



**Testimony of Victoria Espinel
CEO, BSA | The Software Alliance
Hearing on The Need for Transparency in Artificial Intelligence**

**Senate Committee on Commerce, Science, & Transportation
Subcommittee on Consumer Protection, Product Safety, and Data Security**

September 12, 2023

Good afternoon, Chair Hickenlooper, Ranking Member Blackburn, and Chair Cantwell, and members of the Subcommittee. My name is Victoria Espinel, and I am the CEO of BSA | The Software Alliance.

BSA is the advocate for the global enterprise software industry. BSA members are at the forefront of developing cutting-edge services — including AI — and their products are used by businesses across every sector of the economy. I commend the Subcommittee for convening today's hearing, and I thank you for the opportunity to testify.

Here are two things that need to be done: Companies that develop and use AI must act responsibly to identify and address risks. And Congress needs to establish thoughtful, effective rules that protect consumers and promote responsible innovation.

AI has real-world benefits.

Think about extreme weather events – hurricanes, wildfires, tornadoes – that have affected many states this year. As we know, there are families wondering whether the eye of a hurricane will hit their hometown, and whether they will be safe if they stay or if they should pack up and go. How will they know whether they should leave and, if they do, which nearby destination is the safest to ride out the storm? AI is helping to provide these answers. With AI, weather forecasters are better able to predict extreme weather events, helping people prepare before disaster strikes. And what happens to those families who are in the storm's path? How do they get food in the aftermath of a storm? How do rescue workers know they need help? AI is helping relief workers anticipate where medical equipment, food, water, and supplies are most needed in response to natural disasters. In the face of extreme danger, AI's predictions can save lives. More needs to be done so we see greater benefits. And with thoughtful rules in place innovation, AI will continue to advance and the responsible use of AI will serve our society.

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There has been a wave of attention on AI since ChatGPT launched publicly nine months ago. But this Committee began studying the issue in a thoughtful manner years earlier.

Nearly six years ago, I testified here about the building blocks of machine learning and artificial intelligence. Chair Cantwell and Senator Young introduced one of the first AI bills in 2017. We also appreciate the Committee's recent work to establish the National Artificial Intelligence

Initiative and your request to BSA for information about how our member companies are using the NIST AI risk management framework to responsibly develop and use AI.

The pace of AI development and use has increased significantly since 2017. As with any new technology, there are legitimate concerns that need to be addressed including the risk of bias and discrimination. This Committee is well-placed to move legislation that sets rules around AI.

The US economy will benefit from responsible and broad-based AI adoption. An important part of facilitating that adoption is passing a strong national law. The countries that best support responsible AI innovation will see the greatest benefits of economic and job growth in the coming years.

Moreover, other countries are moving quickly on regulations that affect US companies. The US should be part of shaping the global approach to responsible AI. The window for the US to lead those conversations globally is rapidly closing.

This is what we think legislation should do:

- It should focus on high-risk uses of AI, like those that decide whether a person can get a job, a home, or health care.
- It should require companies to have risk management programs
- It should require companies to conduct impact assessments, and
- It should require companies to publicly certify they have met these requirements.

This will include some concrete steps. I have set these out in more detail in my written testimony and hope we have the chance to discuss those.

It is important that legislation reflects different roles. Some companies develop AI. Some companies use AI. Our companies do both. And both roles have to be covered. Legislation should set distinct obligations for developers and users because each will know different things about the AI system in question and be able to take different actions to identify and mitigate risks.

So my message to Congress is simple: do not wait.

AI legislation can build on work by governmental organizations, industry, and civil society. These steps provide a collective basis for action. You can develop and pass AI legislation now that creates meaningful rules to reduce risks and promote innovation. We are ready to help you do so.

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Thank you for the opportunity to testify. I look forward to your questions.