October 11, 2022

The Honorable Dr. Arati Prabhakar
Director
Office of Science and Technology Policy
Executive Office of the President
Washington, DC 20500

Dear Director Prabhakar:

On behalf of the U.S. Chamber of Commerce, I congratulate you on becoming the twelfth Director of the Office of Science and Technology Policy (OSTP). The Chamber has long supported many of the efforts at OSTP, and we look forward to working with you to achieve our shared goals and objectives.

America is currently in a global race in the development and innovation of Artificial Intelligence. Many of America's competitor countries in this race do not share the same values as our allies, such as individual liberties, privacy, and the rule of law. These shared values are the reason the United States and our partners must lead in the development and innovation of artificial intelligence while at the same time fostering fairness in deploying this revolutionary technology.

For this reason, the Chamber launched its Artificial Intelligence (AI) Commission on Competition, Inclusion, and Innovation to advance U.S. leadership in using and regulating AI technology earlier this year. The Commission, co-chaired by former Congressmen John Delaney and Mike Ferguson, is composed of representatives from industry, academia, and civil society to provide independent, bipartisan recommendations which can aid policymakers with guidance on artificial intelligence policies as it relates to regulation, international research, development competitiveness, and future jobs.

The Chamber has taken a leadership role in developing trustworthy AI, so we believe it is important to highlight our concerns regarding OSTP's recent release of "Blueprint for An AI Bill of Rights."

- **The Process Was Not Stakeholder Driven**: Although the "Blueprint" highlights organizations from which OSTP met and received feedback, we would like to emphasize that the process lacked the openness and transparency necessary to receive sufficient stakeholder input about these complex issues. Furthermore, the only request for information from OSTP regarding the "AI Bill of Rights" was related to the use of biometrics[1] and not artificial intelligence. Without the necessary stakeholder feedback on matters the blueprint addresses, OSTP fails to create a complete record around the use of the technology.

- **Definitions Within the Blueprint Do Not Help Harmonization:** While defining terms is a critical step, the definitions used within the "Blueprint" could potentially harm the United

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[1] https://www.federalregister.gov/documents/2021/10/08/2021-21975/notice-of-request-for-information-rfi-on-public-and-private-sector-uses-of-biometric-technologies

States' ability to identify the appropriate and necessary lexicon among like-minded international allies. For example, the definition of "Automated System" is extremely broad and the use of the phrase "includes, but not limited to," leads to unnecessary uncertainty around what is an "Automated System." It is important that any definition of an Automated System be clearly defined.

- **<u>Call for Independent Evaluations:</u>** The Blueprint's call for independent evaluations by third-party auditors also raises concerns. Currently, there are no concrete standards and metrics for auditing Artificial Intelligence systems. The Blueprint's call to allow "Independent Evaluators, such as…journalists…third-party auditors" to be "given…unfiltered access to the full system" is pointless at a time when independent evaluations of AI systems continue to lack any standardization.

- **<u>Conflating Data-Privacy with Artificial Intelligence:</u>** The Blueprint lists "Data-Privacy" as one of the five principles of the Blueprint. While we wholeheartedly agree that data is a significant part of Artificial Intelligence, we believe it is essential to highlight that the two are distinctly different issues. Data Privacy has long been understood to be how an individual's data is used, shared, or communicated across sectors, while Artificial Intelligence is when the data is used within the sector. It is essential not to conflate these two issues, as the nuances and complexities in each case are distinctly different.

The Chamber appreciates the Administration's interest in helping to mitigate unwarranted harms associated with the deployment of artificial intelligence. It is imperative that all stakeholders participate in these critical conversations. We welcome an opportunity to meet with you and discuss the work that our Commission is doing, as well how we may work together to make sure the United States wins the race on AI. If you have any questions, do not hesitate to contact Michael Richards at mrichards@uschamber.com.

Sincerely,

Tom Quaadman
Executive Vice President
Chamber Technology Engagement Center
U.S. Chamber of Commerce