



TESTIMONY AND STATEMENT FOR THE RECORD

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Advances in AI: Are We Ready For a Tech Revolution?
House Committee on Oversight and Accountability
Subcommittee on Cybersecurity, Information Technology, and Government Innovation

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Good afternoon, Chairwoman Mace, and members of the committee. I am Merve Hickok, Chairwoman and Research Director of the Center for AI and Digital Policy (CAIDP). It is an honor to be here today. Thank you for the opportunity to testify about the ethical and policy consideration for Artificial Intelligence. I am pleased to be with you on International Women's Day.

Background – CAIDP

CAIDP is a global research organization, based in Washington, DC.¹ We educate and train future AI policy leaders on the emerging norms for the governance of AI and collaborate with AI policy experts around the world. We also publish *AI and Democratic Values*, a comprehensive review of AI policies and practices that now covers 75 countries.² We advise many organizations, including the OECD, the European Union, the Council of Europe, the Global Partnership on AI, and UNESCO. Most recently our recommendations on AI governance and data privacy have been accepted by the Digital Ministers Committee for the upcoming G7 Summit in Japan 2023.³ We aim to promote a more fair, more just world where technology promotes broad social inclusion based on fundamental rights, democratic institutions, and the rule of law.

Prior to CAIDP, I was a senior leader in Bank of America Merrill Lynch, responsible for recruitment technologies internationally. I also train and build capacity in organizations on responsible AI development and governance. In fact, this Monday, I was asked to talk about responsible AI practices to many CEOs at Harvard Business Review's 100th year anniversary summit. I left the corporate world to focus on responsible AI because I saw that while recruitment technologies can create opportunities for employment and career development, they can also put barriers in front of candidates, or even reject candidates for reasons that have nothing to do with the roles or their capabilities.

¹ Center for AI and Digital Policy (CAIDP), <https://www.caidp.org/>

² Center for AI & Digital Policy (CAIDP), *Report, Artificial Intelligence and Democratic Values (AIDV)*, (February 2022), ISBN 979-8-9857883-0-3, available online at: <https://caidp.org/reports/aidv-2021/>

³ Center for AI & Digital Policy (CAIDP), *Statement to the G7 on Artificial Intelligence*, available online at: <https://www.caidp.org/resources/g7-japan-2023/>



The more I researched and discussed these issues, it became clear that algorithmic bias and barriers to access opportunities and resources replicate in other domains - such as loan applications, e-commerce pricing, access to education, health services, mortgage valuations and tenant screening algorithms, or systems where citizens interact with public actors.

I provide this background because we believe in the promise of emerging technologies such as AI - for example in health and medicine, energy and resource management, critical infrastructure, food security, climate and weather science to mention a few. However, we also know that AI systems (if not developed and governed with safeguards) will have negative impacts on individuals and society. AI systems can also be used by malicious actors to fabricate events, people, speeches, and news reports for disinformation, blackmailing and propaganda purposes.

We believe that AI should first and foremost serve members of the society and their rights and freedoms; our social, moral, and ethical values.

Are We Ready for a Tech Revolution?

The title of the hearing today is “Advances in AI: Are We Ready For a Tech Revolution?” My brief answer is “no.” We do not have the guardrails in place, the laws that we need, the public education, or the expertise in government to manage the consequences of the rapid changes that are now taking place.

Internationally, we are heading toward a dangerous technology-fueled race with a foreign adversary that some have described as “winner take all.” Domestically, we see already that the commercialization of large language models is raising profound questions about AI systems that mimic human behavior.⁴ And many of the long-standing concerns about bias in automated decision-making, from credit and housing to employment and criminal sentencing, are amplified by AI systems that produce results we cannot assess, replicate, or comprehend.

⁴ Emily M. Bender, Timnit Gebru, Angelina McMillan-Major, and Shmargaret Shmitchell. *On the Dangers of Stochastic Parrots: Can Language Models Be Too Big?*, FAccT’21: Proceedings of the 2021 ACM Conference on Fairness, Accountability and Transparency, (Mar. 2021), pgs. 610-623, <https://doi.org/10.1145/3442188.3445922>



AI expands our research capabilities, gives us greater ability to prototype and simulate and hence innovate faster; helps us better analyze natural, economic, and social patterns; allows services and products to reach wider parts of the population, in more effective ways. However, AI developed and deployed without safeguards poses real challenges.

AI systems replicate existing biases in the datasets, as well as biases and choices of their developers, resulting in discriminatory decisions; disadvantaging people with disabilities in hiring algorithms; health algorithms with inaccurate predictions for black and brown-skinned individuals; women being offered lower credit despite having exact same assets with a male counterpart; smart assistant telling a child to touch an electrical socket with a penny; innocent people being arrested due to facial recognition.

The easy-to-use generative systems produce synthetic text, images, video, and audio – by regenerating or combining from its existing dataset and its interactions with users. These systems will add to our creativity. But they can also be used by malicious actors.

AI systems determine people’s opportunities in life – from education and credit to employment and housing. The use of opaque and unprovable decision-making systems means that both people subject to the systems and the companies that deploy systems do not actually know the basis of outcomes.

I give this testimony on international women’s day at time when unregulated, non-transparent AI systems have been proven to enhance discrimination and online violence against women. Deep fakes are used to silence feminism advocates after expressing their views about sexual violence, producing ‘revenge pornography’ to harass, silence and blackmail the victims⁵.

⁵ Sophie Maddocks. *Feminism, Activism and Non-Consensual Pornography: Analyzing Efforts to End 'Revenge Porn' in the United States.* Feminist Media Studies Journal, (Apr 12, 2021) <https://doi.org/10.1080/14680777.2021.1913434>.

In another study on synthetically generated faces, researchers at Lancaster University found that these were found to be more trustworthy than real faces⁶ raising the question about deception.

The public has seen enough of these incidents and accidents. There is now widespread public concern about how AI systems replicate bias and impact our rights. If we want to AI systems aligned with our values and serve us, rather than other way around, much greater accountability and transparency is crucial.

- AI policy makers around the world have already made clear the need for fairness, accountability and transparency in AI systems. The challenge ahead is implementation.
- Both governments and private companies know that public trust is a must-have for further innovation, adoption and expansion.
- Pew Survey of consumers shows us that Americans say they are “more concerned than excited” by the increased use of AI in daily life; and their concerns are mainly focused on AI systems making important life decisions about them, and AI systems knowing their behavior.⁷

Europe is moving forward with two initiatives of far-reaching consequence and as first-movers are likely to set the rules of the road for the global AI sector. China is also moving forward with an aggressive regulatory strategy to complement its goal to be the “world leader in AI by 2030.”⁸

⁶ Lancaster University. AI generated faces are MORE trustworthy than real faces say researchers who warn of ‘deep fakes’ (Feb 15, 2022). <https://www.lancaster.ac.uk/news/ai-generated-faces-are-more-trustworthy-than-real-faces-say-researchers-who-warn-of-deep-fakes>

⁷ Lee Rainie, Cary Funk, Monica Anderson and Alec Tyson, *AI and Human Enhancement: Americans’ Openness is Tempered by a Range of Concerns*, Pew Research Center, Report (Mar. 17, 2022), <https://www.pewresearch.org/internet/2022/03/17/how-americans-think-about-artificial-intelligence/> . “Nearly half of U.S. adults (45%) say they are equally concerned and excited. Asked to explain in their own words what concerns them most about AI, some of those who are more concerned than excited cite their worries about potential loss of jobs, privacy considerations and the prospect that AI’s ascent might surpass human skills – and others say it will lead to a loss of human connection, be misused or be relied on too much.”

⁸ Marc Rotenberg, Merve Hickok, *Artificial Intelligence and Democratic Values: Next Steps for the United States*, Council on Foreign Relations| Blog Post, (August 22, 2022), <https://www.cfr.org/blog/artificial-intelligence-and-democratic-values-next-steps-united-states>

Bipartisan Support for Human-Centric, Trustworthy AI

Administrations of both parties have called for Trustworthy AI. In 2020, the Trump Administration’s Executive Order 13960 explained that “The ongoing adoption and acceptance of AI will depend significantly on public trust...and AI should be worthy of people’s trust.”⁹ This Order characterized Trustworthy AI as being lawful, respectful of our civil rights, accurate, reliable, safe, understandable, responsible, transparent, accountable and regularly monitored.¹⁰ The Trump administration declared, “Through this EO, the United States is signaling to the world its continued commitment to the development and use of AI underpinned by democratic values.”¹¹

The Office of Science and Technology has published Blueprint for an AI Bill of Rights – a critical policy framework that underscores the need for AI systems that are safe and effective, ensure transparency, equity and fairness, protect privacy and provide for human alternatives/fallbacks.¹²

President Biden has called for bipartisan legislation to keep companies accountable for the algorithms they use; and reiterated the same principles - transparency, accountability and safeguarding of our values.

AI policy and safeguarding our rights and values should have bipartisan support.

⁹ *Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government*, E.O. 13960 of Dec 3, 2020, 85 FR 78939, <https://www.federalregister.gov/documents/2020/12/08/2020-27065/promoting-the-use-of-trustworthy-artificial-intelligence-in-the-federal-government>

¹⁰ *Id.*, Section 3: *Principles for Use of AI in Government*

¹¹ The White House Archives, *Promoting the Use of Trustworthy Artificial Intelligence in Government*, Office of Science and Technology Policy, Press Release (Dec. 3, 2020), <https://trumpwhitehouse.archives.gov/articles/promoting-use-trustworthy-artificial-intelligence-government/>

¹² The White House, Press Release, FACT SHEET: Biden-Harris Administration Announces Key Actions to Advance Tech Accountability and Protect the Rights of the American Public, (October 4, 2022) <https://www.whitehouse.gov/ostp/news-updates/2022/10/04/fact-sheet-biden-harris-administration-announces-key-actions-to-advance-tech-accountability-and-protect-the-rights-of-the-american-public/>

The Picture Outside of the United States

Through our work at the Center we have had the opportunity to work with a wide range of experts, advocates, industry leaders and organizations around the world. There is widespread support for AI policies that will ensure trustworthy and human centric AI. Almost two hundred countries have endorsed the UNESCO Recommendation on AI Ethics.¹³

The Need for US Leadership

We support the efforts of this Committee to ensure that that the United States has the AI policy strategy in place to ensure that the United States remains a leader in technology that it promotes innovation. With A.I.'s ability to amplify risk to a catastrophic scale, waiting until harms emerge may be too late.¹⁴

We need Congress to hold more hearings like this, explore the challenges, risks and benefits and hear from the public and variety of experts. You need to hear from those who are falsely identified by facial recognition, wrongly denied credit and jobs because of bias built in algorithmic systems, and those technical experts who have warned that racing ahead with untested and unreliable systems poses enormous dangers to the public and have urged the creation of an Algorithmic Safety Bureau to better assess these risks.

We need The Office of Management and Budget to move forward the long-delayed rulemaking for the use of AI in federal agencies. There is still not a coordinated federal policy or an opportunity for public comment on proposed rules.

We need Congress to establish rules to govern A.I. to protect our values and rights; enact legislation for AI governance, to promote algorithmic transparency and limit algorithmic bias;

¹³ UNESCO, Press Release, *UNESCO member states adopt the first ever global agreement on the Ethics of Artificial Intelligence* (published on April 21, 2022), <https://www.unesco.org/en/articles/unesco-member-states-adopt-first-ever-global-agreement-ethics-artificial-intelligence>; UNESCO, Recommendation on the ethics of artificial intelligence (2021), <https://en.unesco.org/artificial-intelligence/ethics>

¹⁴ Marc Rotenberg and Merve Hickok, *Regulating A.I.: The U.S. Needs to Act*, The New York Times, March 6, 2023, <https://www.nytimes.com/2023/03/06/opinion/letters/alex-murdaugh.html#link-7f9159ab>

hold technology companies accountable for their actions. Rep. Lieu’s proposal for an agency to assess these issues would be a good starting point.

The United States led the efforts at the OECD to establish the OECD AI Principles, the first global framework for the governance of AI. The Principles emphasize the need for human-centric and trustworthy AI. The OECD AI Principles became the basis for the G20 AI Guidelines. More than 50 countries now endorsed these principles. It was a remarkable achievement and demonstrated strong bipartisan leadership by the United States. Yet the United States has been slow to implement the safeguards for fundamental rights, focusing instead on technical standards.

- The United States has the highest investment in R&D and public procurement, yet we do not demand algorithmic accountability from those benefiting from the R&D funds or contracts.
- The US Executive Orders anticipated policy action for trustworthy AI, yet we are still waiting for action on implementation.
- The National AI Advisory Committee was to prepare a report for Congress and the President setting out AI policy goals across a wide range of topics, yet this public Advisory Committee has been reluctant to gather opinions from the public.
- Absent a legislative agenda or clear statement of principles, neither allies nor adversaries are clear about the U.S. AI policy objectives.
- We need US to restore leadership in the AI policy domain. That is about more than the race with China or technical standard-setting US leadership requires a commitment to the rule of law, fundamental rights, and democratic institutions.

Conclusion

You convened this hearing to ask the question whether we are ready for the AI revolution. The brief answer is no. But in my testimony I have proposed several steps the Congress could take to better prepare our nation. I urge you to act now to ensure that the AI systems that are deployed in the future are human-centric and trustworthy, that these



systems are designed to safeguard fundamental rights and protect public safety. There is no reason to believe that technology alone will prepare us for the challenges that are ahead.

Thank you again for holding this hearing and the opportunity to testify today. I will be pleased to answer your questions.

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