

May 11, 2023

Chairman Richard Blumenthal
Ranking Member Josh Hawley
Senate Judiciary Committee
Subcommittee on Privacy, Technology, & the Law
Washington, DC

Dear Chairman Blumenthal, Ranking Member Hawley, and Committee Members:

We write to thank you for scheduling the upcoming hearing, *Oversight of A.I.: Rules for Artificial Intelligence*. Last month CAIDP President Merve Hickok told the House Oversight Committee, “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.”¹ Your hearing could address these challenges.

The **Center for AI and Digital Policy** (CAIDP) is an independent non-profit organization, based in Washington, DC. We have written extensively about the need for the United States to develop a strong, nonpartisan legislative framework for the governance of Artificial Intelligence.² In advance of the hearing on Rules for AI, we ask you to:

- **Review the *Artificial Intelligence and Democratic Values Index*.** We have compiled and published an extensive review of AI policies and practices around the world.³ We specifically assess the strengths and weaknesses of US AI policy, including US leadership on the OECD AI Principles and the OSTP AI Bill of Rights, as well as concerns about the lack of public participation in the development of national AI strategies. The report also summarizes recent developments at the Council of Europe, the European Union, the G7, the G20, and in China.
- **Consider the *Universal Guidelines for AI as a basis for legislation*.** In 2018, over 330 leading experts and 60 associations (including the AAAS, the ACM, and the IEEE) endorsed the Universal Guidelines for AI (UGAI). The Guidelines seek to maximize the benefits and minimize the risks of AI.⁴ Through our subsequent work with the OECD, UNESCO, and the Council of Europe, several of the AI Guidelines – focusing on rights and obligations in AI governance – have been incorporated in AI frameworks. The Universal Guidelines provides a good starting point for AI legislation in the US.

¹ Testimony of Merve Hickok before the House Oversight Committee, “Advances in AI: Are We Ready for the Tech Revolution?” March 8, 2023, https://oversight.house.gov/wp-content/uploads/2023/03/Merve-Hickok_testimony_March-8th-2023.pdf

² Lorraine Kesselburgh and Marc Rotenberg, Next Steps on the US AI Bill of Rights, *The Washington Spectator* (Nov. 2, 2021), <https://washingtonspectator.org/ai-bill-of-rights/>

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

⁴ Public Voice, *Universal Guidelines for AI* (2018), <https://thepublicvoice.org/ai-universal-guidelines/>

- **Review our recent complaint to the Federal Trade Commission on OpenAI.** In March, we filed an extensive complaint with the FTC regarding chatGPT, arguing that OpenAI has failed to comply with the recommended business practices, established by the FTC, for commercial AI products.⁵ We noted that OpenAI itself had documented a wide range of risks from the release of chatGPT, including disinformation and cyber attacks. The FTC must act in this matter; the failure to do so raises concerns about the FTC’s competence to protect consumers and public safety as more AI products emerge.

Thank you for your consideration of our views. We would be pleased to provide you and your staff with more information.

We ask that this statement and the attachments be included in the hearing record.

Sincerely



Merve Hickok
CAIDP President



Lorraine Kisselburgh
CAIDP Chair



Marc Rotenberg
CAIDP Executive Director

Attachments

CAIDP, *In the Matter of OpenAI* (March 30, 2023)

Artificial Intelligence and Democratic Values (CAIDP 2023)

Universal Guidelines for AI (2018)

⁵ CAIDP, *In the Matter of Open AI* (FTC 2023), <https://www.caidp.org/cases/openai/>