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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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

April 7, 2025

Jules Polonetsky
Chief Executive Officer
Future of Privacy Forum
1350 Eye Street NW
Suite 350
Washington, D.C. 20005

Dear Mr. Polonetsky:

As Chairman of the U.S. Senate Committee on Commerce, Science, and Transportation (Committee), I write regarding the Future of Privacy Forum's (FPF) support of the now-rescinded, Biden-era Executive Order on the "Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence" (AI Executive Order).¹ In particular, I am seeking information about FPF's use of grant funding from the National Science Foundation (NSF) and Department of Energy (DOE) to help federal agencies "support the *equitable* use of AI" and to convene "diverse experts" and "key stakeholders."²

FPF bills itself as a mediator that brings together thought leaders to address challenges posed by technology.³ That doesn't mean it lacks a point of view. FPF has submitted public comments to the Federal Communications Commission on AI telephone call detection,⁴ the Department of Transportation on the impact of AI on transportation,⁵ the Federal Election Commission on the

¹ Exec. Order No. 14110, 88 Fed. Reg. 75191 (Nov. 1, 2023).

² Nancy Levesque, *FPF Launches Effort to Advance Privacy-Enhancing Technologies, Convenes with Experts, and Meets with White House*, FUTURE OF PRIVACY FORUM (July 9, 2024), <https://fpf.org/blog/future-of-privacy-forum-launches-effort-to-advance-privacy-enhancing-technologies/> (emphasis added); Nat'l Sci. Found., NSF Award Abstract # 2413978, Research Coordination Network (RCN) for Privacy Preserving Data Sharing and Analytics (Feb. 22, 2024), https://www.nsf.gov/awardsearch/showAward?AWD_ID=2413978.

³ *About Us*, FUTURE OF PRIVACY FORUM (last visited Apr. 7, 2025), <https://fpf.org/about/>.

⁴ *Comment Submitted to the FCC on AI Call Detecting, Alerting, and Blocking Technologies*, FUTURE OF PRIVACY FORUM (Oct. 21, 2024), <https://fpf.org/resource/fpf-submitted-comments-to-fcc-on-implications-of-artificial-intelligence-technologies/>.

⁵ *FPF Submits Comments in Response to the DOT's Request for Information on Opportunities and Challenges of AI in Transportation*, FUTURE OF PRIVACY FORUM (July 3, 2024), <https://fpf.org/resource/fpf-submits-comments-in-response-to-the-united-states-department-of-transportations-dot-request-for-information-on-opportunities-and-challenges-of-artificial-intelligence-ai-in-transport/>.

use of AI in political ads,⁶ the Office of Management and Budget (OMB) on AI and privacy impact assessments,⁷ the Federal Trade Commission on proposed amendments to the trade regulation rule on impersonation,⁸ and the National Institute of Standards and Technology (NIST) on standards, tools, and practices for detecting and labeling synthetic content.⁹ FPF has promoted efforts to incorporate DEI principles into AI-enabled technologies,¹⁰ supported so-called “gender-affirming care,”¹¹ and advocated for new state laws that address so-called AI bias and discrimination with the goal of preventing “catastrophic events.”¹²

During the Biden administration, FPF focused on convincing federal regulators to implement an AI “safety” agenda. In February 2024, for example, FPF received the aforementioned grants from NSF and DOE to help federal agencies “support the *equitable* use of AI” and to convene AI pundits.¹³ FPF did convene them—at the White House Eisenhower Executive Office Building.¹⁴ In addition, FPF became a member of the U.S. AI Safety Institute Consortium at NIST,¹⁵ which tasked members with promoting AI “fairness” and building so-called “trustworthy and responsible AI.”¹⁶ In reality, the aim was to allow the Biden administration to build a regulatory framework that could be used for policing speech considered objectionable by left-wing

⁶ Amie Stepanovich, *FPF Responds to the Federal Election Commission Decision on the Use of AI in Political Campaign Advertising*, FUTURE OF PRIVACY FORUM (Aug. 8, 2024), <https://fpf.org/blog/fpf-responds-to-the-federal-election-commission-decision-on-the-use-of-ai-in-political-campaign-advertising/>.

⁷ Amber Ezzell, *FPF Submits Comments to the Office of Management and Budget on AI and Privacy Impact Assessments*, FUTURE OF PRIVACY FORUM (Apr. 16, 2024), <https://fpf.org/blog/fpf-submits-comments-to-the-office-of-management-and-budget-on-ai-and-privacy-impact-assessments/>.

⁸ *FPF Submits Comments to the FTC on Proposed Amendments to Trade Regulation Rule on Impersonation of Government and Businesses*, FUTURE OF PRIVACY FORUM (Apr. 29, 2024), <https://fpf.org/resource/fpf-submits-comments-to-the-ftc-on-proposed-amendments-to-trade-regulation-rule-on-impersonation-of-government-and-businesses/>.

⁹ *FPF Submits Comments in Response to NIST AI 100-4, Reducing Risks Posed by Synthetic Content: An Overview of Technical Approaches to Digital Content Transparency*, FUTURE OF PRIVACY FORUM (May 29, 2024), <https://fpf.org/resource/240166/>.

¹⁰ *E.g.*, @futureofprivacy, X (Feb. 29, 2024, 4:01 PM), <https://x.com/futureofprivacy/status/1763308567430345003>.

¹¹ Jordan Wrigley, *Out, Not Outdated: Privacy for Sexual Health, Orientations, and Gender Identities*, FUTURE OF PRIVACY FORUM (Oct. 11, 2024), <https://fpf.org/blog/out-not-outdated-privacy-for-sexual-health-orientations-and-gender-identities/>.

¹² See Inst. for Governance, *Policies & Politics, Evidence-based AI Regulations: Are They Enough?*, YOUTUBE (Nov. 3, 2024), <https://www.youtube.com/watch?v=EX4GrmWG2BY> (Tatiana Rice, Deputy Director of U.S. Legislation for the Future of Privacy Forum); see also Amie Stepanovich, *FPF Responds to the Federal Election Commission Decision on the Use of AI in Political Campaign Advertising*, FUTURE OF PRIVACY FORUM (Aug. 8, 2024), <https://fpf.org/blog/fpf-responds-to-the-federal-election-commission-decision-on-the-use-of-ai-in-political-campaign-advertising/> (“The FEC must consider opportunities to encourage the responsible use of generative AI to mitigate the risks that it may pose to democracy, including its potential to amplify pre-existing discrimination and inequitable practices.”).

¹³ *Supra* note 2.

¹⁴ Levesque, *supra* note 2.

¹⁵ *AI Safety Consortium Members*, U.S. ARTIFICIAL INTELLIGENCE SAFETY INSTITUTE (last visited Apr. 7, 2025), <https://www.nist.gov/aisi/artificial-intelligence-safety-institute-consortium/aisic-members>; *Artificial Intelligence*, FUTURE OF PRIVACY FORUM (last visited Apr. 7, 2025), <https://fpf.org/issue/ai-ml/>.

¹⁶ Nat’l Inst. for Standards & Tech., *Artificial Intelligence Risk Management Framework* (Jan. 26, 2023), <https://nvlpubs.nist.gov/nistpubs/ai/NIST.AI.100-1.pdf>.

arbiters.¹⁷

Now it appears FPF is attempting to hide its work in support of former President Biden’s AI Executive Order. Upon receiving federal taxpayer money in February 2024, the organization issued a press release titled “FPF Awarded NSF and DOE Grants to Advance White House Executive Order of Artificial Intelligence.”¹⁸ In the release, FPF explained its work to reduce AI risks to “marginalized and vulnerable groups” and praised the administration for prioritizing “equity principles in AI-enabled technologies.”¹⁹ A year later, President Trump signed executive orders rescinding the Biden administration’s AI Executive Order and directing federal agencies to terminate all “equity-related” grants or contracts.²⁰ Shortly thereafter, FPF discreetly updated its website to erase its past support of the Biden AI Executive Order. In Orwellian fashion, FPF changed the title of its February 2024 press release to “FPF Awarded DOE and NSF Grants to Advance Privacy Enhancing Technologies & AI.”²¹ Gone are references to equity principles, raising questions about FPF’s apparent repurposing, or worse, rebranding of Biden-era equity awards.

More recently, FPF has focused on state efforts, presenting its Multistate AI Policymaker Working Group (MAP-WG), a national network of state lawmakers who worked on model AI

¹⁷ NIST’s 2024 Risk Management Framework for Generative AI highlighted potential “risks” posed by generative AI, including “offensive or hateful language” and “stereotypical content” that could “exacerbate representational harms.” Nat’l Inst. for Standards & Tech., *Artificial Intelligence Risk Management Framework: Generative Artificial Intelligence Profile*, 7 (July 26, 2024), <https://nvlpubs.nist.gov/nistpubs/ai/NIST.AI.600-1.pdf> (In defining representational harms, NIST cited to a study warning that AI image tagging could deny individuals “the ability to self-identify” and “eras[e] social groups”—for example, by excluding context about the historical injustices faced by women when tagging a photo of marching women suffragettes). See Katzman et al., *Taxonomizing and Measuring Representational Harms: A Look at Image Tagging*, ASSOC. FOR THE ADVANCEMENT OF ARTIFICIAL INTELLIGENCE (2023), <https://dl.acm.org/doi/10.1609/aaai.v37i12.26670> (NIST’s risk management framework was previously binding on the federal government via a now-rescinded, Biden-era OMB procurement guidance). See OMB, *Advancing the Responsible Acquisition of Artificial Intelligence in Government*, M-24-18, 12 n.24 (Sept. 24, 2024), <https://www.whitehouse.gov/wp-content/uploads/2024/10/M-24-18-AI-Acquisition-Memorandum.pdf> (It continues to receive support from key stakeholders. Moreover, several state AI laws developed with FPF’s assistance have incorporated NIST’s AI risk guidance, including Virginia’s High-Risk Artificial Intelligence Developer and Deployer Act (H.B. 2094), Texas’s Responsible Artificial Intelligence Governance Act (TRAIGA) (H.B. 1709), and Colorado’s Colorado AI Act (S.B. 205)).

¹⁸ *FPF Awarded NSF and DOE Grants to Advance White House Executive Order of Artificial Intelligence*, FUTURE OF PRIVACY FORUM (Feb. 29, 2024), <https://web.archive.org/web/20241208194919/https://fpf.org/blog/future-of-privacy-forum-awarded-national-science-foundation-and-department-of-energy-grants-to-advance-white-house-executive-order-on-artificial-intelligence/>

¹⁹ *Id.*

²⁰ Exec. Order No. 14148, 90 Fed. Reg. 8237 (Jan. 20, 2025); Exec. Order No. 14151, 90 Fed. Reg. 8339 (Jan. 20, 2025).

²¹ *FPF Awarded DOE and NSF Grants to Advance Privacy Enhancing Technologies & AI*, FUTURE OF PRIVACY FORUM (Feb. 29, 2024), <https://fpf.org/blog/future-of-privacy-forum-awarded-department-of-energy-and-national-science-foundation-grant-on-privacy-enhancing-technologies/>

legislation ahead of 2025 legislative sessions,²² as a “neutral facilitator” for AI.²³ Legislators on the MAP-WG Steering committee introduced AI legislation in states like Connecticut to address FPF priorities like disparate impact and discrimination,²⁴ and lawmakers from 32 states signed an op-ed calling for state-level AI legislation and highlighting legislative trends influenced by FPF.²⁵

In February, however, FPF announced it would discontinue its work supporting the MAP-WG because it did not want supposed “misperceptions” about the group “to create any misperceptions about the larger mission of FPF.”²⁶ One wonders whether FPF’s decision to discontinue this work is linked to the Trump administration’s executive order, and to what extent the NSF and DOE grant funding awarded under Biden influenced FPF’s state advocacy efforts.

The Standing Rules of the Senate provide the Committee with jurisdiction over matters concerning “science, engineering, and technology research and development.”²⁷ So that the Committee can better understand FPF’s involvement and support of the AI Executive Order, its decision to remove information from its website, and its legislative efforts through the MAP-WG, please provide written responses and documents to the following requests no later than April 21, 2025, according to the attached instructions:

1. Provide the name and title of each employee, contractor, or agent of FPF who is registered to lobby, the state(s) in which he or she is registered, and the issues on which he or she has lobbied since January 1, 2024.
2. Provide the name and title of each employee, contractor, or agent of FPF who—
 - a. Participated in, advised, or otherwise worked on the applications for NSF award #2413978 or DOE award #DE-SC0024884, or on any activities related to these

²² See Press Release, Tatiana Rice, Director for U.S. AI Legislation, Future of Privacy Forum, Future of Privacy Forum Convenes Over 200 State Lawmakers in AI Policy Working Group Focused on 2025 Legislative Sessions (Oct. 21, 2024), <https://fpf.org/press-releases/future-of-privacy-forum-convenes-over-200-state-lawmakers-in-ai-policy-working-group/>.

²³ *Multistate AI Policymaker Working Group*, FUTURE OF PRIVACY FORUM, <https://fpf.org/multistate-ai-policymaker-working-group/> (last visited Apr. 7, 2025).

²⁴ See, e.g., Future of Privacy Forum, Comment Letter on Connecticut Senate Bill 2 Relating to Artificial Intelligence (Feb. 28, 2024), <https://www.cga.ct.gov/2024/gldata/TMY/2024SB-00002-R000229-Rice,%20Tatiana,%20Senior%20Counsel-Future%20of%20Privacy%20Forum--TMY.PDF>; Tatiana Rice, *Colorado Enacts First Comprehensive U.S. Law Governing Artificial Intelligence Systems*, FUTURE OF PRIVACY FORUM (May 17, 2024), <https://fpf.org/blog/colorado-enacts-first-comprehensive-u-s-law-governing-artificial-intelligence-systems/>.

²⁵ In assembling FPF’s 200+ MAP-WG of state legislators, FPF has refused to name its members other than the members of the Steering Committee; Multistate AI Policymaker Working Group, Opinion, *Open Letter: Why Now is the Time to Act on US State AI Legislation*, INT’L ASSOC. OF PRIVACY PROFESSIONALS (Dec. 12, 2024), <https://iapp.org/news/a/open-letter-why-now-is-the-time-to-act-on-us-state-ai-legislation/>.

²⁶ Jules Polonetsky, *FPF Clarifies Non-Partisan State Work*, FUTURE OF PRIVACY FORUM (Feb. 25, 2025), <https://fpf.org/blog/future-of-privacy-forum-convenes-over-200-state-lawmakers-in-ai-policy-working-group/>

²⁷ S. Rules XXV(1)(f), XXVI (8)(a)(2).

grants, including the Research Coordination Network (RCN) for Privacy-Preserving Data Sharing and Analytics;

- b. Participated in, advised, or otherwise worked with MAP-WG, from January 1, 2024, to present.
4. List all meetings that FPF convened, coordinated, or participated in between January 1, 2024, and present, related to the following topics. For each meeting, include the date, subject, and participants' names and titles:
 - a. Artificial intelligence
 - b. MAP-WG
 - c. RCN for Privacy-Preserving Data Sharing and Analytics
5. Identify all preexisting documents or webpages that FPF updated between November 5, 2024, and present.
6. Provide all documents and communications referring or relating to the U.S. AI Safety Institute from February 8, 2024, to present.
7. Provide all documents and communications referring or relating to NSF award #2413978, DOE award #DE-SC0024884, or the Research Coordination Network (RCN) for Privacy-Preserving Data Sharing and Analytics.
8. Provide all documents and communications referring or relating to the meetings responsive to Request #4.
9. Provide all communications referring to relating to Executive Order #14148 and Executive Order #14151.

Thank you for your attention to this matter.

Sincerely,



Ted Cruz
Chairman