



July 13, 2023

Joint Committee on Advanced Information Technology, the Internet and Cybersecurity

Attn: Christopher Smith

24 Beacon St

Boston, MA 02133

Re: S. 31 - An Act drafted with the help of ChatGPT to regulate generative artificial intelligence models like ChatGPT.

Dear Co-Chair Moore, Co-Chair Farley-Bouvier and Members of the Joint Committee on Advanced Information Technology, the Internet and Cybersecurity:

On behalf of the Computer & Communications Industry Association (CCIA), I write to raise some concerns with S. 31, An Act drafted with the help of ChatGPT to regulate generative artificial intelligence models like ChatGPT.

CCIA is a 50-year-old not-for-profit international tech trade association that advocates for policy and market conditions that benefit innovation, the tech sector, and consumers.¹ While CCIA recognizes that policymakers are appropriately interested in the digital services that make a growing contribution to the U.S. economy, more work can and must be done to study the potential implications of artificial intelligence models and practices prior to considering S. 31. As the Legislature explores policy pertaining to this new and emerging space, CCIA would like to raise the following concerns with S.31 as it is currently drafted.

1. Enforcement mechanisms are too vague, providing the Attorney General's office with vast discretionary powers.

S. 31 provides the Attorney General with vast ability to determine how this legislation would be implemented, with essentially all of the details being left to the rules that would be solely set by the Attorney General's office. CCIA has concerns with placing a broad and undefined enforcement authority over such complex systems without any parameters or further details, and strongly suggests that additional guidelines be placed to tailor the Attorney General's ability to shape the implementation of this bill. Furthermore, the bill's language around the Attorney General's avenues to remedy violations under the act is vague, stating only that

¹ For 50 years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. A list of CCIA members is available at <https://www.ccianet.org/members>.



the Attorney General may “bring an action”, and further language should be added to specify what type of relief may be pursued.

2. Section 3 is overly broad and should be amended to specifically focus on the collection of data actually used for the AI model.

Subsection 4 of Section 3 should be amended to specifically apply to the collection, use, or disclosure of data actually used for the large-scale generative artificial intelligence model. As currently written, the informed consent requirement would require companies to obtain informed consent before obtaining, disclosing, or using the data of anyone for any purpose, even if such data is related to a separate product operated by the company, such as email services, and not tied to the use of a company’s large-scale generative artificial intelligence model. If left unchanged, this would create a broad negative unintended consequence on many multi-faceted operators and their users, potentially limiting operators' abilities to continue to provide a users’ desired service, such as product recommendations or filtering spam messages.

3. Watermarking or other authentication tools are not foolproof and may not be technologically feasible at this juncture.

S. 31 requires that large-scale generative artificial intelligence models must generate all text with a “distinctive watermark” or offer some other authentication process that would allow a user to determine whether or not an output was generated by an AI model. At this juncture, watermarking with AI models is not foolproof² and would likely be easily bypassed via the use of other tools, potentially limiting the effectiveness of this provision.

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We appreciate the Committee’s consideration of these comments and stand ready to provide additional information as the Legislature considers proposals related to technology policy.

Sincerely,

Alex Spyropoulos
Regional Policy Manager, Northeast
Computer and Communications Industry Association

² <https://www.searchenginejournal.com/chatgpt-watermark/475366/#close>