



October 11, 2024

The Honorable Gina Raimondo  
Secretary of Commerce  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230

**Re: Establishment of Reporting Requirements for the Development of Advanced Artificial Intelligence Models and Computing Clusters (RIN-0694-AJ55) <sup>1</sup>.**

Dear Secretary Raimondo,

The U.S. Chamber of Commerce (“Chamber”) appreciates the opportunity to comment on the Department of Commerce’s Bureau of Industry and Security’s (“BIS”) proposed Rule on the Establishment of Reporting Requirements for the Development of Advanced Artificial Intelligence Models and Computing Clusters. The Chamber provides the following general feedback on the notice of proposed rulemaking (“NPRM”).

We are concerned that the reporting requirements outlined in the NPRM do not meet an appropriate level of justification for quarterly reporting. Accordingly, we would recommend that reporting only be done on an annual basis.

### **General Feedback**

The Chamber is concerned about the potential burden the quarterly reporting requirement would put on companies. As the notice of proposed rulemaking (“NPRM”) indicated, the possible reporting requirements are estimated to result in 5,000 hours per year, spread across anywhere from zero to fifteen companies. This suggests that BIS believes it will take a maximum of 333 hours for each respondent to complete all four quarterly reporting requirements.

In surveying our members, it appears that the estimate for the reporting requirement understates the burden involved in preparing the quarterly reports that the NPRM would require. The technical complexity of the information outlined in the NPRM will require a significant investment of resources and the time of many

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<sup>1</sup> <https://www.federalregister.gov/documents/2024/09/11/2024-20529/establishment-of-reporting-requirements-for-the-development-of-advanced-artificial-intelligence>

technical experts. Given the vast scope of the content that will be required for these reports, organizations will need to coordinate internally across a wide range of teams, including personnel and teams responsible for managing computing infrastructure, AI modeling, AI evaluation and red teaming exercises, the business teams that are responsible for forecasting future customer compute needs, and the legal teams that provide support across these business lines. For this reason, we recommend that reporting only be done annually.

The Chamber also believes that BIS must provide further clarification and guidance on operationalizing such reporting, as the current NPRM lacks the specificity that companies need to operationalize such requirements. For example, BIS should clarify whether a company must continue to report on a specific cluster if it had already reported it in previous quarterly reports. Once BIS provides further specificity and clarity on the reporting requirements, we would encourage BIS to meet with companies and organizations that may fall into the scope of the NPRM to receive further clarity on how such reporting will be able to be operationalized and meet the desired outcomes of all parties.

Finally, the NPRM contemplates reports that will contain highly sensitive information. For this reason, the Chamber requests that such reports be made confidential, kept securely and exempt from potential Freedom of Information Act requests.

## **Conclusion**

The Chamber again appreciates the opportunity to comment on the proposed rule. We look forward to working with the Department of Commerce to ensure that such reporting requirements do not become overly burdensome for companies and organizations, and we stand committed to working with you to advance U.S. leadership in the AI ecosystem.

Sincerely,

A handwritten signature in black ink that reads "Michael Richards". The signature is written in a cursive, slightly slanted style.

Michael Richards  
Senior Director  
Chamber Technology Engagement Center  
U.S. Chamber of Commerce