

Kansas HB 2313, Prohibiting the use of the artificial intelligence platform DeepSeek and other artificial intelligence platforms of concern on state-owned devices and on any state network.

**TESTIMONY IN OPPOSITION
UNLESS AMENDED**

February 14, 2025

**Kansas State Legislature
House Committee on Legislative Modernization**

Dear Chair Penn, Vice-Chair Borjon, Ranking Minority Member Simmons and Members of the Committee:

NetChoice respectfully requests Members of the Committee **oppose HB 2313** unless amended. While we support the bill's underlying goal of protecting Kansas government systems from potential security risks posed by foreign-controlled AI platforms, we have serious concerns about the bill's overly broad language. We urge you to oppose HB 2313 as it could:

1. Lead to the prohibition of legitimate U.S. Businesses
2. Restrict or limit state agencies' access to essential technology services,

NetChoice is a trade association of leading internet businesses that promotes the value, convenience, and choice that internet business models provide to American consumers. Our mission is to make the internet safe for free enterprise and free expression.

The current language in Section 1(a) of HB 2313 states that "All state agencies shall prohibit the installation of *any application that allows users to access* an artificial intelligence platform of concern [e.g., DeepSeek] on any electronic device that is issued by the state agency." This sweeping language could be interpreted to ban any platform or application that merely provides the technical capability to access DeepSeek or similar services, even if that capability is never used.

This would potentially force the removal of numerous legitimate U.S.-based services and platforms that may have optional integrations with various AI models, severely limiting the state's access to valuable technological tools and services.

For these reasons, we urge the Committee to consider the following language;

"No employee or contract employee of any agency of the Commonwealth of Kansas shall download or use the DeepSeek AI application or any other application developed by Hangzhou DeepSeek Artificial Intelligence Basic Technology Research Co., Ltd., hereafter referred to as DeepSeek, on any government-issued devices, including state-issued cell phones, laptops, or other devices capable of connecting to the Internet except for public safety purposes as certified by Kansas Secretary of Public Safety.

Further, no person or entity contracting with the Kansas government, including but not limited to all agencies, boards, commissions, institutions of higher education, or authorities, or agents thereof, may download or use the DeepSeek Ai application or other application developed by DeepSeek on state-owned or leased equipment."

Any employee of the Kansas government, or person or entity contracting with the government, who has already downloaded the DeepSeek AI application, or any other application developed by DeepSeek to any government-issued devices as listed above is directed to remove, delete, or uninstall these applications upon enactment.

This targeted language is similar to Virginia's recent Executive Order addressing the same concerns. The language would:

- Clearly target the direct use of problematic AI platforms
- Protect legitimate U.S. businesses offering valuable services to Kansas
- Maintain the bill's security objective, allowing state agencies to continue using essential technology services

NetChoice supports Kansas's effort to protect state systems from potential foreign threats. However, the current language of HB 2313 could have far-reaching negative consequences for both government operations and American businesses. We urge the committee to consider the proposed amendment to

ensure the bill achieves its security goals while avoiding unintended harm to legitimate U.S. technology providers.

We stand ready to work with the committee to refine this legislation and achieve its important security objectives in a manner that protects Kansas's interests while supporting American innovation and technology leadership.

Sincerely,

Amy Bos
Director of State and Federal Affairs, NetChoice¹

NetChoice is a trade association that works to protect free expression and promote free enterprise online.

¹ The views of NetChoice expressed here do not necessarily represent the views of NetChoice members.