



Comments of the
THE CENTER FOR AI AND DIGITAL POLICY (CAIDP)
to the
OFFICE OF SCIENCE AND TECHNOLOGY POLICY (OSTP)
on the
NATIONAL PRIORITIES FOR ARTIFICIAL INTELLIGENCE

On behalf of the Center for AI and Digital Policy (CAIDP), we write in response to the Request for Information (RFI) on the National Priorities for Artificial Intelligence.¹ In our response below we've addressed the specific questions posed in the Request for Information issued by the OSTP. Our key recommendations are as follows:

- 1) *Ensure* the development of human-centered and trustworthy Artificial Intelligence based on fundamental rights, democratic values, and the rule of law
- 2) *Prioritize* investment in AI systems that are innovative **and** ensure public safety
- 3) *Establish* guardrails for AI based on transparency, contestability, traceability, robustness, safety, security and accountability.
- 4) *Implement* the OSTP AI Bill of Rights, the OECD AI Principles, and the UNESCO Recommendations on AI Ethics

About CAIDP

The Center for AI and Digital Policy (CAIDP) is an independent, non-profit organization that advises national governments and international organizations on artificial intelligence (AI) and digital policy. CAIDP currently serves as an advisor on AI policy to the OECD, the Global Partnership on AI, the Council of Europe, the European Union, UNESCO, and other international and national organizations. We work with more than 400 AI policy experts in over 60 countries.

¹The White House, Office of Science and Technology Policy (OSTP), *Request for Information National Priorities for Artificial Intelligence*, May 23, 2023 <https://www.whitehouse.gov/wp-content/uploads/2023/05/OSTP-Request-for-Information-National-Priorities-for-Artificial-Intelligence.pdf>

CAIDP supports AI policies that advance democratic values and promote broad social inclusion based on fundamental rights, democratic institutions, and the rule of law.² In April 2023, we released the third edition of our *Artificial Intelligence and Democratic Values Index*,³ providing a comprehensive review of AI policies and practices in 75 countries. In our evaluation of the United States, we concluded that:

The U.S. lacks a unified national policy on AI. The United States has endorsed the OECD/G20 AI Principles. . . . The overall U.S. policy-making process remains opaque and the Federal Trade Commission has failed to act on several pending complaints concerning the deployment of AI techniques in the commercial sector. But the administration has launched new initiatives and encouraged the OSTP, NIST, and other agencies to gather public input. The recent release of the Blueprint for an AI Bill of Rights by the OSTP represents a significant step forward in the adoption of a National AI Policy and in the U.S.’s commitment to implement the OECD AI Principles. . . . The absence of a legal framework to implement AI safeguards and a federal agency to safeguard privacy also raises concerns about the ability of the U.S. to monitor AI practices.⁴

CAIDP has endorsed the OSTP AI Bill of Rights⁵ with specific recommendations in support of implementing this framework.⁶ We acknowledge that it is a commitment to affirmatively advance civil rights, equal opportunity, racial justice and to protect personal data from misuse by AI-powered algorithms.⁷

The Office of Science and Technology Policy (OSTP) has now issued a “Request for Information on the National Priorities for Artificial Intelligence” as part of the process to develop a National Artificial Intelligence (AI) Strategy that will chart a path for the United States to harness the benefits and mitigate the risks of AI.⁸ We support the initiative for a national AI strategy,⁹ and appreciate the opportunity to provide comments.

² CAIDP Statements, <https://www.caidp.org/statements/>

³ CAIDP, *Artificial Intelligence and Democratic Values* (2023), <https://www.caidp.org/reports/aidv-2022/>

⁴ Id. at 1085.

⁵ CAIDP, *Support the OSTP AI Bill of Rights*, <https://www.caidp.org/statements/ostp/>

⁶ Lorraine Kisselburgh and Marc Rotenberg, *Next Steps on the AI Bill Of Rights*, Washington Spectator (Nov. 2021), <https://washingtonspectator.org/author/lorraine-marc/>; CAIDP, Public Voice, <https://www.caidp.org/public-voice/>

⁷ Id. at ii.

⁸ Id., supra 1

⁹ CAIDP Comments to OSTP on US National AI Strategic Plan (Mar. 4, 2022), <https://www.caidp.org/app/download/8378181763/CAIDP-Statement-OSTP-03042022.pdf>

CAIDP Specific Responses to Questions in RFI

A. Protecting rights, safety, and national security (Responses to Questions 1, 2, 3, 7, 8)

1. What specific measures—such as standards, regulations, investments, and improved trust and safety practices—are needed to ensure that AI systems are designed, developed, and deployed in a manner that protects people's rights and safety? Which specific entities should develop and implement these measures?

Legal standards should be established to ensure that AI systems are designed, developed, and deployed in a manner that protects people's rights and safety. Without legal standards, accountability mechanisms are lacking, and trust and safety practices cannot be enforced. Companies should not release AI products that are not safe. President Biden has said directly, at least twice, that tech companies have a responsibility to make sure their products are safe before making them public.¹⁰ We recommended a small number of clear, powerful principles without unnecessary qualifiers, loopholes, and exceptions.¹¹

We strongly urge OSTP to take steps to implement prior AI governance frameworks such as the OECD AI Principles, the UNESCO Recommendation on AI Ethics, the Universal Guidelines for AI (UGAI) through legal standards. The United States has previously endorsed the OECD AI Principles.¹² The United States recently rejoined UNESCO, citing specifically the need to carry forward work at UNESCO on AI ethic.¹³ And in October 2018, over 300 organizations and experts, across 40 countries, including the American Association for the Advancement of Science and the Federation of American Scientists, endorsed the Universal Guidelines for AI

¹⁰ The White House, *Remarks by President Biden in Meeting with the President's Council of Advisors on Science and Technology*, April 4, 2023, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/04/04/remarks-by-president-biden-in-meeting-with-the-presidents-council-of-advisors-on-science-and-technology/>; The White House, *Readout of White House Meeting with CEOs on Advancing Responsible Artificial Intelligence Innovation*, May 4, 2023 (“President Biden dropped by the meeting to underscore that companies have a fundamental responsibility to make sure their products are safe and secure before they are deployed or made public.”), <https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/04/readout-of-white-house-meeting-with-ceos-on-advancing-responsible-artificial-intelligence-innovation/>

¹¹ CAIDP Comments to OSTP on US National AI Strategic Plan, March 4, 2022, <https://www.caidp.org/app/download/8378181763/CAIDP-Statement-OSTP-03042022.pdf>

¹² U.S. Joins with OECD in Adopting Global AI Principles, <https://ntia.gov/blog/us-joins-oecd-adopting-global-ai-principles>.

¹³ UNESCO, *The United States of America announces its intention to rejoin UNESCO in July*, Press Release, June 12, 2023, <https://www.unesco.org/en/articles/united-states-america-announces-its-intention-rejoin-unesco-july>.

(UGAI).¹⁴ The Universal Guidelines for AI are intended to maximize the benefits of AI, to minimize the risks, and to ensure the protection of human rights. UGAI, already widely endorsed by the AI community, provides a good starting point for a concrete framework of trust and safety measures.

We also recommend prohibitions on the deployment of certain AI systems. For example, pseudo-scientific AI systems such as mass facial surveillance, predictive policing, emotion recognition and biometric categorization should be prohibited. We also stress that any standard-setting process should include broad-based participation of civil society and public interest organizations to ensure that commercial interests do not dominate or override human rights concerns. Specific trust and safety standards that should be mandated are:

- Identification of high-risk systems as those systems that adversely impact fundamental rights and/or civil liberties
- Mandatory ex-ante human rights impact assessments
- Third-party/Independent Certification, audit requirements should be required prior to deployment and during the life cycle of AI systems to ensure they remain robust, secure and safe
- Disclosure requirements for public and private entities deploying AI systems
- Complaint and redress procedures should be established for impacted individuals or groups to challenge AI systems

The development of legally enforceable AI standards may be done by sectoral agencies or through a centralized agency responsible for standards, oversight, and research. If developed by sectoral agencies and enforced through existing agencies such as the Federal Trade Commission or the Equal Employment Opportunity Commission, there should be a process to ensure baseline requirements in standards, practices, and enforcement.

2. How can the principles and practices for identifying and mitigating risks from AI, as outlined in the Blueprint for an AI Bill of Rights and the AI Risk Management Framework, be leveraged most effectively to tackle harms posed by the development and use of specific types of AI systems, such as large language models?

The Blueprint for the AI Bill of Rights (BOR) states, “Where existing law or policy—such as sector-specific privacy laws and oversight requirements—do not already provide guidance, the

¹⁴ The Public Voice, *Universal Guidelines for Artificial Intelligence – Endorsements* (2018) <https://thepublicvoice.org/AI-universal-guidelines/endorsement/>

Blueprint for an AI Bill of Rights should be used to inform policy decisions.”¹⁵ The Technical Companion to the BOR further elaborates on the principles. Therefore, the BOR can provide direction and put developers of AI systems on notice as to their ethical responsibilities. The AI NIST Risk Management Framework recommends compliance with legal and regulatory requirements in the first item of the governance framework.¹⁶

However, the BOR and RMF do not establish legal standards and do not provide recourse in the case of bias, misinformation, or other risks. The Federal Agencies in their joint statement have not recognized these documents as established standards they would consider in enforcing against discrimination or caused by AI systems.

Therefore, assigning legal liability to upstream actors is necessary to ensure the quality, safety, and robustness of foundation models and to monitor and mitigate possible biases and harms.¹⁷ A clear liability regime would also provide transparency and protection for the users and applications downstream.

Most notably CAIDP has filed an extensive complaint with the Federal Trade Commission (FTC) concerning OpenAI’s business practices and the various ways that the company has violated Section 5 of the FTC Act as well as the guidance that the FTC has announced for AI products.¹⁸ The CAIDP complaint provides an immediate opportunity for the FTC to “tackle harms posed by the development and use of specific types of AI systems, such as large language models,” as the OSTP RFI proposes. Yet the FTC has failed to act on the CAIDP complaint.

If OSTP is genuinely interested in mitigating the risks of large language models, we urge the agency to write to the FTC in support of the CAIDP complaint.

3. Are there forms of voluntary or mandatory oversight of AI systems that would help mitigate risk? Can inspiration be drawn from analogous or instructive models of risk management in other sectors, such as laws and policies that promote oversight through registration, incentives, certification, or licensing?

First and foremost, mandatory oversight mechanisms are necessary to ensure accountability and enforcement. Voluntary standards, such as ISO certification, should not be

¹⁵ The White House, OSTP, *Blueprint for an AI Bill of Rights*, at pg. 4, <https://www.whitehouse.gov/wp-content/uploads/2022/10/Blueprint-for-an-AI-Bill-of-Rights.pdf>

¹⁶ NIST, Trustworthy and responsible AI resource center, https://airc.nist.gov/AI_RMFKnowledge_Base/Playbook/Govern

¹⁷P. Hacker, *Regulating ChatGPT and other large generative AI models*, May 2023, <https://arxiv.org/abs/2302.02337>.

¹⁸ In the Matter of OpenAI, <https://www.caidp.org/cases/openai/>

confused with independent assessments and legal accountability. AI applications such as in healthcare or autonomous vehicles clearly require legal standards. Having earlier considered a “light touch” approach to AI regulation, the UK is now moving forward an aggressive framework for the governance of AI, including a global AI Safety summit, scheduled for this fall.¹⁹

Looking at other sectors, there are different models of risk management that could provide direction for AI oversight. The nuclear energy sector, for example, demonstrates how high-stakes technologies can be effectively managed through stringent regulation, licensing, and continuous monitoring. Within the financial industry, extensive reporting requirements, mandated auditing, and independent oversight help sustain trust in public companies and financial markets. Furthermore, the pharmaceutical industry's extensive testing and review of new drugs prior to release could inspire a similar, iterative approach to AI system deployment, allowing for early detection and mitigation of risks. Ultimately, the specific mechanisms chosen should be tailored to the unique characteristics and inherent risks of AI systems, with a particular emphasis on public safety, trust, and reliability, as it may often be difficult to determine the full range of risks associated with the deployment of AI systems.

7. What are the national security risks associated with AI? What can be done to mitigate these risks?

In our opinion, lethal autonomous weapons pose the greatest risk to national security. The United States should prohibit such systems and champion moratoria on their development. AI can also amplify surveillance capabilities, infringing upon privacy rights and potentially enabling mass surveillance and undermining democratic societies. Biases in AI algorithms can lead to discriminatory practices, eroding trust and exacerbating social divisions.

Mitigating these risks and protecting fundamental human rights requires a multifaceted approach. Developing transparent and accountable AI systems that adhere to ethical standards and human rights principles will help address biases and discriminatory outcomes.²⁰ Implementing robust cybersecurity measures and ensuring the resilience of AI systems is essential. International cooperation and agreements are necessary to establish norms and regulations for the responsible use of AI in national security contexts. Strengthening privacy protections, data governance

¹⁹ [CAIDP Statement to UK Parliament on Governance of AI](#), November 25, 2022; *Britain to host first global safety summit on artificial intelligence*, Reuters, June 7, 2023

²⁰ Greg Allen and Taniel Chan, *Artificial Intelligence and National Security* (A study on behalf of Dr. Jason Matheny, Director of the U.S. Intelligence Advanced Research Projects Activity (IARPA)), July 2017, Page 67, <https://www.belfercenter.org/sites/default/files/files/publication/AI%20NatSec%20-%20final.pdf>

frameworks, and transparency requirements can mitigate concerns related to surveillance and data misuse.

We recommend building human capacity and expertise in AI governance and security to enable policymakers and practitioners to make informed decisions. Fostering strong public-private partnerships²¹ and engaging civil society in policy discussions will help ensure a balanced approach that safeguards both national security and fundamental human rights.

8. How does AI affect the United States' commitment to cut greenhouse gasses by 50–52% by 2030, and the Administration's objective of net-zero greenhouse gas emissions no later than 2050? How does it affect other aspects of environmental quality?

AI has significant potential to support the United States' commitment to cut greenhouse gasses and achieve net-zero emissions. AI can optimize energy use across various sectors, from smart grid management that balances supply and demand, to energy-efficient industrial processes and transportation systems.²² For instance, AI can enable predictive maintenance for industrial equipment, reducing energy waste, or optimize routing for shipping and transportation, reducing fuel consumption. In addition, AI can enhance the development and deployment of clean energy by improving the efficiency and reducing the cost of renewable energy technologies, and predicting when and where energy from renewable sources will be available.

Moreover, AI can provide benefits to other aspects of environmental quality. It can be utilized in environmental monitoring, detecting changes in ecosystems and biodiversity, and providing early warning of environmental disasters.²³ It can also help in recycling and waste management, identifying materials for recycling and optimizing waste collection routes. However, attention needs to be paid to the potential environmental footprint of AI systems themselves, particularly with large-scale training of models, and efforts should be made to improve their energy efficiency.²⁴

²¹ Id. Footnote 25, at page 31

²² IEA, International Energy Agency, Case Study: Artificial Intelligence for Building Energy Management Systems, June 20 2019, <https://www.iea.org/articles/case-study-artificial-intelligence-for-building-energy-management-systems>

²³ Columbia State of the Planet, Artificial Intelligence—A Game Changer for Climate Change and the Environment, June 5 2018, <https://news.climate.columbia.edu/2018/06/05/artificial-intelligence-climate-environment/>

²⁴ MIT News, Shrinking deep learning's carbon footprint, August 7, 2020, <https://news.mit.edu/2020/shrinking-deep-learning-carbon-footprint-0807>

AI models consume enormous amounts of energy, and raise significant environmental concerns.²⁵ The UNESCO Recommendation on AI Ethics recognizes the importance of protecting the environment throughout the life cycle of an AI system. UNESCO states that:

Member States and business enterprises should assess the direct and indirect environmental impact throughout the AI system life cycle, including, but not limited to, its carbon footprint, energy consumption and the environmental impact of raw material extraction for supporting the manufacturing of AI technologies, and reduce the environmental impact of AI systems and data infrastructures. Member States should ensure compliance of all AI actors with environmental law, policies and practices.²⁶

B. Advancing equity and strengthening civil rights (Responses to 12, 13)

12. What additional considerations or measures are needed to assure that AI mitigates algorithmic discrimination, advances equal opportunity, and promotes positive outcomes for all, especially when developed and used in specific domains (e.g., in health and human services, in hiring and employment practices, in transportation)?

The data used to train and test an AI model should be representative of the demographic groups that will interact with the model in its final form. For instance, an MIT study of commercial facial recognition systems, which are deployed on a wide swath of Americans and in public places, found that testing data was “more than 77 percent male and more than 83 percent white.”²⁷ Without adequate demographic representation in training and testing, harmful technologies that lead to adverse outcomes may be artificially validated prior to deployment. In addition, consultation with impacted communities should be treated as a necessary precursor to adopting a technical solution to a problem; impact assessments and audits should be conducted upon deployment to ensure fairness and alignment between outcomes and stated goals.

²⁵ CAIDP, *Statement on the EU AI Act*, February 13, 2023, [CAIDP Statement on the Council General Approach](#); Penn Today, *The hidden costs of AI: Impending energy and resource strain*, March 8, 2023, <https://penntoday.upenn.edu/news/hidden-costs-ai-impending-energy-and-resource-strain>

²⁶ UNESCO, *Recommendations on the Ethics of Artificial Intelligence*, November 23, 2021, <https://en.unesco.org/about-us/legal-affairs/recommendation-ethics-artificial-intelligence>

²⁷ MIT News, *Study finds gender and skin-type bias in commercial artificial-intelligence systems*, February 11, 2018, <https://news.mit.edu/2018/study-finds-gender-skin-type-bias-artificial-intelligence-systems-0212>

Deepfakes are a particularly problematic realm of AI. 96% of deepfake videos are non-consensual pornography against women.²⁸ These videos end up discrediting women and violating their privacy. It is imperative that legal recourse becomes more readily available for those whose dignity and privacy are violated by malicious deepfakes.

Promoting algorithmic transparency will also help mitigate algorithmic bias. Individuals must have the ability to meaningfully contest adverse decisions and to access the logic, data, and functions that contributed to the outcome.²⁹

13. How might existing laws and policies be updated to account for inequitable impacts from AI systems? For example, how might existing laws and policies be updated to account for the use of generative AI to create and disseminate non-consensual, sexualized content?

The Joint Statement issued by the federal agencies³⁰ reaffirms the applicability of existing laws to enforce civil rights, fair competition, consumer protection, and equal opportunity. Generative AI being used for content creation including artistic or literary content also interacts with a broad array of laws on copyright, patents, trade secrets as well as product liability, marketing, and advertising. However, the Federal Trade Commission has failed to act on the complaint CAIDP filed regarding ChatGPT. We specifically described how OpenAI failed to comply with the standard for AI products that the FTC previously announced.³¹

²⁸ PBS, *Women face new sexual harassment with deepfake pornography*, June 27, 2023, <https://www.pbs.org/newshour/show/women-face-new-sexual-harassment-with-deepfake-pornography>

²⁹ Joy Buolamwini and Timnit Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, Conference on Fairness, Accountability, and Transparency, Proceedings of Machine Learning Research, 81:1–15, 2018, <https://www.media.mit.edu/publications/gender-shades-intersectional-accuracy-disparities-in-commercial-gender-classification/>

³⁰ *Joint Statement on Enforcement Efforts Against Discrimination and Bias in Automated Systems*, <https://www.eeoc.gov/joint-statement-enforcement-efforts-against-discrimination-and-bias-automated-systems>

³¹ FTC, *Chatbots, deepfakes, and voice clones: AI deception for sale*, March 20, 2023, <https://www.ftc.gov/business-guidance/blog/2023/03/chatbots-deepfakes-voice-clones-ai-deception-sale>; FTC, *Big Data: A Tool for Inclusion or Exclusion? Understanding the Issues*, FTC Report, January 2016, <https://www.ftc.gov/reports/big-data-tool-inclusion-or-exclusion-understanding-issues-ftc-report>; FTC, *Using Artificial Intelligence and Algorithms*, Business Guidance, April 8, 2020, <https://www.ftc.gov/business-guidance/blog/2020/04/using-artificial-intelligence-and-algorithms>; FTC, *Aiming for truth, fairness, and equity in your company's use of AI*, April 19, 2021, <https://www.ftc.gov/business-guidance/blog/2021/04/aiming-truth-fairness-equity-your-companys-use-ai>; FTC, *Using Artificial Intelligence and Algorithms*, April 8, 2020, <https://www.ftc.gov/business-guidance/blog/2020/04/using-artificial-intelligence-and-algorithms>

We again urge the OSTP to convey to the FTC the need to act on the CAIDP complaint regarding ChatGPT.

We also reiterate our recommendation for federal law governing AI that would set standards of liability and accountability of actors in the AI life cycle and supplement existing legislation wherever it is inadequate to allocate responsibility for AI systems.

There is a complex body of case law from the U.S. Supreme Court addressing liability for creating, possessing, and distributing child sexual abuse material and interactions with First Amendment protections. We are of the opinion that the laws as they currently stand are incapable of addressing the unique issues of liability posed by generative AI.

Therefore, we recommend that developers of foundation models be held responsible for ensuring safety by design and implementing specific safeguards to prevent abuse by child predatory behavior. Additional safeguards specific to CSAM could include continuous engagement of CSAM experts in the development stage to ensure appropriate content blockers as well as appropriate moderation practices that would take into account cultural cues and multi-language keywords.³² This could also be an area of global cooperation to drive consensus on guardrails for generative AI.

C. Bolstering democracy and civic participation (Responses to Questions 14, 15)

14. How can AI be used to strengthen civic engagement and improve interactions between people and their government?

With the rapid deployment of unregulated large language models, we are skeptical about the use of AI to improve democracy and civic participation. There is increasing risk of personalized

³² Guy Paltieli and Gideon Freud, *How Predators Are Abusing Generative AI*, ActiveFence, Blog Post, <https://www.activefence.com/blog/predators-abusing-generative-ai/>

misinformation at scale.³³ Skepticism about the reliability of information will also likely lead to greater voter disengagement and increased distrust of public institutions.³⁴

There is the possibility that AI can help identify misinformation.³⁵ The AI-powered news app Artifact rewrites headlines of articles that have been flagged as clickbait.³⁶ In this sense, AI tools can be deployed to help monitor news accuracy.

AI can also be used to publicize information about protests, connect citizens with resources to take action on issues of interest, encourage political dialogue among those with differing viewpoints, and increase transparency in government. AI-powered chatbots may help citizens learn more about opportunities for community engagement and share concerns with their elected representatives. But in each of these examples, there remain important questions about accuracy and reliability. AI systems that seek to promote democracy and civic participation should be deployed cautiously and with extensive oversight.

15. What are the key challenges posed to democracy by AI systems? How should the United States address the challenges that AI-generated content poses to the information ecosystem, education, electoral process, participatory policymaking, and other key aspects of democracy?

AI systems pose a set of unique challenges to democratic processes. Misinformation, disinformation, and deepfakes powered by AI can distort public discourse, influence public opinion, and potentially interfere with electoral processes. Microtargeting of political messages,

³³ Laura Weidinger, John Mellor, Maribeth Rauh, Conor Griffin, Jonathan Uesato, Po-Sen Huang, Myra Cheng, Mia Glaese, Borja Balle, Atoosa Kasirzadeh, Zac Kenton, Sasha Brown, Will Hawkins, Tom Stepleton, Courtney Biles, Abeba Birhane, Julia Haas, Laura Rimell, Lisa Anne Hendricks, William Isaac, Sean Legassick, Geoffrey Irving and Iason Gabriel, *Ethical and social risks of harm from Language Models*, December 8, 2021, <https://arxiv.org/pdf/2112.04359.pdf>; Will Knight, *Fake news 2.0: personalized, optimized, and even harder to stop*, March 27, 2018, <https://www.technologyreview.com/2018/03/27/31116/fake-news-20-personalized-optimized-and-even-harder-to-stop/>.

³⁴ Tiffany Hsu and Stuart A. Thompson, *Disinformation Researchers Raise Alarms About A.I. Chatbots, Researchers used ChatGPT to produce clean, convincing text that repeated conspiracy theories and misleading narratives*, The New York Times, February 8, 2023, <https://www.nytimes.com/2023/02/08/technology/ai-chatbots-disinformation.html>

³⁵ Jiexun Li and Xiaohui Chang, *Combating Misinformation by Sharing the Truth: a Study on the Spread of Fact-Checks on Social Media*, June 11, 2022, <https://link.springer.com/article/10.1007/s10796-022-10296-z>

³⁶ Ivan Mehta, *Artifact news app now uses AI to rewrite headline of a clickbait article*, June 2, 2023, <https://techcrunch.com/2023/06/02/artifact-news-app-now-uses-ai-to-rewrite-headline-of-a-clickbait-article/>

powered by AI, can also lead to increased polarization and manipulation of voters.³⁷ Additionally, algorithmic decision-making systems, if not properly overseen, can inadvertently incorporate biases that can influence outcomes in areas like law enforcement, housing, and social services.

To address these challenges, the United States could adopt several strategies. Clear regulations around transparency and accountability in AI-driven content generation and dissemination are needed, such as mandatory labeling of AI-generated content.³⁸ Legislation might be required to set limits on political microtargeting. Education plays a critical role too, not only in schools but also for the public, to raise awareness about how AI impacts information ecosystems and democratic processes. Ensuring a diverse AI workforce and including a wide range of stakeholders in AI policymaking can also help safeguard democratic values.³⁹

D. Promoting economic growth and good jobs (Responses to Questions 17, 18, 19, 20)

17. What will the principal benefits of AI be for the people of the United States? How can the United States best capture the benefits of AI across the economy, in domains such as education, health, and transportation? How can AI be harnessed to improve consumer access to and reduce costs associated with products and services? How can AI be used to increase competition and lower barriers to entry across the economy?

AI techniques may offer many benefits for the United States. To reap the benefits of this technology we need sustained investment in AI research and development, a robust and diverse AI workforce, a regulatory environment that encourages innovation while protecting consumers, and public-private partnerships to facilitate the deployments of AI in different sectors. To improve consumer access to and reduce costs associated with products and services, AI can be used to automate routine tasks, streamline supply chains, and provide personalized customer service. AI may also lower barriers to entry in various markets by providing small businesses and startups with tools and capabilities that were previously only available to large corporations, thus promoting competition.

³⁷ Kevin Granville, *Facebook and Cambridge Analytica: What You Need to Know as Fallout Widens*, The New York Times, March 19 2018, <https://www.nytimes.com/2018/03/19/technology/facebook-cambridge-analytica-explained.html>

³⁸ DLA Piper, *Using policy to protect your organization from generative AI risks*, May 8 2023, <https://www.dlapiper.com/en-ca/insights/publications/2023/05/using-policy-to-approach-generative-artificial-intelligence-risks>

³⁹ CAIDP, *Artificial Intelligence and Democratic Values Index* (2023) at 1085, <https://www.caidp.org/reports/aidv-2022/>

At the same time, robust competition policy is necessary to prevent the undue concentration of power in the hands of a few AI-dominated firms.⁴⁰ The AI Now Institute’s latest report diagnoses concentration of power in the tech industry as one of the most pressing concerns and recommends that developing meaningful checks on the trajectory of AI technologies must start with addressing concentration of power in the tech industry.⁴¹ The FTC itself has now issued business guidance on the potential anti-competitive effects of generative AI technologies.⁴²

We urge implementation of the OECD AI Principles,⁴³ which have already been endorsed by the U.S.,⁴⁴ to promote the development of trustworthy and human-centric AI systems. The key principles for responsible and trustworthy AI are *human centered values and fairness*,⁴⁵ *transparency and explainability*,⁴⁶ *robustness*,⁴⁷ *security and safety*,⁴⁸ and *accountability*.⁴⁹ By keeping these principles in regard, the U.S. will be able to ensure AI systems equitably benefit all people.

We also recommend that the United States begin implementation of the UNESCO Recommendation on AI Ethics. The United States has recently rejoined UNESCO, citing the need to carry forward on AI ethics and policy. The OSTP should embrace this recent development and begin the work educating federal agencies and the private sector about the significant of the UNESCO Recommendation on AI Ethics.

18. How can the United States harness AI to improve the productivity and capabilities of American workers, while mitigating harmful impacts on workers?

It is critical to ensure AI systems are trustworthy for improvement in productivity and capabilities of American workers. This would depend on the AI’s utility in automating repetitive tasks and providing personalized outputs that could prove useful in a wide variety of industries.

⁴⁰ CAIDP, In the Matter of OpenAI (FTC 2023), May 18, 2023, <https://www.caidp.org/cases/openai/>

⁴¹ Amba Kak and Sarah Myers West, *AI Now 2023 Landscape: Confronting Tech Power*, AI Now Institute, April 11, 2023, <https://ainowinstitute.org/2023-landscape>

⁴² FTC, *Generative AI and competition concerns*, June 29, 2023, <https://www.ftc.gov/policy/advocacy-research/tech-at-ftc/2023/06/generative-ai-raises-competition-concerns>

⁴³ OECD, *Recommendation of the Council on Artificial Intelligence*, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0449>

⁴⁴ National Telecommunications and Information Administration (United States Department of Commerce), *U.S. Joins with OECD in Adopting Global AI Principles*, <https://ntia.gov/blog/us-joins-oecd-adopting-global-ai-principles>

⁴⁵ Principle 1.1

⁴⁶ Principle 1.2

⁴⁷ Principle 1.3

⁴⁸ Principle 1.4

⁴⁹ Principle 1.5

AI systems can create personalized lesson plans, analyze radiological images, and provide support in navigating finances.⁵⁰ Generative AI can be used for marketing content, customer support chatbots, summary synthesization, and even accelerating drug discovery.⁵¹ Companies are constantly finding new ways to integrate AI into their operations to boost efficiency. However, generative AI tools currently in the market such as ChatGPT are known to produce inaccuracies, false, and fabricated content. Prior to automating processes, AI tools should be independently assessed.

Furthermore, there needs to be accountability systems in place to ensure that AI systems are not used to conduct invasive workplace surveillance. Companies such as Walmart and Amazon use AI to monitor and evaluate their workers' performance. These surveillance mechanisms place an unsafe amount of pressure on workers to perform, risking serious injury.⁵² They also discourage unionization efforts.⁵³ These systems leave little room for nuance, causing discrimination against those with disabilities.⁵⁴ It is crucial that the U.S. establish protections for workers who are subject to AI-based observation and evaluation. The AI Bill of Rights asserts that “continuous surveillance and monitoring should not be employed in contexts such as education, work, and housing where its use could potentially limit rights, opportunities, or access.”⁵⁵ We urge the implementation of this provision of the AI Bill of Rights to protect workers' rights. We also recommend that “biometric categorization” and “emotion regulation” be universally banned due to their invasiveness and infringement upon people's dignity.⁵⁶

19. What specific measures—such as sector-specific policies, standards, and regulations—are needed to promote innovation, economic growth, competition, job creation, and a beneficial integration of advanced AI systems into everyday life for all Americans? Which specific entities should develop and implement these measures?

⁵⁰ Deloitte, *10 use cases for AI across industries*,

<https://www2.deloitte.com/au/en/pages/technology/articles/10-use-cases-for-ai-across-industries.html>

⁵¹ AI by McKinsey, *Generative AI is here: How tools like ChatGPT could change your business*,

December 20, 2022, <https://www.mckinsey.com/capabilities/quantumblack/our-insights/generative-ai-is-here-how-tools-like-chatgpt-could-change-your-business>

⁵² Washington Post, *Amazon warehouse workers suffer serious injuries at higher rates than other firms*, June 1, 2021, <https://www.washingtonpost.com/technology/2021/06/01/amazon-oshha-injury-rate/>

⁵³ Washington Post, *Amazon monitors its warehouse staff, leading to unionization efforts*, December 2, 2021, <https://www.washingtonpost.com/technology/2021/12/02/amazon-workplace-monitoring-unions/>

⁵⁴ Scherer, M., Brown, L.X.Z., *Warning: Bossware may be hazardous to your health*, Center for Democracy and Technology, July 24, 2021, <https://cdt.org/wp-content/uploads/2021/07/2021-07-29-Warning-Bossware-May-Be-Hazardous-To-Your-Health-Final.pdf>

⁵⁵ OSTP, *Blueprint for an AI Bill of Rights*, <https://www.whitehouse.gov/ostp/ai-bill-of-rights/>

⁵⁶ CAIDP, *Ban Facial Surveillance Technology*, October 2022, <https://www.caidp.org/statements/ban-facial-surveillance-technology/>

We have proposed several measures to safely integrate AI systems into everyday life. We have pushed for Congress to establish necessary guardrails on AI development, expressly prohibiting mass facial surveillance, lethal autonomous weapons, predictive policing, emotion recognition, and biometric identification.⁵⁷ In accordance with the UNESCO Recommendations on AI, we urge the prohibition on social scoring.⁵⁸ We also urge Congress to implement the AI Bill of Rights through federal legislation.

We had previously called for the FTC to issue a moratorium on further deployment of ChatGPT to give policymakers time to establish guardrails to protect consumers from unmitigated harms.⁵⁹ We reiterate the need for the FTC to investigate OpenAI and establish safeguards in line with emerging norms regarding AI governance.

The US National Labor Relations Board has already announced a plan to intervene on invasive “bossware” tracking remote employees’ activities.⁶⁰ Their aim is to protect employees’ rights to unionize and enforce obligatory employer disclosure on the full extent of their monitoring.⁶¹ The FTC warned businesses about potentially unfair or deceptive practices, including the use or sale of based algorithms, in 2021.⁶² However these mandates will not be fully effective unless these practices are disclosed to workers and unions as well.

We encourage the promotion of Privacy Enhancing Technologies (PETs) to minimize if not entirely eliminate the collection and use of personal data to safely encourage AI innovation. The U.S. and UK have already announced a partnership to promote PETs, including low-data AI, deletion of unnecessary data, and robust anonymity techniques.⁶³ The U.S. has also launched an

⁵⁷ CAIDP, *Response to NTIA Request for Comment on AI Accountability Policy*, June 12, 2023, <https://www.caidp.org/app/download/8462738963/CAIDP-Statement-NTIA-06122023.pdf>

⁵⁸ UNESCO, *Recommendations on the Ethics of Artificial Intelligence, Section 1*, November 23, 2021, <https://unesdoc.unesco.org/ark:/48223/pf0000381137>

⁵⁹ CAIDP, *In the Matter of OPEN AI (FTC 2023)*, <https://www.caidp.org/cases/openai/>

⁶⁰ National Labor Relations Board, Office of Public Affairs, *NLRB General Counsel Issues Memo on Unlawful Electronic Surveillance and Automated Management Practices*, October 31, 2022, <https://www.nlr.gov/news-outreach/news-story/nlr-general-counsel-issues-memo-on-unlawful-electronic-surveillance-and>

⁶¹ Futurism, *US Gov to Crack Down on “Bossware” That Spies on Employees’ Computers*, November 3, 2022, <https://futurism.com/the-byte/nlr-bossware-crackdown-memo>

⁶² Elisa Jillson, *Aiming for truth, fairness, and equity in your company’s use of AI*, Federal Trade Commission, Business Blog, April 19, 2021, <https://www.ftc.gov/business-guidance/blog/2021/04/aiming-truth-fairness-equity-your-companys-use-ai>

⁶³ The White House, *US and UK to Partner on Prize Challenges to Advance Privacy- Enhancing Technologies*, December 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/>

initiative to encourage the development of ‘Democracy-Affirming Technologies’ supporting democratic values and governance.

While we support the incentivizing of investment in AI R&D, Congress must remain cautious of concentrating technology innovation into a few corporations. This would severely restrict the diffusion of innovation and conflict with the U.S. National AI Research Agenda.⁶⁴

20. What are potential harms and tradeoffs that might come from leveraging AI across the economy? How can the United States promote quality of jobs, protect workers, and prepare for labor market disruptions that might arise from the broader deployment of AI in the economy?

This leveraging of AI across the economy has raised concerns about job displacements.⁶⁵ The automation of labor with reduction of wage expenses makes AI an attractive concept to many companies. However, it is also possible that more repetitive roles will be eliminated, paving the way for new jobs with more human judgment involved. We recommend implementing the OECD AI Principles, which directly address preparing for labor market transformation.⁶⁶ The OECD states that:

Managing fair transitions requires policies for life-long learning, skills development and training that would allow people, and workers (in different contractual contexts) in particular, to interact with AI systems, adapt to AI-generated changes and access new opportunities in the labor market. This includes the skills required of AI practitioners (which are currently in shortage) and those needed for other workers (such as doctors or lawyers) to be able to leverage AI in their areas of expertise, so that AI augments human capabilities. In parallel, skills development policies will need to focus on the distinctly human aspects necessary to complement AI systems, such as judgment, creative and critical thinking and interpersonal communication.⁶⁷

We also recommend the AI Bill of Rights be implemented to protect workers from invasive surveillance practices.⁶⁸ The AI Bill of Rights will provide a positive baseline for shaping the national AI policy as a whole.

⁶⁴ CAIDP, *Statement to OSTP on US National AI Strategic Plan*, March 4, 2022, <https://www.caidp.org/app/download/8378181763/CAIDP-Statement-OSTP-03042022.pdf>

⁶⁵ Jennifer A. Kingson, *AI and robots fuel new job displacement fears*, April 2, 2023, <https://www.axios.com/2023/03/29/robots-jobs-chatgpt-generative-ai>

⁶⁶ OECD, *OECD AI Principles* (Principle 2.4), <https://oecd.ai/en/ai-principles>

⁶⁷ OECD, *Building human capacity and preparing for labour market transformation* (Principle 2.4), <https://oecd.ai/en/dashboards/ai-principles/P13>

⁶⁸ OSTP, *Blueprint for an AI Bill of Rights*



We welcome this initiative for a National AI Strategy to harness the benefits of AI while mitigating the risks. Thank you for your consideration of our recommendations. We would welcome the opportunity to discuss further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marc Rotenberg".

Marc Rotenberg
CAIDP Executive Director

A handwritten signature in blue ink, appearing to read "Merve Hickok".

Merve Hickok
CAIDP President

A handwritten signature in black ink, appearing to read "Christabel Randolph".

Christabel Randolph
CAIDP Law Fellow

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A handwritten signature in black ink, appearing to read "Sneha Revanur".

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