

# Making AI More Humane: Fostering Civil Rights in US Policy Initiatives

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It is clear that artificial intelligence (AI) has become enmeshed in its own saga, the trend of which continues to fuel intense public anxiety. This anxiety has prompted leading nations with formidable AI industries—such as the European Union, United Kingdom, China, and the United States (US)—to accelerate their efforts in AI regulation to mitigate perceived risks. However, each country approaches regulation with distinct objectives (Hu, 2022). The US, a leader in its field, has a big task to fill the regulatory void that reflects a delicate balance between ensuring safety and maintaining an open innovation ecosystem.

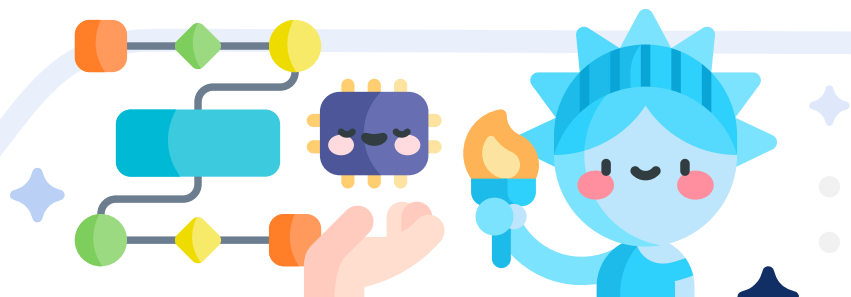
To fill legal gaps or as a tool for developing AI by the industry, in October 2022, the White House Office of Science and Technology Policy (OSTP) released AI Bill Rights for the responsible design for AI.<sup>1</sup> This bill is positioned as a framework that is non-binding—serves as a set of recommendations rather than enforceable rules. The AI Bill of Rights embodies the core principles of US AI policy, with a primary focus on safeguarding civil rights within AI design and deployment.

Stressing the need to balance innovation and safety, the AI Bill blueprint underlines five key elements that recognize the dynamic nature of AI development and its profound societal impacts (Park, 2023). Consequently, to attain the goal, the framework is meticulously crafted to be adaptable and flexible. As part of each principle, organizations, countries, and companies are given examples and actionable measures for how to integrate these safeguards into their policies and operations, along with general recommendations for technology design.<sup>2</sup> In the bill, five key principles are outlined:



<sup>1</sup> The White House. (Oct, 3 2022). "Blueprint for an AI Bill of Rights: Making Automated Systems Work for the American People." Available at: <https://www.whitehouse.gov/ostp/ai-bill-of-rights/>. [Accessed 6 May 2024]

<sup>2</sup> Press Release, White House, Join the Effort to Create a Bill of Rights for an Automated Society (Nov. 10, 2021), Available at: <https://www.whitehouse.gov/ostp/news-updates/2021/11/10/join-the-effort-to-create-a-bill-of-rights-for-an-automated-society/>. [Accessed 6 May 2024]



| Principle                                     | Brief Explanation                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Safe and Effective System</b>              | The first principle states that people deserve protection from unsafe and ineffective automated systems. To ensure this protection, OSTP recommends that "diverse communities, stakeholders, and domain experts to identify concerns, risks, and potential impacts of the system" <sup>3</sup>                        |
| <b>Algorithmic Discrimination Protections</b> | The second principle states AI systems should be designed equally using representative data and proactive measurement. To avoid the possibility of biased and discriminatory algorithms, people in charge should include equity assessments.                                                                          |
| <b>Data Privacy</b>                           | The third principle states that everyone should have control over the personal data they generate online, and how it is collected and used by companies. Developers should provide built-in protection. Any collection, use, access, transfer, and deletion should ask permission in a clear and understandable way.  |
| <b>Notice and Explanations</b>                | The fourth principle states that people should be informed about automated systems, explain how they work, why automated systems make decisions, and who is responsible for those decisions, such as "...understandable notice is a prerequisite for achieving the other protections in this framework." <sup>4</sup> |
| <b>Human Alternatives and Considerations</b>  | The fifth principle states that users should be offered the option of timely access to human or other alternatives focusing on an accessible, equitable, and effective process.                                                                                                                                       |

<sup>3</sup> The White House. (Oct 3, 2022). "Blueprint for an AI Bill of Rights: Making Automated Systems Work for the American People." Available at: <https://www.whitehouse.gov/ostp/ai-bill-of-rights/>, p. 15. [Accessed 6 May 2024]

<sup>4</sup> See *ibid*, p. 41.

The release of the AI Bill of Rights is simultaneously celebrated and vilified by AI policy experts (Strickland, 2022). Daniel Castro, director of the Center for Data Innovation, claimed that there is no need for a new set of laws exclusively protecting civil liberties from algorithms, the AI Bill of Rights insults both AI and the Bill of Rights, since existing laws protect Americans from discrimination and unlawful surveillance in equal measure (Information Technology & Innovation Foundation, 2022). In contrast, S.T.O.P. (Surveillance Technology Oversight Project) requires immediate enforcement regulations since invasive technologies need to be paused across all sectors.<sup>5</sup>

Based upon the reactions, the United States Office of Management and Budget (OMB) has introduced its first government-wide AI policy aimed at mitigating risks and maximizing benefits.<sup>6</sup> Aligned with the President's AI Executive Order, this new policy mandates that by December 1, 2024, federal agencies must adopt specific measures to ensure the responsible use of AI, particularly in contexts where it could affect the rights or safety of Americans.<sup>7</sup> These measures encompass various mandatory steps, including thorough assessment, testing, and ongoing monitoring of AI applications to gauge their impact on the public.



<sup>5</sup> S.T.O.P. (Oct 4, 2022). Release Press. S.T.O.P. Expresses Concern That White House AI Bill of Rights Normalizes AI Abuses. Available at: <https://www.stopspying.org/latest-news/2022/10/4/stop-expresses-concern-that-white-house-ai-bill-of-rights-normalizes-ai-abuses>. [Accessed 6 May 2024]

<sup>6</sup> The United States Office of Management and Budget (OMB). (March 28, 2024). Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence. Available at: <https://www.whitehouse.gov/wp-content/uploads/2024/03/M-24-10-Advancing-Governance-Innovation-and-Risk-Management-for-Agency-Use-of-Artificial-Intelligence.pdf>. [Accessed 6 May 2024]

<sup>7</sup> The White House. (October 30, 2023). Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence. Available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/>. [Accessed 6 May 2024]