The Leadership Conference

June 13, 2023

Neera Tanden
Director, Domestic Policy Council
Executive Office of the President
1650 Pennsylvania Ave., NW
Washington, DC 20504

Arati Prabhakar
Director and Assistant to the President for Science and Technology
Office of Science and Technology Policy
Executive Office of the President
1650 Pennsylvania Ave., NW
Washington, DC 20504

Shalanda Young
Director, Office of Management and Budget
New Executive Office Building
Washington, DC 20503

RE: Next Steps to Advance Equity and Civil Rights in Artificial Intelligence and Technology Policy

Dear Director Tanden, Director Prabhakar, and Director Young,

We, the undersigned civil rights, technology, policy, and research organizations, write to commend the Biden-Harris administration on its recent efforts to center equity and civil rights in technology policy and to call on you to take the necessary next steps to advance a whole-of-government approach to addressing the impact of artificial intelligence (AI) on people's rights and opportunities.

Through executive orders, public statements, federal guidance, and specific policy actions, the administration has played a pivotal role in elevating civil rights in artificial intelligence and technology policy. Key achievements in this work include the administration's AI Bill of Rights, agency commitments to update existing guidance and regulations in light of the AI Bill of Rights, Executive Order 14091 ("Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government"), and NIST's AI Risk Management Framework. The administration has also highlighted equity and civil rights in technology through its public communications, including President Biden's remarks to the President's Council of Advisors on Science and Technology and his *Wall Street Journal* op-ed. These efforts recognize the real harms that automated systems can cause and help to

The Leadership
Conference

ensure that automated systems do not quietly undermine the administration's broader commitment to advancing equity and civil rights throughout the federal government. The Biden-Harris administration's May 2023 announcements on American innovation in AI, related federal investments, and efforts to mitigate AI harms also reflect the administration's continued focus on these issues.

While applauding the important work done so far, we urge the administration to sustain and deepen its commitment and efforts to promote equity and protect civil rights in AI and technology policy. People who are marginalized because of race, ethnicity, religion, gender, sexual orientation, gender identity, immigrant status, or disability status often experience more severe and frequent harms from automated systems, yet AI is being used increasingly in high-stakes settings like health care, immigration, policing, housing, credit and lending, education, tax audits, insurance, and hiring. As communities and businesses across the country grapple with the impact of AI, now is a critical and urgent moment for your leadership.

To that end, **we call on you to**:

1. **Make the AI Bill of Rights binding administration policy through OMB guidance**. The AI Bill of Rights is a landmark document that lays out clear values, provides the basis for effective policy, and documents the harms that can occur without rules and enforcement. Now OMB, DPC, and OSTP must work together to ensure the forthcoming OMB guidance on the use of AI by the U.S. government requires that the steps identified in the AI Bill of Rights are taken for all automated systems it develops, deploys, uses, acquires, or otherwise funds. The guidance should be responsive to the requirements of the AI in Government Act of 2020 and the Advancing American AI Act and should update past OMB guidance on the regulation of AI. In doing so, the guidance should demonstrate the administration's commitment to enacting Executive Order 14091, which states that artificial intelligence and other automated systems should be designed, developed, acquired, and used in a manner that advances equity. All agencies should be required to adhere to the guidance, and it should be developed with input from the public.

2. **Ensure coordinated follow-through by federal agencies in light of Executive Order 14091 and the AI Bill of Rights, including actions outlined in the October 2022 fact sheet and needed additional efforts.** Key actions outlined in the fact sheet should be completed without delay, including implementation of new guidance from the Department of Housing and Urban Development on tenant screening algorithms. The EEOC, OSHA, Justice Department, and Labor Department can issue and enforce further guidance on hiring tech, algorithmic worker management, and workplace surveillance. The Justice Department can further the EO's mandate to "[protect] the public from algorithmic discrimination" by ensuring that the funding, procurement, and use of law enforcement technologies and other criminal-legal technologies advance equitable public safety and criminal justice practices, particularly for communities who often experience adverse disparate racial impacts. The recent joint statement from the Justice Department's Civil Rights Division, CFPB, FTC, and EEOC provides another model for educating the public about algorithmic discrimination and the applicability of existing federal laws. Other agencies should also be urged to act on the AI Bill of Rights by engaging the public

and issuing guidance about the impacts of AI in their relevant sectors. The White House can and should support them in doing so, for example, by fully staffing the National AI Initiative Office and ensuring the effective functioning of the Interagency Policy Committee on AI and Equity.

3. **Launch sustained public engagement with diverse stakeholders to raise awareness of AI harms and support meaningful public and private sector efforts to combat algorithmic discrimination.** As communities, businesses, and policymakers across all levels of government grapple with the effects of AI on people's daily lives, the administration can play an important role as a convenor, source of expertise, and driver of public education. As it did in the technical companion for the AI Bill of Rights, the administration can lift up examples of AI-driven harms and underscore the responsibility for developers and deployers of automated systems to address them. The administration can convene diverse experts to strengthen public dialogue about effective approaches to identifying and mitigating algorithmic harms, including by modeling participatory processes that center impacted communities. As one example, the administration must ensure that efforts to develop sector-specific "profiles" for the NIST AI Risk Management Framework have strong oversight that includes White House participation to ensure quality control and robust participation from civil society, civil rights organizations, and impacted communities. The administration must also ensure that AI-related discussions taking place in the U.S.-EU Trade & Technology Council, agreements such as the Indo Pacific Economic Framework, the Council of Europe Committee on AI, and other internationally focused efforts include and reflect the input of U.S. civil society stakeholders, while moving forward on the ideals of EO 14091. Through these steps and others, the White House and agencies across the administration can advance public dialogue about potential AI risks and appropriate remediation.

The civil rights implications of automated systems represent an urgent set of issues that require immediate and sustained attention, investigation, and action. We are heartened by the administration's work on these issues thus far, and we look forward to seeing the necessary next steps of further implementation, education, and enforcement across the whole of government. We also appreciate that the administration is making vital, ongoing contributions to ensure technology advances — and not harms — the public interest. Without a doubt, this work must continue and become more forceful, and we look forward to supporting it.

Thank you for your attention to these matters. For any questions or further discussion, please contact Corrine Yu, senior advisor to the president, at yu@civilrights.org, or Alexandra Givens, CEO of the Center for Democracy & Technology, at agivens@cdt.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
Center for Democracy & Technology
Access Now
Accountable Tech
American Civil Liberties Union

The Leadership
Conference

American Federation of Teachers
American Humanist Association
Anti-Defamation League
Arab American Institute
Asian Americans Advancing Justice - AAJC
Autistic Self Advocacy Network
Brennan Center for Justice
Center for American Progress
Center for Law and Social Policy
Center for Responsible Lending (CRL)
Code for America
Color Of Change
Communications Workers of America
Crescent City Media Group/Center for Civic Action
Data & Society Research Institute
Demand Progress Education Fund
Disability Rights Advocates
Equal Justice Society
Equal Rights Advocates
Equality California
Fight for the Future
Government Information Watch
Hip Hop Caucus
Houston Immigration Legal Services Collaborative
Impact Fund
Judge David L. Bazelon Center for Mental Health Law
Lawyers' Committee for Civil Rights Under Law
Louisiana Advocates for Immigrants in Detention
MALDEF (Mexican American Legal Defense and Educational Fund)
National Action Network Washington Bureau
National Alliance for Partnerships in Equity
National Association for Latino Community Asset Builders (NALCAB)
National Black Justice Coalition
National CAPACD (National Coalition for Asian Pacific American Community Development)
National Center for Learning Disabilities
National Center for Transgender Equality
National Disability Rights Network (NDRN)
National Employment Law Project
National Fair Housing Alliance
National Health Law Program
National Network for Arab American Communities (NNAAC)
National Organization for Women
National Urban League

NETWORK Lobby for Catholic Social Justice
New America's Open Technology Institute
Open MIC
People's Tech Project
Project On Government Oversight
Public Citizen
Public Knowledge
Reproaction
Service Employees International Union
The Arc of the United States
The Trevor Project
UnidosUS
United Church of Christ Media Justice Ministry
Upturn
Welcoming America

CC:

Lael Brainard, Director, National Economic Council
Dr. Daniel Goroff, Deputy Director, Science and Society Division, Office of Science and Technology Policy
Jennifer Klein, Director, Gender Policy Council
Carmel Martin, Domestic Policy Advisor, Office of the Vice President
Clare Martorana, Federal Chief Information Officer, Office of Management and Budget
Deirdre Mulligan, Principal Deputy U.S. Chief Technology Officer, White House Office of Science and Technology Policy
Gina Raimondo, Secretary of Commerce, Department of Commerce
Bruce Reed, Deputy Chief of Staff, Executive Office of the President
Richard Revesz, Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget
Jake Sullivan, National Security Advisor, National Security Council
Lorraine Voles, Chief of Staff, Office of the Vice President
Jenny Yang, Deputy Director for Racial Justice and Equity, Domestic Policy Council
Jeff Zients, Chief of Staff, Executive Office of the President