset, what content Americans can see and share.³ Moreover, the individuals and organizations involved in shaping the administration’s new AI regulations are the very same ones who helped the administration censor Americans’ social media posts.

As the Ranking Member of the U.S. Senate Committee on Commerce, Science, and Transportation (Committee), I write seeking information regarding RAND’s role in drafting the AI Executive Order and its previous involvement in the administration’s censorship agenda. I

¹ *Murthy v. Missouri*, 144 S. Ct. 1972, 1997 (2024) (J. Thomas, dissenting).

² Alana Mastrangelo, *Kamala Harris Names ‘AI Czar’ to Save Us from Artificial Intelligence*, BREITBART (May 4, 2023), <https://www.breitbart.com/tech/2023/05/04/kamala-harris-named-ai-czar-to-save-us-from-artificial-intelligence/>; Lindsay Kornick, *Kamala Harris Roasted for Bumbling Attempt at Explaining AI: ‘It’s Gotta be a Bit at This Point,’* FOX NEWS (July 13, 2023), <https://www.foxnews.com/media/kamala-harris-roasted-bumbling-attempt-explaining-ai-gotta-bit-point>.

³ Exec. Order No. 14,110, 88 Fed. Reg. 75,191 (Nov. 1, 2023).

also encourage those with knowledge of these matters to contact my office directly at [Republican Whistleblower@commerce.senate.gov](mailto:Republican_Whistleblower@commerce.senate.gov).

Shortly after taking office, the Biden-Harris administration announced it would address what it called a “crisis of disinformation and misinformation.”⁴ The administration has addressed this supposed “crisis” by censoring Americans’ speech that it does not like, from coercing social media companies to adopt strict content moderation policies and removing posts about the COVID-19 lab leak theory, to establishing a misinformation team within the Cybersecurity and Infrastructure Security Agency that “counters all types of disinformation, to be responsive to current events.”⁵ The White House National Climate adviser, Gina McCarthy, even demanded tech companies take down disagreeable remarks about climate change, claiming they were “a threat to public health.”⁶

With the emergence of AI as the latest technology that will have an enormous impact on speech, including the spread of opinions and content disfavored by the censorious Left, the administration is seeking to restrict AI development through regulatory fiat. And in doing so, it is citing the same amorphous “harms” as it did to justify social media censorship. As AI Czar, Harris said at the Global Summit on AI Safety about AI’s “existential threats”: “[O]ne of the greatest threats to democracy is mis- and disinformation . . . [a]nd with AI, in particular, it can take on a form that makes it very difficult for the receiver of that information to distinguish” what is “fact.”⁷

Last fall, the White House issued its sweeping AI Executive Order, section 4 of which details the administration’s plan to control speech so AI is developed “safely and responsibly.”⁸ It first directs the National Institute of Standards and Technology (NIST) to develop standards for “safety” against “AI risks,” which AI Czar Harris has defined broadly as “threats to humanity as a whole, as well as threats to individuals, communities, to our institutions, and to our most vulnerable populations.”⁹ The AI Executive Order also empowers federal bureaucrats to monitor the activities of all companies developing, or even considering developing, an AI model. Specifically, section 4 requires that wherever a company contemplates or develops a “dual-use foundation model,” it must submit to the government, records of all AI training, development, and production, *and* (most alarmingly) “safety evaluation” reports, describing how well the AI

⁴ National Security Council, NATIONAL STRATEGY FOR COUNTERING DOMESTIC TERRORISM (June 2021), <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>.

⁵ U.S. DEP’T HOMELAND SEC., OFFICE OF INSPECTOR GENERAL, OIG-22-58, DHS NEEDS A UNIFIED STRATEGY TO COUNTER DISINFORMATION CAMPAIGNS 7 (2022).

⁶ Alexander Hall, *Biden Climate Adviser Demands Tech Companies Censor ‘Disinformation’ to Promote ‘Benefits of Clean Energy’*, FOX NEWS (June 14, 2022), <https://www.foxnews.com/media/biden-climate-advisor-tech-companies-censor-disinformation-promote-benefits-clean-energy>.

⁷ Kamala Harris, Vice President of the United States, Remarks by Vice President Harris in Press Gaggle, Bletchley, United Kingdom (Nov. 2, 2023), <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/11/02/remarks-by-vice-president-harris-in-press-gaggle-bletchley-united-kingdom/>.

⁸ Exec. Order No. 14,110 § 4, 88 Fed. Reg. 75,191 (Nov. 1, 2023).

⁹ *Id.* § 4.1; Brian J. Chen, *The Siren Song of “AI Safety,”* TECH POLICY PRESS (Nov. 15, 2023), <https://www.techpolicy.press/the-siren-song-of-ai-safety/>.

conforms with NIST’s woke AI “safety” standards.¹⁰ Altogether, the AI Executive Order sets the path for the federal government to preemptively discourage AI innovation and protect powerful and established AI companies.

RAND apparently had an outsized role in drafting the AI Executive Order—and Section 4, in particular. You openly admitted that RAND assisted the White House in drafting the AI Executive Order days before the President signed it.¹¹ A RAND spokesperson subsequently tried to minimize RAND’s work as providing initial recommendations for some provisions.¹² But *Politico* reported that RAND’s involvement was more significant, explaining that RAND’s senior information scientist and other RAND personnel provided “substantial” written drafts to help the White House, and were particularly involved in crafting Section 4.¹³ Indeed, the AI Executive Order captures all six of the policy recommendations a senior RAND official provided in congressional testimony last year.¹⁴

RAND’s work on the AI Executive Order is unsurprising for two reasons: (1) RAND has close ties to influential Big Tech companies that benefit from the AI Executive Order, and (2) RAND partnered with the Biden-Harris administration in its previous efforts to censor Americans’ online speech.

RAND has both personal and financial connections to incumbent AI companies like Anthropic and OpenAI. For instance, you are one of five members on Anthropic’s “Long-Term Benefit Trust,” which oversees the AI company.¹⁵ And Tasha McCauley—an adjunct senior management scientist at RAND and effective altruism advocate—just left OpenAI’s board last November.¹⁶ RAND is also connected with Open Philanthropy, the charitable arm of these AI companies.¹⁷ Last year, Open Philanthropy gave RAND \$16 million to advance its “work on

¹⁰ Exec. Order No. 14,110 §§ 4.2, 4.4, 88 Fed. Reg. 75,191 (Nov. 1, 2023).

¹¹ Brendan Bordelon, *Think Tank Tied to Tech Billionaires Played Key Role in Biden’s AI Order*, POLITICO (Dec. 16, 2023), <https://www.politico.com/news/2023/12/15/billionaire-backed-think-tank-played-key-role-in-bidens-ai-order-00132128>.

¹² *Id.*

¹³ *Id.*; *Is AI an Existential Risk? Q & A with RAND Experts*, RAND (Mar. 11, 2024),

<https://www.rand.org/pubs/commentary/2024/03/is-ai-an-existential-risk-qa-with-rand-experts.html>.

¹⁴ *Compare Advanced Technologies: Examining Threats to National Security: Hearing Before the Sub. Comm. on Emerging Threats and Spending Oversight of the S. Comm. on Homeland Sec., and Gov. Affairs*, 118th Cong. (Sept. 19, 2023) (testimony of Jeff Alstott, Director, Center for Technology and Security Policy) with Exec. Order No. 14,110, 88 Fed. Reg. 75,191 (Nov. 1, 2023).

¹⁵ See Press Release, Anthropic, The Long-Term Benefit Trust (Sept. 19, 2023), <https://www.anthropic.com/news/the-long-term-benefit-trust>.

¹⁶ Statement, Open AI, Sam Altman Returns as CEO, OpenAI has a New Initial Board (Nov. 29, 2023), <https://openai.com/index/sam-altman-returns-as-ceo-openai-has-a-new-initial-board/>; Reuters, *OpenAI Responds to Warnings of Self Governance by Former Board Members*, the Economist Reports, REUTERS (May 30, 2024), <https://www.reuters.com/technology/openai-responds-warnings-self-governance-by-former-board-members-economist-2024-05-30/>.

¹⁷ Brendan Bordelon, *AI Doomsayers Funded by Billionaires Ramp up Lobbying*, POLITICO (Feb. 23, 2024), <https://www.politico.com/news/2024/02/23/ai-safety-washington-lobbying-00142783>.

potential risks from advanced artificial intelligence.”¹⁸ Open Philanthropy also financially supports the Horizon Institute for Public Service—an Open Philanthropy-funded initiative that places AI staffers in federal agencies and D.C. think tanks, including RAND.¹⁹ And you also sit on the Horizon Institute’s board.²⁰ Given AI Czar Harris’s outspokenness on the need for government to protect against AI’s so-called harms, like disinformation, it is unsurprising that the leaders of these organizations and companies are funding Harris’ presidential campaign.²¹

Before drafting the AI Executive Order, RAND supported the administration’s social media censorship work. For example, a 2023 report from RAND’s Homeland Security Research Division, which operates the Department of Homeland Security’s (DHS) Homeland Security Operational Analysis Center, calls for the government to spy within the metaverse “to track the spread of false and misleading information,” while warning that it may be “difficult” to do so.²² Indeed, DHS gave RAND taxpayer money for specific MDM-related research. In September 2021, DHS awarded RAND a contract for research to help DHS understand which component missions were vulnerable to MDM information.²³ And in June 2022, DHS awarded RAND a sole-source contract to “develop[] an MDM research agenda to support counter-MDM programming.”²⁴ Watchdog groups have raised concerns that awards like these have resulted in the censorship of conservatives and Christians.²⁵

RAND appears to be shifting its research to support the Biden-Harris administration’s AI Executive Order. It recently published a paper on generative AI “to provide policymakers and scholars with a brief and high-level review of potential threats that generative AI might pose to a

¹⁸ Bordelon, *supra* note 11; RAND CORPORATION - EMERGING TECHNOLOGY FELLOWSHIPS AND RESEARCH, <https://www.openphilanthropy.org/grants/rand-corporation-emerging-technology-fellowships-and-research/> (last visited June 21, 2024); RAND CORPORATION - EMERGING TECHNOLOGY INITIATIVES, <https://www.openphilanthropy.org/grants/rand-corporation-emerging-technology-initiatives/> (last visited June 21, 2024).

¹⁹ Bordelon, *supra* note 11; *Meet our Fellows*, HORIZON INST. FOR PUBLIC SERV., <https://horizonpublicservice.org/pr-ograms/meet-our-fellows/> (last visited June 5, 2024).

²⁰ *About Us*, HORIZON INST. FOR PUBLIC SERV., <https://horizonpublicservice.org/about-us/> (last visited Sept. 13, 2024).

²¹ Politico Staff, *How Kamala Harris’ Platform Could Differ From Joe Biden’s*, POLITICO (July 21, 2024), <https://www.politico.com/interactives/2024/kamala-harris-joe-biden-platforms/>; Dara Kerr, *Tech Luminaries and VCs go All-in on Kamala Harris Campaign, 5 Things to Know*, NPR (Aug. 3, 2024), <https://www.npr.org/2024/08/02/nx-s1-5058777/tech-silicon-valley-investors-donate-kamala-harris-for-president-5-things-to-know>.

²² Timothy Marler, Zara Fatima Abdurahaman, et al., *The Metaverse and Homeland Security*, RAND (May 22, 2023), <https://www.rand.org/pubs/perspectives/PEA2217-2.html>.

²³ Contract Summary, PIID 70RSAT21FR0000141, USA SPENDING, https://www.usaspending.gov/award/CONT_AWD_70RSAT21FR0000141_7001_HSHQDC16D00007_7001/ (last visited Jul. 9, 2024). In the summer of 2022, the Biden administration froze millions of dollars for MDM-related research contracts after public outcry in response to the announced Disinformation Governance Board. See Andrea Bernstein & Ilya Marritz, *How the Biden Administration Caved to Republicans On Fighting Election Disinformation*, PROPUBLICA (Nov. 1, 2022), <https://www.propublica.org/article/dhs-disinformation-elections-biden-gop-midterms>.

²⁴ Contract Summary, PIID 70RSAT22FR0000047, USA SPENDING, https://www.usaspending.gov/award/CONT_AWD_70RSAT22FR0000047_7001_70RSAT22D00000001_7001 (last visited Jul. 9, 2024).

²⁵ Brian Flood, *Seven Federal Agencies Have Pushed Tech Giants to Censor Americans*, Media Research Center says, FOX NEWS (June 20, 2024), <https://www.foxnews.com/media/seven-federal-agencies-pushed-tech-giants-censor-americans-media-research-center-says>.

trustworthy information ecosystem.”²⁶ The paper warns “generative AI opens up even newer avenues of both malicious use and unwitting misuse of information, which can lead to . . . the spread of both misinformation and disinformation.”²⁷ It further cautions that the AI Executive Order “could be overturned by a new president” and therefore recommends “the U.S. Congress to consider more permanent legislative approaches.”²⁸ One approach the federal government should consider, RAND says, is “set[ting] requirements for basic content moderation regimes.”²⁹ In setting up these regimes, RAND proposes regulations “focus on the ways in which AI platforms perform moderation, such as by stipulating requirements for training data or requiring input/output filters.”³⁰ In the alternative, RAND suggests making AI developers liable for their content.³¹

The Standing Rules of the Senate provide the Committee with jurisdiction over matters concerning “science, engineering, and technology research and development.”³² So that the Committee can understand RAND’s involvement in the AI Executive Order and the administration’s other actions related to online speech, please provide documents and written responses to the following requests no later than September 27, 2024, according to the attached instructions:

1. Explain, in detail, RAND’s role in drafting the AI Executive Order.
2. Identify all RAND employees, fellows, researchers, contractors, and consultants:
 - a. Who performed work related to the AI Executive Order or otherwise advised anyone in the federal government on the AI Executive Order prior to its publication;
 - b. Whom RAND has hired since October 30, 2023, who were previously employed by the federal government; or
 - c. Who have received compensation for their work at RAND from another organization since January 20, 2021.
3. Identify every federal grant and contract RAND was awarded, or from which RAND otherwise received money, since January 20, 2021, that relates to misinformation, malinformation, disinformation, or AI.

²⁶ TODD C. HELMUS & BILVA CHANDRA, GENERATIVE ARTIFICIAL INTELLIGENCE THREATS TO INFORMATION INTEGRITY AND POTENTIAL POLICY RESPONSES, RAND (Apr. 16, 2024), <https://www.rand.org/pubs/perspectives/P EA3089-1.html>.

²⁷ *Id.* at 1.

²⁸ *Id.* at 9.

²⁹ *Id.* at 10.

³⁰ *Id.*

³¹ *Id.*

³² S. Rules XXV(1)(f), XXVI (8)(a)(2).

4. List all meetings you or Mr. Alstott participated in with a federal government employee between June 1, 2023, and November 1, 2023. In identifying the meetings, include the date of the meeting, subject of the meeting, participants' names, and participants' titles.
5. Provide:
 - a. All documents referring or relating to misinformation, malinformation, disinformation, or AI research RAND has conducted for the federal government since January 20, 2021;
 - b. All documents that RAND prepared for or sent to anyone in the federal government referring or relating to the AI Executive Order; and
 - c. All communications between you or Mr. Alstott and any federal employee referring or relating to AI, from June 1, 2023, to present.

Thank you for your attention to this matter. If you have any questions, please contact [REDACTED] on Ranking Member Cruz's Committee staff at [REDACTED].

Sincerely,



Ted Cruz
Ranking Member