



17 January 2022

Chairman Thomas R. Carper
Ranking Member John Cornyn
Senate Finance Committee
Subcommittee on International Trade, Customs, and Global Competitiveness

Chairman Bill Pascrell
Ranking Member Mike Kelly
House Ways & Means Committee
Subcommittee on Oversight

Co-Chairman Rob Portman
Co-Chairman Martin Heinrich
Senate Artificial Intelligence Caucus

Co-Chairman Jerry McNerney
Co-Chairman Anthony Gonzalez
House Artificial Intelligence Caucus

Dear Chairmen and Ranking Members,

We write to you, on behalf of the Center for AI and Digital Policy (CAIDP), regarding the newly established E.U.-US Trade and Technology Council (TTC). CAIDP is an independent, nonpartisan organization working to promote Artificial Intelligence and Democratic Values. We have provided advice to many governments and international organizations concerning AI policy.¹

Among the most important issues identified by the Trade and Technology Council is Artificial Intelligence. As the TTC's Inaugural Joint Statement explains, "the United States and European Union acknowledge that AI technologies yield powerful advances but also can threaten our shared values and fundamental freedoms."² The U.S. and EU committed to "develop and implement AI systems that are innovative and trustworthy and that respect universal human rights and shared democratic values."

We support the collaboration between the White House and European Commission, through the TTC, toward common objectives on AI policy. We write to recommend a similar collaboration between the US Congress and the European Parliament to advanced shared values,

¹ CAIDP currently serves as an expert advisor on AI policy to the Council of Europe, the European Parliament, the Global Partnership on AI, and the OECD.

² *U.S.-EU Trade and Technology Council Inaugural Joint Statement*, The White House (Sep. 29, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/29/u-s-eu-trade-and-technology-council-inaugural-joint-statement/> (excerpt attached).



protect fundamental rights and support the rule of law. Congress should collaborate with the Parliament to promote the US-EU goals on AI. Congress’s engagement would build public trust in emerging technologies, meet calls for democratic participation on both sides of the Atlantic, and support the US-EU commitment to developing a “democratic model of digital governance.”³ **We encourage Congress to collaborate with the European Parliament in support of a common AI policy set out by the Trade and Technology Council.**

We also write to bring your attention to recent progress that the U.S. has made on AI policy. First, we note the Biden Administration’s support for the development of “Democracy-Affirming Technologies,” and specifically “Privacy Enhancing Techniques.” As this work is closely aligned with TTC commitments, we believe that this initiative could provide an important basis for future work by the Congress, the Parliament, and the TTC in support of both democratic values and innovation.

Second, we bring your attention to the EU-U.S. Joint Technology Competition Policy Dialogue (“Joint Dialogue”), a new forum for transatlantic collaboration “to ensure and promote fair competition” in response to “technological developments” that “have transformed the economic landscape in both Europe and the United States.”⁴ We believe that these developments highlight the need for collaboration between Congress and the European Parliament to address both the opportunities and threats of AI.

About CAIDP - Artificial Intelligence and Democratic Values

The Center for AI and Digital Policy is a global research organization that advises national governments and international organizations to promote democratic values and human rights in AI policy. CAIDP will soon publish the second edition of *Artificial Intelligence and Democratic Values*, a report that assesses the AI policies and practices of 50 countries. In 2020, CAIDP published the first edition of the report.⁵

Based on the 2020 report’s findings, CAIDP made the following Recommendations:

1. Countries must establish national policies for AI that implement democratic values
2. Countries must ensure public participation in AI policymaking and create robust mechanisms for independent oversight of AI systems
3. Countries must guarantee fairness, accountability, and transparency in all AI systems
4. Countries must commit to these principles in the development, procurement, and implementation of AI systems for public services

³ *U.S.-EU Summit Statement*, The White House (Jun. 15, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/06/15/u-s-eu-summit-statement/>.

⁴ *EU-U.S. Joint Technology Competition Policy Dialogue Inaugural Joint Statement*, Federal Trade Commission (Dec. 7, 2021), https://www.ftc.gov/system/files/documents/public_statements/1598739/eu-us_joint_dialogue_statement_12721.pdf.

⁵ *Artificial Intelligence and Democratic Values* (CAIDP 2020), <https://www.caidp.org/aidv-2020/>.



5. Countries must halt the use of facial recognition for mass surveillance

In the past year, we have seen several of these recommendations adopted, in for example, such AI policy instruments as the UNESCO Recommendation on AI Ethics.[CITE]

The TTC’s Joint Appendix on Artificial Intelligence

At the inaugural meeting on September 29, 2021, the Trade and Technology Council committed to “develop and implement trustworthy AI.” As original supporters of the OECD AI Principles and the Global Partnership on AI, the U.S. and EU reaffirmed their “commitment to a human-centered approach that reinforces shared democratic values and respects universal human rights.”⁶

The U.S. and EU also expressed their “significant concerns” with the use of “social scoring systems with an aim to implement social control at scale.”⁷ Noting that such uses of AI “pose threats to fundamental freedoms and the rule of law,” the TTC stated its opposition to the use of AI for social scoring or other “rights-violating systems.”⁸

Finally, the TTC outlined areas of U.S.-EU cooperation, including “responsible stewardship of trustworthy AI” through the OECD AI Recommendations, “measurement and evaluation tools” to assess accuracy and bias, and development of “AI technologies designed to enhance privacy protections.” These goals align with many of our recommendations in *AI and Democratic Values*. **CAIDP fully supports the effort to strengthen the transatlantic alliance to promote trustworthy AI in defense of democratic values.**⁹

The U.S. is Making Progress Toward the TTC’s Goal of Trustworthy AI

Democracy-Affirming Technologies

We have already seen progress in the U.S. in support of the TTC’s goals. We applaud recent steps by the Biden Administration to encourage the development of “Democracy-Affirming Technologies,” including “Privacy-Enhancing Technologies” (PETs) through prize challenges in collaboration with the UK.¹⁰ As we have previously stated, PETs have long been

⁶ *U.S.-EU Trade and Technology Council Inaugural Joint Statement*, The White House (Sep. 29, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/29/u-s-eu-trade-and-technology-council-inaugural-joint-statement/>.

⁷ *Id.*

⁸ *Id.*

⁹ *CAIDP Statement to EU-US Trade and Technology Council*, CAIDP Statement (Sep. 20, 2021), <https://www.caidp.org/app/download/8344303663/CAIDP-Statement-TTC-20092021.pdf?t=1637335261>.

¹⁰ *US and UK to Partner on Prize Challenges to Advance Privacy-Enhancing Technologies*, The White House (Dec. 8, 2021), <https://www.whitehouse.gov/ostp/news-updates/2021/12/08/us-and-uk-to-partner-on-a-prize-challenges-to-advance-privacy-enhancing-technologies/>.



avored by privacy experts as a way to minimize or eliminate the collection of personally identifiable information while promoting technological innovation.¹¹

The EU-U.S. Joint Technology Competition Policy Dialogue

The EU-U.S. Joint Technology Competition Policy Dialogue, recently launched by the U.S. Federal Trade Commission, the U.S. Department of Justice Antitrust Division, and the European Commission, marks another recent step toward the TTC’s goal of “mutual understanding on the principles underlining trustworthy and responsible AI.”

Intended to occur “within the context of the EU-U.S. Trade and Technology Council,” the Joint Dialogue aims to “coordinat[e] as much as possible on policy and enforcement,” “especially in technology sectors.”¹² The goal of the Joint Dialogue is to develop “new ways to facilitate coordination” to “ensure that enforcement authorities are sufficiently equipped to address new challenges together.”¹³ The agencies recognized the need for collaboration to promote “greater alignment” between the U.S. and EU on pressing issues related to emerging technologies.¹⁴

Congress Should Support the Trade and Technology Council and a Common AI Policy

As Recommendation #2 of *AI and Democratic Values* shows, public participation, including participation by legislative bodies, is vital to the development of AI policies that promote democratic values and a key indicator of the health of democratic institutions.

We acknowledge and express our support for Congress’s recent efforts to implement the US National AI Initiative, including legislation promoting AI policies that protect privacy, civil liberties, and civil rights. To that end, we recently called on the OMB to issue a memorandum with recommendations for ensuring public trust in the government’s use of AI, as required by Congress in the AI in Government Act of 2020.¹⁵ **We recommend that Congress support to the TTC work to establish trustworthy AI and democratic values.**

¹¹ *US and UK to Promote Privacy Enhancing Technologies*, CAIDP Update 2.43 (Dec. 9, 2021), <https://www.caidp.org/app/download/8360868563/CAIDP-Update-2.43.pdf?t=1639068050>.

¹² *EU-U.S. Joint Technology Competition Policy Dialogue Inaugural Joint Statement*, Federal Trade Commission (Dec. 7, 2021), https://www.ftc.gov/system/files/documents/public_statements/1598739/eu-us_joint_dialogue_statement_12721.pdf.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *CAIDP Statement to the US Office of Management and Budget on the Need to Establish Regulations for the Use of AI by Federal Agencies*, CAIDP Statement (Oct. 19, 2021), <https://www.caidp.org/app/download/8350420263/CAIDP-OMB-Statement-19102021.pdf?t=1637335261>.



Congress Should Work with the European Parliament on a shared AI Framework as a Joint Legislative Undertaking

Members of the European Parliament have insisted that legislators should be “involved in the work [of the TTC] in a transparent way.”¹⁶ Opportunities for EU-U.S. legislative cooperation are available for Congress to promote a common framework for AI, including the Transatlantic Legislators’ Dialogue (TLD), a forum for collaboration and discussion between U.S. and EU legislators. At its latest meeting in July, the TLD’s Co-Chairs, MEP Radosław Sikorski and Rep. Jim Costa, expressed “support [for] joint actions to set standards in the technology space which reflect [the U.S. and EU’s] principles and values” and welcomed the TTC, while calling for it to have a “significant parliamentary dimension.”¹⁷

At a meeting in November between CAIDP and the European Parliament’s Special Committee on AI in a Digital Age (AIDA), members of the AIDA Committee expressed their desire to work with Congress to provide political guidance to the TTC in order to develop a common agenda around ethical AI. Notably, MEP and AIDA Chair Dragoș Tudorache highlighted the Transatlantic Legislators’ Dialogue as a key area for potential collaboration between Congress and the European Parliament.

We also point out that the EU has developed a model for AI regulation in support of democratic values and human rights with the publication of its draft AI Act. We noted at the time that the EU AI Act “may be the single most important legal framework for the digital economy to ensure the protection of fundamental rights.”¹⁸

The Biden Administration has also expressed support for the efforts of the European Union to establish a comprehensive legal framework for Artificial Intelligence. White House National Security Advisor Jake Sullivan stated that the “United States welcomes the EU’s new initiatives on artificial intelligence,” adding that the U.S. will “work with our friends and allies to foster trustworthy AI.”¹⁹ Lynne Parker, Director of the National AI Initiative Office and the OSTP’s Assistant Director of AI, has recently described the EU AI Act as a “very good comprehensive approach that the U.S. should consider.”²⁰ **We believe that Congress’s**

¹⁶ *Press Release: MEPs welcome EU-US cooperation in the Trade and Technology Council, call for transparency*, European Parliament (Oct. 26, 2021), <https://www.europarl.europa.eu/news/en/press-room/20211026IPR15818/meps-welcome-eu-us-cooperation-in-the-trade-and-technology-council>.

¹⁷ *Co-Chairs Costa, Sikorski Issue Statement following Transatlantic Legislators’ Dialogue meeting in Washington, D.C. on July 20 and 21*, Office of U.S. Congressman Jim Costa (Jul. 21, 2021), <https://costa.house.gov/media-center/press-releases/co-chairs-costa-sikorski-issue-statement-following-transatlantic>.

¹⁸ *CAIDP Statement on Draft EU AI Regulation*, CAIDP Statement (Apr. 20, 2021), <https://www.caidp.org/app/download/8312964663/CAIDP-EU-AI-20042021.pdf?t=1619014103>.

¹⁹ Jake Sullivan [@JakeSullivan46], “The United States welcomes the EU’s new initiatives on artificial intelligence. We will work with our friends and allies to foster trustworthy AI that reflects our shared values and commitment to protecting the rights and dignity of all our citizens.” *Twitter* (Apr. 21, 2021), <https://twitter.com/jakesullivan46/status/1384970668341669891>.

²⁰ Dan Reilly, *White House A.I. director says U.S. should model Europe’s approach to regulation*, *Fortune* (Nov. 10, 2021), <https://fortune.com/2021/11/10/white-house-a-i-director-regulation/>.



engagement with the European Parliament on AI policy will help align EU and U.S. approaches to AI legislation and foster democratic values.

Given the shared US-EU interest in regulating AI in the interest of “human rights, inclusion, diversity, innovation, economic growth, and societal benefit,”²¹ **Congress should support the objectives of the Trade and Technology Council and establish a joint legislative undertaking on AI with the European Parliament.**

Thank you for your consideration of our views. CAIDP believes there is a timely opportunity for joint US-EU collaboration on AI policy that will advance democratic values, fundamental rights, and the rule of law.

We would welcome the opportunity to discuss these issues with your and your staff.

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²¹ *U.S.-EU Trade and Technology Council Inaugural Joint Statement*, The White House (Sep. 29, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/29/u-s-eu-trade-and-technology-council-inaugural-joint-statement/>.