

The Black AI Optimist Column Part III: Regulating the AI Revolution

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Artificial Intelligence (AI) is advancing at a blistering pace. A little over a year ago, on November 30, 2022, OpenAI launched ChatGPT and blew people's minds with a chatbot that could quickly respond to prompts with reasoned answers. It was something that many of us had only seen in movies. Last month, OpenAI previewed Sora; its text to video offering that produces realistic videos from written prompts. And there have been talks of importing ChatGPT into a physical robot.

While the mere fact that text to video is becoming a reality is jarring, the potential uses and misuses of this technology are even more unsettling. Accordingly, it is incumbent upon our elected officials and regulatory bodies to ensure we are making the most of this technology while protecting consumers. In this column, we will discuss the recent regulatory and legislative developments en route to making that happen; and highlight where we as consumers can make our voices heard as those taking on this challenge develop and effectuate their plans.

In reviewing the regulatory landscape, we will tour recent developments coming from the White House and Congress. It is worth noting that there have been some major international developments in the AI regulation space, including the passage of the EU AI Act. However, we will focus our discussion in this column on domestic developments and pending legislation.

The White House

President Joe Biden has taken a few steps to help steer AI in the right direction during his first term as president. Relatively early in his term, in October 2022, the Biden Administration released the [Blueprint for an AI Bill of Rights: Making Automated Systems Work for the American People](#) (Blueprint). It was a step in the right direction. While it did not provide any concrete action items, it previewed the areas the Biden Administration would focus on in vetting developments in AI. It outlined five key principles:

- Safe and Effective systems
- Algorithmic Discrimination Protections
- Data Privacy
- Notice and Explanation
- Human Alternatives, Consideration, and Fallback

Each of the five principles outlined, if implemented from the beginning, will aid in ensuring we make the most of AI while helping mitigate the risks.

Fortunately, President Biden did not stop there. A year later, the Biden Administration issued an Executive Order (EO), on October 30, 2023, titled [Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence](#). The EO is founded upon eight tenants:

- New Standards for AI Safety and Security
- Protecting Americans' Privacy
- Advancing Equity and Civil Rights
- Standing Up for Consumers, Patients, and Students
- Supporting Workers
- Promoting Innovation and Competition
- Advancing American Leadership Abroad
- Ensuring Responsible and Effective Government Use of AI

It called on federal agencies to take over 100 separate actions intended to promote U.S. leadership on AI while reducing associated risks. It was refreshing to see the EO include Section 7 Advancing Equity and Civil Rights, focused on advancing equity and civil rights. Section 7 focuses on combating discriminatory or biased uses of AI, primarily in criminal justice and government benefits administration.

AI has the potential to make significant inroads in solving some of humanity's greatest challenges, from climate change to cancer - but only if developed responsibly and inclusively to benefit all people and communities. Prioritizing non-discrimination is more than an ethical safeguard; it's an innovation catalyst driving superior AI outcomes.

Smarter systems hinge on diverse data and inclusive design. By proactively auditing for bias and embedding equitable governance practices, organizations enhance AI's real-world effectiveness while future-proofing public trust. Emerging best practices position equity as an AI accelerator. By demonstrating a genuine interest in getting this right from the beginning, our elected officials can help ensure the private sector follows suit.

Congress

AI continues to draw significant attention from Capitol Hill, and rightfully so. During this 118th Congress, over 200 bills have been introduced across the House and Senate that touch on AI in some capacity. While discussing each of these bills within this column is not feasible, we will discuss three that warrant our attention and support:

- S.3478 – Eliminating Bias in Algorithmic Systems Act of 2023 (Eliminating Bias Act)
- H.R.3369 – Artificial Intelligence Accountability Act (AI Accountability Act)
- H.R.6791 – Artificial Intelligence Literacy Act of 2023 (AI Literacy Act)

S.3478

The Eliminating Bias Act seeks to proactively tackle an inevitability: the use of AI by the federal government. Specifically, the Eliminating Bias Act, introduced in the Senate, looks to address the potential for bias, discrimination, and other harms resulting from algorithms used, funded, or overseen by federal agencies. The bill would require covered agencies to establish offices of civil rights staffed with experts focused on identifying and mitigating these algorithmic harms.

The use of AI by the federal government should be welcomed. If nothing else, AI systems bring something that we can all agree the federal government could use more of – efficiency. Accordingly, our focus should be on ensuring the federal government is being mindful of and taking steps to mitigate the potential harms that come with that efficiency.

The Eliminating Bias Act encourages the covered agencies to engage with relevant stakeholders, including industry representatives, businesses, civil rights advocates, consumer protection organizations, and others to help address issues such as bias and discrimination. Moreover, it promotes transparency by requiring a biennial report from each covered agency. The report must detail the efforts of each covered agency with respect to the state of the field of technology of covered algorithms, the steps the agency has taken to mitigate harms from such algorithms, relevant recommendations for legislation or administrative action to mitigate harms, in addition to its engagement with relevant stakeholders.

H.R.3369

The AI Accountability Act promotes two key principles necessary in the AI space: accountability and transparency. The bill calls on the Nation Telecommunications and Information Administration (NTIA) to conduct a study on accountability measures for AI systems. Most notably, it directs NTIA to analyze how accountability measures are being incorporated into AI systems used by communications networks, including telecommunications networks and social media platforms; how accountability measures for AI systems can facilitate the closing of the digital divide and assist the promotion of digital inclusion; and how the term “trustworthy” is used and defined in the context of AI. It would also require NTIA to hold public meetings to consult with relevant stakeholders for the purpose of soliciting feedback on accountability measures for AI systems.

By way of transparency, the AI Accountability Act would require a report on the results of the study detailed above. It would need to include the results of the accountability analysis, a description of the feedback provided during the public meetings, and recommendations for governmental and nongovernmental actions to support effective accountability measures for AI systems. Moreover, the bill calls for further meetings on the information that should be available to individuals, communities, and businesses that interact with, are affected by, or study AI systems. From there it calls for an analysis on the most effective methods for making such information available.

H.R.6791

Finally, the AI Literacy Act seeks to address the future. It would amend the Digital Equity Act of 2021 to facilitate AI literacy opportunities. The Digital Equity Act of 2021 already has \$2.75 billion of funding. The specific portion of the Digital Equity Act that would be amended by the AI Literacy Act has been allocated \$1.25 billion to award competitive grants annually for five years to entities working on digital equity efforts like affordable Internet access, digital literacy training, and device distribution. Among the entities eligible for grants are public elementary and secondary schools, community colleges, and community anchor institutions, e.g., libraries.

Public schools and anchor institutions have long been key vehicles to advancing digital literacy in multicultural communities. As such, the AI Literacy Act is one of the most practical means of bringing AI literacy to these communities. The relationships with the community are already there; and the funds have already been allocated.

Given the fact that we are in an election year, every bill faces a particularly steep climb to becoming law. However, the elegance of the AI Literacy Act poses the best opportunity to make that climb.

Action Items

As constituents, our voices matter in shaping the future of AI policy. In the next several weeks MMTC will be making a push to get each of these bills passed into law. Here are a few ways you can join in and support:

- **Contact your elected representatives:** Reach out to your Senators and Representatives to express your support for these bills. Personalized messages explaining why these issues matter to you and your community can make a significant impact. Find your representatives' contact information at <https://www.congress.gov/members>.
- **Spread awareness on social media:** Share information about these bills and their importance on your social media platforms. Engage with others in your network to start conversations and build momentum around the need for equitable and accountable AI policies.
- **Join advocacy efforts:** Look for opportunities to partner with civil rights organizations, consumer protection groups, and other advocacy initiatives working to promote inclusive AI policies. Attend local events, sign petitions, and participate in letter-writing campaigns to amplify your voice.
- **Stay informed:** Continue educating yourself about AI policy developments and their potential impact on multicultural communities. Share this knowledge with others and encourage them to get involved in shaping the future of AI regulation.

By taking these steps, we can collectively work towards ensuring that AI technologies are developed and deployed in ways that benefit all communities and prioritize equity, accountability, and digital inclusion.

The Task

As we navigate this pivotal moment in AI's evolution, our collective engagement and advocacy will shape its trajectory. The Eliminating Bias Act, the AI Accountability Act, and the AI Literacy Act represent crucial steps towards ensuring that AI technologies are developed and deployed in ways that prioritize equity, transparency, and digital inclusion. However, the path to responsible AI demands active participation from all of us.

As members of multicultural communities, we have a unique opportunity and responsibility to make our voices heard. By contacting our elected representatives, raising awareness on social media, joining advocacy efforts, and staying informed, we can collectively work to ensure that AI policies reflect our values and protect our interests. We cannot afford to sit on the sidelines while decisions that will profoundly impact our lives are being made.

The promise of AI is immense, but we must remain vigilant in addressing the risks and challenges that come with this transformative technology. Bias, discrimination, and the digital divide are not inevitable byproducts of AI; they are the result of human choices and systemic inequities that we have the power to change.

MMTC remains hopeful that, together, we can harness the power of AI to create a more just, equitable, and prosperous future for all. But optimism alone is not enough - it must be coupled with action. Let us seize this moment and work tirelessly to build an AI future that reflects the diversity, creativity, and resilience of our communities. Stay tuned as we close with the role MMTC, and other civil rights groups can and will play in carving out a space for multicultural communities in AI development.